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INDEX AND SUMMARY OF H. R. 11380

Mar. 19, 1964 Both Houses received President's message on foreign assistance. S. Doc. 250. Print of document.

LEGISLATIVE HISTORY

Several Senators and Representatives introduced the new Public Law 88-633

H. R. 11380

Sen. Fulbright introduced S. 7697 which was referred to the Senate Foreign Relations Committee; and Rep. Morgan introduced H. R. 10502 which was referred to House Foreign Affairs Committee. Print of bills.

May 26, 1964 Rep. Morgan introduced H. R. 11380 which was referred to the House Foreign Affairs Committee. Print of bill as introduced.

May 27, 1964 House committee voted to report H. R. 11380.

June 1, 1964 House committee reported H. R. 11380 without amendment. H. Report No. 1143. Print of bill and report.

June 3, 1964 House Rules Committee reported resolution for the consideration of H. R. 11380. H. Res. 747, H. Report No. 1155. Print of resolution and report.

June 9, 1964 TABLE OF CONTENTS H. R. 11380.

June 13, 1964 House passed H. R. 11380 with amendments.

June 11, 1964 H. R. 11380 was referred to the Senate Foreign Relations Committee. Print of bill as referred.

June 13, 1964 Sen. Eisenhower submitted proposed amendments to H. R. 11380, and Sen. Long, Mo., introduced the foreign aid program.

July 7, 1964 Senate committee voted to report H. R. 11380 with amendments. Summary table of amendments authorized by the committee.

July 8, 1964 Senate committee authorized to report H. R. 11380 during Senate recess.

July 10, 1964 Senate committee reported H. R. 11380 with amendments. S. Report No. 1185, parts I and II. Print of bill and reports.

July 31, 1964 Senate began debate on H. R. 11380.

Index and summary of H. R. 11380	1
Digest of Public Law 88-633	2

INDEX AND SUMMARY OF H. R. 11380

- Mar. 19, 1964 Both Houses received President's message on foreign assistance. H. Doc. 250. Print of document.
- Several Senators and Representatives discussed the message.
- Sen. Fulbright introduced S. 2659 which was referred to the Senate Foreign Relations Committee; and Rep. Morgan introduced H. R. 10502 which was referred to House Foreign Affairs Committee. Print of bills.
- May 26, 1964 Rep. Morgan introduced H. R. 11380 which was referred to the House Foreign Affairs Committee. Print of bill as introduced.
- May 27, 1964 House committee voted to report H. R. 11380.
- June 1, 1964 House committee reported H. R. 11380 without amendment. H. Report No. 1443. Print of bill and report.
- June 3, 1964 House Rules Committee reported resolution for the consideration of H. R. 11380. H. Res. 742, H. Report No. 1455. Print of resolution and report.
- June 9, 1964 House began debate on H. R. 11380.
- June 10, 1964 House passed H. R. 11380 with amendments.
- June 11, 1964 H. R. 11380 was referred to the Senate Foreign Relations Committee. Print of bill as referred.
- June 23, 1964 Sen. Hickenlooper submitted proposed amendments to H. R. 11380, and Sen. Long., Mo., commended the foreign aid program.
- July 2, 1964 Senate committee voted to report H. R. 11380 with amendments. Summary table of amounts authorized by the committee.
- July 8, 1964 Senate committee authorized to report H. R. 11380 during Senate recess.
- July 10, 1964 Senate committee reported H. R. 11380 with amendments. S. Report No. 1188, parts 1 and 2. Print of bill and reports.
- July 31, 1964 Senate began debate on H. R. 11380.
- Aug. 1, 1964 Senate continued debate on H. R. 11380.

INDEX AND SUMMARY OF H. R. 11380, cont'd

- Sept. 24, 1964 Senate passed H. R. 11380 with amendments.
Senate conferees appointed.
- Print of bill as passed by Senate.
- Sept. 30, 1964 Rep. Johansen objected to request to send H. R. 11380 to conference.
- House Rules Committee reported resolution to send H. R. 11380 to conference. H. Res. 895, H. Report No. 1922.
- Oct. 1, 1964 House agreed to resolution to send H. R. 11380 to conference.
- House conferees were appointed.
- House received conference report. H. Report 1925.
- Oct. 2, 1964 Both Houses agreed to conference report.
- Oct. 7, 1964 Approved: Public Law 88-633.

Hearings: House Foreign Affairs Committee: Misc. Hg.,
Parts 1 - 7.

Senate Foreign Relations Committee on
S. 2659.

INDEX AND SUMMARY OF H. R. 11380, cont'd

Aug. 3, 1964	Senate continued debate.
Aug. 7, 1964	Senate continued debate.
Aug. 8, 1964	Senate continued debate.
Aug. 10, 1964	Senate continued debate.
Aug. 11, 1964	Senate continued debate.
Aug. 12, 1964	Senate continued debate.
Aug. 13, 1964	Senate continued debate.
Aug. 14, 1964	Senate continued debate.
Aug. 15, 1964	Senate continued debate.
Aug. 17, 1964	Senate continued debate.
Aug. 18, 1964	Senate continued debate.
Aug. 19, 1964	Senate continued debate.
Aug. 20, 1964	Senate continued debate.
Aug. 21, 1964	Senate continued debate.
Aug. 31, 1964	Senate laid H. R. 11380 aside for consideration of other business.
Sept. 8, 1964	Senate began debate on motion to invoke cloture on reapportionment amendment.
Sept. 9, 1964	Senate continued debate on motion.
Sept. 10, 1964	Senate continued debate. Rejected motion to invoke cloture.
Sept. 14, 1964	Senate continued debate on reapportionment amendments to H. R. 11380.
Sept. 15, 1964	Senate continued debate.
Sept. 16, 1964	Senate continued debate on reapportionment amendment to H. R. 11380.
Sept. 17, 1964	Senate continued debate.
Sept. 21, 1964	Senate continued debate.
Sept. 22, 1964	Senate continued debate.
Sept. 23, 1964	Senate continued debate.

DIGEST OF PUBLIC LAW 88-633

FOREIGN ASSISTANCE ACT OF 1964.

Authorizes appropriations for fiscal year 1965 of \$215,000,000 for technical cooperation development grants, \$85,000,000 for Alliance for Progress grants, and \$134,272,400 for international organizations and programs. Provides that any act of Congress making appropriations to carry out any program for U.S. operations abroad is authorized to provide for the utilization of U. S.-owned excess foreign currencies to carry out such operations. Provides that the President shall take all appropriate steps to assure that, to the maximum extent possible, U.S.-owned excess foreign currencies are utilized in lieu of dollars.

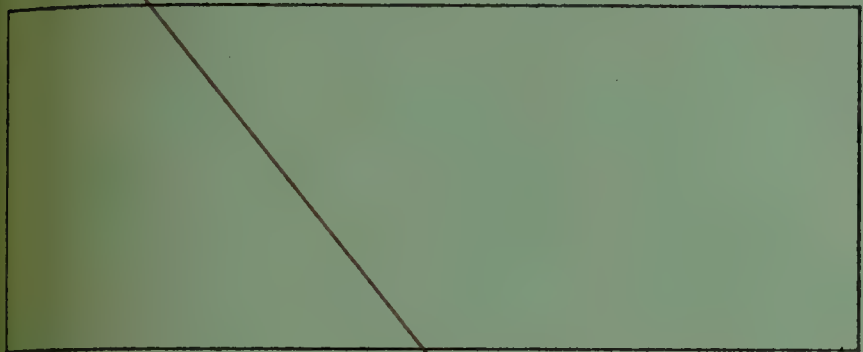
Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued Mar. 20, 1964
For actions of Mar. 19, 1964
88th-2nd; No. 51



CONTENTS

Adjournment.....22	Electrification.....20,25	Housing.....28
Appropriations.....21,30	Food stamp.....11,21	Lands.....12
Beef prices.....18	Foreign agriculture.....19	Legislative program.....21
Buildings.....4	Foreign aid.....2,10,30	Meat imports.....23
Civil defense.....4	Foreign trade.....	Opinion poll.....29
Civil rights.....9	3,15,16,17,23,35	Pay.....14,26
Cotton.....21	Forestry.....12	Personnel.....14,26
Easter recess.....21	Fruit imports.....35	Poverty.....7,13,24,36
		Prices.....18,27
		Reclamation.....5
		Recreation.....8
		Roads.....32
		Soviet economy.....6
		Sugar.....31
		Textiles.....3,17
		Trade agreements.....34
		Water.....33
		Wheat.....1,21
		Wool.....3,16

HIGHLIGHTS: Both Houses received President's foreign aid message. House Rules Committee cleared food stamp bill. Rep. Langen urged review of policies on agricultural imports. Rep. Cleveland urged investigation of policy on wool-manufactured imports. Rep. Keith urged increased duties on textile imports. Rep. Poage criticized retail pricing and profits on beef. Sen. Keating charged USDA with being silent regarding operation of proposed wheat certificate program. Sen. Saltonstall urged early meeting for an international trade agreement on wool textile products. Sen. Young, N. Dak., and Rep. May introduced and discussed sugar bills. Rep. Gurney introduced and discussed bill to remove tariff exemption from certain citrus products imported from Virgin Islands.

SENATE

1. WHEAT. Sen. Keating charged USDA with maintaining a "strategy of silence" on how the proposed wheat certificate program would operate and urged that no certificates be required on 1963 and 1964 wheat covered by existing contracts. pp. 5533-4
2. FOREIGN AID. Sens. Mansfield, Humphrey, and Javits commended the President's foreign aid message (pp. 5500, 5527-33, 5536). Sen. Humphrey especially commended the proposed Executive Service Corps which would provide trained managerial manpower to the less-developed countries (pp. 5527-33). Sen. Javits urged the establishment of a new foreign aid program rather than reevaluating and overhauling the present one (p. 5536).
3. TEXTILES; FOREIGN TRADE. Sen. Saltonstall requested an early meeting of governments to seek an international trade agreement on wool textiles and inserted an

article on, and the text of, the Paris Wool Conference. pp. 5475-6

4. CIVIL DEFENSE; BUILDINGS. Both Houses received from the Defense Department proposed legislation to provide for shelter in Federal structures and to authorize payment toward the construction or modification of approved public shelter space; to Armed Services Committees. pp. 5472, 5575
5. RECLAMATION. Received an Ariz. Legislature Memorial urging the enactment of legislation which would hold in abeyance the issuance of licenses or permits under the Federal Power Act to construct dams along the reach of the Colo. River between Glen Canyon Dam and Lake Mead. p. 5472
6. SOVIET ECONOMY. Sen. Proxmire stated that a Joint Economic Committee report "reveals" weaknesses within the Soviet economy, including shortages in the areas of agricultural production and animal feed. p. 5479
7. POVERTY. Sen. Proxmire commended and inserted Walter Lippmann's article, "The War on Poverty," which states that the poverty program could benefit all Americans. pp. 5483-4
8. RECREATION. Sen. Humphrey reviewed and commended the progress on recreation facilities in rural areas, mentioning the accomplishments of the Outdoor Recreation Resources Review Commission, SCS technical assistance, and ACP payments. pp. 5484-5
9. CIVIL RIGHTS. Continued debate on H. R. 7152, the civil rights bill. pp. 5500-27, 5534-5, 5539-44.

HOUSE

10. FOREIGN AID. Both Houses received the President's message on foreign aid (H. Doc. 250) in which he: Requested an authorization of \$3.4 billion for the foreign aid program for fiscal year 1965, including \$2.4 billion for economic assistance. Stated that he was appointing a general advisory committee composed of distinguished private citizens to advise him on the foreign aid program, including aid programs in individual countries. Stated that funds for educational and technical cooperation would be used to help start schools, agricultural experiment stations, credit services, and dozens of other institutions in selected countries to raise the ability of less fortunate peoples to meet their own needs. Stated that during the past year the first rural electrification surveys, conducted by the National Rural Electric Cooperative Association under contract to AID, were completed and the first rural electrification loan-in Nicaragua - was approved. Stated that, wherever possible, we will speed up the transition from reliance on aid to self-support, and that more must be done to utilize private initiative in the United States, and in the developing countries, to promote economic development abroad. (pp. 5545-7, 5569-71) Several Representatives commended, and others criticized, the message (pp. 5547-9, 5550, 5551, ~~5567-8~~).
11. FOOD STAMP PLAN. The Daily Digest states that the Rules Committee "granted an open rule, with 4 hours of debate, on H. R. 10222, the food stamp bill." p. D217
12. LANDS. The Interior and Insular Affairs Committee reported the following bills: H. R. 5159, with amendment, to direct that certain lands exclusively administered by Interior be managed under principles of multiple use and to produce a sustained yield of products and services (H. Rept. 1243). H. R. 5498, with

FOREIGN ASSISTANCE

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

RECOMMENDATIONS RELATIVE TO FOREIGN ASSISTANCE

MARCH 19, 1964.—Referred to the Committee on Foreign Affairs and ordered to be printed

To the Congress of the United States:

The most important ingredient in the development of a nation is neither the amount nor the nature of foreign assistance. It is the will and commitment of the government and people directly involved.

To those nations which do commit themselves to progress under freedom, help from us and from others can provide the margin of difference between failure and success.

This is the heart of the matter.

The proposals contained in this message express our self-interest at the same time that they proclaim our national ideals. We will be laying up a harvest of woe for us and our children if we shrink from the task of grappling in the world community with poverty and ignorance. These are the grim recruiting sergeants of communism. They flourish wherever we falter. If we default on our obligations, communism will expand its ambitions.

That is the stern equation which dominates our age, and from which there can be no escape in logic or in honor.

NO WASTE, NO RETREAT

It is against our national interest to tolerate waste or inefficiency or extravagance in any of these programs. But it is equally repugnant to our national interest to retreat from our obligations and commitments while freedom remains under siege.

We recognize that the United States cannot and should not sustain the burden of these programs alone.

Other nations are needed in this enterprise of mutual help. Encouraging signs exist that the process of sharing the burden is steadily growing.

The best way for the United States to stimulate this growth and to broaden this partnership in freedom is to make our own example an incentive to our friends and allies.

We need the assurance of stability and progress in a world restless with many dangers and anxieties.

PRUDENT AND RESPONSIBLE PROGRAMS

In this program we do not seek to cover the whole world. Aid on a worldwide scale is no part of our purpose. We seek instead, through prudent and responsible programs, to help carefully selected countries whose survival in freedom is essential, and whose collapse would bring new opportunities for Communist expansion.

There are no easy victories in this campaign. But there can be sudden disasters. We cannot ask for a reprieve from responsibility while freedom is in danger. The vital interests of the United States require us to stay in the battle. We dare not desert.

Economic and military assistance, used at the right time and in the right way, can provide indispensable help to our foreign policy in enabling the United States to influence events instead of merely reacting to them. By committing a small part of our resources before crises actually occur, we reduce the danger and frequency of those crises.

Our foresight becomes a shield against misfortune.

The recommendations contained in this program for fiscal year 1965 are designed to move the aid program in that direction. They reflect views and experience of the Congress, of the executive branch, and of informed private citizens.

FIVE FUNDAMENTAL CONCEPTS FOR A SUCCESSFUL PROGRAM

First: The request for funds must be realistic.

For economic assistance, new authorizations of \$917 million for fiscal 1965 are recommended. Specifically, I recommend \$335 million for supporting assistance, \$225 million for technical cooperation, \$134 million for contributions to international organizations, \$150 million for the President's contingency fund, and \$73 million for administrative and miscellaneous expenses.

For military assistance, I recommend that the Congress provide a continuing authorization, subject to an annual review of each year's proposals by the authorizing committees in both Houses.

For fiscal 1965, I recommend no additional authorizations for the Alliance for Progress or for development lending assistance in Asia or Africa. Existing authorizations for these programs are adequate.

The appropriations recommended for fiscal 1965 total \$1 billion for military assistance and \$2.4 billion for economic assistance. In fiscal 1964, the initial request was \$4.9 billion, later reduced to \$4.5 billion.

This fiscal year, the request of \$3.4 billion is \$1.1 billion less than last year's request, although about the same as was available last year, taking into consideration the unexpended balance from the year before.

Moreover, more than 80 percent of aid funds will be spent in the United States. The impact of the program on our balance of payments will be less than ever before.

INSURANCE TO AVOID COMMITTING AMERICAN MEN TO WAR

These requests reflect a determination to continue to improve the aid program both in concept and administration. The overall request represents a great deal of money—but it is an amount which we should, in all prudence, provide to serve essential U.S. interests and commitments throughout the world.

More than 1 million American men in uniform are now stationed outside the United States. As insurance to avoid involving them and the Nation in a major conflict, we propose to spend through aid programs less than 4 cents out of every tax dollar.

If there is any alternative insurance against war, it might be found in an increase in the defense budget. But that would require not only many times more than \$3.4 billion, for a military budget which already takes more than 50 cents out of every tax dollar, but also a severalfold increase in our own military manpower.

The foreign assistance requested will provide—

- the crucial assistance we have promised the people of Latin America who are committed to programs of economic and social progress;

- continued economic development in India, Pakistan, and Turkey under the major international aid consortia to which we are a party;

- the U.S. share of voluntary contributions to the United Nations technical cooperation programs and to such special international programs as the work of the United Nations Children's Fund, and the development of the Indus Basin; and

- funds to meet our commitments to the freedom of the people of South Vietnam, Korea, and for the other obligations we have undertaken in Asia and Africa.

Second: The funds I am requesting will be concentrated where they will produce the best results, and speed the transition from U.S. assistance to self-support wherever possible.

Two-thirds of the proposed military assistance will go to 11 nations along the periphery of the Sino-Soviet bloc, from Greece and Turkey through Thailand and Vietnam to the Republic of China and Korea. These funds are a key to the maintenance of over 3.5 million men under arms, raised and supported in large measure by the countries receiving the assistance.

The need for supporting assistance—funds used primarily in countries facing defense or security emergencies—will continue to be reduced. Fourteen countries which received supporting assistance 3 years ago will receive none in fiscal year 1965. Four-fifths of the present request will go to four countries: Korea, Vietnam, Laos, and Jordan. Two-thirds of the development lending proposed for fiscal 1965 (including Alliance for Progress lending) will be concentrated in six countries: Chile, Colombia, Nigeria, Turkey, Pakistan, and India.

Funds for educational and technical cooperation—to help start schools, health centers, agricultural experiment stations, credit services, and dozens of other institutions—are not concentrated in a few

countries. But they will be used for selected projects to raise the ability of less fortunate peoples to meet their own needs. To carry out these projects we are seeking the best personnel available in the United States—in private agencies, in universities, in State and local governments, and throughout the Federal Government. Wherever possible, we will speed up the transition from reliance on aid to self-support.

In 17 nations, the transition has been completed and economic aid has ended. Fourteen countries are approaching the point where soft economic loans and grants will no longer be needed. New funds for military equipment grants are being requested for seven fewer countries for fiscal 1965 than for the present year.

Third: We must do more to utilize private initiative in the United States—and in the developing countries—to promote economic development abroad.

During the past year—

The first new houses financed by U.S. private funds protected by Aid guarantees were completed in Lima, Peru;

The first rural electrification surveys, conducted by the National Rural Electric Cooperative Association under contract to AID, were completed and the first rural electrification loan—in Nicaragua—was approved; and

The first arrangement linking the public and private resources of one of our States to a developing country was established, between California and Chile.

This effort must be expanded.

Accordingly, we are encouraging the establishment of an Executive Service Corps. It will provide American businessmen with an opportunity to furnish, on request, technical and managerial advice to businessmen in developing countries.

During the present year, the possibilities for mobilizing increased private resources for the development task will be developed by the Advisory Committee on Private Enterprise in Foreign Aid established under the Foreign Assistance Act of 1963.

In this connection, two specific legislative steps are recommended:

One, legislation to provide a special tax credit for private investment by U.S. businessmen in less-developed countries.

Two, additional authority for a final installment of the pilot program of guaranteeing private U.S. housing investments in Latin America.

Fourth: We will continue to seek greater international participation in aid.

Other free world industrial countries have increased their aid commitments since the early 1950's. There are indications that further increases are in store. Canada recently announced that it expects to increase its aid expenditures by 50 percent next year. A 1963 British white paper and a French official report published in January 1964 point in the same direction. Other nations have reduced interest rates and extended maturities on loans to developing countries.

Of major importance in this effort are the operations of the International Development Association. Under the agreement for replenishing the resources of this Association, which is now before the Congress for approval, other countries will put up more than \$1.40 for every dollar the United States provides to finance on easy terms development projects certified as sound by the World Bank—projects

which the developing countries could not afford to pay for on regular commercial terms. This is international sharing in the aid effort at its best. For to the extent we furnish funds to IDA, and they are augmented by the contributions of others, the needs of developing countries are met, thus reducing the amounts required for our own bilateral aid programs.

Under the program before you the United States would be authorized to contribute \$312 million over a 3-year period. Against this other countries have pledged \$438 million which will be lost in the absence of the U.S. contribution. Action is needed now so that the Association may continue to undertake new projects even though the first appropriation will not be required until fiscal year 1966.

I urge the Congress to authorize U.S. participation in this continued IDA subscription.

Fifth: Let us insist on steadily increasing efficiency in assistance operations.

After careful study, I have decided to continue the basic organization of aid operations, established after intensive review in 1961. Economic assistance operations will continue to be centered in the Agency for International Development, military assistance operations in the Department of Defense. Both will be subject to firm foreign policy guidance from the Secretary of State.

STEPS TO INCREASE EFFICIENCY OF AID

One officer, Assistant Secretary of State Mann, has been assigned firm policy control over all aspects of our activities in Latin America.

Full support will be given to the newly created Inter-American Alliance for Progress Committee which is designed to strengthen the aspect of partnership in the Alliance.

The AID Administrator has instructions to embark on a major program to improve the quality of his staff—and to reduce the total number of AID employees by 1,200 by the end of fiscal year 1965.

The AID Administrator has been directed to continue to consolidate AID missions with U.S. Embassies and, wherever possible, to eliminate altogether separate AID field missions.

The Secretary of Defense has been directed to continue to make substantial reductions in the number of personnel assigned to military assistance groups and missions.

In this connection, I recommend two specific legislative steps:

One, legislation to provide the AID Administrator with authority to terminate a limited number of supervisory and policymaking employees notwithstanding other provisions of law, and to extend the existing Foreign Service "selection out" authority to other personnel.

This is essential if the Administrator is to carry out my desire—and that of the Congress—that he improve the quality of the AID staff, and at the same time, reduce its total size.

Two, legislation to permit outstanding U.S. representation on the Inter-American Alliance for Progress Committee under the leadership of Ambassador Teodoro Moscoso.

Finally, I am appointing a general advisory committee, as suggested by Senator Cooper and others, on foreign economic and military assistance problems. It will be composed of distinguished private citizens with varied backgrounds and will serve as a continuing source of counsel to me. In addition to its general responsibility the com-

mittee will examine aid programs in individual countries. These reviews will be made by members of the advisory committee, augmented as necessary by additional persons. I would hope that at least four or five country reviews, including two or three in Latin America, will be completed in the present year.

A PROGRAM TO STRENGTHEN THE FAMILY OF THE FREE

I am convinced this program will enable the United States to live in a turbulent world with a greater measure of safety and of honor.

There is in our heart the larger and nobler hope of strengthening the family of the free, quite apart from our duty to disappoint the evil designs of the enemies of freedom.

We wish to build a world in which the weak can walk without fear and in which even the smallest nation can work out its own destiny without the danger of violence and aggression.

This program, based on the principle of mutual help, can make an essential contribution to these purposes and objectives which have guided our Nation across the difficulties of these dangerous years.

I recommend this program to the judgment and the conscience of the Congress in the belief that it will enlarge the strength of the free world—

aid in frustrating the ambitions of Communist imperialism;
reduce the hazards of widespread conflict; and
support the moral commitment of freemen everywhere to
work for a just and peaceful world.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *March 19, 1964.*

A BILL To amend the Internal Revenue Code of 1954 to allow a credit against tax for certain investment in less developed countries, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the “Less Developed Country Investment Credit Act.”

(b) AMENDMENT OF 1954 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SEC. 2. INVESTMENT CREDIT ACT.

(a) ALLOWANCE OF CREDIT.—Part IV of subchapter A of Chapter 1 (relating to credits against tax) is amended by redesignating section 39 as section 40 and by inserting after section 38 the following new section:

SEC. 39. INVESTMENT IN LESS DEVELOPED COUNTRIES.

“(a) GENERAL RULE.—There shall be allowed, as a credit against the tax imposed by this chapter, the amount determined under subpart H of part III of subchapter N (section 981 and following).

“(b) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section and subpart H.”

(b) CERTAIN CORPORATE ACQUISITIONS.—Section 381(c) (relating to items taken into account in certain corporate acquisitions) is amended by adding at the end thereof the following new paragraph:

“(24) CREDIT UNDER SECTION 39 FOR INVESTMENT IN LESS DEVELOPED COUNTRIES.—The acquiring corporation shall take into account (to the extent proper to carry out the purpose of this section and section 39, and under such regulations as may be prescribed by the Secretary or his delegate) the items

required to be taken into account for purposes of section 39 in respect of the distributor or transferor corporation.”

(c) RULES FOR COMPUTING CREDIT.—Part III of subchapter N of chapter 1 (relating to income from sources without the United States) is amended by adding at the end thereof the following new subpart:

“Subpart H—Investment Credit

“Sec. 981. Amount of credit.

“Sec. 982. Eligible investors.

“Sec. 983. Eligible enterprises.

“Sec. 984. Creditable investment.

“Sec. 985. Effect of withdrawal of property from an eligible enterprise.

“Sec. 986. Acts of withdrawal of property from an eligible enterprise.

“Sec. 987. Adjustments to basis.

“Sec. 988. Related person defined.

“Sec. 989. Miscellaneous provisions.

“SEC. 981. AMOUNT OF CREDIT.

“(a) DETERMINATION OF AMOUNT.—The amount of the credit allowed by section 39 to an eligible investor (as defined in section 982) for the taxable year shall be equal to 30 percent of the creditable investment (as determined under section 984) for such year in each eligible enterprise (as defined in section 983).

“(b) LIMITATION BASED UPON AMOUNT OF SECTION 981 PROPERTY ACQUIRED.—

“(1) IN GENERAL.—Notwithstanding subsection (a), the credit allowed by section 39 for any taxable year of an eligible investor shall not exceed—

“(A) the sum of the amounts of section 981 property acquired by each eligible enterprise from or with respect to such eligible investor which is attributable to such taxable year, plus

“(B) the sum of the amounts of section 981 property acquired by each eligible enterprise from or with respect to such eligible investor which is attributable to any prior taxable years to which this subpart applies, less

“(C) the amount of any credits relative to eligible enterprises allowed to such eligible investor under section 39 or subsection (d) for such prior taxable years.

“(2) SECTION 981 PROPERTY.—For purposes of paragraph (1), ‘section 981 property’ means tangible property which has been manufactured, grown, produced or extracted in the United States, but only to the extent that prior to its acquisition by the eligible enterprise such property has not been used, or has been used only by United States persons in the United States.

“(3) AMOUNT OF SECTION 981 PROPERTY ACQUIRED.—For purposes of paragraph (1), the amount of section 981 property acquired by an eligible enterprise from or with respect to an eligible investor which is attributable to a taxable year of such eligible investor shall be the sum of—

“(A) the aggregate of the fair market value or the adjusted basis whichever is lower, of each item of section 981 property which has been transferred by such eligible investor to such eligible enterprise as a creditable new capital contribution (as defined in section 984) and which is placed in service by such enterprise during such taxable year, reduced by the aggregate of the liabilities to which such property is subject, and

“(B) such eligible investor’s pro rata share of the excess of the aggregate cost of the section 981 property which has been purchased by the eligible enterprise and which is placed in service by such enterprise during its taxable year ending with or within the taxable year of the eligible investor, reduced by the aggregate liabilities to which such property is subject.

For purposes of subparagraph (B), the cost of section 981 property does not include so much of the basis of such property as is determined by reference to the adjusted basis of other property which at any other time was treated as section 981 property with respect to the eligible enterprise.

“(4) PRO RATA SHARE.—

“(A) An eligible investor’s pro rata share of the excess of the aggregate cost of the section 981 property placed in service by the eligible enterprise during a taxable year of such enterprise ending with or within a taxable year of such investor over the aggregate liabilities to which such property is subject is the sum of the amounts allocated to such investor under subparagraphs (B) and (C) of this paragraph.

“(B) In the case of an eligible investor who has made a creditable new capital contribution (as defined in section 984(b)) which consists of money to an eligible enterprise during such a taxable year of such enterprise,

there shall be allocated to such investor so much of the excess referred to in subparagraph (A) of this paragraph as does not exceed the lesser of—

“(i) an amount determined by multiplying—

“(1) the amount of the excess referred to subparagraph (A) of this paragraph attributable to each item of section 981 property which is placed in service by such enterprise during such a taxable year of such enterprise and after the date on which such creditable contribution has been made, by

“(2) a fraction, the numerator of which is the amount of such money contributed by such investor, and the denominator of which is the total amount of money contributed by all eligible investors in the eligible enterprise prior to the date on which such item of section 981 property is so placed in service, and

“(ii) an amount equal to 30 percent of the amount of such money contributed by such investor.

“(C) To the extent that the amount of the excess referred to in subparagraph (A) of this paragraph exceeds the amount allocated to eligible investors in the eligible enterprise under subparagraph (B) of this paragraph, a part of such excess shall be allocated to each person who is an eligible investor in the eligible enterprise on the last day of the taxable year of such enterprise. The amount to be allocated to each eligible investor shall be an amount determined by multiplying—

“(i) the part of such excess which would have been distributed with respect to stock in the eligible enterprise owned directly by such investor if on the last day of the taxable year of the eligible enterprise it had distributed such excess pro rata to its shareholders, by

“(ii) a fraction, the numerator of which is the number of days in the taxable year on which such investor held such stock, and the denominator of which is the total number of days during such taxable year.

“(c) LIMITATION BASED ON TAX LIABILITY.—

“(1) IN GENERAL.—Notwithstanding subsections (a) and (b), the credit allowed by section 39 for the taxable year with respect to the creditable investment of the eligible investor in an eligible enterprise shall not exceed the same proportion of the tax liability of such eligible investor which the credit determined under subsections (a), (b) and (d) for the taxable year with respect to such investment bears to the aggregate amount of all credits determined under subsection (a), (b) and (d) with respect to such investor for that year.

“(2) LIABILITY FOR TAX.—For purposes of paragraph (1), the tax liability of the eligible investor claiming the credit for the taxable year shall be the tax imposed by this chapter for such year, reduced by the sum of the credits allowable under—

“(A) Section 33 (relating to foreign tax credit);

“(B) Section 34 (relating to dividends received by individuals);

“(C) Section 35 (relating to partially tax-exempt interest);

“(D) Section 37 (relating to retirement income); and

“(E) Section 38 (relating to domestic investment credit).

For purposes of this subsection, any tax imposed for the taxable year by section 531 (relating to accumulated earnings tax) or by section 541 (relating to personal holding company tax) shall not be considered tax imposed by this chapter for such year.

“(d) CARRYOVER OF UNUSED CREDITS.—

“(1) IN GENERAL.—If the credit determined under subsection (a) for the taxable year exceeds the credit allowed to the eligible investor under section 39 and this section for that year (hereinafter in this subsection referred to as ‘unused credit year’), such excess shall be an unused credit.

“(2) PERIOD OF UNUSED CREDIT CARRYOVER.—An unused credit (as defined in paragraph (1)) shall be carried over to each of the five taxable years following the unused credit year, and shall be added to the amount allowable as a credit by section 39 for such years. The entire amount of the unused credit shall be carried to the earliest of the five taxable years to which such credit may be carried, and then to each of the succeeding four taxable years to the extent that, because of the limitations contained in subsections (b) or (c) of this section, such unused credit may not be used for a prior taxable year to which such unused credit was carried.

"(e) **DEFINITION OF UNITED STATES.**—The term 'United States' when used in a geographical sense includes the States, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States.

"SEC. 982. ELIGIBLE INVESTORS.

"(a) **GENERAL RULE.**—For purposes of this subpart, a person shall be an eligible investor in an eligible enterprise only if such person at the time of making a creditable investment (as defined in section 984)—

"(1) is a citizen or resident of the United States, a domestic corporation or a domestic partnership; and

"(2) owns directly at least 25 percent of the total combined voting power of all classes of stock of such eligible enterprise entitled to vote.

"(b) **OWNERSHIP THROUGH A FOREIGN CORPORATION.**—For purposes of this section, section 981(b) and subsections (e) and (f) of section 984, any person described in subsection (a)(1) shall be considered to own directly his pro rata share of the stock of an eligible enterprise owned directly by any foreign corporation if such person owns directly 50 percent or more of the total combined voting power of all classes of stock of such foreign corporation entitled to vote.

"(c) **SUBCHAPTER S CORPORATIONS.**—In the case of an electing small business corporation (as defined in section 1371) which is an eligible investor in an eligible enterprise—

"(1) the creditable investment in such enterprise for each taxable year shall be apportioned pro rata among the persons who are shareholders of such corporation on the last day of such taxable year and each such shareholder (and not such corporation) shall be entitled to the credit allowed by section 39 with respect to his pro rata share of such investment;

"(2) the amount of section 981 property acquired by the eligible enterprise from or with respect to such corporation (determined under section 981(b)) shall be apportioned pro rata among such shareholders for the purpose of applying the limitation set forth in section 981(b);

"(3) for purposes of subsections (c) and (d) of section 981, each such shareholder (and not such corporation) shall be treated as an eligible investor with respect to his pro rata share of such investment; and

"(4) the amount of investment deemed withdrawn from an eligible enterprise by such corporation (under section 986) shall be apportioned pro rata among such shareholders and each such shareholder (and not such corporation) shall be treated as an eligible investor for purposes of applying section 985 with respect to his pro rata share of the amount of such investment deemed withdrawn.

"(d) **PARTNERSHIPS.**—In the case of a partnership which is an eligible investor in an eligible enterprise—

"(1) the creditable investment in such enterprise for each taxable year shall be apportioned among the persons who are partners on the last day of such taxable year and each such partner (and not such partnership) shall be entitled to the credit allowed by section 39 with respect to his share of such investment;

"(2) the amount of section 981 property acquired by the eligible enterprise from or with respect to such partnership (determined under section 981(b)), shall be apportioned among such partners for the purpose of applying the limitation set forth in section 981(b);

"(3) for purposes of subsections (c) and (d) of section 981 each partner (and not such partnership) shall be treated as an eligible investor with respect to his share of the amount of such investment deemed withdrawn;

"(4) the amount of investment deemed withdrawn from an eligible enterprise by such partnership (under section 986) shall be apportioned among such partners and each such partner (and not such partnership) shall be treated as an eligible investor for purposes of applying section 985 with respect to his share of the amount of such investment deemed withdrawn.

For purposes of this subsection, a partner's share of the creditable investment of the partnership and the amount of investment deemed withdrawn from the partnership will be determined by the manner in which such partner shares in the taxable income of the partnership (as determined under section 702(a)(9)) for the year in which such investment or withdrawal occurs, except that if, for any taxable year, all related items of income, gain, loss, and deduction with respect to any creditable investment are specially allocated in the same manner, and if such special allocation is recognized under subsections (a) and (b) of section 704 and the regulations thereunder, each partner's share of any such creditable

investment or of the amount of such investment deemed withdrawn shall be determined by reference to the special allocation effective for such taxable year.

"(e) SPECIAL RULE.—Notwithstanding anything contained in subsections (c) or (d)—

"(1) a shareholder in an electing small business corporation, or

"(2) a partner in a partnership,
shall be entitled to the credit allowed by section 39 only if such shareholder or partner is a citizen or resident of the United States or a domestic corporation

"(f) STOCK OWNED BY HUSBAND AND WIFE.—For purposes of subsection (a) (2), stock which—

"(1) is community property of a husband and wife (or the income from which is community income) under the applicable community property law of a State, or

"(2) is held by a husband and wife as joint tenants, tenants by the entirety, or tenants in common,
shall be treated as owned directly by one shareholder.

"SEC. 983. ELIGIBLE ENTERPRISES.

"(a) GENERAL RULE.—The term 'eligible enterprise' shall mean, for purposes of this subpart, any corporation if—

"(1) at least 90 percent of its gross income, if any, for the taxable year, is derived from the active conduct of one or more qualified trades or businesses (as defined in subsection (b)); and

"(2) at least 90 percent in value of its assets on each day of the taxable year consist of qualified business assets (as defined in subsection (c)).

A domestic corporation which is a Western Hemisphere trade corporation shall not qualify as an eligible enterprise for any taxable year with respect to which it claims the special deduction provided by section 922.

"(b) QUALIFIED TRADE OR BUSINESS.—

"(1) IN GENERAL.—For purposes of subsection (a) (1), the term 'qualified trade or business' means a trade or business carried on wholly within one or more designated countries (as defined in subsection (d)) and consisting of—

"(A) the manufacture or production of personal property (not including the extraction, refining, or similar processing of any mineral, ore, oil or gas) or the processing of agricultural or horticultural products or commodities (including but not limited to livestock, poultry, fur-bearing animals or any kind of fish);

"(B) the catching or taking of any kind of fish;

"(C) the marketing of agricultural or horticultural products or commodities (including but not limited to livestock, poultry, fur-bearing animals or any kind of fish);

"(D) the sale, by a corporation other than the manufacturer, producer, or processor, of tangible personal property to the general public through one or more retail establishments;

"(E) the sale, by a corporation other than the manufacturer, producer or processor, of tangible personal property (other than agricultural or horticultural products or commodities) but only if such corporation derives at least 50 percent of its gross income from the active conduct of one or more qualified trades or businesses of the kind described in paragraphs (A) through (D);

"(F) the construction of buildings and other improvements to real property by a corporation which derives at least 50 percent of its gross income from the active conduct of one or more other qualified trades or businesses, other than a business of the kind described in paragraph (E);

"(G) the performance of services utilized within one or more designated countries if—

"(i) the services are industrial, financial, technical, managerial, scientific, engineering or architectural in nature or are rendered as an incident of a trade or business of the kind described in paragraphs (A) through (C); and

"(ii) any payments in consideration of such services are reasonable in amount and are not contingent either in whole or in part on the sales, productivity, or profits of the person for whom these services are performed; or,

"(H) the ownership and operation of hotels.

"(2) **WHOLLY WITHIN DESIGNATED COUNTRIES.**—For purposes of subsection (b)(1), a trade or business shall be deemed to be carried on by an enterprise wholly within one or more designated countries (as defined in subsection (d)), notwithstanding the fact that in the conduct of such trade or business such enterprise purchases section 981 property and—

"(A) makes incidental sales or purchases outside such designated countries; or

"(B) in the case of a business described in subparagraph (A) of subsection (b)(1), sells property or products resulting from such business for use, consumption or disposition outside of such countries; or

"(C) in the case of a business described in paragraphs (A) or (D) of subsection (b)(1), purchases property (other than section 981 property) which is manufactured, produced, grown or extracted outside such countries for use or sale in connection with such business.

"(c) **QUALIFIED BUSINESS ASSETS.**—For purposes of subsection (a)(2), the term 'qualified business assets' means—

"(1) property used or held for use in the ordinary course of carrying on one or more qualified trades or businesses (as defined in subsection (b)), and located in designated countries;

"(2) tangible property located in any country other than a designated country but only if such property consists of—

"(A) products manufactured, constructed or processed in the conduct of a qualified trade or business (as defined in subsection (b));

"(B) facilities for the storage, handling, transportation, packaging or servicing of such products;

"(C) raw materials, components or other property of a kind described in section 1221(1), purchased for use in the conduct of a qualified trade or business (as defined in subsection (b));

"(D) facilities for the storage, handling, transportation or packaging of such raw materials, components or other property; and

"(E) property (other than property described in subparagraph (C)) purchased outside of designated countries for use in the ordinary course of carrying on one or more qualified trades or businesses (as defined in subsection (b)) but only if such property is shipped to and received in a designated country in which the trade or business is carried on promptly after such purchase;

"(3) property which is required to be purchased because of restrictions imposed by a designated country in which a qualified trade or business (as defined in subsection (b)) is carried on;

"(4) stock or indebtedness (as defined in section 984(c)) of another corporation which is itself an eligible enterprise, but only if all United States persons who are eligible investors with respect to the other eligible enterprise agree to supply with respect to such other corporation the information required to be supplied under section 989.

For purposes of this subsection, to the extent that property described in paragraph (1) consists of either the currency of any country other than a designated country in which the eligible enterprise carries on a qualified trade or business, or of an indebtedness or claim payable in such currency, such property shall not be considered a qualified business asset unless the eligible investor by clear and convincing evidence establishes that the acquisition and holding of such asset is ordinary and necessary to the conduct of a qualified trade or business.

"(d) **DESIGNATED COUNTRY DEFINED.**—For purposes of this section, the term 'designated country' means any foreign country (other than an area with the Sino-Soviet bloc) with respect to which, on the day on which a creditable investment is considered to have been made (under section 984(g)) there is in effect an Executive Order by the President of the United States designating such country or possession for purposes of the credit allowed under section 39. For purposes of the preceding sentence, Executive Order numbered 11071, dated December 27, 1962 (designating certain areas as economically less developed countries for purposes of subparts A and F of Part III of subchapter N and section 1248 of Part IV of subchapter P, of chapter 1) shall to the extent it relates to foreign countries only and not possessions of the United States or the Commonwealth of Puerto Rico be deemed to have been issued and in effect for purposes of the credit allowed by section 39, on January 1, 1964, and continuously thereafter until there is in effect the executive order referred to in the preceding sentence. An overseas territory, department, province, or possession of a foreign country

may be designated as a separate country. No designation shall be made under this subsection with respect to—

Australia	Luxembourg
Austria	Monaco
Belgium	Netherlands
Canada	New Zealand
Denmark	Norway
France	Republic of South Africa
Germany (Federal Republic)	San Marino
Hong Kong	Spain
Italy	Sweden
Japan	Switzerland
Liechtenstein	United Kingdom

After the President has designated any foreign country for purposes of the credit under section 39, he shall not terminate such designation (either by issuing an Executive Order for that purpose or by issuing an Executive Order under the first sentence of this subsection which has the effect of terminating such designation) unless at least 30 days prior to such termination, he has notified the Senate and the House of Representatives of his intention to terminate such designation.

"SEC. 984. CREDITABLE INVESTMENT.

"(a) GENERAL RULE.—For purposes of this subpart, the 'creditable investment' of an eligible investor, for his taxable year, in an eligible enterprise shall equal the sum of—

"(1) the creditable new capital contributions (as defined in subsection (b)) made by such investor during such taxable year to such enterprise, and

"(2) such investor's pro rata share (determined under subsection (f)) of the increase in creditable earnings and profits (as defined in subsection (e)) of such enterprise for its taxable year ending within such taxable year.

"(b) CREDITABLE NEW CAPITAL CONTRIBUTIONS.—For purposes of subsection (a), 'creditable new capital contributions' shall consist of any money or property (other than stock, or a right to subscribe for, or to receive stock, or any obligation to pay money or deliver property) owned directly by the eligible investor claiming the credit, to the extent that such money or property—

"(1) is transferred by such investor to an eligible enterprise other than in satisfaction of a pre-existing indebtedness;

"(2) is, with respect to such eligible enterprise, a qualified business asset (as defined in section 983(c)) immediately following such transfer; and

"(3) does not represent, either directly or indirectly, funds borrowed within a designated country or countries (within the meaning of section 983(d)), and to the extent that such investor does not receive, in his taxable year in which such transfer is made, payment in consideration of such transfer, other than payment in the form of stock in the eligible enterprise, or a right to subscribe for or to receive such stock, or an indebtedness (as defined in subsection (c)), of the eligible enterprise.

"(c) DEFINITION OF INDEBTEDNESS.—For purposes of subsection (b), the term 'indebtedness' shall include any obligation owing by an eligible enterprise which is represented by—

"(1) a bond,

"(2) a debenture,

"(3) a promissory note,

"(4) a certificate or other evidence of indebtedness, or

"(5) an open account, trade, account, or book account.

"(d) AMOUNT TAKEN INTO ACCOUNT WITH RESPECT TO CONTRIBUTED PROPERTY.—

"(1) GENERAL RULE.—For purposes of subsection (a), the amount taken into account by the eligible investor with respect to money or property transferred to the eligible enterprise shall be the amount of such money and the aggregate of the fair market value or the adjusted basis, whichever is lower, of each item of such property, reduced by the aggregate of any liabilities to which the property is subject.

"(2) SPECIAL RULE.—In the case of money or property which is transferred by the eligible investor to the eligible enterprise as a replacement for, or to allow the enterprise to replace, property which was—

"(A) destroyed or damaged by fire, storm, shipwreck or other casualty, or

“(B) stolen, or

“(C) subject to expropriation (as defined in section 986(f)),

the amount taken into account under subsection (a) shall be reduced by any amount received by such eligible investor as compensation, by insurance or otherwise, for the property so destroyed, damaged, stolen, or expropriated.

“(e) INCREASE IN CREDITABLE EARNINGS AND PROFITS.—For purposes of subsection (a), the increase in creditable earnings and profits of an eligible enterprise for a taxable year of such enterprise is the amount determined by taking—

“(1) one-half of the amount, if any, by which the sum of the accumulated earnings and profits (or deficit in earnings and profits) at the close of such taxable year and the earnings and profits of such taxable year (computed as of the close of such year without diminution by reason of any amounts distributed as a dividend during such year), exceed the highest amount of accumulated earnings and profits immediately following the end of any previous taxable year of such enterprise ending on or after December 31, 1963, and

“(2) by subtracting therefrom any amounts distributed as a dividend during such taxable year.

Accumulated earnings and profits of an eligible enterprise which is a foreign corporation shall be determined in accordance with section 964(a) and the regulations thereunder.

“(f) PRO RATA SHARE.—For purposes of subsection (a), an eligible investor's pro rata share of the increase in creditable earnings and profits of an eligible enterprise shall be computed as follows—

“(1) First, there shall be determined the amount of such increase which would have been distributed with respect to the stock in the eligible enterprise which is owned directly by such investor, if on the last day of the taxable year of the eligible enterprise, it had distributed all of its earnings and profits for the taxable year (computed as of such last day of the taxable year without diminution by reason of any amounts distributed as a dividend during such year) pro rata to its shareholders.

“(2) Then, the amount determined under paragraph (1) shall be multiplied by a fraction, the numerator of which is the number of days in such taxable year on which such eligible investor held such stock in the eligible enterprise, and the denominator of which is the total number of days during such taxable year.

“(g) TIME OF CREDITABLE INVESTMENTS.—For purposes of this subpart, a creditable new capital contribution shall be deemed to be a creditable investment as of the date the property transferred is placed in service by the eligible enterprise and an investor's pro rata share of the increase in creditable earnings and profits shall be deemed to be a creditable investment as of the last day of the taxable year of the eligible enterprise.

“(h) ELECTION BY ELIGIBLE INVESTOR.—Notwithstanding subsection (b), ‘creditable new capital contributions’ shall not include property which, as to the eligible enterprise, is property described in section 1221(1), which is transferred to the eligible enterprise by the eligible investor if—

“(1) the only consideration for such transfer is an obligation of the eligible enterprise to pay money or deliver property to the eligible investor;

“(2) such obligation is not represented by an indebtedness of the type described in paragraphs (1) through (4) of subsection (c); and

“(3) the eligible investor elects to treat all such transfers made during his taxable year as other than creditable new capital contributions.

The election permitted by this subsection for any taxable year shall be made by the eligible investor at such time and in such manner as the Secretary or his delegate shall prescribe by regulations. An election made for any taxable year may not be revoked except with the consent of the Secretary or his delegate.

“SEC. 985. EFFECT OF WITHDRAWAL OF PROPERTY FROM AN ELIGIBLE ENTERPRISE.

“(a) WITHDRAWAL OF PROPERTY.—If, during the taxable year of an eligible investor, there is a withdrawal of property (within the meaning of section 986) from an eligible enterprise by or with respect to such investor, the amount of investment deemed withdrawn from such enterprise under that section shall be applied against and reduce—

“(1) any unused credits (as defined in section 981(d)(1)), which exist with respect to creditable investments (as defined in section 984) of the eligible investor for prior taxable years;

“(2) to the extent that the amount of investment deemed withdrawn during such year exceeds such unused credits, the amount of creditable investments of such investor for his five taxable years immediately prior to such taxable

year, reduction being made first in the creditable investment for the earliest of such taxable years, and, to the extent such reduction exceeds the creditable investment for the earliest of such taxable years, such excess being carried successively to each of the other such taxable years and applied to reduce or eliminate the creditable investments for each such taxable year;

“(3) to the extent that the amount of investment deemed withdrawn during such year exceeds the unused credits (as defined in section 981(d)(1)), which exist with respect to creditable investments (as defined in section 984) of the eligible investor for prior taxable years and the amount of creditable investments of such investor for the five taxable years immediately prior to such taxable year, the amount of creditable investments of such investor for the taxable year, and, to the extent such amount exceeds the creditable investment for the taxable year, to reduce or eliminate the amount of creditable investments of such investor for the taxable year following such taxable year.

“(b) INCREASE IN TAX LIABILITY.—Upon the reduction of creditable investment as provided in subsection (a)(2), the taxes imposed upon the eligible investor under the provisions of this chapter for the taxable year in which the withdrawal of property from an eligible enterprise by or with respect to such investor occurs shall be increased by the amount of the credit allowed under section 39 with respect to the creditable investments so reduced, plus an amount of interest on such amount computed under section 6601 as if such amount had been payable as of the last day of the taxable year in which the creditable investment so reduced was made.

“(c) EFFECT OF INCREASE IN TAX.—Any increase in tax which results from the application of subsection (a)(2) shall not be treated as imposed by this chapter for purposes of determining the amount of any credit allowable under subpart A of part IV of subchapter A, except section 39.

“SEC. 986. ACTS OF WITHDRAWAL OF PROPERTY FROM AN ELIGIBLE ENTERPRISE.

“(a) WITHDRAWAL OF PROPERTY.—Except as provided in subsection (c), a withdrawal of property from an eligible enterprise by or with respect to an eligible investor shall occur whenever—

“(1) the eligible enterprise ceases to be eligible for any taxable year;

“(2) such investor ceases to be an eligible investor with respect to the eligible enterprise;

“(3) such investor disposes of stock or of indebtedness in—

“(A) the eligible enterprise; or

“(B) a corporation which is a related person (as defined in section 988) with respect to such investor and which owns stock or indebtedness in the eligible enterprise,

“(4) the eligible enterprise, or a like enterprise (as defined in subsection (f)) makes a distribution of property (as defined in section 317(a)) to such investor or to any person who is a related person (as defined in section 988) with respect to such investor, which distribution is not—

“(A) out of earnings and profits; nor

“(B) in cancellation or redemption of stock of such investor or such related person in the eligible enterprise;

“(5) the eligible enterprise, or a like enterprise (as defined in subsection (f)) distributes, in the form of dividends, any portion of its earnings and profits in excess of the eligible investor's pro rata share of an amount equal to one-half of the amount, if any, by which the sum of the accumulated earnings and profits (or deficit in earnings and profits) at the close of the taxable year and the earnings and profits of such taxable year (computed as of the close of such year without diminution by reason of any amounts distributed as a dividend during such year), exceed the highest amount of accumulated earnings and profits immediately following the end of any previous taxable year of such enterprise ending on or after December 31, 1963, to such investor or to any person who is a related person (as defined in section 988) with respect to such investor;

“(6) the eligible enterprise, or a like enterprise (as defined in subsection (f)) pays all or any part of an indebtedness, or such payment is made for or on behalf of such eligible enterprise or like enterprise, to such investor or to any person who is a related person (as defined in section 988) with respect to such investor;

“(7) a person who has received a credit under section 39 by virtue of—

“(A) being a partner in a partnership which is an eligible investor in the eligible enterprise, or

"(B) being a shareholder in an electing small business corporation which is an eligible investor in the eligible enterprise, disposes of all or any part of such partnership interest or stock; or

"(8) a corporation which is a related person (as defined in section 988) with respect to such investor and which owns stock or indebtedness in the eligible enterprise disposes of all or part of such stock or indebtedness.

"(b) SPECIAL RULES.—

"(1) When an eligible enterprise ceases to be eligible at any time during its taxable year, it will be deemed to have ceased to be eligible as of the first day of such taxable year.

"(2) For purposes of subsection (a)(5), an eligible investor's pro rata share of an amount equal to one-half of the amount, if any, by which the sum of the accumulated earnings and profits (or deficit in earnings and profits) at the close of a taxable year and the earnings and profits of such taxable year (computed without diminution by reason of any amounts distributed as a dividend during such year), exceed the highest amount of accumulated earnings and profits immediately following the end of any previous taxable year of such enterprise ending on or after December 31, 1963, shall be computed as follows—

"(A) First, that part of such amount which would have been distributed with respect to the stock in the eligible enterprise or like enterprise which is owned directly by such investor or by such related person, if on the last day of the taxable year of the eligible enterprise or like enterprise, it had distributed such amount pro rata to its shareholders shall be determined.

"(B) Then, the amount determined under subparagraph (A) shall be multiplied by a fraction, the numerator of which is the number of days in such taxable year on which such eligible investor or such related person, held such stock in the eligible enterprise or like enterprise and the denominator of which is the total number of days during such taxable year.

"(3) For purposes of subsection (a)(7), a shareholder in an electing small business corporation will be deemed to have disposed of his stock in such corporation if such corporation ceases to qualify as an electing small business corporation for any reason, and such disposition shall be deemed to have taken place on the first day of the taxable year of such electing small business corporation.

"(c) EXCEPTIONS.—Subsection (a) shall not apply—

"(1) if the eligible enterprise ceases to be eligible solely by reason of—

"(A) the termination of the designation of a country under section 983(d); or

"(B) the expropriation (as defined in subsection (e)) of all or part of the assets of a qualified trade or business or qualified trades or businesses within the meaning of section 983(b); or

"(C) the loss by fire, storm, shipwreck, or other casualty or theft of all or part of the assets of a qualified trade or business or qualified trades or businesses within the meaning of section 983(b);

"(2) if an eligible investor ceases to be eligible solely by reason of

"(A) his death; or

"(B) a transaction to which section 381(a) applies if the corporation acquiring the stock is an eligible investor with respect to the eligible enterprise immediately following the transaction; or

"(C) the expropriation (as defined in subsection (e)) of stock of the eligible enterprise;

"(3) to any disposition of stock or of an indebtedness in the eligible enterprise, or in a corporation which is a related person (as defined in section 988) with respect to such investor and which owns stock or an indebtedness in the eligible enterprise, which occurs solely by reason of—

"(A) the death of the eligible investor; or

"(B) a transaction to which section 381(a) applies if the corporation acquiring the stock is an eligible investor with respect to the eligible enterprise immediately following the transaction; or

"(C) the expropriation (as defined in subsection (e)) of such stock or an indebtedness of the eligible enterprise;

"(4) to any payment of an indebtedness made solely in the form of stock or an indebtedness of the eligible enterprise;

"(5) to any disposition or payment of an indebtedness relating to transfers of property which the eligible investor has elected (under section 984(h)) to treat as other than a capital contribution;

"(6) to any disposition referred to in subsection (a)(7) occurring solely as a result of the death of the person referred to in that subsection.

"(d) AMOUNT OF INVESTMENT DEEMED WITHDRAWN.—

"(1) GENERAL RULE.—For the purpose of subsection (a), the amount of investment of the eligible investor deemed to be withdrawn will be the amount determined in accordance with paragraph (2).

"(2) AMOUNT.—

"(A) In the case of an eligible investor or an eligible enterprise which ceases to be eligible, the amount of investment deemed to be withdrawn shall be the sum of—

"(i) the greater of the fair market value of all stock or indebtedness owned by such investor in such enterprise or the amount of money and the fair market value of other property, if any, which is received as a result of the transaction or event which causes such investor or such enterprise to cease to be eligible; and

"(ii) the same proportion of the greater of the fair market value of all stock or indebtedness in such enterprise owned by any corporation which is a related person (as defined in section 988) with respect to such investor or the amount of money and the fair market value of other property, if any, which is received by such related person as a result of the transaction or event which causes such investor or such enterprise to cease to be eligible, which the fair market value of all stock owned by the eligible investor in the related person bears to the fair market value of all the issued and outstanding stock of such related person.

"(B) In the case of a disposition of stock or indebtedness (other than a disposition as a result of which the eligible investor ceases to be eligible for any taxable year), the amount of investment deemed to be withdrawn shall be—

"(i) in the case of a disposition described in subsection (a)(3)(A), the greater of the fair market value of the stock or indebtedness disposed of or the amount of money and the fair market value of other property, if any, which is received as a result of such disposition;

"(ii) in the case of a disposition described in subsection (a)(3)(B), the same proportion of the greater of the fair market value of the stock or indebtedness disposed of or the amount of money and the fair market value of other property, if any, which is received as a result of such disposition, which the fair market value of all stock or indebtedness owned by the related person in the eligible enterprise immediately prior to such disposition bears to the fair market value of the total assets of the related person at that time;

"(iii) in the case of a disposition of all or part of a partnership interest or stock interest in an electing small business corporation, the same proportion of the greater of the fair market value of the interest disposed of or the amount of money and the fair market value of other property, if any, which is received as a result of such disposition, which the fair market value of all stock or indebtedness owned by such partnership or electing small business corporation in the eligible enterprise immediately prior to such disposition bears to the fair market value of the total assets of such partnership or electing small business corporation at that time,

"(iv) In the case of a disposition described in subsection (a)(8), the same proportion of the greater of the fair market value of the stock or indebtedness disposed of or the amount of money and the fair market value of other property, if any, which is received as a result of such disposition, which the fair market value of all stock owned by the eligible investor in the related person bears to the fair market value of all the issued and outstanding stock of such related person.

"(C) In the case of a distribution of property (as defined in section 317(a)), the distribution of a dividend, or the payment of an indebtedness, by an eligible enterprise or by a like enterprise, the amount of investment of the eligible investor deemed to be withdrawn is the amount of money

and fair market value of the other property received as a result of such distribution or payment.

“(e) EXPROPRIATION.—For purposes of subsection (c), expropriation shall mean any taking or seizure by a foreign government or agency thereof, whether or not compensation is received therefor except a taking or seizure relating to—

“(1) the enforcement of a bona fide regulatory or revenue-producing measure; or

“(2) the enforcement of any law, decree, regulation or administrative determination violated by the eligible enterprise or the eligible investor which was not primarily designed or employed to effect such taking or seizure.

“(f) SIMILAR BUSINESS.—

“(1) LIKE ENTERPRISE.—For purposes of paragraphs (4), (5) and (6) of subsection (a), a like enterprise shall be any corporation engaged in a trade or business similar to a qualified trade or business carried on by an eligible enterprise (as defined by section 983(a)) if—

“(A) such corporation derives at least 20 percent of its gross income, if any, for the taxable year, from carrying on the similar business in a country or development area in which the qualified trade or business of the eligible enterprise (as defined by section 983(a)) is conducted; and

“(B) persons who are eligible investors of the eligible enterprise (as defined by section 983(a)) own at least 25 percent of the total combined voting power of all classes of stock of such corporation.

“(2) DEFINITIONS.—For purposes of paragraph (1)—

“(A) each designated country shall constitute a development area except that all or part of contiguous designated countries may be denoted as a development area by regulations prescribed by the Secretary or his delegate;

“(B) an eligible investor who is a United States citizen or resident shall be deemed to own any stock owned by his grandparents, parents, spouse, children or grandchildren, or by a corporation in which he and/or they own, directly or indirectly, more than 50 percent of the total combined voting power of all classes of stock entitled to vote; and

“(C) an eligible investor which is a domestic corporation shall be deemed to own any stock owned by any corporation which directly or indirectly owns more than 50 percent of the total combined voting power of all classes of stock entitled to vote in such eligible investor or by any corporation in which such eligible investor owns directly or indirectly more than 50 percent of the total combined voting power of all classes of stock entitled to vote.

“(g) CROSS REFERENCES.—

“(1) For a definition of a dividend, see section 316.

“(2) For a definition of an indebtedness, see section 984(c).

“(3) For a definition of earnings and profits, see section 984(e).

“SEC. 987. ADJUSTMENT TO BASIS.

“(a) BASIS OF STOCK AND INDEBTEDNESS.—

“(1) IN GENERAL.—The basis of any stock owned by an eligible investor in an eligible enterprise and the basis of any indebtedness (as defined in section 984(c)) of such an enterprise owned by an eligible investor—

“(A) shall be reduced, for the purposes of this subtitle other than this subpart, by the amount of any credit which is allowed to the eligible investor with respect to the creditable new capital contributions (as defined by section 984(b)) made to such enterprise; and

“(B) shall be increased by the amount of any increase in tax which is imposed upon the eligible investor when there is a withdrawal of property from an eligible enterprise (within the meaning of section 986).

“(2) MANNER OF ADJUSTMENT.—

“(A) REDUCTIONS IN BASIS.—Under regulations prescribed by the Secretary or his delegate, the amount of any adjustment required by subparagraph (1)(A) shall be applied against and reduce—

“(i) the basis of any stock owned by the eligible investor in the eligible enterprise;

“(ii) to the extent that such amount exceeds the basis of such stock, the basis of any indebtedness of the type described in paragraphs (1) through (4) of section 984(c), owned by eligible investor in the eligible enterprise; and

“(iii) to the extent that such amount exceeds the basis of such stock and indebtedness, the basis of any other indebtedness owned by the eligible investor in the eligible enterprise.

“(B) INCREASES IN BASIS.—Under regulations prescribed by the Secretary or his delegate, the amount of any adjustment required by subparagraph (1)(B) shall be applied to and increase—

“(i) The basis of any indebtedness referred to in subparagraph (2)(A)(iii) by an amount not in excess of any reductions in the basis of such indebtedness theretofore made under that subparagraph;

“(ii) to the extent that the amount of the adjustment exceeds that amount, the basis of any indebtedness referred to in subparagraph (2)(A)(ii) by an amount not in excess of any reductions in the basis of such indebtedness theretofore made under that subparagraph; and

“(iii) to the extent that the amount of the adjustment exceeds the amounts by which basis is increased under subparagraphs (i) and (ii) of this paragraph, the basis of any stock owned by the eligible investor in the eligible enterprise.

“(3) DEFINITIONS.—For purposes of paragraphs (1) and (2)—

“(A) ‘stock owned by an eligible investor in an eligible enterprise’ shall include stock or a right to subscribe for, or to receive, a share of stock in the eligible enterprise owned directly by the eligible investor (other than through the operation of section 982(b)).

“(B) ‘other indebtedness owing to the eligible enterprise’ shall not include indebtedness relating to the transfer of property which the eligible investor has elected (under section 984(h)) not to treat as a capital contribution.

“(b) TAX-FREE TRANSACTIONS.—

“(1) IN GENERAL.—Notwithstanding sections 332 and 361, if a corporation acquires its stock or securities from another corporation in a transaction to which section 381(a) applies, gain or loss shall be recognized to the transferor to the extent of any adjustment or adjustments theretofore made in the basis of such stock or securities under subsection (a).

“(2) EXCEPTION.—Paragraph (1) shall not apply if the transferor receives in exchange stock or securities whose basis in its hands is determined in whole or in part by reference to the basis of the transferred stock or securities.

“(c) SUBCHAPTER S CORPORATIONS AND PARTNERSHIPS.—Notwithstanding any other provision in this section, in the case of an electing small business corporation (as defined in section 1371) or a partnership which is an eligible investor in an eligible enterprise, the basis adjustments required by this section will be allocated between the basis of stock or indebtedness owned by such investors in an eligible enterprise and the basis of stock in such electing small business corporations owned by its shareholders and the basis of partnership interests in such partnerships owned by its partners under regulations prescribed by the Secretary or his delegate.

“SEC. 988. RELATED PERSON DEFINED.

“(a) DEFINITION.—For purposes of this subpart, a related person with respect to an eligible investor shall be—

“(1) any corporation (other than the eligible enterprise) in which such investor owns or is deemed to own (under sections 986(f)(2)(B) and 986(f)(2)(C)) stock representing at least 25 percent of the total combined voting power of all classes of stock of that corporation entitled to vote or at least 25 percent of the total value of the outstanding shares of all classes of its stock; and

“(2) any grandparent, parent, spouse, child or grandchild of the eligible investor.

Any person other than the foregoing shall be an unrelated person.

“SEC. 989. MISCELLANEOUS PROVISIONS.

“(a) PRINCIPAL PURPOSE.—For purposes of this subpart, if an eligible investor engages in any transaction a principal purpose of which is—

“(1) to avoid an increase in taxes which would otherwise be imposed by reason of a withdrawal of property from an eligible enterprise by or with respect to such investor; or

"(2) to secure a credit by virtue of an arrangement whereby such investor contributes money or other property to an eligible enterprise which is used—

"(A) to redeem or otherwise retire all or a part of the stock in such enterprise or an indebtedness of such enterprise owned by a shareholder in such enterprise; or

"(B) to purchase the assets of, or stock in, an enterprise engaged in the active conduct of a trade or business in a designated country, shall not result in securing such credit or avoiding such increase.

"(b) RECORDS AND ACCOUNTS OF ELIGIBLE INVESTORS.—

"(1) RECORDS AND ACCOUNTS TO BE MAINTAINED.—The Secretary or his delegate may by regulations require each person who is, or has been, an eligible investor in an eligible enterprise to maintain such records and accounts and to furnish such information as may be prescribed by such regulations as necessary to carry out the provisions of this subpart. Any information required to be furnished under the preceding sentence shall be furnished at such time and in such manner as the Secretary or his delegate may prescribe.

"(2) TWO OR MORE PERSONS REQUIRED TO MAINTAIN OR FURNISH THE SAME RECORDS AND ACCOUNTS WITH RESPECT TO THE SAME ELIGIBLE ENTERPRISE.—To the extent that, but for this paragraph, two or more eligible investors would be required to maintain the same records and accounts or to furnish the same information, the Secretary or his delegate may by regulations provide that the maintenance of such records and accounts or the furnishing of such information by only one such eligible investor shall satisfy the requirements of paragraph (1) for such other eligible investors.

"(3) LIMITATION.—No information shall be required to be furnished under this section with respect to the taxable year of an eligible investor unless such information was required to be furnished under regulations in effect on the first day of the taxable year of such investor.

"(4) EFFECT OF FAILURE TO FURNISH INFORMATION.—If an eligible investor fails to furnish the information with respect to an eligible enterprise required under paragraph (1) within the time prescribed therein, and such failure continues more than 90 days after notice by the Secretary or his delegate to such eligible investor, then such investor shall be deemed to have ceased to be an eligible investor as of the first day of his taxable year for which such information is required. For purposes of the preceding sentence, the beginning of the 90-day period after notice by the Secretary or his delegate shall be treated as being not earlier than the last day on which (as shown to the satisfaction of the Secretary or his delegate) reasonable cause existed for failure to furnish such information."

(d) TECHNICAL AMENDMENT.—Section 1016(a) (relating to adjustments in basis) is amended by adding after paragraph (20) the following new paragraph:

"(21) in the case of stock or indebtedness (within the meaning of section 984(c)) of an eligible investor of an eligible enterprise, to the extent provided in section 987(a)."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply—

(1) to creditable new capital contributions (as defined in section 984(b)) made by an eligible investor on or after March 19, 1964, and on or before January 1, 1969;

(2) to the increase in creditable earnings and profits (as defined in section 984(e)) of an eligible enterprise for each taxable year beginning on or after January 1, 1964, and ending before (but not on) December 31, 1970.

Notwithstanding paragraphs (1) and (2), the effective dates provided therein with respect to any designated country (within the meaning of section 983(d)) may be extended not more than five additional years by a treaty obligation of the United States ratified on or before December 31, 1968, or, in the event that such a treaty obligation cannot be ratified by that date, the period within which such a treaty obligation may be ratified may be extended to December 31, 1969, by an Executive Agreement executed on or before December 31, 1968, by the President after 30 days' notice to the Senate and to the House of Representatives of his intention to authorize such an extension.

DESCRIPTION OF PROPOSED INVESTMENT CREDIT BILL

GENERAL DESCRIPTION OF THE BILL

To effectuate the President's proposal for additional incentives for greater U.S. private investment in the economic and social development of the developing countries, the administration's bill would grant a tax credit of 30 percent of (1)

new contributions of money or property to the capital of an eligible enterprise conducted in such a country plus (2) the investor's pro rata share of certain accumulated earnings of the enterprise which are reinvested in the business.

Application of the credit to new investment is designed to encourage increased commitments of capital (as well as the skills and know-how that accompany investment) to the less developed areas to help countries in their own development efforts—much as the United States was assisted during its developing period. The credit is also extended to the reinvestment of accumulated earnings in order to induce investors to increase long-range investment in such areas as well as to reduce the drain of capital and foreign exchange upon countries which have only a limited amount of such exchange available. However, to prevent a windfall with respect to profits normally retained, reinvested earnings would be taken into account only to the extent that they exceed one-half of the increase in accumulated earnings. The 50-percent limitation is adopted since most companies operating abroad ordinarily retain at least that percentage of their income, and retention of such amounts would not constitute an increased commitment of funds. Examples of the computation of the credit are presented below.

This incentive would take the form of a credit against U.S. tax; that is, an allowance which would be directly subtracted from the tax as otherwise computed. It would, therefore, not affect existing procedures in computing taxable income. The U.S. tax is that computed on all taxable income of the investor and not just income from less developed countries.

The credit would be subject to the limitation that it not exceed, in any one year, the amount of creditable investment (including creditable reinvestment of earnings) made in that year in the form of property produced in the United States. This property, which is referred to in the statute as "section 981 property," is tangible property produced in the United States, and includes both new property which is purchased for original use by the eligible enterprise and used property. However, before used property can qualify as section 981 property, both its original use and all subsequent uses must have been by U.S. persons in the United States. These limitations are intended to mitigate the effect which this legislation will have on the balance-of-payments situation in the United States and to encourage production in the United States. Where the amount of section 981 property acquired with respect to an eligible investor during the year exceeds the credit otherwise allowable for that year, the excess could be applied against the credits determined for subsequent years. Therefore, investors may, in effect, carry over to subsequent years the benefit of investments made in section 981 property after the effective date. Provision is also made for the carryover of credits that cannot fully be used in any year, either by virtue of the limitation with respect to section 981 property or because they exceed the tax otherwise due for that period.

Investments eligible for the credit would include those made in enterprises principally engaged in a less developed country or countries in manufacturing or retailing, the processing or marketing of agricultural products, the catching of fish, the performance of certain services, and, under certain conditions, the construction of buildings.

The credit does not apply to investments in an enterprise engaged in mere trading operations, the growth or cultivation of agricultural products, or the extraction, refining, or similar processing of any mineral, ore, or gas. The President is given the authority to designate by Executive order those countries which would be considered less developed countries for the purposes of the credit and to terminate a designation in the same manner after notice to Congress.

The credit is available to citizens and residents of the United States, domestic corporations, and domestic partnerships owning directly or indirectly at least 25 percent of the total combined voting power of a corporation carrying on an eligible enterprise in a less developed country. The 25-percent requirement is imposed to distinguish between investments which are merely passive in nature and those which normally entail some participation in the management of the business. Also, because of expanded recordkeeping requirements, it was felt that at least this degree of ownership must be required.

Safeguards are provided against abuse, both through provision for recapture of credits allowed with respect to qualifying investments disposed of or withdrawn within short periods and the requirement that an investor, as a condition of claiming the credit, supply such information as may be necessary to establish that a qualifying investment has been made and that there has been no withdrawal of such investment. The maintenance of pertinent books and records is also required. To assure that any amount allowed to an investor as a credit for new investment would not be allowed to him again as a tax-free return of capital upon

the disposition of his interest in the eligible enterprise, adjustments are required to the basis of that interest. Such adjustment would not be imposed, however, where the credits granted or recaptured relate to reinvested earnings since the double benefit effect is minimized by taking into account only that increase in accumulated earnings reinvested in excess of the 50-percent minimum. Provision is also made for recapturing credits, where transactions are entered into principally as a device for avoiding recapture upon the withdrawal of investment.

Since an investment in underdeveloped countries takes considerable time before its full effect in assisting local economies produce more goods and services for its people is felt, the legislation is needed now. After a period of increased investment, increased familiarity with the countries involved, greater development in the underdeveloped areas, and increased participation by local entrepreneurs should allow normal business incentives to continue the capital flow. Therefore, in order to assure that this plan would not remain in effect any longer than necessary, the credit is allowed only as to creditable new capital contributions made on or after March 19, 1964, and on or before January 1, 1969, and as to reinvested earnings accumulated during taxable years of the enterprise beginning on or after January 1, 1964, and ending before (but not on) December 31, 1970. Provision is made for the extension of this period with respect to individual countries for an additional period not longer than 5 years through execution and ratification by the Senate of an appropriate tax treaty on or before December 31, 1968, or, if a treaty could not be made effective in time, the period within which such a treaty obligation may be ratified may be extended 1 year by an interim executive agreement executed on or before December 31, 1968, after notice to the Congress. Expiration of the period during which a creditable investment could be made would not preclude the carryforward of unused credits to subsequent years or curtail the period during which an event of recapture may occur.

TECHNICAL EXPLANATION OF THE BILL

SECTION 1. SHORT TITLE, ETC.

(a) *Short title.*—Section 1(a) of the bill provides that the bill may be cited as the “Less Developed Country Investment Credit Act.”

(b) *Amendment of 1954 code.*—Section 1(b) of the bill provides that, except as otherwise expressly provided, whenever in the bill an amendment or repeal is expressed in terms of an amendment to (or repeal of) a section or other provision, the reference is to be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SECTION 2. CREDIT FOR INVESTMENT IN LESS DEVELOPED COUNTRIES

(a) *Allowance of credit.*—Section 2(a) of the bill redesignates section 39 of the code as section 40 and inserts a new section 39 in part IV of subchapter A of chapter 1 (relating to credits against tax).

Subsection (a) of the new section 39 provides that there is to be allowed as a credit against the tax imposed by chapter 1 of the code, the amount determined under the new subpart H, added by section 2(c) of the bill. Subsection (b) of the new section 39 requires the Secretary of the Treasury or his delegate to prescribe such regulations as may be necessary to carry out the purpose of the new section 39 and the new subpart H.

(b) *Certain corporate acquisitions.*—Subsection (b) of section 2 of the bill provides an amendment to section 381(c) of the 1954 code (relating to the carryover of tax attributes in the case of certain corporation acquisitions) by adding paragraph (24) thereto. Section 381(c)(24) provides that the acquiring corporation is to take into account (to the extent proper to carry out the purposes of sec. 381 and sec. 39 and under such regulations as may be prescribed by the Secretary of the Treasury or his delegate) the items required to be taken into account for purposes of section 39 in respect of the distributor or transferor corporation. Thus, for example, the regulations under section 381(c)(24) will provide rules for the carryover of any unused credit carryovers of the distributor or transferor corporation, for the application of new section 981 and for the application of the recapture provisions of new sections 985 and 986 relating to withdrawals of property after a credit under section 39 has been obtained.

(c) *Rules for computing credit.*—Section 2(c) of the bill adds a new subpart H to part III of subchapter N of chapter 1 of the code. The new subpart consists of nine sections (secs. 981–989) which are explained below.

SECTION 981. AMOUNT OF CREDIT

(a) *Determination of amount.*—Section 981(a) provides, in general, that the credit allowed for the taxable year is to be an amount equal to 30 percent of the creditable investment as defined in section 984. This credit is a direct reduction of tax liability and may be applied to reduce the taxes of an eligible investor, as defined in section 982, on any income, regardless of the source from which derived. Subsections (b) and (c) provide limitations on the amount of credit which may be allowed in any one taxable year.

(b) *Limitation based on U.S. property.*—In order to mitigate the effect which this legislation will have on the balance-of-payments situation in the United States, and in order to encourage production in the United States, the credit allowable to an investor for any one taxable year is limited by subsection (b) to the sum of the amount of tangible property manufactured, grown, produced, or extracted in the United States, which is acquired by each eligible enterprise from or with respect to such investor and which is attributable to such taxable year, and the amount of such property acquired from or with respect to such investor during prior years covered by subpart H, less the credits allowed during such prior years. Under paragraph (2), such property can either be new (if the original use of such property commences with the eligible enterprise) or used, but in the latter case, all previous uses of such property must have been in the United States by U.S. persons. Such new and used property, as previously indicated, is referred to as section 981 property. For purposes of this provision, the United States includes the Commonwealth of Puerto Rico and possessions of the United States.

Pursuant to paragraph (3) of section 981(b), the amount of section 981 property which is acquired from or with respect to an eligible investor and which is attributable to a particular taxable year is the sum of (1) the aggregate of the fair market value or the adjusted basis, whichever is the lesser, of each item of such property which has been transferred by such investor (without receiving any consideration therefor other than stock or an indebtedness, as defined in sec. 984, of the eligible enterprise) to the eligible enterprise and which has been placed in service by such enterprise during such year, reduced by the total liabilities to which all such property is subject and (2) such investor's pro rata share of the amount by which the aggregate cost of section 981 property which has been purchased by the eligible enterprise and which is placed in service by such enterprise during its taxable year ending with or within the taxable year of the investor exceeds the aggregate liabilities to which such property is subject. Thus, section 981 property is not considered to have been acquired from or with respect to an eligible investor until the taxable year of such enterprise when such enterprise actually places such property in service in a qualified trade or business. In the case of property acquired by an eligible enterprise which, as to such enterprise, is property of the type described in section 1221(1) or consists of raw material or components used by such enterprise in its trade or business, such property will be considered to have been placed in service when physically located in a designated country where used. As the eligible enterprise pays off an encumbrance on section 981 property which has either been purchased by it or transferred to it by an eligible investor, it will be deemed to have purchased additional section 981 property in the amount of the encumbrance paid off.

In the case of an eligible enterprise which attempts to meet the section 981 requirements by purchasing property from its stockholders or related parties of such stockholders at prices which are unrealistically high, any amounts paid by such enterprise which are in excess of the fair market value of the property will be ignored in determining the cost of section 981 property. Moreover, the cost of section 981 property will not include so much of the basis of such property as is determined by reference to the adjusted basis of other property which was section 981 property with respect to the eligible investor. This limitation was added because, to the extent of any such reference, the eligible enterprise has not really increased its total investment in U.S. property.

Paragraph (4) of section 981(b) provides the manner in which an investor's pro rata share of the excess of the aggregate cost of the section 981 property purchased by the eligible enterprise during a taxable year of such enterprise ending with or within a taxable year of such investor over the aggregate liabilities to which such property is subject is computed.

In the case of an eligible investor who has made a creditable new capital contribution, as defined in section 984(b), which consists of money, to an eligible enterprise during a taxable year of such enterprise there shall be allocated to such investor so much of such excess cost as does not exceed the lesser of (i) an

amount determined by multiplying the amount of such excess cost attributable to each item of section 981 property which is placed in service by such enterprise during the taxable year and after the date on which such creditable contribution has been made by a fraction, the numerator of which is the amount of such money contributed by such investor, and the denominator of which is the total amount of money contributed by all eligible investors in the eligible enterprise prior to the date on which such item of section 981 property is so placed in service, and (ii) an amount equal to 30 percent of the amount of such money contributed by such investor.

To the extent that the excess cost exceeds the amount allocated to eligible investors who had made cash contributions, the amount by which such excess cost exceeds the amount allocated to investors who had made cash contributions shall be allocated among those persons who are eligible investors in the eligible enterprise on the last day of the taxable year of such enterprise. The amount to be allocated to each eligible investor shall be an amount determined by multiplying the part of such amount which would have been distributed with respect to stock in the eligible enterprise owned directly by each such investor if on the last day of the taxable year of the eligible enterprise it had distributed such amount pro rata to its shareholder by a fraction the numerator of which is the number of days in the taxable year on which such investor held such stock and the denominator of which is the total number of days during such taxable year.

The provisions of section 981(b) may be illustrated by the following examples:

Example 1: A, a U.S. citizen, owns 25 percent of the stock of X, a foreign corporation which is an eligible enterprise, and 50 percent of the stock of Y, a domestic corporation which is an eligible enterprise. A is the only eligible investor in both X and Y. The taxable year of both X and Y, as well as A, is the calendar year, and A has owned the stock in X for the entire taxable year of 1965. He purchases the stock in Y, however, on October 20, 1965. During 1965 A makes \$10,000 of creditable capital contributions to X, all of which is in property and \$2,000 of which constitutes the fair market value (and the adjusted basis) of section 981 property which is transferred by A to X and which is placed in service by X during 1965. X also purchased for cash \$4,000 of section 981 property in December of 1964, which property was placed in service by X in 1965. A also makes \$8,000 of creditable capital contributions to Y, all in section 981 property (this amount constitutes both the adjusted basis and the fair market value of such property) and Y places all of this property in service in 1965. Y also purchases \$12,500 of section 981 property which it places in service in 1965. All the property purchased by X and Y and all property transferred by A was free and clear of all encumbrances. The amount of section 981 property acquired by X from or with respect to A in 1965 is \$3,000 (\$2,000 in such property transferred by A plus one-fourth of the \$4,000 purchased by X). The amount of section 981 property acquired by Y from or with respect to A is \$9,250 (\$8,000 in such property transferred by A plus \$1,250 (one-half of the \$12,500 in such property purchased by Y multiplied by 73/365, the number of days in 1965 which A owned such stock over the total number of days in such year)).

Example 2: B, a U.S. citizen, owns all of the issued and outstanding stock of M, a foreign corporation which is an eligible enterprise. The taxable year of both B and M is the calendar year, and B has owned the stock in M for the entire taxable year of 1965. During 1965, B contributed two items of section 981 property to M. The first such item has a fair market value of \$20,000, an adjusted basis of \$10,000 and is subject to a mortgage of \$12,500. The second such item has a fair market value of \$10,000 and an adjusted basis of \$12,000 and is subject to a mortgage of \$3,000. Both of such items of property were placed in service by M during 1965. The amount of section 981 property acquired by M by or with respect to B is \$4,500 (the aggregate of the fair market value or the adjusted basis, whichever is lower, of each item of sec. 981 property, or \$20,000, less the total liabilities, or \$15,500). During succeeding years as M pays off the encumbrances to which such property is subject, it will be considered to have acquired additional section 981 property in the amount of the encumbrances as paid.

Example 3: On January 1, 1964, the first day of the taxable year of X, a foreign corporation which is an eligible enterprise, A and B, both of whom are U.S. citizens, each owns 100 shares of the issued and outstanding stock of X, which stock represents all the issued and outstanding shares of X on that date. On July 2, 1964, C, a domestic corporation, becomes a stockholder in X by contributing \$100,000 in cash to X in exchange for 100 shares of the stock of X. On November 1, 1964, D, a resident of the United States, contributes property other than section 981 property which has a fair market value (and an adjusted basis) of \$50,000 and cash in the amount of \$50,000 for 100 shares of the stock

in X. A, B, C, and D all use the calendar year as their taxable year. During 1964, X purchases items of section 981 property, all of which are free of any encumbrances, which it places in service as follows: (i) On April 30, 1964, an item of property which cost \$60,000; (ii) on July 30, 1964, an item of property which cost \$10,000; and (iii) on November 30, 1964, an item of property which cost \$30,000. The amount of section 981 property which was considered purchased by X with respect to each A, B, C, and D is determined as follows: First, the amount of section 981 property purchased after C made his capital contribution and before D made his capital contribution is allocated solely to C, to the extent that such amount does not exceed \$30,000 (30 percent of the amount of cash contributed by C). Thus, the entire \$10,000 purchased on July 30, 1964, is allocated to C. The amount of section 981 property which was purchased after both C and D made their contributions is allocated between C and D by multiplying such amount by fractions, the numerator of which is the amount of cash which each contributed and the denominator of which is the total amount of cash contributed. Since C contributed \$100,000 in cash and D contributed only \$50,000 in cash, two-thirds of the section 981 property purchased on November 30, 1964, or \$20,000, is allocated to C and the remaining section 981 property purchased on that date, or \$10,000, is allocated to D. The amount by which the total section 981 property purchased during the year (\$100,000) exceeds the amount already allocated to C and D (\$40,000), or \$60,000, is then allocated between A, B, C, and D by multiplying the amount thereof which would have been distributed with respect to the stock owned by A, B, C, and D on the last day of 1964 if X had distributed such amount pro rata to its shareholders (or \$15,000 each) by fractions, the numerator of which is the number of days during 1964 on which each stockholder owned the X stock and the denominator of which is the total number of days in 1964 (366). Since A and B owned the stock on each day of the year, all of such amount, or \$15,000, will be allocated to both of them. Since C owned the stock 183 days, $\frac{183}{366}$ of \$15,000, or \$7,500, is allocated to his account. Since D owned the stock 61 days, $\frac{61}{366}$ of \$15,000, or \$2,500, is allocated to D. Thus, of the section 981 property purchased by X during 1964, A's pro rata share of such property is \$15,000, B's pro rata share is \$15,000, C's pro rata share of such property is \$37,500 (\$10,000 plus \$20,000 plus \$7,500), and D's pro rata share of such property is \$12,500 (\$10,000 plus \$2,500).

If because of the limitation on credit based on the tax liability of the eligible investor, the entire amount of section 981 property acquired by an eligible enterprise from or with respect to the eligible investor cannot be used in any taxable year, it can be carried forward indefinitely until it is completely used up. Thus, if in example (2) above, B was not entitled to any credit in 1965 because of the limitations on his tax liability, the entire \$4,500 could be carried forward by B and could be used in 1966 and all subsequent years until it had all been applied.

(c) *Limitation based on tax liability.*—In addition to the limitation relating to section 981 property, subsection (c) provides another limitation on the aggregate credits allowable to an investor during any one taxable year. Such credits may not exceed the tax liability of such investor for that year. Thus, a credit cannot result in a tax refund but only reduces the amount of taxes otherwise imposed on the investor. This is accomplished by paragraph (1) of section 981(c) which provides that the credit allowed by section 39 for the taxable year with respect to the creditable investment of the eligible investor in an eligible enterprise shall not exceed the same proportion of the tax liability of the eligible investor which the credit determined under subsections (a), (b), and (d) of section 981 for the taxable year with respect to such investment bears to the aggregate amount of all credits determined under such subsections with respect to such investor for that year. In other words, where the aggregate credits available to an eligible investor exceed the tax liability of such investor, a part of the credit attributable to each creditable investment, the amount of which is determined in the manner indicated in the preceding sentence, will not be allowed during such year.

Under paragraph (2) of section 981(c), the liability for tax for the taxable year is defined as the tax imposed by chapter 1 reduced by the sum of the credits against the income tax allowed by sections 33, 34, 35, 37, and 38. For purposes of determining the liability for tax, the taxes imposed by sections 531 and 541 (relating, respectively, to the accumulated earnings tax and the personal holding company tax) are not considered taxes imposed by chapter 1. Thus, the liability for tax as defined in section 981(c) (2) and the credit allowable for the taxable year under section 39 are determined before computing any tax imposed by section 531 or 541. Apart from the restriction on the amount allowable as a credit based on tax liability and purchases of section 981 property, no limit is imposed on the aggregate credits allowable to the investor for the year.

To the extent that credits are unused because of the limitation with respect to section 981 property or because they exceed the tax liability of the investor for the year, or because of the application of both of these limitations, they can be carried forward and applied against taxes incurred by the investor in any of the 5 next succeeding years.

The application of section 981(c) may be illustrated by the following example:

Example: A, a U.S. citizen, owns all of the issued and outstanding stock of foreign corporation X and domestic corporation Y, both of which are eligible enterprises. In addition, he owns 50 percent of the issued and outstanding stock of Z, a foreign corporation conducting an eligible enterprise. In 1966, A makes creditable investments in these enterprises which, under section 981(a), would entitle him to a credit of \$3,000 with respect to investments in X and \$10,000 with respect to Y. In addition, A had made a creditable investment in Z which would have entitled him to a credit of \$11,000 in 1965, which, because of the limitation contained in section 981(c), was not allowed in that year. During 1966, the amount of section 981 property acquired by these enterprises from or with respect to A which has not been used in prior years is \$20,000, \$3,000 of which is allocated by A to the investment in X, \$6,000 to the investment in Y, and \$11,000 to the investment in Z. During 1966, A's liability for tax, as defined in section 981(c)(2), is \$10,000. The amount allowed with respect to each creditable investment made by A for which a credit is allowable is determined as follows: with respect to the investment made in X, \$1,500 ($\$10,000 \times \frac{3.000}{20.000}$); with respect to the investment made in Y, \$3,000 ($\$10,000 \times \frac{6.000}{20.000}$); and, with respect to the investment made in Z in 1965, which is carried over to 1966, \$5,500 ($\$10,000 \times \frac{11.000}{20.000}$). The amount of unused credits with respect to each investment, or \$1,500 with respect to X, \$7,000 with respect to Y, and \$5,500 with respect to Z, can be carried forward to 1967. In addition, the amount of section 981 property, or \$10,000, which was not used because of the application of the section 981(c) limitation, can in turn be carried forward to 1967 and reallocated among creditable investments made in that year in any way chosen by the eligible investor.

SECTION 982. ELIGIBLE U.S. INVESTORS

(a) *Definition.*—Under subsection (a) of section 982, a U.S. citizen or resident, a domestic partnership or a domestic corporation is eligible for the credit allowed by section 39 if any such person owns at least 25 percent of the total combined voting power of a corporation conducting an eligible enterprise. Estates and trusts, whether foreign or domestic, cannot be eligible investors.

(b) *Ownership through foreign entities.*—In determining the voting power ownership of a foreign corporation engaged in an eligible enterprise, subsection (b) provides that a U.S. person is deemed to own his pro rata share of any voting power of such enterprise held by an intermediate foreign corporation in which he holds at least 50 percent of the voting power. However, these rules pertaining to voting power held through an intervening foreign entity merely determine the eligibility of the investor; investments made by such intermediate foreign corporation in the eligible enterprise will not result in a credit for the eligible investor. Thus, if a U.S. person owned all of the voting power of a foreign corporation which owned 50 percent of the voting power of an eligible enterprise, such U.S. person would, under section 982(b), be considered to own 50 percent of the voting power of the eligible enterprise and would be an eligible investor in such enterprise. He would not, however, get a credit with respect to any capital contributions made by the intermediate foreign corporation to the eligible enterprise although he would get such a credit for any contributions made by him directly to the enterprise.

(c) *Ownership through certain partnerships, etc.*—Under subsections (c) and (d), an electing small business corporation or a partnership which meets the ownership tests of section 983(a) with respect to an eligible enterprise is treated as being an eligible investor in such enterprise. However, the credit under section 39 for creditable investments made in such an enterprise is passed through the entity and made available to the shareholders or the partners, whichever the case may be; but, under subsection (e), such shareholders or partners are only entitled to the credit allowed by section 39 if they are, in turn, U.S. citizens or residents or domestic corporations. When there is a withdrawal of property from an eligible enterprise with respect to an eligible investor which is an electing small business corporation or a partnership, the event of recapture affects the shareholders, beneficiaries, or partners directly and they are affected in the manner indicated in section 985 infra.

(d) *Community property laws, etc.*—Under subsection (f), stock which is community property of a husband and wife (or the income from which is community income) under the applicable community property law of a State, or which is held by a husband and wife as joint tenants, tenants by the entirety, or tenants in common, shall be treated as owned directly by one shareholder. The purpose of this provision is to allow a U.S. citizen or resident and his wife to be treated as a single shareholder in determining if they meet the stock ownership requirement of subsection (a) where the stock is held as marital property.

The application of section 982 may be illustrated by the following examples:

Example 1: Of the voting stock of X, a foreign corporation which is an eligible enterprise, A, a domestic partnership, with four partners (all but one of whom are U.S. persons) who share equally in all the profit and loss of A, owns 40 percent, B, a nonresident alien owns 55 percent and C, a domestic corporation, owns the remaining 5 percent. A is an eligible investor and the three partners who are U.S. persons are eligible for the credit under section 39. However, under section 982(f), the partner who is not a U.S. person is not entitled to such credit. Moreover, the other partners are not entitled to his share of the credit. B is not a U.S. citizen or resident and is not entitled to any credit under section 39 and C fails to meet the minimum ownership requirement to be an eligible investor.

Example 2: Of the voting stock of Y, a foreign corporation which is an eligible enterprise, M, a foreign corporation, 50 percent of whose stock is owned by A, a U.S. person, owns 50 percent, B and C, husband and wife, both of whom are U.S. persons, own 25 percent of such stock as tenants in common, and D, a domestic estate, owns the remaining 25 percent. A, by virtue of his stock ownership of M is considered to own his pro rata share of the stock in Y owned by M, or 25 percent, and he is an eligible investor in Y. Under section 982(f), B and C are treated as a single shareholder and therefore qualify as an eligible investor. C is an estate and therefore does not qualify, under section 982(a), as an eligible investor.

SECTION 983. ELIGIBLE ENTERPRISES

(a) *In general.*—Section 983 provides rules for determining whether or not a corporation qualifies as an eligible enterprise. Under paragraph (1) of section 983(a), at least 90 percent of the gross income, if any, for the taxable year of the enterprise, must be derived from the active conduct of certain qualified trades or businesses, as defined in section 983(b). Under paragraph (2) of section 983(a), at least 90 percent in value of the assets of the corporation must consist of qualified business assets, as that term is defined by section 983(c). In addition, under the last sentence of section 983(a) a domestic corporation which is a Western Hemisphere trade corporation cannot qualify as an eligible enterprise with respect to a taxable year in which it claims the benefit of section 922, which provides a special deduction in computing the tax liability of Western Hemisphere trade corporations. Since the reduction in tax granted to these corporations is an existing incentive, there is no need to grant the tax credit to their shareholders unless the corporation does not avail itself of the section 922 deduction.

(b) *Qualified trade or business.*—Section 983(b) sets forth the requirements for determining whether or not a corporation is engaged in carrying on a qualified trade or business. Paragraph (1) of section 983(b) provides that the types of qualified business activities consist of the manufacture or production of personal property, the processing or marketing of agricultural or horticultural products (including but not limited to livestock, poultry, fur-bearing animals, or fish), the catching or taking of fish, the ownership and operation of hotels, the sale of tangible personal property to the general public through one or more retail establishments, and, under limited conditions the following: the sale of tangible personal property at wholesale; the construction of buildings and other improvements to real property; and the performance of services.

In the case of a corporation which derives more than 10 percent of its gross income from the sale, at wholesale, of tangible personal property (other than agricultural products) which it has not manufactured, produced, or processed, such corporation can qualify only if at least 50 percent of its gross income is derived from selling property which it has manufactured, produced, or processed, from selling tangible personal property at retail, or from selling agricultural products or catching fish. If such corporation derives at least 50 percent of its gross income from activities described in the preceding sentence, and if the income derived from such activities when added to the income derived from the sale, at wholesale, of tangible personal property, other than property described in the preceding sentence, constitutes at least 90 percent of the gross income of such corporation, it will qualify as an eligible enterprise.

In the case of a corporation which derives more than 10 percent of its gross income from the construction of buildings and other improvements to real property, such corporation can qualify as an eligible enterprise only if at least 50 percent of its gross income is derived from the active conduct of one or more other qualified trades or business (but not including a business in which personal property is sold at wholesale). If such a corporation derives at least 50 percent of its income from such other qualified trades or businesses, and if the income derived from such businesses when added to the income derived from the construction of buildings and other improvements to real property constitutes at least 90 percent of the gross income of such corporation, it will qualify as an eligible enterprise. In addition to the foregoing, under subparagraph (G) of section 983(b)(1), service activities involving the performance of industrial, financial, managerial, technical, scientific, engineering or architectural services, or services performed in connection with the conduct of a manufacturing, processing, fishing, or marketing (of agricultural products) business will qualify, but only if payment for such services is reasonable in amount and is not determined by reference to the profits or productivity of the person for whom performed. This limitation is designed to prevent investors from securing a credit with respect to ineligible activities through investment in companies performing services for a share of the profits from such activities. Without this provision, a corporation which is performing an ineligible activity could form a new corporation to perform such activity and then furnish services to such new corporation for a percentage of its profits and qualify as an eligible enterprise. The extraction and refining or similar processing of minerals, ores, oil, or gas would be ineligible as existing incentives for inducement of investment in such activities in underdeveloped countries appear adequate. An enterprise will be deemed to have manufactured or produced personal property where it either substantially transforms purchased personal property or, where purchased property is used as a component part of personal property which is sold, if the operations conducted by such corporation in connection with the property purchased and sold are substantial in nature and are generally considered to constitute the manufacture or production of property.

To insure that the "qualified" business has a situs within one or more less-developed countries, paragraph (1) of section 983(b) requires that all of its business activities must be conducted within such countries. Paragraph (2) of section 983(b) makes several exceptions to this rule. First of all, an overall exception exists allowing the purchase of section 981 property. A company engaged in the manufacture or production of property or in processing agricultural products may purchase outside of less-developed countries raw materials and property which it uses in the business and may sell its end product outside such countries. In the case of a qualified retailer, goods manufactured or grown outside the country may be purchased for use and sale in connection with such business. In both of these exceptions, because of the nature of the business involved, there will be a substantial involvement in the local economy, even if some purchases and sales occur outside the country of incorporation. Finally, no business which otherwise qualified under section 983(b) will be disqualified because it makes incidental sales or purchases outside less-developed countries. For the meaning of the phrase "incidental purchases," see section 921 of the code.

(c) *Qualified business assets.*—Section 983(c) defines the meaning of the term "qualified business assets" for purposes of section 983(a)(2). Paragraph (1) of section 983(c) includes in this category property used or held for use in the ordinary course of carrying on one or more qualified trades or business, as defined in section 983(b), if such property is located in countries designated under section 983(d). Section 983(c)(1) includes property, whether it is tangible or intangible, so long as it is held for use or used in carrying on a qualified business. The determination of the situs of intangible property will be based on existing law. To the extent that the regulations adopted under section 955 of the code provide rules for determining the situs of intangible property, these regulations will govern this determination. An exception to the rule of section 983(c)(1) is set forth in the second sentence of section 983(c). To the extent that property described in section 983(c)(1) consists of either the currency of any country other than a designated country, as defined in section 983(d), in which the eligible enterprise carries on a qualified trade or business, or of a claim payable in such currency, such property will be considered qualified only if it is clearly shown that the acquisition and holding of such property is ordinary and necessary to the conduct of the business.

Under paragraph (2) of section 983(c), certain types of tangible property will be considered to be qualified assets without regard to the requirement of paragraph (1) that such property be located in designated countries. These types of

property are products manufactured or processed in the conduct of a qualified trade or business, as defined in section 983(b), facilities for the storage, handling, transportation, packaging, or servicing of such products, raw materials, components, or other property of a kind described in section 1221(1), which are purchased for use in the conduct of such a business, facilities for the storage, handling, transportation, packaging, or servicing of such raw materials, components, or other property, and property purchased for use in the ordinary course of carrying on such a business, but only if it is shipped to and received in a designated country in which the trade or business is carried on promptly after its purchase. Paragraph (3) provides that property which is required to be purchased because of restrictions imposed by a designated country, as defined in section 983(d), in which a qualified trade or business is carried on will be considered to be qualified assets. This provision recognizes that on occasion countries will require, as a condition to doing business therein, that the enterprise purchase certain specific assets, often obligations of the country. Paragraph (4) provides that certain equity and debt securities of an eligible enterprise will also be considered qualified assets in the hands of another eligible enterprise, but only if all U.S. persons who are eligible investors with respect to such other eligible enterprise agree to supply with respect to such corporation the information required under section 989.

These limitations on the nature of the assets which can be held by an eligible enterprise are intended to prevent the enterprise from being used merely as a repository for property which bears no relationship to the business which is being conducted. Without such a limitation, an enterprise could qualify even if it were not actively engaged in business since both of the income tests require that there be some income before they become effective.

(d) *Designated countries.*—Under section 983(d), the President is given the authority to designate by Executive order the countries to be regarded as less-developed countries for the purposes of this plan. Any designation will be made on the basis of the less-developed status of the country and any other factors deemed appropriate in the national interest. An overseas territory, department, province, or possession could be designated as a separate country. No designation could be made with respect to any country in the Sino-Soviet bloc or with respect to any of the following countries:

Free world areas considered ineligible for tax credit:

Australia	Luxembourg
Austria	Monaco
Belgium	Netherlands
Canada	New Zealand
Denmark	Norway
France	Republic of South Africa
Germany (Federal Republic)	San Marino
Hong Kong	Spain
Italy	Sweden
Japan	Switzerland
Liechtenstein	United Kingdom

For the interim period prior to the issuance of an Executive order under section 983, all countries, other than possessions of the United States or the Commonwealth of Puerto Rico designated as less-developed countries (under sec. 955(c)(3) of the code) by Executive Order No. 11071, dated December 27, 1962 (designating certain areas as economically less developed for purposes of subparts A and F of pt. III of subch. N, and sec. 1248 of ch. 1 of the code) will be considered to be less-developed countries for purposes of the investment credit bill. This includes all countries, and overseas territories, departments, provinces, and possessions of foreign countries (other than areas within the Sino-Soviet bloc) except those specified in section 955(c)(3). The countries designated as less developed for purposes of subpart H (sec. 981-989) need not (except for the interim period described above) be the same as those designated as less developed in any Executive order under section 955(c)(3) (nor in any Executive order under ch. 41, the "interest equalization tax"). The designation of a country as a less-developed country under section 983 can be terminated (after such interim period) only by a further Executive order after 30 days' notice to the Congress. Any such termination will not affect the treatment of investments made prior to the issuance of the terminating Executive order.

The application of section 983 may be illustrated by the following examples, in each of which it is assumed that the corporation in question has met the requirements of section 983(a)(2) in that 95 percent of its assets consist of "qualified business assets":

Example 1: During 1965 A, a foreign corporation, derives \$100,000 of gross income from the purchase and sale of household appliances to the general public through a retail store in X, a country designated as a less developed country under an Executive order issued pursuant to section 983(d), \$90,000 from the purchase and sale of such appliances to retailers located in X, and \$10,000 from dividends and interest. Insofar as A's wholesale operations are concerned, all the property sold is manufactured in X although some of the products sold at retail are manufactured in Y, a developed country. Since A derives 50 percent of its gross income from retailing, under section 983(b)(1)(E), the profits realized from the wholesaling operation are taken into account in applying the 90-percent test of section 983(a)(1). Although some of the goods sold at retail are purchased outside of country X, under section 983(b)(2)(C), A will still be considered to conduct its business wholly within country X. Since A has derived at least 90 percent of its income from the conduct of a qualified business, A will qualify as an eligible enterprise for 1965.

Example 2: During 1965 M, a foreign corporation, derives all of its income from the processing in Z, a country designated as a less developed country under an Executive order issued pursuant to section 983(d), of agricultural products grown in Z by N, the domestic parent of M. M is an eligible enterprise during 1965.

Example 3: The facts are the same as in example (2) except that M derives an equal portion of its gross income from growing agricultural products in Z and from processing those products within that country. M would not constitute an eligible enterprise since more than 10 percent of its income is from the growing of agricultural products, and the growth of such products does not constitute a qualified trade or business under section 982(b).

SECTION 984. CREDITABLE INVESTMENT

(a) *In general.*—Under section 984(a), the creditable investment of an eligible investor in an eligible enterprise during any one taxable year is the sum of the creditable new capital contributions, as defined by section 984(b) made by such investor during each taxable year to such enterprise and such investor's pro rata share, determined under section 984(f), of the increase in creditable earnings and profits, as defined in section 984(e), of such enterprise for its taxable year ending with or within such taxable year.

(b) *Creditable new capital contributions.*—Under section 983(b), any money or property (other than stock, or a right to subscribe for or receive stock or any obligation to pay money or deliver property) which is owned directly by an eligible investor and is transferred by such investor to an eligible enterprise will qualify as a creditable capital contribution if four conditions are met: (1) the property is transferred other than in satisfaction of a preexisting indebtedness; (2) it constitutes a qualified business asset in the hands of the eligible enterprise within the meaning of section 983(c); (3) it does not represent, either directly or indirectly, funds borrowed within a designated country, as defined in section 983(d); and (4) during the year of the transfer the investor receives nothing for making the contribution other than stock or a right to subscribe for or receive stock or an indebtedness, as defined in section 984(e), of the eligible enterprise. For the treatment of any amount received during the year prior to the transfer or during the 5 years following the year of the transfer, see sections 985 and 986 *infra*. Under this provision the credit would be granted for new investment, whether in the form of cash, machinery, inventory, patent or patent rights, or other industrial property rights, and whether the contribution of these assets is framed as a transfer on open account, a loan, or a purchase of stock or an indebtedness.

Some of the limitations as to the type of transaction which will qualify as a creditable new capital contribution are intended to assure that the credit is extended only to the commitment of additional capital to the less developed areas. This explains the purpose of the requirement that only money and property transferred other than in satisfaction of a preexisting indebtedness will qualify and that the transfer of assets not represent funds borrowed within a designated country. It also explains the limitation on the nature of the consideration which the transferor can receive in exchange for his contribution. Any such consideration other than stock or an indebtedness, as defined in section 984(e), of an eligible investor will result in disqualifying the transaction. Thus, the receipt of cash or property, or the agreement of the enterprise to pay the same, such as in a lease or license agreement, will prevent the transaction from qualifying as a creditable new capital contribution. Moreover, the credit will not be given for the acquisition by an investor of already outstanding stock or securities from a shareholder or creditor of an eligible enterprise. The limitation

on allowing the credit to transfers of "qualified business assets," as defined by section 983(d), is to prevent investors from securing a credit for the transfer of assets unrelated to the qualified activities of the enterprise. Finally, as previously indicated, an investment made through an intervening entity, rather than directly by the investor to the eligible enterprise, would also not qualify.

(c) *Indebtedness*.—Section 984(c) defines the term "indebtedness" as including any obligation owing by an eligible enterprise which is represented by a bond, a debenture, a promissory note, a certificate or other evidence of indebtedness, or an open account, trade account, or book account. The term is not intended to include an agreement pursuant to which the eligible investor transfers property to an eligible enterprise in exchange for the payment, or agreement to pay, by such enterprise of money or property for the use of such property, such as a lease or license agreement.

(d) *Amount of contribution*.—Under section 984(d), where property is contributed, the amount which is creditable is the aggregate of the fair market value or the adjusted basis, whichever is lower, of each item of such property which is contributed by the eligible investor to the eligible enterprise, reduced by the aggregate of any liabilities to which such property is subject. This is the same manner in which the amount of section 981 property which is contributed is determined under section 981(b)(3)(A). See page 9, *supra*. Thus, when property is transferred by an eligible investor to an eligible enterprise, and such property is subject to a liability in excess of its adjusted basis (assuming that the fair market value of such property is equal to or more than its adjusted basis), the amount of such excess must be used to reduce the amount of other property so contributed in determining the total contribution. However, this determination is made on an enterprise-by-enterprise basis and the amount of any excess liability with respect to property contributed by an investor to one enterprise will not reduce the amount of his contribution to another enterprise.

The application of subsections (a) through (d) of section 984 may be illustrated by the following examples:

Example 1: A, a U.S. citizen, owns 60 percent of the total combined voting power of X, a foreign corporation, which in turn owns 50 percent of the voting stock of Y, a foreign corporation which is an eligible enterprise. During 1965, A lends to Y, an open account, for use in its business, cash in the amount of \$20,000 and transfers to Y, without receiving any consideration therefor, inventory worth \$30,000 with an adjusted basis of \$15,000. A receives no payments during 1965 on the open accounts. A also conveys to X for shares of its preferred stock, machinery worth \$60,000 with an adjusted basis of \$30,000, the machinery immediately being retransferred by X to Y. In addition, A purchases \$50,000 worth of Y bonds from a bondholder. None of these assets are subject to any liabilities. A's creditable capital contributions for the period total \$35,000, the amount of cash transferred to Y plus the adjusted basis (since it is lower than the fair market value) of the inventory transferred. A is entitled to no credit for the transfer of machinery to X because X is not an eligible enterprise, nor is he entitled to any credit for the purchase of the Y bonds from an existing bondholder.

Example 2: The facts are the same as in example (1) except the inventory is made subject to an inventory lien in the amount of \$20,000. A's creditable capital contribution is \$15,000.

(e) *Reinvested earnings*.—Under section 984(e), the increase in creditable earnings and profits of an eligible enterprise for a taxable year of such enterprise is the amount determined by subtracting any amounts distributed as a dividend during such taxable year from one-half of the amount, if any, by which the accumulated earnings and profits (or deficit in earnings and profits) of the enterprise at the close of such taxable year and the earnings and profits of such taxable year (computed as of the close of such year without diminution by reason of any amounts distributed as a dividend during such year) exceed the highest amount of accumulated earnings and profits of the enterprise immediately following the end of any previous taxable year of such enterprise ending on or after December 31, 1963. The determination of earnings and profits of an eligible enterprise shall be made in accordance with the principles of section 964(a) and the regulations thereunder.

(f) *Investor's share of increase*.—Once the increase in creditable earnings and profits of an eligible enterprise has been computed, under the rules set forth in section 984(e), a determination must be made as to what part of such increase is to be allocated to each eligible investor in the enterprise. This allocation is made under section 984(a), which, as previously indicated, allocates to each such investor his pro rata share of any such increase. Section 983(f) defines an investor's pro rata share of any such increase as an amount determined by multi-

plying (i) that portion of the increase which would have been distributed with respect to the stock in the eligible enterprise which such investor owns directly (including stock owned through a foreign entity in accordance with the provisions of section 982(b)), if, on the last day of the taxable year of the eligible enterprise, it distributed its earnings and profits for the taxable year (computed as of the last day of such year without diminution by reason of any amounts distributed as a dividend during such year) pro rata to its shareholders, by (ii) a fraction, the numerator of which is the number of days in such taxable year on which the eligible investor held such stock in the eligible enterprise and the denominator of which is the total number of days during such taxable year. In determining the amount which would have been distributed with respect to stock in an eligible enterprise, all stock, both voting and nonvoting, owned by shareholders of the eligible enterprise will be considered.

The manner in which the pro rata share of each eligible investor in the increase in creditable earnings of an eligible enterprise will be determined may be illustrated by the following examples:

Example 1: A, a U.S. citizen, owns 25 percent of the voting common stock of X, a foreign corporation which is an eligible enterprise, this being the only class of stock issued and outstanding. The taxable year of both A and X is the calendar year and as of the year ending December 31, 1963, X has no accumulated earnings and profits. A owns the stock for the entire taxable year 1964. During 1964, X has earnings and profits of \$2,500,000 and distributes \$750,000 as a dividend. One-half of the amount by which the sum of the accumulated earnings and profits and the earnings of such year (computed without reduction for the \$750,000 dividend), or \$1,250,000, exceeds the dividend of \$750,000, or \$500,000, constitutes X's increase in creditable earnings. A's pro rata share of such increase would therefore be 25 percent of \$500,000, or \$125,000.

Example 2: The facts are the same as in example (1) except that A has also owned 80 percent of the voting stock of Y, a foreign corporation holding 40 percent of X's stock for the same period of time. A's share of the \$500,000 increase in creditable earnings and profits would be the \$125,000 determined under example (1) plus \$160,000 (80 percent of 40 percent of \$500,000), or a total of \$285,000.

Example 3: X, an eligible enterprise, has issued and outstanding 100,000 shares of voting common stock and 150,000 shares of nonvoting common stock, the two classes having the same per share dividend rights. X also has issued and outstanding 50,000 shares of 6-percent noncumulative preferred stock with a par value of \$100 per share. A, a U.S. citizen, whose taxable year is the calendar year, owns 25,000 shares of X's voting common stock, 60,000 shares of its nonvoting common stock, and 20,000 shares of its preferred stock. He owns such stock during 1964. On December 31, 1963, the last day of its taxable year, X has no accumulated earnings and profits. During 1964, X has earnings and profits of \$3 million and distributes no dividends. A's pro rata share of X's creditable reinvested earnings would be \$519,000, computed as follows:

Increase in earnings of X	\$3, 000, 000
Less 50 percent of such increase	1, 500, 000
Creditable reinvested increase	1, 500, 000
Creditable reinvested increase attributable to preferred stock	150, 000
A's pro rata share of creditable reinvested increase attributable to preferred stock	60, 000
Creditable reinvested increase attributable to common stock (\$1,500,000—\$150,000)	1, 350, 000
Creditable reinvested increase attributable to nonvoting common stock (150,000 shares/250,000 shares×\$1,350,000)	810, 000
A's pro rata share of creditable reinvested increase attributable to nonvoting common stock	324, 000
Creditable reinvested increase attributable to voting common stock (100,000 shares/250,000 shares×\$1,350,000)	540, 000
A's pro rata share of creditable reinvested increase attributable to voting common stock	135, 000
A's pro rata share of creditable reinvested increase of X:	
Preferred stock	60, 000
Nonvoting common stock	364, 000
Voting common stock	135, 000
Total	519, 000

Example 4: X, a foreign corporation carrying on an eligible enterprise, has outstanding 100,000 shares of common stock, this being the only class of stock issued and outstanding, all of which has been owned by A, a domestic corporation since December 31, 1963. Both A and X use the calendar year as the taxable year. X has accumulated earnings and profits of \$100,000 on December 31, 1963, but loses \$75,000 during 1964. During 1965, X has earnings and profits of \$375,000, none of which is distributed to A. X's increase in creditable earnings and profits is one-half of the amount by which the sum of the accumulated earnings and profits at the end of 1965 and the current earnings for that year, or \$400,000, exceeds the highest amount of accumulated earnings for a previous taxable year ending on or after December 31, 1963, or \$100,000. One-half of such excess (which is \$300,000), or \$150,000, constitutes the increase in creditable earnings and profits. Since A owns all of the stock of X, it is entitled to a credit with respect to the entire amount of such increase.

Example 5: The facts are the same as example (4) except that A purchased 50,000 of the shares in X on October 20, 1965. A's share of the increase is \$90,000, determined as follows: One-half of the increase is \$150,000. That portion thereof attributable to the 50,000 shares owned by A during the entire taxable year of 1965 is creditable in full (\$75,000). Of the remaining \$75,000, only a part thereof is creditable. This creditable amount which is \$15,000 is determined by multiplying \$75,000 by a fraction, the numerator of which the number of days in the taxable year on which A held such stock (73) and the denominator of which is the total number of days in that year (365), or $\$75,000 \times \frac{73}{365}$.

(g) *Time of investments.*—Section 984(g) provides the rules for determining the date as of which a creditable investment will be deemed to have been made. In the case of creditable new capital contributions, such investment will be considered to be made as of the date that the money or property which is transferred by the eligible investor to the eligible enterprise is placed in service by such enterprise. In the case of an investor's pro rata share of the increase in creditable earnings and profits of an eligible enterprise, such share will be deemed to be a creditable investment as of the last day of the taxable year of the enterprise.

(h) *Election by an eligible investor.*—Section 984(h) provides for an exception from the definition of creditable new capital contributions set forth in section 984(b) in the case of property which, as to the eligible enterprise, is inventory or stock in trade, transferred by an eligible investor to the enterprise if three conditions are met: (i) The only consideration for the transfer is an obligation of the enterprise to pay money or deliver property to the investor; (ii) such indebtedness is not represented by a bond, note, debenture, certificate, or other evidence of indebtedness; and (iii) the eligible investor elects to treat all such transfers made during his taxable year as other than creditable new capital contributions. This provision is to allow a U.S. person who transfers property which is inventory or stock in trade in the hands of a corporation in which he owns at least 25 percent of the total combined voting power to elect not to receive the credit. If such a taxpayer is making such transfers and receiving payment at various times, he may end up with no credit, due to the application of the recapture provisions, and this election enables him to avoid keeping the records required hereunder. This election may be made only in the manner prescribed by the Secretary or his delegate in regulations. Once made, the election may be revoked only with the consent of the Secretary or his delegate.

SECTION 985.—EFFECT OF WITHDRAWAL OF PROPERTY FROM AN ELIGIBLE ENTERPRISE

(a) *In general.*—The investment credit bill is designed to stimulate new investment which permanently contributes to the economic development of a designated country or countries. For this reason, provision has been made for a recapture rule to recover an amount equal to the credit on a withdrawal of investment from an eligible enterprise in various ways within a period of 5 years after the year in which such investments were made. In addition, to prevent investors from withdrawing assets in anticipation of securing a credit, certain transactions occurring in the year prior to the year in which the creditable investment is made will be considered to result in the withdrawal of investment. The 5-year period is considered to be an appropriate period for requiring the retention of investment because it balances the normal need of investors to obtain a return of their capital invested within a reasonable period of time with the purpose or requiring that the investment add permanently to the economic growth of less developed countries. Section 985 provides the mechanical rules for determining the tax effect when there has been a premature withdrawal of investment.

(b) *Withdrawal.*—Under section 985(a), if during any taxable year of an eligible investor, there is a withdrawal of property, as defined in section 986,

from an eligible enterprise by or with respect to such investor, the amount of investment deemed withdrawn from such enterprise under such section is applied, in order: (i) first, to reduce or eliminate any unused credits, as defined in section 981(d)(1), which exist with respect to creditable investments of the eligible investor for prior taxable years; (ii) next, to the extent that the amount of investment deemed withdrawn under section 986 exceeds any unused credits described in (i), the excess is applied to reduce or eliminate the amount of creditable investments of such investor for the 5 taxable years immediately prior to the taxable year in which the withdrawal occurs, starting with the earliest year; and, (iii) to the extent the amount deemed withdrawn under section 986 eliminates the amounts indicated in (i) and (ii), it shall be applied to reduce or eliminate the amount of creditable investments of the investor for the taxable year in which the withdrawal occurs and the following such year.

(c) *Increase in tax liability.*—In the event of a reduction in the amount of creditable investment made in any of the 5 taxable years of the eligible investor immediately prior to the taxable year in which the withdrawal of property occurs, the taxes imposed upon such investor for such taxable year will be increased by the amount of credit allowed under section 39 with respect to the creditable investments so reduced, plus an amount of interest on such amount computed under section 6601 as if it had been payable on the last day of the taxable year in which the creditable investment so reduced was made.

(d) *Special rule.*—Subsection (c) of section 985 provides a special rule for treating the increase in tax resulting from the adjustment of the credit. In general, such increase in tax will be treated as a tax imposed by chapter 1. However, it will not be so treated for purposes of determining the amount of the credits under section 33 (relating to tax of foreign countries and possessions of the United States), section 34 (relating to dividends received by individuals), section 35 (relating to partially tax-exempt interest received by individuals), section 37 (relating to retirement income), and section 38 (relating to investment in certain depreciable property). It will be treated as an increase in tax, however, for purposes of determining the limitation of section 981(c).

The application of section 985 may be illustrated by the following examples:

Example 1: During 1965, A, a calendar year taxpayer and an eligible investor in eligible enterprise X, makes a creditable capital contribution to X in the amount of \$10,000 and is allowed a credit of \$3,000 with respect to such investment under section 39. In 1966, A makes a withdrawal of property from X in the amount of \$6,000. A's creditable investment of \$10,000 is reduced by the amount so withdrawn to \$4,000 with the result that A's liability for tax for taxable year 1966 will be increased by \$1,800, the amount of credit allowed with respect to the portion of the investment so reduced, plus interest thereon computed under section 6601 as if such increase became due on December 31, 1965.

Example 2: During 1965, 1966, and 1967, B, a calendar year taxpayer and an eligible investor in eligible enterprise Y, makes creditable capital contributions to Y, respectively, of \$6,000, \$9,000, and \$15,000, and is allowed credits, under section 39, of \$1,800, \$2,700, and \$4,500. In 1968, B makes a creditable capital contribution of \$10,000 to Y and makes a withdrawal of property from Y in the amount of \$52,000. In 1969, B makes a creditable capital contribution of \$13,000 to Y. A's liability for tax for taxable year 1968 will be increased by the sum of \$1,800, plus interest thereon computed under section 6601 from December 31, 1965, \$2,700, plus interest thereon computed under section 6601 from December 31, 1966, and \$4,500, plus interest thereon computed under section 6601 from December 31, 1967, the \$52,000 withdrawn being applied first to reduce the creditable investments made in 1965, 1966, and 1967. In addition, the extent to which the amount withdrawn (\$52,000) exceeds these contributions (\$30,000), or \$22,000 is applied to eliminate B's creditable capital contribution of \$10,000, made during 1968, which but for this reduction would be eligible for credit under section 39, and \$12,000 of the \$13,000 creditable capital contribution made in 1969 will be eliminated allowing a credit of only \$300 with respect to the remaining contribution of \$1,000 in 1968.

SECTION 986. ACTS OF WITHDRAWAL OF PROPERTY FROM AN ELIGIBLE ENTERPRISE

(a) *In general.*—Section 986 provides the rules for determining if there has been a withdrawal of property from an eligible enterprise by or with respect to an eligible investor and for determining the amount of property which is considered to be so withdrawn. Once such a withdrawal occurs, then its effect is governed by the rules of section 985, previously discussed at page 39, *supra*. Thus, section 986 does not independently have any tax effect and in many situations a withdrawal of property under this section may not result in recapturing previous

credits allowed to the eligible investor with respect to whom the withdrawal occurs.

(b) *Occurrence of a withdrawal.*—Subsection (a) of section 986 provides the general rules for determining when a withdrawal occurs. Under paragraph (1) of section 986(a), a withdrawal of property from an eligible enterprise shall occur if such enterprise ceases to be eligible for any taxable year. Thus, a change in the nature of the business so that the enterprise can no longer meet the income tests of section 983(a)(1) or the acquisition of assets which are not “qualified business assets” within the meaning of section 983(a)(2) in excess of the percentage requirements of that section will not only result in such enterprise becoming ineligible but will constitute a withdrawal of property. A domestic corporation which is an eligible enterprise will cease to be eligible with respect to any taxable year in which it claims the benefits of the special deduction provided by section 922 for Western Hemisphere trade corporations. If an enterprise ceases to be eligible during any taxable year, it will be treated under a special rule set forth in section 986(b)(1) as ceasing to be eligible as of the first day of such taxable year.

Under paragraph (2) of section 986(a), a withdrawal will be deemed to have occurred with respect to an eligible investor in an eligible enterprise if such investor ceases to be an eligible investor. This could happen in the case of an individual if such investor ceases to be a U.S. citizen or resident or in the case of any eligible investor if he disposes of a sufficient amount of his stock in the eligible enterprise so that he no longer can meet the required stockownership of section 982(a)(2).

A withdrawal of property will result, pursuant to paragraph (3) of section 986(a), if an eligible investor disposes of his stock or of an indebtedness in the eligible enterprise or in a corporation which is a related person, as defined in section 988, with respect to such investor, and which owns stock or an indebtedness in the eligible enterprise. In general, property will be considered disposed of whenever it is sold, exchanged, transferred, or disposed of by gift. Thus, except to the extent of the exceptions set forth in section 986(c), an eligible investor will be considered to have disposed of stock or indebtedness whenever such stock or indebtedness is transferred, with or without consideration, to another party, and without regard to any other provision of the code indicating that the transaction would generally have no tax effect. Examples of dispositions would be contributions of such stock or indebtedness to the capital of a new corporation, distributions by a corporation which is an eligible investor of such stock or indebtedness as dividends, in reorganization exchanges (except to the extent the contrary is provided for in sec. 986(c)), etc. For the application of the recapture provisions to certain transactions in which an eligible investor pledges, hypothecates, or otherwise encumbers stock or an indebtedness in an eligible enterprise (or a corporation which is a related person with respect to such investor and which owns stock or an indebtedness in the eligible enterprise), see section 989(a)(1). A transaction which constitutes a redemption described in section 317(b), whether or not essentially equivalent to a dividend, a liquidation or a partial liquidation will constitute a disposition and paragraph (3) of section 986(a) will apply to such transaction.

Paragraph (4) of section 986(a) treats as a withdrawal of property from an eligible enterprise a distribution, by such an enterprise or by a like enterprise (as defined in sec. 986(f)), of property (as defined in sec. 317(a)) to an eligible investor or to a related person (as defined in sec. 988) with respect to such investor, but only if such distribution is not out of earnings and profits of the distributing corporation and is not in cancellation or redemption of the stock of the person receiving the distribution. The reason for the exception based on cancellation or redemption is that such transaction is a disposition and is covered by section 986(a)(3). The limitation based on earnings and profits is provided because a special rule applies to dividend distributions. See section 986(a)(5). However, a distribution of property (other than stock or rights to acquire stock of a distributing corporation), even though the corporation has no earnings and profits, reduces the investment of the distributee in the eligible enterprise and, if made within the recapture period, will be treated as a withdrawal of property. For example, an eligible investor could transfer property worth \$10,000 to an eligible enterprise and, assuming none of the limitations is operative, obtain a credit of \$3,000 under section 39. The eligible enterprise could then borrow \$10,000 against the contributed property, distributing that amount to the investor as a return of capital. Without the rule of paragraph (4) of section 986(a), such a transaction would not result in a recapture of credit. Moreover, without this rule there could be a partial doubling of the credit if the enterprise earned back the \$10,000 the following year, and used that money to pay off the loan; since the \$10,000 would increase the

earnings and profits of the eligible enterprise, the investor could get an additional \$5,000 of creditable investment under section 984(a)(2).

If an eligible enterprise enters into a transaction with an eligible investor, or with a person who is a related person with respect to such an investor, and if pursuant to that transaction the eligible enterprise pays money to such investor or such related person in consideration for services rendered, property furnished, or money loaned, such payments will not, to the extent they are reasonable in amount, be considered to be distributions of property within the meaning of section 986(a)(4).

Under paragraph (5) of section 986(a), the distribution by an eligible enterprise, or a like enterprise, of a dividend to an eligible investor or to a related person of such investor, shall be treated as a withdrawal of property, but only to the extent that the amount distributed as a dividend exceeds the eligible investor's pro rata share of an amount equal to one-half of the amount, if any, by which the sum of the accumulated earnings and profits (or deficit in earnings and profits) at the close of the taxable year and the earnings and profits of such year (computed as of the close of the year without diminution by reason of dividends distributed during the year) exceed the highest amount of accumulated earnings and profits immediately following the end of any previous taxable year of such enterprise ending on or after December 31, 1963. The pro rata share of such an investor is determined by multiplying that portion of the amount described in the preceding sentence which would have been distributed with respect to stock in the eligible enterprise or the like enterprise owned directly by such investor or by such related person if, on the last day of the taxable year of such enterprise, it had distributed such amount pro rata to its shareholders, by a fraction, the numerator of which is the number of days in such taxable year on which such eligible investor or such related person held such stock and the denominator of which is the total number of days during such taxable year. The 50-percent dividing line on the increase in earnings is also used in determining an investor's pro rata share of the increase in creditable earnings for purposes of section 984(a)(2). Thus, to the extent the distribution does not exceed the 50-percent dividing line, the investors in the enterprise are losing credit with respect to each dollar distributed they would otherwise obtain but for the distribution. This is felt to be enough of a penalty on these distributions without also requiring that any distribution out of such earnings and profits be treated as a withdrawal of property.

The payment of any indebtedness by an eligible enterprise, or a like enterprise, to an eligible investor or a related person of such investor, will be treated, under paragraph (6) of section 986, as a withdrawal of property from an eligible enterprise. This is true whether such indebtedness was in existence prior to the enactment of the investment credit bill and without regard to whether or not the indebtedness is from a transaction which is wholly unrelated to a transaction in which the credit was granted. However, the payment of interest, if reasonable in amount, on such indebtedness will not constitute a withdrawal of property from an eligible enterprise.

Taxpayers who received a credit under section 39 as the result of being a partner in a partnership or a shareholder in an electing small business corporation which is an eligible investor will be considered to have made a withdrawal of property if they engage in certain transactions involving their partnership interest in such partnerships or their stock in such corporations. Under paragraph (7) of section 986(a), if any such taxpayer disposes of his partnership interest or stock interest, such a taxpayer will be considered to have withdrawn property from the eligible enterprise. Such disposition will not, however, have any effect on the eligibility of the enterprise or on the taxability of any other U.S. taxpayers who also received a credit under section 39 as a result of their ownership of a partnership interest or stock interest in the eligible investor. Only the selling partners or shareholders are affected.

In order to prevent the avoidance of the recapture rules by the shareholders of an electing small business corporation, a special rule is provided in section 986(b)(3). Such a shareholder will be deemed to have disposed of his stock in such a corporation if it ceases to qualify as an electing small business corporation. Without this provision, the shareholders of such a corporation could receive a credit for investments made by the corporation when it qualified as an electing small business corporation, disqualify the corporation and then sell their stock in the electing small business corporation, and the disposition by the stockholders of their stock would not bring into play the recapture rules. This provision prevents this type of tax avoidance.

Paragraph (8) of section 986(a) provides that a withdrawal of property from an eligible enterprise by or with respect to an eligible investor shall occur whenever a corporation which is a related person, as defined in section 988, with respect to such investor and which owns stock or indebtedness in the eligible enterprise, disposes of all or part of such stock or indebtedness. Whether or not a transaction constitutes a disposition will be determined by applying the principles to be applied in interpreting section 986(a)(3).

(c) *Exceptions.*—Subsection (c) of section 986 provides exceptions from the broad definition or disposition which appears in section 986(a). Under paragraph (1) of section 986, a disposition will not be considered to have occurred if the eligibility of an eligible enterprise ceases solely by reason of the termination of the designation of a country as a less developed country under section 983(d), or the expropriation, as defined in section 986(e), or loss by fire, storm, shipwreck, or other casualty or theft, of all or part of the assets of a qualified trade or business or businesses of such enterprise. On the other hand, if an eligible enterprise commits any act of withdrawal after the termination of the designation of a country as a less developed country, that act will bring into play the recapture provisions. For example, an eligible enterprise carrying on a qualified trade or business in country X, which ceases to be a designated country owing to an Executive order issued in 1965, will not at that time be considered to have ceased to be an eligible enterprise for purposes of the recapture provisions. If, however, after such Executive order, the enterprise discontinues its qualified trades or businesses, such discontinuance will be considered to be a withdrawal of property.

Under paragraphs (2) and (3) of section 986(c), if an eligible investor ceases to be eligible, or is considered to have made a disposition, solely by reason of (i) his death, (ii) a transaction to which section 381(a) applies (but only if the corporation acquiring the stock is an eligible investor with respect to the eligible enterprise immediately following the transaction), or (iii) the expropriation of stock or indebtedness in the eligible enterprise, the transaction will not be considered to result in a withdrawal of property from the eligible enterprise. Thus, under these rules, on the death of an eligible investor, the transfer of the decedent's property interests to his personal representative or heirs and the fact that he no longer owns the stock and is hence no longer an eligible investor will be disregarded. Nor will section 986 apply to the transfer of a deceased taxpayer's interest held in joint tenancy (either as a joint tenant, or a tenant by the entirety) or as community property to the surviving owner of the property. The effect of this provision is that all investments in eligible enterprises held by a decedent at the time of his death for which a credit has been granted will be deemed held by the decedent past the date on which there could be any recapture with respect to the credit granted.

The exception for the transfer in a section 381(a) transaction must be read in conjunction with the rules under section 381(a)(24) with respect to the treatment to be accorded to the acquiring corporation with respect to dispositions by it of property transferred by the acquired corporation. Finally, the exception for expropriation is consistent with other exceptions designed not to penalize an investor whose stock or indebtedness is acquired under such conditions.

Paragraph (4) of section 986(c) provides an exception from the rule that payment of an indebtedness is a withdrawal of property from an eligible enterprise. Under this exception no withdrawal will be considered to have taken place to the extent that such payment is made solely in the form of stock or an indebtedness of the eligible enterprise, since the taxpayer has merely exchanged one type of qualified investment for another.

Paragraph (5) of section 986(c) provides that any disposition or payment of an indebtedness relating to transfers of property which the eligible investor has elected not to treat as creditable new capital contributions, under section 984(h), will not be considered a withdrawal of property.

The final exception is in paragraph (6) of section 986(c) and relates to the death of a person who is a stockholder or partner of, respectively, an electing small business corporation or a partnership which is an eligible investor in an eligible enterprise. Any disposition of such a stock interest or partnership interest occurring solely by reason of such death will not be considered a withdrawal of property from an eligible enterprise.

(d) *Amount of investment deemed withdrawn.*—Once there has been a withdrawal of property from an eligible enterprise by or with respect to an eligible investor, and such event occurs within the recapture period set forth in section 985, it becomes important to determine the amount of the investment which will be deemed withdrawn. Subsection (d) of section 986 sets forth the rules

for making this determination. Under subparagraph (A) of section 986(d)(2), the amount withdrawn when either an eligible investor or an eligible enterprise ceases to be eligible is the sum of (i) the greater of the fair market value of all stock or indebtedness owned by such investor in such enterprise or the amount of money and the fair market value of other property, if any, which is received as a result of the transaction or event which causes such investor or such enterprise to cease to be eligible, and (ii) the same proportion of the greater of the fair market value of all stock or indebtedness in such enterprise owned by any corporation which is a related person, as defined in section 988, with respect to such investor or the amount of money and the fair market value of other property, if any, which is received by such related person as a result of the transaction or event which causes such investor or such enterprise to cease to be eligible, which the fair market value of all stock owned by the eligible investor in the related person bears to the fair market value of all the issued and outstanding stock of such related person. Even though the transaction might also be covered by one of the other rules, that is, it might also involve a disposition of stock or an indebtedness by an eligible investor, if ineligibility results, paragraph (1) governs and controls the result.

Subparagraph (B) of section 986(d)(2) provides the rules for computing the amount of investment deemed withdrawn in various types of dispositions. In the case of a disposition by the eligible investor of stock or indebtedness in an eligible enterprise, the amount deemed to be withdrawn will be the greater of the fair market value of the stock or indebtedness disposed of or the amount of money and the fair market value of the other property received as a result of the disposition.

In the case of a disposition by the eligible investor of stock or indebtedness in a corporation which is a related person of the eligible investor and which owns stock or indebtedness in the eligible enterprise, the amount deemed withdrawn will be the greater of the same proportion of the fair market value of all stock and indebtedness disposed of or the amount of money and the fair market value of other property received as a result of the disposition, which the fair market value of all stock and indebtedness owned by the related person in the eligible enterprise immediately prior to such disposition bears to the fair market value of the total assets of the related person at that time.

In the case of a disposition of a partnership interest in a partnership or stock in an electing small business corporation which is an eligible investor in an eligible enterprise, the amount of investment deemed to be withdrawn is the same proportion of the greater of the fair market value of the interest disposed of or the amount of money and the fair market value of other property received as a result of the disposition, which the fair market value of the stock or indebtedness owned by the partnership or electing small business corporation in the eligible enterprise immediately prior to such disposition bears to the fair market value of the total assets of such corporation or partnership.

In the case of a disposition of stock or indebtedness of an eligible enterprise by a corporation which is a related person, as defined in section 988, with respect to an eligible investor, the amount of investment in the eligible enterprise deemed withdrawn by such investor is the same proportion of the greater of the fair market value of the stock or indebtedness disposed of or the amount of money and the fair market value of other property received as a result of the disposition, which the fair market value of all stock owned by the eligible investor in the related person bears to the fair market value of all the issued and outstanding stock of such related person.

Under subparagraph (C) of section 986(d)(2), the amount of investment deemed withdrawn in the case of the distribution of a dividend, the payment of any indebtedness, or the distribution of property, other than stock in the distributor or rights thereto, by the eligible enterprise or a like enterprise, is the amount of money and fair market value of other property received as a result of such distribution or payment.

The application of section 986(d) may be illustrated by the following examples:

Example 1: A, a U.S. citizen, owns 25 percent of the one class of stock of M, an electing small business corporation, which is an eligible investor owning 50 percent of the total combined voting power of eligible enterprise X. As of December 31, 1964, the value of M's stockownership in X is \$250,000 and its total assets are valued at \$1 million. On that date A sells one-half of his stock to his son B for \$12,500. The fair market value of all of A's stock in M, immediately prior to the sale to B, is \$200,000, and the interest disposed of (one-half) is worth \$100,000. Since the value of M's stock interest in X is one-fourth of the value of its total assets, the amount of property deemed withdrawn is one-fourth of

\$100,000 (since this amount, representing the fair market value of the stock disposed of, is greater than the cash received (\$12,500)) or \$25,000.

Example 2: C, a domestic corporation, owns all of the issued and outstanding stock of N, an eligible enterprise. As of December 31, 1963, N has no earnings and profits. Both C and N use the calendar year as the taxable year. During the taxable year ending December 31, 1964, N has earnings and profits of \$150,000 and on such date N distributed a dividend to C of \$100,000. The amount by which the dividend distributed (\$100,000) exceeds one-half of the sum of the accumulated earnings and profits and the current earnings (computed without diminution for dividends distributed during the year), or \$25,000, constitutes the amount of property deemed withdrawn.

(e) *Meaning of expropriation.*—Under subsection (e) of section 986, the term “expropriation” is defined to mean any taking or seizure by a foreign government or agency thereof, whether or not compensation is received therefor, except a taking or seizure relating to the enforcement of a bona fide regulatory or revenue-producing measure, or the enforcement of any law, decree, regulation, or administrative determination violated by the eligible enterprise or the eligible investor which was not primarily designed or employed to effect such taking or seizure. The purpose of the two exceptions is to recognize that penalties assessed by a designated country in the normal internal enforcement of its laws against an eligible enterprise or an eligible investor do not constitute an expropriation. Any property seized in such situations will not be considered expropriated for purposes of applying subpart H. Thus, if property of an eligible enterprise is seized as the result of the breach of such an internal law, decree, regulation, or administrative determination, or as part of the enforcement of the revenue laws of a designated country, and if as a result the eligible enterprise can no longer qualify under section 983, a withdrawal of property will be considered to have resulted and the recapture provisions will be applicable. On the other hand, if neither of the exceptions is applicable and the property of an enterprise is seized by the government of a designated country, or by an agency thereof, even though the result of such seizure is that the eligible enterprise can no longer conduct a qualified trade or business, no recapture will result. This is true whether or not any compensation is received for the seized property.

(f) *Similar business.*—As has been previously indicated, a withdrawal of property from an eligible enterprise is deemed to occur in certain instances when property is distributed from an enterprise other than the eligible enterprise to eligible investors in the eligible enterprise. Thus, distributions of property (as defined in sec. 317(a)), distributions of earnings and profits in excess of the increase in creditable earnings, and payments of indebtedness from a “like enterprise” to such investors will be treated as withdrawals of property from the eligible enterprise. See section 986 (a)(4)–(a)(6). Under paragraph (1) of section 986(f), a “like enterprise” is defined as a corporation engaged in a trade or business similar to a qualified trade or business carried on by an eligible enterprise if two conditions are met. The first condition is set forth in subparagraph (A) of section 986(f)(1) and is that such corporation must derive at least 20 percent of its gross income, if any, for the taxable year, from carrying on the similar business in a country or development area, as defined in section 986(f)(2)(A), in which the eligible enterprise is conducting a qualified trade or business. Under subparagraph (B) of section 986(f)(1), the second condition is that persons who are eligible investors in the eligible enterprise own at least 25 percent of the total combined voting power of all classes of stock of such corporation. In determining whether this stock-ownership requirement is met, an eligible investor who is an individual is deemed to own stock owned by his grandparents, spouse, children, or grandchildren, or by any corporation in which he and/or they own directly or indirectly more than 50 percent of the total combined voting power of all classes of stock entitled to vote. In addition, a corporate eligible investor shall be deemed to own any stock owned by any corporation which directly or indirectly owns more than 50 percent of the total combined voting power of all classes of its stock entitled to vote or by any corporation in which it owns, directly or indirectly, more than 50 percent of the total combined voting power of all classes of stock entitled to vote.

Under section 986(f)(2)(A), each designated country constitutes a separate development area except that all or part of contiguous designated countries may be denoted as a development area by regulations prescribed by the Secretary.

The application of section 986(f) may be illustrated by the following example:

During 1965, A, an eligible investor, owns all of the issued and outstanding stock of X, an eligible enterprise which is manufacturing automobiles in city F

of country M. A also owns 50 percent of the issued and outstanding stock of Y, a corporation which is not an eligible enterprise but is also manufacturing automobiles in city G of country N. Cities F and G are contiguous and countries M and N are contiguous and on January 1, 1965, regulations are in effect denoting these two cities as a development region for purposes of subpart H. During 1965, A makes a creditable investment of \$10,000 in X and receives a credit under section 39 in the amount of \$3,000. On January 1, 1966, A receives a distribution of property within the meaning of section 986(a)(4) in the amount of \$5,000 from Y. A is considered to have withdrawn property from X and, assuming no other events affect the credit during 1966, there will be a recapture of \$1,500 of credit and A's tax liability for 1966 will be increased in that amount.

(g) *Cross references.*—Subsection (g) of section 986 provides three cross references. The term "dividend" is to be defined in accordance with section 316, the term "indebtedness" in accordance with section 984(c), and the term "earnings and profits" in accordance with section 984(e).

SECTION 987. ADJUSTMENT TO BASIS

(a) *In general.*—Section 987 provides the rules for adjusting the basis of stock or indebtedness held by an eligible investor in an eligible enterprise. Because of the substantial nature of the credit allowed under section 39 for creditable new capital contributions, it was felt that amount should not be allowed again as a tax-free return of capital upon the disposition of the stock or indebtedness. For this reason, a basis adjustment is required. On the other hand, to the extent that the credit relates to reinvested earnings, the double benefit effect is already minimized by the requirement that only one-half of the increase in accumulated earnings can qualify for the credit. Therefore, no basis adjustment is required with regard to credits based on reinvested earnings. To the extent that any basis adjustment is made and subsequently all or a part of the credit allowed is recaptured, the basis is then adjusted upward. However, in no event will the basis be adjusted upward more than the amount of any previous reductions under this section.

(b) *Order of adjustments.*—Under paragraph (2) of section 987(a), a priority exists for the manner of making both increases and decreases in basis. The adjustment for a reduction is first in the basis of any stock (including rights to subscribe for or to receive stock) owned directly by the eligible investor in the eligible enterprise, until all of such basis is eliminated, next to any indebtedness (other than open accounts) owned in the eligible enterprise, and finally to reduce the basis of any open accounts. Upon an increase, the order is reversed starting with open accounts, next to other forms of indebtedness, and finally to stock and rights to acquire stock which the eligible investor owns in the eligible enterprise.

(c) *Tax-free transactions.*—Paragraph (1) of section 987(b) provides that irrespective of sections 332 and 361, if a corporation acquires stock or securities from another corporation in a transaction to which section 381(a) applies, gain or loss is recognized to the transferor to the extent of any adjustment or adjustments theretofore made in the basis of such stock or indebtedness. Under paragraph (2) of section 987(b), however, an exception is made to the foregoing rule if the transferor receives in exchange stock or indebtedness whose basis in its hands is determined in whole or in part by reference to the basis of the transferred stock or indebtedness. In the case of an electing small business corporation or a partnership which is an eligible investor in an eligible enterprise, the basis adjustments required by section 987 are allocated between the basis of stock or indebtedness owned by such investors in the enterprise and the basis of the interests in the partnership or electing small business corporation owned by the shareholders or partners pursuant to rules which will be set forth in regulations prescribed by the Secretary or his delegate.

SECTION 988. RELATED PERSON DEFINED

(a) *Definition.*—For purposes of subpart H, a related person with respect to an eligible investor is any corporation, other than the eligible enterprise, in which such investor owns or is deemed to own, under the ownership rules of subparagraphs (B) and (C) of section 986(f)(2), stock representing at least 25 percent of the total combined voting power of all classes of stock in such corporation, and any grandparent, parent, spouse, child, or grandchild of an individual who is an eligible investor. Any person other than the foregoing shall be an unrelated person.

SECTION 989. MISCELLANEOUS PROVISIONS

(a) *Principal purpose.*—Under paragraph (1) of section 989(a), if an eligible investor engages in any transaction a principal purpose of which is to avoid an increase in taxes which would otherwise be imposed by reason of a withdrawal of property from an eligible enterprise by or with respect to such investor, such investor shall not, by virtue of such transaction, avoid such an increase in tax. This rule is intended to prevent tax avoidance through transactions which are artificial in nature and which are entered principally to escape the recapture provisions of sections 985 and 986. For example, the recapture provisions of section 985 apply to dispositions by an eligible investor of stock or indebtedness which such investor owns in an eligible enterprise. However, an increase in tax liability as a result of such disposition occurs only where the investor has obtained a credit under section 39 in one of the 5 years immediately preceding the taxable year in which the disposition occurs. Thus, an eligible investor might attempt to avoid the application of the recapture rules and still, in effect, dispose of stock or an indebtedness in an eligible enterprise within 5 years following a transaction which resulted in a credit under section 39 by making the disposition appear to be a security transaction. For example, an investor who wants to sell his stock but who does not want to be subject to the recapture provisions, might, instead of making such a sale, enter an arrangement whereby he borrows money on the security of such stock, which money is not repayable under the terms of the loan agreement until more than 5 years later, with a clear understanding between the lender and the borrower that upon the date when repayment is due, such lender will not be so repaid but will foreclose the pledge and accept the stock in satisfaction of repayment of the loan. Although there was not technically a disposition within the recapture period, the transaction will, under this paragraph be treated as what it really was—a sale of the stock to the lender on the date the money was borrowed.

As has been previously indicated, the credit is intended to be limited to the commitment of additional capital to less developed countries. Thus, cash used to purchase stock from a stockholder in an existing enterprise does not result in a credit since such purchase does not constitute a creditable new capital contribution under section 984(b). Under paragraph (2) of section 989(a), if an eligible investor attempts to circumvent the intentment of the statute either by entering a transaction in which, instead of purchasing the stock of an enterprise from an existing stockholder, such investor contributes money to the enterprise and such money is used to redeem or retire stock or indebtedness owned by such shareholder in the enterprise, or if money is contributed to a new enterprise to allow such enterprise to purchase the assets of or stock in an enterprise then engaged in the active conduct of a trade or business in a designated country, which existing enterprise then redeems the stock of its shareholders, the investor making these money contributions will not obtain a credit as a result of such transactions.

(b) *Recordkeeping requirements.*—Paragraph (1) of section 989(b) gives the Secretary of the Treasury, or his delegate, the authority to require, by regulations, each person who is, or has been, an eligible investor to maintain the records and furnish the information required, at the time and in the manner, prescribed in regulations.

Under paragraph (2) of section 989(b), if two or more persons are required to maintain the same records or to furnish the same information under the aforementioned regulations, the furnishing of such information by one of such eligible investors will satisfy the requirements under paragraph (1) for all such other persons who would otherwise have to file the information.

Under paragraph (3) of section 989(b), no information may be required with respect to an eligible enterprise for any taxable year of an eligible investor unless such information was required to be furnished under regulations in effect on the first day of such taxable year.

If an eligible investor fails to furnish the information required within the time prescribed in paragraph (1), and if such failure continues more than 90 days after notice by the Secretary or his delegate to such eligible investor, under paragraph (4) of section 989(b) such investor shall cease to be eligible as of the first day of his taxable year for which such information is required. In determining the beginning of the 90-day period after notice by the Secretary, it shall be treated as being no earlier than the last day on which (as shown to the satisfaction of the Secretary or his delegate) reasonable cause existed for failure to furnish such information.

(c) *Technical amendment.*—Subsection (d) of section 2 of the bill amends section 1016(a) of the 1954 code, relating to adjustments to basis, by adding

a new paragraph 20 thereto. Under the new section 1016(a)(2), an adjustment must be made to the basis of stocks or indebtedness to the extent required by section 987(a).

(d) *Effective date.*—The effective date of subpart H and new section 39 is set forth in section (e) of the investment credit bill. The act applies to creditable new capital contributions made by an eligible investor on or after March 19, 1964, and on or before January 1, 1969. In addition, the act applies to the increase in creditable earnings and profits of an eligible enterprise for its taxable years beginning on or after January 1, 1964, and ending before (but not on) December 31, 1970. These effective dates may be extended with respect to any designated country for an additional period of up to 5 years by a treaty obligation of the United States ratified on or before December 31, 1968, or, in the event that such a treaty obligation cannot be ratified by that date, the date within which such a treaty may be ratified may be extended 1 year, by an Executive agreement executed by the President after 30 days' notice to the Senate and to the House of Representatives of his intention to authorize such an extension.

It should be recognized that the purpose of these effective date provisions is to determine the period in which a creditable investment may be made. It is possible for there to be both a credit obtained under section 39 and for there to be a recapture of credit under sections 985 and 986, even though such credit or recapture occurs after the effective date. In other words, if an eligible investor makes a creditable investment in an eligible enterprise before the end of the effective date periods set forth in section (e), but obtains no credit because of the operation of the limitation set forth in section 981(b), and subsequent to end of the effective period acquires section 981 property sufficient to allow the entire credit to be used, such investor will receive a credit under section 39. Moreover, if an eligible investor who has been allowed a credit under section 39 withdraws property from an eligible enterprise after the end of effective period has passed but within 5 years from the time credits were obtained under section 39, section 985 will operate to recapture so much of the credit as relates to the investment withdrawn.

AN ACT To amend further the Foreign Assistance Act of 1961, as amended, and for other purposes

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foreign Assistance Act of 1964".

PART I

CHAPTER 2—DEVELOPMENT ASSISTANCE

TITLE II—TECHNICAL COOPERATION AND DEVELOPMENT GRANTS

SEC. 101. Title II of chapter 2 of part I of the Foreign Assistance Act of 1961, as amended, which relates to development grants and technical cooperation, is hereby amended as follows:

(a) Amend the title heading to read as follows: "Technical Cooperation and Development Grants".

(b) Amend section 212, which relates to authorization, by striking out "1964" and "\$220,000,000" and substituting "1965" and "\$224,600,000", respectively.

(c) Amend section 214(c), which relates to American schools and hospitals abroad, by striking out "1964, \$19,000,000" and substituting "1965, \$18,000,000", and by striking out the second sentence.

(d) Amend section 216(a), which relates to voluntary agencies, by inserting after "ports" the first time it appears, the words "or, in the case of excess or surplus property supplied by the United States, from foreign ports".

TITLE III—INVESTMENT GUARANTIES

SEC. 102. Title III of chapter 2 of part I of the Foreign Assistance Act of 1961, as amended, which relates to investment guaranties, is hereby amended as follows:

(a) Amend section 221(b)(2), which relates to general authority, as follows:

(1) Strike out "\$180,000,000" in the third proviso and substitute "\$300,000,000".

(2) Strike out "1965" in the last proviso and substitute "1966".

(b) Amend section 224, which relates to housing projects in Latin American countries, by striking out "\$150,000,000" and substituting "\$250,000,000".

TITLE IV—SURVEYS OF INVESTMENT OPPORTUNITIES

SEC. 103. Section 232 of the Foreign Assistance Act of 1961, as amended, which relates to surveys of investment opportunities, is amended by striking out "1963" and "\$2,000,000" and substituting "1965" and "\$2,100,000", respectively.

TITLE VI—ALLIANCE FOR PROGRESS

SEC. 104. Section 252 of the Foreign Assistance Act of 1961, as amended which relates to the Alliance for Progress, is amended by striking out in the first sentence the words beginning with "of the funds" the first time they appear through the words "fiscal year 1964" and substituting "in each of the fiscal years 1963 and 1964 and \$85,000,000 in fiscal year 1965 of the funds appropriated pursuant to this section for use beginning in each such fiscal year".

CHAPTER 3—INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 105. Section 302 of the Foreign Assistance Act of 1961, as amended, which relates to international organizations and programs, is amended by striking out "1964" and "\$136,050,000" and substituting "1965" and "\$134,400,000", respectively.

CHAPTER 4—SUPPORTING ASSISTANCE

SEC. 106. Section 402 of the Foreign Assistance Act of 1961, as amended, which relates to supporting assistance, is amended by striking out "1964" and "\$380,000,000" and substituting "1965" and "\$335,000,000", respectively.

CHAPTER 5—CONTINGENCY FUND

SEC. 107. Section 451 of the Foreign Assistance Act of 1961, as amended, which relates to the contingency fund, is amended by striking out "1964" and "\$160,000,000" and substituting "1965" and "\$150,000,000", respectively.

PART II

CHAPTER 2—MILITARY ASSISTANCE

SEC. 201. Chapter 2 of part II of the Foreign Assistance Act of 1961, as amended, which relates to military assistance, is amended as follows:

(a) Amend section 503, which relates to general authority, as follows:

- (1) In subsection (c) strike out "and" at the end thereof and in subsection (d) strike out the period at the end thereof and substitute "; and".

- (2) Add the following new subsection (e):

"(e) guarantying, insuring, coinsuring and reinsuring any individual, corporation, partnership or other association doing business in the United States against political and credit risks of non-payment arising in connection with credit sales financed by such individual, corporation, partnership or other association for defense articles and defense services procured in the United States by such friendly country or international organization."

(b) Amend section 504(a), which relates to authorization, as follows:

- (1) Strike out "for use beginning in fiscal year 1964" and substitute "such amounts as may from time to time be necessary".

- (2) Strike out "not to exceed \$1,000,000,000, which" and substitute "which amounts".

- (3) At the end thereof add the following new sentence: "In presenting requests to the Congress for authorizations for appropriations for fiscal year 1966 and each fiscal year thereafter to carry out other programs under this Act, the President shall also present the program proposed to be carried out from funds appropriated pursuant to the authorization contained in this section for the respective fiscal year."

(c) Amend section 507(b), which relates to sales, by inserting after "are due" at the end of the first sentence the following: "Provided, That the President may, when he determines it to be in the national interest, accept a dependable undertaking to make full payment within 120 days after delivery of the defense articles, or the rendering of the defense services, and appropriations available to the Department of Defense may be used to meet the payments required by the contracts and shall be reimbursed by the amounts subsequently received from the country or international organization".

(d) Amend section 509, which relates to exchanges, as follows:

(1) The section heading is amended to read as follows: "Exchanges and Guaranties".

(2) After the section heading insert "(a)".

(3) Add the following new subsection (b):

"(b) In issuing guaranties, insurance, coinsurance, and reinsurance, the President may enter into contracts with exporters, insurance companies, financial institutions, or others, or groups thereof, and where appropriate may employ any of the same to act as agent in the issuance and servicing of such guaranties, insurance, coinsurance, and reinsurance, and the adjustment of claims arising thereunder. Fees and premiums shall be charged in connection with contracts of guaranty, insurance, coinsurance, and reinsurance. Obligations shall be recorded against the funds available for credit sales under this part in an amount not less than 25 per centum of the contractual liability related to any guaranty, insurance, coinsurance, and reinsurance issued pursuant to this part and the funds so obligated together with fees and premiums shall constitute a single reserve for the payment of claims under such contracts. Any guaranties, insurance, coinsurance, and reinsurance issued pursuant to this part shall be considered contingent obligations backed by the full faith and credit of the United States of America."

(e) Section 510(a), which relates to special authority, is amended by striking out "1964" in the first and second sentences thereof and substituting "1965".

(f) Section 512, which relates to restrictions on military aid to Africa, is amended by striking out "1964" and substituting "1965".

PART III

CHAPTER 1—GENERAL PROVISIONS

SEC. 301. Chapter 1 of part III of the Foreign Assistance Act of 1961, as amended, which relates to general provisions, is amended as follows:

In section 620(m), relating to prohibitions on furnishing assistance to Cuba and certain other countries, after "during" insert "each" and also strike out "1964" and "\$1,000,000" and substitute for the latter "\$500,000".

CHAPTER 2—ADMINISTRATIVE PROVISIONS

SEC. 302. Chapter 2 of part III of the Foreign Assistance Act of 1961, as amended, which relates to administrative provisions, is amended as follows:

(a) Amend section 625, which relates to employment of personnel, as follows:

(1) In subsection (d)(2) in the third proviso strike out "more than thirty persons in the aggregate" and substitute "the assignment to such duty of more than thirty persons at any one time".

(2) Subsection (e) is amended to read as follows:

"(e) The President is authorized to prescribe by regulation standards or other criteria for maintaining adequate performance levels for personnel employed or assigned to perform duties pursuant to this Act and may, notwithstanding any other provision of this or any other law, but subject to an appropriate administrative appeal, separate personnel who fail to meet such standards or other criteria, other than personnel employed under sections 624(d), 625(b), 625(k), 626(a) or 631 of this Act, and also may grant personnel separated hereunder severance benefits of one month's salary for each year's service, but not to exceed one year's salary at the then current salary rate of such personnel."

(3) Add the following new subsection (j):

"(j) The President is authorized, at any time during the two year period commencing on the effective date of the Foreign Assistance Act of 1964, to separate, notwithstanding any other provision of this or any other law, any person employed or assigned to perform duties pursuant to this Act. The authority contained in this subsection shall not apply to persons with General Schedule appointments of Grade 12 or below, Foreign Service Reserve appointments of Class 5 or below or Foreign Service Staff appointments of Class 3 or below or to persons employed under section 624(d) of this Act. The aggregate number of persons separated under this subsection shall not exceed 100 in any twelve month period."

(4) Add the following new subsection (k):

"(k) The President may appoint or assign a United States citizen to be representative of the United States to the Inter-American Economic and Social Council and to be United States representative to the Inter-American

Committee on the Alliance for Progress and, in his discretion, may terminate such appointment or assignment, notwithstanding any other provision of law. Such person may be compensated at a rate not to exceed that authorized for a chief of mission, class 2, within the meaning of the Foreign Service Act of 1946, as amended."

(b) Amend section 626, which relates to experts, consultants and retired officers, as follows:

(1) Subsection (a) is amended by striking out "\$75" and substituting "\$100".

(2) Subsection (c) is amended by striking out the words "Career Compensation Act of 1949, as amended (37 U.S.C. 231 et seq.)" and substituting "section 101(3) of title 37 of the United States Code".

(c) Amend section 637(a), which relates to administrative expenses, by striking out "1964" and "\$54,000,000" and substituting "1965" and "\$52,500,000", respectively.



88TH CONGRESS
2D SESSION

S. 2659

IN THE SENATE OF THE UNITED STATES

MARCH 19 (legislative day, MARCH 9), 1964

Mr. FULBRIGHT introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To provide for technical cooperation and development grants to less developed friendly countries and areas, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That title II of chapter 2 of part I of the Foreign As-
4 sistance Act of 1961, as amended, which relates to develop-
5 ment grants and technical cooperation, is hereby amended as
6 follows:

7 (a) Amend the title heading to read as follows: "Tech-
8 nical Cooperation and Development Grants".

9 (b) Amend section 212, which relates to authorization,

1 by striking out “1964” and “\$220,000,000” and substitut-
2 ing “1965” and “\$224,600,000”, respectively.

3 (c) Amend section 214 (c), which relates to American
4 schools and hospitals abroad, by striking out “1964, \$19,-
5 000,000” and substituting “1965, \$18,000,000”, and by
6 striking out the second sentence.

7 (d) Amend section 216 (a), which relates to voluntary
8 agencies, by inserting after “ports” the first time it appears,
9 the words “or, in the case of excess or surplus property sup-
10 plied by the United States, from foreign ports”.

A BILL

To provide for technical cooperation and development grants to less developed friendly countries and areas, and for other purposes.

By Mr. FULBRIGHT

MARCH 19 (legislative day, MARCH 9), 1964
Read twice and referred to the Committee on
Foreign Relations

88TH CONGRESS
2D SESSION

H. R. 10502

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 1964

Mr. MORGAN introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Foreign Assistance Act
4 of 1964".

PART I

CHAPTER 2—DEVELOPMENT ASSISTANCE

TITLE II—TECHNICAL COOPERATION AND DEVELOPMENT
GRANTS

SEC. 101. Title II of chapter 2 of part I of the Foreign Assistance Act of 1961, as amended, which relates to development grants and technical cooperation, is hereby amended as follows:

(a) Amend the title heading to read as follows: “Technical Cooperation and Development Grants”.

(b) Amend section 212, which relates to authorization, by striking out “1964” and “\$220,000,000” and substituting “1965” and “\$224,600,000”, respectively.

(c) Amend section 214 (c), which relates to American schools and hospitals abroad, by striking out “1964, \$19,000,000” and substituting “1965, \$18,000,000”, and by striking out the second sentence.

(d) Amend section 216 (a), which relates to voluntary agencies, by inserting after “ports” the first time it appears, the words “or, in the case of excess or surplus property supplied by the United States, from foreign ports”.

TITLE III—INVESTMENT GUARANTIES

SEC. 102. Title III of chapter 2 of part I of the Foreign Assistance Act of 1961, as amended, which relates to investment guaranties, is hereby amended as follows:

(a) Amend section 221 (b) (2), which relates to general authority, as follows:

(1) Strike out “\$180,000,000” in the third proviso and substitute “\$300,000,000”.

(2) Strike out “1965” in the last proviso and substitute “1966”.

(b) Amend section 224, which relates to housing projects in Latin American countries, by striking out “\$150,000,000” and substituting “\$250,000,000”.

TITLE IV—SURVEYS OF INVESTMENT OPPORTUNITIES

SEC. 103. Section 232 of the Foreign Assistance Act of 1961, as amended, which relates to surveys of investment opportunities, is amended by striking out “1963” and “\$2,000,000” and substituting “1965” and “\$2,100,000”, respectively.

1 TITLE VI—ALLIANCE FOR PROGRESS

2 SEC. 104. Section 252 of the Foreign Assistance Act of
3 1961, as amended, which relates to the Alliance for Progress,
4 is amended by striking out in the first sentence the words
5 beginning with “of the funds” the first time they appear
6 through the words “fiscal year 1964” and substituting “in
7 each of the fiscal years 1963 and 1964 and \$85,000,000
8 in fiscal year 1965 of the funds appropriated pursuant to this
9 section for use beginning in each such fiscal year”.

10 CHAPTER 3—INTERNATIONAL ORGANIZATIONS AND
11 PROGRAMS

12 SEC. 105. Section 302 of the Foreign Assistance Act
13 of 1961, as amended, which relates to international organi-
14 zations and programs, is amended by striking out “1964”
15 and “\$136,050,000” and substituting “1965” and “\$134,-
16 400,000”, respectively.

17 CHAPTER 4—SUPPORTING ASSISTANCE

18 SEC. 106. Section 402 of the Foreign Assistance Act
19 of 1961, as amended, which relates to supporting assistance,
20 is amended by striking out “1964” and “\$380,000,000”
21 and substituting “1965” and “\$335,000,000”, respectively.

CHAPTER 5—CONTINGENCY FUND

SEC. 107. Section 451 of the Foreign Assistance Act of 1961, as amended, which relates to the contingency fund, is amended by striking out “1964” and “\$160,000,000” and substituting “1965” and “\$150,000,000”, respectively.

PART II

CHAPTER 2—MILITARY ASSISTANCE

SEC. 201. Chapter 2 of part II of the Foreign Assistance Act of 1961, as amended, which relates to military assistance, is amended as follows:

(a) Amend section 503, which relates to general authority, as follows:

(1) In subsection (c) strike out “and” at the end thereof and in subsection (d) strike out the period at the end thereof and substitute “; and”.

(2) Add the following new subsection (e) :

“(e) guarantying, insuring, coinsuring and reinsuring any individual, corporation, partnership or other association doing business in the United States against political and credit risks of nonpayment arising in connection with credit

1 sales financed by such individual, corporation, partnership
2 or other association for defense articles and defense services
3 procured in the United States by such friendly country or
4 international organization.”

5 (b) Amend section 504 (a) , which relates to authoriza-
6 tion, as follows:

7 (1) Strike out “for use beginning in fiscal year 1964”
8 and substitute “such amounts as may from time to time be
9 necessary”.

10 (2) Strike out “not to exceed \$1,000,000,000, which”
11 and substitute “which amounts”.

12 (3) At the end thereof add the following new sentence:
13 “In presenting requests to the Congress for authorizations
14 for appropriations for fiscal year 1966 and each fiscal year
15 thereafter to carry out other programs under this Act, the
16 President shall also present the program proposed to be
17 carried out from funds appropriated pursuant to the author-
18 ization contained in this section for the respective fiscal
19 year.”

20 (c) Amend section 507 (b) , which relates to sales, by
21 inserting after “are due” at the end of the first sentence the
22 following: “: *Provided*, That the President may, when he
23 determines it to be in the national interest, accept a depend-
24 able undertaking to make full payment within one hundred
25 and twenty days after delivery of the defense articles, or the

1 rendering of the defense services, and appropriations avail-
2 able to the Department of Defense may be used to meet the
3 payments required by the contracts and shall be reimbursed
4 by the amounts subsequently received from the country or
5 international organization”.

6 (d) Amend section 509, which relates to exchanges, as
7 follows:

8 (1) The section heading is amended to read as follows:
9 “Exchanges and Guaranties.”

10 (2) After the section heading insert “(a)”.

11 (3) Add the following new subsection (b) :

12 “(b) In issuing guaranties, insurance, coinsurance, and
13 reinsurance, the President may enter into contracts with ex-
14 porters, insurance companies, financial institutions, or others,
15 or groups thereof, and where appropriate may employ any of
16 the same to act as agent in the issuance and servicing of such
17 guaranties, insurance, coinsurance, and reinsurance, and the
18 adjustment of claims arising thereunder. Fees and premiums
19 shall be charged in connection with contracts of guaranty,
20 insurance, coinsurance, and reinsurance. Obligations shall be
21 recorded against the funds available for credit sales under this
22 part in an amount not less than 25 per centum of the con-
23 tractual liability related to any guaranty, insurance, coinsur-
24 ance, and reinsurance issued pursuant to this part and the
25 funds so obligated together with fees and premiums shall con-

1 stitute a single reserve for the payment of claims under such
2 contracts. Any guaranties, insurance, coinsurance, and re-
3 insurance issued pursuant to this part shall be considered con-
4 tingent obligations backed by the full faith and credit of the
5 United States of America.”

6 (e) Section 510 (a), which relates to special authority,
7 is amended by striking out “1964” in the first and second
8 sentences thereof and substituting “1965”.

9 (f) Section 512, which relates to restrictions on military
10 aid to Africa, is amended by striking out “1964” and sub-
11 stituting “1965”.

12 PART III

13 CHAPTER 1—GENERAL PROVISIONS

14 SEC. 301. Chapter 1 of part III of the Foreign Assist-
15 ance Act of 1961, as amended, which relates to general pro-
16 visions, is amended as follows:

17 In section 620 (m), relating to prohibitions on furnishing
18 assistance to Cuba and certain other countries, after “during”
19 insert “each” and also strike out “1964” and “\$1,000,000”
20 and substitute for the latter “\$500,000”.

21 CHAPTER 2—ADMINISTRATIVE PROVISIONS

22 SEC. 302. Chapter 2 of part III of the Foreign Assist-
23 ance Act of 1961, as amended, which relates to administra-
24 tive provisions, is amended as follows:

1 (a) Amend section 625, which relates to employment
2 of personnel, as follows:

3 (1) In subsection (d) (2) in the third proviso strike
4 out "more than thirty persons in the aggregate" and substi-
5 tute "the assignment to such duty of more than thirty per-
6 sons at any one time".

7 (2) Subsection (e) is amended to read as follows:

8 "(e) The President is authorized to prescribe by regu-
9 lation standards or other criteria for maintaining adequate
10 performance levels for personnel employed or assigned to
11 perform duties pursuant to this Act and may, notwithstand-
12 ing any other provision of this or any other law, but subject
13 to an appropriate administrative appeal, separate personnel
14 who fail to meet such standards or other criteria, other than
15 personnel employed under sections 624 (d), 625 (b), 625
16 (k), 626 (a) or 631 of this Act, and also may grant person-
17 nel separated hereunder severance benefits of one month's
18 salary for each year's service, but not to exceed one year's
19 salary at the then current salary rate of such personnel."

20 (3) Add the following new subsection (j) :

21 "(j) The President is authorized, at any time during
22 the two year period commencing on the effective date of
23 the Foreign Assistance Act of 1964, to separate, notwith-
24 standing any other provision of this or any other law, any

1 person employed or assigned to perform duties pursuant to
2 this Act. The authority contained in this subsection shall
3 not apply to persons with General Schedule appointments of
4 Grade 12 or below, Foreign Service Reserve appointments
5 of Class 5 or below or Foreign Service Staff appointments
6 of Class 3 or below or to persons employed under section
7 624 (d) of this Act. The aggregate number of persons
8 separated under this subsection shall not exceed one hundred
9 in any twelve month period.”

10 (4) Add the following new subsection (k) :

11 “(k) The President may appoint or assign a United
12 States citizen to be representative of the United States to
13 the Inter-American Economic and Social Council and to be
14 United States representative to the Inter-American Com-
15 mittee on the Alliance for Progress and, in his discretion,
16 may terminate such appointment or assignment, notwith-
17 standing any other provision of law. Such person may be
18 compensated at a rate not to exceed that authorized for a
19 chief of mission, class 2, within the meaning of the Foreign
20 Service Act of 1946, as amended.”

21 (b) Amend section 626, which relates to experts, con-
22 sultants and retired officers, as follows:

23 (1) Subsection (a) is amended by striking out “\$75”
24 and substituting “\$100”.

25 (2) Subsection (c) is amended by striking out the

1 words "Career Compensation Act of 1949, as amended (37
2 U.S.C. 231 et seq.)" and substituting "section 101(3) of
3 title 37 of the United States Code".

4 (c) Amend section 637(a), which relates to adminis-
5 trative expenses, by striking out "1964" and "\$54,000,000"
6 and substituting "1965" and "\$52,500,000", respectively.

88TH CONGRESS
2D SESSION

H. R. 10502

A BILL

To amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

By Mr. MORGAN

MARCH 19, 1964

Referred to the Committee on Foreign Affairs



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 88th CONGRESS, SECOND SESSION

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No. 51

Senate

(Legislative day of Monday, March 9, 1964)

The Senate met at 11 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. METCALF].

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O God, our Father: For this sacramental moment, closing the doors to a noisy world full of terror and alarm, we enter this pavilion of quietness and peace, to acknowledge our utter dependence upon Thee—Thou who hast made us in Thy image and for Thyself.

Forgive us for smug satisfaction with ourselves and for our cynical contempt of others. Purge our minds of prejudices out of which we make walls separating us from our fellow man. Cleanse our hearts of the uncleanness which blinds our eyes to the splendor of spiritual verities—for we know that it is only the pure in heart who can see Thee.

So may we be more worthy to belong to the one great family of Thy children and to take our place at the common table of humanity where the bread of fellowship is broken and the wine of sacrifice is shared.

And Thine shall be the kingdom, and the power, and the glory. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, March 18, 1964, was dispensed with.

MESSAGES FROM THE PRESIDENT— APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that the President had approved and signed the following acts:

On March 17, 1964:

S. 1561. An act to amend the Federal Employees Health Benefits Act of 1959 to remove certain inequities in the application of such act, to improve the administration thereof, and for other purposes; and

S. 2455. An act to amend further the Peace Corps Act (75 Stat. 612), as amended.

On March 18, 1964:

S. 1964. An act to amend the District of

Columbia Traffic Act, 1925, as amended, to increase the fee charged for learners' permits.

FOREIGN ASSISTANCE—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 250)

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying papers, was referred to the Committee on Foreign Relations:

To the Congress of the United States:

The most important ingredient in the development of a nation is neither the amount nor the nature of foreign assistance. It is the will and commitment of the government and people directly involved.

To those nations which do commit themselves to progress under freedom, help from us and from others can provide the margin of difference between failure and success.

This is the heart of the matter.

The proposals contained in this message express our self-interest at the same time that they proclaim our national ideals.

We will be laying up a harvest of woe for us and our children if we shrink from the task of grappling in the world community with poverty and ignorance.

These are the grim recruiting sergeants of communism.

They flourish wherever we falter. If we default on our obligations, communism will expand its ambitions.

That is the stern equation which dominates our age, and from which there can be no escape in logic or in honor.

NO WASTE, NO RETREAT

It is against our national interest to tolerate waste or inefficiency or extravagance in any of these programs. But it is equally repugnant to our national interest to retreat from our obligations and commitments while freedom remains under siege.

We recognize that the United States cannot and should not sustain the burden of these programs alone.

Other nations are needed in this enterprise of mutual help. Encouraging

signs exist that the process of sharing the burden is steadily growing.

The best way for the United States to stimulate this growth and to broaden this partnership in freedom is to make our own example an incentive to our friends and allies.

We need the assurance of stability and progress in a world restless with many dangers and anxieties.

PRUDENT AND RESPONSIBLE PROGRAMS

In this program we do not seek to cover the whole world. Aid on a worldwide scale is no part of our purpose.

We seek instead, through prudent and responsible programs, to help carefully selected countries whose survival in freedom is essential—and whose collapse would bring new opportunities for Communist expansion.

There are no easy victories in this campaign. But there can be sudden disasters. We cannot ask for a reprieve from responsibility while freedom is in danger. The vital interests of the United States require us to stay in the battle. We dare not desert.

Economic and military assistance, used at the right time and in the right way, can provide indispensable help to our foreign policy in enabling the United States to influence events instead of merely reacting to them. By committing a small part of our resources before crises actually occur, we reduce the danger and frequency of those crises.

Our foresight becomes a shield against misfortune.

The recommendations contained in this program for fiscal year 1965 are designed to move the aid program in that direction.

They reflect views and experience of the Congress, of the executive branch, and of informed private citizens.

FIVE FUNDAMENTAL CONCEPTS FOR A SUCCESSFUL PROGRAM

First. The request for funds must be realistic.

For economic assistance, new authorizations of \$917 million for fiscal 1965 are recommended. Specifically, I recommend \$335 million for supporting assistance, \$225 million for technical cooperation, \$134 million for contributions to international organizations, \$150 mil-

lion for the President's contingency fund, and \$73 million for administrative and miscellaneous expenses.

For military assistance, I recommend that the Congress provide a continuing authorization, subject to an annual review of each year's proposals by the authorizing committees in both Houses.

For fiscal 1965, I recommend no additional authorizations for the Alliance for Progress or for development lending assistance in Asia or Africa. Existing authorizations for these programs are adequate.

The appropriations recommended for fiscal 1965 total \$1 billion for military assistance and \$2.4 billion for economic assistance.

In fiscal 1964, the initial request was \$4.9 billion, later reduced to \$4.5 billion.

This fiscal year, the request of \$3.4 billion is \$1.1 billion less than last year's request, although about the same as was available last year, taking into consideration the unexpended balance from the year before.

Moreover, more than 80 percent of aid funds will be spent in the United States. The impact of the program on our balance of payments will be less than ever before.

INSURANCE TO AVOID COMMITTING AMERICAN MEN TO WAR

These requests reflect a determination to continue to improve the aid program both in concept and administration. The overall request represents a great deal of money—but it is an amount which we should, in all prudence, provide to serve essential U.S. interests and commitments throughout the world.

More than 1 million American men in uniform are now stationed outside the United States. As insurance to avoid involving them and the Nation in a major conflict, we propose to spend through aid programs less than 4 cents out of every tax dollar.

If there is any alternative insurance against war, it might be found in an increase in the defense budget. But that would require not only many times more than \$3.4 billion, for a military budget which already takes more than 50 cents out of every tax dollar, but also a severalfold increase in our own military manpower.

The foreign assistance requested will provide:

The crucial assistance we have promised the people of Latin America who are committed to programs of economic and social progress.

Continued economic development in India, Pakistan, and Turkey under the major international aid-consortia to which we are a party.

The U.S. share of voluntary contributions to the United Nations technical cooperation programs and to such special international programs as the work of the United Nations Children's Fund, and the development of the Indus Basin.

Funds to meet our commitments to the freedom of the people of South Vietnam, Korea, and for the other obligations we have undertaken in Asia and Africa.

Second. The funds I am requesting will be concentrated where they will

produce the best results, and speed the transition from U.S. assistance to self-support wherever possible.

Two-thirds of the proposed military assistance will go to 11 nations along the periphery of the Sino-Soviet bloc, from Greece and Turkey through Thailand and Vietnam to the Republic of China and Korea. These funds are a key to the maintenance of over 3.5 million men under arms, raised and supported in large measure by the countries receiving the assistance.

The need for supporting assistance—funds used primarily in countries facing defense or security emergencies—will continue to be reduced. Fourteen countries which received supporting assistance 3 years ago will receive none in fiscal year 1965.

Four-fifths of the present request will go to four countries: Korea, Vietnam, Laos, and Jordan.

Two-thirds of the development lending proposed for fiscal 1965—including Alliance for Progress lending—will be concentrated in six countries: Chile, Colombia, Nigeria, Turkey, Pakistan, and India.

Funds for educational and technical cooperation—to help start schools, health centers, agricultural experiment stations, credit services, and dozens of other institutions—are not concentrated in a few countries. But they will be used for selected projects to raise the ability of less fortunate peoples to meet their own needs. To carry out these projects we are seeking the best personnel available in the United States—in private agencies, in universities, in State and local governments, and throughout the Federal Government.

Wherever possible, we will speed up the transition from reliance on aid to self-support.

In 17 nations, the transition has been completed and economic aid has ended. Fourteen countries are approaching the point where soft economic loans and grants will no longer be needed. New funds for military equipment grants are being requested for seven fewer countries for fiscal 1965 than for the present year.

Third. We must do more to utilize private initiative in the United States—and in the developing countries—to promote economic development abroad.

During the past year:

The first new houses financed by U.S. private funds protected by AID guarantees were completed in Lima, Peru.

The first rural electrification surveys, conducted by the National Rural Electric Cooperative Association under contract to AID, were completed and the first rural electrification loan—in Nicaragua—was approved.

The first arrangement linking the public and private resources of one of our States to a developing country was established between California and Chile.

This effort must be expanded.

Accordingly, we are encouraging the establishment of an Executive Service Corps. It will provide American businessmen with an opportunity to furnish, on request, technical and managerial advice to businessmen in developing countries.

During the present year, the possibilities for mobilizing increased private resources for the development task will be developed by the Advisory Committee on Private Enterprise in Foreign Aid established under the Foreign Assistance Act of 1963.

In this connection, two specific legislative steps are recommended:

First, legislation to provide a special tax credit for private investment by U.S. businessmen in less developed countries; second, additional authority for a final installment of the pilot program of guaranteeing private U.S. housing investments in Latin America.

Fourth. We will continue to seek greater international participation in aid.

Other free world industrial countries have increased their aid commitments since the early 1950's. There are indications that further increases are in store. Canada recently announced that it expects to increase its aid expenditures by 50 percent next year. A 1963 British white paper and a French official report published in January 1964 point in the same direction. Other nations have reduced interest rates and extended maturities on loans to developing countries.

Of major importance in this effort are the operations of the International Development Association. Under the agreement for replenishing the resources of this Association, which is now before the Congress for approval, other countries will put up more than \$1.40 for every dollar the United States provides to finance on easy terms development projects certified as sound by the World Bank—projects which the developing countries could not afford to pay for on regular commercial terms. This is international sharing in the aid effort at its best. For to the extent we furnish funds to IDA, and they are augmented by the contributions of others, the needs of developing countries are met, thus reducing the amounts required for our own bilateral aid programs.

Under the program before you the United States would be authorized to contribute \$312 million over a 3-year period. Against this other countries have pledged \$438 million which will be lost in the absence of the U.S. contribution. Action is needed now so that the Association may continue to undertake new projects even though the first appropriation will not be required until fiscal year 1966.

I urge the Congress to authorize U.S. participation in this continued IDA subscription.

Fifth. Let us insist on steadily increasing efficiency in assistance operations.

After careful study, I have decided to continue the basic organization of aid operations, established after intensive review in 1961. Economic assistance operations will continue to be centered in the Agency for International Development, military assistance operations in the Department of Defense. Both will be subject to firm foreign policy guidance from the Secretary of State.

STEPS TO INCREASE EFFICIENCY OF AID

One officer, Assistant Secretary of State Mann, has been assigned firm

policy control over all aspects of our activities in Latin America.

Full support will be given to the newly created Inter-American Alliance for Progress Committee which is designed to strengthen the aspect of partnership in the Alliance.

The AID Administrator has instructions to embark on a major program to improve the quality of his staff—and to reduce the total number of AID employees by 1,200 by the end of fiscal year 1965.

The AID Administrator has been directed to continue to consolidate AID missions with U.S. embassies and, wherever possible, to eliminate altogether separate AID field missions.

The Secretary of Defense has been directed to continue to make substantial reductions in the number of personnel assigned to military assistance groups and missions.

In this connection, I recommend two specific legislative steps:

First. Legislation to provide the AID Administrator with authority to terminate a limited number of supervisory and policymaking employees notwithstanding other provisions of law, and to extend the existing Foreign Service "selection out" authority to other personnel.

This is essential if the Administrator is to carry out my desire—and that of the Congress—that he improve the quality of the AID staff, and at the same time, reduce its total size.

Second. Legislation to permit outstanding U.S. representation on the Inter-American Alliance for Progress Committee under the leadership of Ambassador Teodoro Moscoso.

Finally, I am appointing a general Advisory Committee, as suggested by Senator COOPER and others, on foreign economic and military assistance problems. It will be composed of distinguished private citizens with varied backgrounds and will serve as a continuing source of counsel to me. In addition to its general responsibility the Committee will examine aid programs in individual countries. These reviews will be made by members of the Advisory Committee, augmented as necessary by additional persons. I would hope that at least four or five country reviews, including two or three in Latin America, will be completed in the present year.

A PROGRAM TO STRENGTHEN THE FAMILY OF THE FREE

I am convinced this program will enable the United States to live in a turbulent world with a greater measure of safety and of honor.

There is in our heart the larger and nobler hope of strengthening the family of the free, quite apart from our duty to disappoint the evil designs of the enemies of freedom.

We wish to build a world in which the weak can walk without fear and in which even the smallest nation can work out its own destiny without the danger of violence and aggression.

This program, based on the principle of mutual help, can make an essential contribution to these purposes and objectives which have guided our Nation

across the difficulties of these dangerous years.

I recommend this program to the judgment and the conscience of the Congress in the belief that it will enlarge the strength of the free world, aid in frustrating the ambitions of Communist imperialism, reduce the hazards of widespread conflict, and support the moral commitment of freemen everywhere to work for a just and peaceful world.

LYNDON B. JOHNSON.

THE WHITE HOUSE, March 19, 1964.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 1382. An act for the relief of John Gatzopli Overbeck and Mary Gatzopoulos Overbeck;

H.R. 1435. An act for the relief of Leon Llanos;

H.R. 1439. An act for the relief of Ioanna Ganas;

H.R. 1440. An act for the relief of Consuelo Alvarado de Corpus;

H.R. 1500. An act for the relief of Mrs. An Fu Wang Lee;

H.R. 2215. An act for the relief of E. A. Rolfe, Jr.;

H.R. 2229. An act for the relief of Louis Adler;

H.R. 3646. An act for the relief of Gordon Liu Brooks, Jackie Lee Brooks, and Tony Tsui Brooks;

H.R. 3654. An act for the relief of Paolo Armano;

H.R. 4871. An act for the relief of Glen C. Deits and others;

H.R. 5416. An act for the relief of Irene N. Halkias;

H.R. 5514. An act to direct the Secretary of the Interior to sell certain public lands in the State of Arizona;

H.R. 6034. An act for the relief of Robert L. Johnston;

H.R. 6133. An act for the relief of Miss Carmen Rioja and child, Paloma Menchaca Rioja;

H.R. 6473. An act for the relief of Mr. and Mrs. Loward D. Sparks;

H.R. 6587. An act to direct the Secretary of the Interior to convey certain lands in Boulder County, Colo., to W. F. Stover;

H.R. 6837. An act for the relief of Mrs. Eleonora Vasconi (nee Trentanove);

H.R. 6883. An act for the relief of the estate of Eileen G. Foster;

H.R. 7346. An act for the relief of certain officers and employees of the U.S. Public Health Service;

H.R. 8201. An act for the relief of Maj. Jack J. Shea, U.S. Air Force;

H.R. 8348. An act for the relief of Mrs. Faye E. Russell Lopez;

H.R. 8469. An act for the relief of Dr. Salim Akyol;

H.R. 8532. An act for the relief of Ivan D. Beran;

H.R. 8936. An act for the relief of Leonard M. Dalton;

H.R. 9573. An act for the relief of Wolfgang Stresemann;

H.R. 9678. An act for the relief of Anna Maria Geyer;

H.R. 10078. An act for the relief of Philip N. Shepherdson;

H.R. 10300. An act to authorize certain construction at military installations, and for other purposes; and

H.R. 10433. An act making appropriations

for the Department of the Interior and related agencies for the fiscal year ending June 30, 1965, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore:

S. 614. An act to authorize the Secretary of the Interior to make water available for a permanent pool for fish and wildlife and recreation purposes at Cochiti Reservoir from the San Juan-Chama unit of the Colorado River storage project;

S. 1299. An act to defer certain operation and maintenance charges of the Eden Valley Irrigation and Drainage District;

S. 1445. An act for the relief of Archie L. Dickson, Jr.;

H.R. 2189. An act for the relief of Morris Aronow and other employees of the Post Office Department;

H.R. 2724. An act for the relief of Davey Ellen Snider Siegel;

H.R. 4681. An act for the relief of CWO James A. McQuaig;

H.R. 5584. An act for the relief of Capt. Ransom C. Aplin;

H.R. 6748. An act for the relief of the J. D. Wallace & Co., Inc.; and

H.R. 8470. An act for the relief of Warren A. Jeffers and Francis H. Leik.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 1382. An act for the relief of John Gatzopli Overbeck and Mary Gatzopoulos Overbeck;

H.R. 1435. An act for the relief of Leon Llanos;

H.R. 1439. An act for the relief of Ioanna Ganas;

H.R. 1440. An act for the relief of Consuelo Alvarado de Corpus;

H.R. 1500. An act for the relief of Mrs. An Fu Wang Lee;

H.R. 2215. An act for the relief of E. A. Rolfe, Jr.;

H.R. 2229. An act for the relief of Louis Adler;

H.R. 3646. An act for the relief of Gordon Liu Brooks, Jackie Lee Brooks, and Tony Tsui Brooks;

H.R. 3654. An act for the relief of Paolo Armano;

H.R. 4871. An act for the relief of Glen C. Deits and others;

H.R. 5416. An act for the relief of Irene N. Halkias;

H.R. 6034. An act for the relief of Robert L. Johnston;

H.R. 6133. An act for the relief of Miss Carmen Rioja and child, Paloma Menchaca Rioja;

H.R. 6473. An act for the relief of Mr. and Mrs. Loward D. Sparks;

H.R. 6837. An act for the relief of Mrs. Eleonora Vasconi (nee Trentanove);

H.R. 6883. An act for the relief of the estate of Eileen G. Foster;

H.R. 7346. An act for the relief of certain officers and employees of the U.S. Public Health Service;

H.R. 8201. An act for the relief of Maj. Jack J. Shea, U.S. Air Force;

H.R. 8348. An act for the relief of Mrs. Faye E. Russell Lopez;

H.R. 8469. An act for the relief of Dr. Salim Akyol;

H.R. 8532. An act for the relief of Ivan D. Beran;

H.R. 8936. An act for the relief of Leonard M. Dalton;

H.R. 9673. An act for the relief of Wolfgang Stresemann;

H.R. 9678. An act for the relief of Anna Maria Geyer; and

H.R. 10078. An act for the relief of Philip N. Shepherdson; to the Committee on the Judiciary.

H.R. 5514. An act to direct the Secretary of the Interior to sell certain public lands in the State of Arizona; and

H.R. 6587. An act to direct the Secretary of the Interior to convey certain lands in Boulder County, Colo., to W. F. Stover; to the Committee on Interior and Insular Affairs.

H.R. 10300. An act to authorize certain construction at military installations, and for other purposes; to the Committee on Armed Services.

H.R. 10433. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1965, and for other purposes; to the Committee on Appropriations.

TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be the usual morning hour, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

AMENDMENT OF FEDERAL CIVIL DEFENSE ACT OF 1950, RELATING TO PROVISION OF SHELTER

A letter from the Secretary of Defense, transmitting a draft of proposed legislation to further amend the Federal Civil Defense Act of 1950, as amended, to provide for shelter in Federal structures, to authorize payment toward the construction or modification of approved public shelter space, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

AMENDMENT OF TITLE 10, UNITED STATES CODE, RELATING TO DISPOSAL OF PERSONAL EFFECTS OF CERTAIN PERSONS WHO DIE IN SERVICE

A letter from the Secretary of the Air Force, transmitting a draft of proposed legislation to amend title 10, United States Code, to authorize officers detailed for the purpose to dispose of the personal effects of certain persons who die while serving with, employed by, or accompanying the Army or Air Force outside the United States (with an accompanying paper); to the Committee on Armed Services.

REPORT OF FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES

A letter from the Chairman, Foreign Claims Settlement Commission of the United States, Washington, D.C., transmitting, pursuant to law, a report of that Commission, for the 6-month period ended December 31, 1962 (with an accompanying report); to the Committee on Foreign Relations.

REPORT ON UNNECESSARY COST TO THE GOVERNMENT IN LEASING OF CERTAIN ELECTRONIC DATA PROCESSING SYSTEMS

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary cost to the Government in the leasing of electronic data processing systems by the Aerospace Divi-

sion of Martin Marietta Corp., Baltimore, Md., Denver, Colo., Orlando, Fla., Department of Defense, dated March 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON OVERPRICING OF THE NUCLEAR FRIGATE U.S.S. "BAINBRIDGE"

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the overpricing of the nuclear frigate U.S.S. *Bainbridge*, purchased from the Bethlehem Steel Co., Quincy, Mass., Department of the Navy, dated March 1964 (with an accompanying report); to the Committee on Government Operations.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Arizona; to the Committee on Commerce:

"HOUSE JOINT MEMORIAL 2

"Joint memorial urging the Congress of the United States to enact legislation which declares a moratorium and holds in abeyance the issuance of licenses or permits under the Federal Power Act to construct dams along the reach of the Colorado River between Glen Canyon Dam and Lake Mead during the period ending December 31, 1965

"To the Congress of the United States of America:

"Your memorialist respectfully represents: "Whereas the existing economy of the State of Arizona cannot be sustained unless the State's critically inadequate water supply is augmented by Colorado River water and exchanges of water within the boundaries of the State therefore; and

"Whereas the Supreme Court has decreed that the State of Arizona is entitled to 2,800,000 acre-feet of water annually from the mainstream of the Colorado River; and

"Whereas the Senate and the House of Representatives of the State of Arizona endorse the central Arizona project as a means of bringing the benefits of this water to the State of Arizona, regarding it as a necessity to survival, and viewing with grave concern any obstacles placed in the path of such project; and

"Whereas the Arizona congressional delegation is seeking in harmony the authorization of the central Arizona project as a Federal reclamation project; and

"Whereas there is now pending before the Congress of the United States legislation which has for its purpose the utilization by Arizona of its entitlement to the waters of the Colorado River; and

"Whereas the Senate and the House of Representatives of the State of Arizona have full confidence in the experience, integrity, and ability of the Arizona delegation to bring about the passage of such legislation; and

"Whereas the Arizona delegation deems it in the best interests of its efforts that the reach of the Colorado River between Glen Canyon Dam and Lake Mead be and remain unencumbered for a reasonable period of time; and

"Whereas to keep such area unencumbered, it is only fair, reasonable and equitable that a time limit be established and that anything done shall not change or affect, for the purpose of any action which may be taken subsequent to such time limit, the present status, equities, position, rights or priorities of any applications now pending before any Federal agency; and

"Whereas time is of the essence and early action by the Congress of the United States

is required to keep such reach of the Colorado River unencumbered;

"Wherefore your memorialist, the Senate and the House of Representatives of the State of Arizona, prays:

"1. That the Senate and House of Representatives of the United States of America in Congress assembled, enact legislation which provides that no licenses or permits shall be issued under the Federal Power Act (16 U.S.C. 791a-823) for the reach of the Colorado River between Glen Canyon Dam and Lake Mead during the period ending December 31, 1965; providing that nothing therein shall change or affect for the purposes of any action which may be taken subsequent to such date the present status, equities, position, rights or priorities of any parties to applications now pending.

"2. That the Congress of the United States act speedily on any matters now pending or which may come before the Congress to insure that everything shall be done to bring the water and hydroelectric power resources in the Lower Basin of the Colorado River to the fullest development at the earliest possible date.

"3. That the Secretary of State of the State of Arizona is directed to forthwith transmit copies of this resolution to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States, to the chairman of each congressional committee and subcommittee to which said legislation has been referred for consideration, to the Federal Power Commission and to each member of the Arizona congressional delegation.

"Passed the house March 16, 1964, by the following vote: 56 ayes, 13 nays, 11 not voting.

"Passed the senate March 16, 1964, by the following vote: 28 ayes, 0 nays, 0 not voting.

"Approved by the Governor March 16, 1964.

"Filed in the office of the secretary of state, March 16, 1964."

A bill (senate bill 179) enacted by the Legislature of the State of South Dakota; to the Committee on Finance:

"SENATE BILL 179

"An act relating to the operation and effect of chapter 125 of the Session Laws of 1963, and declaring an emergency

"PREAMBLE

"Whereas chapter 125 of the Session Laws of 1963, relating to unemployment compensation benefits under the employment security law provided that the same shall become inoperative, null, and void if the U.S. Secretary of Labor, prior to January 8, 1964, finds such chapter not to conform to the requirements of the Social Security Act and the Unemployment Tax Act of the Internal Revenue Code;

"Whereas such Social Security Act and Unemployment Tax Act have specific provisions providing for notice and an opportunity to be heard to all States including the State of South Dakota prior to a finding by the U.S. Secretary of Labor that State acts such as chapter 125 do not conform to Federal standards; and

"Whereas no notice or hearing was given the State of South Dakota as a condition precedent under such Federal acts to a finding by the U.S. Secretary of Labor that chapter 125 of the Session Laws of 1963 did not conform to Federal standards; and

"Whereas on the 6th of January 1964, the Governor of South Dakota received from the U.S. Secretary of Labor a memorandum "finding" that the provisions of chapter 125 of the Session Laws of 1963 did not conform to applicable Federal standards; and

"Whereas it is the position of the State of South Dakota that chapter 125 of the Session Laws of 1963 is and has been operative and in full force and effect since January 15, 1964, for the reason that no finding of noncon-

(In August, shortly after Haworth became head of the Foundation, the Bureau of the Budget, upon his request, released an additional \$2 million to prevent Brown & Root's design efforts from coming to a complete halt. But no funds were allowed for construction, leaving total Mohole expenditures, from the very beginning until the present, at slightly over \$7 million.)

In the meantime, NSF itself was seeking a way out through a special study convened by its senior advisory body, the National Science Board.

Such was the state of affairs this past fall when both the House Subcommittee on Oceanography and NSF's Senate Appropriations Subcommittee decided to take a long look at Project Mohole. The House committee, which does not have specific jurisdiction over NSF, apparently was just looking into the affair to find out what it was all about, but the Senate committee, with direct money authority over NSF, was keenly interested, and especially so was one of its members, Senator ALLORT, the Colorado Republican who had been blasting NSF ever since it passed by one of his constituents and awarded the contract to Brown & Root. The effect of these inquiries was to disabuse anyone of the notion that things were so bad that they could only improve.

A star witness at both proceedings was Amsoc Chairman Hedberg, who came on like a rock-eating drill. Informing the committee that "personally I would far rather see this project killed where it now stands than to see it carried out in a manner not worthy of its potentialities," Hedberg warned that "there must be insistence that it not be allowed to degenerate into merely another publicity stunt." Continuing, Hedberg declared:

"This project can readily be one of the greatest and most rewarding scientific ventures ever carried out. I must say also that it can just as readily become instead only a foolish and unjustifiably expensive fiasco if there is not an insistence that it be carried out within a proper concept and in a well-planned, rigorously logical, and scientific manner.

"It is my opinion that there is a steadily growing ground swell of informed public opinion against the thought of a poorly planned, foolish, and extremely costly attempt to unnecessarily "shoot the works" by trying to drill an ultradeep hole to the mantle before we have anywhere near enough information on the rocks above the mantle. . . . The initial false glamor of the Mohole idea is wearing off in the face of realities, and I am sure that the informed public now finds a much greater appeal in a broad sensible program of crustal investigation carried on at a moderate rate rather than in a crash Mohole stunt."

Mixed into his emotionally stated position, however, were some extremely compelling arguments for the intermediate-ship approach.

The Brown & Root platform, he pointed out, could not transit the Panama Canal. It could go the long way around, but, clearly, its mobility was limited. Furthermore, Hedberg said, alluding to the argument that the mantle was the agreed-upon and only objective, "even supposing the project had been mistakenly presented in such a short-sighted or misleading way, nothing has happened to date which would preclude its being adequately redefined now."

LONG-TERM GOALS

The case for the intermediate ship, he asserted, rested not only on the need to accumulate data for design of the ultimate vessel, but also on the need to develop an orderly and long-term program:

"We should be thinking of a continuing program in subocean-bottom drilling research which will inevitably be a long process, but which need go no faster than its

early results justify. If we get encouraging results from early intermediate-depth drilling, this may constitute adequate justification to make everyone glad to go ahead with the preparation of an ultimate Mohole vessel. On the other hand, it is not at all inconceivable that early results may indicate that there is either no need or no possibility of drilling to supposed Mohole depths, in which case it would have been a reckless disregard of taxpayers' money to have prematurely or needlessly built the huge vessel now proposed."

Whatever the technical merit of Hedberg's argument, the impact was enormous. Academy President Seitz promptly reprimanded him for presenting "such formal testimony to the Congress without first clearing your proposed testimony with me." Seitz added that unless Hedberg would agree to consult him on communications with "any organization or agency outside the academy . . . so that I decide whether your communication merits the attention of the (academy) council . . . I will have no choice but to request the council to permit me to reconsider your own status as chairman of Amsoc."

Hedberg promptly submitted his resignation in a characteristically tart letter that concluded with the hope that "some of the hysteria which seems to be surrounding this Mohole Project will soon be dispelled under wise leadership by you (Seitz) and Dr. Haworth." He also pointed out that he had attempted to discuss his forthcoming testimony with Seitz, but the academy president was tied up at the time with preparations for the academy's centennial celebration, and he added that in testifying he had made it clear that he spoke for himself and not for the academy. And thus, Hollis Hedberg, who had headed Amsoc for nearly 2 years, stepped out of the picture.

His testimony, however, seems to have hit home with the Senate Appropriations Committee, for it was soon to issue a report stating that "Such a diversity of scientific and engineering opinion has been presented . . . that it is obvious that construction of a large drilling platform at this time would be 'unwise.'" The committee accordingly directed that further expenditures on the platform be withheld, but later retreated from this position when, in conference with Representative ALBERT THOMAS' committee, it was decreed that funds would be provided for NSF and the Bureau of the Budget to "use good judgment and work out a sensible proposition."

MOHOLE SOLUTION

A proposition, however sensible, has now been worked on terms devised by Haworth, who, in his first half-year as NSF director, has devoted more time to Project Mohole than to any other Foundation activity. As proposed by Haworth, Brown & Root will be given authority to build the ultimate platform, but the platform will initially be equipped with an intermediate drilling rig. By following this course, he testified, the Foundation was recognizing the mantle as the ultimate objective, but, while minimizing the costs, would benefit from the experience gathered in intermediate drilling.

Haworth went on to say that he favored a "supplementary drilling program," not directly associated with Project Mohole, that would presumably carry out the upper level explorations advocated by members of Amsoc. And, he added, "with the advantages of hindsight, I regret that the work of Brown & Root was not paralleled by a continuous drilling program directed both at the development of equipment and techniques." Haworth also pointed out that it was his hope eventually to turn over Mohole's management to a university or an oceanographic research institution, and thus to have it run on what has come to be the standard basis for handling big projects financed by the Foundation.

The Haworth proposal was, in effect, an attempt to find some common ground among the parties that had for so long been enmeshed in the Mohole controversy, and, apparently it has succeeded. The Bureau of the Budget has given the Foundation authority to go ahead with an ultimate platform rigged for intermediate drilling. In this tight budget year, however, the supplementary ship had been put aside, but it is understood that the Bureau accepts it in principle. And an effort is now being made to bring an outside institution into the project, though nothing definite has yet been arranged.

END OF AMSOC

As for Amsoc, it's going out of business. At a meeting this past weekend in Washington, Mohole's originators are reported to have agreed that it would now be wise to dissolve the committee and reconstitute it into a group that would be concerned only with the scientific aspects of Mohole. A separate Academy group to provide engineering advice may also be established. Just what this means remains to be seen, since it would seem to be a difficult matter to disassociate Mohole's science from its engineering. But with Haworth firmly taking charge, Amsoc was in no position to promote any new squabbles. Nor was the Academy willing to tolerate a continuing source of dissension on its premises. (Academy officials have long felt that Amsoc, beginning with its whimsical title, was an inappropriate body to be housed under the Academy's prestigious roof.)

One final development is that NSF, in its determination to keep tight control over the project, has engaged Gordon Lill, Amsoc's first chairman, to join the Foundation staff as Mohole director. Lill, who is now with Lockheed, is expected to take up his duties about mid-February.

The sentiment at the Foundation, as expressed by one official long associated with Mohole, is that "everyone made lots of mistakes." At this point, everyone involved is eager for peace and progress, and it would therefore appear that Mohole now has reasonable prospects for proceeding, with nothing but technical difficulties to occupy its time and energies. However, on the basis of past performance, even the most thoroughgoing optimist could not be blamed for withholding judgment.

MARCH 2, 1964.

DR. PHIL ABELSON,
Editor, *Science*, American Association for the
Advancement of Science, Washington,
D.C.

DEAR DR. ABELSON: As ranking minority member of the Senate Appropriations Subcommittee which passes on the National Science Foundation's requests for funds, I have taken a particularly keen interest in Project Mohole. I believe that I am probably more conversant with the subject than is any other Member of Congress. From this vantage point, I would like to commend you, in general, for the series you have printed recently on the subject, and comment on some pertinent points.

Mr. Greenberg says that I have been "blasting" NSF since one of my constituents was passed by for the Mohole contract. If any one of the bidders could be considered a constituent of mine, it would be Brown & Root, because that company has a subsidiary corporation located in Colorado. My "blasting" of NSF has been based on the fact that I do not feel Brown & Root was the best qualified of the bidders. Further, I feel that Brown & Root has not progressed at all well since the contract was let. I am concerned with the direction the project has taken, the apparent loss of time in getting the project underway, and above all, the continued escalation in cost estimates.

A great deal of the testimony about Project Mohole before our subcommittee this last fall revolved around the question whether an intermediate ship had been contemplated for the project, as originally conceived. While I personally am convinced that the intermediate step has been contemplated from the beginning, the more important question is whether the intermediate ship is now necessary or desirable. I believe that it is.

Mr. Greenberg points out in his article that Dr. Haworth appears to agree, basically, with this position but feels it is now too late to build the intermediate ship. Mr. Greenberg also mentions, just in passing, that the National Science Board convened a special study of the question. He did not say what the recommendations of the special committee were. Interestingly, I am informed that the committee is now planning to make no final written report. However, its "preliminary" report said that "the panel unanimously urges that an intermediate drilling vehicle be constructed promptly" And I would point out that the great majority of people knowledgeable in the subject have taken the same position. There is no question that from the scientific viewpoint, the intermediate ship is desirable.

From a purely economic view of the project, I think the intermediate ship is worthwhile. Everyone involved agrees there must be a period of testing and experience gaining before the ultimate hole is commenced. To carry out this work with the platform at an operating cost of roughly \$8 or \$9 million per year is folly. Particularly is this true in view of the offers which have been made to the NSF to construct and operate an intermediate ship—offers which have been neither accepted nor rejected by NSF. Further, carrying out this phase of the project with the ultimate platform will involve a renegotiation of the contract with Brown & Root. Presumably, this renegotiation will include a renegotiation upward of Brown & Root's \$1.8 million fee. Parenthetically, I might add that Brown & Root was the only bidder for the contract who asked for a fee. This was another factor in the selection of Brown & Root which I found disturbing.

I would like to set the record straight on one point: The Senate Appropriations Committee did not retreat from its position that Mohole funds should be withheld. A conference report on an appropriations bill is written by the managers on the part of the House. In this case, the chairman of the House subcommittee, Representative ALBERT THOMAS, of Houston, Tex., was responsible for preparing the report. Chairman THOMAS felt that Brown & Root, of Houston, Tex., was doing a fine job on Project Mohole and this feeling, not surprisingly, was reflected in the conference report.

But, the most disturbing factor to me in this whole project has been the attempt by NSF, at least until recently, to treat the entire subject as if there were no problems. It may be, as Mr. Greenberg intimates, the "traditional concern [of the scientist] for maintaining an appearance of dignity and keeping spats out of public view." But, as a U.S. Senator directly responsible for reporting to the Senate on the conduct of NSF and making recommendations for funding their activities, I resent the attitude which I have seen displayed by some, that the Senate, or more generally, the nonscientific community, must be kept in the dark if things are not completely harmonious in the household of science. I recognize that there may be sometimes a thin line between unwarranted intrusions on administrative decisions and legitimate concern for the wise management of Government funds. But, occupying as I do a position of trust with regard to the public funds, I feel entitled

to candid and complete answers to my questions on the use of those funds. When I fail to receive such answers, I become suspicious.

This is a problem which transcends the Mohole question and is important to the whole scientific community in its relationship to the Government. While we who are responsible for appropriating money for research do not expect that every project funded by the Government will be an unqualified success, we are entitled to have the facts so as to assure ourselves that funds are not being dissipated or mismanaged. This is the context within which I asked Dr. Hedberg and others to lay aside their reticence to make the Mohole disagreement a matter of public record, and testify before our Appropriations Subcommittee. It is a problem on which I believe a large segment of the scientific community might well re-examine their thinking.

Best regards.

Sincerely yours,

GORDON ALLOTT.

INTERNATIONAL DEMOLAY WEEK

Mr. FULBRIGHT. Mr. President, the week of March 15-22 is International DeMolay Week. The Order of DeMolay, which was formed 45 days ago today in Kansas City, Mo., is the world's largest self-supported boys' fraternal organization.

This movement has become a force in the world for the betterment of young men. Its active membership consists of young men between the ages of 14 and 21 and senior members who are over 21.

The Order of DeMolay seeks to foster the development of good citizenship and sound character among youth. It teaches clean and upright living by inculcating and practicing the virtues of comradeship, reverence, love of parents, patriotism, courtesy, cleanness and fidelity. Its supreme purpose is to create leaders and develop character. It is sponsored by recognized Masonic bodies.

Since its founding in 1919, DeMolay has grown steadily in numbers and in stature. Its alumni have made great contributions to our country. In a little more than three decades after its founding more than 6,000 DeMolay chapters had been launched in the United States and 12 other countries, and nearly 3 million teenage young men had taken vows to be better sons, better men, and better citizens.

I take pride that, in the 1962-63 International Sweepstakes Contest, Arkansas DeMolays won first place. The Governor of Arkansas has issued a proclamation designating this week as DeMolay Week in our State.

I wish to extend my congratulations to this fine organization on its 45th anniversary. I am sure that many more years of service and fellowship lie ahead of them.

THE PRESIDENT'S MESSAGE ON FOREIGN AID

Mr. MANSFIELD. Mr. President, the President's message reflects a hard look at what is needed in the foreign aid program. It seems to me that this time the President has done the paring beforehand instead of waiting for Congress to do it. The \$3.4 billion request is the most

realistic estimate of financial requirements for aid that has come up in many years. It would appear to be about what is required and what it is practical to attempt.

The President's emphasis on self-help as the key to development is admirable as is his reference to sharing the aid burden with other prosperous Nations. The proposed program is not a free-spending giveaway program but a responsive, prudent, and responsible request which will serve our national interests and help the less developed Nations to help themselves.

I know, Mr. President, that the Congress will give this request most serious and careful consideration. I have every hope that there will be a favorable response to its prudence and its realism.

Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

CIVIL RIGHTS ACT OF 1964

The Senate resumed the consideration of the motion of Mr. MANSFIELD that the Senate proceed to consider the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana [Mr. MANSFIELD] that the Senate proceed to the consideration of H.R. 7152, the Civil Rights Act of 1964.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a brief quorum call at this time. I am sure there will be a live quorum call later.

Mr. HILL. Mr. President, reserving the right to object, I understand that there will be no objection to a live quorum call following the present brief quorum call.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, on February 26, by decision of the Chair, H.R. 7152 was placed on the calendar. The decision of the Chair, may I say, was that of one man, the Presiding Officer. However, his decision was upheld, in effect, by the Senate as a whole when it voted to table the Russell appeal. The presence of H.R. 7152 on the calendar,

the Senate which makes the Senator from Florida's speech wholly irrelevant, and not at all germane, because the Senator has not said anything about whether we should take up the bill or not.

Mr. HOLLAND. The majority leader made it clear, at the time the Senate voted to sustain the Presiding Officer on the first question that arose, that he was willing to have the bill go to the Judiciary Committee for a limited time, for its study, in order that the committee might report back. My recollection is that the unanimous consent request was for a 10-day reference. If I am in error, the distinguished majority leader will correct me.

The distinguished Senator from Oregon [Mr. MORSE] is expected to make a motion to accomplish about the same thing, to refer the bill to the committee, so that we may have the advantage of its comments, not merely on title IV, but on the other parts of the bill, some good, some bad—much more bad in it than good from my point of view, at least. But the majority leader has advised us that he proposes to move to lay on the table the motion of the Senator from Oregon as soon as the Senator from Oregon is finished speaking. If I have misunderstood the distinguished majority leader, he can correct me.

My feeling is that we must call attention to the manifest injustices, the manifest un-American provisions in the bill at this stage, if we hope to win. We shall not have an opportunity to argue at the time the Senator from Oregon makes his motion, but instead will be cut off at the discretion—and I hope it will be the discretion—of the Senator from Montana, the majority leader—from making any debate at that time as to the wisdom of reference to the committee by a motion to lay on the table. That should make it clear that the subject requires some discussion at this time.

Perhaps the Senator can correct me, but I believe I am the first Senator to discuss title IV. I believe the Senator will also agree that it is an important title. I believe the Senator has already said that my remarks were creditable considering my point of view. If we are to discuss the things which we believe are vital in the bill, now is the only time available to discuss them.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. HOLLAND. If we are to have an opportunity to discuss them prior to the summary laying on the table of a motion to refer, which would give us an opportunity to have a committee report which should become part of the legislative record of the consideration of the bill, I hope it will never be passed—we must do it now.

I understand the attitude of the distinguished majority leader. I understand that he intends to move to lay on the table the motion of the Senator from Oregon, even though it will be substantially the same proposal as the Senator from Montana made for unanimous consent only a few days ago.

So I have felt, whether rightly or wrongly—and I hope the Senator will be tolerant toward me—that there is

enough of vital importance to this Nation in title IV, which has not been discussed by any other Senator, to make it worthy of discussion.

I have talked for a little more than 3 hours—or rather, I have held the floor for a little more than 3 hours and I could hold it longer, if I wished, but I do not propose to do so. I believe the Senator will admit that I have not been talking about impertinent or annoying things. I have been talking about title IV. I have been talking about this title with the thought that it must be discussed before Senators vote on the question of whether the bill shall go to the committee, to have the benefit of the committee's judgment on this and other important titles in the bill.

Mr. PROXMIRE. I believe the Senator will agree, of all the Senators who have ever served in the Senate with the possible exception of the Senator from Florida, there is no one that can talk at greater length and with greater persuasiveness and eloquence and force than can the Senator from Oregon. I am sure he can take care of himself in spades on the issue of his own motion. He can discuss it for hours and hours and hours. He has shown that he can do it and with great force.

If the Senator from Florida feels that it is not necessary to enlighten the Senate on the issue of whether the bill should go to committee, he could talk on that issue, but the Senator has chosen not to do so in his long talk today. The Senator has talked on title IV of the bill and given an eloquent, persuasive, and masterly presentation of his viewpoint. But it is something that has nothing whatsoever to do, No. 1 with taking up the bill; and No. 2, with referring it to the committee. We should proceed and have an opportunity to vote on the motion of the Senator from Oregon. We should then call up the bill and have an opportunity to discuss the bill, title by title, as it deserves to be discussed, in an orderly way, and not while we have pending the issue of whether we should discuss it.

Mr. HOLLAND. In view of the fine and glowing adjectives the Senator from Wisconsin has used in describing me, in his impassioned way, my answer will have to be mild. I know perfectly well that the Senator from Oregon does not agree with me on the merits of the bill. I know he does not have the advantage of a direct knowledge of the biracial educational situation. It so happens, since a considerable part of my life has been spent in the field of education, and with my interest in it, that I do have some qualifications to speak on it from the standpoint of the firm convictions I hold with reference to title IV. I could not feel that I had done my duty to my own people, or to the Senate, or to the country, if I did not ventilate this provision of title IV of the bill before we reach the point where the distinguished majority leader is to raise his poleax and knock out the motion of the Senator from Oregon. I believe this will be based on procedural grounds only. Although I am not too much concerned with procedural grounds, I am concerned with the Senate's having the advantage and benefit of a report which will go into

the details of some of these very bad provisions of the bill, of which title IV, with small exceptions, is one. I hope the Senator will be tolerant in understanding my point of view.

Mr. President, I yield the floor.

Mr. HUMPHREY. Mr. President, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 89 Leg.]

Aiken	Hartke	Morton
Allott	Hayden	Mundt
Bartlett	Hickenlooper	Muskie
Bayh	Hill	Nelson
Beall	Holland	Neuberger
Bennett	Hruska	Pastore
Bible	Humphrey	Pearson
Brewster	Inouye	Pell
Byrd, Va.	Jackson	Proxmire
Byrd, W. Va.	Javits	Ribicoff
Carlson	Johnston	Robertson
Case	Jordan, N.C.	Russell
Church	Jordan, Idaho	Saltonstall
Clark	Keating	Scott
Cooper	Kennedy	Simpson
Cotton	Kuchel	Smathers
Curtis	Lausche	Smith
Dirksen	Long, La.	Sparkman
Dodd	Magnuson	Stennis
Dominick	Mansfield	Symington
Douglas	McCarthy	Talmadge
Eastland	McClellan	Thurmond
Edmondson	McGovern	Tower
Ellender	McIntyre	Walters
Ervin	McNamara	Williams, N.J.
Fong	Mcchem	Williams, Del.
Fulbright	Metcalf	Yarborough
Gore	Miller	Young, N. Dak.
Gruening	Monroney	Young, Ohio
Hart	Morse	

The PRESIDING OFFICER. A quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H.R. 950) to amend the Internal Security Act of 1950.

COMMITTEE MEETINGS DURING SENATE SESSIONS NEXT WEEK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Rules and Administration may have permission to meet during the sessions of the Senate next week.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

THE FOREIGN AID MESSAGE OF THE PRESIDENT

Mr. HUMPHREY. Mr. President, the Senate has received a sensible and affirmative message on foreign aid from the President.

The President has found, as did three Presidents before him, that foreign aid is essential not only for expressing our national purpose but also for serving our national interests. In the words of the message:

The proposals contained in this message express our self-interest at the same time that they proclaim our national ideals.

We will be laying up a harvest of woe for us and our children if we shrink from the

task of grappling in the world community with poverty and ignorance.

I congratulate the President on his message, and on stating his convictions about foreign aid with the same good sense that led him to support the program during his entire service in this Senate.

A few days ago, the President sent a message to Congress about poverty at home. Today, he has sent us a message on poverty abroad. He could have combined the two into a single message on "poverty at home and abroad." They are a part of the same problem—the problem of helping people to help themselves, be it in West Virginia or west Africa. Destitution is a common enemy of all mankind and destitution abroad is as much a moral, political, and economic concern for the United States as destitution in our own land.

The President's message also follows on the heels of the McNamara mission to Vietnam, where foreign aid is playing a key role in preventing communism from scoring another victory.

It is difficult to understand how anyone can oppose foreign aid in today's world. As the President says in his message:

I recommend this program to the judgment and the conscience of the Congress in the belief that it will enlarge the strength of the free world, aid in frustrating the ambitions of Communist imperialism, reduce the hazards of widespread conflict, and support the moral commitment of freemen everywhere to work for a just and peaceful world.

Besides finding foreign aid essential, the President has also found that it would not be desirable to change substantially the present organization of foreign aid activities. The only organizational change of any significance being made is to vest operational responsibility for the Alliance for Progress in the Assistant Secretary of State for Latin America. This is a step which the Senator from Minnesota, among others, had urged in order to give greater impetus to the Alliance.

Other forms of organization were considered, but after careful review it was found that the present organization is basically sound for carrying out the present program.

Consideration also was given to separating economic and military assistance. This, too, was found undesirable for a variety of reasons, not the least of which is that what is sauce for the Senate is not sauce for the House. And even within the Senate there was sharp disagreement on this point.

In these and other respects the message reflects the President's earnest effort to take into account congressional attitudes and objections, as well as his own concern for a program which is prudent, economical and effective. This is shown by the request for \$3.4 billion, which is the amount available for the current year and the smallest request ever made for foreign aid. It is shown also by the emphasis in the message on greater selectivity and concentration, termination of aid in countries achieving self-sustaining growth, better adminis-

tration, improved personnel, and greater use of resources and advice outside the agency.

Wisely, I think, the President refrained from naming specific countries or fixing particular dates for the termination of aid. It would be foolish to give the Communists a timetable of our plans for the future. Nor is it desirable to set into motion forces which could interfere with the orderly and successful completion of aid activities in countries nearing economic independence.

One of the recommendations of the President, which I strongly support, is a tax credit for U.S. investment in less developed countries. The Europeans already have similar plans. German investors, for example, can now take an immediate depreciation allowance of 15 percent, and transfer another 42.5 percent of initial capital into a profit-reducing reserve, thus reducing taxable profit in the first year by up to 57.5 percent of the cost of investment.

We need a tax credit for investment in less-developed countries if we are to compete successfully in world markets with other countries, as well as promote new investment which can augment U.S. Government funds in helping developing countries to become self-supporting.

INCREASING USE OF OTHER GOVERNMENT AGENCIES AND PRIVATE GROUPS

I am especially pleased by the increasing use being made of resources and advice outside the foreign aid agency, and by the emphasis on this point in the message. The Executive Service Corps, or businessman's peace corps, which is being privately launched with the encouragement and assistance of Congress and the executive branch could be a promising and even historic new foreign aid dimension. Drawing on active as well as retired American businessmen, the Executive Service Corps would provide entrepreneurial and managerial assistance to less-developed countries. Experience has shown that in many countries the chief obstacle to economic growth is lack of trained manpower. A number of countries are at the point of having to train more people before they can effectively use greater amounts of outside capital. Particularly scarce are entrepreneurial and managerial skills of the kind which would be exported under this new plan. Even the shortage of scientists and technicians in less-developed countries is less acute than the shortage of entrepreneurs and managers. Americans are, I might add, particularly well equipped to render this kind of assistance, having the most advanced entrepreneurial and managerial system in the world.

A privately organized program for exporting American management know-how has unlimited possibilities not only for assisting with the development of other countries, but also for providing invaluable business experience for American business executives, and for contributing toward the development of democratically organized and operated business around the world.

This project, which I think has as much potential as any foreign aid enterprise ever conceived, originated, I am

happy to say, with two Members of this body, the Senator from Indiana [Mr. HARTKE] and the Senator from New York [Mr. JAVITS]. I think both Senators deserve a great deal of credit for initiating the plan and encouraging the study of the proposal made last year by AID. Credit should also go to David Rockefeller, who independently suggested a similar plan, and is now co-chairman, along with Sol Linowitz, the very talented chairman of the board of the Xerox Corp., of an organizing committee to establish the project. I congratulate these two gifted American businessmen for their leadership, together with other members of the committee—C. D. Jackson, vice president of Time-Life; John H. Johnson, president of Johnson Publications; Adm. Dan Kimball, chairman of Aerojet-General; and William S. Paley, chairman of CBS. This is an extraordinary group of men, and I have great confidence in their ability to organize what may well prove to be an extraordinary human endeavor.

Two other important steps toward greater use of resources and advice outside the foreign aid agency are also announced in the President's message. These are the Advisory Committee on Private Enterprise in Foreign Aid, which results from last year's Senate amendment sponsored by the Senator from New York [Mr. JAVITS], and a general foreign aid advisory committee which is being established largely in response to the urging of the Senator from Kentucky [Mr. COOPER]. Both Senators are to be commended for their efforts to stimulate greater utilization of advice from knowledgeable people outside the Government. These committees can make a unique contribution toward improving the foreign aid program, as well as toward increasing public understanding of the program.

The foreign aid program cannot be effectively operated solely by officials of any one Government agency, or even of all agencies combined. The role of Government should be primarily to facilitate and to stimulate rather than to operate. We are fortunate to have so many well-qualified specialists in AID. But for every AID specialist there are 10 specialists in private business, the universities and the foundations with the skill and experience needed in foreign aid. Here, too, progress is being made in making our foreign aid program more effective. This is very gratifying to me personally, I might add, because of my own efforts to encourage AID to make greater use of other Government agencies as well as outside groups.

An impressive number of steps have been taken to implement my "technical-services-for-peace" amendment, section 621 of the Foreign Assistance Act, which calls for the utilization by AID, to the fullest extent practicable, of the technical services of other Government agencies and private groups. During the current fiscal year AID has entered into more than 20 new agreements with other Government agencies to provide for their participation in the foreign aid program. Under these new arrangements the Housing and Home Finance Agency is

processing all Latin American housing guarantees; the Internal Revenue Service is conducting special training for foreign officials on tax collection, as well as sending teams overseas to assist in improving tax administration in less-developed countries; the Public Health Service, which is presently being used by AID for most of its health projects, may assume full operating responsibility for the malaria eradication program. Here are some examples of the types of technical assistance being performed under AID auspices by the various Government agencies:

In Vietnam, the Bureau of Docks of the Department of the Navy is providing technical assistance for an integrated telecommunications network.

In Indonesia, the Maritime Administration is providing an 11-man team to the Indonesian Merchant Marine Academy to upgrade merchant marine graduates.

In Burma, the Corps of Engineers has performed a feasibility survey on the proposed Rangoon-Mandalay Highway and will supervise the construction contract on one section of the highway.

In Thailand and Laos, the Bureau of Reclamation has a 19-man team surveying the water resources of the Mekong River.

In Laos, the Bureau of Public Roads is providing a 24-man team to assist with the development of the Laos National Road System.

In the Philippines, the Federal Aviation Agency is assisting the Philippines Airline System in the development of a comprehensive traffic control system.

AID has some 200 agreements of this type with 14 other Government agencies involving about 1,500 people, compared to 1,100 a year ago.

Increasing use also is being made of private organizations. AID now has about 1,000 technical assistance contracts worth \$390 million with American companies, universities, and individuals—a 10-percent increase over the previous year. Under these contracts men and women from all over America, specialists in their chosen professions, are working in 69 different countries training teachers, establishing agricultural extension services, improving public administration, training rural health personnel, to mention only a few.

A construction firm is rehabilitating a hydroelectric plant in South Korea. A Midwestern land grant college is helping to strengthen the agricultural curriculum of a new school in Sierra Leone. A trade union group is training non-Communist labor leaders in Latin America. A financial consultant is helping Pakistan advisers develop ways of diversifying local industry and encouraging private investment.

The development of cooperatives is another extremely important new foreign aid program being conducted by AID in partnership with private American organizations. Here, too, I have a vital personal interest, having been the sponsor of the Humphrey amendment, which is part of section 601 of the Foreign Assistance Act, on encouraging the

growth of cooperatives, credit unions, and savings and loan associations.

Professional service organizations such as the Cooperative League, the National League of Savings and Loan Associations, the Credit Union National Association, and the National Rural Electric Cooperative Association are being used for the development of cooperatives for agricultural credit, marketing, housing, and electric power, as well as for establishing savings and loan associations.

These facts illustrate the progress being made:

Ninety-three major cooperative assistance programs are under way in 48 countries compared to 25 in 36 in fiscal 1962, the year AID launched an intensive effort to foster cooperatives.

In 1963 nearly \$100 million in new capital, from AID, from the Social Progress Trust Fund and from private groups backed by AID investment guaranties became available for development of all types of cooperative enterprises, with emphasis on Latin America.

AID's grant funds spent for technical assistance to cooperatives rose to \$8.5 million in 1963 from \$2.8 million in 1962. Private U.S. cooperative institutions spent \$700,000 on additional technical help.

Persons trained outside their countries in cooperative management rose from 203 to 1,675, with even more being trained at home.

U.S. cooperative institutions furnished 133 specialists in 1963 for employment by AID, against 49 in 1962. The institutions themselves fielded 213 specialists.

Credit unions in Latin America had 217,500 members as of September 30, 1963, with over \$8 million in savings. The number of credit unions increased from 524 to 987 in the first 9 months of 1963. It was estimated that by 1970 Latin America will have 3,000 credit unions with more than a million members and \$34 million in mobilized savings.

Few people realize that 72 American colleges and universities from 32 States, compared to 61 such institutions a year ago, are now playing a key role in our foreign aid program by providing technical assistance in 40 different countries under 129 different contracts with AID worth \$159 million.

Another encouraging development in the effort to broaden public participation in foreign aid is the new program of State and local participation in the Alliance for Progress. With the help of AID committees are being formed in several communities and States. These grassroots "partners of the alliance" will provide, with the advice of our aid missions, direct assistance to countries, municipalities and projects in Latin America. They range from the partnership between Oakland County, Mich., and the area of Cali, Colombia—where a total area development program is beginning, including exchange of staff, advisory help in improving public administration, university scholarships, and preinvestment surveys—to more simple arrangements supplying needed items, such as sewing machines for an orphan's home. Other partnerships are being

formed—the State of Utah with Bolivia, Idaho with Ecuador, Ohio with Brazil. Other groups are being organized in Alabama, Texas, Arizona, Massachusetts, Minnesota, Nebraska, Oregon, and Illinois.

These facts dramatize the extent to which foreign aid is rapidly becoming, I am happy to say, a national effort, embracing the many great institutions and organizations of American society.

Under the leadership of both the late President Kennedy and President Johnson, and with the able administration of David Bell, the foreign aid program has been greatly improved in the last several years. The message of the President reflects these changes, and makes recommendations for new improvements.

Congressional and public criticism of foreign aid for its lack of selectivity and concentration, its overemphasis on short-term political and security objectives, its lack of emphasis on self-help, its piecemeal support of individual projects rather than more general development programs, and the excessive direction of field programs from Washington has led to a number of reforms in the concept and organization of the program.

Today, foreign aid is highly selective and concentrated. Only key countries with real potential for development or significant security interest are being assisted to any appreciable extent. But the central question is not how many countries are being added. To argue about number of countries receiving foreign aid, as if a certain number were sacred, is like arguing that we should provide grants-in-aid to only a certain number of States, or educational assistance to only a certain number of colleges. There are reasons for aiding a number of countries, just as there are reasons for giving grants-in-aid to all 50 States, or lending money for educational facilities to the Princetons of the country as well as to the smaller, less endowed colleges.

This preoccupation with the number of countries receiving foreign aid, as if that were a reliable or meaningful guide to the soundness of the program, would make some sense if the issue were one of saving money. But this is clearly not the case. What would the savings be if the number of aid-receiving countries were cut from around 80 down to 50, as was suggested during the debate last year? The answer is that out of a total AID budget for the last fiscal year of about \$2.4 billion, only \$40 million could have been saved if aid programs were eliminated in 30 out of 80 countries, a little more than a million dollars per country. This shows two things—first, that the aid program is already highly concentrated, and second, that if there is any logic to the argument about number of countries it certainly cannot be supported on grounds of economy.

It makes a great deal more sense, as far as tightening up the program is concerned, to argue for strengthening the terms of our assistance, based upon each country's potential for growth, amount of self-help, importance to American and free world interests, and present state of development. Foreign aid terms

should vary, of course, depending upon ability to pay, but terms for all countries should be strengthened as countries become more economically independent. U.S. lending for capital projects should gradually shift from AID to the Export-Import Bank. Technical assistance should increasingly be assumed by private organizations through direct contractual relationships with the country concerned.

Here, too, there is progress, as reflected by the emphasis in the foreign aid message on strengthening aid terms wherever possible, and quickening the pace of growth in order to produce economic self-support as soon as possible. According to the President's message, some 14 countries are now approaching the point where aid terms can be strengthened and grants can be terminated. In addition, seven countries are being dropped from the new request for military equipment grants. This is all to the good, provided we do not move so rapidly that we terminate programs prematurely. This would be like building a new factory and leaving off the roof.

As countries become self-supporting, terms of aid should be strengthened, but great care must be taken to protect our investment. For the administration to cut off all aid, or to cut off aid prematurely in order to be able to brag to Congress about how many country programs have been eliminated would be a serious mistake. This is one reason why the argument about the number of countries receiving assistance is so dangerous. Pressure to reduce the number of countries receiving assistance can contribute toward premature strengthening of loan terms or termination of aid, either of which would both jeopardize our investment and penalize the very countries which have made the most progress. In the end, this could cost more money than it would save.

The foreign aid message also reflects the administration's emphasis on self-help, which the President rightly calls the most important ingredient in development. If we have learned any one fundamental in our foreign aid experience, it is this lesson. Foreign aid can never be a substitute for local effort. We can help, but we cannot provide the motivation and the hard work required for development, nor can we transplant to other countries our institutions and way of life. Each country must be its own master, relying primarily on its own people and resources for achieving social and political progress.

The principle of self-help was explicitly recognized and formalized in the Alliance for Progress. Under the Charter of Punta del Este, every member of the Alliance is committed to undertake certain self-help measures. Aid is conditioned upon the necessary structural reforms and measures for the mobilization of internal resources. I would hope that similar steps could be taken in other areas of the world to recognize and establish specific self-help measures as conditions for aid.

Tax reform, a basic self-help measure, is an example of the new emphasis in our foreign aid program on helping

countries to help themselves. In 1963, AID with the collaboration of the Internal Revenue Service, launched a new, high priority technical assistance program in tax administration. Directed primarily towards Latin America, this program in my opinion, is one of the most significant foreign aid improvements in recent years. And it is already achieving results in a field, as we know from our own experience, where reform is stubbornly slow. Examples are three of the key countries of Latin America, Chile, Peru, and Colombia.

NEED FOR CONSTRUCTIVE DEBATE

Foreign aid is the most ambitious and difficult endeavor in history. The concept itself is revolutionary. One hundred years ago England forcibly prevented her technicians from leaving the country for fear they would make their knowledge available to others. Today, it is a mark of enlightenment for a country to make available its technical skills and knowledge, and even to provide the capital necessary for economic growth. Yet part of our problem, as the recent debate in this Chamber has demonstrated, is that despite all the evidence to the contrary some are still reluctant to accept the validity of the concept itself. Others rightly argue that although the concept is valid, it has not been properly executed. But it is one thing to say that there have been mistakes, and quite another to say that the concept of foreign aid is not valid. It is one thing to offer constructive criticism—that is our duty, but it is quite another to find nothing but fault. It is one thing to say that foreign aid needs to be improved, but it is quite another to criticize without suggesting any alternative except less aid to fewer countries by a smaller staff with lower appropriations.

Every Member of this Senate wants to see improvements made in the foreign aid program. There is not a Senator who does not have his own ideas about how this could be accomplished. Some of the criticisms and suggestions of the Senate have been put into effect and have helped to improve the program. It is important for Senators to continue to suggest changes and improvements. If anything, there is need for even greater congressional examination of the strengths as well as the weaknesses of foreign aid. But there are any number of ways in which Congress can influence the course of foreign aid without casting doubt on the concept, undermining confidence in the program, and creating a negative political climate which favors restrictions and reductions rather than healthy, constructive criticism, and support. Foreign aid will never be made more effective if it continues to be subjected to the attack which characterized last year's congressional action.

We cannot again afford the spectacle of 1963, when the Congress of the United States—and especially the Senate of the United States, which should know better—did great injustice to the cause of freedom by its attacks on a program so vital to our country and to the future of the human race. In 1964, let there be criticism, but let it be constructive. Let there be debate, but let it be prudent.

Let there be legislative action, but let it be responsible.

AMERICANS SUPPORT FOREIGN AID

There is, of course, another side to this question. The executive branch has an equal obligation and responsibility. It has the responsibility of making the foreign aid program more dynamic, more imaginative, more responsive to the crying needs of the world, and more in accord with the generous impulses of the American people and the traditions of the permanent American Revolution. What the American people want is not less foreign aid, but better foreign aid. Give them a better program, a more effective program, and they will give it greater support. Help them to gain a better sense of the value of foreign aid, and of the quality of our program, and they will underwrite it with greater confidence.

Americans understand the historic importance of foreign aid. They do not like having to spend their hard-earned dollars for foreign aid any more than they do for military defense. But they know that foreign aid is one of our responsibilities as the champion of democracy, and most powerful nation on earth. They know that rich, powerful countries, like rich, powerful men, have a moral obligation to the less fortunate. They know that ours is a great nation, not because we have selfishly served our narrow national interests, but because we have acted in the common interests of all mankind.

Nothing better symbolizes America's role of world leadership than foreign aid. Of all of the great acts of American statesmanship, foreign aid is the most outstanding, and, I might add, the most in keeping with our own history and traditions.

The United States of America was the first new nation. Ours was the first modern, democratic revolution. We were the first colony to win our freedom. We were the first newly independent people to face the wilderness. The word "bootstrap" is an American word. Americans know what it takes to lift yourself by your own bootstraps, because America was created by the determination and hard work of its people.

Americans were political pioneers as well. We were the first people in history to establish a new government in a new land. Ours was a political revolution, which, once it succeeded, left us without adequate government. This is why we understand the problems in beginning with a revolution and building a nation. We know how difficult it is, once freedom is gained, to unify the people of a country, to create one from many, to establish a government which can govern. The words inscribed over the rostrum of this Senate—"E Pluribus Unum"—describe our unfinished task, a task we have in common with every other country of the world which, having gained independence, is trying to build one nation.

We understand—because it has also been our problem—the great dilemma faced by the other new nations in keeping faith with freedom, while at the same time maintaining the political sta-

bility necessary to prevent anarchy and self-destruction.

Foreign aid is the American Revolution in action in the 20th century. Conditions differ, but the basic problems facing the new nations are similar to those which we faced and continue to face. It is through foreign aid—conceived not just as economic development, for that is only part of the problem, but conceived as a total plan of action for bringing about social, economic, and political change in less-developed countries—that the ideals and goals of the permanent American Revolution, and the permanent interests and aspirations of the human race best find expression.

RESPONSIBILITY OF THE LESS-DEVELOPED COUNTRIES

Finally, there is, of course, the responsibility of the less-developed countries, not just to undertake the self-help required for development, but to conduct themselves as responsible members of the community of free nations. This is not easy for a newly independent nation, faced with heavy burdens at home, the pressures of the cold war, increasingly unfavorable terms of external trade, and an increasing gap between the rich nations and the poor. By and large the less-developed countries of the free world have acted in a remarkably mature and responsible manner, especially considering the circumstances. It is often difficult for us, even though we were the first new nation, to appreciate the predicaments they face, and the cruel choices they have to make. We can applaud the patriotic freemen of every less-developed country who strive to set their people free from misery, disease, and economic helplessness. They, and the patriots of the developed countries working with them, are the heroes of the war being waged against time and the enemies of freedom in which foreign aid is the major weapon.

The temptation of any group or country faced with such overwhelming problems is to find a scapegoat, a devil, an enemy. This temptation will surely grow as developing countries have to grapple with rising external debt, increasing internal economic difficulties, and mounting domestic strife. "The Morning After," as one author calls this aftermath of freedom, will be a dangerous period during which real statesmanship will be required of developed and less-developed nations alike.

One of the first real tests will occur in the next few weeks, as more than 100 nations confer in Geneva on problems of trade and economic development. Trade is vital for development, just as markets are necessary for trade. Yet the cruel fact is that even increased trade has not been helping the less-developed countries. In recent years the prices of primary commodities sold by less-developed countries have fallen by about 10 percent while the prices of manufactured goods which these countries must buy have increased by about the same amount. Steps have been taken to stabilize world commodity markets, one of the most important of which is the coffee agreement now on the Senate calendar. There is also a new

compensatory financing program operated by the International Monetary Fund. But pressure has been mounting for new measures, such as more preferential tariffs and other trade advantages, together with higher levels of aid.

These are the problems which will be discussed in Geneva, where all nations concerned will have to show considerable restraint in order for positive and constructive results to be obtained. The developed nations—the haves—must act in a responsive and responsible manner, but the less-developed countries must not let the fact that they are the have-nots lead them into taking irresponsible positions. They must particularly guard against blaming their problems on everyone and everything but themselves. Scapegoating cannot be a substitute for facing their own problems realistically.

THE MEASURE OF OUR GREATNESS

The world is entering a period of great uncertainty and stress, which will tax the patience and tolerance of every nation. It could become a time of trouble, with the poor turning on the rich, and the rich turning away from the poor. Or it can become the beginning of a new age, with freemen working together for their common good. That choice is in our hands.

Now, more than ever, our response to the challenge of development is a measure of our greatness as a people and our enlightenment as a nation. And now, more than ever, American genius is required to make foreign aid a more effective answer to the great questions facing the less-developed world.

President Johnson has asked for our support. Let us now give it, not grudgingly, or in a spirit of despair and defeat, but in full awareness that although the way be perilous and long, there can be no turning back. With a community of free nations as our ultimate goal, let us rededicate our country to the ennobling and historic task of helping two-thirds of the human race to win, not just freedom, but the blessing of life, liberty, and the pursuit of happiness.

I am very much impressed with the emphasis given to private enterprise in the new foreign aid program. American private investment is a tremendous boast to the economic progress of the less-developed countries of the free world. In 1962, total new American long-term investment in companies and plants overseas totaled \$2.7 billion—half again the total expenditures of economic aid under the Foreign Assistance Act. Most of this flow of investment went to the developed countries rather than to the less developed countries, but it shows the possibilities for investment if adequate incentives and encouragement are given.

And investment by private companies not only supplies necessary capital but it also brings with it technical skills, managerial talents, and administrative organization. In many developing countries these are even more of a bottleneck than shortage of capital. Although much is now being done by AID in the private field, further studies should be made to determine how the present

program can be strengthened and supplemented to make sure that private investment makes the maximum contribution. I was, therefore, pleased to see that in accordance with the Senate amendment of last year, an Advisory Committee on Private Enterprise in Foreign Aid is being appointed by the Administrator. This Committee will report by the end of 1964 and make recommendations "for achieving the most effective utilization of the private enterprise provisions of [the Foreign Assistance] Act."

The main new legislative actions requested by the President for fiscal year 1965 are in accordance with the new emphasis upon the private community: the investment tax credit, increased funds for investment surveys, and increases in extended risk guaranty authority and Latin American housing guaranty authority. Further legislation may well be recommended next year as a result of the report of the Advisory Committee.

I. LESS DEVELOPED COUNTRY INVESTMENT CREDIT ACT

Potentially one of the most powerful devices for mobilizing private resources for development is the proposed tax credit legislation, the Less-Developed Country Investment Credit Act designed to encourage a greater flow of U.S. private capital to developing countries. It provides for a U.S. investor to receive a tax credit against his total tax liability equal to 30 percent of his investment in developing countries. It also authorizes a credit on reinvested earnings in excess of 50 percent of total earning if they remain at work in the developing country. This tax credit leaves the investment decision freely to the private investor, but it should tip the balance in many cases in favor of a decision to invest in one of the less developed countries.

One of the important problems in mobilizing private enterprise for development is how to make businessmen aware of the opportunities that do exist and of how to encourage them to give serious consideration to such opportunities.

II. BUSINESSMEN'S INFORMATION CENTER

A Businessmen's Information Center has been established within AID to help businessmen learn where and how they can participate in AID private enterprise programs. The Center will provide information and guidance to American businessmen on those functions of the agency which affect business and whom to contact on each of them. AID is also compiling a list of investment opportunities which have been studied by numerous public and private organizations—international banks, foreign governments, U.S. and foreign corporations, universities, and foundations—for use by the investing public.

III. INVESTMENT SURVEY PROGRAM

Authorization of \$2.1 million for the investment survey program has been requested by the President because the program has expanded rapidly in the past year. Under this program AID can agree to pay up to half of the cost of investment surveys undertaken by prospective investors. If the survey results in an actual investment project, the investor

pays the full cost of the survey. The modest AID costs under the program give promise of opening the way to millions of dollars of investment. In 1963, AID participated in the financing of 60 surveys by companies wishing to explore new investment opportunities in less-developed areas—a significant jump from the 5 surveys authorized in 1962.

The leverage of this program is so high that even a relatively small proportion of successes would produce an impressive increase in investment—much of which might not have taken place without this encouragement.

IV. EXTENDED RISK GUARANTY PROGRAM

To overcome the higher risks—which act as a major barrier to U.S. investment in developing areas, an expanded guaranty authority is needed.

A crying need in developing countries is for boldness in pursuing investment opportunities entailing considerable risk, beyond those that can be insured against, through the specific risk guarantee program—covering convertibility, expropriation, and war risk. Authority to grant extended risk guarantee coverage on commercial risks to U.S. investors is granted in the authorizing statute. The act now authorizes up to \$180 million for assuring against loss of any loan investment for housing projects, or against loss of not to exceed 75 percent of any other investment. I understand that the first contract granting such coverage was signed with a group of U.S. companies to cover an \$8 million additional investment in a petrochemical complex in Argentina. Rapid expansion is now anticipated by the AID agency, with amounts under this guarantee expected to rise to \$50 million in fiscal year 1964 and to \$140 million in fiscal year 1965. To allow this expected expansion, the President has asked that we increase the authorized guarantee issuing authority by \$120 million, bringing the total to \$300 million.

The extended risk guaranty is one of the most powerful investment incentives we can offer U.S. private enterprise; the experience of the next year should prove a guide as to how much further this program can be advanced in the future.

V. LATIN AMERICAN HOUSING PROGRAM

As is well known, the housing shortage in Latin America is incredible. Without even the barest minimum of a place to live, it is hardly surprising that unrest, strife, and despair cover the continent. The Latin American housing guarantee program is a start toward providing a measure of social justice in this hemisphere. In 1963, AID approved eight investment guaranties for self-liquidating demonstration housing projects in Latin America; in addition, two projects were guaranteed in 1962. These 10 projects in Peru, Chile, El Salvador, Honduras, Mexico, and Panama will produce approximately 13,000 housing units, representing a total investment guarantee commitment of almost \$55 million. More than 5,500 homes are already under construction, and 100 of the first 400 houses to be built and financed under this Alliance for Progress housing guarantee were formally dedicated and delivered in Lima, Peru, on January 18, 1964.

The President has asked us to raise the authorized guarantee issuing authority by \$100 million to a total of \$250 million. This will accommodate the continued rise in demand for these guarantees—close to \$190 million is expected to be in force by the end of fiscal year 1965.

The introduction of low downpayment, long-term mortgage financing in Latin America—aided by the United States guarantee—is broadening the possibilities for private home ownership and serves as a demonstration to local builders and financial institutions.

VI. SPECIFIC RISK GUARANTEE

The oldest AID program to assist the U.S. investor is the specific risk guarantee program, covering convertibility, expropriation, or war risk. From the inception of the program through December 1963, 778 guarantee contracts worth \$1.4 billion had been written for specific political risks. Outstanding guarantees have doubled again over the last 2 years.

In 1963, the Congress increased guarantee issuing authority by \$1 billion to a total of \$2.5 billion; this authority is sufficient to meet the needs for the coming fiscal year.

The pressure of unprecedented demand for these guarantees has called for administrative improvements to handle the backlog and to clear the ground for even higher demands. New staff has already been added to the Investment Guaranties Division, and further administrative improvements are underway. I understand that Administrator Bell has appointed Leigh Miller, the former legislative programs coordinator, to head up this Division. The tremendous potential of this program must be realized, and I believe that Mr. Miller will provide the necessary leadership.

VII. EXECUTIVE SERVICE CORPS

The President's proposal for an Executive Service Corps will help to mobilize the technical and managerial skills of American business for development. There are many Americans with high skills and long experience in business who would welcome the challenge and opportunity to put their know-how to work directly to help the growth of free enterprise in developing countries. At the same time, a major limiting factor in the growth of private enterprise in most of these developing countries is the great shortage of managerial and technical manpower.

The Executive Service Corps should bring together the needs of the developing countries and the available skills in the United States. But I also applaud the President's view that the Executive Service Corps should be operated outside of the Government—working with similar local groups in the developing countries. This should be a private program, assisted by AID as appropriate, but outside of usual Government channels.

The proposed new Executive Service Corps should emphasize placing people directly in private enterprises and in actual operating jobs overseas rather than purely advisory functions. Those going abroad should go as individual volunteers and not as U.S. Government representatives in any formal sense, though

we hope that through their deeds they may become effective ambassadors for development through private enterprise. This has been the key to success of the Peace Corps—and is a noble example for older citizens.

This program offers an opportunity to mobilize business know-how and skilled manpower—which are one of the greatest strengths of our system—to meet the challenge of world development; it also offers the opportunity for Americans to practice what they preach and to show by example why we as a nation believe so strongly that a free enterprise system is the most effective way to achieve both prosperity and true freedom.

This program seems likely to get the enthusiastic cooperation of American business and preliminary indications are that it will be well received in the developing countries. It should be an important addition to the many voluntary organizations already working to strengthen free peoples overseas.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a press release I issued on President Johnson's foreign aid message:

There being no objection, the release was ordered to be printed in the RECORD, as follows:

STATEMENT ON THE FOREIGN AID MESSAGE

In his foreign aid message for this year, President Johnson has submitted a streamlined modernized foreign aid program which the Congress can and will support. It makes clear that we intend to meet our commitments abroad, that we intend to support those who are defending free institutions around the world. The amount requested by the President—\$3.4 billion—is \$1½ billion less than the original request for last year.

The new program will accelerate the trend toward concentration of our aid program in a few high priority countries. It will phase out our regular aid missions in a substantial number of countries in the near future. It will reduce the number of AID employees by 1,200 persons by the end of fiscal year 1965.

The new foreign aid message indicates that the administration has consulted key officials in the Congress, in the executive branch, and outside the Government in planning the aid program for this year. They have accepted many of the suggestions made by Senators and by knowledgeable leaders in the private sector. The new program features an enlarged role for private agencies and institutions—for businesses, for foundations, for universities, for labor, and cooperative organizations. It indicates that AID officials are aware that much of the technical assistance work must henceforth be done through contracts with qualified private organizations, rather than through direct-hire personnel. The message indicates also an awareness of the need to utilize to the fullest possible extent the resources of existing Government agencies for assistance in the health, labor, agriculture, and education fields.

The new aid program gives special encouragement to private enterprise by granting a tax credit for businesses investing in underdeveloped countries. And it encourages us to share the managerial skills of our business community by establishing an Executive Service Corps.

In conclusion, the aid message gives a clear indication that improvements in our aid program are being made, that it is being concentrated in high priority areas, that it is

being distributed in ways (chiefly through multilateral agencies like the World Bank and IDB) that encourage other developed nations to carry an increasing share of the aid burden.

Most important of all it reaffirms the commitment of the U.S. Government to meet its responsibilities as the leader of the free world in defending freedom against the ever present threat of totalitarian tyranny.

Mr. TOWER obtained the floor.

Mr. KEATING. Mr. President, will the Senator from Texas yield?

Mr. TOWER. Mr. President, I ask unanimous consent that I may yield to the Senator from New York without losing the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MATZOTH SITUATION IN THE SOVIET UNION

Mr. KEATING. Mr. President, I have just received a report from the Department of State regarding the results of an on-the-spot investigation of the matzoth situation in the Soviet Union. Most regrettably, officials of the U.S. Embassy in Moscow find conflict and controversy in the stories emanating from Soviet sources. It is further proof of Soviet efforts to conceal the truth and to pretend that matzoth is available when, in fact, that is not the case. Altogether the situation is certainly not encouraging.

I must, however, most strongly dissent from the conclusions of the Department of State that:

Since this question concerns Soviet domestic policies, there does not appear to be any useful action which the Department could take to remedy this situation.

The Department did not take a similar view in urging approval of the wheat deal to relieve domestic food problems, and we will never halt the attacks on religious freedom in the Soviet Union by a head-in-the-sand attitude.

The United States is a member of the United Nations, and the United Nations Charter clearly states:

The United Nations shall promote universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

It is evident from the facts that the Soviets are conducting a campaign of harassment and intimidation of members of the Jewish faith, and that if pressure is not promptly brought to bear, there will not be an adequate supply of matzoth for observance of the Passover. I strongly urge a direct appeal by our Government to the rulers of the Soviet Union, and increased efforts through the U.N. to alleviate the present policies of discrimination and deprivation which face the Jewish people of the Soviet Union at every turn.

I ask unanimous consent to have printed at this point in the Record the text of the report from the Department of State, dated March 17, 1964.

There being no objection, the report was ordered to be printed in the Record, as follows:

DEPARTMENT OF STATE,
Washington, D.C., March 17, 1964.

HON. KENNETH B. KEATING,
U.S. Senate.

DEAR SENATOR KEATING: On March 10, 1964, the Department advised you that the American Embassy at Moscow had been asked to ascertain the present attitude of the Soviet authorities toward furnishing matzoth to Soviet Jews for the Passover season.

The embassy has now informed the Department that conflicting stories have emanated from Soviet sources about the availability of matzoth. The Soviet press agency, Novosti, in the latter part of February issued a release stating "special premises" had been made available for baking matzoth. This information was confirmed by a representative of the Moscow synogogue who simply stated that some sort of premises were available. The Chief Rabbi of Moscow informed New York Times and New York Herald Tribune correspondents on March 1 that his congregation had a building for baking matzoth but that it was in need of repair.

It is understood that Moscow Jews doubt whether sufficient matzoth could be produced in the indicated building to take care of the forthcoming Passover season. There seems to be some question about the availability of flour. Most importantly, it is understood that no matzoth have been prepared at the premises up to the present time.

The embassy further informed the Department that it understands that Soviet Jews will not be permitted to have matzoth baked in State bakeries as in some previous years. The Soviet authorities are said to be permitting Soviet Jews to receive matzoth from abroad but it is doubtful whether these shipments will satisfy the needs of Jews in Moscow and other Soviet cities.

The Department realizes that this information will not be very encouraging to Americans who are concerned about the availability of matzoth for Soviet Jews. Since this question, however, concerns Soviet domestic policies there does not appear to be any useful action which the Department could take to remedy this situation. The Department hopes that the Soviet Government will see fit to change its policies toward the baking of matzoth in answer to the many pleas which it is receiving on this question.

If the Department can be of any further assistance, please do not hesitate to let me know.

Sincerely yours,

FREDERICK G. DUTTON,
Assistant Secretary.

STRATEGY OF SILENCE

Mr. KEATING. Mr. President, one of the primary functions of a Federal agency or department is the dissemination of information to the public. I wonder how many are aware of the Department of Agriculture's strategy of silence with regard to the operation of the proposed wheat certificate program. Unless the Department abandons its present policy, it will be responsible for untold financial disaster to those who have contracted to buy wheat and wheat products with delivery after July 1.

Yesterday I was contacted by the Gioia Macaroni Co., Inc., of Buffalo, N.Y., which has authorized the use of its name. It will be disastrous to this company and others similarly situated if the certificate plan is applicable to wheat already under contract. This company is obligated to purchase 200,000 bags of flour at \$6.31

per hundredweight which will be processed from 516,000 bushels of 1963 wheat already in the possession of its millers. If the 70-cent wheat certificate is imposed on this wheat the company has been advised by its miller that the price of flour will be increased from \$6.31 to \$7.91. Is this the effect of a wheat bill we were told repeatedly would not increase the price of wheat to the user?

Millers who purchased 1963 Durum No. 1 for future milling and those who have contracted to buy 1964 Durum No. 1 at \$2.38 a bushel will end up paying \$3.08 a bushel if the certificate is required. If the farm bill of 1964 is passed by the House of Representatives, those who purchase after July 1 will pay \$1.30 a bushel plus 70 cents for a certificate, plus 25 cents as a premium for Durum No. 1, plus transportation costs of approximately 34 cents, or a total of \$2.59. This imposes an initial inequity of 49 cents a bushel. Since it takes 2.58 bushels of wheat for each bag of flour, those now under contract will have to pay \$1.26 more than those who buy in the future. This disparity is enough to destroy many users of this one type of wheat who have purchased for future delivery.

The company in question can avoid financial ruin by canceling its contracts right now, at a loss of \$50,000. The decision to cancel is dependent upon knowing whether they will have to pay for wheat certificates on their flour. If they wait until later, they will lose over \$200,000, and will be wiped out. But the Department of Agriculture stated only yesterday afternoon that it will not announce its operating procedures for wheat certificates on forward delivery contracts until the farm bill of 1964 has cleared both the House of Representatives and the Senate.

Mr. President, this strategy of silence is a disastrous policy, and is one which the Senator from New York cannot condone. Does this Department have no responsibility for the possible financial ruin to the exporters and millers who have 1963 wheat in supply for post July delivery and those who have already obligated themselves to buy 1964 wheat which may now have the price of certificates added thereto? Some adjustment could be made by all, if the Department of Agriculture would make its policy clear at this time. Unless the Department does so, the House of Representatives is compelled to vote upon a bill without adequate knowledge of its effect. Before the House votes on the bill, the Department of Agriculture should issue a statement in regard to what it intends.

Personally, I opposed the wheat legislation because it was not in the interest of the farmers—I believed it was not in the interest of any farmers, and certainly not in the interest of the New York State farmers or the consumers. Already my concern that the price of wheat would be increased is being confirmed by the refusal of the Department of Agriculture to state whether contract wheat will have to bear certificates. If certificates are required, that can mean the destruction of many companies in

New York State and elsewhere and the loss of jobs.

I fervently hope the Secretary of Agriculture will speak out on this matter. If he refuses to do so, the only remedy is for the other body to provide in the bill itself that no certificates will be required on 1963 and 1964 wheat covered by existing contracts.

GEORGE SKOURAS

Mr. KEATING. Mr. President, it is with profound regret that I learned of the death of George Skouras, a pioneer in the development of the motion picture industry.

George Skouras' life is characterized by achievement, dedication, and imagination. The son of a poor Greek sheepherder, he, along with his two brothers, came to the United States, and decided to seek his fortune in the motion-picture industry—an industry which at that time was one of little stability and uncertain reward. But with the courage and determination that George Skouras demonstrated all his life, he rose to become chairman of the board of United Artists, and president of Magna Pictures Corp. A distinguished New Yorker, a colorful personality, a fine businessman, and a warm friend, George Skouras devoted his magnificent talents to many worthy public causes; and he will be sorely missed by all of us who knew him.

I extend my deepest sympathy to his widow, his two daughters, and his brother, in this hour of their bereavement.

Mr. President, I thank the Senator from Texas very much for allowing me to speak at this time.

Mr. TOWER. I have been glad to yield.

CIVIL RIGHTS ACT OF 1964

The Senate resumed the consideration of the motion of Mr. MANSFIELD that the Senate proceed to consider the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. MORSE. Mr. President, will the Senator from Texas yield to me, with the understanding that in doing so he will not lose his right to the floor?

Mr. TOWER. Yes, with that understanding.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

PERSONAL STATEMENT BY SENATOR MORSE

Mr. MORSE. Mr. President, I rise to a point of personal privilege.

The PRESIDING OFFICER (Mr. KENNEDY in the chair). The Senator from Oregon will state it.

Mr. MORSE. Earlier today, I spoke on the floor of the Senate, and stated the reasons why I believe the civil rights bill should be referred for 10 days to the Judiciary Committee.

I pointed out, in essence, that I think it is of great importance that there be a committee report on the bill, for such a report can subsequently be used in litigation in the courts, in connection with a showing of the legislative intent in connection with the passage of the bill. I pointed out that after the bill was thus referred to the Judiciary Committee, and after 10 days of committee hearings and committee consideration had been had, and, of course, it is realized that I intend to make my motion after the Senate has taken up the bill, at which time my motion would be in order—thereafter, by means of the committee report on the bill, it would be possible to show the congressional intent in connection with the passage of the bill; and the showing of the congressional intent would be of very great importance in connection with court decisions.

It seems that sitting in the Senate gallery at the time I made my speech this afternoon was Clarence Mitchell, chairman and director of the Washington Bureau of the NAACP. He has sent me a telegram; and I think it is due him that the telegram be placed in the RECORD. I am sure the references in the telegram to Senators will not be objected to by them; and certainly it is due me to make the reply which I shall now make to Mr. Mitchell's telegram, because of what he has stated in the telegram he intends to do with it.

I also wish to state to Senators that, in my opinion, such a demonstration of emotionalism and such an attack by Mr. Mitchell in sending me this telegram, prove, in my judgment, how important it is that the bill be before the committee for 10 days, so that a committee record can be made in regard to it and there can be a committee report on it.

I repeat that a majority of the members of the Judiciary Committee favor the bill, or at least favor a strong bill; and, being a majority, nothing in the world could prevent those nine members of the committee from filing a committee report with the Senate. The filing of that committee report is inevitable, if the nine members of the Judiciary Committee wish to file a report on the bill; and I point out that they have a clear obligation to file a report on it, for that is one major reason why I am urging that the bill be referred to the committee—so the Senate can receive the committee's report on the bill, and so there can be, as a result, clarification of any ambiguities which may be found to exist in connection with the bill, and so there can be a presentation of any amendments which the members of the committee feel should be offered to the bill.

Mr. Clarence Mitchell has sent me the following telegram:

Being unable to speak on the floor of the Senate, I have chosen this method to reply to your statement today about referring the civil rights bill to the Senate Judiciary Com-

mittee. I shall read this telegram at the Civil Liberties Clearing House Conference where I am speaking today.

I hope he will also have an extraordinary meeting of that conference called, and will read to it the speech I shall subsequently make on the floor of the Senate when I state the reasons why I believe that, as a matter of sound legislative practice, the bill should be referred to the committee.

I continue to read the telegram:

If there is any one thing that strains the faith of citizens, it is the persistent effort to give an aura of respectability to committee hearings on civil rights run by Senator JAMES O. EASTLAND of Mississippi. To the man in the street this is the equivalent of the stacked deck, the hanging judge, and the executioner who enjoys his work. Every Member of the Senate who takes the trouble to read the CONGRESSIONAL RECORD on the day that Senator EASTLAND was named chairman of the Judiciary Committee knows that he was committed to a program of keeping civil rights bills in his hip pocket. Through the years as the civil problems have become more acute, he met them by getting a bigger pocket and a larger supply of pigeonholes.

There are very few Judiciary hearings on civil rights that I have not observed personally. These hearings are as remote from orderly process as the outermost corner of space is from Main Street in Topeka, Kans. Most questions are really one thousand word speeches. Most of the time is spent with Senator SAM ERVIN telling jokes about Uncle Remus, Brer Rabbit or some other king of folklore. It is this type of mauling of civil rights issues that has forced thousands of colored citizens to turn to the sidewalks and the picket line to get redress by direct confrontation.

It is shocking and depressing to one who considers himself a man of compassion and good will to hear the suggestion made that referral of this bill to the Judiciary Committee would make possible the consideration of legislation affecting coffee. Surely our country should not ask its colored citizens to stand aside for international coffee problems when they are being arrested, beaten, and bitten by dogs simply because they seek to purchase this beverage at public lunch counters. Surely our Latin American friends would be unfaithful to their own aspirations, if they would be willing to gain an advantage for coffee at the expense of human freedom in the United States.

CLARENCE MITCHELL,

Director, Washington Bureau, NAACP.

Mr. President, I am in complete sympathy with Mr. Mitchell's desire to have civil rights legislation enacted; but I am in complete disagreement with him if he thinks that following the tactics set forth in that telegram, is the way to best serve the interests of the Negroes of America, irrespective of the fact that he may be director of the Washington Branch of the National Association for the Advancement of the Colored People.

Neither Mr. Clarence Mitchell nor any other Negro leader serves a civil rights issue well by resorting to such tactics as are employed in the telegram. In the Senate we have a duty to follow procedure which in our judgment will best serve the passage of a sound civil rights bill and will lay a foundation for a law that will stand the test of the courts. I wish Mr. Clarence Mitchell to know that he can read any telegram that he desires to send to me, no matter what

its contents may be, to any group in this country to which he wishes to read it—the Civil Liberties Clearing House Conference or any other conference—for I have never yielded to duress, abuse, coercion or tactics such as are employed in the telegram.

But I wish, Mr. Clarence Mitchell to know also that I do not yield to Mr. Clarence Mitchell in my dedication to seeking to have passed in the Senate, and ultimately through the Congress and signed by the President, the soundest possible civil rights bill that will for the first time in the history of our country deliver the Constitution to the Negroes of our country.

I hope that others do not make the mistake in judgment that Mr. Mitchell has made by sending this telegram, because he makes perfectly clear the tactics of those in the civil rights movement who are seeking to prevent the Senate from referring the bill to committee for further deliberations. He will discover, when Senators stand up to be counted, that they will not surrender to the kind of coercion and duress that is implied in the Mitchell telegram.

Mr. TOWER. Mr. President, I ask unanimous consent that I may yield to the Senator from New York for 2 minutes without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I am grateful to the Senator from Texas and other Senators who are standing aside so that I might say a word about the speech of the Senator from Oregon [Mr. MORSE], which fortunately I happened to hear as I came on the floor of the Senate.

Today I was a speaker on the same program with Clarence Mitchell, who signed the telegram to which the Senator from Oregon referred, at the Civil Liberties Clearing House Conference. I heard the telegram read.

I assure the Senator that if I had felt the least threat in it or an effort to hold him up to public obloquy, whether it was my role to speak at that point or not, I would have asked Mr. Mitchell to yield and I would have corrected the record then and there, but I did not. I believe the telegram represents the passionate feeling of a man who is deeply engaged in the struggle and is very much opposed to what the Senator from Oregon [Mr. MORSE] has proposed, namely, reference of the civil rights bill to the Judiciary Committee. I am, too. Many others are, also.

I really would hope, because I believe it is important that it should be made clear, that the Senator would not feel that the telegram was an effort at coercion. I heard it read. I knew the frame of reference and heard the tone in which it was read. I feel that I can give the Senator my personal assurance. As I have said if I felt otherwise, since I respect the Senator and have such affection for him and respect his right as a Senator so greatly, I would have protested in his name, even without consulting him. But I felt no such thing.

Mr. Mitchell does send a strong telegram, but he feels strongly. I can understand why he does.

It is fair to Mr. Mitchell to point out that he did what he said he would do—read the telegram to the Civil Liberties Clearing House Conference. But the telegram did not have the implication or frame of reference of a threat or punitive quality or anything like that that I could detect.

Mr. MORSE. Mr. President, will the Senator yield 30 seconds to me?

Mr. TOWER. I yield 30 seconds to the Senator from Oregon, with the understanding that I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, I am very glad to have the interpretation of the telegram by the Senator from New York. I completely disagree with the telegram. I know Mr. Mitchell. I have been carrying on some correspondence with Mr. Mitchell. As the Senator from New York has pointed out, it is quite true that he feels deeply and is highly emotional about the question. But it is emotionalism that I think has beclouded and blinded his sights as to how best to handle the proposed legislation on the floor of the Senate.

It is certainly not the best way to handle the proposed legislation on the floor of the Senate to send telegrams of this type to U.S. Senators and make the attacks, innuendoes, and implications that are clearly embedded in the telegram.

I have no doubt that, on the basis of other mail I have received from some pro-civil-righters, much of which mail should have come in asbestos envelopes, they are very much concerned about my motion to send the bill to committee for 10 days, for two main reasons: First, they do not want it amended—and it should be amended; and, second, they want to get this bill through the Senate as it came from the House, so it will not have to go back to the floor of the House, where a majority of the House will have to stand up and be counted on the final vote.

I completely disagree with the tactics of Mr. Mitchell and those who have joined him in thinking that, by this kind of pressure, they can succeed in having me refrain from making the motion to refer the bill. They are in for a surprise.

Mr. TOWER. Mr. President, I ask unanimous consent that I may yield to the Senator from Idaho without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, I have just received, within the hour, a conference call by telephone from the bishops reverend ministry, and lay spokesmen of the Catholic, Protestant, and Jewish faiths in Boise, Idaho, expressing their united support for the enactment of civil rights legislation.

I have told them how immensely I appreciated their call, expressing their strong endorsement of the civil rights bill now pending in the Senate. They who speak with such legitimate authority for so many churches, have given voice to a central principle of Christian belief, the essential equality of man.

We are blessed to have a Constitution which, like the Christian church, is also color blind. People with black skins are as much entitled to equal justice under law as white-skinned people. Negroes have the same right as others to vote, to attend public schools, to use public facilities, and to patronize those businesses which cater to the public trade.

To implement these rights—to uphold the Constitution—the civil rights bill is necessary. It represents another step forward in our historic striving to extend and perfect the writ of freedom to all our citizens.

It is not the right of any State to deny Negro citizens the equality of treatment guaranteed them by the supreme law of the land. If it were otherwise, we could not have one great country “dedicated to the proposition that all men are created equal.” In the place of the United States, we would have 50 separate principalities in constant strife with one another, and of as little consequence as the Balkans to the mainstream of history.

Mr. President, I ask unanimous consent that the names of the bishops and ministers, who joined together in making this plea, appear here in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

The Reverend Harry Steger, minister of education of the Boise First Baptist Church; the Reverend James F. Moore of the Southminster Presbyterian Church; the Reverend Victor Bendsen of the Mountain View Church of the Brethren; the Reverend Charles Easley, eastern district superintendent of the Methodist Conference; Archdeacon William Johnson of the Episcopal Missionary District; Bishop Sylvester Treinen of the Catholic Diocese of Boise; Mr. Robert Hamersley, representing members of the Jewish faith; the Reverend David Choate, minister of the First Congregational Church; Dr. Karl Ladwig of the Immanuel Lutheran Church, and the Reverend Ira D. Crewdson, district superintendent for the Disciples of Christ.

EMPHASIS ON PRIVATE ENTERPRISE

Mr. TOWER. Mr. President, I ask unanimous consent that I may yield to the Senator from Indiana without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, our foreign aid program has been the focus of considerable controversy since its beginnings. The complex problem of how to make the world safe for democracy has no easy solutions and precious few, if any, answers offered by Government win complete approval at home and abroad.

There is one approach, though, that has been neglected in the past and, in my mind, should be pushed to the forefront now. This is an all-out effort to build private enterprise abroad. There is no question in my mind that the foundation for and the success of our democracy has been our strong private enterprise system. If we are to see democracy succeed abroad, then we must boost private enterprise in every way possible.

It was for this reason that I recommend more than a year ago the estab-

lishment of a "businessmen's peace corps" and I am happy to report that this organization, called the Executive Service Corps, is on its way to reality. I also was pleased to note that President Johnson, in his foreign aid message, cited the Corps as the key move to expand private initiative in the United States and the developing countries.

As any exercise in private enterprise should be, the Corps will be a businessman's organization, with the Government serving only in an advisory capacity. Retired, semiretired, and midcareer businessmen will be offered the opportunity to volunteer their skills and know-how in private enterprise abroad. Corps members will work directly for businessmen overseas, thus avoiding again the government-to-government approach.

The Executive Service Corps, when fully operative, is going to bring about substantial reductions in our foreign aid requirements, simply because the boost in private enterprise will reduce the need for help from outside. Private enterprise accounts for our power and prosperity in the United States today. By exporting this great American dream—with businessman helping businessman—we will not only lift living standards, but point the way to freedom and strength.

THE PRESIDENT'S FOREIGN AID MESSAGE

Mr. TOWER. Mr. President, I ask unanimous consent that I may yield to the Senator from New York without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, first, I should like to make a comment upon the President's foreign aid message, because for many years, both in the House and in this body, I have been deeply concerned with this program.

It seems to me we are near a path of disaster for foreign aid if we pursue the line of continually treating it as if it were a tentative program, as subject to an overhauling and reevaluation that has not yet been made.

As I have stated before, I think it is the best defense we have against communism, and that it must be vigorously pursued.

I do not agree with those who think the program is a failure. There have been instances of need for correction in one place or another, but foreign aid has been a success in great measure, and is largely responsible for keeping the world where it should be—on the side of the free.

I say this because of the President's message. If we continue to temporize with reevaluation and overhauling, it will hurt the program, even though the President is now asking that we provide the minimal amount he, himself, could possibly ask for.

I hope, when hearings are held, that the administration will make a firm proposal, and not come in later with a reevaluation or reorientation. In this way the Congress could inaugurate a new program rather than continue to labor under

the idea that we are acting tentatively and that we will throw foreign aid whatever bones are necessary to keep it going, but that we will really have a program later on. That is the real danger to the present program.

I say this at the same time that I hail the President's recommendations on use of the free-enterprise system in foreign aid. If the President wants a line on which to overhaul and change the program, that is the line. He ought to embark on it and use it as an aspect of the Executive Service Corps, about which the Senator from Indiana [Mr. HARTKE] had something to say.

In this approach there are also guarantees of housing loans in Latin America and the advisory committee on the private enterprise system which is to be made available. All this can be highly effective in meeting the great needs. Technical assistance is available from the private sector, which the developing nations so urgently require.

The Advisory Committee on Private Enterprise Participation resulted from an amendment which I sponsored. I am glad the President is "picking up that ball." But it was done 3 months ago, and nothing has happened yet. The Committee is required to report by the end of 1964. This is true of many other aspects about the use of the private enterprise system.

I think we are coming dangerously close to shortchanging the foreign aid program, which will always be needed in the public sector, to a considerable extent, no matter how much private enterprise participates.

We are coming close to materially endangering it, probably disastrously, because of the tentative character of the way we approach this problem, with the attitude of "just wait; we will bring something in."

So, much as I commend the President for what he is seeking to do to save the program, I hope he will go further and count on a program heavily premised upon the private sector as well as the public sector and bring it to Congress in connection with the message on the subject, instead of leaving the bill on foreign aid on a tentative basis, as was done last year.

I am grateful to the Senator from Texas for yielding to me.

Mr. TOWER. Mr. President, I ask unanimous consent that I may yield to the Senator from Rhode Island [Mr. PELL], provided that in doing so I shall not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CHARACTER AND PERSONALITY OF JOHN F. KENNEDY

Mr. PELL. Mr. President, while glancing through a book entitled "Four Days" published by the United Press International and the American Heritage magazine about the assassination of President Kennedy, I came across a warm and penetrating piece by Bruce Catton into the character and personality of John F. Kennedy that gives us an even greater appreciation of him.

This excellent article, which serves as an introduction to the book, tells how President Kennedy "personified youth and vigor," how he came to symbolize change in our Nation, "we began to look ahead once more and to realize that it was not only possible but imperative to think about the limitless future."

In the perceptive words of Mr. Catton, "What President John F. Kennedy left us was most of all an attitude." In President Kennedy's wonderful words from his classic inaugural address—

Let the word go forth from this time and place to friend and foe alike that the torch has been passed to a new generation of Americans, born in this century, tempered by war, disciplined by a hard and bitter peace, proud of our ancient heritage and unwilling to witness or permit the slow undoing of those human rights to which this Nation has always been committed.

And because of my own abiding and expanding interest and respect for the youth of our Nation, our great resource for the future, I feel it fitting that these good words about President Kennedy by Mr. Catton should be called to the attention of the Congress and the Nation.

I ask unanimous consent to move this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"FOUR DAYS"

(Introduction by Bruce Catton)

What John F. Kennedy left us was most of all an attitude. To put it in the simplest terms, he looked ahead. He knew no more than anyone else what the future was going to be like, but he did know that that was where we ought to be looking. Only to a limited extent are we prisoners of the past. The future sets us free. It is our escape hatch. We can shape it to our liking, and we had better start thinking about how we would like it.

It was time for us to take that attitude, because we thought we were growing old. We had lived through hard experiences and we were tired, and out of our weariness came caution, suspicion, and the crippling desire to play it safe. We became so worried about what we had to lose that we never began to think about what was still to be gained, and sometimes it looked as if we were becoming a nation of fuddy-duddies. The world was moving faster than ever before and we were beginning to regret that it was moving at all because we were afraid where it might take us.

But President Kennedy personified youth and vigor—and perhaps it was symbolic that both his friends and his foes picked up his Boston accent and began to say "vigah." He went about hatless, he liked to mingle with crowds and shake the hands of all and sundry, for recreation he played touch football, and for rest he sat in an old-fashioned rocking chair as if in sly mockery of his own exuberance. He seemed to think that things like music and painting and literature were essential parts of American life and that it was worthwhile to know what the musicians and artists and writers were doing. Whatever he did was done with zest, as if youth were for the first time touching life and finding it exciting.

With all of this there was a cool maturity of outlook. By itself, vigor is not enough. Courage is needed also, and when youth has courage it acquires composure. In the most perilous moments President Kennedy kept his poise. He challenged the power of darkness at least once, and during the hours when his hand had to stay close to the fateful trigger he was composed and unafraid.

House of Representatives

THURSDAY, MARCH 19, 1964

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

I John 4: 19: *We love Him because He first loved us.*

Almighty God, at this noon hour, as we engage in a moment of prayer, we are manifesting a feeling and a faith to seek Thee which Thou hast implanted in us and that Thy gracious presence alone canst satisfy.

We penitently confess that we are so slow of heart to feel and so dull of vision to see that we often fail to understand that if we are seeking Thee it is because Thou hast first sought us.

May our minds and hearts this day become animated and aglow with a sense of the supremacy of duty and a passion for righteousness.

Grant that the spirit of love and light may pervade our souls and may the good seed, that we sow here and there, bloom and become fragrant with the flowers of kindness, of mercy, and good cheer.

When we fail to attain unto that spiritual growth and dignity of soul, which we covet, may we have the will to try again for Thy love will never let us go.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Ratchford, one of his secretaries, who also informed the House that on March 18, 1964, the President approved and signed bills of the House of the following titles:

H.R. 5306. An act for the relief of Paul James Branan;

H.R. 7491. An act for the relief of William L. Berryman; and

H.R. 10051. An act to amend Public Law 86-272, as amended, with respect to the reporting date.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 7967. An act for the relief of certain individuals employed by the Department of the Air Force at Hickam Air Force Base, Hawaii.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 614. An act to authorize the Secretary of the Interior to make water available for a

permanent pool for fish and wildlife and recreation purposes at Cochiti Reservoir from the San Juan-Chama unit of the Colorado River storage project;

S. 1299. An act to defer certain operation and maintenance charges of the Eden Valley Irrigation and Drainage District; and

S. 1445. An act for the relief of Archie L. Dickson, Jr.

SWEARING IN OF MEMBER

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 16, 1964.

The Honorable the SPEAKER,
House of Representatives.

SIR: From the secretary of state, State of Tennessee, a letter was received today stating that the unofficial returns of the special election conducted on March 10, 1964, in the Second Congressional District of Tennessee to elect a Representative in the Congress of the United States to fill the unexpired term of the Honorable Howard H. Baker, deceased, show that Mrs. HOWARD H. BAKER was duly elected by a margin of 8,982 votes. There has been no indication of any election contest or dispute.

Sincerely yours,

RALPH R. ROBERTS,
Clerk, U.S. House of Representatives.

Mr. ARENDS. Mr. Speaker, I ask unanimous consent that the gentlewoman from Tennessee [Mrs. HOWARD H. BAKER] be permitted to take the oath of office today. Her certificate of election has not arrived, but there is no contest, and no question has been raised with regard to her election.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mrs. BAKER appeared at the bar of the House and took the oath of office.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman from Iowa makes the point of order that a quorum is not present. Evidently, a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 74]

Abele	Buckley	Finnegan
Adair	Carey	Fogarty
Ashbrook	Clancy	Forrester
Ashley	Clawson, Del	Fulton, Tenn.
Baring	Curtis	Glaimo
Barrett	Daddario	Grabowski
Bass	Daniels	Gray
Battin	Dawson	Hagan, Ga.
Biatnik	Dowdy	Halleck
Brown, Calif.	Edwards	Harvey, Mich.

Hébert
Hoffman
Holland
Jarman
Jensen
Jones, Ala.
Karsten
Kee
Kirwan
Landrum
Lankford
Leggett
Lloyd
McFall

McIntire
McMillan
Martin, Calif.
Martin, Mass.
Miller, N.Y.
Minshall
Monagan
Montoya
Norblad
O'Brien, Ill.
Pilcher
Powell
Rains
Rhodes, Ariz.

Rich
Roberts, Ala.
Roybal
Saylor
Schadeberg
Selden
Sheppard
Sibal
Thompson, N.J.
Ullman
Van Pelt
Weaver
Wydler

The SPEAKER. On this rollcall 358 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

FOREIGN AID—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 250)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

The most important ingredient in the development of a nation is neither the amount nor the nature of foreign assistance. It is the will and commitment of the government and people directly involved.

To those nations which do commit themselves to progress under freedom, help from us and from others can provide the margin of difference between failure and success. This is the heart of the matter.

The proposals contained in this message express our self-interest at the same time that they proclaim our national ideals.

We will be laying up a harvest of woe for us and our children if we shrink from the task of grappling in the world community with poverty and ignorance. These are the grim recruiting sergeants of communism. They flourish wherever we falter. If we default on our obligations, communism will expand its ambitions. That is the stern equation which dominates our age, and from which there can be no escape in logic or in honor.

NO WASTE, NO RETREAT

It is against our national interest to tolerate waste or inefficiency or extravagance in any of these programs. But it is equally repugnant to our national interest to retreat from our obligations and commitments while freedom remains under siege.

We recognize that the United States cannot and should not sustain the burden of these programs alone.

Other nations are needed in this enterprise of mutual help. Encouraging

signs exist that the process of sharing the burden is steadily growing.

The best way for the United States to stimulate this growth and to broaden this partnership in freedom is to make our own example an incentive to our friends and allies.

We need the assurance of stability and progress in a world restless with many dangers and anxieties.

PRUDENT AND RESPONSIBLE PROGRAMS

In this program we do not seek to cover the whole world. Aid on a worldwide scale is no part of our purpose.

We seek instead, through prudent and responsible programs, to help carefully selected countries whose survival in freedom is essential—and whose collapse would bring new opportunities for Communist expansion.

There are no easy victories in this campaign. But there can be sudden disasters. We cannot ask for a reprieve from responsibility while freedom is in danger. The vital interests of the United States require us to stay in the battle. We dare not desert.

Economic and military assistance, used at the right time and in the right way, can provide indispensable help to our foreign policy in enabling the United States to influence events instead of merely reacting to them. By committing a small part of our resources before crises actually occur, we reduce the danger and frequency of those crises. Our foresight becomes a shield against misfortune.

The recommendations contained in this program for fiscal year 1965 are designed to move the aid program in that direction. They reflect views and experience of the Congress, of the executive branch, and of informed private citizens.

FIVE FUNDAMENTAL CONCEPTS FOR A SUCCESSFUL PROGRAM

First. The request for funds must be realistic.

For economic assistance, new authorizations of \$917 million for fiscal 1965 are recommended. Specifically, I recommend \$335 million for supporting assistance, \$225 million for technical cooperation, \$134 million for contributions to international organizations, \$150 million for the President's Contingency Fund, and \$73 million for administrative and miscellaneous expenses.

For military assistance, I recommend that the Congress provide a continuing authorization, subject to an annual review of each year's proposals by the authorizing committees in both Houses.

For fiscal 1965, I recommend no additional authorizations for the Alliance for Progress or for development lending assistance in Asia or Africa. Existing authorizations for these programs are adequate.

The appropriations recommended for fiscal 1965 total \$1 billion for military assistance and \$2.4 billion for economic assistance.

In fiscal 1964, the initial request was \$4.9 billion, later reduced to \$4.5 billion. This fiscal year, the request of \$3.4 billion is \$1.1 billion less than last year's request, although about the same as was available last year, taking into considera-

tion the unexpended balance from the year before. Moreover, more than 80 percent of aid funds will be spent in the United States. The impact of the program on our balance of payments will be less than ever before.

INSURANCE TO AVOID COMMITTING AMERICAN MEN TO WAR

These requests reflect a determination to continue to improve the aid program both in concept and administration. The overall request represents a great deal of money—but it is an amount which we should, in all prudence, provide to serve essential U.S. interests and commitments throughout the world.

More than 1 million American men in uniform are now stationed outside the United States. As insurance to avoid involving them and the Nation in a major conflict, we propose to spend through aid programs less than 4 cents out of every tax dollar.

If there is any alternative insurance against war, it might be found in an increase in the defense budget. But that would require not only many times more than \$3.4 billion, for a military budget which already takes more than 50 cents out of every tax dollar, but also a severalfold increase in our own military manpower.

The foreign assistance requested will provide: The crucial assistance we have promised the people of Latin America who are committed to programs of economic and social progress; continued economic development in India, Pakistan, and Turkey under the major international aid-consortia to which we are a party; the U.S. share of voluntary contributions to the United Nations technical cooperation programs and to such special international programs as the work of the United Nations Children's Fund, and the development of the Indus Basin; funds to meet our commitments to the freedom of the people of South Vietnam, Korea, and for the other obligations we have undertaken in Asia and Africa.

Second. The funds I am requesting will be concentrated where they will produce the best results, and speed the transition from U.S. assistance to self-support wherever possible.

Two-thirds of the proposed military assistance will go to 11 nations along the periphery of the Sino-Soviet bloc, from Greece and Turkey through Thailand and Vietnam to the Republic of China and Korea. These funds are a key to the maintenance of over 3.5 million men under arms, raised and supported in large measure by the countries receiving the assistance.

The need for supporting assistance: Funds used primarily in countries facing defense or security emergencies will continue to be reduced. Fourteen countries which received supporting assistance 3 years ago will receive none in fiscal year 1965.

Four-fifths of the present request will go to four countries—Korea, Vietnam, Laos, and Jordan.

Two-thirds of the development lending proposed for fiscal 1965—including Alliance for Progress lending—will be concentrated in six countries: Chile, Co-

lombia, Nigeria, Turkey, Pakistan, and India.

Funds for educational and technical cooperation to help start schools, health centers, agricultural experiment stations, credit services, and dozens of other institutions—are not concentrated in a few countries. But they will be used for selected projects to raise the ability of less fortunate peoples to meet their own needs. To carry out these projects we are seeking the best personnel available in the United States—in private agencies, in universities, in State and local governments, and throughout the Federal Government.

Wherever possible, we will speed up the transition from reliance on aid to self-support.

In 17 nations, the transition has been completed and economic aid has ended. Fourteen countries are approaching the point where soft economic loans and grants will no longer be needed. New funds for military equipment grants are being requested for seven fewer countries for fiscal 1965 than for the present year.

Third. We must do more to utilize private initiative in the United States—and in the developing countries—to promote economic development abroad.

During the past year the first new houses financed by U.S. private funds protected by AID guarantees were completed in Lima, Peru; the first rural electrification surveys, conducted by the National Rural Electric Cooperative Association under contract to AID, were completed and the first rural electrification loan—in Nicaragua—was approved; the first arrangement linking the public and private resources of one of our States to a developing country was established, between California and Chile. This effort must be expanded.

Accordingly, we are encouraging the establishment of an Executive Service Corps. It will provide American businessmen with an opportunity to furnish, on request, technical and managerial advice to businessmen in developing countries.

During the present year, the possibilities for mobilizing increased private resources for the development task will be developed by the Advisory Committee on Private Enterprise in Foreign Aid established under the Foreign Assistance Act of 1963.

In this connection, two specific legislative steps are recommended: One, legislation to provide a special tax credit for private investment by U.S. businessmen in less-developed countries; two, additional authority for a final installment of the pilot program of guaranteeing private U.S. housing investments in Latin America.

Fourth. We will continue to seek greater international participation in aid.

Other free world industrial countries have increased their aid commitments since the early 1950's. There are indications that further increases are in store. Canada recently announced that it expects to increase its aid expenditures by 50 percent next year. A 1963 British

white paper and a French official report published in January 1964 point in the same direction. Other nations have reduced interest rates and extended maturities on loans to developing countries.

Of major importance in this effort are the operations of the International Development Association. Under the agreement for replenishing the resources of this Association, which is now before the Congress for approval, other countries will put up more than \$1.40 for every dollar the United States provides to finance on easy terms development projects certified as sound by the World Bank—projects which the developing countries could not afford to pay for on regular commercial terms. This is international sharing in the aid effort at its best. For, to the extent we furnish funds to IDA, and they are augmented by the contributions of others, the needs of developing countries are met, thus reducing the amounts required for our own bilateral aid programs.

Under the program before you the United States would be authorized to contribute \$312 million over a 3-year period. Against this other countries have pledged \$438 million which will be lost in the absence of the U.S. contribution. Action is needed now so that the Association may continue to undertake new projects even though the first appropriation will not be required until fiscal year 1966.

I urge the Congress to authorize U.S. participation in this continued IDA subscription.

Fifth. Let us insist on steadily increasing efficiency in assistance operations. After careful study, I have decided to continue the basic organization of aid operations, established after intensive review in 1961. Economic assistance operations will continue to be centered in the Agency for International Development, military assistance operations in the Department of Defense. Both will be subject to firm foreign policy guidance from the Secretary of State.

STEPS TO INCREASE EFFICIENCY OF AID

One officer, Assistant Secretary of State Mann, has been assigned firm policy control over all aspects of our activities in Latin America.

Full support will be given to the newly created Inter-American Alliance for Progress Committee which is designed to strengthen the aspect of partnership in the Alliance.

The AID Administrator has instructions to embark on a major program to improve the quality of his staff—and to reduce the total number of AID employees by 1,200 by the end of fiscal year 1965.

The AID Administrator has been directed to continue to consolidate AID missions with U.S. Embassies and, wherever possible, to eliminate altogether separate AID field missions.

The Secretary of Defense has been directed to continue to make substantial reductions in the number of personnel assigned to military assistance groups and missions.

In this connection, I recommend two specific legislative steps: One, legislation to provide the AID Administrator with authority to terminate a limited number

of supervisory and policymaking employees notwithstanding other provisions of law, and to extend the existing Foreign Service "selection out" authority to other personnel.

This is essential if the Administrator is to carry out my desire—and that of the Congress—that he improve the quality of the AID staff, and at the same time, reduce its total size.

Two, legislation to permit outstanding U.S. representation on the Inter-American Alliance for Progress Committee under the leadership of Ambassador Teodoro Moscoso.

Finally, I am appointing a general advisory committee, as suggested by Senator COOPER and others, on foreign economic and military assistance problems. It will be composed of distinguished private citizens with varied backgrounds and will serve as a continuing source of counsel to me. In addition to its general responsibility the Committee will examine aid programs in individual countries. These reviews will be made by members of the advisory committee, augmented as necessary by additional persons. I would hope that at least four or five country reviews, including two or three in Latin America, will be completed in the present year.

A PROGRAM TO STRENGTHEN THE FAMILY OF THE FREE

I am convinced this program will enable the United States to live in a turbulent world with a greater measure of safety and of honor.

There is in our heart the larger and nobler hope of strengthening the family of the free, quite apart from our duty to disappoint the evil designs of the enemies of freedom.

We wish to build a world in which the weak can walk without fear and in which even the smallest nation can work out its own destiny without the danger of violence and aggression.

This program, based on the principle of mutual help, can make an essential contribution to these purposes and objectives which have guided our Nation across the difficulties of these dangerous years.

I recommend this program to the judgment and the conscience of the Congress in the belief that it will enlarge the strength of the free world; aid in frustrating the ambitions of Communist imperialism; reduce the hazards of widespread conflict; and support the moral commitment of freemen everywhere to work for a just and peaceful world.

LYNDON B. JOHNSON.

THE WHITE HOUSE, March 19, 1964.

PRESIDENT JOHNSON'S MESSAGE ON FOREIGN AID

(Mr. ALBERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALBERT. Mr. Speaker, the foreign aid message of the President is honest, realistic, and practical. Without mincing any words, it says that foreign aid is indispensable to our security. But it also says that foreign aid must be given on a selective basis, to those

countries which are really trying to pull themselves up by their own bootstraps. It says that other wealthy nations should bear more of the foreign aid burden. It says that whenever possible U.S. assistance should be reduced and brought to an end.

According to the message, 14 countries are now reaching the point where they can support themselves without our help. It would be unwise from a diplomatic standpoint to call those countries by name, or to fix a specific date for the end of our aid. But the President is determined to speed the transition from U.S. aid to self-support, and I am confident that we will see considerable progress in this direction in coming months.

For the next fiscal year the President is requesting \$3.4 billion, which is the amount available in this fiscal year, and the smallest request ever made for foreign aid. This does not mean that the President is cutting the program below what is essential. The stakes are too big for that kind of penny ante.

It does mean that the President is not playing the usual game of asking for more than you need in order to compromise on an amount you can live with.

I commend the President for making this honest and realistic request, and for presenting a message which should help to restore public confidence in foreign aid.

We now have the basis for renewed support in the House this year for this vital arm of our foreign policy.

GENERAL LEAVE TO EXTEND

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the President's message on foreign aid.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

FOREIGN AID RECOMMENDATIONS OF PRESIDENT JOHNSON

(Mr. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOGGS. Mr. Speaker, President Johnson's foreign aid recommendations are, in my opinion, a hardheaded, commonsense, fiscally prudent appraisal of what is necessary for the free world's and our own survival. It merits strong bipartisan support.

Several points stand out in the message:

First. Our sister nations in the free world are stepping up their own contributions to foreign aid for underdeveloped countries.

Second. We are emphasizing more than ever before the indispensable role which private enterprise must play in the developing nations. I hope that phase of the program is enacted first.

Third. We are rapidly reducing the number of free nations which must rely on our military assistance funds for self-defense.

I commend the President on his message.

Mr. ZABLOCKI. Mr. Speaker, I join the distinguished majority leader and Chairman MORGAN in commending the President for his message on foreign aid.

It is a realistic, forthright, and clear-cut statement of the policy, direction, and intent of our U.S. foreign assistance to cooperating nations.

The amount of \$3.4 billion, \$1.1 billion less than requested last year, reflects a truly realistic approach.

The decision to concentrate U.S. assistance where it will produce the best results, to cut back supporting assistance, to utilize private initiative, and to increase efficiency in assistance operations, should rally support for the AID legislation.

Although the message does not contain all of the improvements desired, it is a most praiseworthy, positive approach to strengthening our foreign aid program.

Mr. MATSUNAGA. Mr. Speaker, the President has recommended an austerity foreign aid program, conforming to his economy program for the Federal Government. Congress cannot reduce it further without endangering the balance of power against communism in the underdeveloped countries.

It is in our national interest that the underdeveloped countries remain free of Communist influence and that those which have democratic governments be strengthened. We are engaged in a battle for men's minds. Democracy works best where there is hope for the future; communism is the politics of despair and can best take over when the people lose faith in their future. Our aid programs have strengthened democracy in many nations by providing them with hope for the future.

President Johnson is to be congratulated upon the new and bold approach of his Executive Service Corps. It is a challenge to American private business to help our country through this difficult period in world history.

Let us, the Members of Congress, support this worthy program.

Mr. FRASER. Mr. Speaker, the House has received from the President his message on foreign aid. The President's statement is excellent. With a minimum of words it deals wisely with several major concerns which the Congress has expressed about the foreign aid program.

The President has reduced the money request to a minimum. Many of us feel that the United States should be expanding our programs of foreign aid. Nevertheless, in deference to the goal for 1965 of keeping expenditures to a minimum, the President has presented an authorization request roughly equal to the final appropriation of last year. The House can approach this year's requests with the assurance that the executive branch made every cut which they felt was possible.

Often it is said that the United States is trying to do too much for too many through its programs of assistance to other nations. The President's message makes abundantly clear that apart from educational and technical assistance

which necessarily goes to many nations, the bulk of our aid is going to a very few nations—nations who are deserving of our aid because of their strategic location or their own success at self-help.

The President's statement contains many important proposals. He emphasizes the need to strengthen the role of private enterprise in our development efforts, and proposes a new Executive Service Corps and a tax credit for investments made in less-developed countries. Steps to strengthen administration of AID accompanied with a reduction in personnel, emphasis on increased help from other nations, and a plea for our support of the new IDA authorization round out one of the most effective and concise statements on foreign aid which we have received for some time.

Mr. Speaker, a few can quarrel with the objectives outlined in this program for fiscal 1965. What must be done in this House—this year—is to decide whether or not we are going to turn our back on the rest of the world, or whether we will shoulder the responsibilities to which we have fallen heir since the end of World War II. That question must be faced firmly, and now. We meet head on the steady erosion of support for the aid programs and the mounting attacks by those who offer no alternative course of action. We must decide whether this bill and the companion appropriation measures are going to be the subject of an accommodation with those who are bent on destroying one of the United States most effective weapons in the struggle for freedom, or whether the House will take to itself the full responsibility for resolving these questions after full and complete debate.

Mr. Speaker, the President's message on foreign aid graphically describes the nature of the decision which must be made by the House during the coming months when he says that:

We will be laying up a harvest of woe for us and our children if we shrink from the task of grappling in the world community with poverty and ignorance.

Mr. ALGER. Mr. Speaker, the foreign aid message is fallacious. It is not supported by the facts of foreign aid as it has developed over the years. On the contrary, foreign aid has become, as this message indicates it will continue, self-contradictory and self-defeating.

Even a cursory study of the President's message proclaims its errors. Let us examine it.

The President says:

To those nations which do commit themselves to progress under freedom, help from us and from others can provide the margin of difference between failure and success.

On the contrary, we give aid to dictators and Communists, and punish our freedom-loving friends.

The President says:

The proposals contained in this message express our self-interest at the same time that they proclaim our national ideals.

On the contrary, our outpouring of dollars, our apparent efforts to buy friendship, indicate a godless materialism, rather than our God-fearing spiritual beliefs and our championing dignity and respect of the individual whose rights

come from God. Our foreign aid does not embody our beliefs in individual initiative and our consecration to a Supreme Being.

The President says:

We will be laying up a harvest of woe for us and our children if we shrink from the task of grappling in the world community with poverty and ignorance.

Here again the fallacious assumption that communism breeds in poverty. It does not, as history clearly shows. It feeds on ignorance, not poverty. There is a great difference. The entire message here again rests on a fallacious premise.

This fallacy is compounded by what follows:

They flourish wherever we falter. If we default on our obligations, communism will expand its ambitions.

We have already faltered on our obligations to the freedom loving and our allies, by outright subsidy, trade, aid, and deals with the implacable enemy, so that we feed, cultivate, and arm the Communists. Our friends are hard pressed to understand, therefore, our castigation of their trading with Castro. We act foolish and our friends see this. Our foreign aid to Communists is part of the measure of this foolishness.

The President goes on:

It is against our national interest to tolerate waste or inefficiency or extravagance in any of these programs. But it is equally repugnant to our national interest to retreat from our obligations and commitments while freedom remains under siege.

After admitting that we are against waste and inefficiency, the President seems to make it plain that if these are part of foreign aid obligations, it is all right.

The endless examples of waste, corruption, privately padded bank accounts and bad judgment suggest to our world neighbors that we lack judgment, have an inexhaustible source of money, and welcome the opportunity to give it away. Of course, we lose their respect and fail to attain any goal but that of looking foolish.

It may be as the President then says:

Other nations are needed in this enterprise of mutual help. Encouraging signs exist that the process of sharing the burden is steadily growing.

If others do participate we can expect some sense being introduced to correct our extravagance. Even so, we should lead, not be disciplined by others.

If we abandoned all foreign aid to the Communists, socialists, and neutrals; if we offered our help only on a self-help basis, by letting others earn our help, for which they could pay and keep their self-respect, we might salvage a measure of the prestige we have lost. Then it might be agreed as the President next says:

The best way for the United States to stimulate this growth and to broaden this partnership in freedom is to make our own example an incentive to our friends and allies.

Foreign aid must be stopped. Only friends should be helped, only those who value and practice freedom in a democratic form of society. The help then given can be whatever projects the benefited countries want, and then only with the major contribution made by them-

selves. We could, when asked, provide advice and technical help—the rest would be up to the recipient nation.

But first and foremost our national leaders, the President most of all, owe the American people, an explanation of how our gifts to Communists help the cause of freedom.

How is freedom strengthened when we give aid to and help to strengthen governments which do not express the will of the people or hold their people in slavery? What answer do you give, Mr. President, to the fact brought out in hearings before the Appropriations Committee last year which follows?

Testimony revealed that our aid program is being continued in countries where one of the following illegal actions has occurred:

A dictator has taken over control of the country.

A military junta has overthrown a friendly government.

A president or premier has been assassinated.

A newly elected President has been prevented from taking office.

A monarch has been dispossessed by a rebel force. The hearings disclosed that 29 countries receiving U.S. aid between 1948-63 have experienced an illegal change of government. Of these 29 countries, Cuba is the only one which is not now receiving direct U.S. aid, although she does receive assistance indirectly from us through the United Nations.

Specifically, how does a gift of \$25 million of wheat to Russia converted into ethyl alcohol to make weapons of war benefit the United States? Such a gift makes the earlier scrap iron to Japan look quite innocent by comparison. If treason is giving aid and comfort to the enemy, wherein does aid to Communists differ from treason, and since when was not treason a crime against the Constitution of our Nation? It is time for an accounting, Mr. President. How about it?

BIBLE READING AND PRAYER IN PUBLIC SCHOOLS

(Mr. CELLER asked and was given permission to address the House for 1 minute.)

Mr. CELLER. Mr. Speaker, as chairman of the Committee on the Judiciary, I wish to announce that on April 22 next at 10:30 a.m. the full Committee on the Judiciary will start hearings on Bible reading and prayer in the public schools and other places. I wish to announce that 144 resolutions have been filed with the committee taking some 35 different forms with 103 sponsors, indicating rather widespread interest in this very important topic. The nature and importance of the subject requires that the committee have the best thinking of all schools of thought in its consideration of the pending resolutions. For that reason announcement is being made that on April 22 hearings will begin.

MINORITY VIEWS ON H.R. 5990

Mr. MULTER. Mr. Speaker, I ask unanimous consent that the minority views on H.R. 5990 may be printed.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

ANOTHER VICIOUS RED ATTACK

(Mr. DORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORN. Mr. Speaker, the Red Communist-controlled Moscow radio beamed to all of Central and South America on January 16 in Spanish another vicious and sinister attack upon me and upon other Members of this Congress. Moscow radio through these cheap distortions, false propaganda, and downright lies hopes to divert the attention of the world from their aggressive design to eventually control the Panama Canal. This is an old Communist-Fascist trick to abuse and vilify those who attempt to bring the people the truth and those who expose the schemes and machinations of the Communist conspiracy.

Mr. Speaker, the open, bold, and aggressive attack on U.S. territory, the Canal Zone, in early January, once it began was taken over and led "lock stock and barrel" by Communist agents from Red Russia, Red China, and Red Cuba. This open attack was a bid for control of the Panama Canal by the Communists. It is part of their strategic plan to seal off and box in the United States in its own backyard which, of course, would eventually result in the collapse of our leadership of the free world and leadership of the Western Hemisphere.

Mr. Speaker, the Moscow attack upon me followed almost immediately a statement I made to this House in which I pointed out Communist agitators, subversives, agents, and saboteurs were promoting mob violence and trying to undermine U.S. sovereignty over the canal. In that speech I defended President Lyndon Johnson and placed in the CONGRESSIONAL RECORD a statement issued by President Johnson on the canal crisis. The following, Mr. Speaker, is part of President Johnson's statement which I inserted in the Record at that time:

The United States cannot allow the security of the Panama Canal to be imperiled. We have a recognized obligation to operate the canal efficiently and securely, and we intend to honor that obligation in the interest of all who depend on it.

Two days after I placed President Johnson's statement in the Record and charged the Communists with mob violence and subversion in Panama, Moscow radio made the following attack upon me. This, Mr. Speaker, is an exact translation of its broadcast made on January 16:

IMPERIALISM IN U.S. CONGRESS

(Moscow Radio in Spanish to Cuba 2330 GMT, Jan. 16, 1964)

Summary: Mr. DORN, of South Carolina, had a dream that the U.S. Congress had decided to send him on an inspection journey to the Canal Zone in Panama. After having been given a thick wad of dollars, Mr. DORN went to the airfield and flew to the Canal Zone, where he found everything quiet. But, to his amazement, instead of the Stars and Stripes which had been flying at the masthead since 1903, the flag of the Republic of Panama was flying and the Panamanians were strolling about as if they were in their own land.

Mr. DORN awakened in a cold sweat and looked around his apartment, anxiously awaiting the opening of the ordinary session of the U.S. Congress, of which he is a Member. He would then climb to the rostrum and shout with patriotic fervor: "Capitulators, you have dragged the Nation so far that in one of its parts, I mean in the Panama Canal Zone, a foreign flag is fluttering."

"Murmurs would come from the gentlemen from Texas, Florida, and Alabama who would growl: 'This is against the law, treaties, and international justice.'"

But what is clear and unequivocal is that the continued occupation of the Panama Canal by the United States is illegal and it contradicts the principles of international law, and particularly U.S. obligations as a member of the United Nations.

The people of the Republic of Panama, with the support of all the peace-loving peoples in the world, demand with vigor the return of national property which was snatched from them; namely the Canal Zone. They struggle with valor and determination against the U.S. imperialists, against the Mr. Dorns and similar types. Panama must be master of the Canal Zone. The Panama Canal must be nationalized. These are now the aspirations of the Panamanian people.

Mr. Speaker, I might remind the House that Moscow Radio only attacks an American when he is working for the United States and what he says is constructive for the United States and the free world and is opposed to the diabolical plan of the Communist-controlled world to subvert and conquer the free world.

ATTITUDE OF PRESIDENT JOHNSON TOWARD NEGOTIATIONS WITH PANAMA

(Mr. CASEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CASEY. Mr. Speaker, I was interested in the interpretative report on the front page of the Washington Post this morning concerning the President's attitude toward negotiations with Panama. Of course, this reporter had to rely on hearsay, if you will, as the source of his information. He indicated that Assistant Secretary Mann might not be in accord with the President. I doubt that seriously, knowing Tom Mann as I do. Furthermore, he indicated some of the Latin American officials felt that the image of President Johnson had deteriorated. On the contrary, I think President Johnson's image has grown vastly with all of the people of the world

and especially this country in view of the fact that he shows when he feels he is right he is going to stand firm and will not give in to further erosion of our position in the Canal Zone. It is true some of the ambitions of those in Panama who would like to take over the canal may have deteriorated some, but I say to President Johnson, "Congratulations on your stand, and I for one feel you have the full backing of the citizens of the United States."

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. CASEY. I certainly will.

Mr. ALBERT. I commend the distinguished gentleman from Texas for the statement he has made. I know he knows whereof he speaks, and it is a statement that should have been made. I congratulate him.

Mr. CASEY. I thank the distinguished majority leader for his comments.

PRESIDENT'S MESSAGE ON FOREIGN AID

(Mr. MOORHEAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOORHEAD. Mr. Speaker, I want to associate myself with the distinguished majority leader and the distinguished majority whip in their remarks on the foreign aid message of the President.

This is a tough message which should be well received by the Congress. According to my count on 23 occasions the President of the United States used words such as "waste," "reduction of personnel," "promotion of efficiency," "private business," and so on.

This message provides for reduction in requests for money. It provides for aid only to countries which are helping themselves.

It proposes a concentration of aid, the rifleshot approach, if you will, instead of a shotgun blast.

Two-thirds of the military aid would go to 11 countries. Four-fifths of the supporting assistance would go to four countries. Two-thirds of the development lending would go to six countries.

This is a message which the Congress can support.

CORRECTION OF ROLL CALL

Mr. GILBERT. Mr. Speaker, on roll-call No. 72 I was recorded as not answering to my name. I was present and answered to my name. I ask unanimous consent that the permanent Record and Journal be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

CHIEF JUSTICE EARL WARREN LAUDED

(Mr. COHELAN asked and was given permission to address the House for

1 minute and to revise and extend his remarks.)

Mr. COHELAN. Mr. Speaker, today a native Californian, a distinguished jurist and a great American, Chief Justice of the United States, Earl Warren, celebrates his 73d birthday.

Few Americans, Mr. Speaker, have contributed so much to their country. Few have insisted on and maintained such high standards of public service. Few have been so faithful and selfless in their dedication and devotion. Few so richly deserve our gratitude and appreciation. It is a measure of our free society—a society which Earl Warren has played such an outstanding role in defending—yet a blot on our sense of decency and fairness, that he has been so viciously vilified by uninformed extremists and malicious malcontents.

Chief Justice Warren is a distinguished graduate of the University of California and its noted school of law.

As Governor of California he served for 11 years with a distinction clearly appreciated and evidenced by widespread voter approval.

As holder of the highest judicial office in the land he has, for another 11 years, been a steadfast and unrelenting guardian of the rights of the individual citizen.

A tough and vigorous public prosecutor in his younger years, Chief Justice Warren has recognized that strict adherence to the rules of fair procedure is an indispensable condition of a free society. His concern for individuals reflects not sentimentality or softness, but a conviction that freedom affords the key alike to public welfare and the national security.

As Earl Warren's representative in Congress, Mr. Speaker, I bring him a special message of congratulations from people who remember him with particular fondness.

But congratulations are not limited to his home of his State. I know that all Members join me in paying tribute to the Chief Justice on his birthday and on the vigor with which he faces the useful years ahead. The people of this country are fortunate indeed to have this man with his rare blend of wisdom, commonsense, compassion and integrity in their highest judicial post.

Happy Birthday, Mr. Chief Justice.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. COHELAN. I yield to my colleague.

Mr. MILLER of California. Mr. Speaker, I would like to associate myself with my distinguished colleague from Alameda County, the gentleman from California [Mr. COHELAN] in what he has said about the great and good Chief Justice Earl Warren.

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent that all Members have 5 days to extend their remarks on the anniversary of the birthday of the Chief Justice, following the remarks of the gentleman from California [Mr. COHELAN].

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

CORRECTION OF RECORD

Mr. RYAN of New York. Mr. Speaker, I ask unanimous consent that the permanent CONGRESSIONAL RECORD be corrected as follows:

February 1, 1964, page 1571, line 9, should read 50—not 500.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

OUR PROBLEMS IN VENEZUELA

(Mr. STINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STINSON. Mr. Speaker, in last night's Evening Star, there was an article by the Associated Press which perhaps outlines the problems which the United States and the other freedom-loving people of the Western Hemisphere face. The article states, and I quote:

U.S. Ambassadors to Latin America are reported to be divided over the degree to which the United States should support Venezuela's demands for action against Cuba by the Organization of American States.

The article went on to say that:

Some of our Ambassadors suggested that it might not be wise for the United States to go all out for Venezuela's proposals because this could split the OAS.

If some of our Ambassadors to Latin American countries are opposed to taking strong action against Castro, then no wonder communism is so successful in the Western Hemisphere. How discouraging for Venezuela to try to stand up against the Soviet-backed might of Cuba when her ally to the north, the United States, hesitates to take a positive stand in her behalf. How discouraging for Venezuela and other Latin American countries when instead of opposing communism the United States imposes a naval blockade around Cuba to prevent any anti-Communist Cubans from attacking the oppressors and dictators of their homeland. No wonder the prestige of America continues to sink when some of our own diplomats are opposed to ridding the Western Hemisphere of communism. How can we expect the other nations to oppose the Communists if we, their strongest ally, refuses to act. Mr. Speaker, it is high time that the United States stops listening to the appeasers and accomodators and starts to assume the position of leadership which is our responsibility. The appeasers of the State Department and Foreign Service should be relieved of their duties and replaced with men of courage and initiative.

BACK ALLEY TACTICS IN THE BOBBY BAKER INVESTIGATION

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, the chairman of a congressional committee, allegedly investigating the activities of Bobby Baker, apparently wants to clamp

the lid on that smelly mess, and he is quoted in the newspapers as saying those who oppose him are engaged in "back alley" tactics.

Well, Mr. Speaker, there must have been some chasing through "back alleys," and some "back alley" tutelage to make it possible for Baker, a page boy and former legislative employee, to gallop to a \$2 million fortune at the ripe old age of 35.

Yes, let us find out what went on in the "back alleys" of the Capital, the wall-to-wall, lavender-carpeted townhouse on N Street, as well as other countinghouses in Washington, D.C., and elsewhere.

THE PRESIDENT'S MESSAGE ON FOREIGN AID

(Mr. ADAIR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADAIR. Mr. Speaker, we have listened with interest to the reading of this year's foreign aid message. I believe from it we may gain two quick impressions. First of all, the thing that many of us in the legislative branch have been saying and fighting for in the past many years is now vindicated, that is that there is not the need for the very large sums of money which have in recent years been requested for this program.

Mr. Speaker, we are pleased to find now that the Executive apparently finds agreement with the legislative point of view on this matter and therefore sends up a reduced request for this year. However, the bill still seeks too much money, in addition to its other deficiencies.

A second thing, which goes along with that and should not by any means be forgotten is the fact that expenditures or prospective expenditures are not to be measured by the amount of the authorization and the appropriation requested.

We must remember that the unexpended balances still continue at very high levels and will be available for expenditures in the coming fiscal year. Thus, it is entirely possible that in spite of an apparent reduction, our expenditures may continue at the level that they have maintained in recent years.

THREAT TO THE CITRUS FRUIT INDUSTRY IN FLORIDA

(Mr. GURNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GURNEY. Mr. Speaker, down in the Sunshine State of Florida, our No. 1 industry, with the exception of tourism, is the production of citrus fruit.

Last week, the very life of this vital industry was threatened by a nefarious scheme to permit Latin American fruit to be shipped into the United States without the payment of import tariffs.

The Board of Directors of the Virgin Islands Corporation which includes Secretaries Freeman and Udall, was prepared to lease Government land in that territory to shipping czar, D. K. Ludwig, who planned to import oranges from the

Republic of Panama to the free port of St. Croix—Saint Kroy—manufacture orange juice concentrate, then ship the product into this country duty free.

Mr. Ludwig withdrew his lease offer at the request of the White House, after that dwelling on Pennsylvania Avenue was flooded with thousands of telegrams from Florida growers. But I am suspicious the deal is only temporarily forgotten, perhaps only until November.

In this belief, I have today introduced a bill to remove the tariff exemption from any citrus product manufactured in the Virgin Islands if it contains any foreign material. Presently, the regulations grant duty-free status to a manufactured product if it contains less than 50 percent foreign material.

This modification of the tariff schedules will allow Mr. Ludwig to devote his efforts hopefully, to activities more wholesome than undermining an industry which provides jobs, Government revenue, and health-giving fruit for our Nation in Florida, Texas, and California.

CORRECTION OF ROLL CALL

Mr. GURNEY. Mr. Speaker, on roll-call No. 73, a quorum call, I am recorded as absent. I was present and answered to my name. I ask unanimous consent that the permanent Record and Journal be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

FOREIGN AID

(Mr. MORGAN asked and was given permission to address the House for 1 minute.)

Mr. MORGAN. Mr. Speaker, the President has prepared a strong and, at the same time, a realistic foreign aid program.

He spells out the fact that the program has been adjusted to changes in the world situation. He has reduced the size of the program to \$3.4 billion, which is the approximate level established by the Congress during the last session, taking into account the unexpended balances which were reappropriated.

In 17 countries, economic aid has ended.

New funds for military equipment grants are being requested for seven fewer countries for fiscal 1965 than for fiscal 1964.

The President wants to cut the number of AID employees by 1,200 by the end of fiscal 1965.

The Committee on Foreign Affairs begins hearings on the foreign aid bill on Monday morning. We are going to take a careful look at the program, and I am sure we will find that further savings will be possible.

Every one of us has to face the fact that we cannot go overboard in cutting foreign aid.

We are in the middle of a cold war and we cannot fight a cold war without foreign aid. We do not get rid of the cold war by pretending it does not exist and eliminating foreign aid.

The security of our country depends on our following the course which the President has outlined for us.

(Mrs. FRANCES P. BOLTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. FRANCES P. BOLTON. Mr. Speaker, we have just had the message of the President of the United States read. I was particularly interested to find that in the message the President suggests that we have had some padded budget heretofore, and this time we have taken all of the padding out. I hope that is true.

We were told many times in past years that there was no padding. Now, we find that all along there has been. I have always tried to be very fair with this bill. Sometimes I have leaned so far over backwards that I have nearly fallen trying to believe all of the things we were told. One thing I have done consistently.

I have tried for years to get in simple terms how much they had last year, how it was spent; how much they were asking for and for what purposes. I have asked for that information again this year, and I hope we may receive it.

I thank the Speaker for being permitted to say a few words in behalf of this bill.

AMENDING THE INTERNAL SECURITY ACT OF 1950

Mr. WILLIS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 950) to amend the Internal Security Act of 1950, with Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill. The Clerk read the Senate amendment, as follows:

Page 5, after line 7, insert: "(c) Notwithstanding section 133(d) of title 10, United States Code, any authority vested in the Secretary of Defense by subsection (a) may be delegated only to the Deputy Secretary of Defense or the Director of the National Security Agency, or both."

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

COMMITTEE ON SCIENCE AND ASTRONAUTICS

Mr. WILLIS. Mr. Speaker, on behalf of the gentleman from Texas [Mr. TEAGUE], I ask unanimous consent that that the Subcommittee on NASA Oversight of the Committee on Science and Astronautics may be permitted to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

VIRGIN ISLANDS

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate con-

sideration of the bill (H.R. 10170) to continue until the close of June 30, 1965, the existing exemption from duty enjoyed by returning residents arriving from the Virgin Islands of the United States.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. GROSS. Reserving the right to object, Mr. Speaker, I think we should have a brief explanation of the bill.

Mr. MILLS. Mr. Speaker, the purpose of this legislation is to continue until the close of June 30, 1965, the existing additional \$100 tariff exemption presently afforded returning residents of the United States arriving from the Virgin Islands, which would otherwise expire on April 1, 1964.

Under the tariff schedules of the United States, a resident of the United States returning to this country before July 1, 1965, if he has remained outside the territorial limits of the United States for at least 48 hours, generally may claim an exemption from duty for \$100 worth of articles acquired abroad. In the case of persons arriving directly or indirectly from the Virgin Islands before April 1, 1964, however, a duty exemption of \$200 is allowed, not more than \$100 of which shall apply to articles acquired elsewhere than in the Virgin Islands. No absence from the United States for any specific time is required before the duty exemption may be claimed with respect to articles acquired in the Virgin Islands. With respect to articles acquired elsewhere in the Virgin Islands an absence from the United States of 48 hours is required before any exemption may be claimed. These exemptions from duty may be claimed once every 30 days.

The existing temporary reductions in the exemptions from duty for returning residents of the United States stem from the action of the 87th Congress in Public Law 87-132, approved August 10, 1961. Prior to the effective date of that law, returning residents could generally bring back \$500 worth of purchases made abroad duty free. Public Law 87-132, which generally reduced the exemptions to \$100 with respect to U.S. residents returning to this country before July 1, 1963, was enacted as a result of one of the recommendations in the President's February 6, 1961, message to the Congress on the balance of payments; this legislation also initiated the special provisions with respect to residents returning from the Virgin Islands waiving the 48-hour absence requirement and granting an additional \$100 exemption with respect to articles acquired in the Virgin Islands.

Public Law 88-53, approved June 29, 1963, continued the effect of Public Law 87-132 to July 1, 1965, except that the additional \$100 for residents returning from the Virgin Islands was extended only to April 1, 1964. This was done in order to afford the interested executive agencies an appropriate period of time within which to make a study and report back to the Congress as to the direct and indirect effect of the provisions on

the economy of the Virgin Islands. This report, which was prepared by the Department of the Interior in cooperation with the Departments of Treasury and Labor and other agencies of the Federal Government and the Government of the Virgin Islands, represents an ably thorough and exhaustive study, and in the opinion of the Committee on Ways and Means its findings support the judgment of the Congress in 1961 in initially granting the special provisions for the Virgin Islands. At that time it was felt that the islands' close relationship to the United States, the importance of an expanding tourist industry to their economy, and the minimal effect on our balance-of-payments position of expenditures of U.S. residents in the islands justified the special provisions.

Favorable reports on this bill, which provides for the special Virgin Islands provisions an expiration date simultaneous with that for the temporary reductions in tariff exemptions generally provided by Public Law 87-132 as extended by Public Law 88-53, have been received from the Departments of State, Treasury, Commerce, and Interior, and the Committee on Ways and Means unanimously recommends its enactment. (Mr. MILLS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That item 915.30 of title I of the Tariff Act of 1930 (Tariff Schedules of the United States; 28 F.R., part II, page 434, Aug. 17, 1963) is amended by striking out "before April 1, 1964."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

(Mr. BYRNES of Wisconsin (at the request of Mr. MILLS) was given permission to extend his remarks at this point in the RECORD.)

Mr. BYRNES of Wisconsin. Mr. Speaker, H.R. 10170 is very important to the economy of the Virgin Islands.

When Public Law 88-53 was enacted by the 88th Congress and approved June 20, 1963, continuing the reduction from \$500 to \$100 in the amount of purchases abroad that a returning resident of the United States might bring back duty free, the provision whereby U.S. residents returning from the Virgin Islands might bring in \$200 of goods duty free was extended to March 31, 1964.

As passed by the House, Public Law 88-53 extended the temporary \$200 provision then applicable to the Virgin Islands to July 1, 1965, and included the other American possessions. The Senate struck out the \$200 provision with respect to the Virgin Islands and all other possessions. In conference, the special provision for the Virgin Islands was extended to March 31, 1964.

In presenting the conference report, the chairman stated that a study could be made of the overall effect of the \$200 exemption as applied to the Virgin Islands, on the basis of which an evaluation could be made of the desirability of continuing the additional exemption beyond March 31, 1964. In the interim such a study was made. This study clearly demonstrates the importance of this additional exemption to the Virgin Islands.

All interested groups, including the Governor, the Legislature, and the Chamber of Commerce of the Virgin Islands have submitted statements urging that the \$200 exemption be continued. H.R. 10170 provides for a continuation of the special \$200 exemption to June 30, 1965—the same date at which the regular \$100 exemption for U.S. residents returning from places other than the Virgin Islands will expire. It deserves our support.

COMMITTEE ON RULES

Mr. TRIMBLE. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

NATIONAL BUREAU OF STANDARDS

Mr. TRIMBLE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 556 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5838) to amend the Act of March 3, 1901 (31 Stat. 1449), as amended, to incorporate in the Organic Act of the National Bureau of Standards the authority to make certain improvements of fiscal and administrative practices for more effective conduct of its research and development activities, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Astronautics, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. TRIMBLE. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. BROWN], and pending that, I yield myself such time as I may desire, and ask unanimous consent to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

H. R. 11380

IN THE HOUSE OF REPRESENTATIVES

January 10, 1917

Mr. [Name] introduced the following bill for the relief of [Name], which was read twice and referred to the Committee on [Name]

A BILL

to amend the act of March 3, 1907, relating to the [Name] of [Name] and for other purposes

That the [Name] of [Name] be [Name]

and the [Name] of [Name] be [Name]

and the [Name] of [Name] be [Name]

88TH CONGRESS
2D SESSION

H. R. 11380

IN THE HOUSE OF REPRESENTATIVES

MAY 26, 1964

Mr. MORGAN introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Foreign Assistance Act
4 of 1964".

PART I

CHAPTER 2—DEVELOPMENT ASSISTANCE

TITLE II—TECHNICAL COOPERATION AND DEVELOPMENT

GRANTS

9 SEC. 101. Title II of chapter 2 of part I of the Foreign
10 Assistance Act of 1961, as amended, which relates to

1 development grants and technical cooperation, is hereby
2 amended as follows:

3 (a) Amend the title heading to read as follows:
4 "TITLE II—TECHNICAL COOPERATION AND DEVELOPMENT
5 GRANTS".

6 (b) Amend section 212, which relates to authorization,
7 by striking out "1964" and "\$220,000,000" and substitut-
8 ing "1965" and "\$224,600,000", respectively.

9 (c) Amend section 214 (c), which relates to American
10 schools and hospitals abroad, by striking out "1964, \$19,-
11 000,000" and substituting "1965, \$18,000,000", and by
12 striking out the second sentence.

13 (d) Amend section 216 (a), which relates to voluntary
14 agencies, by inserting after "ports" the first time it appears,
15 the words "or, in the case of excess or surplus property
16 supplied by the United States, from foreign ports".

17 TITLE III—INVESTMENT GUARANTIES

18 SEC. 102. Title III of chapter 2 of part I of the Foreign
19 Assistance Act of 1961, as amended, which relates to invest-
20 ment guaranties, is hereby amended as follows:

21 (a) Amend section 221 (b) (2), which relates to gen-
22 eral authority, as follows:

1 (1) Strike out “\$180,000,000” in the third proviso
2 and substitute “\$300,000,000”.

3 (2) Strike out “1965” in the last proviso and substi-
4 tute “1966”.

5 (b) Amend section 224 (b), which relates to housing
6 projects in Latin American countries, by striking out “\$150,-
7 000,000” and substituting “\$250,000,000”.

8 TITLE IV—SURVEYS OF INVESTMENT OPPORTUNITIES

9 SEC. 103. Section 232 of the Foreign Assistance Act of
10 1961, as amended, which relates to surveys of investment
11 opportunities, is amended by striking out “1963” and
12 “\$2,000,000” and substituting “1965” and “\$2,100,000”,
13 respectively.

14 TITLE VI—ALLIANCE FOR PROGRESS

15 SEC. 104. Section 252 of the Foreign Assistance Act of
16 1961, as amended, which relates to the Alliance for Progress,
17 is amended by striking out in the first sentence the words
18 beginning with “of the funds” the first time they appear
19 through the words “fiscal year 1964” and substituting “in
20 each of the fiscal years 1963 and 1964 and \$85,000,000
21 in fiscal year 1965 of the funds appropriated pursuant to this
22 section for use beginning in each such fiscal year”.

1 CHAPTER 3—INTERNATIONAL ORGANIZATIONS AND
2 PROGRAMS

3 SEC. 105. Section 302 of the Foreign Assistance Act of
4 1961, as amended, which relates to international organiza-
5 tions and programs, is amended as follows:

6 (a) Strike out “1964” and “\$136,050,000” and sub-
7 stitute “1965” and “\$134,400,000”, respectively.

(b) At the end thereof, add the following new sentence:

“None of the funds available to carry out this chapter shall be contributed to any international organization or to any foreign government or agency thereof to pay the costs of developing or operating any volunteer program of such organization, government, or agency relating to the selection, training, and programing of volunteer manpower.”

15 CHAPTER 4—SUPPORTING ASSISTANCE

16 SEC. 106. Section 402 of the Foreign Assistance Act
17 of 1961, as amended, which relates to supporting assistance,
18 is amended by striking out "1964" and "\$380,000,000"
19 and substituting "1965" and "\$405,000,000", respectively.

20 CHAPTER 5—CONTINGENCY FUND

21 SEC. 107. Section 451 (a) of the Foreign Assistance
22 Act of 1961, as amended, which relates to the contingency
23 fund, is amended by striking out "1964" and "\$160,000,-

1 000" and substituting "1965" and "\$150,000,000", re-
2 spectively.

3 PART II

4 CHAPTER 2—MILITARY ASSISTANCE

5 SEC. 201. Chapter 2 of part II of the Foreign Assist-
6 ance Act of 1961, as amended, which relates to military
7 assistance, is amended as follows:

8 (a) Amend section 503, which relates to general au-
9 thority, as follows:

10 (1) In subsection (c) strike out "and" at the end
11 thereof and in subsection (d) strike out the period at the
12 end thereof and substitute "; and".

13 (2) Add the following new subsection (e) :

14 "(e) guarantying, insuring, coinsuring, and reinsur-
15 ing any individual, corporation, partnership, or other
16 association doing business in the United States against
17 political and credit risks of nonpayment arising in con-
18 nection with credit sales financed by such individual,
19 corporation, partnership or other association for defense
20 articles and defense services procured in the United States
21 by such friendly country or international organization."

22 (b) Amend section 504 (a), which relates to author-

1. ization, by striking out "1964" and "\$1,000,000,000" and
2 substituting "1965" and "\$1,055,000,000", respectively.

3 (c) Amend section 507 (b) , which relates to sales, by
4 inserting after "are due" at the end of the first sentence the
5 following: " : *Provided*, That the President may, when he
6 determines it to be in the national interest, accept a depend-
7 able undertaking to make full payment within one hundred
8 and twenty days after delivery of the defense articles, or the
9 rendering of the defense services, and appropriations avail-
10 able to the Department of Defense may be used to meet the
11 payments required by the contracts and shall be reimbursed
12 by the amounts subsequently received from the country or
13 international organization".

14 (d) Amend section 509, which relates to exchanges, as
15 follows:

16 (1) The section heading is amended to read as follows:
17 "EXCHANGES AND GUARANTIES".

18 (2) After the section heading insert "(a)".

19 (3) Add the following new subsection (b) :

20 "(b) In issuing guaranties, insurance, coinsurance, and
21 reinsurance, the President may enter into contracts with ex-
22 porters, insurance companies, financial institutions, or others,
23 or groups thereof, and where appropriate may employ any of
24 the same to act as agent in the issuance and servicing of such
25 guaranties, insurance, coinsurance, and reinsurance, and the

1 adjustment of claims arising thereunder. Fees and premiums
2 shall be charged in connection with contracts of guaranty,
3 insurance, coinsurance, and reinsurance. Obligations shall be
4 recorded against the funds available for credit sales under this
5 part in an amount not less than 25 per centum of the con-
6 tractual liability related to any guaranty, insurance, coinsur-
7 ance, and reinsurance issued pursuant to this part and the
8 funds so obligated together with fees and premiums shall con-
9 stitute a single reserve for the payment of claims under such
10 contracts. Any guaranties, insurance, coinsurance, and re-
11 insurance issued pursuant to this part shall be considered con-
12 tingent obligations backed by the full faith and credit of the
13 United States of America.”

14 (e) Section 510 (a), which relates to special authority,
15 is amended by striking out “1964” in the first and second
16 sentences thereof and substituting “1965”.

17 (f) Section 512, which relates to restrictions on military
18 aid to Africa, is amended by striking out “1964” and sub-
19 stituting “1965”.

20 PART III

21 CHAPTER 1—GENERAL PROVISIONS

22 SEC. 301. Chapter 1 of part III of the Foreign Assist-
23 ance Act of 1961, as amended, which relates to general pro-
24 visions, is amended as follows:

25 (a) In section 620 (f), relating to prohibitions on fur-

1 nishing assistance to Communist countries, immediately after
2 "Union of Soviet Socialist Republics" insert the following:
3 "(including its captive constituent republics)".

4 (b) Amend section 620 (k) by striking out "1964"
5 each place it appears and substituting "1965" in each such
6 place.

7 (c) In section 620 (m), relating to prohibitions on fur-
8 nishing assistance to Cuba and certain other countries, after
9 "during" insert "each" and also strike out "1964" and
10 "\$1,000,000" and substitute for the latter "\$500,000".

11 CHAPTER 2—ADMINISTRATIVE PROVISIONS

12 SEC. 302. Chapter 2 of part III of the Foreign Assist-
13 ance Act of 1961, as amended, which relates to administra-
14 tive provisions, is amended as follows:

15 (a) Amend section 625, which relates to employment
16 of personnel, as follows:

17 (1) In subsection (d) (2) in the third proviso strike
18 out "more than thirty persons in the aggregate" and substi-
19 tute "the assignment to such duty of more than twenty per-
20 sons at any one time".

21 (2) Add the following new subsection (j) :

22 "(j) The President may appoint or assign a United
23 States citizen to be representative of the United States to
24 the Inter-American Economic and Social Council and to be
25 United States representative to the Inter-American Com-

1 mittee on the Alliance for Progress and, in his discretion,
 2 may terminate such appointment or assignment, notwith-
 3 standing any other provision of law. Such person may be
 4 compensated at a rate not to exceed that authorized for a
 5 chief of mission, class 2, within the meaning of the Foreign
 6 Service Act of 1946, as amended."

7 (b) Amend section 626, which relates to experts, con-
 8 sultants and retired officers, as follows:

9 (1) Subsection (a) is amended by striking out "\$75"
 10 and substituting "\$100".

11 (2) Subsection (c) is amended by striking out the
 12 words "Career Compensation Act of 1949, as amended (37
 13 U.S.C. 231 et seq.)" and substituting "section 101 (3) of
 14 title 37 of the United States Code".

15 (c) Amend section 637 (a), which relates to adminis-
 16 trative expenses, by striking out "1964" and "\$54,000,000"
 17 and substituting "1965" and "\$52,500,000", respectively.

18 CHAPTER 3—MISCELLANEOUS PROVISIONS

19 SEC. 303. Chapter 3 of part III of the Foreign Assist-
 20 ance Act of 1961, as amended, which relates to miscellaneous
 21 provisions, is amended by adding at the end thereof the fol-
 22 lowing new section:

23 "SEC. 648. SPECIAL AUTHORIZATION FOR USE OF
 24 FOREIGN CURRENCIES.—Subject to the provisions of section
 25 1415 of the Supplemental Appropriation Act, 1953, the

1 President is authorized, as a demonstration of good will on
2 the part of the people of the United States for the Polish and
3 Italian people, to use foreign currencies accruing to the
4 United States Government under this or any other Act, for
5 assistance on such terms and conditions as he may specify, in
6 the repair, rehabilitation, improvement, and maintenance of
7 cemeteries in Italy serving as the burial place of members
8 of the armed forces of Poland who died in combat in Italy
9 during World War II.”

10 PART IV—AMENDMENTS TO OTHER LAWS

11 SEC. 401. The first section of the Act entitled “An Act
12 to authorize participation by the United States in the Inter-
13 parliamentary Union”, approved June 28, 1935 (22 U.S.C.
14 276), is amended to read as follows:

15 “That an appropriation of \$50,000 annually is authorized,
16 \$23,100 of which shall be for the annual contributions of
17 the United States toward the maintenance of the Bureau of
18 the Interparliamentary Union for the promotion of inter-
19 national arbitration; and \$26,900, or so much thereof as may
20 be necessary, to assist in meeting the expenses of the Amer-
21 ican group of the Interparliamentary Union for each fiscal
22 year for which an appropriation is made, such appropriation
23 to be disbursed on vouchers to be approved by the President
24 and the executive secretary of the American group.”

88TH CONGRESS
2^D Session

H. R. 11380

A BILL

To amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

By Mr. Morgan

MAY 26, 1964

Referred to the Committee on Foreign Affairs

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued May 28, 1964
For actions of May 27, 1964
88th-2nd; No. 106

CONTENTS

ADA Resolution.....6	Civil rights.....4	Food marketing.....6
Alaska aid.....1	Coffee.....10	Foreign aid.....9
Awards.....15	Daylight time.....18	Forest roads.....12
Beef imports.....8	Disaster relief.....1	Household effects.....10
Buildings.....13,20	Finance.....5	Imports.....8,10
		Manpower.....21
		Marketing research.....2
		Metal scrap.....10
		Pay.....14
		Personnel.....14,21
		Poverty.....11,16
		Reports.....5
		Research.....2
		Roads.....12
		Soil conservation.....3
		Water.....3,17,19
		Water conservation.....3

HIGHLIGHTS: Both Houses received President's proposal on Alaska aid. Sen. Pearson recommended Grain Marketing Research Center. Sen. Mundt said administration is not giving enough support to soil and water conservation. House Rules Committee cleared food marketing study bill. Rep. Berry spoke in support of labeling imported beef. House committee voted to report foreign aid bill. House Rules Committee cleared road authorizations bill.

SENATE

1. **ALASKA AID.** Both Houses received from the President a proposed bill to provide assistance to Alaska in providing for reconstruction of areas damaged by the earthquake of March 1964; to Senate Public Works Committee and House Interior and Insular Affairs Committee. pp. 11685, 11688
2. **MARKETING RESEARCH.** Sen. Pearson recommended establishment of a Grain Marketing Research Center at Manhattan, Kans. pp. 11724-5
3. **SOIL-WATER CONSERVATION.** Sen. Mundt reviewed the establishment of the various programs relating to soil and water conservation, including the contributions of the Eisenhower administration, and stated that the Johnson administration is not giving enough support to these programs. pp. 11729-31
4. **CIVIL RIGHTS.** Continued debate on H. R. 7152, the civil rights bill. pp. 11751-2, 11761-70
5. **REPORT.** Both Houses received from the Treasury Department its report "on the

state of the finances" (H. Doc. 253). pp. 11688, 11685

6. ADA RESOLUTIONS. Sen. Clark inserted resolutions by Americans for Democratic Action, including those on foreign trade, economic policy, poverty, housing, and education. pp. 11712-22

HOUSE

7. FOOD MARKETING. The House Rules Committee reported a resolution for consideration of H. J. Res. 977, to establish a National Commission on Food Marketing. pp. 11637-8
8. BEEF IMPORTS. Rep. Berry spoke in support of his bill, H. R. 10157, to prohibit the sale of imported meat which is not identified as such. p. 11673
9. FOREIGN AID. The Committee on Foreign Affairs voted to report (but did not actually report) H. R. 11380 (a clean bill in lieu of H. R. 10502), the foreign aid bill. p. D419
10. IMPORTS. Passed without amendment H. R. 10463, to continue through June 30, 1965, the existing suspension of duties for metal scrap. pp. 11638-9.
Passed without amendment H. R. 10465, to extend through June 30, 1966, the free importation of personal and household effects brought into the U. S. under Government orders. p. 11640
Passed as reported H. R. 4198, to provide for the free importation of soluble or instant coffee which contains no admixture of sugar, cereal, or other additive. pp. 11641-43
11. POVERTY. Rep. Gross indicated that an Extension Service man tried to make a farm family look poorer to President Johnson than they were. p. 11638
12. ROADS. The "Daily Digest" states that the Rules Committee "Granted an open rule, with 2 hours of debate, on H. R. 10503, to authorize appropriations for highway construction," which includes authorizations for forest roads and trails. p. D420
13. BUILDINGS. Rep. Baring spoke in favor of H. R. 11055, his bill to eliminate the provision for assessment charges on blind persons' stands in Federal buildings. pp. 11678-9

ITEMS IN APPENDIX

14. PERSONNEL; PAY. Rep. Gross inserted an editorial opposing the Federal pay bill, H. R. 11049. p. A2822
15. AWARDS. Rep. Nelsen inserted an article criticizing presentation of the Distinguished Service Award to Horace Godfrey. p. A2828
16. POVERTY. Reps. Gross and Betts inserted a letter and an editorial, respectively, criticizing the poverty program. p. A2835, A2838-9
17. WATER. Rep. Beckworth inserted an editorial favoring a long-range water program for Tyler, Tex. pp. A2844-5

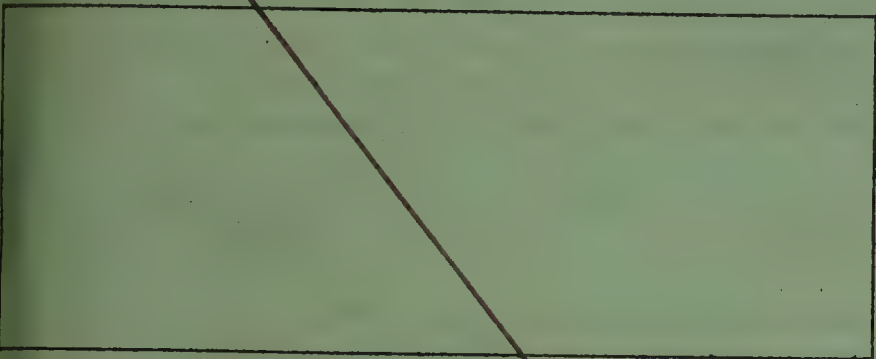
Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
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Issued June 2, 1964
For actions of June 1, 1964
88th-2nd; No. 108



CONTENTS

Alaska.....13,23	Flood control.....22	Lumber.....4
Area redevelopment.....12	Foreign aid.....1	Meat exports.....9
Civil rights.....7	Forestry.....5	Milk exports.....16
Disaster relief.....13,23	Inspection standards.....15	National parks.....3
Farm program.....18	Life insurance.....21	Personnel.....21
		Poverty.....20
		Public works.....6
		Research station.....2
		Stockpile.....17
		Tobacco.....19
		Transportation.....11
		User charges.....15
		Water resources.....14
		Wheat.....8
		Wilderness.....10

HIGHLIGHTS: Senate committee reported bill to increase authorization for public works acceleration program. Sen. McGovern commended signup under new wheat program. Sen. McGovern commended efforts to sell additional meat to Western Europe. House committee reported foreign aid authorization bill.

HOUSE

1. FOREIGN AID. The Foreign Affairs Committee reported without amendment H. R. 11380, the foreign aid authorization bill (H. Rept. 1443). p. 11847
2. RESEARCH. Passed as reported H. R. 1642, to authorize the Secretary of Agriculture to sell at its full appraised value to Clifton, N. J., the land and buildings comprising the U. S. Animal Quarantine Station, and to use the funds realized to relocate the quarantine station on another site to be selected in the New York-New Jersey area after coming to agreement with the House Agriculture Committee and the Senate Agriculture and Forestry Committee as to the location of the new site. p. 11830
3. NATIONAL PARKS. At the request of Rep. McFall, passed over without prejudice H. R. 5886, to put into statutory form certain policies which have heretofore been followed by the National Park Service in administering concessions within units of the national park system and in writing contracts for concessionaire

services there. p. 11833

4. LUMBER. Rep. Roosevelt reviewed the controversy in the lumber industry over the changing of lumber standards and inserted a speech, "Discrimination Against Lumber by Commerce, FHA To Be Investigated by NLMA." pp. 11843-4
5. FORESTRY. At the request of Rep. Ford, passed over without prejudice H. R. 7588, to provide for enforcement of rules and regulations for the protection, development, and administration of the national forest and national grasslands by providing that those charged with violations of such rules and regulations need not be tried before a U. S. district court but may be tried by a U. S. commissioner especially designated for that purpose by the appropriate district court. p. 11830

SENATE

6. PUBLIC WORKS. The Public Works Committee reported with amendments S. 1856, to increase the authorizations for the public works acceleration program (S. Rept. 1052)(p. 11852). Sen. Gruening commended the action of the committee and urged enactment of this bill (pp. 11874-5).
7. CIVIL RIGHTS. Continued debate on H. R. 7152, the civil rights bill (pp. 11856-8, 11886-903, 11917-33). Sen. Mansfield stated that a motion for cloture to terminate debate on the bill will probably be filed on Sat. and a vote on the question of cloture will probably be taken on Tues. (pp. 11856-8).
8. WHEAT. Sen. McGovern commended the signup under the new wheat program, stated that this Department has advised him "that 83 percent of the regular 49.5-million-acre wheat allotment, or 76 percent of the effective allotted wheat acreage, including growers of 15 acres and under, is signed up for cooperation in the voluntary certificate program," and inserted tables indicating the number of farms enrolled. pp. 11913-5
9. MEAT EXPORTS. Sen. McGovern commended efforts of the administration to increase sales of meat to Western Europe and inserted a statement by Secretary Freeman announcing the signing of an agreement by this Department with the American Meat Institute to promote such sales. pp. 11915-6
10. WILDERNESS. Sen. McGovern paid tribute to the work of Dr. Howard Zahniser in his efforts for the establishment of a wilderness preservation system. p. 11911
11. TRANSPORTATION. Sen. Hart expressed his concern "with the problem of insuring that transportation rates established for the Federal agencies under section 22 of the Interstate Commerce Act do not work to the disadvantage of any region of the country," and stated that recent hearings indicate the "need for a revised policy to remove inequities which now operate against certain of our Midwestern States and Great Lakes ports." pp. 11871-2
12. AREA REDEVELOPMENT. Sen. Lausche criticized the area redevelopment program and inserted a letter objecting to the designation of Rice County, Kans., as a depressed area.
13. DISASTER RELIEF; ALASKA. At the request of Sen. Jackson, the President's message to amend the Alaska Omnibus Act to provide assistance to Alaska for reconstruction as a result of the recent earthquake was rereferred from the Public Works Committee to the Interior and Insular Affairs Committee. Sen.

FOREIGN ASSISTANCE ACT OF 1964

REPORT

OF THE

COMMITTEE ON FOREIGN AFFAIRS

ON

H.R. 11380

TO AMEND FURTHER THE FOREIGN ASSISTANCE ACT OF
1961, AS AMENDED, AND FOR OTHER PURPOSES



JUNE 1, 1964.—Committed to the Committee of the Whole House
on the State of the Union and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

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CONTENTS

	Page
Introduction.....	1
Committee action.....	1
Funds authorized.....	1
Pipeline.....	3
Availability of classified foreign aid presentation books to Members of Congress.....	5
Part I.....	6
Chapter 2—Development assistance.....	6
Use of development loan funds for program loans.....	6
Title II—Technical cooperation and development grants.....	6
Section 101(a)—Title heading.....	6
Section 101(b)—Authorization.....	7
Section 101(c)—American schools and hospitals abroad.....	7
Section 101(d)—Voluntary agencies.....	8
Title III—Investment guaranties.....	8
Section 102(a)—All-risk guaranties.....	8
Section 102(b)—Latin American housing guaranties.....	9
Specific risk guaranties.....	10
Title IV—Surveys of investment opportunities.....	12
Section 103—Authorization.....	12
Title VI—Alliance for Progress.....	13
Section 104—Authorization.....	13
Chapter 3—International organizations and programs.....	14
Section 105—Authorization.....	14
Chapter 4—Supporting assistance.....	19
Section 106—Authorization.....	19
Chapter 5—Contingency fund.....	20
Section 107—Authorization.....	20
Part II.....	21
Chapter 2—Military assistance.....	21
Section 201(a)—Guaranty authority.....	21
Section 201(b)—Authorization of funds.....	22
Section 201(c)—Dependable undertaking payents.....	23
Section 201(d)—Guaranty procedures.....	23
Section 201(e)—Special authority.....	24
Section 201(f)—Military assistance to Africa.....	24
Part III.....	24
Chapter 1—General provisions.....	24
Section 301(a)—Prohibitions on furnishing assistance to Communist countries.....	24
Section 301(b)—Prohibition against assistance for construction of certain projects.....	24
Section 301(c)—Assistance to developed countries.....	25
Section 302(a)(1)—Employment of personnel.....	25
Chapter 2—Administrative provisions.....	25
Section 302(a)(2)—U.S. representative to the Inter-American Committee on the Alliance for Progress.....	26
Section 302(b)—Experts, consultants, and retired officers.....	26
Section 302(c)—Administrative expenses.....	26
Chapter 3—Miscellaneous provisions.....	27
Section 303—Special authorization for use of foreign currencies.....	27
Part IV—Amendments to other laws.....	27
Section 401—Interparliamentary Union.....	27
Changes in existing law made by the bill, as reported.....	28
Supplemental views.....	43
Minority views.....	45

FOREIGN ASSISTANCE ACT OF 1964

JUNE 1, 1964.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. MORGAN, from the Committee on Foreign Affairs, submitted the following

REPORT

[To accompany H.R. 11380]

The Committee on Foreign Affairs, to whom was referred the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

INTRODUCTION

COMMITTEE ACTION

The President's message to Congress, transmitting recommendations relative to foreign assistance for fiscal year 1965 (H. Doc. 250), was referred to the Committee on Foreign Affairs. The bill, H.R. 10502, to amend further the Foreign Assistance Act of 1961, as amended, was introduced by Hon. Thomas E. Morgan, chairman, Committee on Foreign Affairs, on March 19, 1964.

During its consideration of the foreign aid request, the Committee on Foreign Affairs held 26 meetings, starting March 23 and ending May 6, 1964, during which it heard 29 Executive witnesses, 4 Members of Congress and 23 public witnesses. The committee heard testimony from and discussed the foreign aid programs with the Secretary of State, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Administrator and Deputy Administrator of the Agency for International Development, the Assistant Secretary of State for International Organization Affairs, and the regional Assistant Secretaries of State and Assistant Administrators of AID for Africa, Latin America, the Near East and South Asia, and the Far East. The following military commanders also appeared before the committee in executive session: Gen. Andrew P. O'Meara, U.S. Army, Commander in Chief, U.S. Southern Command; Gen. Paul D. Adams,

U.S. Army, Commander in Chief, U.S. STRIKE Command, and U.S. Commander in Chief, Middle East, Southern Asia, and Africa South of the Sahara; Adm. Harry D. Felt, U.S. Navy, Commander in Chief, Pacific; and Gen. Lyman L. Lemnitzer, U.S. Army, Supreme Allied Commander, Europe, and Commander in Chief, U.S. European Command.

Thereafter, the Committee on Foreign Affairs considered the bill in executive session on May 12, 13, and 14. On May 18, 1964, the President sent a further message to Congress (H. Doc. 307), requesting \$125 million for Vietnam in addition to the \$3,391,700,000 already proposed for foreign assistance. The committee met in executive session on May 19 with the Secretary of State, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Administrator of the Agency for International Development (AID) to hear testimony concerning the need for additional funds.

The committee gave further consideration to the Executive request in executive session meetings on May 20, 21, 25, and 26. A clean bill, H.R. 11380, was introduced by Mr. Morgan on May 26, 1964, and on May 27 the bill, H.R. 11380, was ordered favorably reported without amendment.

FUNDS AUTHORIZED

H.R. 11380 authorizes the appropriation of \$2,041,600,000 of new money to carry on the foreign assistance program for fiscal 1965. This is the full amount requested by the President and, together with authorizations previously enacted, provides the authority for the appropriation of \$3,516,700,000 for foreign aid for the coming fiscal year.

The fact that the President has requested approximately \$1 billion less for foreign aid than was requested for fiscal 1964 does not indicate that providing assistance to other nations is any less essential to the implementation of our foreign policy or to the maintenance of our security than in previous years.

U.S. defense strategy is based on the presence in nations which are face to face with Communist territory of military forces sufficient in number and equipment to convince the Communist dictators that they can gain no easy or cheap victories by military action. Except for the major countries of Western Europe, the existence of such forces depends on U.S. aid.

The continued material and cultural advance of the less developed countries as independent states is dependent on the availability to them of U.S. capital, technical assistance, and encouragement.

Subsequent to the sharp cut in foreign aid funds for fiscal 1964, the scope of the foreign assistance program has been curtailed and its administration improved. Even though our problems in the field of foreign relations and the threats to our security remain acute, the more restrictive policies and procedures inaugurated last year have not been relaxed. The committee believes it would impose an unjustified handicap on those responsible for our defense and for the conduct of our foreign policy to authorize a smaller amount.

Table on foreign assistance for fiscal year 1965 appropriation request and authorizations

	Fiscal year 1965 appro- priation request	Fiscal year 1965 authori- zation requests (H. Doc. 250 and H. Doc. 307)	House Com- mittee recom- mendations
Pt. I:			
Ch. 2, development assistance:			
Title I, Development Loan Fund: Sec. 202(a), authorization.....	\$922, 200, 000	(1)	(1)
Title II, technical cooperation and development grants: Sec. 212, authorization.....	224, 600, 000	\$224, 600, 000	\$224, 600, 000
Title II, American schools and hospitals abroad: Sec. 214(c), authorization.....	18, 000, 000	18, 000, 000	18, 000, 000
Title IV, surveys of investment opportunities: Sec. 232, authorization.....	2, 100, 000	2, 100, 000	2, 100, 000
Title VI, Alliance for Progress: Sec. 252, authorization:			
Loans.....	465, 000, 000	(1)	(1)
Grants.....	85, 000, 000	(2)	(2)
Ch. 3, international organizations and programs: Sec. 302, authorization.....	134, 400, 000	134, 400, 000	134, 400, 000
Ch. 4, supporting assistance: Sec. 402, authorization.....	³ 405, 000, 000	³ 405, 000, 000	³ 405, 000, 000
Ch. 5, contingency fund: Sec. 451(a), authorization.....	150, 000, 000	150, 000, 000	150, 000, 000
Pt. II: Ch. 2, military assistance: Sec. 504(a), authorization.....	⁴ 1, 055, 000, 000	⁴ 1, 055, 000, 000	⁴ 1, 055, 000, 000
Pt. III:			
Ch. 2, administrative provisions:			
Sec. 637(a), administrative expenses (AID).....	52, 500, 000	52, 500, 000	52, 500, 000
Sec. 637(b), administrative expenses (State).....	2, 900, 000	(1)	(1)
Total.....	3, 516, 700, 000	⁵ 2, 041, 600, 000	⁵ 2, 041, 600, 000

¹ Authorization for this item is now in the act; no new authorization is required.

² Sec. 104 of the bill will permit up to \$85,000,000 of the funds already authorized for fiscal year 1965 for the Alliance to be used on a basis other than dollar repayable loans.

³ The Executive increased the authorization request for fiscal year 1965 from \$335,000,000 (H. Doc. 250) to \$405,000,000 (H. Doc. 307), the additional \$70,000,000 being for assistance to Vietnam.

⁴ The Executive first proposed (H. Doc. 250) an amendment to sec. 504(a) of the act to provide a continuing authorization without annual limitation for military assistance and proposed an appropriation of \$1,000,000,000 for fiscal 1965 for military assistance. The committee adopted an amendment authorizing \$1,000,000,000 for military assistance for fiscal 1965 and rejected the request for a continuing authorization. In a subsequent message to Congress (H. Doc. 307), the President requested authority for an appropriation of an additional \$55,000,000 for military assistance for fiscal year 1965, being for military uses in Vietnam. The committee adopted a further amendment increasing the authorization for military assistance for fiscal year 1965 to \$1,055,000,000.

⁵ As a result of the committee's rejection of the request for a continuing authorization for military assistance and the adoption of the Executive recommendations for an authorization of \$1,055,000,000 for military assistance and an additional \$70,000,000 for supporting assistance for fiscal year 1965, the request for authorizations for fiscal year 1965 increased from \$916,600,000 (H. Doc. 205) to \$2,041,600,000.

PIPELINE

Critics of the program have often argued for a reduction in funds on the ground that the program has large unexpended balances. This interpretation of these balances (popularly called the pipeline) ignores the fact that they represent funds already obligated for goods and services that are on order but have not yet been delivered. When delivery is made, payments must be met. The greater emphasis on loans rather than grants tends to build up the pipeline. A loan is obligated when an agreement is entered into with the borrowing country. But expenditures against that loan are made only against deliveries which, in the case of large projects, may run over several years. Hence there is a lag between obligations and expenditures. The following table shows the annual unexpended balances for the foreign assistance program—military and nonmilitary but excluding investment guaranty programs—at the end of each fiscal year since 1950.

*Unexpended balances, foreign assistance program, military and nonmilitary¹
including Alliance for Progress but excluding investment guaranties*

[In billions]					
1950-----	\$3. 5	1955-----	\$7. 9	1960-----	\$4. 8
1951-----	7. 1	1956-----	6. 4	1961-----	6. 0
1952-----	9. 9	1957-----	6. 1	1962-----	6. 6
1953-----	10. 1	1958-----	5. 3	1963-----	6. 8
1954-----	9. 6	1959-----	4. 8	1964 (estimated)---	6. 3

¹ Excludes \$200,000,000 public debt funds and fees for the investment guaranty programs.

If the program is to move forward, it is necessary to make available new or unobligated funds. To buttress their argument that new funds are not necessary or can be drastically reduced, some opponents point to other programs such as the loans of the Export-Import Bank and the proceeds of sales of surplus agricultural commodities to make a case that large availabilities exist. Each of these programs has, of course, a foreign policy objective, but the objectives of these programs should not be confused with those carried out under the Foreign Assistance Act. They may serve to complement the latter programs but they are not a substitute for them. The basic legislation under which each of the other programs is carried out limits the uses which may be made of unexpended balances arising from those programs. The funds authorized and appropriated for the foreign assistance program provide the principal means of financing our cold war strategy. No other program provides the funds necessary to meet the costs of the varied efforts necessary to carry out this strategy.

A perusal of the President's budget indicates that unexpended balances are not peculiar to the foreign aid program. The following table compares the unexpended balances of the military assistance portion of the program with those of the Department of Defense.

Unexpended balances—Military assistance program compared with Department of Defense

[In billions]

	Military assistance	Department of Defense (military functions)		Military assistance	Department of Defense (military functions)
1950-----	\$1. 3	\$9. 8	1958-----	\$3. 4	\$32. 1
1951-----	5. 5	38. 1	1959-----	2. 5	31. 7
1952-----	8. 4	59. 5	1960-----	2. 3	30. 7
1953-----	8. 5	62. 1	1961-----	2. 6	28. 7
1954-----	7. 8	55. 0	1962-----	2. 8	29. 2
1955-----	6. 2	45. 3	1963-----	2. 4	30. 3
1956-----	4. 6	37. 5	1964 (estimated)---	2. 0	29. 4
1957-----	4. 2	34. 6			

The argument has also been made that the foreign assistance program not only has large unexpended balances but that it also has tremendous unobligated amounts. This criticism is based on the specious philosophy that money appropriated must be spent. The committee does not endorse this imprudent approach in the handling of public funds. If a particular program does not materialize as planned, it is a mark of sound management to withhold the obligation of funds.

The following figures taken from the President's budget for fiscal year 1965 show the unexpended and unobligated amounts for the

foreign assistance program, the Department of Defense, the Department of Agriculture, and all other Federal agencies.

Unexpended and unobligated balances

[In billions]

	Department of Defense (military functions)	Foreign assistance	Department of Agriculture	All others	Total
Unexpended, June 30, 1956-----	\$37.5	\$6.6	\$2.0	\$26.7	\$72.8
Unobligated/unreserved, June 30, 1956-----	12.7	.4	.2	19.6	32.9
Unexpended, June 30, 1957-----	34.6	6.3	3.0	24.7	68.6
Unobligated/unreserved, June 30, 1957-----	11.0	.9	1.6	17.7	31.2
Unexpended, June 30, 1958-----	32.1	5.5	4.8	29.5	71.9
Unobligated/unreserved, June 30, 1958-----	8.3	.2	3.4	20.6	32.5
Unexpended, June 30, 1959-----	31.7	5.0	3.6	31.3	71.6
Unobligated/unreserved, June 30, 1959-----	8.2	.2	2.2	22.1	32.7
Unexpended, June 30, 1960-----	30.7	5.0	3.7	33.0	72.4
Unobligated/unreserved, June 30, 1960-----	9.6	.2	2.4	23.5	35.7
Unexpended, June 30, 1961-----	28.7	6.2	3.3	38.2	76.4
Unobligated/unreserved, June 30, 1961-----	9.9	.8	1.1	27.4	39.2
Unexpended, June 30, 1962-----	29.2	6.9	4.7	39.3	79.9
Unobligated/unreserved, June 30, 1962-----	8.1	.2	1.2	27.3	36.8
Unexpended, June 30, 1963-----	30.3	7.0	4.6	45.6	87.6
Unobligated/unreserved, June 30, 1963-----	10.2	.5	1.0	31.4	43.1
Unexpended, June 30, 1964 (estimated)-----	29.4	6.5	4.8	49.8	90.4
Unobligated/unreserved, June 30, 1964 (estimated)-----	9.7	.2	.8	31.4	42.0

NOTE.—Foreign assistance unexpended balances include public debt funds of \$200,000,000 and fees for the investment guaranty program.

Military assistance reservations are included in foreign assistance unexpended balances above but are not included in unobligated balances. The figures for the Department of Defense military functions do not include undelivered military assistance orders (i.e., reservations) which have been included in the foreign assistance column of this table. Reservations are made pursuant to the provisions of sec. 108 of the Mutual Security Appropriation Act, 1956, as amended. Under the reservation procedure, equipment on order for the foreign assistance program is financed initially from regular Department of Defense procurement funds. At the time orders are placed, funds are reserved in the foreign assistance/military assistance accounts for future reimbursement to the procurement accounts of the military services.

For development loans (included in foreign assistance) the unexpended balance includes loan commitments not yet technically obligated. The unobligated balance excludes such commitments.

The committee does not condone those instances where foreign assistance funds have not been used most productively. It maintains a constant scrutiny and has unearthed situations that have since been corrected. But this is a global program that must operate in areas where sound fiscal practices and standards are not well established. It is a credit to management that the fiscal side of the foreign assistance program compares favorably with, and is often considerably better than, programs administered by other Government agencies within the United States.

AVAILABILITY OF CLASSIFIED FOREIGN AID PRESENTATION BOOKS TO
MEMBERS OF CONGRESS

As in previous years, an invitation has been extended to every Member of the House willing to respect their security classification to examine the presentation books containing detailed information relating to the foreign aid program. This year there are three classified volumes—two concerning military aid which are classified secret, and one concerning economic aid which is classified confidential. These volumes are available at all times at the office of the Committee on Foreign Affairs, on the gallery floor in the Capitol, and will be at the committee tables on the floor of the House during the period when the foreign aid bill is under consideration.

The classification of the material in these volumes is done by the Executive and not by the Committee on Foreign Affairs. There are three main categories of material which are not made public:

First, information as to the size and strength of the forces of our allies, as well as specific information as to the number of tanks, airplanes, etc., which have been or will be delivered to other nations.

Second, frank comments on the part of U.S. officials concerning officials and conditions in foreign countries. If the committee and the Congress are to continue to receive frank estimates, it is essential that such comments not be made public. Otherwise, our Ambassadors and military commanders will seek protection in carefully phrased statements which will conform to diplomatic usage but which will not be very informative or useful to the Congress.

Third, the amount of money programed by the Executive for individual countries. In order to avoid disappointment and ill will, it has been customary not to disclose these figures until congressional action is completed.

PART I

CHAPTER 2—DEVELOPMENT ASSISTANCE

USE OF DEVELOPMENT LOAN FUNDS FOR PROGRAM LOANS

Although the committee has made no revision in the authorization previously enacted for development loans for fiscal 1965, the committee has noted with concern the large proportion of such funds which are being used for program loans as distinguished from project loans. Program loans have been made primarily to finance commodity imports not related to specific projects while project loans have ordinarily been made to finance specific construction projects, such as highway, hydroelectric, school, and housing projects, or for other specific projects in such fields as health and sanitation.

In general, the committee recognizes that whenever the administrators of the aid program are convinced that the financing of commodity imports is essential, it is better to finance such imports with loans rather than grants.

Nevertheless, the committee believes that countries which progress to the point where they qualify for large development loans should be encouraged to assume increasing responsibility for financing their imports, except imports related to projects for which loans are made.

There is a danger that dependence on the United States for such financing could result in levels of consumption higher than the recipient could normally sustain and could encourage unsound financial and monetary practices.

TITLE II—TECHNICAL COOPERATION AND DEVELOPMENT GRANTS

Section 101(a)—Title heading

This section amends the heading of title II of chapter 2 of part I of the Foreign Assistance Act of 1961, as amended, to read "Technical Cooperation and Development Grants." It reflects the policy to limit the use of these funds to technical assistance, malaria eradication, and civic action, and the gradual elimination of their use for capital projects as such.

Section 101(b)—Authorization

This section amends section 212 of the act by authorizing an appropriation of \$224.6 million for technical cooperation and development grants for use beginning in fiscal year 1965. This sum is the amount requested by the Executive. It is \$4.6 million above the authorization for fiscal year 1964 and \$69.6 million above the sum appropriated for those purposes for fiscal year 1964.

Forty-nine countries are programed to receive our technical cooperation under this section in the coming year, eight less than in fiscal year 1964. This reflects our policy to help carefully selected countries whose survival in freedom is essential and whose collapse would bring new opportunities for Communist expansion. Thirty-one of the countries are in Africa, where prudence demands that every opportunity be taken to influence these new nations beneficially during their period of development.

Development of the human resources of the world in many ways is more vital than development of the world's material resources, for the lack of know-how in developing countries is a block to economic and social progress. The technical cooperation program—in dollars a mere one-tenth of the total economic aid program—is the seed money that gets things moving in the less fortunate parts of the world. It is an area in which Americans are uniquely qualified for we have the skills, training, and experience so urgently needed. Eighty percent of the funds requested are to pay the salaries and expenses of these Americans, and for training host country personnel in our own great educational institutions. AID is moving toward an expanded use of contractors in this field because of the higher quality of technical assistance obtained.

The committee notes with approval the use of private American institutions and Federal agencies and departments in fields of education, health, housing, and agriculture in accordance with Congressional intent expressed in section 621. Government agencies in the fields of health and agriculture can perform a range of technical assistance services which are not competitive with private enterprise, and it is anticipated that AID will continue to make extensive use of the services of such agencies.

Technical cooperation is a proven means of demonstrating what we can offer and proof of our interest in others. In Marshall plan days, the goal was reconstruction; today it is construction—from the ground up, and usually against formidable obstacles. The record is replete with quiet success stories of AID personnel. A single U.S. poultry technician in Nigeria has brought about a significant increase in egg and poultry production in that country. A corn and pig program has raised the living standards for thousands of farmers in embattled Vietnam. The doctor with his mobile health unit, the technician who frees a village from malaria, and the teacher in the rural area of Liberia all serve as symbols of America.

Section 101(c)—American schools and hospitals abroad

This section authorizes the sum of \$18 million for fiscal year 1965. Of this sum, \$10.5 million is to be used for the new medical facilities at the American University of Beirut, \$1.1 million to purchase local currency for use by the American University in Cairo, \$1.5 million for Project Hope, and the balance to be allocated to other American schools and hospitals abroad.

The section also deletes the second sentence of subsection 214(c) of the act relating to the purchase of foreign currencies since dollar appropriations can be used to purchase these currencies from the Treasury for programs authorized under this section and is therefore unnecessary.

Subsection 214(c) of the act authorized a sum of \$19 million for fiscal year 1964, to remain available until expended. Of this sum not to exceed \$2,200,000 was available for direct dollar costs for U.S. founded or sponsored hospitals abroad and \$4,700,000 was available for the purchase of U.S.-owned foreign currencies.

The executive branch requested a 1965 authorization of \$18 million, and elimination of both the \$2.2 million limitation on funds for hospital programs and the \$4.7 million earmarked for purchase of foreign currencies. The elimination of the \$2.2 million limitation was requested in order to permit flexibility in the hospital programs. The \$2.2 million for fiscal 1964 was earmarked for financing construction of the children's hospital in Poland. This project has been completed and no further request for funds will be made.

Section 101(d)—Voluntary agencies

Section 101(d) amends 216(a) of the Foreign Assistance Act of 1961, as amended, which relates to voluntary agencies, to authorize the use of funds under title II of the act to pay ocean freight from foreign ports to the recipient countries on shipments of excess or surplus property supplied by the United States and shipped by registered voluntary foreign aid agencies. At present, the act permits payment of ocean freight on such shipments only if the shipment is made from a U.S. port.

The relief and rehabilitation activities of U.S. voluntary foreign aid agencies in underdeveloped countries, including school feeding programs, work relief, and vocational training, represent an important contribution by the people of the United States. The types of equipment and supplies, such as blankets, tents, and simple tools, which are most needed, are made available in the United States for domestic use, while at the same time there are substantial stocks of needed equipment and supplies located overseas. The purpose of this amendment is to facilitate the use of these stocks by U.S. voluntary agencies.

TITLE III—INVESTMENT GUARANTIES

Section 102(a)—All-risk guaranties

Section 102(a) amends section 221(b)(2) of the act which relates to the general authority for all risk guaranties, as follows:

First, it increases from \$180 million to \$300 million the ceiling on the total face amount of all-risk guaranties which may be outstanding at any one time.

Second, it extends the present termination date for the authority to issue all-risk guaranties from June 30, 1965, to June 30, 1966.

The increased issuing authority is necessary in view of the stepped-up activity which has resulted from expanded efforts by the Agency to utilize its authority. Two guaranties have been authorized totaling \$8 million. In addition, about 15 inquiries, representing potential guaranties of between \$40 and \$70 million in 11 countries are beyond the preliminary exploratory stage. It is estimated that \$30 million will be obligated by the end of fiscal year 1964, an additional \$100 million issued in fiscal year 1965, and the remaining

\$170 million will be required to cover the estimated demand for fiscal year 1966.

The extension of this authority to June 30, 1966, is granted along with the increased issuing authority in order to give potential investors assurance that the program will be available to them when they need it. The Agency's experience with the specific risk guaranty program has indicated a need for a 2-year leadtime between initial planning and the actual investment.

Investment guaranties for housing have always been authorized under the authority of section 221(b)(2) and the legislative history makes it clear that Congress and its committees have favored investment guaranties for housing programs under section 221(b)(2) as well as section 224. AID has encouraged government agencies and individuals of other countries to make application for housing guaranties. It is anticipated that the Agency will expedite promptly applications for housing programs in other areas of the world in addition to Latin America.

Section 102(b)—Latin American housing guaranties

Section 102(b) amends section 224(b) of the act which relates to the guaranteeing of self-liquidating pilot housing projects in Latin American countries, to increase from \$150 million to \$250 million the ceiling on the total face amount of such guaranties which may be outstanding at any one time.

Summary of approved projects through Mar. 31, 1964

Location of project	Amount of guaranty (millions)	Investor	Sponsor
Argentina, Rosario	\$7.5	Chase Manhattan Bank, New York, N.Y.	N. R. Field, Miami, Fla.
Chile, Huachipato	10.0	Connecticut Life Insurance Co., Hartford, Conn.	International Basic Economy Corp., New York, N.Y.
Colombia, Cali	8.2	International Housing Capital Corp., New York, N.Y. (Carl M. Loeb, Rhoades & Co.).	Viviendas Pan Americanas, S.A., San Juan, P.R.
El Salvador, San Salvador.	4.525	Chase Manhattan Bank, New York, N.Y.	Financiera Roble, S.A., San Salvador, El Salvador.
Honduras, Tegucigalpa	2.8	Fidelity Mutual Life Insurance Co., Philadelphia, Pa.	Micasa de Honduras, S.A., Guatemala, Guatemala.
Do	6.575	International Housing Capital Corp., New York, N.Y. (Carl M. Loeb, Rhoades & Co.).	Construcciones Populares, S.A., Tegucigalpa, Honduras.
Mexico, San Luis Potosi	1.5	First National City Bank, New York, N.Y.	Geo. A. Trawick, Pensacola, Fla.; and T. A. Robinson, Jr., Houston, Tex.
Mexico, Mexico City	10.0	AFL-CIO, Washington, D.C.	American Institute of Free Labor Development, Washington, D.C.
Panama, Panama City	8.1	Bakery & Confectionery Union and Amalgamated Lithographers of America.	Theodore W. Kheel, New York, N.Y.
Peru, Lima	1.26	Chase Manhattan Bank, New York, N.Y.	Apollo Industries, Inc., Pittsburgh, Pa.
Do	1.04	do	Do.
Peru, Callao	4.0	International Housing Capital Corp., New York, N.Y. (Carl M. Loeb, Rhoades & Co.).	Development Corp. International, Wellesley, Mass.
Total (12)	65.7		

In addition to the \$65.7 million approved, the feasibility of \$242.8 million of housing guaranties has been determined or is under review. If approved, this would more than absorb the \$250 million authorized by this bill.

This increased authority of \$100 million will complete the program of demonstrating in Latin America U.S. techniques for building, financing, and marketing privately developed housing projects. The results of the program will be studied for the purpose of determining what additional courses of action, if any, will be necessary.

Specific risk guaranties

No new authorization is contained in this bill for specific risks, the best known of the investment guaranty programs. The present ceiling of \$2.5 billion which was established in the Foreign Assistance Act of 1963 is sufficient to meet estimated requirements for 1965.

During the life of this program, over \$1.5 billion in such guaranties have been issued and approximately \$1.2 billion are now outstanding. In fiscal year 1964, nearly \$400 million in specific risk guaranties are expected to be issued. Fees collected have exceeded \$16 million while net losses on claims have been nil.

Countries where investment guaranties are available, May 1, 1964

Convertibility	Expropriation	War risk
Afghanistan.....	Afghanistan.....	Afghanistan.
Argentina.....	Argentina.....	Argentina. ¹
Bolivia.....	Bolivia.....	Bolivia. ¹
Chile.....	Chile.....	Chile. ¹
China, Republic of.....	China, Republic of.....	China, Republic of. ¹
Colombia.....	Colombia.....	Colombia. ¹
Congo (Brazzaville).....	Congo (Brazzaville).....	Congo (Brazzaville). ¹
Congo (Léopoldville).....	Congo (Léopoldville).....	Congo (Léopoldville). ¹
Costa Rica.....	Costa Rica.....	
Cyprus.....	Cyprus.....	Cyprus. ¹
Dominican Republic.....	Dominican Republic.....	Dominican Republic. ¹
Ecuador.....	Ecuador.....	Ecuador. ¹
El Salvador.....	El Salvador.....	
Ethiopia.....	Ethiopia.....	
Gabon.....	Gabon.....	Gabon. ¹
Ghana.....	Ghana.....	
Greece.....	Greece.....	Greece. ¹
Guatemala.....	Guatemala.....	
Guinea.....	Guinea.....	Guinea. ¹
Haiti.....	Haiti.....	
Honduras.....	Honduras.....	
India.....	India.....	
Iran.....	Iran.....	
Israel.....	Israel.....	Israel. ¹
Ivory Coast.....	Ivory Coast.....	Ivory Coast. ¹
Jamaica.....	Jamaica.....	Jamaica. ¹
Jordan.....	Jordan.....	Jordan. ¹
Korea.....	Korea.....	Korea.
Liberia.....	Liberia.....	Liberia.
Malagasy, Republic of.....	Malagasy, Republic of.....	Malagasy, Republic of. ¹
Malaya, Federation of.....	Malaya, Federation of.....	
Morocco.....	Morocco.....	Morocco. ¹
Nepal.....	Nepal.....	Nepal. ¹
Nicaragua.....	Nicaragua.....	Nicaragua.
Niger.....	Niger.....	Niger. ¹
Nigeria.....	Nigeria.....	
Pakistan.....	Pakistan.....	
Panama.....	Panama.....	Panama.
Paraguay.....	Paraguay.....	
Peru.....		
Philippines.....	Philippines.....	
Portugal.....	Portugal.....	
Senegal.....	Senegal.....	Senegal. ¹
Sierra Leone.....	Sierra Leone.....	Sierra Leone. ¹
Somali Republic.....	Somali Republic.....	Somali Republic. ¹
Spain.....	Spain.....	
Sudan.....	Sudan.....	Sudan. ¹
Tanganyika.....	Tanganyika.....	Tanganyika. ¹
Thailand.....	Thailand.....	Thailand.
Togo.....	Togo.....	Togo. ¹
Trinidad-Tobago.....	Trinidad-Tobago.....	Trinidad-Tobago. ¹
Tunisia.....	Tunisia.....	Tunisia. ¹
Turkey.....	Turkey.....	
United Arab Republic (Egypt).....	United Arab Republic (Egypt).....	United Arab Republic (Egypt). ¹
Uruguay ²	Uruguay ²	
Venezuela.....	Venezuela.....	Venezuela. ¹
Vietnam.....	Vietnam.....	Vietnam. ¹
Yugoslavia ³	Yugoslavia ³	

¹ Including also guaranties against loss due to revolution and insurrection; also extended risk.² Although applications will be accepted for Uruguay, guaranties cannot be processed until agreement is ratified by the country's legislative body.³ Available only under special Presidential waiver.

Number and amount of specific risk guaranties issued by country through Mar. 31, 1964

Country	Number	Converti- bility	Expropria- tion	War risk
Afghanistan.....	3	\$400,000	\$200,000	\$200,000
Algeria.....	4		15,750,000	
Argentina.....	100	239,657,853	100,903,429	
Austria.....	3	1,030,000	1,000,000	
Belgium.....	7	432,000	120,000	
Bolivia.....	23	1,164,073	20,100,375	
China.....	36	26,466,662	23,482,941	14,422,000
Colombia.....	2	505,000	505,000	
Congo.....	4	475,000	475,000	
Costa Rica.....	15	355,630	1,042,366	
Denmark.....	1	182,500		
Ecuador.....	15	3,974,205	3,721,260	
El Salvador.....	2	1,200,000	1,200,000	
France.....	68	34,355,295	15,933,536	
French Guiana.....	1		200,000	
Germany.....	66	13,875,541	44,855,690	
Greece.....	13	3,032,200	2,862,500	400,000
Haiti.....	7	1,950,000	2,520,000	
Honduras.....	13	1,623,350	9,673,350	
India.....	83	76,434,668	57,139,364	
Iran.....	24	14,604,176	9,714,175	
Italy.....	66	113,636,819	44,908,454	676,053
Ivory Coast.....	5	1,828,000	1,828,000	675,000
Israel.....	1			171,390
Jamaica.....	2	206,000		
Japan.....	8	2,872,000	2,422,000	
Jordan.....	2		8,000,000	
Liberia.....	8	1,200,000	19,664,500	540,000
Malaya.....	5	773,300	1,160,950	
Morocco.....	5	2,767,696	2,400,000	1,130,000
Netherlands.....	26	7,444,835	3,883,056	
Pakistan.....	12	4,045,000	72,676,000	
Panama.....	1		4,370,600	
Paraguay.....	5	3,912,000	6,912,000	
Peru.....	11	13,420,857		
Philippines.....	17	6,560,300	5,110,550	
Portugal.....	2	2,000,000	2,000,000	
Thailand.....	22	8,578,130	5,884,030	1,188,000
Trinidad.....	1	17,749,125		
Tunisia.....	10	3,182,200	7,015,200	1,500,000
Turkey.....	36	95,324,553	38,435,583	
United Kingdom.....	39	32,381,099		
Venezuela.....	22	3,662,000	18,062,000	12,200,000
Vietnam.....	15	3,239,973	3,324,972	1,530,647
Yugoslavia.....	2	2,000,000	2,000,000	
Guatemala.....	9	447,000	2,772,000	
Guinea.....	2		72,000,000	
Korea.....	5	32,252,659	32,252,659	27,172,798
Total.....	829	781,201,799	672,481,540	63,805,888
Grand total.....			1,517,489,227	

TITLE IV—SURVEYS OF INVESTMENT OPPORTUNITIES

Section 103—Authorization

This section amends section 232 of the act by providing an authorization of \$2,100,000 for the investment survey program for fiscal year 1965. The original appropriation for the program was \$1.5 million in fiscal year 1962 and this amount was reappropriated for fiscal year 1963. A carryover of approximately \$1.1 million was reappropriated for fiscal year 1964.

This program was authorized in 1961 to induce U.S. businessmen to undertake surveys of investment opportunities in developing friendly countries. If the prospective investor undertakes the investment following the survey, there is no cost to the U.S. Government. If he does not make the investment, AID pays 50 percent of the approved cost of the survey and the survey becomes the property of the Government.

The number of surveys approved increased from 5 in 1962 to 60 in 1963. As of May 25, 1964, a total of 81 had been approved and there were 16 applications in process.

TITLE VI—ALLIANCE FOR PROGRESS

Section 104—Authorization

Section 104 amends section 252 of the act, which includes authorization of \$600 million for fiscal 1965, to make \$85 million of the funds previously authorized available on a basis other than dollar repayable loans. For fiscal year 1965, the Executive is requesting an appropriation of \$550 million. Of this amount, the executive branch is requesting that 84 percent, or \$465 million, be made available for development loans.

It is not planned to obligate development funds unless the Executive is satisfied that such funds will support a tangible program. The Agency had unobligated funds at the end of fiscal year 1963 and the Agency estimates additional funds will be left over this June, making a total of \$570,300,000 available for programing for fiscal year 1965, as indicated below.

Estimated funds available for fiscal year 1965 for Alliance for Progress

Loans:

Appropriation request for new funds.....	\$465, 000, 000
Estimated carryover.....	2, 300, 000
Reimbursements and receipts.....	5, 000, 000
Estimated recoveries.....	10, 000, 000

Total available for programing fiscal year 1965.....	<u>\$482, 300, 000</u>
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Grants (technical cooperation):

Appropriation request for new funds.....	\$85, 000, 000
Estimated recoveries.....	3, 000, 000

Total available for programing fiscal year 1965.....	<u>\$88, 000, 000</u>
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Other direct U.S. assistance to Latin American countries, aside from military and supporting assistance, is through the Export-Import Bank, Social Progress Trust Fund, Food for Peace, Inter-American Highway, and the Peace Corps. Recently all these U.S. programs have been brought together in the Office of the U.S. Coordinator of the Alliance for Progress, who is also Assistant Secretary of State for Inter-American Affairs and Special Adviser to the President.

The Alliance for Progress authorizes assistance to the 22 free countries of the Western Hemisphere, enabling them to attack the problems of illiteracy, poor housing and health, and outdated tax and land tenure systems. To qualify for aid the recipient countries must demonstrate a clear determination to take effective self-help measures. They are themselves basically responsible for attacking their social and economic problems.

It would be premature to expect that the impact of the Alliance for Progress would as yet be felt to any significant extent. However, self-help efforts—supported by external assistance, primarily from the United States—have already resulted in accomplishments detailed in the committee's hearings. Although necessary legislation has not always been implemented nor have development plans always been followed, there is discernible evidence of reforms.

Witnesses appearing before the committee held forth encouragement for ultimate solution of the problems of the hemisphere. They testified that 11 countries have initiated major tax reform programs. Land reform efforts have begun in several countries. Many national development plans have been submitted to the Organization of American States. The investment guaranty program is expanding and a number of investment surveys are under way. Our assistance has, in fact, built thousands of houses, provided classrooms, made loans to farmers, and constructed hospitals and water systems.

The committee is greatly concerned about the subversive activities that have been emanating from Cuba. With the recent addition of Brazil, there are now 16 Latin American countries that have broken off diplomatic relations with Communist Cuba which has been dropped from the Organization of American States. Only Mexico, Chile, Uruguay, and Bolivia still have diplomatic relations with the Fidel Castro regime.

There are noteworthy indications that the Latin nations are doing more collectively than ever before. The Inter-American Committee for the Alliance for Progress (called CIAP from its Spanish name) was organized in 1963. There is also the Latin American Free Trade Association (LAFTA), and the Central American Common Market. These organizations together with the Organization of American States (OAS) are working with the United Nations Economic Commission for Latin American (ECLA) to achieve the goals of the Alliance through multilateral cooperation.

The committee recognizes the vital role of the Alliance for Progress in this country's hemispheric relations and will continue to follow developments closely. It reiterates its confidence in the basic premises and ultimate objectives of the Alliance.

CHAPTER 3—INTERNATIONAL ORGANIZATIONS AND PROGRAMS

Section 105—Authorization

This section amends section 302 of the act by authorizing the sum of \$134,400,000 for an appropriation for fiscal year 1965 to cover voluntary contributions of the United States to nine international programs described below. This is the amount requested by the Executive Branch.

United Nations Expanded Technical Assistance Program and the Special Fund.—The U.S. contribution to the U.S. Expanded Technical Assistance Program and the Special Fund will absorb a large portion of the funds authorized to be appropriated in this chapter. The pre-investment activities and technical assistance carried out under these programs provide a constructive supplement to bilateral U.S. assistance. Over 95 percent of the funds expended through these programs are of direct benefit to the countries of the free world by facilitating and promoting the development of the less developed countries. Both programs are financed in their entirety by voluntary contributions. Each dollar contributed by the United States is matched by \$1.50 in contributions from other countries.

The target of \$150 million as the annual program level for these two programs is expected to be reached in 1965. To stimulate contributions from other governments, the Executive Branch has proposed to continue to match 40 percent of total government contributions. The U.S. contribution will in no case exceed \$60 million.

This is slightly higher than the \$59 million U.S. contribution for calendar year 1964 for the undertakings of the Expanded Technical Assistance Program and the Special Fund.

U.N. technical assistance and operational programs in the Congo.—During each of the past 2 years the United States has contributed on a voluntary basis to the U.N. technical assistance and operational programs in the Congo. A contribution of \$5 million—the same amount as in the current fiscal year—is contemplated for fiscal 1965. None of these funds will be used to pay for U.N. military forces in the Congo.

United States and other voluntary contributions have helped to finance the 223 United Nations technicians and experts who are assisting the Government of the Congo in such critical sectors of the economy as public finance, economic analysis and coordination, civil aviation, telecommunications, mining and natural resources, public works, and police training. These funds have enabled the U.N. to defray the cost of a 400-man contingent of Nigerian police which is providing operational support while police training of the Congolese is in progress. These contributions have also financed 178 doctors, 800 secondary school teachers, and 52 magistrates. The Government of the Congo expects to assume major responsibility for these latter groups in 1965.

The situation in the Congo, while greatly improved in comparison with 2 years ago, remains critical. The withdrawal of the U.N. military presence, scheduled for June 1964, will undoubtedly compound the difficulties confronting the government of that country. The continuation of U.N. civilian operations appears essential to help the Congolese Government reach the point where it can stand on its own feet.

United Nations Emergency Force.—The United Nations Emergency Force (UNEF) was established during the Suez crisis in 1956 to supervise the armistice between the United Arab Republic and Israel along 140 miles of the Egyptian-Israeli border and the Gaza Strip. The Force has made a substantial contribution to the preservation of peace in that area. While the Force was not established as a permanent institution, its continuation still appears necessary in order to prevent the recurrence of armed conflict.

Under the terms of a U.N. General Assembly resolution approved in 1963, the cost of the Force is shared by U.N. members in accordance with a formula which combines assessments with voluntary contributions. The U.S. voluntary contribution for calendar year 1964 amounts to \$872,000. Total U.S. financial support for UNEF during the current year, both assessed and voluntary, is \$6.5 million or 36.8 percent of total contributions.

The future of UNEF and of its financing will be the subject of discussion in the U.N. General Assembly this autumn. It is expected that the General Assembly will extend the mandate of UNEF and that the personnel strength of the Force will be moderately reduced in accordance with the recommendations embodied in a recent U.N. study. The Executive estimate that \$850,000 will be required for the U.S. voluntary contribution to UNEF in fiscal 1965 is predicated on the assumption that both expectations will materialize.

United Nations Relief and Works Agency for Palestine Refugees.—The amount of \$16 million—\$1.2 million less than the amount pro-

vided during the current year—has been proposed by the Executive Branch as the U.S. cash contribution in fiscal 1965 for the United Nations Relief and Works Agency (UNRWA), whose basic mission is to meet the minimum food, shelter, medical, and educational needs of more than 1 million Palestine refugees. In addition, the United States plans to donate Public Law 480 surplus agricultural commodities. In no case will the U.S. contribution in cash and in kind exceed \$24.7 million, the level provided over the past several years on a 70-percent matching basis.

The committee is distressed that so little progress has been made to date to reduce the cost of UNRWA relief through rectification of the rolls, repatriation and resettlement of the refugees. The committee is equally disappointed that other members of the United Nations and nongovernmental entities are not helping to a greater extent in the financing of UNRWA's operations. The committee's repeated admonitions on this score apparently have served no useful purpose. Continued lack of progress in rectifying the rolls, repatriating and resettling these refugees, may jeopardize future support for this program.

United Nations Children's Fund.—The United Nations Children's Fund conducts health, nutrition, and welfare projects for the benefit of children and mothers in the less developed areas. In recent years the Children's Fund has assisted the governments of the developing countries by training specialists to provide technical and management skills required for national programs of special benefit to children, both in health and welfare.

U.S. contributions to UNICEF have remained at the level of \$12 million per year since 1960. During this period, because of the increase in contributions by other governments, the U.S. share of total contributions has declined from 48 to 40 percent. A \$12 million contribution is again proposed for fiscal year 1965, subject to a matching requirement that will limit the U.S. share to no more than 40 percent of the total.

U.N. Food and Agriculture Organization World Food Program.—In 1962 the United Nations undertook a 3-year, experimental program to determine how and to what extent surplus food can be used on a multilateral basis to stimulate economic and social development. The principal development projects undertaken or under consideration include use of food as a labor incentive, land settlement, community development, irrigation, livestock and poultry development, reforestation, and others.

Toward the World Food Program's 3-year goal of \$100 million, the United States pledged 40 percent of total cash contributions up to a maximum of \$6 million for the costs of administration, services, and nonsurplus commodities, and \$40 million in Public Law 480 surplus commodities, including \$4 million for shipping services. The fiscal 1965 authorization under this chapter includes \$2.3 million which will enable the United States to fulfill the cash component of the pledge for the third year of this program.

International Atomic Energy Operational Program.—The operational program of the International Atomic Energy Agency promotes the peaceful application of atomic energy in the Agency's member states through the furnishing of technical advice and training. In time, these activities are expected to facilitate the establishment of international rules and regulations in such fields as health and safety,

third-party liability, and waste disposal. The United States has contributed to this program since its inception in 1958. The proposed fiscal 1965 contribution of \$1.1 million is approximately \$127,000 less than the amount being contributed during the current year.

In the past, this committee has urged that special programs of international agencies be included as promptly as possible within the regular budgets of such organizations. The committee is pleased to note that this has been accomplished with respect to the NATO science program and certain other undertakings which formerly benefited from voluntary U.S. contributions. The committee believes that continued effort should be exerted by the Executive Branch to bring the operational program of the IAEA into that Agency's regular budget.

Indus waters.—Of the funds authorized to be appropriated under chapter 3, \$37 million is intended for the U.S. contribution during fiscal 1965 toward the financing of the Indus waters project originally provided for in section 204(e) of the Mutual Security Act of 1958. This project, designed to develop one of the largest irrigation systems in the world, was undertaken by a consortium consisting of Australia, Canada, New Zealand, the United Kingdom, the United States, and the International Bank for Reconstruction and Development, together with India and Pakistan. The \$37 million will cover the U.S. share of payments to be made under Indus construction contracts between October 1, 1964, and September 30, 1965. This estimate is based on engineering forecasts which have been reviewed by the World Bank at the request of the U.S. Government as recently as March 1964.

Because of the disparity between the original request and actual obligations for the Indus water project in fiscal year 1964, the firmness of the estimate for fiscal year 1965 may be questioned. In the spring of 1963 it was anticipated that the World Bank's calls on the United States for contributions would total \$43.1 million during the current fiscal year. According to the most recent reports, however, only \$12.3 million will be obligated by the United States for this project in fiscal 1964. The committee carefully examined the reasons for this variation and found that it was caused by the following developments:

(1) New contracts expected to be let during fiscal year 1964 were held up by the World Bank pending the signing of a supplemental agreement on the financing of the project;

(2) Foreign exchange scheduled for the purchase of rupees in fiscal year 1964 to cover local currency costs of the Indus program was not called up by the Bank because during the negotiation of the supplemental agreement, Pakistan agreed to increase its own local currency contribution; and

(3) Performance under contracts let in previous years fell somewhat behind schedule, resulting in lower requirements for payments under such contracts.

These factors are not expected to recur in fiscal 1965. The uncertainties caused by the delays in the negotiation of the supplemental agreement are now past. The agreement came into force on April 6, 1964. Construction is expected to proceed according to schedule. In addition, at the urging of the U.S. Government, the World Bank has abandoned the practice of adding a contingency reserve to engineering forecasts. There is every indication, therefore,

that the \$37 million estimate for fiscal year 1965 is firm and that the United States will be called upon to pay this full amount toward the cost of the Indus waters project before the end of the forthcoming fiscal year.

The committee also inquired into the circumstances surrounding the supplemental agreement of April 6, 1964. At the time that the original Indus water project agreement was negotiated, political considerations argued for an early solution to the bitter dispute between India and Pakistan over the division of the waters of the Indus River. The agreement was signed in 1960 before accurate cost estimates could be obtained. The possibility that the overall financing commitments of \$1 billion included in the agreement would prove inadequate was recognized by the signatories. Article IX of the agreement specifically provided for further consultations concerning measures to be taken in the event that the original financial commitment would prove insufficient to complete the project. Pursuant to this provision, and after detailed cost estimates were prepared by competent U.S. firms, a supplemental agreement was negotiated and signed in the spring of this year. This supplemental agreement calls for an additional contribution of foreign currencies by the parties to the Indus consortium in the amount of \$315 million, of which the U.S. share (54 percent) is \$170 million. On its part, Pakistan agreed to contribute all the local currency needed for the Indus works in excess of the \$235 million equivalent being contributed by the United States. Pakistan's local currency contribution to the replacement works alone would amount to \$294 million equivalent and if a dam on the Indus at Tarbela is constructed, Pakistan's local currency contribution would be increased by an estimated \$300 million equivalent, for a total of \$594 million. Article I of the supplemental agreement specifically provides that these arrangements are accepted by Pakistan and by the other parties "as a full and complete discharge of all obligations, whether legal or moral, expressed or implied, of the said other parties under the 1960 agreement."

A word should be added about the balance-of-payments effect of U.S. contributions to the Indus waters fund. On the obligational level, approximately 78 percent of the contracts let by the World Bank have been awarded to U.S. firms. In contrast, U.S. commitments to the World Bank represent 54 percent of the total committed in all currencies and only 39 percent of the foreign exchange commitment. On the disbursement side, about 85 percent of the foreign exchange actually paid out by the Bank has been paid to U.S. contractors and consultants.

International Peace Corps Secretariat.—In its fiscal year 1965 presentation to this Committee, the Executive Branch proposed to contribute up to \$150,000 of the funds authorized to be appropriated under chapter 3, to the International Peace Corps Secretariat (International Secretariat for Volunteer Services).

The committee does not believe that the United States should provide funds to be used to pay the costs of developing or operating any voluntary program of an international organization, or of any foreign government or agency thereof, relating to the selection, training, and program of volunteer manpower. A provision prohibiting the use of funds to pay such costs is included in section 105(b) of the bill. The function of the International Secretariat should be limited to serving

as an informational clearinghouse and the U.S. contribution should be provided on a 40-percent matching basis not to exceed \$22,400.

CHAPTER 4—SUPPORTING ASSISTANCE

Section 106—Authorization

Section 106 of the bill amends section 402 of the act which relates to supporting assistance. The committee recommends for fiscal year 1965 an authorization of \$405 million, which includes \$335 million in the Executive's original request for fiscal 1965, and an additional \$70 million for Vietnam, requested in the President's message of May 18, 1964. It is the committee's understanding that this \$70 million will be used only for supporting assistance in Vietnam. In fiscal year 1964 the appropriation for supporting assistance was \$330 million.

Supporting assistance is that part of the economic aid program used to meet immediate U.S. national security and foreign policy objectives; it is not directed primarily toward development and its effectiveness should be judged by the degree to which our military and foreign policy objectives are attained rather than in terms of roads built or acres brought under cultivation.

Approximately four-fifths of the supporting assistance will go to four countries: Vietnam, Korea, Laos, and Jordan. The funds will be used for four major purposes in support of U.S. foreign policy in less developed nations:

(a) To enable the maintenance of larger armed forces for common defense: Two countries, Vietnam and Korea, which are on the fringe of the Communist bloc, fall in this category. Both of these countries are maintaining sizable military forces that strain their limited economic resources. Sixty-six percent of the funds requested are for programs in these countries. The program for Vietnam is further discussed below.

(b) To preserve reasonable economic stability in critical situations: Five countries, two of which border on Communist territory, are in this group. These are countries in which the United States has strategic political interests and therefore must assure that economic deterioration does not result in political chaos. About 23 percent of the funds requested are programed for these countries.

(c) To encourage independence from the Communist bloc dominance in critical situations and areas: About 2 percent of the requested funds are for two countries in this category. This assistance is intended to indicate U.S. interest in the economic advancement and independence of certain countries which are also receiving assistance from Communist sources, but which are not yet in a position to qualify for development support.

(d) To assure access to strategic U.S. military bases and to assist the host governments in dealing with economic and other problems arising out of existence of the bases: Approximately 4 percent of the funds are for two countries in which there are U.S. bases. A major portion of these funds will be loaned.

The remaining amount of supporting assistance funds will go to two countries for single projects for which commitments have been made and for certain other small programs.

South Vietnam.—South Vietnam will continue as the major recipient of U.S. supporting assistance, an essential factor to the maintenance of its military forces. In reaching a decision to support the President's

request for an additional \$70 million of supporting assistance for Vietnam, the committee took into consideration the testimony of Secretary of Defense McNamara on May 19 following his most recent on-the-spot inspection of the situation in Vietnam, relative to the urgent need for stronger support economically as well as militarily. Since the 1965 presentation was prepared and presented to the committee two major changes have occurred in the past several months in Vietnam: (1) increased terrorist actions of the Communist Viet Cong, requiring an increased response by the Vietnamese and (2) the new government under Prime Minister Khanh, bringing new hope for effective action in mounting a successful campaign against the Communists and for stronger support from the civilian population. Concurrent with the anticipated stepped-up military effort by the Vietnamese, supporting assistance will be used to help finance direct security operations such as the civil counterinsurgency effort and to support the stabilization of an economy endangered by an extremely high defense budget.

The committee feels that the added request for \$70 million cannot be accommodated in the mutual defense and development program as originally proposed without unacceptable danger to our other basic security interests. The President has advised in his May 18 message that this amount, along with the request for additional military assistance funds for Vietnam, is covered by the budget's allowance for contingencies, so that it will not affect overall budget totals.

With the current exception of Vietnam, the trend in total supporting assistance has continued downward as countries have been able to shift to loan basis assistance. Since fiscal 1963 supporting assistance has been reduced by more than a fourth in Latin America and more than half in Africa and in the Near East and southeast Asia. This does not mean that U.S. aid to these countries has been terminated but that assistance has been shifted to development loans which are subject to more rigid screening and require repayment in dollars. The general objective is to move from this kind of program as rapidly as conditions permit to a program which promotes solid and permanent economic progress. Last year supporting assistance programs were proposed for 18 countries. In fiscal 1965 supporting assistance will go to 13 countries. For the first time no supporting assistance is programmed for Turkey after 1964, and reduced programs for Bolivia, Jordan, Thailand, and Morocco are contemplated in fiscal 1965.

CHAPTER 5—CONTINGENCY FUND

Section 107—Authorization

Section 107 amends section 451(a) of the act by authorizing an appropriation of \$150 million for the contingency fund for fiscal year 1965. This is the amount requested by the Executive. A total of \$179,500,000 was available for the contingency fund for fiscal 1964—\$50 million in new money, plus a \$127,100,000 carryover and an estimated \$2,400,000 in reimbursements.

The administrator of the foreign assistance program stated during the hearings that the contingency fund is "one of the most important requests contained in the authorizing legislation, for it provides the President with a flexible means of meeting new and unexpected circum-

stances. * * * world affairs move swiftly and the United States must be able to react swiftly" (hearings, p. 44).

The contingency fund has been and is an important foreign policy tool which provides the President with a prompt and flexible means of—

1. expanding assistance to a country whose security is threatened by new or intensified Communist attack, threat, or subversion;
2. responding to unexpected economic or political crises where prompt economic assistance is essential to protect both shortrun and longrun U.S. interests in the country assisted; and
3. providing relief to disaster areas suffering from earthquakes, floods, or other disasters.

The Agency for International Development has continued to adhere during the current year to a policy of limiting the use of the contingency fund to (a) anticipated requirements which are not firm at the time of the congressional presentation and (b) unforeseen contingencies, and has refrained from drawing on the contingency fund to offset cuts in the program which have been made by the Congress.

Present indications are that AID will have a smaller unobligated balance at the end of fiscal 1964 than was the case in fiscal 1963 when a total of \$127 million of the contingency fund was not obligated and was permitted to lapse. Nevertheless, to date, of the \$179.5 million available for fiscal year 1964, \$93,013,000 has been committed or transferred. Testimony received by the committee indicates that of the funds available, a total of some \$139 to \$149 million may be used in fiscal year 1964, leaving approximately \$30 to \$40 million which will lapse (revert to the Treasury unless reappropriated). The Agency has indicated that the appropriation request will be reduced by the amount unobligated at the end of the fiscal year.

PART II

CHAPTER 2—MILITARY ASSISTANCE

Section 201(a)—Guaranty authority

Section 201(a) amends section 503 of the act, which relates to general authority, by adding a new subsection (e) authorizing the President to issue guaranties against political and credit risks of non-payment in connection with privately financed sales of U.S. defense articles and services to eligible foreign countries and international organizations.

The purpose of the amendment is to promote private financing of sales of U.S. defense articles and services and thus minimize the expenditure of Government funds for this purpose. Guaranties may only be issued in connection with sales to friendly countries and international organizations, the assisting of which the President finds will strengthen U.S. security and promote world peace.

The Department of Defense estimates that during fiscal 1964 there will be \$262 million in sales of military items financed by commercial institutions and the Export-Import Bank. These sales are entirely outside the military assistance program although they are subject to the munitions control provisions of the Mutual Security Act of 1954.

Since the purpose of the military assistance program is to encourage friendly governments to establish and maintain forces adequate for defense against Communist aggression and since it is to the advantage of the United States for such governments to assume the cost of their own defense as rapidly as possible, there is every reason to facilitate the financing of military sales by banks and the Export-Import Bank in a manner comparable to the financing of other export transactions.

There are a number of countries able and willing to purchase military equipment in this manner where the political situation is such that commercial lenders are reluctant to extend credit at going rates. The purpose of the new authority is to provide a sales guarantee similar to the investment guaranty program.

The authorization of the procedures for carrying out such guaranties is provided in section 201(d) described below.

Section 201(b)—Authorization of funds

Section 201(b) amends section 504(a) of the act to authorize \$1,055,000,000 for military assistance for fiscal 1965. This authorization includes the \$1 billion originally requested, plus an additional \$55 million for Vietnam which the President asked for in his message on May 18, 1964. The appropriation for fiscal 1964 was \$1 billion.

The committee agreed with the judgment of the Secretary of Defense and of the Chairman of the Joint Chiefs of Staff that military assistance of this amount as a minimum is essential to maintain the security of the United States.

U.S. military strategy is based on the concept of collective defense of the free world. The size, structure, equipment, and deployment of the Armed Forces of the United States has been established on the basis that the forces of our allies in various parts of the world will assume certain responsibilities for resisting Communist aggression. Should these forces on which we depend not be able to function according to plan, it will be necessary for the United States to develop a new defense strategy and to reorganize and relocate its own forces accordingly.

Two-thirds of the military assistance funds requested for fiscal 1965 are programed for 11 countries stretching along the southern and eastern perimeters of the Communist bloc—Greece, Turkey, Iran, Pakistan, India, Thailand, Vietnam, Laos, the Philippines, the Republic of China, and Korea. Together, these nations maintain 3½ million men under arms.

The importance of the forces of these countries bordering the Communist bloc to our defense strategy increases to the extent that the Communist threat may be shifting from nuclear attack to "wars of national liberation" involving guerrilla warfare, insurrection, and covert aggression.

The existence of reasonably adequate military forces in these nations on the periphery of Communist power, by eliminating the hope of a quick, easy, and cheap victory, reduces the likelihood of a Communist attack.

The committee agreed with the statement of the Secretary of Defense (hearings, p. 84) that "it makes no sense whatsoever to spend \$50 billion a year on our own military forces and refuse to spend a mere 2 percent of that amount to provide that critical margin of

assistance required to insure the military effectiveness of the forces of our allies who stand behind us in the collective defense of the free world."

The military assistance program was substantially curtailed in fiscal 1964. This reduction in funds necessitated a most careful review and reevaluation by the Executive, and the information developed during the current hearings indicates that the military assistance program presented to the committee is essential to the maintenance of our security. Any effort to squeeze the additional funds needed for Vietnam out of other parts of the bill would endanger our defense effort.

Additional funds for Vietnam are needed because of the increase in the size and activity of the Vietnamese military forces to counteract the Vietcong buildup. Money will be spent for ammunition which is being used up more rapidly than previously, and for additional airplanes and other equipment and supplies.

The additional authorization for Vietnam, together with military assistance funds previously programed, would make \$205,800,000 available for that country during fiscal 1965. These funds have not been specifically earmarked, but the committee is convinced that approximately this amount will be needed in Vietnam during the coming fiscal year.

Section 201(c)—Dependable undertaking payments

Section 201(c) amends section 507(b) of the act, which relates to dollar sales where the procurement facilities of the Department of Defense are used but where sales are not made from Defense Department stocks, by adding a new proviso which authorizes the Department of Defense to accept a dependable undertaking that payment will be made by the purchaser within 120 days of delivery of defense articles or performance of defense services when the President determines that such an arrangement is in the national interest. Under the amendment, appropriations available to the Department of Defense may be used to make payments to suppliers. Such appropriations are to be reimbursed in full from the purchasers' payments. Under current law, the purchasers are required to give dependable undertakings to make payment no later than the time the United States is required to pay suppliers.

A number of governments which are willing to pay for military equipment from the United States find it difficult and, in some cases, legally impossible to make payment prior to the delivery of the articles. This amendment is expected to increase the purchases of military equipment in the United States by friendly governments.

Section 201(d)—Guaranty procedures

Section 201(d) amends section 509 of the act by changing the heading and adding a new subsection (b) dealing with guaranties.

First, it authorizes the President to enter into contracts with exporters, insurance companies, financing institutions or others, or groups thereof and, where appropriate, to employ the same to act as agent in the issuance and servicing of guaranties, insurance, coinsurance, reinsurance, or the adjustment of claims arising thereunder.

Second, it requires fees and premiums to be charged.

Third, the amendment requires establishment of a reserve for the payment of claims under guaranties. To establish this reserve, funds available under part II of the act, including funds appropriated under the authority of section 504 and section 508 repayments, are to be obligated in an amount equal to 25 percent of the contingent liability under each contract. Fees and premiums are also to be included in the reserve which will be a single reserve available for the payment of claims on a first-come-first-served basis.

Fourth, guaranty contracts are explicitly made contingent obligations backed by the full faith and credit of the United States.

The provision of a 25-percent reserve even though guaranties are backed by the full faith and credit of the United States has the advantage of establishing a limit on the amount of guaranties which can be issued.

Section 201(e)—Special authority

Section 201(e) continues for another year the special authority granted to the President by section 510(a) of the Foreign Assistance Act, subject to a \$300 million limitation, to order supplies from existing stocks of the Defense Department and defense services to be furnished for military assistance purposes, if he makes a finding that the use of these supplies or services is "vital to the security of the United States."

This drawdown authority has been in existence for 3 years and has not been utilized. The Secretary of Defense has reiterated his intention to use this authority only as a last resort. The fact that the demands of the hot war in Vietnam have been met and the curtailment in the military assistance program for fiscal 1964 made necessary by the substantial cut in funds has been accomplished without the use of this authority tends to validate the stated intention of the Secretary in this respect.

Section 201(f)—Military assistance to Africa

Section 201(f) amends section 512 of the act to extend the \$25 million ceiling on grant programs of defense articles for African countries for an additional year.

PART III

CHAPTER 1—GENERAL PROVISIONS

Section 301(a)—Prohibitions on furnishing assistance to Communist countries

Section 301(a) amends section 620(f), relating to prohibitions on furnishing assistance to Communist countries, by adding to the reference to the Union of Soviet Socialist Republics the words "including its captive constituent republics".

This amendment emphasizes that the Soviet Union includes among its constituent republics against their will non-Russian ethnic groups as well as national groups with histories and traditions of their own.

Section 301(b)—Prohibition against assistance for construction of certain projects

Section 301(b) amends section 620(k) to continue in effect for another year the prohibition contained in existing law against assistance to any country for construction of any productive enterprise to which

the U.S. share of such assistance exceeds \$100 million without additional legislative approval.

In continuing this provision in effect, the committee intends that in the future, as in the past, the prohibition shall not relate to the Indus Basin development provided for in section 303 of the act nor to the investment guaranties authorized by title III of chapter 2 of the act.

Section 301(c)—Assistance to developed countries

Section 301(c) amends section 620(m) of the act, which, with certain exceptions, prohibits grant assistance to any economically developed nation capable of sustaining its own defense burden and economic growth. Section 620(m) currently excepts from the prohibition fiscal year 1964 programs of training and orientation under part II of the act in an amount not to exceed \$1 million. The bill continues this exception for future fiscal years and reduces the ceiling to \$500,000 per country.

The purpose of the amendment is to permit continuation of limited training and orientation programs which acquaint key foreign military officers and defense officials with U.S. methods, procedures, and techniques in order to improve joint defense capabilities. Also, such training and orientation serves to demonstrate military equipment, particularly equipment of a highly sophisticated type, and thereby assists in increasing the sales of such equipment.

Only three of the countries to which this provision is applicable are included in the grant materiel program for fiscal 1965—Denmark, Japan, and Norway. Together, these countries are programmed to receive \$53 million of military hardware under prior commitments.

These commitments in most instances involve arrangements by which the recipient of U.S. military aid agrees to make an increase in its military expenditures of an amount equivalent to or larger than the U.S. contribution and to make procurements in the United States.

CHAPTER 2.—ADMINISTRATIVE PROVISIONS

Section 302(a)(1)—Employment of personnel

Section 302(a)(1) amends section 625 of the act which relates to employment of personnel.

Paragraph (1) amends the third proviso in section 625(d)(2) by deleting the limitation of 30 persons in the aggregate whose initial appointment as Foreign Service Reserve officers may be in the United States for a period not to exceed 2 years. Until 1962 AID could appoint Foreign Service Reserve officers only for service outside the the United States. Prior to serving abroad the newly appointed individuals were given a few weeks of basic indoctrination and training. At the request of the Executive, Congress amended the law in 1962 to permit an aggregate of 30 persons employed as Foreign Service Reserve officers for oversea service to remain in the United States for an initial tour of duty not to exceed 2 years. The purpose of that authority was to permit AID to conduct a more intensive training of newly selected key personnel before assigning them abroad. As of May 1964, 15 of these positions have been used although 2 have resigned before completion of their training.

The Executive requested an amendment that would authorize AID to have not more than 30 such individuals in training at any one time. The committee recognizes the merit in providing substantial training

for personnel before serving abroad. At the same time it regards 30 as an excessive number. For that reason it has limited to 20 at any one time the number of Foreign Service Reserve personnel who may be assigned initially for training in the United States for a period not in excess of 2 years.

Section 302(a)(2)—U.S. representative to the Inter-American Committee on the Alliance for Progress

Section 302(a)(2) adds a new subsection (j) to section 625 of the act which relates to employment of personnel. The new subsection authorizes the President to appoint or assign a U.S. citizen to be the U.S. representative to the Inter-American Economic and Social Council as well as the U.S. representative to the Inter-American Committee on the Alliance for Progress. Such appointment or assignment may be terminated by the President notwithstanding any other law. The President may compensate such a person at a rate not to exceed that established for a chief of mission, class 2 (\$25,000), under the Foreign Service Act of 1946, as amended. It does not authorize the benefits and perquisites available under that act to chiefs of missions serving abroad. The Inter-American Economic and Social Council is one of the three major bodies functioning under the Council of the Organization of American States. It has for its purpose the promotion of the economic and social improvement of the American nations through raising the standards of living of all segments of the population. The Inter-American Committee for the Alliance for Progress, comprised of 6 members plus a chairman, is intended to give a multilateral emphasis to the Alliance by keeping under review what each of the participating countries is doing to further the objectives of the Alliance, to estimate the total world resources available, and to allocate such resources in accordance with criteria that will advance the Alliance for Progress.

Section 302(b)—Experts, consultants, and retired officers

Section 302(b) amends section 626 of the act which relates to experts, consultants and retired officers in two respects.

Paragraph (1) authorizes an increase in the maximum compensation that may be paid such individuals from \$75 per diem to \$100 per diem. When the present limit of \$75 per diem was established in 1954, the annual equivalent of that rate was substantially higher than the salary rate for employees under the general schedule. Since that time salary increases for Federal employees have eliminated this difference. This fact combined with increases in prevailing rates outside the Government has substantially reduced the incentive value of the \$75 per diem rate. In the current fiscal year, 17 agencies have received authorization to pay a maximum rate of \$100 per diem to experts and consultants.

Paragraph (2) is a technical amendment to amend subsection (c) by striking out the existing citation to the Career Compensation Act of 1949 and substituting the new citation resulting from the codification of section 231 of that act.

Section 302(c)—Administrative expenses

Section 302(c) amends section 637(a) of the act which authorizes an appropriation for the administrative expenses of AID by deleting "1964" and "\$54,000,000" and substituting "1965" and "\$52,500,000". This amount is that requested by the Executive and \$2,500,000 more

than the appropriation for fiscal year 1964. The increase will permit AID to fund the increased Federal pay costs as well as increases in oversea wages and prices, to enter into additional contracts for auditing contracts entered into with universities and commercial contractors, and to strengthen training activities for its employees.

CHAPTER 3—MISCELLANEOUS PROVISIONS

Section 303—Special authorization for use of foreign currencies

Section 303 of the bill adds a new section 648 to the act which provides special authorization for the use of foreign currencies. The new language authorizes the President to use foreign currencies accruing to the United States under the Foreign Assistance Act or any other act for the repair, rehabilitation, improvement, and maintenance of cemeteries in Italy serving as the burial place of members of the Polish armed forces who died in combat in Italy during World War II. The use of the foreign currencies is subject to the provisions of section 1415 of the Supplemental Appropriation Act, 1953, which limits their use to the amount made available in an appropriation act. The present Polish Government has refused to maintain the burial places of the anti-Communist Polish forces who fought with the Allied Forces in World War II. Nor is the Italian Government able to provide the necessary funds. This new authority will permit the appropriation of small amounts sufficient to give dignity to the burial places of some of those who fought with the forces of the free world.

PART IV—AMENDMENTS TO OTHER LAWS

Section 401—Interparliamentary Union

Section 401 of the bill amends the first section of the act of June 28, 1935, that authorizes U.S. participation in the Interparliamentary Union (IPU). Under existing law an annual appropriation of \$48,000 is authorized—\$21,000 for the annual U.S. contribution toward the maintenance of the Bureau of the IPU located in Geneva and \$27,000 to defray the expenses of the American group for participation in the sessions of the IPU. Last year the Council of the IPU unanimously decided to increase by 10 percent the contributions of the national groups that comprise the members of the organization in order to meet the increased expenses of operation. Under this formula the U.S. share will be \$23,100, an increase of \$2,100. At the same time a reduction of \$100 is recommended in the amount authorized for participation by the American group. Thus the authorization granted by this amendment is for \$50,000, an increase of \$2,000.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

FOREIGN ASSISTANCE ACT OF 1961

AN ACT To promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world in their efforts toward economic development and internal and external security, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Foreign Assistance Act of 1961."

PART 1

CHAPTER 1—POLICY

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CHAPTER 2—DEVELOPMENT ASSISTANCE

TITLE I—DEVELOPMENT LOAN FUND

* * * * *

[TITLE II—DEVELOPMENT GRANTS AND TECHNICAL COOPERATION]

TITLE II—TECHNICAL COOPERATION AND DEVELOPMENT GRANTS

* * * * *

SEC. 212. AUTHORIZATION.—There is hereby authorized to be appropriated to the President for use beginning in the fiscal year [1964] 1965 to carry out the purposes of section 211 not to exceed [\$220,000,000] \$224,600,000 which shall remain available until expended.

SEC. 213. ATOMS FOR PEACE.—* * * (Repealed—1962)

SEC. 214. AMERICAN SCHOOLS AND HOSPITALS ABROAD.—(a) The President is authorized to furnish assistance, on such terms and conditions as he may specify, to schools and libraries outside the United States founded or sponsored by United States citizens and serving as study and demonstration centers for ideas and practices of the United States.

(b) The President is authorized, notwithstanding the provisions of the Mutual Defense Assistance Control Act of 1951 (22 U.S.C. 1611 et seq.), to furnish assistance on such terms and conditions as he may specify, to hospitals outside the United States founded or sponsored by United States citizens and serving as centers for medical treatment, education, and research.

(c) There is hereby authorized to be appropriated to the President for the purposes of this section, for the fiscal year [1964, \$19,000,000,] 1965, \$18,000,000 to remain available until expended. [Of the sums authorized to be appropriated under this subsection, not to exceed \$2,200,000 shall be available for direct dollar costs in carrying out sub-

section (b) and \$4,700,000 shall be available solely for the purchase of foreign currencies accruing to the United States Government under any Act.】

* * * * *

SEC. 216. VOLUNTARY AGENCIES.—(a) In order to further the efficient use of United States voluntary contributions for relief and rehabilitation of friendly peoples, the President is authorized to use funds made available for the purposes of section 211 to pay transportation charges from United States ports *or, in the case of excess or surplus property supplied by the United States, from foreign ports* to ports of entry abroad, or, in the case of landlocked countries, to points of entry in such countries, on shipments by the American Red Cross and United States voluntary nonprofit relief agencies registered with and approved by the Advisory Committee on Voluntary Foreign Aid.

* * * * *

TITLE III—INVESTMENT GUARANTIES

SEC. 221. GENERAL AUTHORITY.—(a) * * *

(b) The President may issue guaranties to United States citizens, or corporations, partnerships, or other associations created under the laws of the United States or of any State or territory and substantially beneficially owned by United States citizens, as well as any wholly-owned (determined without regard to any shares, in aggregate less than 5 per centum of the total of issued and subscribed share capital, required by law to be held by persons other than the parent corporation) foreign subsidiary of any such corporation—

(1) assuring protection in whole or in part against any or all of the following risks:

(A) inability to convert into United States dollars other currencies, or credits in such currencies, received as earnings or profits from the approved project, as repayment or return of the investment therein, in whole or in part, or as compensation for the sale or disposition of all or any part thereof,

(B) loss of investment, in whole or in part, in the approved project due to expropriation or confiscation by action of a foreign government, and

(C) loss due to war, revolution, or insurrection:

Provided, That the total face amount of the guaranties issued under this paragraph (1) outstanding at any one time shall not exceed \$2,500,000,000; and

(2) where the President determines such action to be important to the furtherance of the purposes of this title, assuring against loss of any loan investment for housing projects with appropriate participation by the private investor in the loan risk and in accordance with the foreign and financial policies of the United States, or assuring against loss of not to exceed 75 per centum of any other investment due to such risks as the President may determine, upon such terms and conditions as the President may determine: *Provided*, That guaranties issued under this paragraph (2) shall emphasize economic development projects furthering social progress and the development of small independent business enterprises, and no such guaranty in the case of a loan shall exceed \$25,000,000 and no other such guaranty shall ex-

ceed \$10,000,000: *Provided further*, That no payment may be made under this paragraph (2) for any loss arising out of fraud or misconduct for which the investor is responsible: *Provided further*, That the total face amount of the guaranties issued under this paragraph (2) outstanding at any one time shall not exceed **[\$180,000,000]** *\$300,000,000*: *Provided further*, That this authority shall continue until June 30, **[1965]** *1966*.

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SEC. 224. HOUSING PROJECTS IN LATIN AMERICAN COUNTRIES.—

(a) It is the sense of the Congress that in order to stimulate private homeownership and assist in the development of stable economies, the authority conferred by this title should be utilized for the purpose of assisting in the development in the American Republics of self-liquidating pilot housing projects designed to provide experience in rapidly developing countries by participating with such countries in guaranteeing private United States capital available for investment in Latin American countries for the purposes set forth herein.

(b) In order to carry out the purposes set forth in subsection (a), the President is authorized to issue guaranties assuring against the risks of loss specified in paragraph 221(b)(2) of investments made by United States citizens, or corporations, partnerships, or other associations created under the law of the United States or of any State or territory and substantially beneficially owned by United States citizens in pilot or demonstration private housing projects in Latin America of types similar to those insured by the Federal Housing Administration and suitable for conditions in Latin America. The total face amount of guaranties issued under this section outstanding at any one time shall not exceed **[\$150,000,000]** *\$250,000,000*.

TITLE IV—SURVEYS OF INVESTMENT OPPORTUNITIES

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SEC. 232. AUTHORIZATION.—There is hereby authorized to be appropriated to the President for use beginning in the fiscal year **[1963]** *1965* to carry out the purposes of this title not to exceed **[\$2,000,000]** *\$2,100,000*, which shall remain available until expended.

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TITLE VI—ALLIANCE FOR PROGRESS

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SEC. 252. AUTHORIZATION.—There is hereby authorized to be appropriated to the President for the purposes of this title, in addition to other funds available for such purposes, for use beginning in each of the fiscal years 1963, 1965, and 1966, not to exceed \$600,000,000 for each such fiscal year, and for use beginning in the fiscal year 1964, not to exceed \$525,000,000, which sums are authorized to remain available until expended and which except for not to exceed \$100,000,000 **[of the funds appropriated pursuant to this section for use beginning in fiscal year 1963 and not to exceed \$100,000,000 of the funds appropriated pursuant to this section for use beginning in fiscal year 1964]** *in each of the fiscal years 1963 and 1964 and \$85,000,000 in fiscal year 1965 of the funds appropriated pursuant to this section for use beginning in each such fiscal year*, shall be available only for loans payable as to principal and interest in United States dollars.

In presenting requests to the Congress for authorizations for appropriations for fiscal years 1964 through 1966 to carry out other programs under this Act, the President shall also present the program proposed to be carried out from funds appropriated pursuant to the authorization contained in this section for the respective fiscal year. In order to effectuate the purposes and provisions of sections 102, 251, 601, and 602 of this Act, not less than 50 per centum of the loan funds appropriated pursuant to this section for the fiscal years ending June 30, 1965 and June 30, 1966, respectively, shall be available for loans made to encourage economic development through private enterprise.

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CHAPTER 3—INTERNATIONAL ORGANIZATIONS AND PROGRAMS

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SEC. 302. AUTHORIZATION.—There is hereby authorized to be appropriated to the President for use, in addition to funds available under any other Act for such purposes, for the fiscal year **[1964]** 1965 to carry out the purposes of this chapter not to exceed **[\$136,050,000]** \$134,400,000. *None of the funds available to carry out this chapter shall be contributed to any international organization or to any foreign government or agency thereof to pay the costs of developing or operating any volunteer program of such organization, government, or agency relating to the selection, training, and programing of volunteer manpower.*

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CHAPTER 4—SUPPORTING ASSISTANCE

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SEC. 402. AUTHORIZATION.—There is hereby authorized to be appropriated to the President for use beginning in the fiscal year **[1964]** 1965 to carry out the purposes of this chapter not to exceed **[\$380,000,000]** \$405,000,000, which shall remain available until expended.

CHAPTER 5—CONTINGENCY FUND

SEC. 451. CONTINGENCY FUND.—(a) There is hereby authorized to be appropriated to the President for the fiscal year **[1964]** 1965 not to exceed **[\$160,000,000]** \$150,000,000 for use by the President for assistance authorized by part I in accordance with the provisions applicable to the furnishing of such assistance, when he determines such use to be important to the national interest.

(b) The President shall provide quarterly reports to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Speaker of the House of Representatives on the programing and the obligation of funds under this section.

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PART II

CHAPTER 1—POLICY

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CHAPTER 2—MILITARY ASSISTANCE

SEC. 503. GENERAL AUTHORITY.—The President is authorized to furnish military assistance on such terms and conditions as he may determine, to any friendly country or international organization, the assisting of which the President finds will strengthen the security of the United States and promote world peace and which is otherwise eligible to receive such assistance, by—

(a) acquiring from any source and providing (by loan, lease, sale, exchange, grant, or any other means) any defense article or defense service;

(b) making financial contributions to multilateral programs for the acquisition or construction of facilities in foreign countries for collective defense;

(c) providing financial assistance for expenses incident to participation by the United States Government in regional or collective defense organizations; [and]

(d) assigning or detailing members of the Armed Forces of the United States and other personnel of the Department of Defense to perform duties of a noncombatant nature, including those related to training or advice[.]; and

(e) *guarantying, insuring, coinsuring and reinsuring any individual, corporation, partnership or other association doing business in the United States against political and credit risks of nonpayment arising in connection with credit sales financed by such individual, corporation, partnership or other association for defense articles and defense services procured in the United States by such friendly country or international organization.*

SEC. 504. AUTHORIZATION.—(a) There is hereby authorized to be appropriated to the President for use beginning in fiscal year [1964] 1965 to carry out the purposes of this part, not to exceed [\$1,000,000,000,] \$1,055,000,000, which shall remain available until expended.

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SEC. 507. SALES.—(a) * * *

(b) The President may, without requirement for charge to any appropriation or contract authorization otherwise provided, enter into contracts for the procurement of defense articles or defense services for sale to any friendly country or international organization if such country or international organization provides the United States Government with a dependable undertaking (1) to pay the full amount of such contract which will assure the United States Government against any loss on the contract, and (2) to make funds available in such amounts and at such times as may be required to meet the payments required by the contract, and any damages and costs that may accrue from the cancellation of such contract, in advance of the time such payments, damages, or costs are due: *Provided, That the President may, when he determines it to be in the national interest, accept a dependable undertaking to make full payment within one hundred and twenty days after delivery of the defense articles, or the rendering of the defense*

services, and appropriations available to the Department of Defense may be used to meet the payments required by the contracts and shall be reimbursed by the amounts subsequently received from the country or international organization. No sales of unclassified defense articles shall be made to the government of any economically developed nation under the provisions of this subsection unless such articles are not generally available for purchase by such nations from commercial sources in the United States: Provided, however, That the Secretary of Defense may waive the provisions of this sentence when he determines that the waiver of such provisions is in the national interest.

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SEC. 509. EXCHANGES AND GUARANTIES.—(a) Defense articles or defense services transferred to the United States Government by a country or international organization as payment for assistance furnished under this part may be used to carry out this part, or may be disposed of or transferred to any agency of the United States Government for stockpiling or other purposes. If such disposal or transfer is made subject to reimbursement, the funds so received shall be credited to the appropriation, fund, or account funding the cost of the assistance furnished or to any appropriation, fund, or account currently available for the same general purpose.

(b) *In issuing guaranties, insurance, coinsurance, and reinsurance, the President may enter into contracts with exporters, insurance companies, financial institutions, or others, or groups thereof, and where appropriate may employ any of the same to act as agent in the issuance and servicing of such guaranties, insurance, coinsurance, and reinsurance, and the adjustment of claims arising thereunder. Fees and premiums shall be charged in connection with contracts of guaranty, insurance, coinsurance, and reinsurance. Obligations shall be recorded against the funds available for credit sales under this part in an amount not less than 25 per centum of the contractual liability related to any guaranty, insurance, coinsurance, and reinsurance issued pursuant to this part and the funds so obligated together with fees and premiums shall constitute a single reserve for the payment of claims under such contracts. Any guaranties, insurance, coinsurance, and reinsurance issued pursuant to this part shall be considered contingent obligations backed by the full faith and credit of the United States of America.*

SEC. 510. SPECIAL AUTHORITY.—(a) During the fiscal year [1964] 1965, the President may, if he determines it to be vital to the security of the United States, order defense articles from the stocks of the Department of Defense and defense services for the purposes of part II, subject to subsequent reimbursement therefor from subsequent appropriations available for military assistance. The value of such orders under this subsection in the fiscal year [1964] 1965 shall not exceed \$300,000,000. Prompt notice of action taken under this subsection shall be given to the Committees on Foreign Relations, Appropriations, and Armed Services of the Senate and the Speaker of the House of Representatives.

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SEC. 512. RESTRICTIONS ON MILITARY AID TO AFRICA.—No military assistance shall be furnished on a grant basis to any country in Africa, except for internal security requirements or for programs described in section 505(b) of this chapter, unless the President determines otherwise and promptly reports such determination to the Com-

mittee on Foreign Relations of the Senate and the Speaker of the House of Representatives. The value of grant programs of defense articles for African countries in fiscal year [1964] 1965, pursuant to any authority contained in this part other than section 507, shall not exceed \$25,000,000.

PART III

CHAPTER 1—GENERAL PROVISIONS

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SEC. 620. PROHIBITIONS AGAINST FURNISHING ASSISTANCE TO CUBA AND CERTAIN OTHER COUNTRIES.—(a)(1) * * *

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(f) No assistance shall be furnished under this Act, as amended, (except section 214(b)) to any Communist country. This restriction may not be waived pursuant to any authority contained in this Act unless the President finds and promptly reports to Congress that: (1) such assistance is vital to the security of the United States; (2) the recipient country is not controlled by the international Communist conspiracy; and (3) such assistance will further promote the independence of the recipient country from international communism. For the purposes of this subsection, the phrase "Communist country" shall include specifically, but not be limited to, the following countries:

Peoples Republic of Albania,
 Peoples Republic of Bulgaria,
 Peoples Republic of China,
 Czechoslovak Socialist Republic,
 German Democratic Republic (East Germany),
 Estonia,
 Hungarian Peoples Republic,
 Latvia,
 Lithuania,
 North Korean Peoples Republic,
 North Vietnam,
 Outer Mongolia-Mongolian Peoples Republic,
 Polish Peoples Republic,
 Rumanian Peoples Republic,
 Tibet,
 Federal Peoples Republic of Yugoslavia,
 Cuba, and
 Union of Soviet Socialist Republics (*including its captive constituent republics*).

* * * * *

(k) Until the enactment of the Foreign Assistance Act of [1964] 1965 or other general legislation, during the calendar year [1964] 1965, authorizing additional appropriations to carry out programs of assistance under this Act, no assistance shall be furnished under this Act to any country for construction of any productive enterprise with respect to which the aggregate value of such assistance to be furnished by the United States will exceed \$100,000,000. No other provision of this Act shall be construed to authorize the President to waive the provisions of this subsection.

* * * * *

(m) No assistance shall be furnished on a grant basis under this Act to any economically developed nation capable of sustaining its own defense burden and economic growth, except (1) to fulfill firm commitments made prior to July 1, 1963, or (2) additional orientation and training expenses under part II hereof during *each* fiscal year [1964] in an amount not to exceed [\$1,000,000] \$500,000.

CHAPTER 2—ADMINISTRATIVE PROVISIONS

* * * * *

SEC. 625. EMPLOYMENT OF PERSONNEL.—(a) Any agency or officer of the United States Government carrying out functions under this Act is authorized to employ such personnel as the President deems necessary to carry out the provisions and purposes of this Act.

(b) Of the personnel employed in the United States to carry out part I or coordinate part I and part II, not to exceed one hundred and ten may be appointed, compensated or removed without regard to the provisions of any law, of whom not to exceed fifty-one may be compensated at rates higher than those provided for grade 15 of the general schedule established by the Classification Act of 1949, as amended (5 U.S.C. 1071 et seq.), but not in excess of the highest rate of grade 18 of such general schedule: *Provided*, That, under such regulations as the President shall prescribe, officers and employees of the United States Government who are appointed to any of the above positions may be entitled, upon removal from such position, to reinstatement to the position occupied at the time of appointment or to a position of comparable grade and salary. Such positions shall be in addition to those authorized by law to be filled by Presidential appointment, and in addition to the number authorized by section 505 of the Classification Act of 1949, as amended.

(c) Of the personnel employed in the United States to carry out part II, not to exceed eight may be compensated at rates higher than those provided for grade 15 of the general schedule established by the Classification Act of 1949, as amended, but not in excess of the highest rate of grade 18 of such general schedule. Such positions shall be in addition to those authorized by law to be filled by Presidential appointment, and in addition to the number authorized by section 505 of the Classification Act of 1949, as amended.

(d) For the purpose of performing functions under this Act outside the United States the President may—

(1) employ or assign persons, or authorize the employment or assignment of officers or employees by agencies of the United States Government, who shall receive compensation at any of the rates provided for the Foreign Service Reserve and Staff by the Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.), together with allowances and benefits thereunder: and persons so employed or assigned shall be entitled, except to the extent that the President may specify otherwise in cases in which the period of employment or assignment exceeds thirty months, to the same benefits as are provided by section 528 of that Act for persons appointed to the Foreign Service Reserve, and the provisions of section 1005 of that Act shall apply in the case of such persons, except that policymaking officials shall not be subject to that part of section 1005 of that Act which prohibits political tests; and

(2) utilize such authority, including authority to appoint and

assign personnel for the duration of operations under this Act, contained in the Foreign Service Act of 1946, as amended, as the President deems necessary to carry out functions under this Act; and such provisions of the Foreign Service Act of 1946, as amended, as the President deems appropriate shall apply to personnel appointed or assigned under this paragraph, including in all cases the provisions of section 528 of that Act: *Provided, however,* That the President may by regulation make exceptions to the application of section 528 in cases in which the period of the appointment or assignment exceeds thirty months: *Provided further,* That Foreign Service Reserve officers appointed or assigned pursuant to this paragraph shall receive within-class salary increases in accordance with such regulations as the President may prescribe: *Provided further,* That, whenever the President determines it to be important for the purposes of this Act, the President may initially assign personnel under this paragraph for duty within the United States for a period not to exceed two years for the purpose of preparation for assignment outside the United States; however, the authority contained in this proviso may not be exercised with respect to [more than thirty persons in the aggregate] *the assignment to such duty of more than twenty persons at any one time.*

(e) The President is authorized to prescribe by regulation standards or other criteria for maintaining adequate performance levels for personnel appointed or assigned pursuant to paragraph (2) of subsection (d) of this section and section 527(c)(2) of the Mutual Security Act of 1954, as amended, and may, notwithstanding any other law, but subject to an appropriate administrative appeal, separate employees who fail to meet such standards or other criteria, and also may grant such personnel severance benefits of one month's salary for each year's service, but not to exceed one year's salary at the then current salary rate of such personnel.

(f) Funds provided for in agreements with foreign countries for the furnishing of services under this Act with respect to specific projects shall be deemed to be obligated for the services of personnel employed by agencies of the United States Government (other than the agencies primarily responsible for administering part I or part II of this Act) as well as personnel not employed by the United States Government.

(g) The principles regarding foreign language competence set forth in section 578 of the Foreign Service Act of 1946, as amended (22 U.S.C. 801), shall be applicable to personnel carrying out functions under this Act and the Secretary of State shall make appropriate designations and standards for such personnel.

(h) Notwithstanding any other provision of law, officers and employees of the United States Government performing functions under this Act shall not accept from any foreign country any compensation or other benefits. Arrangements may be made by the President with such countries for reimbursement to the United States Government or other sharing of the cost of performing such functions.

(i) To the maximum extent practicable officers and employees performing functions under this Act abroad shall be assigned to countries and positions for which they have special competence, such as appropriate language and practical experience.

(j) *The President may appoint or assign a United States citizen to be representative of the United States to the Inter-American Economic and Social Council and to be United States representative to the Inter-American Committee on the Alliance for Progress and, in his discretion, may terminate such appointment or assignment, notwithstanding any other provision of law. Such person may be compensated at a rate not to exceed that authorized for a chief of mission, class 2, within the meaning of the Foreign Service Act of 1946, as amended.*

SEC. 626. EXPERTS, CONSULTANTS, AND RETIRED OFFICERS.—(a) Experts and consultants of organizations thereof may, as authorized by section 15 of the Act of August 2, 1946, as amended (5 U.S.C. 55a), be employed for the performance of functions under this Act, and individuals so employed may be compensated at rates not in excess of **[\$75]** \$100 per diem, and while away from their homes or regular places of business, they may be paid actual travel expenses and per diem in lieu of subsistence at the applicable rate prescribed in the standardized Government travel regulations, as amended from time to time. Contracts for such employment with such organizations, employment of personnel as experts and consultants, not to exceed ten in number, contracts for such employment of retired military personnel with specialized research and development experience, not to exceed ten in number, and contracts for such employment of retired military personnel with specialized experience of a broad politico-military nature, not to exceed five in number, may be renewed annually.

* * * * *

(c) Notwithstanding section 2 of the Act of July 31, 1894, as amended (5 U.S.C. 62), any retired officer of any of the services mentioned in the **[Career Compensation Act of 1949, as amended (37 U.S.C. 231 et seq.)]** *section 101(3) of title 37 of the United States Code*, may hold any office or appointment under this Act, but the compensation of any such retired officer shall be subject to the provisions of section 212 of Public Law 72-212, as amended.

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SEC. 637. ADMINISTRATIVE EXPENSES.—(a) There is hereby authorized to be appropriated to the President for the fiscal year **[1964]** 1965 not to exceed **[\$54,000,000]** \$52,500,000 for necessary administrative expenses of the agency primarily responsible for administering part I.

* * * * *

CHAPTER 3—MISCELLANEOUS PROVISIONS

SEC. 641. EFFECTIVE DATE AND IDENTIFICATION OF PROGRAMS.—This Act shall take effect on the date of its enactment. Programs under this Act shall be identified appropriately overseas as “American Aid”.

SEC. 642. STATUTES REPEALED.—(a) There are hereby repealed—

(1) Reorganization Plan Numbered 7 of 1953;

(2) the Mutual Security Act of 1954, as amended (except sections 143, 402, 408, 414, 417, 502(a), 502(b), 514, 523(d), and 536); *Provided*, That until the enactment of legislation authorizing and appropriating funds for activities heretofore carried on pursuant to sections 405(a), 405(c), 405(d), and 451(c) of the

Mutual Security Act of 1954, as amended, such activities may be continued with funds made available under section 451(a) of this Act;

- (3) section 12 of the Mutual Security Act of 1955;
- (4) sections 12, 13, and 14 of the Mutual Security Act of 1956;
- (5) section 503 of the Mutual Security Act of 1958;
- (6) section 108 of the Mutual Security Appropriation Act, 1959;
- (7) section 501(a), chapter VI, and sections 702 and 703 of the Mutual Security Act of 1959, as amended; and
- (8) section 604 and chapter VIII of the Mutual Security Act of 1960.

(b) References in law to the Acts, or provisions of such Acts, repealed by subsection (a) of this section shall hereafter be deemed to be references to this Act or appropriate provisions of this Act.

(c) The repeal of the Acts listed in subsection (a) of this section shall not be deemed to affect amendments contained in such Acts to Acts not named in that subsection.

SEC. 643. SAVING PROVISIONS.—(a) Except as may be expressly provided to the contrary in this Act, all determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of any provision of law repealed by section 642(a) shall continue in full force and effect until modified by appropriate authority.

(b) Wherever provisions of this Act establish condition which must be complied with before use may be made of authority contained in, or funds authorized by, this Act, compliance with, or satisfaction of, substantially similar conditions under Acts listed in section 642(a) or Acts repealed by those Acts shall be deemed to constitute compliance with the conditions established by this Act.

(c) Funds made available pursuant to provisions of law repealed by section 642(a)(2) shall, unless otherwise authorized or provided by law, remain available for their original purposes in accordance with the provisions of law originally applicable thereto, or in accordance with the provisions of law currently applicable to those purposes.

(d) (Repealed—1962)

SEC. 644. DEFINITIONS.—As used in this Act—

(a) “Agency of the United States Government” includes any agency, department, board, wholly or partly owned corporation, instrumentality, commission, or establishment of the United States Government.

(b) “Armed Forces” of the United States means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

(c) “Commodity” includes any material, article, supply, goods or equipment used for the purposes of furnishing nonmilitary assistance.

(d) “Defense article” includes—

(1) any weapon, weapons system, munition, aircraft, vessel, boat, or other implement of war;

(2) any property, installation, commodity, material, equipment, supply, or goods used for the purposes of furnishing military assistance;

(3) any machinery, facility, tool, material, supply, or other item necessary for the manufacture, production, processing, repair, servicing, storage, construction, transportation, operation, or use of any article listed in this subsection; or

(4) any component or part of any article listed in this subsection; but

shall not include merchant vessels or, as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011), source material, byproduct material, special nuclear material, or atomic weapons.

(e) "Defense information" includes any document, writing, sketch, photograph, plan, model, specification, design, prototype, or other recorded or oral information relating to any defense article or defense service, but shall not include Restricted Data and formerly Restricted Data as defined by the Atomic Energy Act of 1954, as amended.

(f) "Defense service" includes any service, test, inspection, repair, training including orientation; training aid, publication, or technical or other assistance, including the transfer of limited quantities of defense articles for test, evaluation, or standardization purposes, or defense information used for the purposes of furnishing military assistance.

(g) "Excess defense articles" mean the quantity of defense articles owned by the United States Government which is in excess of the mobilization reserve at the time such articles are dropped from inventory by the supplying agency for delivery to countries or international organizations as grant assistance under this Act.

(h) "Function" includes any duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity.

(i) "Mobilization reserve" means the quantity of defense articles determined to be required, under regulations prescribed by the President, to support mobilization of the Armed Forces of the United States Government in the event of war or national emergency.

(j) "Officer or employee" means civilian personnel and members of the Armed Forces of the United States Government.

(k) "Services" include any service, repair, training of personnel, or technical or other assistance or information used for the purposes of furnishing nonmilitary assistance.

(l) "Surplus agricultural commodity" means any agricultural commodity or product thereof, class, kind, type, or other specification thereof, produced in the United States, either publicly or privately owned, which is in excess of domestic requirements, adequate carry-over, and anticipated exports for United States dollars, as determined by the Secretary of Agriculture.

(m) "Value" means—

(1) with respect to excess defense articles, the gross cost incurred by the United States Government in repairing, rehabilitating, or modifying such articles;

(2) with respect to nonexcess defense articles delivered from inventory to countries or international organizations under this Act, the standard price in effect at the time such articles are dropped from inventory by the supplying agency. Such price shall be the same standard price used for transfers or sales of such articles in or between the Armed Forces of the United States Government, or, where such articles are not transferred or sold in or between the Armed Forces of the United States, the gross cost to the United States Government adjusted as appropriate for condition and market value; and

(3) with respect to nonexcess defense articles delivered from new procurement to countries or international organizations under this Act, the contract of production costs of such articles. Military assistance programs and orders shall be based upon the best estimates of stock status and prevailing prices; reimbursements to the supplying agency shall be made on the basis of the stock status and prices determined pursuant to this section. Notwithstanding the foregoing provisions of this section, the Secretary of Defense may prescribe regulations authorizing reimbursements to the supplying agency based on negotiated prices for aircraft, vessels, plant equipment, and such other major items as he may specify: *Provided*, That such articles are not excess at the time such prices are negotiated: *Provided further*, That such prices are negotiated at the time firm orders are placed with the supplying agency by the military assistance program.

SEC. 645. UNEXPENDED BALANCES.—Unexpended balances of funds made available pursuant to this Act, the Mutual Security Act of 1954, as amended or Public Law 86-735 are hereby authorized to be continued available for the general purposes for which appropriated, and may at any time be consolidated, and, in addition, may be consolidated with appropriations made available for the same general purposes under the authority of this Act.

SEC. 646. CONSTRUCTION.—If any provision of this Act or the application of any provision to any circumstances or persons shall be held invalid, the validity of the remainder of this Act, and of the applicability of such provision to other circumstances or persons shall not be affected thereby.

SEC. 647. DEPENDABLE FUEL SUPPLY.—It is of paramount importance that long-range economic plans take cognizance of the need for a dependable supply of fuels, which is necessary to orderly and stable development and growth, and that dependence not be placed upon sources which are inherently hostile to free countries and the ultimate well-being of economically underdeveloped countries and which might exploit such dependence for ultimate political domination. The agencies of government in the United States are directed to work with other countries in developing plans for basing development programs on the use of the large and stable supply of relatively low cost fuels available in the free world.

SEC. 648. SPECIAL AUTHORIZATION FOR USE OF FOREIGN CURRENCIES.—Subject to the provisions of section 1415 of the Supplemental Appropriation Act, 1953, the President is authorized, as a demonstration of good will on the part of the people of the United States for the Polish and Italian people, to use foreign currencies accruing to the United States Government under this or any other Act, for assistance on such terms and conditions as he may specify, in the repair, rehabilitation, improvement, and maintenance of cemeteries in Italy serving as the burial place of members of the armed forces of Poland who died in combat in Italy during World War II.

FIRST SECTION OF THE ACT APPROVED JUNE 28, 1935 (22
U.S.C. 276)

That an appropriation of **[\$48,000]** *\$50,000* annually is authorized, **[\$21,000]** *\$23,100* of which shall be for the annual contributions of the United States toward the maintenance of the Bureau of the Interparliamentary Union for the promotion of international arbitration; and **[\$27,000]** *\$26,900*, or so much thereof as may be necessary, to assist in meeting the expenses of the American group of the Interparliamentary Union for each fiscal year for which an appropriation is made, such appropriation to be disbursed on vouchers to be approved by the President and the executive secretary of the American group.

SUPPLEMENTAL VIEWS OF HON. WILLIAM S. BROOMFIELD

Through the years, I have supported the objectives of foreign assistance and I have attempted to introduce and support improvements designed to insure a more workable and effective foreign aid program.

Some of these proposals are now a part of the Foreign Assistance Act, and I believe they have contributed to a sounder and more realistic foreign aid program.

I intend to continue my support of foreign aid as outlined in this bill, H.R. 11380, as I am convinced that this assistance is a valuable weapon in the struggle for freedom and against want in the world.

However, I also intend to continue to offer changes to this program when I consider these changes necessary to meet changing conditions in a constantly changing world.

Recent events in southeast Asia and South Vietnam have demonstrated clearly that change is once again upon us and that the United States is having difficulty in adapting itself quickly to new events and concepts.

In testimony before the House Committee on Foreign Affairs, Secretary of Defense Robert McNamara and administration witnesses requested an even \$1 billion for military assistance for fiscal year 1965. On March 25, 1964, Secretary McNamara said in committee testimony:

We are presenting a request of only \$1 billion for fiscal year 1965 solely because the Congress has made it crystal clear to the executive branch that it is unwilling to appropriate a larger amount.

I immediately urged more funds for the war in South Vietnam, pointing out the dangers of supporting a modern war with obsolete equipment. The President joined in this request for additional funds, and he has received the wholehearted backing of the House Committee on Foreign Affairs in this request.

While it is not the role of the Congress to formulate foreign policy, Congress, as the representative of the people of the United States, does have the responsibility to express to the world our determination to fully back the foreign policy objectives outlined by the President.

It is for this reason that I intend to offer two amendments to the Foreign Assistance Act of 1964.

The first amendment will be to incorporate into H.R. 11380 the provisions of House Joint Resolution 1034 which I introduced in the House on May 21, 1964.

This resolution states that it is the sense of Congress that—

1. The President of the United States and his administration are urged to use every means to secure the borders of South Vietnam from infiltration by hostile forces and to assist the South Vietnamese in every way in their efforts to win their war for freedom; and

2. our Nation is committed and must remain committed to the wholehearted support of freedom for South Vietnam and its people and an end to Communist expansion in southeast Asia as well as everywhere else in the world; and

3. there should remain not the slightest doubt as to the determination of the U.S. Government to pursue this course of action, and to fully inform the American people of what will be necessary to defend freedom in South Vietnam and in southeast Asia.

The second amendment I will offer will be similar to one which I introduced in the committee during the consideration of H.R. 11380 and which was narrowly defeated.

This amendment would earmark \$200 million of the \$1,055 million authorized under the bill for military assistance for use in South Vietnam unless the President should determine to the contrary and so notify the Senate Committees on Foreign Relations and Appropriations and the Speaker of the House.

These two amendments would, if they are passed, further assure the American people and the world that the Congress is ready and willing to make available whatever is necessary to contain world communism and to prevent its further spread in southeast Asia. Further, these amendments would reinforce the administration's request for funds in this important area of the world.

It is my hope that support for these two amendments will be forthcoming in the House. Congress should make crystal clear its intention to support the cause of freedom in Vietnam and anywhere else in the world where the enemies of freedom are found.

It is imperative that the South Vietnamese, the free world, and, most particularly, the Communists understand this commitment by our Government, and that the United States has no intention of forgetting its promises or shirking its obligations.

By enacting this "sense of Congress" amendment and by clearly earmarking these funds for military assistance to South Vietnam, we will become the master of events rather than the prisoners of our own lack of purpose and direction.

WILLIAM S. BROOMFIELD.

MINORITY VIEWS

Over the years which have covered most of the life of this program we have painstakingly presented the reasons for our continuing opposition toward making any additional funds or expanded authorities available to the executive branch. In review, these reasons have covered a wide range of faults almost any one of which would have caused management of a privately operated business to stop and take another look. We have presented facts supporting the conclusion that:

The Congress has lost all semblance of control over the aid program;

The executive branch continues to make long-term aid commitments without prior congressional approval;

Trade and aid continues with Communist governments;

Much of the military assistance is beyond the capacity of the recipient nation to utilize;

The program is overfunded and lacks consistency or direction;

There is little evidence that it has been successful in achieving its objectives;

The impact of assistance fails to reach the grassroots level;

The aid effort is diffused and reasonable criteria in the selection of recipients are lacking;

Administrative and program deficiencies abound, including overprogramming, hoarding of funds, waste, and extravagance;

We are attempting too much for too many too soon;

AID finances Government-owned facilities which compete with private enterprises; and

Fiscal responsibility is *not* the watchword of the aid administering agency.

The above listing highlights only a few of the situations we have presented in a sincere effort to acquaint the American taxpayer with the operation of the program. Our urgings for reforms in past years have gone largely unheeded. We find it necessary to again detail an impressive list of shortcomings and urge additional program improvements. The advent of this bill offers a very practical opportunity for the Congress to deal with the various problems—mainly too much money and too little certainty of direction—which continue to beset this program. *The opportunity should not be lost.*

MILITARY ASSISTANCE PROGRAM

Amounts provided by Congress should be programed to fill priority requirements

We have repeatedly pointed out that the military program has long needed thorough review and revision both as to its policy and procedures. Year after year, the committee is forced to make decisions as to the overall amount of money to make available without being

able to specify the country or function for its use. The foreign aid program has not been the subject of a country-by-country or function-by-function authorization; therefore, if Congress is to introduce improvements, it must make sufficient reductions in authorizations and appropriations to compel the executive branch to squeeze the fat out of overfunded programs. Unfortunately, competing interests for available funds too often result in congressional reductions being absorbed by essential programs like Turkey and Greece rather than lower priority programs. This was apparently the case for the military program in fiscal year 1964 and may well happen again in the forthcoming year.

The initial administration request for fiscal year 1965 was \$1 billion. President Johnson, in the conclusion of his budget message to Congress, which included this \$1 billion request, said that approval of the budget would "*meet the Nation's defense, international, and domestic requirements.*" Nevertheless, administration witnesses, in testifying in support of this amount, stated that it was of "borderline adequacy" and that "we are presenting a request of only \$1 billion for fiscal year 1965 *solely* because the Congress has made it crystal clear to the executive branch that it is unwilling to appropriate a larger amount." The conclusion was based on congressional action for fiscal year 1964 for which \$1 billion was authorized and appropriated.

As members who voted for the reduction in the 1964 military authorization, we deeply resent the implication that Congress' action was ill advised. Furthermore, to prejudge the Congress and fail to submit for its study and action a fully developed program of military assistance requirements for fiscal year 1965 is an irresponsible act which could lead to material shortages in Vietnam—the one hot war in which the United States is presently engaged.

Vietnam requirements for fiscal year 1965 were not fully programed

Adm. Harry D. Felt, Commander in Chief, Pacific, testified to certain urgently needed additional equipment requirements beyond that programed for Vietnam. The Secretary of Defense admitted that the program for Vietnam contained in the \$1 billion request was at a level which included ammunition expenditures at only one-half the current rate for 1964. Even though these higher needs were known, the administration had programed within the \$1 billion request only \$144 million for Vietnam, an amount which was substantially below the \$205 million for fiscal year 1964. It seemed to use that the entire requirements for Vietnam to the extent ascertainable should have been programed within the \$1 billion and lower priority programs reduced accordingly. Therefore, in order to assure adequate funds for operations in Vietnam within the \$1 billion request, we proposed an amendment to the bill to earmark an amount which would be not less than the aggregate of the amount (\$205 million) programed for fiscal year 1964. The administration opposed this amendment and it was defeated in committee. On May 18, 1964, it was announced by the administration that \$55 million additional military assistance would be needed for Vietnam for fiscal year 1965. This amount, added to the \$144 million already programed is the approximate amount we attempted to provide earlier through an amendment to the bill. The additional funds were granted, raising the military authorization to \$1,055 million. However, the committee still refused to earmark any of these funds specifically for

Vietnam. There will be no assurance that when funds are needed they will be available.

A review of the uses for which 1964 funds were programed, the planned uses for fiscal year 1965 funds, and the fact that all available resources were not utilized raises a very serious question as to importance and order of priority attached to our efforts in Vietnam and our allies grouped in the forward defense category. This review discloses that both fiscal year 1964 and 1965 program funds are being used for seemingly lower priority requirements and that deliveries of equipment programed from prior year funds were continued to industrially developed countries as well as other countries of questionable need, while equipment shortages were purported to exist in these forward defense countries.

The Secretary of Defense said (on p. 105 of hearings) that of the \$405 million reduction in 1964 (subsequently reduced to \$355 million upon transfer of \$50 million from the contingency fund), \$221 million was applied to Greece, Turkey, Pakistan, China, Korea, the Philippines, and Thailand. In a speech on May 21, 1964, the Secretary, in commenting on the fiscal year 1964 authorization, stated, "However, the congressional 29 percent reduction to \$1 billion forced cuts of over 20 percent in the programs for both Greece and Turkey. These reductions, for example, meant complete elimination of self-propelled 105 millimeter howitzers and machineguns from the programs for these countries, and reductions in the number of rockets and vehicle spares."

Despite the importance which the Secretary attached to the shortages of Turkey and Greece—

(a) programs were increased for Norway and Denmark 8 percent and for Spain 45 percent.

(b) deliveries of military assistance during fiscal year 1964 totaled \$1.4 billion to a total of 65 countries around the globe. Only \$628 million went to the seven countries above; and

(c) over \$400 million of deliveries went to the European region and Japan during fiscal year 1964.

Availability of resources.—It is quite plain that sufficient funds were available for fiscal year 1964 as well as fiscal year 1965 by virtue of the various "flexibilities" written into the foreign aid bill. It was testified to by the Director of Military Assistance that \$1.4 billion of new obligational authority was the optimum program for 1965. This is the same as the amount originally requested for 1964.

Congress provided.....	\$1, 000, 000, 000
Drawdown authority under sec. 510.....	300, 000, 000
Transfer from contingency funds and other economic assistance funds using authority of secs. 610 and 614 (approximate)----	150, 000, 000

Total available in 1964 to meet security needs..... 1, 450, 000, 000

An approximate \$1.5 billion will also be available during fiscal year 1965 under the provisions of the present bill.

It is noted that the total amounts available exceed both the optimum requirements in fiscal year 1965 and the original amount of \$1.4 billion requested for fiscal year 1964.

Proposed uses for the 1965 funds

[Dollars in millions]

Major objective category	Amount	Percent
Forward defense.....	¹ \$803,955	66.2
Alliance for Progress security.....	66,215	5.4
Military base rights.....	24,453	2.1
Grant aid phase out.....	52,964	4.3
Western orientation.....	15,218	1.2
U.S. force support.....	75,900	6.2
Administration and overhead.....	180,295	14.6
Total.....	² 1,215,000	100.0

¹ Includes \$55,000,000 added as a result of the President's special request for additional funds for South Vietnam.

² Represents \$1,055,000,000 new obligational authorization and \$160,000,000 in carryover.

Within the above objective categories are included such items as:

- (a) Material and training to 53 countries.
- (b) \$53 million to three fully economically viable countries (Denmark, Norway, and Japan) against earlier commitments.
- (c) \$14 million for civic action projects which, though extremely valuable to encourage, are not a direct objective of military assistance but a byproduct.

(d) Contribution of \$60 million for NATO infrastructure projects, which represents 31 percent of their cost. It was testified that for a part of this sum, there was at most a 50-50 chance of it being needed. Our NATO contribution is at a percentage rate agreed to in 1961 and does not begin to reflect current political and economic conditions in Europe or take into account the services of the U.S. Strategic Air Command and other U.S. military efforts. Infrastructure projects remaining to be constructed run into the hundreds of millions of dollars and therefore represent not only a potent economic force to such countries as France but a substantial dollar drain to the United States. Why should we continue to pay the *ante* while others play the *chips*.

In summary, we believe that every resource needed for Vietnam should be assured and provided. We do believe, however, that such resources are already available within the sums previously authorized as well as those contained in this bill if the funds are not allowed to be diverted. For example, (b) above being provided to the industrially developed and wealthy countries as incentives could be diverted to support southeast Asian needs. The intended recipients might be amenable to releasing their claims on these amounts as part of their contribution to world peace and stability.

TRUE COST OF FOREIGN AID IS CONCEALED

The bill accompanying this report provides new authorizations totaling \$2,041,600,000. The appropriation request against this new authorization as well as previously authorized amounts in the Foreign Assistance Act totals \$3,516,700,000. *This is not, however, a true portrayal of our foreign aid costs.* A more accurate figure would be approximately \$7.4 billion which does not include the expenditures estimated in excess of \$2.4 billion to maintain U.S. troops overseas, or the hidden subsidies such as favorable tariffs on beef imports,

coffee agreements, and world sugar quotas. Following is a recapitulation of the various authorization proposals and appropriation requests during 1964 that can be identified:

Foreign Assistance Act:	
Economic assistance-----	\$2, 461, 700, 000
Military assistance-----	1, 055, 000, 000
Peace Corps-----	115, 000, 000
Food for peace (Public Law 480)-----	2, 215, 000, 000
Inter-American Development Bank:	
Social Progress Trust Fund (SPTF)-----	750, 000, 000
Callable capital stock-----	412, 000, 000
International Development Association (IDA)-----	373, 656, 000
Tax credit proposal-----	60, 000, 000
Total-----	7, 442, 356, 000

With respect to the \$750 million for the Social Progress Trust Fund, the committee was advised by the administration during the hearings on foreign assistance that:

We will be asking for \$250 million a year for a 3-year period in a combination of the two soft loan windows, the Fund for Special Operations and the Social Progress Trust Fund. We are recommending that the two soft loan windows of the Inter-American Development Bank be combined and our contribution be at the rate of \$250 million for the combined windows, \$250 million a year for 3 years, with a \$50 million contribution from Latin America for each of those 3 years.

This proposal has not yet been sent to Congress by the administration. There is no question, however, that the proposition is going to be before the Congress before long since Secretary of the Treasury Dillon on April 14, 1964, made such an offer to the Inter-American Development Bank.

The \$412 million authorized for callable capital stock will be appropriated in two equal installments, the first of which has been requested in fiscal year 1965.

IDA.—The amount shown for IDA represents a \$312 million authorization for the U.S. share of a \$750 million increased contribution by member countries which will be made available in three equal installments during fiscal years 1966, 1967, and 1968. It also includes \$61,656,000 which is the fifth and final installment of the U.S. share totaling \$320.3 million for its initial subscription.

Tax credit.—We were informed that the President has sent to the Congress a new bill submitting the Less Developed Country Investment Credit Act as an amendment to the Internal Revenue Code. The cost of this measure to the Treasury is estimated at \$60 million predicated upon an annual new investment of \$200 million.

IMPROVEMENTS TO THE FOREIGN AID ACT

In prior years amendments advocated by the minority have been passed by the Congress over the objection of the administration. In discussing with administration and other witnesses the effect of the requirements imposed by several of these amendments, we find that

U.S. assistance efforts have not been hindered and in some instances the administrator's hands have been strengthened.

The requirement that 2 percent be the minimum interest rate on future development loans was made a part of the act in 1963. Our inquiry of administration witnesses did not reveal any real hardship in finding borrowers caused by this higher rate of interest.

Concerning section 620(e) dealing with expropriations, the Honorable Thomas C. Mann, Assistant Secretary of State for Inter-American Affairs, testified in response to questions by the Honorable E. Ross Adair, as follows:

We have a number of problems that give us concern in terms of the nationalism that I referred to in my statement. There is a problem not of expropriation but intervention plus a statement of intention to take action against our oil investments in Argentina. We have called their attention to the amendment which bears your name. And we hope something can be worked out within a short time. The Adair amendment has been helpful as a preventive measure in that case.

We have a similar situation in Peru with the International Petroleum Co. Again not expropriation but potential indirect confiscation through taxation and other devices. Again, we have called attention to this amendment and made our position known very clearly [security deletion].

A private witness who had just returned from a study trip to Latin America told the committee that:

With respect to section 620(l), which provides that economic aid shall be terminated to any country that does not sign a guarantee agreement on convertibility and expropriation, my observations in the five countries visited, are that this provision has had no adverse effect.

This same witness did state, however, that new initiatives should be undertaken by AID to carry out the provisions of sections 202 and 252, which require that not less than 50 percent of the loan funds shall be available for loans made to encourage economic development through private enterprise.

ASSISTANCE SHOULD GO TO "VISIBLE" PROJECTS

The United States does not receive credit for a large part of its aid made available. Not only does the United States lack identification with assistance provided through international lending institutions but a part of our bilateral aid is made available in such a way as to preclude the recipient from ever associating it with the United States.

The two principal offenders are sales made under food for peace programs (Public Law 480) and balance of payment loans or program loans made from the Development Loan Fund and the Alliance for Progress.

Program loans are not tied to a specific project. They are designed to finance growing requirements for foreign commodities and provide the foreign exchange needed so that the commodities and raw materials may be brought in.

During 1964, to date, "program loans" have been made to—

Tanganyika	\$1,000,000
Tunisia	10,000,000
India	275,000,000
Pakistan	100,000,000
Turkey	70,000,000
Chile	40,000,000
Colombia	15,000,000
Total	511,000,000

These loans do not require the same degree of study for feasibility—technical, financial, or economic—that are required for a project loan to get the necessary approval under section 611 of the act. This section requires cost estimates, engineering surveys, and financial and other plans before loan funds can be obligated.

Further, the United States does not receive credit or become identified with assistance under program loans because they are made to the government which, in turn, allocates the dollar exchange to importers for commodity import requirements.

In summary, every effort should be made to curtail program loans because:

(a) They require less detailed justification than project loans and, therefore, can be used to *absorb loan funds* when carefully worked out projects are not forthcoming;

(b) There is no visible way to identify the United States with assistance provided through program loans;

(c) A country receiving a program loan can divert similar amounts of its foreign exchange to luxury-type import items or for lower priority needs; and

(d) Although imports with these loans are required to be from the United States, the level of American imports do not increase comparatively, which indicates that some of the countries merely divert imports with equal amounts of foreign exchange to other sources.

A highly respected private witness who had just returned from an extensive Latin American trip testified to our failure to obtain credit for our aid. Concerning program loans, he had this to say:

The so-called program loans, which are called economic development loans, are made to a recipient government and are essentially balance-of-payments loans against which the current import requirements of the country from the United States are charged, with certain specified exceptions. Admittedly, the import licenses are granted on the basis of the government's concept of priorities, and therefore equipment requirements of new or expanded enterprises get priority import licenses. It is equally true, however, that much of the aid dollars are used for current consumption imports. In fact, this method of making so-called development loans has resulted in *the transfer of ordinary cash imports* from the United States to the *aid credit account*.

* * * * *

A review of the export-import figures of Colombia and Chile, two countries which have been receiving the largest amounts of foreign aid among Latin American countries,

indicates that while aid dollars committed and disbursed by these countries have been going up in the past 3 years, imports from the United States have been going down. The meaning of this is that they have been shifting their ordinary imports from the United States from cash to the aid account and using the savings in their foreign exchange by this device to purchase goods in other countries.

With respect to Public Law 480 Food-for-Peace sales, he reported:

The U.S. aid program lacks visibility to the people of recipient countries. This is true also of Public Law 480 title I sales. Although the United States receives little in exchange (except for some military, local, and embassy expenses of our missions), the people of the recipient countries pay for their bread and other supplies at the market prices prevailing there, with the revenues going to the Government. Therefore, the people are not aware generally, that massive amounts of food are supplied by the U.S. taxpayer with essentially no payment in cash to us. I am afraid that the same is happening to much of our other aid programs. This is due to the fact that we have assumed a sophisticated economic development program as our objective, with excessively hopeful political expectations, and in the process we have lost an opportunity to *identify ourselves with visible projects* that meet popular needs.

Although the United States receives payment for surplus of agriculture commodities sold, it, in fact, receives very little in actual value. Under the sales agreements, the currencies received are programed for specified purposes authorized in section 104 of Public Law 480. During the life of the Public Law 480 program, 63.5 percent of the agreed to sales were either granted or loaned back to the foreign government concerned. For example, the sales agreements to India from July 1, 1954, to June 30, 1963, have totaled \$2.4 billion. Of this amount, \$788 million was granted for economic development, \$165 million set aside for loans to private enterprise, \$1.2 billion provided for loans to the Government and only \$310 million set aside for U.S. uses.

The table below shows the foreign currency uses as provided in title I sales agreements signed July 1, 1954, through June 30, 1963:

[Amounts are in thousand-dollar equivalents at the deposit rate of exchange]

Area and country	Total amount in agreements (market value including ocean transportation) ¹	104(c), common defense	104(e), grants for economic development	104(e), loans to private enterprise	104(g), loans to foreign governments	Other U.S. uses ²
Europe:						
Austria.....	42,940				26,328	16,612
Finland.....	46,535			3,615	25,634	17,286
France.....	35,775			7,824		27,951
Germany.....	1,200					1,200
Iceland.....	15,820		198	567	11,537	3,518
Italy.....	152,900			6,250	100,500	46,150
Netherlands.....	275					275
Poland.....	477,300					477,300
Portugal.....	7,100				3,400	3,700
Spain.....	505,630	9,910			253,480	242,240
United Kingdom.....	48,150					48,150
Yugoslavia.....	624,130		143,092		378,333	102,705
Total.....	1,957,755	9,910	143,290	18,256	799,212	987,097
Africa:						
Congo.....	42,716		38,444			4,272
Ethiopia.....	908			182	499	227
Guinea.....	12,870			848	8,933	3,089
Morocco.....	21,870			2,130	14,273	5,467
Sudan.....	10,600		2,650	1,590	3,710	2,650
Tunisia.....	33,600		7,700	4,020	16,665	5,215
Total.....	122,564		48,794	8,770	44,080	20,920
Near East and South Pacific:						
Burma.....	51,370		8,134		32,525	10,711
Ceylon.....	30,800		5,280	5,465	12,720	7,335
Cyprus.....	2,200			550	1,100	550
Greece.....	109,300	5,040	7,470	9,171	53,450	34,169
India.....	2,430,906		788,175	165,392	1,167,143	310,196
Indonesia.....	344,625		25,312	22,616	239,507	57,190
Iran.....	50,971	5,763		3,253	27,803	14,152
Israel.....	291,069		32,589	46,891	172,899	38,690
Pakistan.....	1,065,920	79,366	556,841	51,740	276,432	101,541
Syrian Arab Republic.....	37,200			6,550	22,750	7,900
Thailand.....	4,600				2,050	2,550
Turkey.....	548,365	97,750	2,340	69,602	217,249	161,424
United Arab Republic.....	784,840		25,731	77,599	555,662	125,848
Total.....	5,752,166	187,919	1,451,872	458,829	2,781,290	872,256
Far East and Pacific:						
China (Taiwan).....	182,600	95,726		16,775	31,907	38,192
Japan.....	150,800	700	600		108,850	40,650
Korea.....	362,540	307,862		6,324		48,354
Philippines.....	36,150	8,102	3,045	6,438	8,027	10,538
Vietnam.....	80,490	63,219		5,725		11,546
Total.....	812,580	475,609	3,645	35,262	148,784	149,280
Latin America:						
Argentina.....	64,100			8,250	36,500	19,350
Bolivia.....	24,559			3,132	17,375	4,052
Brazil.....	386,420	2,000	88,817		230,830	64,773
Chile.....	71,900	100		850	56,330	14,620
Colombia.....	70,890	80		11,270	41,180	18,360
Ecuador.....	13,190			1,273	8,785	3,132
Mexico.....	28,200			7,100	13,600	7,500
Paraguay.....	13,200		3,420	1,170	6,000	2,610
Peru.....	37,280	100		3,762	22,723	10,695
Uruguay.....	48,400			12,050	24,300	12,050
Total.....	758,139	2,280	92,237	48,857	457,623	157,142
Grand total.....	9,403,204	675,718	1,739,838	569,974	4,230,989	2,186,685
Uses as percent of total.....	100.0	7.2	18.5	6.1	45.0	23.2

¹ Many agreements provide for the various currency uses in terms of percentages of the amount of local currency accruing pursuant to sales made under each agreement. In such cases, amounts included in this table for each use are determined by applying the specified percentages to the total dollar amount provided in each agreement. Amounts shown are subject to adjustment when actual commodity purchases and currency allocations have been made.

² Agreements provide that a specific amount of foreign currency proceeds may be used under various U.S. use categories, including currency uses which are limited to amounts as may be specified in appropriation acts. Included are uses specified under subsecs. 104 (a), (b), (f), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), and sometimes (c) and (d) insofar as specified in agreements.

PIPELINE

The following tables show country by country and program by program the unexpended balances of economic and military assistance in the foreign aid program financed with funds made available under the authority of the Foreign Assistance Act of 1961, as amended. At June 30, 1964, this pipeline of economic aid added to the military pipeline of \$2,087.7 million totals \$6,363 million. Add this sum to the \$3,517 million authorized by this bill and the total available for expenditure rises to \$9,880 million.

Aid pipeline—Economic assistance programs administered by AID and other agencies (including military assistance funds used for economic assistance programs)

[In thousands of dollars]

Country and function	Unliquidated obligations and reservations, June 30, 1963	Estimated unexpended balance, June 30, 1964
Development loans.....	\$1,989,209	\$1,962,260
Development grants.....	344,618	329,893
Alliance for Progress.....	938,665	1,285,302
Loans.....	466,354	781,639
Grants.....	119,546	127,898
Chile reconstruction and rehabilitation.....	17,765	5,765
IDB trust fund.....	335,000	370,000
Supporting assistance.....	383,716	279,403
Contingency fund.....	212,068	194,520
International organizations.....	107,256	106,592
Other programs.....	-1,725	17,281
Total, economic assistance.....	3,973,807	4,175,251
Europe.....	35,696	13,165
Africa.....	468,389	491,520
Near East and south Asia.....	1,682,715	1,650,944
Far East.....	621,108	516,988
Latin America.....	1,020,608	1,333,168
Nonregional.....	145,291	261,266
Adjustment ¹		-91,800
Total, economic assistance.....	3,973,807	4,175,251

¹ Includes recoveries not distributed by region.

Aid pipeline—European countries

[In thousands of dollars]

Country and function	Unliquidated obligations and reservations, June 30, 1963	Estimated unexpended balance, June 30, 1964
Berlin:		
Supporting assistance.....	638	338
Contingency fund.....	1	
Total, Berlin.....	639	338
Iceland: Contingency fund.....	149	75
Spain:		
Development loans.....	5,010	2,510
Development grants.....	54	4
Supporting assistance.....	11,611	2,611
Contingency fund.....		
Total, Spain.....	16,675	5,125
Yugoslavia:		
Development loans.....	17,046	7,046
Development grants.....	1,181	581
Contingency fund.....		
Total, Yugoslavia.....	18,227	7,627
European technical exchange: Development grants.....	6	
European summary:		
Development loans.....	22,056	9,556
Development grants.....	1,241	585
Supporting assistance.....	12,249	2,949
Contingency fund.....	150	75
Total, Europe.....	35,696	13,165

Aid pipeline—African countries

[In thousands of dollars]

Country and function	Unliquidated obligations and reservations, June 30, 1963	Estimated unexpended balance, June 30, 1964
Algeria:		
Development grants.....	1,057	1,457
Supporting assistance.....	5	305
Contingency fund.....	501	
Total, Algeria.....	1,563	1,762
Congo (Leopoldville):		
Development grants.....	4,445	4,867
Supporting assistance.....	25,000	15,000
Contingency fund.....	78	
Total, Congo.....	29,523	19,867
Ethiopia:		
Development loans.....	10,330	6,230
Development grants.....	7,222	7,370
Contingency fund.....	262	162
Total, Ethiopia.....	17,814	13,762
Ghana:		
Development loans.....	79,970	74,970
Development grants.....	1,445	1,411
Contingency fund.....	556	256
Total, Ghana.....	81,971	76,637

Aid pipeline—African countries—Continued

[In thousands of dollars]

Country and function	Unliquidated obligations and reservations, June 30, 1963	Estimated unexpended balance, June 30, 1964
Guinea:		
Development loans.....	2,400	4,100
Development grants.....	5,334	6,290
Supporting assistance.....	2,000	6,500
Contingency fund.....	5,473	1,973
Total, Guinea.....	15,207	18,863
Kenya:		
Development loans.....	2,200	2,100
Development grants.....	3,177	3,856
Contingency fund.....		
Total, Kenya.....	5,377	5,956
Liberia:		
Development loans.....	31,326	30,626
Development grants.....	13,895	14,122
Contingency fund.....	223	23
Total, Liberia.....	45,444	44,771
Libya:		
Development loans.....	300	
Development grants.....	1,329	1,484
Supporting assistance.....	686	486
Contingency fund.....	144	44
Total, Libya.....	2,459	2,014
Mali:		
Development loans.....	2,100	3,300
Development grants.....	887	1,498
Contingency fund.....	2,299	1,299
Total, Mali.....	5,286	6,097
Morocco:		
Development loans.....	17,842	18,042
Development grants.....	1,040	1,097
Supporting assistance.....	26,630	22,630
Contingency fund.....	7,510	1,510
Total, Morocco.....	53,022	43,279
Nigeria:		
Development loans.....	12,100	42,100
Development grants.....	28,568	34,221
Contingency fund.....	1,414	414
Total, Nigeria.....	42,082	76,735
Rhodesia and Nyasaland, Federation of:		
Development grants.....	3,626	4,717
Contingency fund.....	145	55
Total, Rhodesia and Nyasaland.....	3,771	4,772
Sierra Leone:		
Development loans.....		
Development grants.....	3,186	3,526
Contingency fund.....	77	27
Total, Sierra Leone.....	3,263	3,553
Somali Republic:		
Development loans.....	4,947	4,147
Development grants.....	7,687	7,158
Contingency fund.....	5	
Total, Somali Republic.....	12,639	11,305

Aid pipeline—African countries—Continued

[In thousands of dollars]

Country and function	Unliquidated obligations and reservations, June 30, 1963	Estimated unexpended balance, June 30, 1964
Sudan:		
Development loans.....	5,822	5,322
Development grants.....	8,908	8,276
Contingency fund.....	98	48
Total, Sudan.....	14,828	13,646
Tanganyika:		
Development loans.....	7,386	10,286
Development grants.....	3,319	3,934
Contingency fund.....		
Total, Tanganyika.....	10,705	14,220
Tunisia:		
Development loans.....	63,551	68,151
Development grants.....	6,460	6,655
Supporting assistance.....	5,710	1,710
Contingency fund.....		
Total, Tunisia.....	75,721	76,516
Uganda:		
Development loans.....	4,400	4,700
Development grants.....	3,138	2,953
Total, Uganda.....	7,538	7,653
Burundi: Development grants.....	33	89
Cameroon:		
Development loans.....	9,200	9,100
Development grants.....	1,157	1,244
Supporting assistance.....	2,383	683
Contingency fund.....	26	6
Total, Cameroon.....	12,766	11,033
Central African Republic:		
Development grants.....	775	984
Contingency fund.....		
Total, Central African Republic.....	775	984
Chad:		
Development grants.....	1,252	1,231
Contingency fund.....		
Total, Chad.....	1,252	1,231
Congo (Brazzaville):		
Development loans.....		2,000
Development grants.....	822	782
Contingency fund.....		
Total, Congo (Brazzaville).....	822	2,782
Dahomey:		
Development loans.....		696
Development grants.....	1,132	46
Contingency fund.....	146	
Total, Dahomey.....	1,278	742
Gabon:		
Development loans.....		
Development grants.....	762	1,283
Contingency fund.....		
Total, Gabon.....	762	1,283

Aid pipeline—African countries—Continued

[In thousands of dollars]

Country and function	Unliquidated obligations and reservations, June 30, 1963	Estimated unexpended balance, June 30, 1964
Ivory Coast:		
Development loans.....	1,700	6,500
Development grants.....	1,456	1,182
Contingency fund.....	1	
Total, Ivory Coast.....	3,157	7,682
Malagasy Republic:		
Development loans.....		
Development grants.....	585	774
Contingency fund.....	9	
Total, Malagasy Republic.....	594	774
Mauritania:		
Development grants.....	100	156
Supporting assistance.....		
Contingency fund.....	11	
Total, Mauritania.....	111	156
Niger:		
Development loans.....	500	1,400
Development grants.....	1,481	874
Contingency fund.....		
Total, Niger.....	1,981	2,274
Rwanda: Development grants.....		15
Senegal:		
Development loans.....		1,300
Development grants.....	1,071	1,039
Contingency fund.....		
Total, Senegal.....	1,071	2,339
Togo:		
Development grants.....	960	940
Contingency fund.....	362	32
Total, Togo.....	1,322	972
Volta:		
Development grants.....	1,235	667
Contingency fund.....	109	29
Total, Volta.....	1,344	696
Zanzibar: Development grants.....	32	117
Regional:		
Development grants.....	12,876	16,943
Contingency fund.....		
Total, regional.....	12,876	16,943
Africa, summary:		
Development loans.....	256,074	294,374
Development grants.....	130,452	143,908
Supporting assistance.....	62,414	47,314
Contingency fund.....	19,449	5,924
Total, Africa.....	468,389	491,520

Aid pipeline—Near East and south Asian countries

[In thousands of dollars]

Country and function	Unliquidated obligations and reservations, June 30, 1963	Estimated unexpended balance, June 30, 1964
Afghanistan:		
Development loans.....	2,625	9,625
Development grants.....	18,826	23,626
Supporting assistance.....	9,941	941
Contingency fund.....	24,593	18,593
Total, Afghanistan.....	55,985	52,785
Ceylon:		
Development loans.....	113	
Development grants.....	329	
Contingency fund.....		
Total, Ceylon.....	442	
Cyprus:		
Development loans.....	2,275	4,075
Development grants.....	1,046	996
Total, Cyprus.....	3,321	5,071
Greece:		
Development loans.....	67,761	68,662
Development grants.....	24	
Supporting assistance.....	2,218	
Contingency fund.....	10,420	
Total, Greece.....	80,423	68,662
India:		
Development loans.....	767,663	796,663
Development grants.....	15,662	11,612
Total, India.....	783,325	808,275
Iran:		
Development loans.....	23,054	27,054
Development grants.....	4,503	4,153
Supporting assistance.....	515	
Contingency fund.....	2,215	
Total, Iran.....	30,287	31,207
Iraq: Development grants.....	1,177	1,547
Israel:		
Development loans.....	66,960	54,160
Development grants.....	21	
Supporting assistance.....	2	
Total, Israel.....	66,983	54,160
Jordan:		
Development loans.....	626	226
Development grants.....	7,483	8,083
Supporting assistance.....		
Contingency fund.....	1	
Total, Jordan.....	8,110	8,309
Lebanon:		
Development loans.....	1,837	
Development grants.....	595	395
Total, Lebanon.....	2,432	395
Nepal:		
Development loans.....	390	890
Development grants.....	5,059	4,884
Contingency fund.....	1	
Total, Nepal.....	5,450	5,774

Aid pipeline—Near East and south Asian countries—Continued

[In thousands of dollars]

Country and function	Unliquidated obligations and reservations, June 30, 1963	Estimated unexpended balance, June 30, 1964
Pakistan:		
Development loans.....	324,665	344,665
Development grants.....	11,880	11,580
Supporting assistance.....	2,864	
Contingency fund.....	429	
Total, Pakistan.....	339,838	356,245
Saudi Arabia: Supporting assistance.....	89	
Syria:		
Development loans.....	17,382	15,382
Development grants.....	795	875
Contingency fund.....		
Total, Syria.....	18,177	16,257
Turkey:		
Development loans.....	140,554	150,554
Development grants.....	5,463	4,933
Supporting assistance.....	32,112	9,612
Contingency fund.....	235	
Total, Turkey.....	178,364	165,099
United Arab Republic (Egypt):		
Development loans.....	61,331	31,331
Development grants.....	3,684	3,184
Supporting assistance.....		
Contingency fund.....	17,884	4,884
Total, United Arab Republic (Egypt).....	82,899	39,399
Yemen:		
Supporting assistance.....	3,549	3,249
Contingency fund.....	779	
Total, Yemen.....	4,328	3,249
CENTO:		
Development grants.....	109	74
Supporting assistance.....	9,176	23,893
Total, CENTO.....	9,285	23,967
Regional NESA:		
Development grants.....	10,229	10,543
Supporting assistance.....	1,529	
Contingency fund.....	42	
Total, regional NESA.....	11,800	10,543
Near East and south Asia, summary:		
Development loans.....	1,477,236	1,503,287
Development grants.....	86,885	86,485
Supporting assistance.....	61,995	37,695
Contingency fund.....	56,509	23,477
Total, Near East and south Asia.....	1,682,715	1,650,944

Aid pipeline—Far East countries

[In thousands of dollars]

Country and function	Unliquidated obligations and reservations, June 30, 1963	Estimated unexpended balance, June 30, 1964
Burma:		
Development grants.....	10, 148	9, 648
Supporting assistance.....	13, 871	11, 171
Contingency fund.....		
Total, Burma.....	24, 019	20, 819
Cambodia:		
Development grants.....	14, 040	14, 284
Supporting assistance.....	11, 944	6, 444
Contingency fund.....	7, 208	4, 908
Total, Cambodia.....	33, 192	25, 636
China:		
Development loans.....	102, 723	70, 623
Development grants.....	2, 605	3, 405
Supporting assistance.....	450	
Contingency fund.....	225	
Total, China.....	106, 003	74, 028
Indonesia:		
Development loans.....	5, 434	4, 234
Development grants.....	18, 353	14, 353
Supporting assistance.....	2, 038	3, 938
Contingency fund.....	19, 692	5, 595
Total, Indonesia.....	45, 517	28, 120
Japan:		
Development grants.....	38	
Supporting assistance.....	52	
Total, Japan.....	90	
Korea:		
Development loans.....	50, 216	64, 216
Development grants.....	17, 512	12, 496
Supporting assistance.....	95, 007	76, 112
Contingency fund.....		
Total, Korea.....	162, 735	152, 824
Laos:		
Development grants.....	50	3, 950
Supporting assistance.....	11, 103	7, 503
Contingency fund.....	14, 296	13, 466
Total, Laos.....	25, 449	24, 919
Malaya: Development loans.....	4, 726	1, 726
Philippines:		
Development loans.....	16, 273	11, 273
Development grants.....	5, 582	6, 037
Supporting assistance.....		
Total, Philippines.....	21, 855	17, 310
Thailand:		
Development loans.....	18, 125	12, 125
Development grants.....	9, 586	8, 786
Supporting assistance.....	3, 458	2, 314
Contingency fund.....	10, 333	6, 718
Total, Thailand.....	41, 502	29, 943
Vietnam:		
Development loans.....	36, 346	28, 346
Development grants.....	16, 325	11, 325
Supporting assistance.....	77, 414	81, 414
Contingency fund.....	16, 465	12, 387
Total, Vietnam.....	146, 550	133, 472

Aid pipeline—Far East countries—Continued

[In thousands of dollars]

Country and function	Unliquidated obligations and reservations, June 30, 1963	Estimated unexpended balance, June 30, 1964
Western Samoa. Contingency fund.....		
Regional:		
Development grants.....	3,989	4,344
Supporting assistance.....	5,481	3,847
Contingency fund.....		
Total, regional.....	9,470	8,191
Far East summary:		
Development loans.....	233,843	192,543
Development grants.....	98,228	88,628
Supporting assistance.....	220,818	192,743
Contingency fund.....	68,219	43,074
Total, Far East.....	621,108	516,988

Aid pipeline—Latin American countries

[In thousands of dollars]

Country and function	Unliquidated obligations and reservations, June 30, 1963	Estimated unexpended balance, June 30, 1964
Argentina:		
Alliance for Progress.....	85,453	75,727
Loans.....	81,940	71,940
Grants.....	3,513	3,787
Contingency fund.....	20,000	10,000
Total, Argentina.....	105,453	85,727
Bolivia:		
Alliance for Progress.....	35,281	62,081
Loans.....	27,510	54,510
Grants.....	7,771	7,571
Supporting assistance.....	12,768	9,768
Contingency fund.....	344	
Total, Bolivia.....	48,393	71,849
Brazil:		
Alliance for Progress.....	60,524	154,524
Loans.....	35,943	125,943
Grants.....	24,581	28,581
Contingency fund.....		
Total, Brazil.....	60,524	154,524
Chile:		
Alliance for Progress.....	58,494	89,064
Loans.....	34,837	76,837
Grants.....	5,892	6,462
Reconstruction and rehabilitation.....	17,765	5,765
Contingency fund.....	71	
Total, Chile.....	58,565	89,064

Aid pipeline—Latin American countries—Continued

[In thousands of dollars]

Country and function	Unliquidated obligations and reservations, June 30, 1963	Estimated unexpended balance, June 30, 1964
Colombia:		
Alliance for Progress.....	80,726	128,126
Loans.....	72,341	122,341
Grants.....	8,385	5,785
Contingency fund.....	32	
Total, Colombia.....	80,758	128,126
Costa Rica:		
Alliance for Progress.....	17,008	24,308
Loans.....	14,290	21,290
Grants.....	2,718	3,018
Contingency fund.....	18	
Total, Costa Rica.....	17,026	24,308
Dominican Republic:		
Alliance for Progress.....	4,653	3,728
Loans.....	2,100	1,100
Grants.....	2,553	2,628
Contingency fund.....	20,222	222
Total, Dominican Republic.....	24,875	3,950
Ecuador:		
Alliance for Progress.....	27,395	44,795
Loans.....	19,530	36,530
Grants.....	7,865	8,265
Contingency fund.....	2,161	161
Total, Ecuador.....	29,556	44,956
El Salvador:		
Alliance for Progress.....	21,263	25,263
Loans.....	17,853	21,853
Grants.....	3,410	3,410
Contingency fund.....	41	
Total, El Salvador.....	21,304	25,263
Guatemala:		
Alliance for Progress.....	14,282	20,561
Loans.....	10,937	16,937
Grants.....	3,345	3,624
Contingency fund.....	9	
Total, Guatemala.....	14,291	20,561
Haiti:		
Alliance for Progress.....	226	
Loans.....	226	
Grants.....		
Supporting assistance.....	3,593	2,142
Contingency fund.....		
Total, Haiti.....	3,819	2,142

Aid pipeline—Latin American countries—Continued

[In thousands of dollars]

Country and function	Unliquidated obligations and reservations, June 30, 1963	Estimated unexpended balance, June 30, 1964
Honduras:		
Alliance for Progress.....	5,882	6,082
Loans.....	3,102	3,102
Grants.....	2,780	2,980
Supporting assistance.....	401	101
Contingency fund.....	2,008	508
Total, Honduras.....	8,291	6,691
Mexico:		
Alliance for Progress.....	18,224	35,225
Loans.....	18,000	35,000
Grants.....	224	225
Contingency fund.....		
Total, Mexico.....	18,224	35,225
Nicaragua:		
Alliance for Progress.....	11,014	13,786
Loans.....	8,811	10,811
Grants.....	2,203	2,975
Panama:		
Alliance for Progress.....	12,909	25,444
Loans.....	10,754	23,254
Grants.....	2,155	2,190
Supporting assistance.....	449	100
Contingency fund.....	6,420	4,637
Total, Panama.....	19,778	30,181
Paraguay:		
Alliance for Progress.....	7,256	6,106
Loans.....	5,129	3,829
Grants.....	2,127	2,277
Peru:		
Alliance for Progress.....	47,850	93,150
Loans.....	39,088	84,088
Grants.....	8,762	9,062
Contingency fund.....	447	100
Total, Peru.....	48,297	93,250
Uruguay:		
Alliance for Progress.....	4,043	6,373
Loans.....	1,955	3,955
Grants.....	2,088	2,418
Venezuela:		
Alliance for Progress.....	51,232	42,932
Loans.....	49,508	41,508
Grants.....	1,724	1,424
Contingency fund.....		
Total, Venezuela.....	51,232	42,932
British Guiana:		
Alliance for Progress: Grants.....	1,831	1,831
Contingency fund.....	184	
Total, British Guiana.....	2,015	1,831

Aid pipeline—Latin American countries—Continued

[In thousands of dollars]

Country and function	Unliquidated obligations and reservations, June 30, 1963	Estimated unexpended balance, June 30, 1964
British Honduras:		
Alliance for Progress: Grants.....	107	30
Contingency fund.....		
Total, British Honduras.....	107	30
Surinam:		
Alliance for Progress: Grants.....	179	40
Jamaica:		
Alliance for Progress.....	5,948	6,598
Loans.....	5,000	5,700
Grants.....	948	898
Contingency fund.....	21	
Total, Jamaica.....	5,969	6,598
West Indies, East Caribbean:		
Alliance for Progress: Grants.....	819	319
Supporting assistance.....	8,523	9,723
Contingency fund.....	4,231	1,731
Total, West Indies, East Caribbean.....	13,573	11,773
IDB Trust Fund: Alliance for Progress.....	335,000	370,000
ROCAP:		
Alliance for Progress.....	12,093	32,631
Loans.....	7,500	26,111
Grants.....	4,593	6,520
Regional:		
Alliance for Progress: Grants.....	18,973	25,251
Contingency fund.....		
Total, regional.....	18,973	25,251
Latin America, summary:		
Alliance for Progress.....	938,665	1,293,975
Loans.....	466,354	786,639
Grants.....	119,546	131,571
Chile reconstruction and rehabilitation.....	17,765	5,765
IDB Trust Fund.....	335,000	370,000
Supporting assistance.....	25,734	21,834
Contingency fund.....	56,209	17,359
Total, Latin America.....	1,020,608	1,333,168

Aid pipeline—Nonregional

[In thousands of dollars]

Country and function	Unliquidated obligations and reservations, June 30, 1963	Estimated unexpended balance, June 30, 1964
U.N. technical assistance:		
International organizations.....	\$52,338	\$51,097
Contingency fund.....	5,861	1,337
Total UNTA.....	58,199	52,434
U.N. Emergency Force: International organizations.....		
Indus waters:		
International organizations.....	24,599	21,099
Contingency fund.....		
Total, Indus waters.....	24,599	21,099

Aid pipeline—Nonregional—Continued

[In thousands of dollars]

Country and function	Unliquidated obligations and reservations, June 30, 1963	Estimated unexpended balance, June 30, 1964
U.N. Congo:		
International organizations.....	\$2,000	\$4,000
Contingency fund.....		
Total, U.N. Congo.....	2,000	4,000
U.N. Children's Fund:		
International organizations.....	15,623	18,000
NATO science:		
International organizations.....	116	3
Contingency fund.....		
Total, NATO science.....	116	3
U.N. Relief and Works Agency:		
International organizations.....	9,935	9,200
Contingency fund.....		
Total, UNRWA.....	9,935	9,200
International Control Commission, Laos:		
International organizations.....		
Afro-Malagasy Organization for Economic Cooperation:		
International organizations.....		
Atoms for Peace:		
Development grants.....	3,405	2,200
International organizations.....	1,192	1,692
Total, Atoms for Peace.....	4,597	3,892
Malaria eradication:		
Development grants.....	103	53
International organizations.....	1,000	
Total, malaria eradication.....	1,103	53
Community water supply:		
Development grants.....	104	54
International organizations.....	200	
Total, Community water supply.....	304	54
WHO special programs:		
International organizations.....	150	500
World food programs:		
International organizations.....		1,000
Contingency fund.....	1,138	1,038
Total, world food programs.....	1,138	2,038
NATO civilian headquarters:		
International organizations.....	46	1
Intergovernmental Committee for European Migration:		
Contingency fund.....		
OAS election observers:		
International organizations.....	57	
International Peace Corps Secretariat:		
International organizations.....		
U.N. High Commission for Refugees:		
Contingency fund.....		
U.S. escapee program:		
Contingency fund.....	723	400
Hungarian refugees:		
Contingency fund.....	25	
World Refugee Year:		
Contingency fund.....	157	57

Aid pipeline—Nonregional—Continued

[In thousands of dollars]

Country and function	Unliquidated obligations and reservations, June 30, 1963	Estimated unexpended balance, June 30, 1964
American schools and hospitals:		
Other assistance.....	\$15,974	\$33,762
Contingency fund.....	3,287	2,087
Total, American schools and hospitals.....	19,261	35,849
Investment incentive:		
Development grants.....	286	86
Investment survey:		
Other assistance.....	400	1,550
Cuban refugees:		
Contingency fund.....	241	
Law conference:		
Development grants.....	146	
Worldwide school facilities:		
Development grants.....	3,224	4,574
Supporting assistance.....	362	
Total, worldwide school facilities.....	3,586	4,574
Ocean freight voluntary relief:		
Development grants.....	1,162	2,162
Contingency fund.....		
Total, ocean freight voluntary relief.....	1,162	2,162
Disaster relief:		
Contingency fund.....	19	
Freight waiver:		
Development grants.....	69	
Supporting assistance.....	63	
Contingency fund.....	1	
Total, freight waiver.....	133	
Foreign scientist:		
Development grants.....	431	331
Research:		
Development grants.....	8,601	12,601
Undistributed expenditures:		
Other assistance.....	-27,632	-27,632
Interregional:		
Development grants.....	10,281	10,553
Supporting assistance.....	81	68
Total, interregional.....	10,362	10,621
Administrative expenses, AID.....	8,763	8,916
Administrative expenses, State.....	770	785
Undistributed programs:		
Contingency fund.....		99,692
Nonregional summary:		
Development loans.....		
Development grants.....	27,812	32,614
Supporting assistance.....	506	68
International organizations.....	107,256	106,592
Other assistance.....	-1,725	17,381
Contingency fund.....	11,442	104,611
Total, nonregional.....	145,291	261,266

Military assistance unexpended balance

[In thousands of dollars]

	End fiscal year 1963	End fiscal year 1964	Training only
Europe.....	593,052	417,234	
Belgium.....	44,241	5,204	
Denmark.....	93,857	88,306	
France.....	13,317	1,443	
Germany.....	103	139	X
Italy.....	140,053	65,662	
Luxembourg.....	4	3	X
Netherlands.....	62,458	49,236	
Norway.....	85,782	80,359	
Portugal.....	32,336	34,438	
Spain.....	40,064	57,908	
United Kingdom.....	894	86	
Infrastructure.....	136,654	121,654	
Europe area programs.....	(56,711)	(87,204)	
Africa.....	32,910	26,656	
Congo (Léopoldville).....	2,571	1,239	
Ethiopia.....	10,980	8,855	
Liberia.....	1,308	1,225	
Libya.....	1,775	2,024	
Mali.....	925	718	
Nigeria.....	69	165	X
Senegal.....	699	528	
African area programs.....	14,583	11,902	
Near East and south Asia.....	578,061	602,788	
Afghanistan.....	640	256	
Greece.....	187,629	171,894	
Iran.....	80,029	86,122	
Iraq.....	5	42	X
Jordan.....	8,101	4,467	
Lebanon.....	172	103	
Syria.....		10	X
Turkey.....	228,924	243,447	
Yemen.....		9	X
Near East area programs.....	72,561	96,438	
Far East.....	823,254	764,969	
Cambodia.....	13,755	8,866	
China, Republic of.....	184,226	138,295	
Indonesia.....	21,791	11,759	
Japan.....	54,623	33,718	
Korea.....	274,180	251,226	
Philippines.....	22,793	28,044	
Far East area programs.....	251,886	293,061	
Latin America.....	80,595	88,229	
Argentina.....	1,403	8,284	
Bolivia.....	2,767	3,109	
Brazil.....	24,498	18,738	
Chile.....	13,816	13,062	
Colombia.....	5,914	10,037	
Costa Rica.....	341	672	
Dominican Republic.....	3,152	2,430	
Ecuador.....	3,043	4,351	
El Salvador.....	833	1,088	
Guatemala.....	1,585	1,835	
Haiti.....	220	220	
Honduras.....	846	684	
Jamaica.....	507	86	
Mexico.....	209	227	
Nicaragua.....	680	1,044	
Panama.....	277	411	
Paraguay.....	1,028	1,535	
Peru.....	15,799	15,447	
Uruguay.....	2,445	3,776	
Venezuela.....	571	793	
Latin America area programs.....	661	400	
Nonregional.....	313,828	187,861	
Administrative expenses.....	7,629	7,079	
MAP-owned property.....	40,191	(23,935)	
Other nonregional.....	(16,998)	64,517	
Credit assistance.....	187,600	193,000	
Program adjustments.....	95,406	(53,100)	
Total.....	2,421,700	2,087,800	

¹ Under study to identify maximum availability for redistribution or recoupment.

Much has been made of the fact that these unexpended balances have decreased during fiscal year 1964. Additionally, the supporters of the economic program always explain that these unexpended balances are available only to pay for goods and services on order, to pay for services being performed under contracts, or for disbursements under firm loan agreements.

To the extent that these unexpended balances meet the above tests, it is true that the funds are not generally available to move the program ahead through the purchase of additional goods and services. However, we have contended, and still contend, that many of the obligations are not as valid as the supporters would have one believe. Again we point out, we do not know, and neither do those administering the program, the magnitude of idle money in this program. We believe that a penetrating analysis of these balances would reveal a substantial amount of funds which could be made available for re-programing.

Understandably, some delays in expenditures can be expected where loans are for large projects containing long leadtime equipment. Substantial sums are apparently reserved or held for long periods pending the completion of negotiations of contracts and loans, the selection of contractors, the development of specifications for project equipment, and other reasons not associated with procurement leadtimes. A very brief review of a listing of loan agreements for which funds have been reserved or obligated and the unexpended balances included in the pipeline discloses several very questionable items.

For example, undisbursed loan balances for India are shown above at nearly \$800 million. Included in this amount is \$33 million for a loan approved on June 29, 1960, which has not yet been agreed to. The project is described as still being under intensive review by AID.

There remains \$7 million in undisbursed loan balances for Yugoslavia. These amounts should certainly now be available for better uses since the administration announced on February 14, 1964, that future aid to Yugoslavia was being terminated because of its Cuban trade policies.

Two loans of \$5 million each signed in November 1962 are contained in the unexpended balances for Greece. Neither loan has had any disbursements. It is stated that a new possibility is being studied for using the funds of one loan and the other may be deobligated.

Furthermore, staff studies by the committee continue to turn up pockets of funds which have been obligated for several years but could not be spent. One recent review disclosed nearly \$3 million which had been tied up for several years prior to finalizing the contracts including two instances totaling \$1.6 million where contracts still were not negotiated.

There seems to be a reverentlike attitude on the part of aid officials toward loan and grant commitments. They go to great lengths trying to develop new ways to use money which was made available for a specific reason but, for changing reasons, is no longer required or could not prudently be used for the original purpose. If the United States is unable to obtain satisfactory agreements as to the use of loan and grant funds which have been preliminarily committed for a certain purpose, the offer and the funds should be withdrawn.

We firmly believe that the unexpended balances continue to remain too large. It is completely unbusinesslike to carry these unnecessarily large unexpended balances in the pipeline and we urge that the authorizations and appropriations be cut back until this pipeline is drastically reduced.

CONTRACT SERVICES

In prior years we have cautioned against the current practice of expanding "contract foreign aid." We have been highly concerned about the magnitude and manner in which it operates, its extremely high cost, and the inability of the agency to control and evaluate the contractors' performance. At December 31, 1963, there were 995 contracts with a total value exceeding \$391 million, which represents an increase from earlier periods.

An Agency study completed in February 1964 compared the overseas service costs of contractors and direct-hire employees of AID. According to this study, the average employee for several contractors in Africa rendering technical services cost the United States nearly twice that amount estimated for a comparable employee on the employee rolls of AID. For example, the average annual cost of maintaining a contract employee and family of Arthur D. Little & Co. in Nigeria averages \$67,700 which compares to \$34,400 for an AID employee of comparable grade.

These contracts must be limited both in number and amount. We can see very little advantage to contracting for technical services at extremely high rates which can be performed by direct-hire employees. The higher cost, coupled with the loss of control over the contractor's day-to-day activities, can offset the advantages which are claimed to be gained through having contract employees. The Agency must be more discriminating in its selection of those technical services which are placed under contract.

REFUND CLAIMS

One of the alarming aspects of our foreign aid program is the rate of increase in the abuses and misuses of aid being uncovered by agency investigators as evidenced by the rise in claims during fiscal year 1963.

Bills issued and refunds collected by AID summarized by region, fiscal years 1962 and 1963

Region	Bills issued				Collections	
	Number of bills 1962	Fiscal year 1962, amount	Number of bills, 1963	Fiscal year 1963, amount	Fiscal year 1962, amount	Fiscal year 1963, amount
Europe and Africa.....	233	\$1,826,699	224	\$908,100	\$2,777,922	\$596,043
Near East and south Asia.....	513	5,529,774	576	11,094,771	4,329,800	6,579,855
Far East.....	605	11,277,769	490	12,337,976	1,323,881	5,060,658
Latin America.....	122	322,740	131	355,471	250,571	235,139
United States and worldwide..	55	65,878	21	31,338	57,525	2,963
Total.....	1,528	19,022,860	1,433	24,727,656	8,739,699	12,474,658

The above refund claims result from findings concerning the use of foreign aid funds which includes:

Shortages: Includes quantity adjustments, quality adjustments, damages in transit, insurance adjustments, failure to report arrival of commodity.

Ineligible commissions: Includes excessive commissions or commissions paid to nonapproved recipients.

Duplicate payments: Includes payments for which the country, through inadvertence, has submitted duplicate claims.

Nonutilization: Payments for commodities which the end-use audits indicate were not used or improperly used.

Noncompliance with regulation 1: Includes violation of restrictions contained in AID authorizing documents involving contracting period, delivery period, source, documentation, and restricted commodities.

Luxury and ineligible items: Items not considered essential to the program.

Reexports: Reexports of commodities in substantially the form received within 3 years of the date of reimbursement.

Noncompliance with terms of service contracts.

A brief examination as to the nature of the claims discloses a surprising variety of luxury and ineligible items. It supports our belief that additional controls should be placed upon commodity imports financed by foreign aid. There is no excuse for allowing the importation of such items as royal bee capsules (a purported sex rejuvenator) and other sex stimulators, contraceptives, bubble gum, toys, imitation jewels, suntan lotion, eyeshadow, Metrecal (dietary food), household and skin deodorants, and other such items.

Despite some collections, refund claims remaining uncollected exceed \$24 million.

The magnitude of these abuses is beyond belief. There can be little confidence in a program operated in this fashion. With this in mind, we believe steps should be taken to prevent future shipments of ineligible items. One method is to curtail so-called balance-of-payment or program loans under which some of these ineligible items are imported. Another method would be that AID preaudit proposed imports for ineligible items prior to shipment.

COMMITMENTS

Congress is continually being reminded of executive branch commitments, made without Congress' express consent, for which they are expected to provide the funds. The latest in a series of such commitments is an additional \$170 million in foreign exchange the administration agreed in April 1964 to provide for the Indus waters project.

The authorizing committee was not informed on the proposed cost increases until March 1964, although the need for increased funding had been recognized since 1962.

According to testimony, the supplemental agreement for an additional \$315 million of which the U.S. share is \$170 million, will completely discharge all obligations under the 1960 agreement. *Is this really the case?* What is the extent of our contingent liabilities for future assistance? How many other projects, consortia, and national

development plans is the administration pledged to support—for how long and how much?

The answers to these questions will not be found in the hearings or presentation material supporting this bill.

PROJECT FUNDING

In order to obtain Federal funds for most domestic projects detailed presentations and justifications to Congress are required and the project is specifically authorized or rejected. *This is not true for foreign aid projects.* The Congress authorizes and appropriates foreign aid funds for broad categories of aid such as development loans, technical assistance, and development grants, supporting assistance, etc. Although the administration justifies its request for funds by detailing the anticipated loan and grant projects, funds are authorized in a lump sum. Therefore, far too much latitude is allowed the administration in deciding which project shall be funded and for how much.

Why this double standard? Foreign-aid projects should be subject to specific congressional approval in the same degree as federally funded projects in the United States.

U.S. ASSISTANCE TO COUNTRIES GIVING AID

One of the ironies of this program is that the United States gives economic or military assistance to a number of countries which themselves are giving aid. It was brought out during the hearings that \$90 million in military assistance during fiscal year 1964 and \$55 million during fiscal year 1965 was programed to European countries and Japan having assistance programs of their own.

Military assistance to nations conducting substantial assistance programs

[In thousands of dollars]

	Fiscal year 1964	Fiscal year 1965
Belgium.....	2,317	(2)
Canada.....		
Denmark.....	19,847	[Security deletion.]
France.....	¹ 599	
Germany.....	271	(2)
Italy.....	13,155	(2)
Japan.....	12,032	[Security deletion.]
The Netherlands.....	2,155	(2)
Norway.....	37,292	[Security deletion.]
Portugal.....	2,142	[Security deletion.]
United Kingdom.....	¹ 105	
Australia.....		
Kuwait.....		
New Zealand.....		
Sweden.....		
Switzerland.....		
Total.....	89,915	55,468

¹ Fiscal year 1964 program canceled except for the portion funded by Feb. 14, 1964.

² Limited training contemplated in connection with sales of U.S.-manufactured military equipment.

In addition, economic loans and technical assistance grants went to such countries as China, Mexico, and Israel that also carry out direct technical assistance activities with other countries.

Further, it was brought out that assistance activities by other countries had expanded to a considerable degree during the last decade. However, the financial terms on which it is given are considerably harder than our own. In 1962, U.S. loans to less developed countries carried an average maturity of about 30 years as compared to the 12-year repayment period for Italy and 17 years for Germany. Interest rates on aid loans of countries other than the United States have been high, averaging 5.1 percent, while the United States makes loans with no interest and only a service charge of three-fourths of 1 percent. Not only are the financial terms considerably harder than our own, but the assistance is tied to the procurement of project commodities and other products from the country granting aid.

AID TO COMMUNISM

In addition to the inefficiencies and wastes in the program we have outlined in detail, we direct special attention to the basic foreign policy inconsistencies which are clearly seen in this program.

The legislative history of the Foreign Aid Act and all the titles under which it has been operated indicate that the main argument advanced for this massive spending program has been to stop the spread of communism.

The same day our committee approved this latest spending authorization, State Department officials were negotiating to provide trade subsidies for the Rumanian Communist Government with the implication that direct aid would be forthcoming under this act in the near future.

The granting of aid and favorable trade conditions to Communist nations is a self-defeating, tragic policy, completely contrary to the arguments advanced for it on behalf of this program.

For years the Communist rulers of Poland have been granted aid under this program and what have been the results? Polish authorities have loyally supported the policies of Moscow in Laos, cooperated with other Communist governments in subsidizing Castro and have played a major role in international Communist conspiracies. In addition, within their own country, instead of liberalizing or mellowing as the State Department claims, they have increased persecution of religion, intensified class warfare, and moved deliberately to subjugate peasants of the country to Communist agricultural bondage.

The massive aid poured into Yugoslavia hasn't produced any major results or freed the people of that country of harsh Communist rule. On all major international issues, the Tito government stands with the Soviet Union and their fellow Communist tyrants. Communist Yugoslavia is especially involved in programs to infiltrate Africa with Red-trained personnel.

In turn, the people of Yugoslavia are subject to religious persecution, constant governmental control of communications media, and standard Communist interference with their attempts for personal economic advancement as under any Red dictatorship.

The highly publicized request of administration officials for additional aid for Vietnam to supposedly help the defeat of communism

in that area is in direct contradiction, we must emphasize, to the rapidly unfolding administration policy of direct subsidy of Eastern Europe Communist governments, and for all we know, Russia herself.

CONCLUSIONS

In summing up, where do we stand? What has our generous, well-intentioned but misguided assistance activities accomplished? **Nothing**—and events of the last few months support this:

NATO appears on the verge of complete disintegration. It offers hope only in a "crisis confronting" situation since the diversity of political, economic, military, and other interests would probably preclude any unanimity on limited actions. France, a major recipient of U.S. aid, has apparently withdrawn its support while retaining its voice.

We have been unable to obtain the cooperation of our European allies to reduce their trade with Cuba in strategic materials. Not even our hemispheric neighbors will go along with us on the sanctions against Cuba necessary to protect *their* freedoms.

The political settlement in Laos has predictably worked to the advantage of the Communists. The \$330 million poured into that country has done nothing more than identify the United States with a losing battle.

After 10 years and \$370 million in aid, Cambodia has asked us to pick up our marbles and go home.

Indonesia with \$870 million of our money continues to threaten freedom-seeking Malaysia. On March 25, 1964, Sukarno announced: "To hell with U.S. aid." Yet, we continue to give him aid. In fiscal year 1965, \$10 million is planned for technical cooperation.

Our friends in Turkey and Greece are at each other's throat over Cyprus.

Are these the accomplishments of our aid? If so, the program needs to be drastically revised.

Had our aid been dispensed in a hard-nosed fashion in earlier years, we believe the United States would not be faced with many of the international problems it faces today. If we had demanded, as a condition to receiving assistance, the social and economic reforms that were necessary to give people hope and assure proper utilization of the aid furnished—

Indonesia's economy might be viable instead of on the verge of bankruptcy; she would be a member in good standing with the free world forces against communism instead of its apt pupil; and Sukarno, kept in power with our aid, would long ago have departed from the international scene;

the popular base needed to sustain President Diem's government in South Vietnam would not have been dissipated and thereby encouraging another source of support for Communist insurgents;

President Rhee of Korea would have remained as the inspired leader of his people and the unstable situation would not be the problem it presently is;

Laos might be wholly free; and

Brazil would be realizing its great economic and leadership potential.

The above are only a few of the benefits we could have derived from "hard decisions" instead of soft grants and loans.

Action by Congress is needed now to regain control and redirect this program toward meaningful objectives.

Economic aid funds must be substantially reduced.

Bilateral economic aid should not be given to countries that are giving economic development aid directly to other countries.

Sufficient military and economic assistance funds should be earmarked solely for use in Vietnam.

Loans, if made, should be for projects only and so-called balance of payments or program loans stopped.

Funds presently obligated or reserved for loans, grants, or other projects which have not been firmed up should be released.

The Agency should preaudit intended imports to be purchased with U.S. funds to preclude future imports of ineligible items.

E. ROSS ADAIR.

H. R. GROSS.

E. Y. BERRY.

EDWARD J. DERWINSKI.

JAMES F. BATTIN.

VERNON W. THOMSON.



88TH CONGRESS
2D SESSION

[Report No. 1443]

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

To amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the “Foreign Assistance Act
4 of 1964”.

9 SEC. 101. Title II of chapter 2 of part I of the Foreign
10 Assistance Act of 1961, as amended, which relates to

1 development grants and technical cooperation, is hereby
2 amended as follows:

3 (a) Amend the title heading to read as follows:
4 "TITLE II—TECHNICAL COOPERATION AND DEVELOPMENT
5 GRANTS".

6 (b) Amend section 212, which relates to authorization,
7 by striking out "1964" and "\$220,000,000" and substitut-
8 ing "1965" and "\$224,600,000", respectively.

9 (c) Amend section 214 (c), which relates to American
10 schools and hospitals abroad, by striking out "1964, \$19,-
11 000,000" and substituting "1965, \$18,000,000", and by
12 striking out the second sentence.

13 (d) Amend section 216 (a), which relates to voluntary
14 agencies, by inserting after "ports" the first time it appears,
15 the words "or, in the case of excess or surplus property
16 supplied by the United States, from foreign ports".

17 TITLE III—INVESTMENT GUARANTIES

18 SEC. 102. Title III of chapter 2 of part I of the Foreign
19 Assistance Act of 1961, as amended, which relates to invest-
20 ment guaranties, is hereby amended as follows:

21 (a) Amend section 221 (b) (2), which relates to gen-
22 eral authority, as follows:

1 (1) Strike out “\$180,000,000” in the third proviso
2 and substitute “\$300,000,000”.

3 (2) Strike out “1965” in the last proviso and substi-
4 tute “1966”.

5 (b) Amend section 224 (b), which relates to housing
6 projects in Latin American countries, by striking out “\$150,-
7 000,000” and substituting “\$250,000,000”.

8 TITLE IV—SURVEYS OF INVESTMENT OPPORTUNITIES

9 SEC. 103. Section 232 of the Foreign Assistance Act of
10 1961, as amended, which relates to surveys of investment
11 opportunities, is amended by striking out “1963” and
12 “\$2,000,000” and substituting “1965” and “\$2,100,000”,
13 respectively.

14 TITLE VI—ALLIANCE FOR PROGRESS

15 SEC. 104. Section 252 of the Foreign Assistance Act of
16 1961, as amended, which relates to the Alliance for Progress,
17 is amended by striking out in the first sentence the words
18 beginning with “of the funds” the first time they appear
19 through the words “fiscal year 1964” and substituting “in
20 each of the fiscal years 1963 and 1964 and \$85,000,000
21 in fiscal year 1965 of the funds appropriated pursuant to this
22 section for use beginning in each such fiscal year”.

CHAPTER 3—INTERNATIONAL ORGANIZATIONS AND PROGRAMS

3 SEC. 105. Section 302 of the Foreign Assistance Act of
4 1961, as amended, which relates to international organiza-
5 tions and programs, is amended as follows:

6 (a) Strike out “1964” and “\$136,050,000” and sub-
7 stitute “1965” and “\$134,400,000”, respectively.

(b) At the end thereof, add the following new sentence:

“None of the funds available to carry out this chapter shall be contributed to any international organization or to any foreign government or agency thereof to pay the costs of developing or operating any volunteer program of such organization, government, or agency relating to the selection, training, and programing of volunteer manpower.”

15 CHAPTER 4—SUPPORTING ASSISTANCE

16 SEC. 106. Section 402 of the Foreign Assistance Act
17 of 1961, as amended, which relates to supporting assistance,
18 is amended by striking out "1964" and "\$380,000,000"
19 and substituting "1965" and "\$405,000,000", respectively.

20 CHAPTER 5—CONTINGENCY FUND

21 SEC. 107. Section 451 (a) of the Foreign Assistance
22 Act of 1961, as amended, which relates to the contingency
23 fund, is amended by striking out "1964" and "\$160,000,-

000” and substituting “1965” and “\$150,000,000”, respectively.

PART II

CHAPTER 2—MILITARY ASSISTANCE

SEC. 201. Chapter 2 of part II of the Foreign Assistance Act of 1961, as amended, which relates to military assistance, is amended as follows:

(a) Amend section 503, which relates to general authority, as follows:

(1) In subsection (c) strike out “and” at the end thereof and in subsection (d) strike out the period at the end thereof and substitute “; and”.

(2) Add the following new subsection (e) :

“(e) guarantying, insuring, coinsuring, and reinsuring any individual, corporation, partnership, or other association doing business in the United States against political and credit risks of nonpayment arising in connection with credit sales financed by such individual, corporation, partnership or other association for defense articles and defense services procured in the United States by such friendly country or international organization.”

(b) Amend section 504 (a), which relates to author-

1 ization, by striking out “1964” and “\$1,000,000,000” and
2 substituting “1965” and “\$1,055,000,000”, respectively.

3 (c) Amend section 507 (b), which relates to sales, by
4 inserting after “are due” at the end of the first sentence the
5 following: “: *Provided*, That the President may, when he
6 determines it to be in the national interest, accept a depend-
7 able undertaking to make full payment within one hundred
8 and twenty days after delivery of the defense articles, or the
9 rendering of the defense services, and appropriations avail-
10 able to the Department of Defense may be used to meet the
11 payments required by the contracts and shall be reimbursed
12 by the amounts subsequently received from the country or
13 international organization”.

14 (d) Amend section 509, which relates to exchanges, as
15 follows:

16 (1) The section heading is amended to read as follows:
17 “EXCHANGES AND GUARANTIES”.

18 (2) After the section heading insert “(a)”.

19 (3) Add the following new subsection (b) :

20 “(b) In issuing guaranties, insurance, coinsurance, and
21 reinsurance, the President may enter into contracts with ex-
22 porters, insurance companies, financial institutions, or others,
23 or groups thereof, and where appropriate may employ any of
24 the same to act as agent in the issuance and servicing of such
25 guaranties, insurance, coinsurance, and reinsurance, and the

1 adjustment of claims arising thereunder. Fees and premiums
2 shall be charged in connection with contracts of guaranty,
3 insurance, coinsurance, and reinsurance. Obligations shall be
4 recorded against the funds available for credit sales under this
5 part in an amount not less than 25 per centum of the con-
6 tractual liability related to any guaranty, insurance, coinsur-
7 ance, and reinsurance issued pursuant to this part and the
8 funds so obligated together with fees and premiums shall con-
9 stitute a single reserve for the payment of claims under such
10 contracts. Any guaranties, insurance, coinsurance, and re-
11 insurance issued pursuant to this part shall be considered con-
12 tingent obligations backed by the full faith and credit of the
13 United States of America.”

14 (e) Section 510 (a), which relates to special authority,
15 is amended by striking out “1964” in the first and second
16 sentences thereof and substituting “1965”.

17 (f) Section 512, which relates to restrictions on military
18 aid to Africa, is amended by striking out “1964” and sub-
19 stituting “1965”.

20 PART III

21 CHAPTER 1—GENERAL PROVISIONS

22 SEC. 301. Chapter 1 of part III of the Foreign Assist-
23 ance Act of 1961, as amended, which relates to general pro-
24 visions, is amended as follows:

25 (a) In section 620 (f), relating to prohibitions on fur-

1 nishing assistance to Communist countries, immediately after
 2 “Union of Soviet Socialist Republics” insert the following:
 3 “(including its captive constituent republics)”.

4 (b) Amend section 620 (k) by striking out “1964”
 5 each place it appears and substituting “1965” in each such
 6 place.

7 (c) In section 620 (m), relating to prohibitions on fur-
 8 nishing assistance to Cuba and certain other countries, after
 9 “during” insert “each” and also strike out “1964” and
 10 “\$1,000,000” and substitute for the latter “\$500,000”.

11 CHAPTER 2—ADMINISTRATIVE PROVISIONS

12 SEC. 302. Chapter 2 of part III of the Foreign Assist-
 13 ance Act of 1961, as amended, which relates to administra-
 14 tive provisions, is amended as follows:

15 (a) Amend section 625, which relates to employment
 16 of personnel, as follows:

17 (1) In subsection (d) (2) in the third proviso strike
 18 out “more than thirty persons in the aggregate” and substi-
 19 tute “the assignment to such duty of more than twenty per-
 20 sons at any one time”.

21 (2) Add the following new subsection (j) :

22 “(j) The President may appoint or assign a United
 23 States citizen to be representative of the United States to
 24 the Inter-American Economic and Social Council and to be
 25 United States representative to the Inter-American Com-

1 mittee on the Alliance for Progress and, in his discretion,
2 may terminate such appointment or assignment, notwith-
3 standing any other provision of law. Such person may be
4 compensated at a rate not to exceed that authorized for a
5 chief of mission, class 2, within the meaning of the Foreign
6 Service Act of 1946, as amended."

7 (b) Amend section 626, which relates to experts, con-
8 sultants and retired officers, as follows:

9 (1) Subsection (a) is amended by striking out "\$75"
10 and substituting "\$100".

11 (2) Subsection (c) is amended by striking out the
12 words "Career Compensation Act of 1949, as amended (37
13 U.S.C. 231 et seq.)" and substituting "section 101 (3) of
14 title 37 of the United States Code".

15 (c) Amend section 637 (a), which relates to adminis-
16 trative expenses, by striking out "1964" and "\$54,000,000"
17 and substituting "1965" and "\$52,500,000", respectively.

18 CHAPTER 3—MISCELLANEOUS PROVISIONS

19 SEC. 303. Chapter 3 of part III of the Foreign Assist-
20 ance Act of 1961, as amended, which relates to miscellaneous
21 provisions, is amended by adding at the end thereof the fol-
22 lowing new section:

23 "SEC. 648. SPECIAL AUTHORIZATION FOR USE OF
24 FOREIGN CURRENCIES.—Subject to the provisions of section
25 1415 of the Supplemental Appropriation Act, 1953, the

1 President is authorized, as a demonstration of good will on
2 the part of the people of the United States for the Polish and
3 Italian people, to use foreign currencies accruing to the
4 United States Government under this or any other Act, for
5 assistance on such terms and conditions as he may specify, in
6 the repair, rehabilitation, improvement, and maintenance of
7 cemeteries in Italy serving as the burial place of members
8 of the armed forces of Poland who died in combat in Italy
9 during World War II.”

10 PART IV—AMENDMENTS TO OTHER LAWS

11 SEC. 401. The first section of the Act entitled “An Act
12 to authorize participation by the United States in the Inter-
13 parliamentary Union”, approved June 28, 1935 (22 U.S.C.
14 276), is amended to read as follows:

15 “That an appropriation of \$50,000 annually is authorized,
16 \$23,100 of which shall be for the annual contributions of
17 the United States toward the maintenance of the Bureau of
18 the Interparliamentary Union for the promotion of inter-
19 national arbitration; and \$26,900, or so much thereof as may
20 be necessary, to assist in meeting the expenses of the Amer-
21 ican group of the Interparliamentary Union for each fiscal
22 year for which an appropriation is made, such appropriation
23 to be disbursed on vouchers to be approved by the President
24 and the executive secretary of the American group.”

A BILL

To amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

By Mr. MORGAN

MAY 26, 1964

Referred to the Committee on Foreign Affairs

JUNE 1, 1964

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued June 4, 1964

For actions of June 3, 1964

88th-2nd; No. 110

CONTENTS

Air pollution.....16	Consumers.....26	Food marketing.....27
Alaska relief.....19	Cotton.....7	Foreign aid.....4
Appalachia.....25	Defense production.....5	Foreign trade.....21,24
Appropriations.....1	Deficiency appro- priations.....1	Forest roads.....3
Area redevelopment.....15	Expenditures.....22	Grants-in-aid.....9
Cattle prices.....20	Farmers.....13	Lands.....18
Civil rights.....11		Personnel.....22
		Poverty.....2,23
		Public Law 480.....28
		Public works.....17
		Reclamation.....6
		Recreation.....12
		Roads.....3
		Shipping rates.....14
		Stockpiles.....10
		Surplus food.....28
		Time standards.....30
		Tobacco.....8
		Water resources.....29

HIGHLIGHTS: House committee reported poverty bill. House received conference report on deficiency appropriation bill. Several Reps. debated merits of poverty bill, including grants to low-income farmers. House Rules Committee cleared foreign aid authorization bill. House passed road authorization bill. Rep. Morris urged exports of additional long staple cotton. Senate committee reported bill for periodic congressional review of Federal grants-in-aid.

HOUSE

- 1. DEFICIENCY APPROPRIATION BILL, 1964.** Received the conference report on this bill, H. R. 11201 (H. Rept. 1457). Attached to this Digest is a table showing the action of the conferees on items for this Department. (pp. 12065-6). Rep. Boggs announced that the conference report will be taken up today, June 4 (p. 12094).
- 2. POVERTY.** The Education and Labor Committee reported without amendment H. R. 11377, the poverty bill (H. Rept. 1458). p. 12108
Several Representatives debated the merits of bill (pp. 12089-94, 12094-105). Rep. Quie criticized provisions of the bill providing for grants of up to \$1,500 to low-income farmers (pp. 12102-3).
Reps. Ashbrook and Schenck inserted items critical of the proposed poverty program. pp. 12087-9, 12107

3. **ROADS.** Passed as reported H. R. 10503, the road authorization bill, which includes authorizations of \$33 million for forest highways for each of the fiscal years 1966 and 1967, and \$85 million for forest development roads and trails for each of the fiscal years 1966 and 1967 (pp. 12066-8, 12069-77). Rejected an amendment by Rep. Ryan to require public hearings prior to any land acquisitions for highway purposes (pp. 12075-6)
4. **FOREIGN AID.** The Rules Committee reported a resolution for consideration of H. R. 11380, the foreign aid authorization bill. p. 12108
5. **DEFENSE PRODUCTION.** The Banking and Currency Committee reported without amendment H. R. 10000, to extend the Defense Production Act to June 30, 1966 (H. Rept. 1456). p. 12108
6. **RECLAMATION.** The Subcommittee on Irrigation and Reclamation of the Interior and Insular Affairs Committee voted to report to the full committee with amendments H. R. 1003, to make certain provisions in connection with the construction of the Garrison diversion unit, Missouri River Basin project, S. J. Res. 49, to authorize the Secretary of the Interior to carry out a program for control of phreatophytes along the Pecos River channel, N. Mex. and Texas, and H. R. 3672, to provide for construction of the Savery-Pot Hook, Bostwick Park, and Fruitland Mesa participating reclamation projects under the Colorado River Storage Project Act. p. D436
The Interior and Insular Affairs Committee voted to report (but did not actually report) with amendment H. R. 6151, to increase the appropriation authorization for completion of construction of the irrigation and power systems of the Flathead Indian Irrigation Project, Mont. p. D436
7. **COTTON.** Rep. Morris reviewed the world supply situation on extra long staple cotton, stated that this country has a surplus of such cotton for the first time in years as contrasted with a scarcity outside the U. S., and urged this Department to institute a program for additional exports of extra long staple cotton. pp. 12080-1
8. **TOBACCO.** The "Daily Digest" states that the Interstate and Foreign Commerce Committee "announced that public hearings will be conducted on June 23 through 26 on 10 bills pending before the committee to determine whether any action by Congress should be taken on the subject of smoking and public health." p. D437

SENATE

9. **GRANTS-IN-AID.** The Government Operations Committee reported with amendments S. 2114, to provide for periodic congressional review of Federal grants-in-aid to States and local governments (S. Rept. 1056). p. 1211
10. **STOCKPILES.** Sen. Byrd, Va., submitted a report on Federal stockpile inventories as of March 1964, including CCC commodity inventories. pp. 12112-2-
11. **CIVIL RIGHTS.** Continued debate on H. R. 7152, the civil rights bill. pp. 12139, 12145-56, 12168-75, 12189-96
12. **RECREATION.** Sen. Muskie was added as a cosponsor of S. 2862, to facilitate the management, use, and public benefits from the Appalachian Trail. pp. 12124-5

CONSIDERATION OF H.R. 11380

JUNE 3, 1964.—Referred to the House Calendar and ordered to be printed

Mr. BOLLING, from the Committee on Rules, submitted the following

REPORT

[To accompany H. Res. 742]

The Committee on Rules, having had under consideration House Resolution 742, report the same to the House with the recommendation that the resolution do pass.



House Calendar No. 244

88TH CONGRESS
2D SESSION

H. RES. 742

[Report No. 1455]

IN THE HOUSE OF REPRESENTATIVES

JUNE 3, 1964

Mr. BOLLING, from the Committee on Rules, reported the following resolution;
which was referred to the House Calendar and ordered to be printed

RESOLUTION

1 *Resolved*, That upon the adoption of this resolution it
2 shall be in order to move that the House resolve itself into
3 the Committee of the Whole House on the State of the Union
4 for the consideration of the bill (H.R. 11380) to amend
5 further the Foreign Assistance Act of 1961, as amended, and
6 for other purposes, and all points of order against said bill
7 are hereby waived. After general debate, which shall be
8 confined to the bill and continue not to exceed four hours, to
9 be equally divided and controlled by the chairman and rank-
10 ing minority member of the Committee on Foreign Affairs,
11 the bill shall be read for amendment under the five-minute
12 rule. At the conclusion of the consideration of the bill for

1 amendment, the Committee shall rise and report the bill to
2 the House with such amendments as may have been adopted
3 and the previous question shall be considered as ordered
4 on the bill and amendments thereto to final passage without
5 intervening motion except one motion to recommit.

House Calendar No. 244

88TH CONGRESS
2D SESSION

H. RES. 742

[Report No. 1455]

RESOLUTION

Providing for consideration of H.R. 11380, a bill to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

By Mr. BOLLING

JUNE 3, 1964

Referred to the House Calendar and ordered to be
printed

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued June 10, 1964

For actions of June 9, 1964

88th-2nd; No. 115

CONTENTS

Air pollution.....18	Deficiency	Forestry.....9,30
Alaska.....16	appropriations.....32	Freight cars.....11
Appropriations.....8,32	Elderly housing.....4,26	Grants-in-aid.....19
Area redevelopment.....6	Emergency conservation..32	Housing loans.....4
ASCS.....32	Extension work.....24	Item veto.....8
Beef.....13	Farm labor.....22	Loans.....4,9,16
Civil rights.....15	Flood control.....31	Lumber.....21
Contracts.....28	Foreign aid.....1	Pay.....7
Credit unions.....9	Foreign trade.....27	Personnel.....7
Dairy imports.....23	Forest Service.....32	Poverty.....20
		Prices.....10
		Public debt.....2
		Recreation.....30
		Taxation.....3
		Tobacco.....14
		Transportation.....10
		Vehicles.....29
		Water resources.....17,25
		Wheat.....5
		Wildlife.....12

HIGHLIGHTS: House debated foreign aid authorization bill. Rep. Findley termed wheat signup unsuccessful. Rep. Patman urged extension of program for housing loans to elderly in rural areas. Sen. McGovern inserted Secretary's press conference remarks on beef.

HOUSE

- 1. FOREIGN AID.** Began debate on H. R. 11380, the foreign aid authorization bill (pp. 12542-77). As reported, the bill authorizes \$224,600,000 for technical cooperation and development grants and \$2,300,000 for the United Nations Food and Agriculture Organization World Food Program. The committee report includes the following statement: "Government agencies in the fields of health and agriculture can perform a range of technical assistance services which are not competitive with private enterprise, and it is anticipated that AID will continue to make extensive use of the services of such agencies."
- 2. PUBLIC DEBT.** The Rules Committee reported a resolution for consideration of H. R. 11375, to increase the temporary public debt ceiling to \$324 billion from the date of enactment of the bill until June 30, 1965. p. 12609

3. TAXATION. The Rules Committee reported a resolution for consideration of H. R. 11376, to provide a 1-year extension of certain excise tax rates. p. 12609
4. HOUSING LOANS. Rep. Patman stated that he expected to call up Mon., June 15, under motion to suspend the rules, H. J. Res. 1041, to provide a 90-day extension of the program of insured rental housing loans for the elderly in rural areas. He stated this action was desirable because the program expires June 30, 1964, and there is not sufficient time before that date for the enactment of general housing legislation. The resolution has been approved by the Subcommittee on Housing and is to be considered by the full Banking and Currency Committee Thurs. p. 12606
5. WHEAT. Rep. Findley termed the signup under the new wheat program as unsuccessful, stated that only 35 percent of the Nation's wheat farmers are participating, and contended that it "shows even stronger opposition to the certificate scheme than was evident a year ago when the farmers defeated a similar program in a referendum." p. 12591
6. AREA REDEVELOPMENT. Rep. Talcott criticized "manipulations" in the Area Redevelopment Administration program and stated that some "concerns are utilizing ARA for startling tax breaks," citing the case of the Cooper Tire & Rubber Co. as an example. p. 12583
7. PERSONNEL. Rep. Albert stated that the Federal pay will be considered after the foreign aid authorization bill and will probably be called up on Thurs. p. 12580
Rep. Fogarty inserted a speech by Gordon M. Freeman, Vice Chairman of the President's Committee on Employment of the Handicapped, reviewing accomplishments in the employment of the handicapped. pp. 12603-4
8. APPROPRIATIONS; ITEM VETO. Rep. Kelly expressed opposition to a reported proposal by former President Eisenhower for a constitutional amendment to give the President power to veto individual items in appropriation bills. p. 12541

SENATE

9. LOANS; FORESTRY. The Banking and Currency Committee voted to report (but did not actually report) H. R. 8230, to liberalize the granting of loans on forest tracts by providing for long-term credit by commercial banks, and H. R. 8459, to allow Federal credit unions greater flexibility in their organization and operations. p. D451
10. PRICES. The "Daily Digest" states that the Commerce Committee "tabled S. 774, to promote quality and price stabilization." p. D451
11. TRANSPORTATION. The Commerce Committee voted to report (but did not actually report) S. 1063, to insure adequacy of the national railroad freight car supply. p. D451
12. WILDLIFE. The Commerce Committee voted to report (but did not actually report), with an amendment in the nature of a substitute, S. 1363, to increase distribution of revenues from the National Wildlife Refuge System to the counties in which such lands are located. p. D451
13. BEEF. Sen. McGovern inserted press conference remarks of Secretary Freeman summarizing the steps taken by the administration to relieve the beef situation



United States
of America

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 88th CONGRESS, SECOND SESSION

Vol. 110

WASHINGTON, TUESDAY, JUNE 9, 1964

No. 115

House of Representatives

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Ecclesiastes 12: 13: Let us hear the conclusion of the whole matter: Fear God and keep His commandments, for this is the whole duty of man.

God of all love and grace, may our moment of prayer be a deepening of spiritual insight; center of light and consolation where we find guidance and courage; a searching of heart and of high resolve; a new pledge of loyalty to Thy holy will.

Grant us a faith that dares to make trial of the unknown ways of the eternal and as we look out upon the world of today, so troubled and so full of tumult, may the Members of Congress bear witness to the reality and authority of the ideal values and the immutable necessity of devotion and dedication to them.

We penitently confess that in our social order there seems to be a loosening of the moral sanctions and a lowering of the moral ideals. We also humbly acknowledge that there is a drift toward externalism and materialism instead of watching for a light to brighten the skyline of our hopes.

Inspire us to remind humanity that happiness does not depend upon things but upon moral and spiritual values and that without them we are doomed to stumble and falter.

To Thy blessed name we ascribe glory and majesty, dominion and power. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate disagrees to the amendments of the House to the bill (S. 2) entitled "An act to establish water resources research centers at land-grant colleges and State universities, to stimulate water research at other colleges, universities, and centers of competence, and to promote

a more adequate national program of water research," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JACKSON, Mr. ANDERSON, Mr. BIBBE, Mr. KUCHEL, and Mr. ALLOTT to be the conferees on the part of the Senate.

CORRECTION OF ROLL CALL

Mr. VAN DEERLIN. Mr. Speaker, on rollcall No. 146, on last Thursday, June 4, I am recorded as failing to answer to my name. I was present and answered to both quorum calls on that day. I ask unanimous consent that the permanent Record and Journal be corrected accordingly.

The-SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

EISENHOWER WRONG ON ITEM VETO

(Mr. PELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PELLY. Mr. Speaker, too much power in the hands of the Chief Executive is unwise. I say this because I see where President Eisenhower, yesterday, in Cleveland at the Governors' conference urged a constitutional amendment to give the President power to veto individual items in Federal appropriation bills.

Of course, the idea of a method of cutting out funds for pork barrel projects is attractive, and in fact I myself once introduced legislation to accomplish this very purpose. But, Mr. Speaker, after being around Washington, D.C., for nearly 12 years I recognize the dangers inherent in this otherwise or seemingly desirable proposal. I have seen the results of walks in the White House rose garden, and realize that a President with this item veto power could bludgeon individual Members of Congress so that the independence and integrity of the legislative branch could be destroyed. Such power to influence Members of Congress should never be placed in the hands of any President, nor should the constitu-

tional authority of the legislative branch ever be further limited.

Mr. Speaker, this is what James Madison in the Federalist once warned could lead to tyranny.

The Founding Fathers placed spending of the taxpayers' money under the control of that body of public servants closest to the people—the House of Representatives—whose Members are directly answerable to the people for their actions every 2 years.

Any suggestions to weaken that provision of the Constitution, in my opinion, should be strongly opposed.

The same is true at the State level. For example, the Governor of my State last year, under this veto power, struck out funds for a legislative investigation of his own administration and especially the State liquor board.

The item veto is subject to great abuse and should be defeated.

CUT IT UP—OR CUT IT OUT

(Mr. McLOSKEY asked and was given permission to address the House for 1 minute.)

Mr. McLOSKEY. Mr. Speaker, with mounting unrest throughout the world, with NATO on the verge of collapse, with our failure to enlist the cooperation of our European allies in reducing their trade with Communist Cuba, with the critical situation existing in southeastern Asia, perhaps we should ask ourselves some sobering questions.

Who are our friends today? How successful has our foreign assistance program really been? What are the accomplishments of our apparently misguided assistance activities?

It seems to me that on the occasion when we are discussing and debating the Foreign Assistance Act of 1964 we should give sober reflection to our deliberation before we once again give a blank check to the President's request for funds.

I feel it the proper time for the Congress to regain some control over our aid program. What better time than now?

There are very few who are completely opposed to all foreign aid, but certainly the administration of this program the past few years has failed miserably.

To state that there has been waste and deficiencies is putting it mildly. It occurs to me we have failed miserably in helping those who need it most—certainly we are not helping at the grass-roots level.

With another huge debt facing this Nation, with the foregone conclusion that the debt ceiling must again be raised, I feel our own American taxpayers are entitled to some sort of a break.

I understand at the proper time a motion to recommit will be made. I shall support this motion and trust a majority of the Members will do likewise.

Before we pass this authorization bill let us squeeze out some more fat. Let us cut it up or else cut it out.

MINTING OF SMALL COINS

(Mr. WHITE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITE. Mr. Speaker, one of the major retailers of the United States is proposing that if the present shortage of small coins is not alleviated, it will print script in denominations of 1 cent, 5 cents and 10 cents to satisfy the need for coins as related to their business.

It seems rather odd to me, Mr. Speaker, that today when we are considering the problems of the rest of the world that we cannot provide for sufficient coinage to satisfy the needs of commerce in the United States. I also submit, Mr. Speaker, that before too long we are going to be faced with the problem not only of the need for additional coinage because of the shortage of such coinage, but also the possible debasement of the coinage that we now have.

Mr. Speaker, a year ago I suggested that this problem was acute and that it was going to become more acute and that ultimately the Congress of the United States would have to face this problem.

This particular matter which has come to our attention this morning and to which I have referred, merely points out that we have a severe and critical shortage developing in our small coins, our subsidiary coinage, that is going to have to be taken care of. I again submit that a country that is able to help solve the problems of the rest of the world should be able to provide a coinage as the Constitution declares that we, the Congress, must provide, to fulfill the needs of commerce in the United States.

CALL OF THE HOUSE

Mr. HALEY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman from Florida makes the point of order that a quorum is not present. Evidently, a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Harvey, Ind.	Olsen, Mont.
Ashmore	Healey	Pelly
Baring	Hébert	Pepper
Barrett	Hoffman	Pilcher
Bass	Horan	Powell
Blatnik	Jarman	Rivers, S.C.
Bolling	Jennings	Roberts, Ala.
Bray	Jensen	Rostenkowski
Bromwell	Jones, Ala.	Roudebush
Bruce	Kee	St Germain
Buckley	Keith	Sheppard
Celler	King, Calif.	Snyder
Corman	Leggett	Stratton
Curtis	Lesinski	Taylor
Daddario	Lloyd	Thompson, La.
Diggs	McCulloch	Thompson, N.J.
Dorn	McIntire	Toll
Findley	McMillan	Tupper
Forrester	Martin, Mass.	Van Pelt
Gray	May	Watson
Griffiths	Miller, N.Y.	Whitener
Gurney	Monagan	Wilson, Ind.
Halleck	Morrison	Winstead
Halpern	Morton	
Harsha	O'Brien, N.Y.	

The SPEAKER. On this rollcall 361 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

SUBCOMMITTEE ON NATIONAL PARKS AND OUTDOOR RECREATION

Mr. MORRIS. Mr. Speaker, I ask unanimous consent that the Subcommittee on National Parks and Outdoor Recreation may be permitted to sit this afternoon during general debate.

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

FOREIGN ASSISTANCE ACT OF 1964

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 742 and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SISK. Mr. Speaker, I yield 30 minutes of my time to the gentleman from Ohio, and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 742 provides for consideration of H.R. 11380, a bill to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes. The resolution pro-

vides an open rule, waiving points of order, with 4 hours of general debate.

H.R. 11380 authorizes the appropriations of \$2,041,600,000 of new money to carry on the foreign assistance program for fiscal 1965. This is the full amount requested by the President and, together with authorizations previously enacted, provides the authority for the appropriation of \$3,516,700,000 for foreign aid for the coming fiscal year.

The fact that the President has requested approximately \$1 billion less for foreign aid than was requested for fiscal 1964 does not indicate that providing assistance to other nations is any less essential to the implementation of our foreign policy or to the maintenance of our security than in previous years.

U.S. defense strategy is based on the presence in nations which are face to face with Communist territory of military forces sufficient in number and equipment to convince the Communist dictators that they can gain no easy or cheap victories by military action. Except for the major countries of Western Europe, the existence of such forces depends on U.S. aid.

The continued material and cultural advance of the less developed countries as independent states is dependent on the availability to them of U.S. capital, technical assistance, and encouragement.

Subsequent to the sharp cut in foreign aid funds for fiscal 1964, the scope of the foreign assistance program has been curtailed and its administration improved. Even though our problems in the field of foreign relations and the threats to our security remain acute, the more restrictive policies and procedures inaugurated last year have not been relaxed. It is believed that it would impose an unjustified handicap on those responsible for our defense and for the conduct of our foreign policy to authorize a smaller amount.

Mr. Speaker, I urge the adoption of House Resolution 742.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may use, and ask unanimous consent to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, as the gentleman from California has explained, this resolution makes in order the consideration of H.R. 11380, which is popularly known as the foreign aid authorization bill, and which, is of course, annually passed by the Congress.

The measure carries new money for a total authorization of \$2,041,600,000 for the foreign assistance program for the fiscal year 1965 which starts July 1. In addition it continues the authority to expend money that has been previously appropriated for foreign aid purposes and which is now available, so as to bring the total to be authorized under this act up to \$3,516,700,000 for foreign aid purposes, which is, I believe, slightly more than actually appropriated by the Congress for the present fiscal year. Of course, the real test for the foreign aid program will be the amount to be ap-

propriated for it by Congress later on and not the amount authorized in this bill.

This measure contains funds listed in various ways and amounts and in various sections and titles, for different purposes, or by different aid projects, such as military, economic, and so forth.

One of the increases made in the original authorization is for some \$125 million, I believe, to give to forms of aid to South Vietnam, or to help meet the situation there, at the request of the President, although the bill itself does not specify South Vietnam is to be the recipient of these particular funds; but the \$125 million is included in this bill just the same. It is there, as will be explained during the general debate on the bill itself, which will run for 4 hours before the committee is to consider the measure under the 5-minute rule for amendment.

Mr. Speaker, I have no further requests for time.

Mr. MORGAN. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. MORGAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

The SPEAKER. The question is on the motion.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11380, with Mr. RAINS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Pennsylvania [Mr. MORGAN] will be recognized for 2 hours and the gentlewoman from Ohio [Mrs. FRANCES P. BOLTON] will be recognized for 2 hours.

The Chair recognizes the gentleman from Pennsylvania [Mr. MORGAN].

Mr. MORGAN. Mr. Chairman, I yield myself 20 minutes.

(Mr. MORGAN asked and was given permission to revise and extend his remarks.)

Mr. MORGAN. Mr. Chairman, H.R. 11380 authorizes the funds necessary to carry forward the foreign assistance program during fiscal 1965 and make a number of minor amendments to the basic Foreign Assistance Act to improve the effectiveness of the program.

The bill authorizes \$2,041,600,000 of which \$1,055 million is for military aid and \$986,600,000 is for economic aid.

Not all of the funds to finance foreign aid operations during fiscal year 1965 are authorized in this bill. The President has requested an additional \$1,475,100,000 for 1965 under authorizations previ-

ously enacted. The funds requested which are not included in H.R. 11380 are the Development Loan Fund, \$922,200,000; Alliance for Progress, \$550 million; and State Department administrative expenses, \$2,900,000.

The funds requested for foreign aid for fiscal 1965 are substantially less than the Executive request of last year. The press has described the foreign aid program presented to the Congress this year in various ways: It has been referred to as a "bare bones program." I have seen it characterized as a "bikini-sized program" and it has been rather accurately described as a "preshrunk program."

No matter what you call it, these facts are clear. In January 1963, the President's budget message to the Congress included \$4,945,025,000 for foreign aid. After the President received the report of the Clay Committee, the program was readjusted and the foreign aid request submitted to Congress for fiscal 1964 was reduced to \$4,525,325,000. The House approved an authorization after the motion to recommit was adopted on the floor last year of a total amount of \$3,499,050,000, and the conference with the Senate resulted in an authorization of \$3,599,050,000. The amount appropriated under this authorization was \$3 billion, plus a reappropriation of unobligated balances.

The President's request for foreign aid funds for fiscal 1965, which has been approved by the Committee on Foreign Affairs, was intended to make available the same amount of money as was appropriated for fiscal 1964, including the reappropriation of unobligated funds in both years.

You will recall that on May 18 the President sent a message to the Congress requesting an additional \$125 million for Vietnam. These additional funds have been approved, so that the bill before the House today authorizes funds to finance a program of the same level as the Congress provided for last year, plus an additional \$125 million for Vietnam.

SMALLER PROGRAM NO LESS IMPORTANT

The fact that the program has been reduced below previous levels should not be interpreted as meaning that foreign aid is any less important to the security of the United States or to the maintenance of world peace than in previous years.

The Communist threat is still there, although there are apparently some rather responsible people who believe that it is fashionable to pretend that the Communist danger no longer exists. The cold war has not been won.

If the President is deprived of the money and the authority that he has asked for and which is provided in this bill, he will be deprived of his principal weapons for fighting the cold war. We have other means for winning an all-out hot war, but if we are to prevent the present conflict from becoming a hot war and if we are to continue to put pressure on the Communists in the cold war, we have to have foreign aid.

MILITARY AID

The biggest item in this bill is an authorization of \$1,055 million for military aid. This figure includes the President's

original request of \$1 billion, plus \$55 million for Vietnam. Last year's appropriation for military aid was \$1 billion.

There is a surprising number of people in this country who apparently regard military aid as a program designed primarily to help foreign countries. Let me emphasize to begin with that the Secretary of Defense and the Chairman of the Joint Chiefs of Staff have stated most emphatically to the Committee on Foreign Affairs that they regard the military assistance provided for in this bill as essential to maintaining the security of the United States.

We should never forget that U.S. military strategy is based on the concept of collective defense. The size of our Armed Forces, the way they are organized, the equipment that they have, and their deployment in various parts of the world has been established on the basis that the forces of our allies at various places on the globe will assume certain responsibilities for resisting Communist aggression. If these forces on which we depend are not able to function according to plan, the United States will have to develop a new defense strategy and will have to enlarge, reorganize and relocate our own forces.

Two-thirds of the military assistance funds requested for fiscal 1965 are programmed for 11 countries, stretching along the southern and eastern perimeters of the Communist bloc. These countries are Greece, Turkey, Iran, Pakistan, Thailand, Vietnam, Laos, the Philippines, the Republic of China, and Korea. Together these nations maintain 3½ million men under arms.

There are reasons for believing that the forces of these countries bordering the Communist bloc are becoming increasingly important to our defense strategy. There are indications that the Communist threat may be shifting from nuclear attack to what Khrushchev calls "wars of national liberation" which involve guerrilla warfare, insurrection and covert aggression. National forces trained and equipped to fight in wars of this character are essential if we are to resist this type of aggression.

It is even more important for us to be able to deter a military attack than to defend against such an attack when it occurs. The presence of reasonably adequate military forces in these countries on the periphery of Communist power, by eliminating the hope of a quick, easy and cheap victory, reduces the likelihood of Communist attack.

I recognize that there are those who will say: "We are in favor of a certain amount of military aid, but how do we know that the money authorized in this bill is not too much?"

It has been said that military aid funds were cut 30 percent last year and that last year's cut didn't do any harm.

Let me ask you to consider just two things before accepting this argument.

First, in a sense, the military expenditures made in every year when the forces and equipment are not used to fight a war might be regarded as wasted. Except for Vietnam and Laos, neither we nor our allies have had to fight a war during fiscal 1964. If we could have been sure of this a year ago, we might

have been justified in curtailing our military assistance expenditures.

On the other hand, what harm would have been done if the forces of our major allies had been called on to fight a war after the curtailment in assistance made necessary by last year's cut, no one can determine.

The second point to bear in mind is that the forces of the nations fronting on Communist territory from Greece across the world to Korea were originally equipped by means of our military aid program with World War II tanks, artillery, planes, and vehicles. We have upgraded this equipment with more advanced weapons and improved models to the extent that our funds were available and the capability of the forces using such equipment permitted. It remains true, however, that this World War II equipment is wearing out, and unless we replace a lot of it every year, the forces of these countries will lose their fighting capability.

As a result of the cut in military assistance last year, the program was substantially curtailed. This reduction in funds made it necessary for the Executive to review and reevaluate the entire program. The Committee on Foreign Affairs has gone over with care what has been cut out of the program as well as what remains in it. We are convinced that the funds authorized in this bill are essential to the maintenance of our security.

The additional funds for Vietnam are needed because the military forces of Vietnam are being increased in size and because more money will be spent for ammunition which is being used up more rapidly than previously. More funds are required also for additional airplanes and other equipment and supplies.

While the military program in Vietnam deserves top priority, a review of the program in other parts of the world has convinced the committee that any effort to squeeze the additional funds needed for Vietnam out of other parts of the bill would endanger the defense of the United States.

ECONOMIC AID

This bill includes authorizations of \$986,600,000 for economic aid.

We are confronted with the fact that there are a lot of countries in the world which are unable to support themselves and depend on us for help. It is in our interest to provide this help.

I am aware that there are those who say that this is not the way it should be, who maintain that every nation should stand on its own feet, and that we should take action to correct the situation which exists by cutting off aid to these countries and saying to them "from now on you are on your own."

Before embarking on such a course, however, let us consider what we are doing and why.

SUPPORTING ASSISTANCE

The sum of \$405 million is authorized for supporting assistance. This is economic aid which we plan to provide to 13 countries where we believe it is to our military or political advantage to give assistance. Four-fifths of this money is

programed for four countries—Vietnam, Korea, Laos and Jordan.

I do not believe that it requires any argument or recitation of statistics to convince anyone that these four countries could not survive without our help.

Some of the defense support money goes to countries where we maintain military installations of great strategic value.

I recognize again that the argument will be made that it is all right to give economic assistance to these countries and for these purposes, but the question is asked: Why is it necessary to give so much?

Let me point out that, except for Vietnam, the level of defense support is substantially the same as that provided last year, considering the reappropriated carryover. In addition, last year's cuts resulted in the elimination and the postponement of a number of projects and programs in these countries.

I am fully aware that a number of the governments which receive defense support are not very efficient and the results of our aid expenditures are not always satisfactory. We have to face the fact, however, that cutting our aid will not make these governments more competent and that if we curtail the programs and projects which we are financing in these countries, the effect will be to discourage the governments and the people whose support we are seeking.

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Fifty-one Members are present, not a quorum.

The Clerk will call the roll.

The Clerk called the roll and the following Members failed to answer to their names:

[Roll No. 149]

Anderson	Halleck	Morrison
Ashmore	Halpern	Morton
Bass	Hansen	Pilcher
Blatnik	Harding	Powell
Bolling	Harvey, Ind.	Reuss
Bray	Healey	Rivers, S.C.
Brock	Hoffman	Roberts, Ala.
Bromwell	Horan	Rogers, Tex.
Bruce	Jarman	Rostenkowski
Buckley	Jennings	Roudebush
Celler	Jensen	Sheppard
Corman	Johnson, Calif.	Smith, Calif.
Curtis	Jones, Ala.	Springer
Daddario	Kee	Taylor
Dawson	Keith	Thompson, La.
Diggs	Kilburn	Thompson, N.J.
Dorn	Landrum	Toll
Dulski	Leggett	Van Deerlin
Findley	Lloyd	Van Pelt
Forrester	McIntire	Watson
Goodell	McMillan	Whitener
Gray	Martin, Mass.	Wilson, Bob
Griffiths	May	Wilson, Ind.
Gubser	Miller, N.Y.	Winstead
Gurney	Monagan	

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. RAINS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill, H.R. 11380, and finding itself without a quorum, he had directed the roll to be called, when 352 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from Pennsylvania has 4 minutes remaining of the 20 minutes allotted.

Mr. MORGAN. Mr. Chairman, when interrupted by the quorum call, we were discussing the economic portion of the bill. We had just finished the discussion of supporting assistance.

TECHNICAL COOPERATION AND DEVELOPMENT GRANTS

The third largest item in the bill is \$224,600,000 for technical cooperation and development grants. This money is programed for 49 countries, 8 less than last year.

We have learned over the years during which our foreign aid program has been in operation that the greatest deficiency in the less developed countries is in human skills. We are now aware that the development of human resources is more important to these countries than capital investment.

I want to point out that 80 percent of this money goes to pay the salaries and expenses of U.S. personnel, both direct hire and under contract, who go out and give technical assistance and training in these countries, and to bring people from these countries to the United States for technical training.

Again, we have to face the question: Do they need this much money? I think the answer is "yes."

It is easy to cut dollars out of a program, but the dollars we cut will mean that U.S. technicians will have to be brought home and that the technical program in the countries which are receiving our assistance will have to be interrupted or slowed down. The committee does not want to assume responsibility for a curtailment of this kind, and I do not believe that the Congress wants to do so either.

Let me return to the statement I made a few minutes ago. We have to face the fact that there are a good many countries in the world which depend on us for economic assistance. Some say that this situation is wrong and that it should not have been permitted to develop. I say that it is in our interest to be in this position.

Whichever point of view you want to take, however, we have to consider the questions: Is now the time to cut off our aid to these countries?

Will the United States be stronger or weaker if we cut off our economic aid?

Will such action on our part help the Communists or hurt them?

A look at the present world situation convinces me that if we were to do anything of this kind, it would create problems, not solve them, and that it would cost us money, not save money.

CONTINGENCY FUND

This bill authorizes \$150 million for the contingency fund. This is somewhat less than was available for the contingency fund in fiscal 1964.

Last year the appropriation was for only \$50 million, but in addition to this, the unobligated balance of \$127,100,000 was reappropriated.

Present estimates are that \$139 to \$149 million of the contingency fund may be used during fiscal 1964, which

would leave \$30 to \$40 million to revert to the Treasury on June 30 next.

The Agency has stated that it will reduce its appropriation request by the amount unobligated at the end of the fiscal year.

I think it is now generally recognized that AID has been cured of using the contingency fund to finance projects and programs previously disapproved by the Congress. During fiscal 1963 and fiscal 1964, contingency fund money has been used only to meet unforeseen situations and the money not so used has been allowed to revert to the Treasury.

We know there will be unforeseen problems in the year ahead just as there have been in all the years in the past. We have to make funds available to deal with these problems. It is a question of judgment as to how much money should be set aside for contingencies. In the committee's judgment \$150 million is the right amount.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

The bill authorizes \$134,400,000 for U.S. voluntary contributions to international organizations and programs. Contributions to nine organizations and programs are included, and with one exception all are under the United Nations.

Let me make clear, however, that these funds do not include our assessed charges for membership in these organizations. All such expenses are authorized by other legislation than the Foreign Assistance Act and are included in the State Department appropriation bill, not in the foreign aid appropriation. The funds authorized by this section are for voluntary contributions which the United States makes to the programs to which other nations contribute.

The amounts of our contributions have been agreed to with other nations, and we ought to make good on our commitments.

I might point out that none of this money will go to finance the peacekeeping operation in the Congo, although \$5 million has been programmed for U.N. technical assistance to the Congo.

None of this money will go for the much discussed U.N. technical assistance program in Cuba. This project, which was approved by the U.N. Special Fund in 1961, has never been started and nobody's money has been spent for this project so far.

INVESTMENT GUARANTEES

This bill authorizes no appropriation of funds for the investment guarantee program, and no new kinds of guarantee coverage are authorized. The bill does raise the ceilings on the amount of guarantees which can be issued, however. The ceiling on all-risk guarantees is raised from \$180 to \$300 million, and the ceiling on Latin American housing guarantees is raised from \$150 to \$250 million.

I am glad to be able to report that the investment guarantee program is beginning to come into its own. Over \$1.5 billion investment guarantee contracts have been entered into. It is generally recognized that the investment guarantee program provides the best means of getting into the less developed countries U.S. know-how and management as well as private capital.

MILITARY SALES

The bill contains two provisions to expand our sales of military equipment to our friends and allies.

All of us recognize that many nations of the world are prosperous and can afford to pay for part and, in some cases, all of their defense. I am sure that not many of us realize that we are today selling military equipment to other nations at the rate of \$1.5 billion a year. These are sales for which we get paid the full price.

Under existing law, we have for many years permitted our friends and allies to use the services of the Defense Department to procure military equipment from U.S. suppliers, when the buying government guarantees to make payments to us in time for us to make payment to the suppliers when such payments are due. We call these guarantees dependable undertakings. Section 201(c) of the bill expands this dependable undertaking authority to give the buying government 120 days after delivery to make payment to the Defense Department for military equipment purchased by the Defense Department for these governments.

This authority should expand our sales of military equipment because some governments which would like to buy through our Defense Department cannot legally make payment prior to delivery.

The other provisions in the bill, subsections 201 (a) and (d), are intended to expand sales of military equipment by permitting the Defense Department to guarantee commercial credits to finance such sales.

At the present time, U.S. manufacturers of military electronic equipment, vehicles, and other items are making substantial sales to foreign governments on a strictly commercial basis. Such sales are financed by commercial banks and the Export-Import Bank on the same basis as ordinary export transactions. The volume of such sales during fiscal 1964 is estimated as amounting to \$262 million.

Additional foreign governments are ready to buy on this basis, but the banks are unwilling to finance the transactions because of the risks involved. A bank may have confidence in the present government of a country but is afraid of what might happen if the government should no longer be in power. To meet this situation, the bill contains authority for the Department of Defense to issue guarantees of credits issued by commercial institutions in such cases.

CONCLUSION

I feel certain that there are very few of any of us here who believe that we should abolish foreign aid. I am confident that the overwhelming majority recognize that the foreign aid program is vital to our security. The big question for many of us is: How much foreign aid is necessary?

I urge that the House approve the present bill. The program was "put through the wringer" last year, and, as a result, substantial adjustments have been made. Those who are responsible for our defense and for the conduct of our foreign policy need the tools to do the job.

If we "put the program through the

wringer" again, I believe, and the majority of the Committee on Foreign Affairs believe, that we will impose an unjustified handicap on those who have the responsibility for dealing with the dangers which confront us.

Mr. HALEY. Mr. Chairman, will the gentleman yield at that point?

Mr. MORGAN. I yield to the gentleman from Florida.

Mr. HALEY. May I inquire of the gentleman from Pennsylvania as to the number of personnel employed in this huge giveaway program? Could the gentleman enlighten me on that?

Mr. MORGAN. You mean the entire program, including U.S. citizens and foreign employees?

Mr. HALEY. If I may say so, the statement is made repeatedly here that this is something to fight communism and that these funds are necessary because of military commitments. I would just love to know how much of this program is going to military commitments and how much is going for salaries. I am informed there are approximately 70,000 people employed in this huge giveaway program and that approximately 40 percent of all this money goes for salaries. Could the gentleman from Pennsylvania tell us something about that?

Mr. MORGAN. I think that is not true. I think the program employs around 17,000 people to handle economic aid and, as you know, in the President's message he asked for a reduction of 1,200 of these employees. He asked the Committee on Foreign Affairs for two methods of selection out to help reduce the employees. The committee did not grant this selection out authority, but the total Agency for International Development employees including those overseas is less than 17,000.

Mr. HALEY. Less than 17,000. The gentleman is firm in that statement?

Mr. MORGAN. As I remember it, that is correct.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. Yes. I yield to the gentleman.

Mr. GALLAGHER. In further response to the question of the gentleman from Florida, on the economic side we employ about 7,000 Americans in the United States and 9,700 foreign nationals. There are 9,716 people handling military aid of whom 1,224 are foreign nationals.

Mr. HALEY. Mr. Chairman, will the gentleman yield further?

Mr. MORGAN. I yield to the gentleman.

Mr. HALEY. What percentage, then, of the money in this program goes to salaries? Could the gentleman inform me of that?

Mr. MORGAN. If the gentleman will look at the bill, \$52 million of the bill is for administrative funds and most of this goes for salaries. In addition, the salaries of technicians working overseas are paid out of program funds.

Total salaries for economic aid amount to \$76 million a year and the payroll for military aid is \$43 million, although this figure does not include the pay of U.S. military personnel which is included in

the Defense Department budget. That does not take all of the \$52 million, but this is where the employees of the AID program are paid, out of administrative funds.

Mr. JONES of Missouri. Mr. Chairman, will the gentleman yield at that point?

Mr. MORGAN. I yield to the gentleman from Missouri.

Mr. JONES of Missouri. Last year we talked about trying to put a limitation of 33½ percent on these special programs. I had some hope that the committee would put that limitation on these special programs, but you did not do that this year, and we are still donating more than 33½ percent and up to 100 percent on some of the programs. Is that correct?

Mr. MORGAN. I think there are at least three programs included in this authorization that will be more than 33½ percent. One, in which I know that the gentleman from Missouri has a great deal of interest, is the fund for Palestine refugees where the U.S. contribution is approximately 70 percent. Then there is the United Nations technical assistance fund, where our share is limited by law to 40 percent. The U.S. contribution to the United Nations children's fund, UNICEF, is 40 percent. There are no funds authorized in this bill for programs where we make a 100-percent contribution.

Mr. JONES of Missouri. I want to inform the gentleman that I am going to try again this year to get that limitation put on there. I think we should do it.

Mrs. FRANCES P. BOLTON. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, the distinguished gentleman from Pennsylvania, Dr. MORGAN, chairman of the Committee on Foreign Affairs of this House, has given you a frank and clear picture of H.R. 11380, the Foreign Assistance Act of 1964. I attended most of the hearings and found them both interesting and illuminating, all of them giving us opportunity to know more of the bill itself as well as the points of view of various differing groups across the country.

He has told you also that the final vote to bring the bill to the floor was 22 for, 7 against, neither the proponents nor the opponents being all one political party. To my mind this is as it should be.

There has always been an opposition group, and I want to take this opportunity, Mr. Chairman, to express my high regard for them all, especially those of the minority, to whose conscientious attendance, careful study, and forceful presentation we all owe much. The distinguished gentleman from Indiana Congressman ADAIR, ranks on the minority side of the table and I am glad to say here and now that his quiet, intelligent efforts to put forward his objections to certain sections of the H.R. 11380 have been both helpful and challenging. Others of this group have contributed much also, although the amendments submitted were defeated in committee except for two. One of those amendments was exceedingly important. It

was offered by the gentleman from Iowa [Mr. GROSS]. It was an amendment which deleted the Agency's request for an unprecedented authority to dismiss personnel. That it finally was accepted, 11 to 8, says much for the spirit of determination of the committee as a whole to bring to you as sound a bill as possible with as few pitfalls as might be.

I. THE PEOPLE MUST REALIZE THE DANGER

The fact that the President requested \$1 billion less than for the 1964 program does not mean that this effort is less essential to the ultimate worldwide victory for the free world.

Indeed, I am very disturbed that while the need is just as great, there seems to be even less understanding of it and apparently very little interest in it.

When the Congress approved lend-lease in 1940, it did so because our people realized that the measure was necessary to prevent the disaster which would come from the conquest of Europe and Great Britain had we failed to help. Why do we find it more difficult to appreciate similar dangers today? Surely the great majority of our people in this country must realize that humanity itself is at one of the great crossroads in its evolution, that freedom hangs in the balance. Why, then, is there such reluctance to take upon our shoulders responsibility to future generations?

Mr. Chairman, we hear much about the debts we are piling up for the yet unborn. Anyone with half an eye must acknowledge that grim fact. Would they rather stop fighting in the often disheartening battle against the atheist-Communist takeover of the world? Is there not something deep inside you that says, "I will not stop fighting, I will fight, and I will win." Everyone here surely knows that this is a very dangerous moment in history and that we must win.

Mr. Chairman, when General O'Meara testified before the committee, he said he would rather welcome my saying that I thought we had been slow in recognizing the seriousness of the problem with Latin America. At that time I said:

Most of all, General, you would like to have the Congress of the United States take a new look at the whole of South America and really inform itself upon the very serious situation that we are responsible for down there, would you?

General O'Meara replied:

In spite of the very broad knowledge that many Congressmen have, I certainly would agree with your expression of my wish.

Mr. Chairman, the American people need to know that this effort is in their interest and that we are defending the continental United States by strengthening the positions of other freedom-loving people on our periphery. Few dispute the value of NATO despite present disagreements. In Asia there are over 400 million people on our side by treaty or sharing the common fear of Communist aggression. Thailand, South Korea, the Philippines, India, Pakistan, and South Vietnam are all participating in this struggle in one way or another. The British armed force strength based in the Singapore area is significant and supports the free people of Malaysia.

On Taiwan there is a great deterrent in the armed forces of the Republic of China. Admiral Felt reported to the committee:

The Republic of China's Air Force has been and still is a No. 1 air force, qualitatively superior to the Chinese Communists. If we allow it to deteriorate by not being able to continue to give them modern equipment, they will be a second-best air force and then there will be weakness for the Communists to take advantage of.

This is something they always do.

Mr. Chairman, in southeast Asia, Red China has declared hostility to all free countries. Again, I would like to quote Admiral Felt:

The fact is the [Red Chinese] army is supportable for a long time * * * within a period of 30 days in October and November 1950, in the Korean war, they moved 30 divisions into Korea without our people knowing about it. This can be done again.

The fact is that the threat to Korea, Taiwan, as well as South Vietnam, is still very great. Not very many people understand this or a good many people simply have forgotten about it.

In 1958 the test case was in the Formosa Straits. We provided fighter aircraft with Sidewinder missiles and ships.

Today the test is in South Vietnam. Our coordinated efforts with the National Chinese stopped the aggressor. Surely we must do no less now. Again, Admiral Felt said:

Preparatory actions through programed military assistance and mutual understanding made this possible.

Mr. Chairman, why do we have any aid at all? We spend over \$50 billion a year, or better than 50 percent of the Federal budget, on national defense. There are more than 2.7 million Americans under arms with over 1 million outside the continental United States. The foreign assistance program helps protect and build the strength of the free world. The funds requested for fiscal year 1965 represent one-sixteenth of our military budget, or about 4 percent of the Federal budget. It amounts to \$17.80 for each American—\$5.25 for military assistance and \$12.55 for economic and technical help. I am constantly asked what aid ever accomplished. I do not accept the suggestion of failure. Here are some of the accomplishments of foreign assistance. In Ethiopia, in Nigeria, in Peru, in Jordan, in Kenya, in Nepal, in Libya, in Nationalist China, a great many things have been accomplished.

Admiral Felt's closing remarks to the committee are particularly fitting in support of this legislation. He said:

When I appeared before you 2 years ago, I said that the image of free world strength in the minds of Communist strategists is terribly important to me. It still is. I want to add on this occasion that it is equally important for our Allies and friends to have a true image of our strength. They are worried about being abandoned. Your voice in full support of military assistance and the bill now being considered by your committee would be a message of reassurance and encouragement requested by my men and needed by U.S. allies.

That appears on page 696 of the hearings, if you want to read it.

I do not argue that the aid programs under their various names have not been without mistakes of both original decisions and administration. How could it have been otherwise when there were 11 directors in 15 years? The consequent changes of reorganization and poorly defined, shifting lines of responsibility, and authority paint a tragically clear picture. Small wonder that our people have been confused and dissatisfied.

But in spite of all this AID all along has had the purpose of: First, strengthening the will and capacity of emerging countries; second, to remind ourselves and others of the soundness of freedom as an alternative to the slavery of communism; and third, to build a system whereby people control government instead of the opposite.

Our fathers came to this country not to set up a government that would do things for them, but to devise a system whereby the people would do things for themselves. It worked. This released an unprecedented outburst of the creative energies of all sorts of people of many races, climes, and countries. Unfortunately, we do not seem to have been able to make it clear that it is this, not our wealth, but rather the inner secret of our wealth for which the world is yearning. To attain its full capacity a nation must release the energies of its people in freedom and employ the resultant initiative of a whole people in every area of life. Surely we are having a tragic lesson in what it means when parts of a nation have not been able to participate.

Just as there is no substitute, no alternative to victory, there is none for self-respect, self-development, self-consecration to the growth and good of all.

Full of problems as this program is, it is the one thing we have which, properly used, will give our own people and the rest of the world a clear sense that the United States wants nothing for herself in all this except protection from Communist slavery—which can be had only if the free nations work together in ever-increasing understanding and peace.

Mr. MORGAN. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. ZABLOCKI].

(Mr. ZABLOCKI asked and was given permission to revise and extend his remarks.)

Mr. ZABLOCKI. Mr. Chairman, I rise in support of the Foreign Assistance Act of 1964.

At the outset, I want to assure my colleagues that the Foreign Affairs Committee, as in the past, under our able and conscientious chairman, the gentleman from Pennsylvania [Mr. MORGAN], worked long and hard on this legislation. It gave close and careful scrutiny to the budget request submitted by the President for foreign assistance.

After weeks of hearings, study, and review, we came to the inescapable conclusion that the President's request included only what was essential to our national interests. Given the perilous state of our world, this bill is as economical as it can possibly be.

Of course, further developments in the world—unforeseen at this time—might not necessitate the expenditure of the

entire amount requested for 1964. In that case, we have been assured by the executive branch, the money will not be utilized.

Mr. Chairman, the amount being requested in the Foreign Assistance Act of 1964, as reported from our committee, actually exceeds the initial request of President Johnson. On May 18, the President asked for an additional \$125 million for South Vietnam, with \$70 million for economic aid and \$55 million for additional military aid.

This was further proof that the President's request was the absolute minimum required to advance U.S. interests and does not allow for unforeseen new demands, as AID Director Bell and Secretary of State Rusk testified in hearings before our committee.

The review of the AID program which the committee undertook in studying the present budget request left me with a deep sense of gratification. At times in the past, activities, projects, and personnel connected with foreign assistance have drawn serious criticism by myself and others because of their shortcomings.

For that reason, I was most pleased with the way in which the Agency for International Development has been administered in the past year. Director Bell and his aids have done a commendable job.

Of course, there is always room for improvement. For that reason the

Agency requested "selection out" authority to dismiss marginal personnel. The committee, however—after careful study—came to the conclusion that AID already has a sufficient amount of authority to deal with the present situation.

We have asked the Agency to continue on under its present procedures for the remainder of the year, and to report back to the committee in 1965 on what progress has been made. If AID still believes it needs the "selection out" authority, the committee will once again take it under serious advisement.

It is, of course, essential that the Agency for International Development be staffed with top-level personnel. Only by employing the best possible people in this task can the United States hope to mount a successful foreign assistance program.

One of the significant successes of the Agency for International Development has been to implement the "buy American" program asked by Congress. The Agency's efforts have increased the share of U.S. goods financed by AID from about 41 percent in 1960 to a present level of around 80 percent.

When the committee returns to the House, it is my intention to ask permission to insert a chart listing total procurement in the United States out of AID commodity expenditures, comparing domestic purchases in 1963 with those in 1960:

TABLE A.—AID commodity expenditures—Total, procurement in the United States, and percent procured in the United States

[Dollar amounts in millions]

Commodity	Fiscal year 1960			Fiscal year 1963		
	Total AID expenditures	AID expenditures in United States	Percent of total in United States	Total AID expenditures	AID expenditures in United States	Percent of total in United States
Total commodities.....	\$1,010.2	\$408.5	41	\$1,095.4	\$854.6	78
Fertilizers.....	55.0	9.4	17	46.7	41.9	90
Petroleum and products.....	82.8	35.8	43	104.0	40.0	38
Petroleum nonfuels.....	(24.4)	(17.4)	(71)	(43.1)	(39.2)	(91)
Iron and steel mill products.....	129.6	13.9	11	182.0	160.9	88
Nonferrous metals and products.....	10.8	1.2	11	73.9	69.0	93
Copper.....	(2.8)	(.3)	(11)	(47.5)	(47.1)	(99)
Aluminum.....	(4.2)	(.7)	(17)	(14.5)	(12.2)	(84)
Chemicals and related products.....	62.0	18.3	30	64.3	53.1	83
Fabricated basic textile.....	44.3	4.5	10	40.3	32.7	81
Pulp and paper.....	16.3	3.4	21	27.7	24.3	88
Electrical appliances, including generators and motors.....	64.1	17.9	28	85.8	57.9	68
Construction, mining, and conversion equipment.....	28.8	20.1	70	53.1	48.7	92
Miscellaneous industrial machinery, engines, and turbines.....	78.2	17.8	23	165.9	137.9	83
Tractors and agricultural equipment.....	12.6	7.7	61	14.5	14.2	98
Motor vehicles, engines, and parts.....	78.2	40.7	52	56.1	53.2	95
Railroad transportation equipment.....	33.6	21.6	64	49.4	48.1	97
Locomotives.....	(23.4)	(21.0)	(90)	(45.8)	(45.1)	(98)
Rubber and products.....	32.5	3.7	11	25.7	15.2	59
Tires and tubes.....	(22.4)	(3.0)	(13)	(8.7)	(7.4)	(85)
All other.....	281.4	192.5	68	106.0	57.5	54

NOTE.—Items in parentheses are breakdowns of larger items immediately above.

Source: Statistics and Reports Division, AID, Feb. 17, 1964.

AID-financed exports of U.S. business and industry to the developing nations of Asia, Africa and Latin America rose from the \$400 million level in 1960 to more than \$850 million in 1963.

Further, it should be noted that in 1962 foreign aid purchases accounted for one-third of all U.S. exports of locomotives, one-third of all U.S. fertilizer exports,

and 21 percent of total U.S. iron and steel exports.

In turn, the oversea development made possible by our assistance increases the market for U.S. commercial products abroad: the more highly developed a nation becomes, the more it buys from the United States. The developed countries are our best customers.

For example, Canada—with a population of some 19 million people—bought more from the United States than all Latin American countries combined, with a population of 215 million persons.

About 40 percent of all we export to the free countries of the Far East goes to one nation with one-tenth of the total population. It is Japan, the most highly developed country in Asia.

This is indisputable proof that U.S. foreign aid has directly increased U.S. exports by fostering development and economic recovery.

Since the Marshall plan and the recovery of Europe, our exports to Western Europe have doubled. In 1962, the United States sold more than \$6 billion worth of goods to Western Europe, nearly \$2 billion more than our imports from that area.

The areas we are aiding today—Asia, Africa, Latin America—contain over one billion people and represent a potential market for U.S. exports four times the size of our present major customers in Western Europe.

Increased exports mean jobs for our people and continuous expansion of our economy.

There are already signs in the developing countries that trade is beginning to follow our U.S. assistance, just as it did in Europe and Japan. Between 1958 and 1962 there were increases in U.S. commercial exports—not AID financed—of 28 percent to Taiwan, 28 percent to Colombia, and 86 percent to Israel.

These figures are taken from a report on "Foreign Aid and U.S. Exports, a Statistical Analysis," which was prepared in April 1964 by the Office of Program Coordination of AID.

Our U.S. manufacturers are beginning to find that where their products go to foreign lands at first under AID financing, often they obtain new business or recorders under regular commercial terms. These transactions are bringing dollars to our shores, aiding our balance of payments.

I might mention that what is true of our aid-financed products is true too of the agricultural products we have sent abroad under food-for-peace. There is no doubt, for example, that the surplus dairy products sent to countries like Japan and Yugoslavia have created a market for our American milk, butter, and cheese there.

You may recall the Biblical injunction to "Cast your bread upon the waters." That, in a sense, is what the United States has done in its foreign assistance. And—as promised in Scriptures—we are beginning to reap the benefits economically.

Another indication of the success of our aid programs is that we have been able to phase out our assistance in a number of countries which once needed it badly.

Fifteen years ago 86 percent of our assistance went to Western Europe and Japan. Today those countries are thriving on their own and receive none of our economic aid—and only a small amount of military aid.

In some 17 countries the transition to self-support has already been com-

pleted and economic aid has been ended. AID officials have indicated their belief that there are some 14 additional countries for which the time is clearly in sight when they will be able to meet their requirements for external financing through normal commercial channels, and will no longer need foreign assistance grants or soft-term loans.

Still another proof of the success of aid is that 10 of the countries which once received it now conduct assistance programs of their own to developing nations. Countries such as Germany, Japan, Great Britain, and France are making major contributions to international economic betterment.

In fact, the total amount given by these countries is more than the United States annually appropriates for foreign assistance. They are showing a willingness to join with this country in preserving humanity and uplifting mankind throughout the world.

We are the richest nation in all of history. Our gross national product this quarter year is close to \$610 billion. We are being asked to appropriate as foreign aid less than one-half of 1 percent of that amount. Of our vast national wealth we are being asked to give one-half of 1 percent in order to assist the free people of the world to build better lives for themselves and their children.

Can we do less and think ourselves members of a Judeo-Christian nation? Can we do less and still have the United States counted as the leader of the free world? Can we do less and still preserve a prosperous, free America for our children?

To all three questions—if we are honest—we must answer "No."

We must do what the times and our consciences demand. We should honor the request of President Johnson for the amount he deems necessary to carry out an effective and successful program of foreign assistance. We must, therefore, approve the legislation before us today.

Mrs. FRANCES P. BOLTON. Mr. Chairman, I yield 8 minutes to the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. Mr. Chairman, when we discuss the foreign aid bill, we hear such phrases as "global strategy" and "worldwide diplomacy" and "power blocs" more often than not.

We hear more about hundreds of millions of people and billions of dollars in aid and gross national products involving multibillion amounts.

It is not surprising that in our concentration on what is sometimes termed the "big picture," the real reason for foreign aid and the real consequences of our programs are forgotten.

It also appears that one of the reasons for concentrating on generalities is because there is far too little knowledge of the specifics of foreign aid.

Today, in my support of H.R. 11380, the Foreign Aid Assistance Act of 1964, I would like to spend some time discussing the cameos of foreign aid, the little pictures which are often overlooked and neglected because of more gaudy and pretentious projects and programs.

One of these little pictures is set high

in the Andes near Cuzco, Peru. Indians from 40 small communities, descendants of the proud Incas, are planting eucalyptus trees. So far this year, they have planted 3 million of these seedlings, and they aim to plant another 6 million next year.

These seedlings are being planted in small pockets of earth, often more than 2 miles high, in land where crops cannot be grown. Some 3,760 acres have been planted in these trees in the first 6 months of this program which started last November.

Eventually, these villagers hope to plant some 100,000 acres of otherwise unusable land in eucalyptus trees. These trees will give lumber which they can sell for cash or build homes. The branches can be used for firewood. The roots will hold the soil in place and prevent further erosion and the trees themselves will provide a windbreak.

The workers in the villages are paid one-half in cash and one-half in food. The food has been of particular help. It has more than doubled the average caloric intake of these workers from 1,000, a near-starvation level, to 2,300 calories for those areas in which these tree plantings are taking place.

This part of Peru has been the center of Communist and extreme leftwing activities for years. The Communists are not licked yet, by a long shot, but there are some encouraging signs that they are losing their influence and control over the Peruvian peasants.

There are reports that Communist agitators have been "forcibly expelled," a polite term for being run out of town, when the tree-planting program has been criticized.

Instead of looking to tomorrow with despair, these villagers now look forward with hope for the future, and there is no more effective medicine than hope to purge communism.

Total cost to the United States for this program is \$110,000 with an additional \$100,000 in surplus foods.

In the northeast sector of Thailand, bordering embattled Laos, 9 million people live in poverty and disease. The death rate is high, and of the causes of death, 4 out of 10 die from intestinal diseases. These same water-borne and food-borne diseases account for 60 percent of all illness in this area.

The Agency for International Development sent in a handful of technicians and teachers in 1960 to set up a public health and sanitation program in this strategic, yet desperately poor, area. Teams were trained to show villagers how to drill wells and set up primitive sanitary facilities.

Each village organized its own health committee which established its program and recruited villagers to supply their own labor.

The Agency for International Development supplied casings for the wells and supplied materials for the sanitary facilities.

Total cost of this program, which is due for completion in 1966, will be between \$300,000 and \$400,000 a year.

Total number of people who will benefit through better health and a longer life—9 million.

These are only two relatively unimportant instances of oversea assistance which are fairly typical. They are not considered newsworthy here in Washington because they are not failures and because they are not big enough, in and of themselves, to make a visible impact on what so many like to call the "big picture."

They could be repeated a hundred times in a dozen different countries.

However, despite nuclear-age mathematics, the whole still does equal the sum of its parts.

And each of these projects, each of these programs adds up to a small, successful battle in the war against disease, against hunger, and against despair. Communism feeds on these elements, and if we destroy the nesting grounds of the Reds, then communism eventually will become ineffective and die.

Under the able leadership of our chairman, the gentleman from Pennsylvania [Mr. MORGAN], I believe that the House Foreign Affairs Committee has favorably reported an excellent bill.

This is no "rubber stamp" bill, rushed through the committee without adequate consideration. The committee insisted upon changes when it thought these changes were necessary.

I was happy to have had a hand in one of these decisions and that was to increase the amount of funds authorized for military assistance to help win the battle in South Vietnam.

The President and the Secretary of Defense agreed that more funds were necessary for this purpose, and these new amounts are included in this authorization bill.

However, I intend to offer two amendments to this bill during the course of this debate. The first is a "sense of Congress" amendment to inform the world of the commitment to victory in South Vietnam and our intention to stay put there.

The second would earmark \$200 million of the \$1,055 million in military assistance funds specifically for South Vietnam.

The reason I am submitting these two amendments is because I believe there is some confusion in the minds of the Nation and the free world as to what we intend to do in Vietnam. I believe that the Congress should help dispel this confusion, and I will speak at greater length about the need for these steps later in the debate.

I would like to emphasize that this is a "tight" bill. There is little room for waste and a greater concentration on essentials than in some previous years. Further, we are seeing a greater emphasis on quality and less on quantity than in previous years. Unfortunately, there have been times when AID and its predecessors failed to see the difference between quantity and quality.

Further, we are beginning to see some definite steps toward progress in the Alliance for Progress, and a greater and more systematic concentration of effort

on the pressing problems facing our hemisphere south of the border.

There are still trouble spots, to be sure, but many of these trouble spots are caused by rapid growth rather than stagnation. The important fact is that the situation in Latin America is more stable, more secure and showing greater promise and hope for the future than a year ago or a decade ago.

We have problems, and serious ones, in the Far East, but at last we are beginning to use our oversea aid funds as an implement of policy rather than a buyer of time in this important part of the world.

Our band on massive aid to Indonesia continues, and we have only a token AID mission left there.

We refused last year to advance U.S. funds for the construction of the Bokaro steel plant, and it now appears that the Agency for International Development was not too unhappy with this decision.

The Russians have agreed to finance this \$1 billion, publicly owned steel plant, and I can not think of a better use for Communist funds, especially since there is some question as to where necessary raw materials are going to be obtained economically when this plant is completed and in operation.

This is not to say that all is right with the world. It is not, and all of us are aware that we have a long way to go.

There are massive efforts on the part of the Communists and the Castroites to spread confusion and dissension in Latin America. These efforts are aimed even at the Peruvian Indians living high in the mountains I mentioned earlier.

There are Communist agitators in Thailand, attempting to undermine and agitate, to spread confusion and eventually cause the overthrow of legally constituted governments.

If we forget for a moment that we are in this ideological war, we stand to lose it. We can be sure that the Communists would not forget for a minute, nor will they permit their followers to forget.

The amount of money requested to be authorized this year is just about \$1 billion less than was asked for in the previous year.

The majority of us on the committee, regardless of political affiliation, regard this as a "bare-bones" amount, the minimum necessary to do an adequate job.

Of the \$2,041,600,000 authorized to be appropriated under this bill, more than half, or \$1,460 million is for either direct military assistance or supporting assistance in those areas confronted headon with the threat of Communist takeover.

I urge adoption of H.R. 11380 as a sound, workable, efficient approach to a problem which must be faced and overcome.

Mrs. FRANCES P. BOLTON. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. BARRY].

Mr. BARRY. Mr. Chairman, we are being asked to approve today the smallest annual foreign aid budget ever requested, as well as a bill highly responsive to Congress' repeated criticism of the AID program. This is a tight bill, a daring bill in the sense that it is an

authorization coming before us with a request for the exact amount of money needed to run a program pared to the fundamental essentials.

Today we are being asked to approve \$3.516 billion for foreign assistance—\$2.406 billion for economic assistance and \$1.055 billion for military assistance, plus \$55 million for administrative provisions. This represents about 4 cents out of every tax dollar, 0.6 percent of the gross national product, and about 4 percent of the Federal budget. It is certainly a significant reduction from the 2-percent gross national product and 11.5 percent of the Federal budget appropriated in 1949.

We are not being asked to "give" money away by approving this bill. May I remind my colleagues that three-fifths of our economic aid is in the form of dollar repayable loans and over 80 percent of the funds will be spent for only U.S. goods and services.

Too often economic and technical assistance is viewed as a handout or as charity instead of being a partnership for mutual benefits. We expect the receiving country and their people to share the costs and labor of development projects and programs. Just as one specific example, in Latin America self-help housing projects require a formula where AID contributes 30 percent of the costs, local government 30 percent and the eventual owner 40 percent.

The spirit of self-help and private enterprise has gone hand in hand. By encouraging self-help, private investment has been growing. The example set by our foreign assistance program in encouraging the receiving governments and their citizens to develop and donate funds, facilities, and services carries over to their other endeavors, helping to eradicate outmoded methods and institutions and developing in their place democratic governments and social well-being through free enterprise.

The bill also offers additional incentives to American private investors in less-developed countries. Last year American business benefited directly from the AID program through nearly \$900 million worth of exports alone. This year's bill is expected to increase the roll of American private investment through expanding the ceiling on the investment guarantee program; augmenting U.S. investment surveys to determine the feasibility of new ventures in developing countries, and making these studies readily available to potential U.S. investors; and increasing the use of American private resources in training programs, technical projects, educational and health services.

Involving greater use of private resources in carrying out the AID program is mutually beneficial. First, it makes possible the expansion of American business ventures throughout the world; second, it develops goods and services in countries which would take them years to develop themselves; third, through the example of private enterprise, encourages commercial and industrial development in the emerging nations through private funds.

This reliance on private resources will increase, avoiding Government competition with private enterprise and additional administrative expenses of the Agency for International Development.

Perhaps the most encouraging aspect of our foreign assistance program is that we, as a Nation, are being asked to give less, our Allies are contributing more toward international assistance, and we can look back to the number of countries which once received American assistance and are now self-sustaining. In the immediate postwar years we devoted over 12 percent of our Federal expenditures to relieve Europe during her war-incurred misery. Aid to the Marshall plan countries was ended in 1955. Japan, Yugoslavia, and Lebanon are now self-supporting. Greece, Taiwan, and Israel show every promise of self-support soon. In all, some 14 countries which receive American aid are rapidly approaching the point where they can rely entirely on themselves.

And today, when our gross national product and national income is nearly double what it was scarcely 15 years ago, devoting 4 percent of the Federal budget to all aid expenditures, and less than 1 percent of the gross national product, our leadership in foreign aid is being followed by countries throughout the world. More help in the foreign assistance field is being given by our allies than is generally realized. Most of the industrialized countries have established foreign assistance programs, patterned after that of the United States helping to reduce the U.S. aid burden. Eleven other free world countries, 10 of which once received U.S. aid, now conduct programs of their own: France allocates a greater percentage of her gross national product to foreign aid than we do—and plans to increase that amount. Germany has also steadily increased its aid funds and has liberalized its loan credits. Since last year Britain and Canada have made plans for both increasing the amount of their aid dollars and liberalizing terms. The nations of Western Europe, Canada, Japan, and Australia almost equal our capital aid, and they maintain 14 times as many technicians abroad as we do. There are indications that other governments are planning increases, and the prospects of more equitable assumption of international assistance responsibilities are at hand.

To summarize a total of \$9 billion in foreign aid is currently being extended by the free world which in itself is a monument of success for the greatest foreign program in the history of the world.

Through our past leadership we have helped to build the economic foundations of the world and an international conscience that all industrialized, capable nations have an interest in assisting the emerging peoples to live with a measure of dignity and hope. This is not the time for the United States to make drastic cuts in an already minimized program if we hope to encourage our allies to take on greater responsibilities in foreign assistance—or if the West hopes to maintain the leadership of the free world. Remember, the Communist bloc has over 10,000 nationals at work in 30 countries

and Red China is aggressively competing in the technical assistance field. Remember Mao Tse-tung said:

When the enemy attacks we retreat. When the enemy retreats, we pursue and harass.

To make any further reductions in the foreign assistance budget would constitute the equivalent in the economic sphere of pulling our troops out of Europe, or the Seventh Fleet out of Far Eastern waters.

Foreign aid has been a bulwark against communism by strengthening these nations economically and socially, and the fact that the United States is getting increasing cooperation from our allies is even greater encouragement. Furthermore, we cannot expect short-run political results from foreign aid. We cannot insist upon momentary political objectives—but we can insist upon guiding the emerging nations along sound lines. To attempt to compel them to do things our way would be self-defeating or to insist that all projects be “visible” would be shortsighted.

In our role as world leader we must abide by certain standards rightly expected of us as a democracy. Underdeveloped nations expect us to be firm, to be just, never overbearing, democratic, and unprejudiced. Certain basic needs are common to all underdeveloped countries. Here we have stepped into the breach to supply some of the basic essentials through cooperative, self-help measures.

Take education—in literally dozens of countries on a self-help basis we have helped to build and staff schools, training institutes, and provide technical advice for teachers and educative systems. In a country like Ethiopia with less than 500 teachers and around 700 makeshift classrooms as of 1950, we helped to build up a system comprising 5,000 teachers and 5,000 classrooms. Now over 200,000 students are enrolled. Organized teacher training programs have had enormous success in Jordan, Turkey, Vietnam, Thailand, Nigeria, Peru, and dozens of other nations. It is a simple fact that a literate and educated person can help his country more than one that is not. We should continue this type of aid.

Take agriculture—it is basic that the production of suitable food be stepped up in the underdeveloped nations, in many of which starvation is an ever-present threat. Again on a self-help basis we have been eminently successful in training at least 10,000 foreign agricultural specialists. New production methods have been taught to hundreds of thousands of farmers. Rural youth groups in over 30 countries have been taught how to do their part. Women's clubs by the thousands have been organized for agricultural and home improvement demonstrations. Millions of pounds of improved seeds have been distributed. Millions of farm animals have been immunized. Agricultural credit institutions have been helped in scores of countries. Above all we have helped to develop land reclamation and irrigation schemes. By encouraging a man and his family to overcome the panic and fear of hunger we are helping him on the road to

a better life. Certainly this type of aid should be continued.

Take health—in tropical Africa the majority of people are deficient in health from the day of their birth to the day of their death. Since 1950 our efforts in the eradication of malaria in areas inhabited by over 1 billion people have been most successful. We are making similar efforts in the fight to conquer tuberculosis, smallpox, yellow fever, and cholera. A healthy body and mind are less susceptible to Communist dogma. Our efforts in this regard must be continued.

Take communications in its various forms. Certainly we are assisting in the building of ports, river channels, roads, airports, and transportation facilities by economic grants and loans. Certainly we are assisting in housing—including self-help housing programs. We are doing a great deal in community development work. In dozens of countries we are helping to develop laboring skills, encouraging the growth of free democratic labor unions, and assisting in the increase of industrial productivity. We are participating in management training, public administration, personnel management, and budget and fiscal policy education. We are also assisting in the publishing and radio communications field and in educational and training film production in scores of countries. We are distributing our information in over 100 different languages. By helping the underdeveloped world emerge more fully to participate with us into a more purposeful and satisfying future for all their peoples we are helping to share our abundance. Surely we cannot afford to cut down on this type of economic and technical help?

As the gentleman from Pennsylvania, Chairman MORGAN, has told us, the \$3.516 billion are merely the “bare bones” on the overall aid needed—we should fully support this authorization request for the full total.

I am also mindful of the fact that beginning with the requests for Greek-Turkish aid and interim aid in 1946 there has been a most cooperative bipartisan effort by both Republicans and Democrats to give the President the funds needed to effectuate our foreign military and economic policy objectives. This cooperation should be continued now. I ask myself where in any field of human endeavor we may expect so many tangible results as we get from an expenditure of scarcely 4 percent of our total budget? If we were considering the request on the basis of self-interest only, in the advantages to be gained in security enhanced trading opportunities, expanded world markets, increased national productivity and enhanced international good will, we would consider the \$3.5 billion a most profitable investment. But it is much more than that. It is an expression of national confidence in our democratic cause for which we have fought three wars in this century. Finally it is the expression of our innate American feeling for we as a nation would rather build than destroy, would rather help construct the foundations for the people of the developed countries than leave them to the exploitative ten-

dencies of the Sino-Soviet bloc. As such we would rather give than receive. I am convinced that by continuing our efforts of the past we shall certainly fulfill our role of world leadership and are now engaged in a cold war.

For those who may be skeptical of the use of the term foreign aid, I would suggest your considering the entire program as having been developed by the cold war committee. This would be a far more appropriate name for the committee of the Congress devoted to bringing before you a mutual security program designed to implement our first and foremost foreign policy; namely, that this Nation will support and strengthen free peoples everywhere in their resistance to a Communist conspiracy and overthrow.

Mrs. FRANCES P. BOLTON. Mr. Chairman, I yield 6 minutes to the gentleman from Montana [Mr. BATTIN].

(Mr. BATTIN asked and was given permission to revise and extend his remarks.)

Mr. BATTIN. Mr. Chairman, we have been involved in an aid program of one sort or another since the end of World War II. First, there was the Marshall plan. It has changed name, and it has changed personnel, but still we have the basic problem. We have gone from trying to help Europe recover from World War II to the point of giving economic aid to most all of the nations of the world.

I wonder if, in reviewing what the basic purposes of the aid bill has been throughout the years we could go back to some of the reports that were made by our Committee on Foreign Affairs and presented with each bill as it came to the House for discussion.

In 1954, for example, in the report accompanying the aid bill is this statement:

Objective (a) strengthen the ability of the United States to meet the threat of Soviet aggression.

(e) Strengthen our ties of cooperation and friendship with the economically underdeveloped nations of the world.

That is the general theme following throughout the report of that year.

In 1955 the report stated:

The danger to the free world from Communist aggression remains. The peoples of the newer nations and the underdeveloped areas of the world need tangible encouragement to avoid the danger of Soviet imperialism.

This has been the approach in the past and in the President's message of 1964, which came to us on March 19, he said in recommending the bill:

I recommend this program * * * in the belief that it will * * *: "Aid in frustrating the ambitions of Communist imperialism."

All through the years, and during the debate so far, we again are saying to the world that our main purpose is to frustrate the advances of communism.

Then at the same time the majority calls upon us to aid Communist countries and to justify the inconsistency. I do not know who is being frustrated, whether it is our allies, our friends, or perhaps the American taxpayer.

Looking at the aid program itself, we do not require the aid agency to justify programs it proposes on the same basis that we in the United States would have to justify a public works program such as a highway, a dam, or any other expenditure of Federal money. We simply give them blanket authority and say, "You use it to your best advantage." They come to the committee and talk about a specific program and then turn around and use it for some other program.

I am of the firm conviction that when and if Congress requires the same exact justification for aid in foreign projects as it does for taxpayers' money here in the United States then and only then will the Congress and thus the people regain control of the program. It has cost the taxpayers over \$110 billion to date.

There has been argument here today that we are lucky that some of our allies are now putting more money into the foreign aid program. England, France, and Germany have expanded their aid program but they do not do it on the same basis as the United States. In almost every case these allies require from the recipient country a trade tie, so that there is definite recognition and establishment of ties between the country giving aid and the one receiving the aid.

We have a policy in this country that we should just make the funds available without attaching any strings.

I do hope the members of the committee will have an opportunity to read the minority views. They state some of the problems we face and some of the mistakes we have made. There are areas in which we find agreement with the majority and support the programs. Such a case in point is Vietnam.

We need a program that will improve our image in the world—a program that does not confuse our allies and encourage further Communist aggression. This unfortunately is not the bill and we do not presently have the program.

Mr. ZABLOCKI. Mr. Chairman, I yield 5 minutes to the gentlewoman from New York [Mrs. KELLY].

(Mrs. KELLY asked and was given permission to revise and extend her remarks.)

Mrs. KELLY. Mr. Chairman, I commend the chairman of the Committee on Foreign Affairs, Dr. MORGAN, for his usual courtesy and kindness during the hearings on H.R. 11380. Dr. MORGAN in addressing the House addressed his remarks to the format of the bill and briefly analyzed the sections. We know the sections of the bill will be discussed in more detail during the reading of the bill.

This bill is one of the most important bills to be acted upon by Congress. On page 4 of the report it is stated:

The funds authorized and appropriated for the foreign assistance program provide the principal means of financing our cold war strategy. No other program provides the funds necessary to meet the costs of the varied efforts necessary to carry out this strategy.

It further states that there are many other programs relating to foreign policy objectives and the objectives of these programs should not be confused with those

carried out under this Foreign Assistance Act.

It is for this reason, Mr. Chairman, that I rise in support of the Foreign Assistance Act of 1964.

We are living in a time of acute crisis. In most parts of the world, pressures are mounting, disruptive forces are at work, peace and order are besieged.

In the jungles and rice paddies of Vietnam, American and Vietnamese soldiers are giving their lives for the cause of freedom.

In free Asia, Africa, and Latin America, the anguish of the long-exploited and dispossessed masses, fanned by ruthless agitators, is threatening to erupt in a storm of violence.

In the Communist empire, factionalism within the ruling Communist cliques, superimposed on mistreated populations hungering for freedom, makes an explosive combination. And even within our western alliance, the unity of purpose and of direction which welded us together during the postwar period, have given way to resurgent nationalism, to conflicting aspirations of the several nations and of individual leaders.

Whenever I look at the map, I see a world beset by trouble and change, torn by contending forces, divided by conflicting interests and ideologies—a world, in short, which is moving further away from the foundations of order and stability, of justice and peace.

In a world such as this, what tremendous responsibilities fall upon the shoulders of those who have the strength, the resources, and the courage to use both intelligently for the betterment of all mankind.

This is the role in which the United States finds itself at this juncture in history. And this is the role which we must play if freedom is to be safeguarded, if the just aspirations of the people are to be realized, if peace is to be preserved.

The program which is before us today is the instrument which our Government has devised to fulfill the task confronting us in the world scene. It is a program which was born of necessity as well as of conviction. It serves our national interest by strengthening the mutual security of the free world in the face of common danger. It reflects our principles and our tradition by offering to help others—those who want to help themselves—to achieve the very same things which we want for ourselves: A better life in a peaceful and free world.

Mr. Chairman, we have spent some 3 months on this legislation in the Committee on Foreign Affairs. We have heard dozens of witnesses, and taken hundreds of pages of testimony. We have inquired and we have examined. And in the end, by an overwhelming vote, we have recommended the bill which is before the House today.

I believe that this is a sound bill. It proposes the tightest, the most modest, and perhaps the most realistic authorization in years. There is no fat in it. The bulk of the funds proposed to be authorized are intended for those countries which are today in the forefront of the battle for freedom: The ring of nations on the periphery of the Communist em-

pire. From North Korea to Greece, these countries are on the firing line of the great conflict of our age. They need help. They need military help, and they need economic assistance. This bill will provide both.

The next biggest portion of the aid authorized in this bill will go to our sister republics in Latin America. Though we have neglected them for a long time, we are not now proposing to shower them with riches to salve our conscience. We are proposing to offer aid—and generous aid—but only on the condition that they show the will and the determination to help themselves, and begin by setting their own houses in order and adopting reforms for which their people have waited so patiently for so many years.

This requirement of self-help is very clear in this year's program. As Chairman Morgan already pointed out, aid is being terminated to some dozen nations. The principle of selectivity is being applied with increasing consistency and vigor. And the one important element in the process of selecting aid recipients is their own will and determination to help themselves.

As I have said, Mr. Chairman, I believe that this is a reasonable and constructive piece of legislation. When enacted and implemented, it can carry us a step closer to the goal we all seek: the goal of a free and secure world, in which all men of good will can have the opportunity to strive to realize their hopes and dreams of a better life. We need this program. We need it for ourselves and for our children. And we need it for our friends and allies abroad who find in our country's greatness, and its success, a living proof that determined men and women, unafraid of work, can change the world.

The Kelly amendment in the 1962 bill, added a provision prohibiting government-to-government sales of military equipment where the sales are made to developed countries and where the equipment is generally available from commercial sources. The purpose of this amendment was to enable private enterprise to expand its activity in the sale of military equipment and to generally stimulate sales.

The Defense Department by Defense Circular No. 1, recognized the validity of the approach set forth in the amendment and was specifically calculated to reduce Government competition with private sales. Indeed, it went further than the amendment.

In the case of the sale of ordinary commercial goods, the resources of the Export-Import Bank and of the Foreign Credit Insurance Association are available to provide financing for such sales. Both the Export-Import Bank and the FCIA, however, have resisted financing military sales overseas.

The purpose of the present amendments—section 201 (a) through (d)—is to give the authority to the President to provide a mechanism for providing such financing. Under the terms of the amendment, the U.S. Government can provide credit guarantees and credit insurance for sales made by private enterprise overseas of military equipment. It

is believed that the amendments contained in 201 (a) through (d) will have the effect of providing a credit mechanism for private sales of military equipment overseas and will thereby stimulate increased sales. Such increased sales will improve our trade balance position and will help stem the flow of gold.

Let me say in connection with Government competition with private enterprise that I hope that the AID is paying attention to and has taken steps to implement the various provisions which we have put in the law on that score.

For example, I hope that AID has let all of its people know about the provision in section 621 of the act which permits the contracting of technical studies to other Government agencies in the fields of education, health, housing and agriculture. The section, however, prohibits such contracting to other Government agencies where the studies are not competitive with private enterprise.

I sometimes wonder whether and what steps AID takes to implement the restrictions which we write.

Mr. Chairman, I sincerely hope that the House will approve this bill in its entirety.

Mrs. FRANCES P. BOLTON. Mr. Chairman, I yield 6 minutes to the gentleman from Illinois [Mr. DERWINSKI].

(Mr. DERWINSKI asked and was given permission to revise and extend his remarks.)

Mr. DERWINSKI. Mr. Chairman, the foreign aid bill annually produces the sharpest debate of any measure reaching the House floor. The debate tends to obscure the fundamental problems that face us in this legislation. The administration is guilty of doubletalk in trying to "palm off" increased expenditures requested this year to a long-suffering public. This is especially so when they try to emphasize their interest in stopping the spread of communism when the basic tenet of their foreign policy is accommodation with communism.

When the administration talks of "realism," it is really talking about "accommodation." Consistent emphasis is placed on accommodating the enemy. Far from being progressive, this attitude is dangerously regressive and self-defeating.

In the development of a foreign policy, we must insist on maintenance of our national and international ideals. I support the concept of world-wide freedom and self-determination of peoples. I am interested in the cause of the captive nations behind the Iron and Bamboo Curtains, whose ultimate freedom is necessary for true world peace.

What is the basic problem facing the world? It is the drive of international communism for world control. If the foreign aid bill is a key foreign policy program to stop the threat of world communism, is it not completely inconsistent to aid or provide subsidized trade to any Communist government through this program?

This administration is shutting its eyes to the obvious failings of communism. It is even bolstering existing Communist regimes with our surpluses. We are shutting our ears to Khrushchev's anti-

American outbursts, even when they are as recent and bold as the ones made in Egypt. The administration is keeping silent about the lies he has told, the promises he has broken.

Have we forgotten President Woodrow Wilson's pledge to apply the principle of self-determination of peoples throughout the world? This has been a cornerstone of U.S. foreign policy for five decades, yet it is inconsistent with the present policy of subsidizing communism.

I regret that time does not permit me to discuss the inconsistencies of the policy in much greater detail, but let me emphasize two recent developments which show what the administration is thinking. The Assembly of Captive European Nations recently issued a memorandum to "express its deep apprehension" at the increasingly intimate relations between the United States and the East European Communist dictatorships. Before giving aid to Communist Rumania, the memorandum states the United States should insist that article 3 of the Rumanian Peace Treaty be observed. This article guaranteed to the Rumanian people freedom of expression, freedom of the press, freedom of worship, and freedom of political opinion and public meeting.

A second development took place in Bonn and was reported by a respected correspondent of the New York Herald Tribune. He reported that a ranking U.S. State Department official, when asked what the United States would do if the Communist regime in East Germany collapsed from internal pressure, replied: "Under the circumstances, we should support Khrushchev." Is this a progressive or regressive policy? Is it what America wants?

I do not believe we are being progressive when we help Communist governments. We are not being progressive when we seek to accommodate the enemy and, at the same time, consign the peoples of the captive nations to a permanent Communist yoke.

Other examples—a UPI report from the Soviet Union last week told of the closing by the Soviet Government of the holiest shrine of the Russian Orthodox Church and converting it into a secular museum—a headquarter for anti-religious propaganda. The shrine I speak of is the Kiev Lavra, an 11th-century monastery, purportedly surrendered to the Government by the Patriarch of the Russian Orthodox Church.

At this point, Mr. Chairman, I ask unanimous consent to revise and extend my remarks and to include as part of my remarks the following.

An article that appeared in the May 18 edition of the Macedonian Tribune, "Communist Countries Put Captive Churches To Work."

[From the Macedonian Tribune, May 18, 1964]

COMMUNIST COUNTRIES PUT CAPTIVE CHURCHES TO WORK: WHAT THEY THINK IN WASHINGTON

(NOTE.—Under the above headline in the Indianapolis Times of May 18, 1964, we find a very interesting and informative article. The author, Mr. Ray Cromley, is a respected Washington correspondent who

writes for the Scripps-Howard and over 150 other newspapers.

(Because of the revealing facts and objective comments we present the article for the enlightenment of our readers. We believe that it will prove illuminating even for the totally naive who continue to follow and to trust those clergymen who have either been appointed or sent directly here by Communist Sofia.)

WASHINGTON.—New U.S. studies indicate Red China and the Soviet Union are making increasing use of their Government-controlled religious organizations to subvert underdeveloped countries.

This is at a time when both Russia and Red China are conducting strong antireligious drives at home.

Red China has been making strong attempts to enlist and organize Buddhist priests and Buddhist organizations in India, Ceylon, Laos, Burma, and South Vietnam.

In the drive for Laos, the local Buddhist priests were a prime objective of the Red organizers. Once some leading Laotian Buddhists and a number of local priests were won, the Communists gained a certain amount of local "respectability" and organization work among the religious-minded peasants went easier.

The North Vietnam Red regime is now attempting to marshal Buddhist priests for service in the South Vietnam guerrilla operations.

The Reds make it clear they think a Buddhist priest network would make an excellent spy organization.

Priests can travel freely and usually without our suspicion. They hold, too, that Buddhist priests could better win the confidence of local Vietnamese people who might otherwise be suspicious of communism.

What success the Reds are having in their attempts to subvert Buddhist priests for the South Vietnam war is not known.

Though it continues to persecute Buddhists, the Chinese Communist Government keeps up several showplace Buddhist temples in Red China to which foreign Buddhist leaders are invited. Mao Tse-tung has put his own men in key posts in the Chinese Buddhist hierarchy. Buddhists under Red Chinese control regularly attend international meetings of Asiatic and world Buddhist groups.

A new, as yet unpublished U.S. Government research paper reports:

"As an instrument of the Russian state, free of suspicion of foreign or particularist ties, the (Russian) Orthodox Church enjoys the position of a kind of unofficial department of the Soviet Foreign Ministry, entrusted with foreign assignments better conducted in a cassock than a double-breasted suit.

"Cooperation with the government's foreign and diplomatic activities is the price which the Orthodox Church must pay for the small and shrinking freedom of activity it enjoys within the U.S.S.R."

(Despite the Orthodox Church's usefulness to the Khrushchev regime, however, the church and its members are now undergoing the same harsh attacks as other religious believers.)

The study continues:

"There are a number of Orthodox monasteries and other small religious communities in the Middle East traditionally affiliated with the Russian Orthodox Church of the czars to which delegations of Russian churchmen, bearing Soviet passports, hardly ever issued to members of other faiths, make periodic visits.

"The solicitude of the atheistic Soviet state for the spiritual health of a few thousand Christians in the region puzzles the governments of these countries.

"Some observers interpret the exchanges of religious visits with the Ethiopian Coptic Church as a Russian desire to build it up as

an African competitor to a more dangerous African rival of the Soviet Union—Islam.

"The Russian Orthodox Church has also (been trying) to regain control of branches of the church in North and South America which became independent when the church in Moscow fell under the control of the Soviet authorities."

The poignant and interesting parts in this article are the excerpts Mr. Cromley states are from a new and as yet unpublished U.S. Government research paper. These excerpts express the undeniable truth based upon accumulated facts.

As in the past we will continue to publish such facts whenever necessary to keep our readers well informed on this important question.

The "Metropolitan" appointed by Communist Sofia may continue to state in his official letters that the Holy Synod of the Bulgarian Orthodox Church enjoys the freedom to make its own decisions and to send at will a Metropolitan to the United States. The findings in the research paper of the American Government repudiate this position and clearly point out that the church activities of many clergymen are directed by the Communist governments. It is openly and unambiguously stated that the church in the Soviet Union is an arm of the foreign office. The same is true for Bulgaria and the other Communist states. Every single action, every move by these churches is planned in advance and approved by the Communist regimes.

To every interested observer who judges actions and events by facts it must be abundantly clear that during the last few years the Communist regimes in Bulgaria and Yugoslavia—exert every effort, use all available means, to turn the churches into propaganda centers and to establish within them trusted cells in the free world. We have already pointed out that in one of these churches Titoist Communists literature is freely distributed.

Our newspaper, our free churches and the Macedonian patriotic organization will defend valiantly the liberty and the equality we have in the United States and Canada. And because the laws of these countries leave ample room for Communist propaganda too, even some of those who like to label themselves as "nationalists" are perfectly welcome to follow the suggestions coming from the Communist agents.

From the San Francisco Examiner, of Wednesday, May 6, 1964, "Spiritual Hunger in Captive Lands."

SPIRITUAL HUNGER IN CAPTIVE LANDS

The riots in Sofia, Bulgaria, last weekend when police barred worshipers from midnight mass on the Eastern Church's Easter, demonstrate the Communist system's failure to suppress people's spiritual hungers. It is as significant as the failure to appease their physical hunger.

It is 47 years since the Communists took over the Soviet Union itself, almost 25 years since the Soviet swallowed the Baltic nations and most of Poland, 20 years since the Red armies fastened their grip on the other Eastern European nations.

In all that time—long enough for a change of generations—the Communists have been unable to stamp out religion. This despite major efforts to indoctrinate the masses of people in the atheism which is a key tenet of Marxism. This also depicts a consistent pattern of brutality to deter religious observance.

Right now the government in the Kremlin is engaged in a large-scale attempt to crush the Jewish religion within its own Russian borders, as reported by current articles in the Examiner. Since Jews constitute only 1 percent of the Soviet population, how much larger is the Communist

task of ending religious adherence of majority groups?

Perhaps the most notable case is Poland, where an estimated 80 percent of the people remain staunchly Roman Catholic against all harassment by their Communist overlords. The widest read publication there is the religious paper *Tygodnik Powowszechny*, while Red papers lie unbought on newsstands.

In Lithuania, long a center of religious learning, Catholic clergy have been deported, churches closed. That parallels the harsh methods used against the Jews in the Baltic nations.

In Poland and Czechoslovakia there have also been recent demonstrations against cultural suppression by the Reds—the other side of the spiritual hunger unappeased.

The Soviet and its satellites clamped down on information of wheat purchase abroad after they realized it showed their system's economic failure. Therefore it cannot be ascertained whether they fulfilled the immediate need to feed their people's stomachs.

But in the face of religious persistence, even the most materialist of Marxists must recognize the old truth that bread alone is not enough for man.

An article by Roscoe Drummond, columnist, from the Kansas City Star of May 6, 1967, entitled "Prague Riots Reflect Red Failure."

PRAGUE RIOTS REFLECT RED FAILURE

(By Roscoe Drummond)

WASHINGTON.—No wonder some 3,000 Czech students rioted in Prague on May Day.

Czechoslovakia's Communist regime is a mess. The economy is coming apart at the seams and the pressures and frustrations have become irresistible.

After 16 years during which the Communist Party has had total control to plan and operate the machinery of government at will, the nation has reached a state of unrelieved squalor. May 1 is a day when the lovers of Marx are supposed to cheer. But the Czechs weren't cheering.

The anti-Communist demonstration proved too big and too violent to be covered up. Whereupon the spokesmen for the regime charged that it was all due to a small band of hoodlums.

Don't you believe it. A massive group of students from Prague's Charles University and various high schools had gathered for the traditional May Day singing and poetry readings. But the police came to break it up. When the riot squad took out truncheons and led police dogs into the crowd, the singing turned to chanting and the chants were ominous: "Long Live Freedom" and "Down With the Gestapo."

What's the trouble? The trouble is that the Czech Communist regime is in dire straits.

This is the careful and considered finding of a correspondent for Reporter magazine, George Bailey, whose knowledge of the Slavic languages and love for Slavic cultures won him trust and candor from the many people he talked with in a recent trip throughout Czechoslovakia. They wanted the story told. Mr. Bailey tells it so well and so thoroughly in the May 7 issue of the Reporter that no one can doubt the truth.

"Sixteen years after the great experiment of Communist planning began," writes Mr. Bailey, "all are agreed that it has resulted in an almost unqualified failure."

In many ways this is a more disastrous failure than in Red China or in East Germany. Czechoslovakia was an ideal laboratory in which to prove whether communism was the way to organize society and operate the economy. It had one of the most skilled labor forces of any industrial nation in the world. Despite the war, its productive plant was in good condition.

Communism has turned it all into a colossal mess. The Czech regime, embracing the Soviet version of the Common Market for Eastern Europe, pumped up the manufacture of machines, tools, and finished products on the assurance that its agricultural allies would produce much of the food. They haven't. And today Czechoslovakia's economy is grinding to a halt—and the food isn't forthcoming.

Unneeded plants are working part time producing unwanted products which are piling up in storehouses because they can't be sold. Corrective measures are creating even greater distortions. A crash agricultural housing program has failed by 95 percent.

No wonder the natives are restless.

From Our Sunday Visitor, of May 31, 1964, "Glimpses Behind the Iron Curtain."

GLIMPSES BEHIND THE CURTAIN

(By Floyd Anderson)

Sometimes an anecdote can tell more than a column of statistics, a humorous incident reveal more than a catalog of faults. And so with getting a glimpse behind the Iron Curtain, a real meaning of what actually goes on in that section of the world so many of us know so little about. It is not enough to go as a tourist; for then the country has its face washed, its hands cleaned, and it is putting on its Sunday best—if that word may be permitted in dealing with Communist-dominated lands.

REVEALING TALKS

Recently I was able to talk to well informed people, whose work often takes them to Iron Curtain countries—and it was quite revealing to learn what goes on in the lives of people like you and me. For instance, one of my friends bought six books at one time at a Moscow bookstore. He paid the equivalent of \$4 for them—not an exorbitant sum, surely and often not enough to buy one of today's best sellers. But this was a revelation to the bookstore clerk: "He must be a foreigner," she said, "because he is buying six books at a time."

Another friend bought 10 sets of stamps. This caused quite a bit of work for the clerk, because she had to take 10 of each kind of stamps from the drawer, and sort them out.

He said to her, "I hope you are not angry because I have made so much work for you." "Oh, no," she replied. "I am happy because I can fulfill my quota for today."

A STUDENT'S VIEW

And as my friend asked, what happens to her quota the next day if no one wants another 10 sets of stamps?

Also in Moscow, an interpreter at one of the West European government offices (it might be injudicious to pin this down to embassy, legation or consulate) had had a heavy day and took a stroll in the neighborhood to relax a bit.

It was almost midnight, and he happened to meet a young man, a Jewish student who spoke English quite well. He told the interpreter openly the situation among the young students in Russia.

"The spiritual situation is a very hopeless one. Only a small part of the students are convinced Communists; the larger part are only 'acting Communists.' They play at being Communists because they want to have a career. That is the only way they can have better housing, a better salary—perhaps even a car some day. So they learn by heart the Communist slogans and pretend they are convinced Communists."

The two men walked a bit more, and then the student said: "Many of the students are really opposed to communism, but they are afraid to say anything. In 1919 they said, give us 30 years and this will be heaven on earth, even better than the United States.

"Now it is 45 years. We do not have heaven on earth. We have even had a war. We completely destroyed Germany and divided it into four parts. It was dismantled, it has had to pay reparations, it has been occupied—and today, where is Germany, and where are we?"

The interpreter asked, "Can't you have consolation in a religious belief?"

The student replied, "Yes, I could. I could go to church and nobody would do anything against me. But the next semester my enrollment in school would not be accepted and I would be perhaps a truck driver in Siberia or something like that."

"Perhaps in philosophy then?" the interpreter said.

"I wouldn't dare do that," was the student's answer. "It would be very unwise. If I am dealing with Marxist philosophy and in the discussions by mistake use an expression which is not in Marxist philosophy, it would be the same as if I went to church—so there is no consolation in philosophy either."

"All that remains for us is vodka, perhaps girls, to shut off as much as possible of the hopeless situation."

STEAL FROM STATE

One of the major problems in many of the Iron Curtain countries is how to make a living, to secure enough money for one's needs. A European diplomat told me about a friend of his in Yugoslavia who has a rather important position. He asked his friend how he was faring.

"I am getting 20,000 dinars," said the Yugoslavian, "but you realize that I need at least 50,000 dinars to live."

"How do you manage it?"

"The same way as the other people," he replied, "I am stealing from the state."

"What is a man doing who works in a quarry? He can't steal anything but rock."

"That, my friend, is a very unhappy man. Either his wife is working too, or he is obliged to be in the quarry from 7 in the morning to 3 in the afternoon—and then begin at 4 o'clock with another job."

In another of the Iron Curtain countries they have what would seem to be an iron-clad system to hold down costs on construction. The planners make a budget for a new plant to be built. They carefully make their estimates, and then submit these to the state engineers' office.

TRY TO TRIM

There the state engineers just as carefully go over the plans, and try to cut it as much as they can. They have a "plum" just within reach—for they get 25 percent of all the savings they can effect.

However, the ingenuity of man can surmount even such obstacles as these. The budget engineers' office have gotten together. The budgeteers make the costs quite high; the engineers cut this down to the normal level, and get their 25 percent. Of this the budgeteers get half—and everyone is happy.

In Rumania, the farmers are allowed to have perhaps a little ground of their own, which they can cultivate, then sell the crops in the public market and keep the proceeds. Often, I am told, in driving through Rumania you will see a farmer tending a herd of cows. Most of them will be scrawny, scattered, trying to get some mouthfuls of grass to sustain themselves.

One of the cows, however, will be fat and sleek, and well brushed. It will also have a rope around its neck, with the other end in the farmer's hand. This is his own personal cow, and it is the one that gets all the attention and care.

This is, my friend pointed out, a breakdown in the Communist system. It is a small one, but it is a significant one.

This man spent 2 weeks in Rumania, and heard no one talking about Russia. He did have a discussion with one Rumanian, a good Communist. My friend said he understood much of the Rumanian language; that it has some roots with French and Latin. And then he added, "There are some expressions, perhaps Russian."

The good Communist exploded. "No, no," he said. "We have no slave expressions in our language," he exclaimed quite violently.

SOME CAPITALIST IDEAS

Rumania has copied the United States in some respects. It has built some 28 modern hotels on the Black Sea—one man called it a sort of Miami on the Black Sea.

The service in the hotels is excellent, he said. People from one country are put in the same hotel, and the hotel servants speak that language. This year it is reported that only 5 percent of those going to the hotels are Rumanians; the rest are all foreigners—and in the future only foreigners may be allowed to go there. The cost seems to be unusually low—only about \$100 to fly to the Black Sea, spend 2 weeks there (with meals) and take the train back.

One man asked how the income was in proportion to the investment.

He was told that not enough comes back—but then there was this explanation:

"First of all, if we export our wine, we get for a bottle about 20 cents (U.S. currency). At the hotel we sell it at normal prices, about \$1. If we export our meat, we get very low prices. In the hotels we get normal prices. Each tourist buys at least some of our handicrafts as souvenirs."

NEED CURRENCY

Then the Rumanian said, "Perhaps that foreign money is not so useful in your countries. Even if we do get a low return, it does come in foreign currency, which we need. And it does not cost us as much to run a hotel as it would in your country. The salaries are far lower here than in your own country."

Yet the Rumanians are anxious to work in these hotels on the Black Sea. The reason is that, while it is supposed to be "no tipping" in the State hotels, the visitors do tip—and the tips are gladly accepted. As my friend said dryly, "The pride of the Socialist worker is not involved any more."

I told my friend that some international hotel people felt the Iron Curtain was breaking down, because they had received overtures to build hotels in those countries. They felt there might be a change in climate because they were being encouraged to build their hotels in these Communist lands.

His comment may have been pessimistic, or perhaps based on a more acute observation than we might make:

"Of course they are encouraging these new hotels—because one day they can be nationalized."

Mr. Chairman, I have attempted to place proper emphasis on the religious persecution being conducted in Communist lands, and the tremendous danger and obvious impracticality of giving aid to Communist countries. May I also emphasize it is especially inconsistent to give aid to Communist countries when they are conducting their own aid programs as part of the Soviet-directed plan to infiltrate Asian, African, and Latin American countries.

Just last week, as an example, there was a report of additional aid from the Polish Communist government to the Kingdom of Nepal, while we have poured millions of dollars into Poland to help the

poor, downtrodden people of that nation. What good is American aid to the impoverished residents of Poland if that Red government siphons it off to participate in the international Communist conspiracy?

BALANCE OF PAYMENTS

Mr. Chairman, I wish to point out to the House the rather embarrassing point that I speak as a Member of what Chairman MORGAN affectionately refers to as the minority of the minority, and I wish to make it perfectly clear that I am not speaking for the entire minority.

Notwithstanding the most effective remarks just made by the gentlewoman from New York, I rise to oppose the bill for a number of reasons. The only regret I have is in being limited to 6 minutes, for I can merely brush the surface. It would take hours to accurately describe the defects in the bill.

To be specific, we are told that the problem facing the world, in large part, stems from the menace of international communism. We are told that this bill is a vehicle by which we combat international communism. If this is the case, it strikes me as slightly inconsistent that in this bill over the years we have provided aid to Communist countries. There is something inconsistent between fighting communism and aiding Communist countries.

One of the amendments which may be proposed when the bill is read for amendment is one the gentleman from Indiana [Mr. ADAIR] has in mind, to prohibit aid to those countries which are in turn carrying out their own aid programs.

Last week there was an Associated Press report from India which told of a new foreign aid program being instituted by the Communist government of Poland to the Kingdom of Nepal. Over the years the Polish Communist government has been one of the main recipients of this program.

We are also told that the reason why we must keep a flexible determination in this program toward possible aid to Communist countries is that the Communists are mellowing, that they are not the stern and vicious people perhaps they were 15 years ago when the Marshall plan came into existence. Last week another Associated Press report from Moscow indicated that—evidently in the mood of this new liberalism sweeping the Soviet Union—they saw fit to close the national religious shrine of the Russian Orthodox Church and to turn it into a headquarters for antireligious propaganda. This strikes me as being somewhat inconsistent with our State Department instructions to the effect that communism is liberalizing, or mellowing, and it is progressive statesmanship to deal with it.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. Yes. I will be glad to yield to the gentleman.

Mr. GALLAGHER. I would like to point this out in order to clear up the point that we are not subsidizing communism. Poland is getting no funds under this program.

Mr. DERWINSKI. Not in this particular bill.

Mr. GALLAGHER. Well, that is what we are talking about here.

Mr. DERWINSKI. For all we know, by the time we reach this bill in committee a year from now, Communist Rumania will have slid into line as one of the recipients of funds from the program.

Mr. GALLAGHER. I hope, since Poland is not receiving any funds from this program, that the gentleman will see fit to support it.

Mr. DERWINSKI. I raise this point in anticipation of worse things to come and so I could not possibly do this. However, I thank the gentleman for permitting me to mention one other thing. I believe the House should give attention to this matter; namely, the unnecessary amount of authority we give to the executive branch under this bill. Almost any clause that the Congress has seen fit to write into the bill over the years carries the various provisos permitting the President to waive provisions that the Congress has seen fit to adopt. As a member of the legislative branch, I feel we have given far too much flexibility to the administration in the handling of this program. As long as I have referred to the fact that I was speaking as a member of the minority to the minority, in another sense I should also mention a great feeling of frustration that I have experienced in dealing with the proponents of this bill. Those of us who criticize the program feel that we have an obligation to improve it to the point where our criticism would no longer be necessary. Yet in the original bill that was introduced in our committee the administrator of the foreign aid program requested authority to eliminate from service in his agency incompetent personnel. It would seem to me logical that a program that has been subjected to so much abuse and so much debate and so much frustration in the eyes of the American public would be in such a position that if there are incompetents in this agency, the administrator should be provided with all of the authority possible so as to be able to remove them. I was very disappointed in our committee that the proponents and supporters of this bill saw fit not to support the administrator of the program. I think it was highly inconsistent.

One other point I wish to make, Mr. Speaker, and we have to tie this into two items that are going to reach the House floor shortly after this bill is reached, is as follows: one is the continuation of the excise taxes where we will be told that the status of the Federal budget is such that we cannot cut those taxes.

The CHAIRMAN. The time of the gentleman has expired.

Mrs. FRANCES P. BOLTON. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. DERWINSKI. In a week from now we will be asked to raise the debt ceiling from \$315 billion to \$324 billion. Yet in this bill we have consistently provided funds to other nations to balance their budgets. It seems to me slightly inconsistent for a nation that has run

a \$25 billion budget deficit over the last 4 years to include under this foreign aid program funds to balance the budgets of other countries. I would hope that we could perhaps discuss this subject in greater detail with some effective amendments, with support from both sides of the aisle, in order to make this bill slightly more palatable to the American taxpayer.

Mr. COLLIER. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Evidently a quorum is not present.

The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 150]

Ashmore	Goodell	Morrison
Baring	Gray	Ostertag
Barrett	Griffiths	Powell
Bass	Halleck	Reifel
Becker	Harsha	Riehlman
Bolling	Harvey, Ind.	Rivers, S.C.
Brademas	Healey	Roberts, Ala.
Bray	Hoffman	Roudebush
Bruce	Horan	St Germain
Buckley	Hull	Schwengel
Celler	Jarman	Sheppard
Clark	Jensen	Sikes
Cunningham	Jones, Ala.	Steed
Curtis	Kee	Taylor
Daddario	Keith	Thompson, La.
Davis, Tenn.	Kilburn	Thompson, N.J.
Dawson	Lloyd	Toll
Diggs	McIntire	Tupper
Dorn	McMillan	Van Pelt
Elliott	Marsh	Watson
Evins	Martin, Mass.	Whitener
Fountain	May	Wilson, Ind.
Glaime	Monagan	Winstead

Accordingly; the Committee rose; and the Speaker having resumed the chair, Mr. RAINS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, H.R. 11380, and finding itself without a quorum, he had directed the roll to be called when 360 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. MORGAN].

Mr. MORGAN. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. FARBESTEIN].

Mr. FARBESTEIN. Mr. Chairman, first I want to compliment the chairman of our committee, the gentleman from Pennsylvania [Mr. MORGAN] for his many kindnesses and courtesies that he has extended to me. I also want to compliment him on the calm and cool manner in which he conducted the various and numerous hearings that we held and the courteous treatment that he gave to the various Members of the Congress and the manner in which he treated the various witnesses when they testified. They were all given an opportunity to speak fully. They were all given an opportunity to express their views and opinions and none of them were cut off. So I say, I want to extend to him my thanks and the thanks of all those on our committee.

Mr. Chairman, I should like to join in support of the Foreign Assistance Act as

reported by our colleagues on the House Foreign Affairs Committee. I am pleased that they have shown their strong support for this program and for the President, by voting the full \$3.5 billion that is being requested for fiscal year 1965. The President has submitted to us a tight, realistic, and minimum request. In doing so, he has placed his faith in the responsibility and good judgment of the Congress. I hope that we will carry out our responsibility to provide the necessary funds for continuation of the foreign aid program.

Mr. Chairman, this program has been with us for many years, but I know that I echo the feelings of many of my colleagues that in all these years, we have never had a better administrator than Mr. David E. Bell. He and his able staff have brought a great measure of cohesion, consistency, and direction to the foreign aid program. One of the best indicators of the fine work being done is the high degree of concentration of aid funds. We hear a great deal of talk, Mr. Chairman, about the need to be selective and more particular about where we spend our money. I could not agree with this more, and I know that the administration agrees with this point of view because that is exactly what they are doing. I urge all those who are critical of this program—particularly on the grounds that we are giving too much to too many—to look at the facts. The facts are these:

First. Fifty percent of all AID assistance in fiscal year 1965 will go to seven countries: Chile, Colombia, India, Nigeria, Pakistan, Tunisia, and Turkey. Each of these countries is pursuing a major program of economic development. Each has a good self-help record and excellent growth prospects. In other words, each of these is a good bet and AID is placing one-half of its money on these countries.

Second. Seventeen percent of the fiscal year 1965 aid program will go to 11 countries, mostly in Latin America, which have good longrun development prospects but at present have not carried out the necessary self-help measures which would qualify them for major support.

Third. Twenty-one percent—this figure will probably be even higher as a result of the additional funds being supplied to Vietnam—goes to seven countries to provide basic support for security and stability where these countries must maintain large defense forces or face grave internal or external threats. The seven countries are: Vietnam, of course; Thailand; Laos; Korea; Jordan; the Congo; and Bolivia.

Mr. Chairman, I have referred to 25 countries which will receive 88 percent of the proposed fiscal year 1965 program, and let me repeat, 7 of these countries will receive 50 percent of all AID assistance. This is clearly a highly concentrated program. I do not know any other way to view it, and the President, Mr. Bell, and the AID people are to be commended for their selective use of the American taxpayers' dollar. They are following the criteria established by Congress to assure that we use funds where they will do the most good.

Now, Mr. Chairman, we hear a great deal of talk about how many countries receive foreign aid from the United States. It is true that AID plans programmed for fiscal year 1965 includes 76 countries, but do not let these figures scare you. I have already pointed out that 88 percent of aid goes to 25 countries; that leaves 51 countries. Of these 51, 14 are in the transitional stage; that is, they are approaching the point where they will no longer need soft loan or grant assistance from the United States. Our aid program has been a success and we will soon be pulling out. These 14 countries will receive only 2 percent of the aid in fiscal year 1965.

That leaves 37 countries which will receive 10 percent of AID assistance in the coming year. That is a lot of countries and very little aid, but here again each dollar is spent where it will be most effective. Most of these countries are in Africa and the limited programs which the United States has in these countries have one or more of the following purposes:

First. To maintain access to bases or other vital facilities;

Second. To provide supplemental assistance in cases where other donors, particularly the Europeans, are providing the bulk of assistance;

Third. To assert a U.S. presence in cases where we can accomplish useful results, in certain sectors but cannot work effectively with the present governments; or

Fourth. To encourage independence from Sino-Soviet bloc dominance.

Mr. Chairman, I hope that all the Members will study these figures and study these facts, and I think they will see why the present foreign aid program is as efficient and well-run as it has been in its history. We are seeing results. We are getting returns for our dollar, and we are spending our funds in a highly concentrated manner. This program deserves the support of the House of Representatives just as it deserved the support, and got it, of the House Foreign Affairs Committee.

Mrs. FRANCES P. BOLTON. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. Gross].

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Chairman, the 1964 edition of the foreign handout program, bearing a price tag of more than \$3.5 billion, is being laid here today on the doorstep of Congress and thus on the doorstep of every household in this debt-ridden Nation.

Administration witnesses had the gall this year to tell the Foreign Affairs Committee that this is a "temporary" program. This would be laughable were it not for the fact that at least \$120 billion has gone down assorted foreign drains since this 5-year, "temporary" program was launched in 1947 and the American people were assured it would be ended in 1952. As of this day and hour, it appears this outpouring of cash will go on until those who pay the bills refuse to listen longer to the siren songs

of those who are so free with their money.

Said President Lyndon B. Johnson: "We are the best loved people in the world." Only a week or so before that sugar-coated statement came rolling off the mimeograph machines, the U.S. flag had been hauled down by Marxist Dictator Nkrumah's mobs in Ghana; American diplomats were chased out of Zanzibar, and the U.S. Embassy in Cyprus was bombed.

Then to add frosting to the cake of the wondrous ways of his foreign policy, and the lavish outpouring of cash to every nook and corner of the world, the President emphasized "the steadily growing strength of the worldwide community of freedom."

And where, we ask, is this steadily growing strength in behalf of freedom? Is it evidenced by combat troops from any other nation joining with us in the fighting and dying in Vietnam to bring that country freedom from Communist tyranny?

Britain, France, and Italy, the beneficiaries of billions upon billions of dollars of our foreign handouts since the end of World War II, blithely go their way trading with Red China, the supplier of the enemy we are fighting in Vietnam.

Recently, Secretary of State Rusk called upon the Netherlands to aid in saving southwest Asia. The Dutch responded by saying, in effect, that you helped eliminate us from Indonesia and New Guinea. On what basis do you now expect us to expend our substance in that area of the world?

After dumping hundreds of millions of dollars into Indonesia, Dictator Sukarno tells us to "go to hell" and threatens almost daily to launch a war to break up the newly created Malaysian Federation.

Cambodia, riding the strategic flank of Vietnam, and into which we have poured some \$400 million in military assistance and other forms of handouts, has long since told us to get out.

Are these examples of what President Johnson glowingly referred to last February as the steadily growing strength in the worldwide community for freedom?

Or perhaps the reference is to the Central Government that certain officials of the U.S. Government promised to establish in the Congo by throwing out the Belgians and destroying the one disciplined and stabilizing force in Katanga. There is nothing that even approaches a stabilized government in the Congo. Instead that area will be fortunate to escape anarchy.

Of course, the President might have thought he could look to Northern Rhodesia, into which we are already pumping aid although it will not gain its independence from the British until October. But the Prime Minister of that newly emerging nation has already stated the United States is unsuitable for the training of Northern Rhodesians.

This indicates Communist Russia, as in other cases, will be selected to provide training for those who will operate this new government.

The truth of the matter is that we have hurdled from one defeat to another in almost every corner of the world and we have spent scores of billions of dollars in accomplishing this feat.

Hard by our shores, the cancer of communism still thrives on the island of Cuba, from whence it is being exported far and wide to Central and South America. If we are the best-loved people in the world it seems more than passing strange that some of those who presumably hold us in such great affection help keep Castro in power by doing a thriving business with him. Then how is it possible for the ruling politicians of this country to keep a straight face and complain about others aiding Castro's Communists when they ramrod through Congress an act providing for the distribution of wheat to the master Communists in the Kremlin?

Incidentally, and while on the subject of Cuba, when may the citizens of this country expect a report from the special committee that investigated the Bay of Pigs fiasco? This was some 3 years ago. Has this, like some elements of the Bobby Baker scandals, been swept under a convenient rug in the White House?

The foreign handout program has failed through the years by being vastly overfunded and poorly managed. The minority report, available to all members, dwells on this subject and I will not take the time of the committee to repeat it except to say that it makes no sense at all for this Government to peddle so-called sex stimulants on one hand and contraceptives with the other.

Neither does it make sense to call upon the taxpayers of this country to cough up millions of dollars for military assistance to certain foreign countries whose economic situation is as good or better than that of the United States. Administration spokesmen say military assistance to these countries is being continued as an incentive to them to appropriate for their own defense budgets. This is incredible.

Mr. Chairman, this is not a bare-to-the-bones authorization bill. It ought to have been substantially reduced from the appropriation figure of last year. There is more than \$6 billion in the pipeline. This ought to be drastically reduced. As a cold matter of fact, there was far more than enough money in the pipeline to take care of all necessary expenditures.

The Department of Commerce estimates that at the end of this calendar year the public and private debt of this country will have reached the astronomical figure of nearly \$1,400 billion. This is easily the worst debt-ridden nation in the world, and next week a bill is scheduled to come before the House to increase the Federal debt limit to \$325 billion.

Of course, there is still some question as to whether the salary grab bill will be called up before the debt ceiling increase, perhaps because the leadership wants to determine whether the Members will vote themselves a pay increase before they vote for an increase in the debt ceiling; in other words, whether the Members of Congress are going to provide the means by which they can bor-

row the money to pay themselves a \$7,500 or \$10,000 a year salary increase.

The taxpayers can no longer afford the luxury of this foreign handout program which in all too many respects has been a dismal failure. I intend to vote for the amendments that will be proposed to reduce the authorization and then vote against the bill.

Mr. FOREMAN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, I am glad to yield to my friend from Texas.

Mr. FOREMAN. The gentleman from Iowa touched upon Mr. Sukarno's statement that the United States could take its aid and "go to hell." It is my understanding that in this foreign aid authorization bill now pending before the Committee there is some \$10 million available for technical aid to Sukarno's Indonesia; is that not correct?

Mr. GROSS. There would be \$10 million available, if they want to spend it there.

Mr. FOREMAN. I thank the gentleman.

Mr. GROSS. And I imagine that they will at the slightest provocation spend some or all of it there.

Mr. FOREMAN. And if the gentleman will yield further, send him more aid despite Mr. Sukarno's suggestion where we can send it to?

Mr. GROSS. That is correct.

Mr. MORGAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. HALEY]: (Mr. HALEY asked and was given permission to revise and extend his remarks.)

Mr. HALEY. Mr. Chairman, it is inconceivable to me that there is a Member of this House who is not aware of the serious financial situation in which this country finds itself today. But I wonder—I am forced by history and by circumstance to wonder—how many Members of this House realize the extent to which our program of lavish worldwide handouts—which we call foreign aid or mutual security—has contributed to the monetary situation in which we find ourselves. And I wonder, too, how many of us realize that it is by the action of those in the Congress—men and women sworn to protect our Nation's interests and welfare—that we are in this critical and even desperate situation.

It will come as no surprise to my colleagues in this body—nor to the gentlemen of the fourth estate in the galleries—that I have risen in opposition to this bill to authorize continuance of the foreign aid handout program. Neither will it come as a surprise to the men and women of the Seventh Congressional District of Florida. They are returning me to the next Congress without opposition, largely I believe because I unfailingly present their overwhelming opposition to this program to drain from this country the wealth of our industrious and prosperous people and bestow it upon the less industrious, less capable nations—or alleged nations—in a plan which is, in effect, nothing less than international socialism.

But I have not arisen to harangue you about this bill. I am against it, but I suspect that a majority of you will vote for it—vote for it although you, too, are against it, and although your constituents, like mine, also are against it. You will vote for it because you have somehow been persuaded that, despite your personal doubts, foreign aid is a program essential to our country and to the free world.

I challenge that supposition. I say that the provable facts are contrary to that supposition. I would doubt that what I have to say will change a single vote in this House. But I nevertheless ask you to listen to the reasons I challenge this glib theory.

As we all know, a major argument of supporters of continued foreign aid is that more than 80 percent of aid funds returns to buy American goods, thus alleviating unemployment, increasing exports, and strengthening our general economy. Bosh.

The truth is that foreign aid has increased, not decreased, unemployment in our country. We have exported jobs, along with over \$100 billion, in foreign aid. True it is that the foreign aid program has increased our volume of exports. But how? The answer is that the export increase is in the form of free handouts, and instead of helping us, the increase hurts us, because it is these very handout-exports which are largely responsible for our international trade deficits—which are responsible for the continuing drain on our economically vital gold reserves. I do not think it necessary to tell you how devastating would be the inflation that would come, inevitably, if our gold reserves should be wiped out. But continue foreign aid—and those reserves will disappear, I warn you.

But despite these facts—as harsh as they may be—we are told day in and day out—and we are being told on the floor of this House today—that we must continue this foreign aid program—although on a threadbare and austere level of only \$3½ billion—in order to save our country by fighting communism and at the same time helping ourselves.

If these are the reasons for this program—and we are told they are—I now challenge some of the supporters of the bill to answer two questions:

First. Just what good have these foreign aid programs done the United States, that outweighs the harm they have done?

Second. What nations, anywhere in the world, are today stancher friends of the United States, and sterner foes of the Communist masters, than they were before the beginnings of this program?

I would be happy to know that our outlays of more than \$140 billion—close to half our crushing national debt—have done some good, somewhere, and I would be happy to be informed by anyone who can tell me, specifically, how and where we have benefited. I have served in this House 11½ years and I have yet to find a proponent of the foreign aid program

who can tell in specific terms, not in general and theoretical terms, how and where we have been helped.

I do not wish to belabor the point I am trying to make. But I nevertheless feel that I must cite to you a cold fact which says more plainly than I could ever say it that "friendship is not for sale" and that, therefore, "friendship cannot be bought," even with shining American dollars.

Most of the Members of the House were here a few years ago when President Sukarno of Indonesia appeared before us in a joint meeting of the two Houses of the Congress, as our guest. I do not believe that those who were here can ever forget that our guest—President Sukarno—used that occasion to engage in the roughest form of raw blackmail to obtain increased allocations of our foreign aid money, in what was perhaps the most insulting speech ever made before the legislature of a host nation by a visiting chief of state.

Like the naive people that we are, we knuckled down to Sukarno's brazen demands—for payment not for aid to us but only for so-called neutralism. And what did we get for our millions?

You know and I know what we got. We paid out \$881 million of our constituents' money to Indonesia, and no later than last March 25, President Sukarno embarrassed us before the world by shouting in public to our own Ambassador: "To hell with your aid."

Well, that is President Sukarno's opinion. He apparently wants no more of our money, and on that subject, I agree with him. He should, obviously, have no more of our money. But naive as we are, what do we have before us today? We have a proposal that we provide even more aid for Mr. Sukarno's Indonesia—a proposal backed by our foreign aid program director, Mr. David Bell, who has naively—to be charitable about it—told the House Appropriations Committee that, "I do not believe President Sukarno is committed to leading his country in the direction of the Soviet Union."

A reasonable man would think you could not be much more stupid than that. But I assure you that Mr. Bell did not quite reach the outer limits of stupidity. This House could—the Congress could—for instance approve legislation which would provide for payment of even more money to President Sukarno's Indonesia—and to countries whose leaders feel about us just as Mr. Sukarno admits he feels.

Mr. MORGAN. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. CASEY].

(Mr. CASEY asked and was given permission to revise and extend his remarks.)

Mr. CASEY. Mr. Chairman, I thank the distinguished gentleman from Pennsylvania for allocating to me this time in order to discuss my ideas as to what I have long thought with reference to the foreign aid bill.

Mr. Chairman, as the members of this committee know, I am not a supporter of this bill. One of the reasons for my not supporting it is that every time I

have a faint hope that possibly there is something about the bill that I can support, or that I find commendable, I run into a snag.

Mr. Chairman, the purpose of this bill as I have understood it during the time I have been here is to try to convert minds to democracy in order to combat the Communist thinking and the Communist program and to show that our system is the superior system and the free world system is the system that should be followed.

Mr. Chairman, we build dams, we build roads and we build factories in order to show that with our funds we can stimulate the people in the countries in which these projects are constructed to follow a free world pattern. But are we really capturing the minds and the thoughts of the people? Once the factory is built, it is soon forgotten who built it. Once the dam is constructed and the water is backed up and the wheels begin to turn on the power, the credit is taken by whomever is in local authority at the time. He may remain our friend but when he has gone, how about the young people, the masses?

Mr. Chairman, one thing that has appealed to me with reference to this program has been the educational program. There is a university located in Mexico City called the University of the Americas which was formerly Mexico City College. This college was started in 1940. It was started by Americans and the board was composed of American citizens. Recently the former president of Texas Christian University took over as president of the University of the Americas. He stated that this college has been known as "a gringo college. Let us change it." He changed the name and expanded the board and brought in Mexican citizens. It now has a board consisting of both Mexicans and North American citizens. He is undertaking to make this a university which will bring about a melding of the minds and thoughts between North and Latin America.

Mr. Chairman, he asked me:

Can we get any assistance under the foreign aid program? I have had a Mexican citizen give me a new campus, and I want to know if I can borrow any money under the foreign aid program.

Mr. Chairman, he spent a week up here and he has not obtained a nickel or has not been able to come up with any encouragement to speak of as yet.

Mr. Chairman, I would like to ask the chairman of the Committee on Foreign Affairs, the gentleman from Pennsylvania [Mr. MORGAN], whether or not this university would qualify under any section of the foreign aid program for a long-term loan with which to construct such buildings?

Mr. MORGAN. Yes, they apparently would be eligible for assistance under the program. Although I cannot judge the details of this particular project I do not see why they should not be eligible. Under this bill, as the gentleman knows, we aid the American University in Beirut, the Roberts College in Istanbul, the American College in Egypt and we are aiding American colleges in other parts

of the world, and I see no reason why this college in Mexico should not be eligible for a loan.

Mr. CASEY. I would like to ask the chairman if this does not sound like the type of program that should be encouraged?

Mr. MORGAN. From the gentleman's description they certainly should be encouraged.

Mr. ADAIR. Mr. Chairman, will the gentleman yield?

Mr. CASEY. I yield to the gentleman from Indiana.

Mr. ADAIR. I would like to invite the gentleman's attention to section 214 of the bill with which, I am sure, he is familiar. I shall not read it all, but I would like to point out one thing that I think is important. The section which relates to American schools and hospitals abroad, in my opinion, should be underscored. These institutions which do get help are supposed to be "serving as study and demonstration centers for ideas and practices of the United States."

It would be my hope if, as the chairman said, it is possible that money may be made available that that provision would not be overlooked.

Mr. CASEY. I thank the gentleman for his comment, and I assure him I would not be up here encouraging this if I were not familiar with the fact that this university is headed by a gentleman who says he wants to use American techniques and American textbooks, but it is so expensive for a Latin American to go to his university that they go to the Mexico University. From his observation, most of their textbooks are coming from Red countries. He feels this is an opportunity, and he sold me on it, where we can educate some of the minds of Latin America, some of the future leaders, so that they will be more encouraged about our way of life.

I have just received a letter from the University of Wisconsin. This is from the deal of school education. He has returned from a trip to India and Egypt, and he is distressed at the amount of funds going into educational programs over there. I am not familiar with it other than he states we are spending less than 5 to 10 percent of our aid funds on education. He does not think that is enough. I will leave that to the gentleman from Wisconsin.

Mr. ZABLOCKI. I agree with the gentleman from Texas that it would be desirable to increase our educational assistance. I will be happy to check into the dean's complaint. I would like to ask the gentleman, however, if the University of the Americas should receive U.S. assistance, whether the gentleman would support the program?

Mr. CASEY. I will say to the gentleman I supported initiation of the Alliance for Progress, but you threw it in with all the rest of the ball of wax where I have to swallow all or none, and I have no intention of doing that at this time. I have several amendments the gentleman is familiar with that I will offer later on.

Mrs. FRANCES P. BOLTON. Mr. Chairman, I yield such time as he may

require to the gentleman from Pennsylvania [Mr. SAYLOR].

(Mr. SAYLOR asked and was given permission to revise and extend his remarks.)

Mr. SAYLOR. Mr. Chairman, each year Congress is requested to make available funds for a foreign aid program. To date the American people, in 20 years, have given away roughly \$100 billion in foreign aid, over \$500 for every man, woman, and child in the country.

In return, what do we receive for our efforts and deprivations? "Yankee go home," "death to the imperialists," "damn the Yankees," are slogans used by demonstrators in some countries which have accepted our aid. In other states, our embassies are sacked or damaged, our property confiscated, American personnel beaten, manhandled, or sometimes killed.

There comes a time when "No" must be used as an answer for programs suggested by requesting countries. In the nonsense-and-extravagance category, the General Accounting Office on March 7 of this year, showed that \$8.5 million was wasted in Turkey and Iran alone when funds were used to build highways and railways that were not needed or ended in the middle of nowhere.

Even more repugnant are cases of governments receiving aid with one hand and signaling demonstrations against the United States with the other. Ghana is a good example of what I mean, where treacherous actions are demonstrated. Obligations and loan authorizations, cumulative through fiscal year 1963, totaled \$159 million to Kwame Nkrumah's country. Yet, on February 4, 1964, a crowd of Ghanaians, led by a Government loudspeaker van, converged on our Embassy, holding signs reading, "American imperialists are rumormongers," and "Yankee rogues go home." The editor of the Ghanaian Times, a paper owned by the Government, declared over the loudspeaker:

We are fed up with your imperialist American dollars. We will massacre you as you massacred the people in Korea and Germany, in Cuba, and Panama.

The crowd then proceeded to tear down the American flag. When one of our young Negro personnel attached to the Embassy rescued the flag the Ghanaian Times the following morning denounced all American Negro diplomats as "skunks and Judases." These are comments from our needy friends.

Then there is the United Arab Republic. As of June 1963, our aid to President Nasser's country has totaled \$862,834,000. The attitude of the Egyptian Government toward the United States has vacillated according to the stand of the United States on international issues. But the wording of the attacks has not varied over the years. On July 6, 1958, the Voice of the Arabs, a Government-sponsored station, broadcasted the following:

Let us teach the Americans we do not need their tainted dollars nor do we require their conditioned aid. No, America. You shall not come to the Middle East. We shall fight against you with all our resources, with our hands, our feet, our teeth, but we

will not allow you to establish your Zionist-controlled influence in our Middle East.

This was said just prior to the landing of Marines in Lebanon during the black hours of that bloody crisis.

On January 22, 1964, it was reported in Cairo, in reply to remarks made by Deputy Undersecretary U. Alexis Johnson, on the guarantee of the status quo in the Middle East:

The first remark is that the general tone of the American statement * * * gives the immediate impression that the United States considers itself as God's shadow on earth and that, in imitation of the famous Roman peace imposed by the Roman Empire, it wants to impose a new peace—an American peace.

How much "gratitude" like this do we have to accept?

There is still another objectionable form of abuse with regard to our aid program: when our dollars are used as a bribe or bartering commodity in the relentless cold war. The argument, simply stated is that if U.S. aid is not forthcoming, help can always be received from another source—from Communist sources. This attitude has made headway in recent years with the more lenient policy of the United States to grant aid without "strings." Therefore, the neutralist countries, the third bloc, Afro-Asian solidarity, openly welcome aid from both the Western bloc nations and the Eastern bloc.

India and the United Arab Republic have been the most successful Januses in receiving aid from everywhere. India has received from the United States close to \$5 billion to date. In return we have been plagued with vituperations of Krishna Menon and remarks from government officials, such as a Mr. Chatterjee, a Member of Parliament, who accused the United States of taking for granted:

That it has the right to take decisions for us and impose them because it thinks India needs military and economic aid from it.

Even with its back against the wall, when Communist China overran with ease the Indian frontier and forced the Indian Government to beg for massive military support from us, these officials boldly criticized our actions. Even the late Prime Minister Nehru, on March 8, 1964, declared:

There is no question of our accepting any proposal which we disapprove of because of military or economic aid from the U.S. Government.

He knows that aid from the Soviet Union will continue to be supplied.

The U.S. Government and its aid programs seem to have become the scapegoat of the world. We supply economic aid to Israel and all the Arab States protest. We sign food agreements with the United Arab Republic and Israel claims betrayal. Our decision to send military equipment to India has forced Pakistan, our onetime staunchest ally in this area, into the arms of Communist China. Pakistan itself has received \$2,227 million in economic aid and an undisclosed amount, running into the hundreds of millions in military aid. Yet because of the Kashmir dispute, Pakistan fears In-

dia's use of U.S. weapons against her forces instead of Communist China. So border agreements, commercial treaties, and airline agreements have been signed with the dreaded nation to the north to counterbalance the increasing strength of India's military might.

Prince Sihanouk of Cambodia has openly blamed the United States for all its wrongs. His diatribes against our Government will long be remembered. His threats, now partially fulfilled, have caused much concern for our strategists in southeast Asia. By ending our aid program which had totaled \$355 million in economic aid and \$84 million in military aid, and by charging the United States with aiding subversive elements in his country, Prince Sihanouk has triumphantly led his country toward the Communist camp. He has even declared that Cambodia's best friend is now Communist China and has guaranteed that his country will not fall into the hands of the capitalists since his son and heir is now in Peiping with his tutors. The U.S. Embassy in Phnompenh was sacked and its flag burned after a violent crowd had gathered to abuse our personnel with signs reading, "go home Yankee," "away with foreigners, displeased with our beloved leaders' policy," and "foreign aid is not necessary for the survival of Cambodia." Perhaps American foreign aid is not necessary because a first shipment of arms from Communist China has already arrived in the country. But, true to the art of bribery, Prince Sihanouk has declared that he will delay an intended visit to Communist China in order to give the West a little time to think things over—to give the West time to adhere to his demands.

When the Malaysia crisis began last year, Indonesia's Foreign Minister Subandrio declared that his country was prepared to forgo foreign aid and face a hostile world over its opposition to Malaysia. This threat was carried out when President Sukarno told our Ambassador in Jakarta to "go to hell with your aid," and our aid had amounted to \$881 million in economic and military commitments.

In Vietnam with \$2 billion in aid, the country is in as bad a condition as it was 7 years ago. Corruption is rampant in some instances: Smuggling is listed as one of the most blatant abuses hampering the aid program in the Republic of the Congo, as is the donation of the aid materials to political backers or the selling of the same to the highest bidder. Nor is the economic phase of our aid program free from the stigma of intrigue, subverting its democratic purposes.

Why should we suffer abuse from our aid recipients? Why must we always be cast in the role of villain? Why must we have a foreign aid program which continues to drain our own resources and deprive from our own needy lifegiving funds? Why do we tolerate verbal attacks and the destruction and confiscation of American property? Finally, when a country is willing to risk jeopardizing its sovereignty and people by enmeshing itself in Communist intrigues, then certainly they are not worthy of aid from us.

Mrs. FRANCES P. BOLTON. Mr. Chairman, I yield such time as he may desire to the gentleman from Tennessee [Mr. BROCK].

(Mr. BROCK asked and was given permission to revise and extend his remarks.)

Mr. BROCK. Mr. Chairman, like a malignant cancer, communism is infesting the heart of Asia. Many vital areas have already been lost. American soldiers and flyers are dying in Vietnam and being shot down over Laos while their American families live in constant fear of terrorists. Billions of American aid dollars have been poured into Asia. And now we are once again asked to "rubber stamp" another \$3.5 billion foreign aid program, even though virtually none of previous years abuses have been noticed or corrected. This vote must be considered very carefully.

I urge Members of the House to join me in demanding the administration to clarify its goals in southeast Asia. Is the Johnson administration looking for a way to withdraw completely? Are we planning to neutralize Vietnam and let it fall like Laos? Are we going to adopt an attitude of winning in South Vietnam through accelerated military activity, using the most modern weapons at our disposal? We must all agree that a continuation of the "no win" status quo policy now being pursued by this administration must be altered and now.

If this Communist effort is allowed to spread, the Far East will be lost for all time. Gloated by Asian successes, Red China will—in the not too distant future—be threatening the security of all the free world.

The foreign aid bill presents Members of Congress a unique opportunity to force this administration to adopt a clear-cut policy in the Far East. All our efforts in that troubled area will have been wasted unless the Government decides on a realistic goal and courageously pursues it.

Mrs. FRANCES P. BOLTON. Mr. Chairman, I yield such time as he may desire to the gentleman from Texas [Mr. ALGER].

(Mr. ALGER asked and was given permission to revise and extend his remarks.)

Mr. ALGER. Mr. Chairman, over the years the faults of our foreign aid have been so apparent that it seems inconceivable that we have not learned the basic lessons, that foreign aid is self-defeating, antithetical to basic American religious and moral concepts as we subsidize the alien philosophies, and that the wealthy of other countries have padded their bank accounts. The money never reached the people.

I want to compliment the six Republican members of the committee who wrote the minority views which I share.

A bill of particulars might best show why I disapprove this foreign aid authorization. Specifically:

First. The Congress has lost all semblance of control over the aid program.

Second. The executive branch continues to make long-term aid commit-

ments without prior congressional approval.

Third. Trade and aid continues with Communist governments.

Fourth. Much of the military assistance is beyond the capacity of the recipient nation to utilize.

Fifth. The program is overfunded and lacks consistency or direction.

Sixth. There is little evidence that it has been successful in achieving its objectives.

Seventh. The impact of assistance fails to reach the grassroots level.

Eighth. The aid effort is diffused and reasonable criteria in the selection of recipients are lacking.

Ninth. Administrative and program deficiencies abound, including overprogramming, hoarding of funds, waste, and extravagance.

Tenth. We are attempting too much for too many too soon.

Eleventh. The AID finances Government-owned facilities which compete with private enterprises.

Twelfth. Fiscal responsibility is not the watchword of the aid administering agency.

Thirteenth. There is no priority in spending to stress the more important goals.

Fourteenth. The war in Vietnam reminds us of two factors: First that our foreign expenditures fail to provide the needed weapons and, second, that we are at war, men being killed but Congress has not declared war.

Fifteenth. True cost of foreign aid this year is not the new authorizations of \$2,041,600,000 in this bill or the total authorizations of \$3,516,700,000 but is actually a minimum of \$7,442,356,000.

Sixteenth. We loan money for less than it costs us, frequently with no interest charge at all.

Seventeenth. Our foreign aid loans do not go for visible programs, and usually the people of any country never know that help was extended by the United States.

Eighteenth. Public Law 480, the food for peace sales, generates counterpart funds which have little value to us and permit further loose spending locally on questionable projects, like building schools to teach socialism and communism.

Nineteenth. There is \$4,175,251,000 in economic assistance and \$2,087,800,000 in military assistance in the foreign aid pipeline without any new authorization needed. Much of this money could be reprogramed. The minority lists these amounts by country. For example, there are undisbursed loan balances for India of nearly \$800 million.

Twentieth. The refund claims show staggering abuse and misuse of money—see page 70 of the report.

Twenty-first. The United States is giving economic or military assistance to a number of countries which themselves are giving aid, including the following: Belgium, Canada, Denmark, France, Germany, Italy, Japan, The Netherlands, Norway, Portugal, United Kingdom, Australia, Kuwait, New Zealand, Sweden, Switzerland.

Twenty-second. The aid and trade with Communist nations is a self-defeating, tragic policy, completely contrary to the arguments advanced for it on behalf of this program. We aid Poland who supports Moscow in Laos; we cooperate and give aid to other Communist countries doing business with Castro, and subsidize the spread of communism; we give massive aid to Yugoslavia, who are infiltrating Africa with Red trained personnel and other Communist nations who increase religious persecution, intensify class warfare, and subjugate people; we subsidize aid to Vietnam to help defeat the spread of communism while other Communists we aid are spreading communism there. We are directly subsidizing communism, even Russia herself; Indonesia with \$870 million of our aid says "to hell with U.S. aid." Cambodia with \$370 million has asked us to go home. It is quite possible if we had demanded, as a condition to receiving assistance, the social and economic reforms that were necessary to give people hope and assure proper utilization of the aid furnished.

Indonesia's economy might be viable instead of on the verge of bankruptcy; she would be a member in good standing with the free world forces against communism instead of its apt pupil; and Sukarno, kept in power with our aid, would long ago have departed from the international scene; the popular base needed to sustain President Diem's government in South Vietnam would not have been dissipated and thereby encouraging another source of support for Communist insurgents; President Rhee of Korea would have remained as the inspired leader of his people and the unstable situation would not be the problem it presently is; Laos might be wholly free; and Brazil would be realizing its great economic and leadership potential.

As I see it, at the least action by Congress is needed now to regain control and redirect this program toward meaningful objectives.

Economic aid funds must be substantially reduced.

Bilateral economic aid should not be given to countries that are giving economic development aid directly to other countries.

Sufficient military and economic assistance funds should be earmarked solely for use in Vietnam.

Loans, if made, should be for projects only and so-called balance of payments or program loans stopped.

Funds presently obligated or reserved for loans, grants, or other projects which have not been firmed up should be released.

The Agency should preaudit intended imports to be purchased with U.S. funds to preclude future imports of ineligible items.

Mr. MORGAN. Mr. Chairman, I yield 10 minutes to the gentleman from Delaware [Mr. McDOWELL].

(Mr. McDOWELL asked and was given permission to revise and extend his remarks.)

Mr. McDOWELL. Mr. Chairman, first of all, I wish to join with my col-

leagues on the committee in thanking our chairman, the gentleman from Pennsylvania, Dr. MORGAN. I know we have many great chairmen in this House. All of them are great chairmen. But in the 6 years I have sat in the Committee on Foreign Affairs I have had opportunities so many times to see the wisdom of our chairman, his fairness, his willingness to be patient with witnesses and members of the committee. I think it is a great tribute to him that the House in its wisdom and in working its will over the years of his chairmanship has always in the final analysis found itself in agreement with the chairman and the majority members of his committee.

Mr. Chairman, I listened to my distinguished colleague from Iowa, who I believe is not on the floor at the moment. He is a member of the Committee on Foreign Affairs.

He painted a great picture of gloom and doom as to the foreign policy of this great country of ours. I know that we have our differences of opinion, and that is as it should be. This is a democracy. This House is the seat of that democracy. It is the greatest deliberative body in the world, and I bow not to the other body in this statement. I am glad to have them a part of the Congress. However I do not believe that it is necessary for us to be carried away in this day and age by some of the old clichés of the isolationist policies and theories that were so rampant in this Nation 20 and 30 years ago.

I believe that the majority of the American people, at least, are well aware of the great responsibilities that have fallen on the shoulders of this country in this age we live in today, and they accept those responsibilities. They do not evaluate the past or the present history of the foreign policy of the United States as being the picture of failure that was painted by the gentleman from Iowa. I wish he were here. Perhaps he will want to respond to my remarks. He very conveniently picks out some of the most troubled spots in the world today in a few countries as an example of the failure of American policy. Of course, when we talk about American foreign policy we are talking about foreign aid, because foreign aid is so much and has been throughout its history so much a part of the course and purpose of American foreign policy.

I should like for a moment to remind my colleagues that back in the early days of this program after World War II when the picture in western Europe was certainly far from bright as to the opportunity of those age-old governments to maintain themselves against the forward thrust of communism then in France and Italy and Turkey and Greece, to mention only a few of those countries, as we then read our daily papers in this Nation we were aware of the dire situation that existed in our former allies in the late war.

It was many years, and a few years after we began the Marshall plan and the Truman doctrine took effect, that we saw gradually these governments turn back to their traditional forms of

government and to the democratic ideals and principles which we believe in so firmly in this country.

When the United Nations called its first roll, there were some 53 nations answering that call. Today, there are some 117 nations that answer to that same rollcall.

It is very easy, depending upon what you want to prove and the point that you want to make and to what degree you would evaluate many of these new countries that have come into being in recent years, to say that everything that has happened to these governments and the turmoil that has taken place in the overturn of some governments and the formation of new governments has come about because of or been caused by communism. This is far from the fact. It has been caused for the most part by the same revolutionary desire that existed in many of these countries which brought about the formation of this Nation of ours so many years ago. For it was the desire of people to have self-government. It was the desire of people to throw off the yoke of colonial governments that had ruled them for so long.

I think that has been fitting and proper and I believe the American people desire that it be that way.

I believe that the American people believe we should have given encouragement in every way possible within our means during these periods of formative governments developing throughout the world. For certainly we cannot turn back the pages of history and we cannot revert to that isolationism that almost caused us in this country, in those days, to really lose our prestige and our position of leadership in the world. Certainly, as we went forward domestically in the twenties, we did little to guarantee a real continuity of purpose in the foreign policy of this Nation. It has only been as a result of that experience, I think, that the American people have, as I suggest, accepted new responsibilities of leadership on the part of the greatest nation in the world today, not only in our ability to maintain our domestic economy, but in our military might. Because never was there another nation in the entire course of history that has demonstrated so emphatically its ability not only to maintain a strong national economy at home but to meet these great responsibilities around the globe. No nation has been able to build its military might at the same time that it has provided the bread and butter for its people.

So we should be proud today of the accomplishments of this Nation both at home and abroad. I believe contrary to the views of some, not only that we were never envied at all, but that we were never held in higher esteem by many of the billions of people around the globe in their evaluation of the people and of the Government of the United States as it exists today.

So I think we should be willing to present our arguments, but to present them with reason and with force but also with moderation. When one tries to say that this Nation should apologize not only to our own people but to any other people

or to any other nation in the world, I must say that I do not stand here before you as one who would run down the greatest Nation on earth, the Nation that has brought the greatest degree of freedom, liberty, independence, and dignity to the human individual. This is our record and our foreign aid program and our foreign policy year in and year out has made that record.

I hope that my colleagues will use their good judgment in making a final decision as to how to vote on amendments and as to how to vote finally on the question of passage of the bill, for we have the responsibility and it will not go away.

It matters not who may occupy the White House next January and it matters little which political party may control the leadership of this House next January, for the problems which exist today in the world will still be present then and we will still be trying to find the best solutions to them.

Mr. Chairman, the world has changed considerably since Gen. George Washington, our first President, urged our new and weak country to "observe good faith and justice toward all nations." Born with high hopes, great empires failed and fell by the wayside. Great men and heroes entered and passed from the world stage in the relatively short time of about two centuries. But America has slowly, sometimes reluctantly, grown to be a great power and a leading member of the world society.

We seek today, as Americans worked in Washington's time, to protect the life of our free Nation, to preserve the liberty of our citizens, and to pursue the happiness of our people. This, it seems to me, is the touchstone of our foreign policy and our world outlook.

The passage of mankind through history is like an endless ocean voyage. There are periods of relative calm with blue skies and gentle swells. In centuries past, where history reveals the fall of the Roman Empire and the French and American Revolutions, when the pattern of divine rule by kings was shattered—great storms sweep the oceans of history, tossing nations and peoples about with great violence.

In my judgment, we are in such a period today. We cannot demand that the storm subside. To a large degree, we must ride it out. Patience, strength, and wisdom will see us through, but the storm will run its course whether we like it or not.

In the 52 weeks of 1963, there were 53 changes of government in the countries of the world—many of them violent in nature. Few of these changes were brought about by Communists. Most of them resulted from the hard facts on which we must make judgments in a most convulsive period of world history. These changes are symptoms of that convulsion. They will go on regardless of which American citizen is President or which political party is in power.

If there is one word which can best describe the era in which we live, I believe it would have to be the word "revolution." Our own history as a nation began with a revolution. Democracy

represented a revolution in political thought and our ancestors bore weapons of war to achieve it. In the last century, we passed through an industrial revolution with far-reaching consequences. But, today, revolution has even greater implications for the future of world affairs. We are in the midst of, not one or two, but at least four concurrent revolutions, all extremely important, all threatening changes we can only faintly sense at this time.

The first revolution I call to your attention is political revolution. The old colonial order which once was supreme is vanishing and self-government is taking its place. The new nations and their governments, created since World War II, have no particular fondness for those who have exploited them in years past. When the United Nations was founded in 1945, about 51 member-states answered to the rollcall. Today, the United Nations consists of about 113 newly created countries which for the most part are populated by people who have never known democracy and who know little about how democracy functions. We should remember that, with a relatively highly educated and articulate citizenry, it took us 170 years to establish a representative democracy in the United States. Surely, it is unreasonable to expect the impoverished and poorly educated peoples of Asia and Africa to establish governments which function somewhat under the principles, freedoms, and safeguards of our own capitalist democracy in 1, 5, or 20 years.

The second change is the economic revolution. Two billion underprivileged people of the world are trying to scale the walls of poverty and ignorance so that they may obtain and enjoy the material advantages which many Americans take for granted today. Words like "capitalism" and "communism" mean little to them. What they seek is to improve their opportunities for an elemental education, to enjoy better health and a longer productive life, and to be gainfully employed in order to support their families with adequate nourishment and housing. I have personally seen the shocking conditions which exist in countries of southeast Asia and the Middle East—in South Vietnam, in Thailand, in Maylasia, and in India—where those citizens fortunate to have employment could only provide a standard of living for their families equivalent to less than \$200 in yearly income. Those without employment and income have nothing to look forward to except poverty and disease.

The third revolution is occurring in population. Everywhere populations are on the rise, diluting the effects of economic progress and creating new problems of housing, food, welfare, education and employment. It took the human race thousands of years to reach 1 billion in population. Now we have passed the 3-billion mark and by the close of the 20th century, if present rates continue, the world population will total about 6 billion. The problem is so enormous that its solution is almost unfathomable. Some even feel that the population problem dwarfs the problems stemming from the cold war.

Then there is the scientific revolution. Atomic energy, the development of nuclear weapons, the jet airplane, man's entry into space, new discoveries in physics, chemistry, and biology, the marvels of rocketry, and the perfection of intercontinental missiles have made the world much smaller, more volatile, and more dangerous. The genie is out of the bottle and we have to learn how to best live with it.

Some have characterized the American people as impatient. We began our history with many tasks and we were anxious to carry them out quickly. We bridged chasms and closed vast distances by extraordinary improvements in transportation and communications. We harnessed rivers and irrigated deserts. And we built a free economy capable of providing our people with the world's highest standard of living. With this restless, dynamic background, we tend to expect quick solutions to problems far outside our borders and shores—and we tend to express impatience when those solutions are not immediately forthcoming.

As long as men and nations are of different minds and different temperaments, we must recognize that there will be no final solutions to world problems. There will always be one nation or more wanting to change the status quo, and other nations wanting to retain changeless conditions. There will always be some new idea to contend with—whether it be fascism, anarchy, socialism, communism, or capitalism and democracy—and in the end these ideas must be met and perhaps defeated as ideas, or they will certainly reemerge at some point to change the old order of social organization. Merely defeating or destroying the men or nations who advocate a new idea will never provide the final solution we might seek.

What goals, then, can we reasonably expect to achieve in our lifetime? Much depends upon our leadership and upon our willingness as a nation to exercise patience and restraint under a variety of pressures and frustrations. I believe that the late President John F. Kennedy succeeded in creating a basic reorientation and a revitalization of American foreign policy. More importantly, he instituted a reeducation of an America that had become frozen in an attitude toward world affairs based largely upon ignorance of fact and irrational fear. President Kennedy's strategy of peace address to the American University on June 10, 1963, was a turning point in American foreign policy. It was a rejection of mere anticommunism as the goal of American foreign policy in favor of a strategy of peace, in which the first steps were the Moscow-Washington hotline, the test ban treaty signed at Moscow and the agreement to ban nuclear weapons from space. President Lyndon B. Johnson has pledged to carry on the strategy of peace concept and he has already taken important steps to reaffirm the American commitment to the relaxation of existing world tensions, to the support of the United Nations, to the achievement of worldwide disarmament, to the maintenance of our alliances, and, in spite of growing opposition here at home, to a continued effort to

raise the living standards of the peoples in the undeveloped areas of the world.

Mrs. FRANCES P. BOLTON. Mr. Chairman, I yield 10 minutes to the gentleman from South Dakota [Mr. BERRY].

(Mr. BERRY asked and was given permission to revise and extend his remarks.)

Mr. BERRY. Mr. Chairman, first I wish to take this opportunity to commend the chairman of the full committee for his absolute fairness in the handling of the committee and particularly those of us who he knows disagree with his philosophy on this program. In no instance has anyone ever indicated that he felt that the chairman was at any time unfair. He has leaned over backward to recognize all of us and our feelings.

The legislation currently before us authorizes appropriation in the amount of \$3.5 billion in economic and military assistance, but this is only a fraction of the amount the United States is actually spending for foreign aid. It is my purpose today to attempt to give the taxpayers of America a more accurate portrayal of our foreign aid expenditures.

There are two areas I wish to discuss in my effort to provide the public with the true facts as to the amount of our foreign assistance given away for the questionable objective of winning friends abroad. One I shall refer to as "direct foreign aid" which includes those expenditures not included in the bill before us today, but which can be identified in specific dollar amounts. The other I shall term "indirect foreign aid," including the hidden subsidies to foreign producers by our liberal trade policy permitting almost unlimited importation of competitive agricultural and industrial products.

In the field of direct foreign aid, which could also be termed "back door foreign aid," we have actually authorized or appropriated funds for the Peace Corps, the food-for-peace program, and a number of multibillion-dollar international lending agencies. All of these programs have provided assistance abroad, yet not a penny is authorized under H.R. 11380, the Foreign Assistance Act of 1964.

The Peace Corps, for example, received \$115 million in 1964 to finance its many foreign assistance programs. This money surely should be included as a part of our overall foreign aid expenditures.

Another of our giveaway programs which should properly be included with other foreign aid expenditures but which is camouflaged under the Department of Agriculture and charged to the farmer, rather than the recipient abroad, is the food-for-peace program. In 1964, the cost of this program is \$2,215 million. Among the many weaknesses of the program is the fact that although massive quantities of food are distributed abroad with essentially no cash payment to us, the people receiving the food rarely are aware of the fact that it has been provided through the generosity of the U.S. taxpayer. There is a serious lack of identity as to the donor—the United States—among the recipients.

Although the United States receives payment in the currency of the country receiving food under Public Law 480, we receive very little in actual value. During the life of this program, 63.5 percent of the agreed to sales were either granted or loaned back to the foreign government concerned. For example, the sales agreements to India from July 1954 to June 30, 1963, totaled \$2.4 billion. Of this, \$788 million was granted for economic development, \$165 million set aside for loans to private enterprise, \$1.2 billion provided for loans to the Indian Government, and only \$310 million set aside for U.S. uses.

It is obvious, therefore, that Public Law 480, better known as the food-for-peace program, certainly operates extensively in the field of foreign assistance by returning to the country involved the majority of the so-called sales in the form of grants and loans. I am sure my colleagues will agree, therefore, that we can properly include this expenditure of more than \$2.2 billion in the direct aid category.

The assistance rendered to foreign countries by the international organizations to which the United States has contributed likewise must be included in our backdoor foreign aid.

In addition to the Agency for International Development whose funds we are authorizing in the legislation before us today, the following organizations have lending power involving many billions of dollars, part of which has been contributed by the taxpayers of the United States and part of which is covered in the committee report on page 49. These include the International Monetary Fund—total resources, \$15.6 billion of which the U.S. quota was \$4.125 billion; the International or World Bank—capital subscription of member countries is \$20.4 billion of which the U.S. quota was \$6.35 billion; the International Finance Corporation—\$100 million capital subscription of which \$35 million is subscribed by the United States; Export-Import Bank—total resources \$7 billion for which the United States is entirely responsible; and of this, \$1 billion is capital stock and \$6 billion is borrowing authority; the International Development Association; and the Inter-American Development Bank.

In connection with the latter two agencies, my colleagues will recall the recent House action on IDA increasing the U.S. contribution \$750 million, to be made in three installments. Our initial subscription had been \$320.3 million of the \$1 billion total. Thus this year the administration is requesting \$312 million for this association, representing the first of the three installments for the increased subscription, and \$62 million as the fifth and final installment of the initial subscription.

Recent requests for funds to implement the activities of the Inter-American Development Bank include \$750 million for the Social Progress Trust Fund to be made available over a 3-year period, and \$412 million for callable capital stock to be appropriated in two equal installments. The total resources of this lending agency are \$813 million, with the

United States contributing the majority, \$450 million.

In summary, the United States has provided in excess of \$12 billion to these international lending organizations, all of which has been borrowed. The interest on this borrowed investment exceeds \$500 million annually, and this cost, too, must be added to the direct cost of foreign aid, and should be included when we total the cost of foreign aid cash outlay for 1964.

The field of "indirect foreign aid" is more difficult to pinpoint as to actual cost in dollars and cents. One category, however, is the subsidy to foreign countries resulting from our troop disbursements into these countries, which amount to approximately \$2.4 billion, which should be included.

Next in the "back door" subsidy category is the opening of our markets to foreign production, both industrial and agricultural.

It is impossible to even estimate the millions and possibly even billions of dollars that this category embraces, but it is an area sponsored by the State Department and by those who are interested in foreign investments. It is an area made possible through the bill forced through Congress in 1962, humorously referred to as the Trade Expansion Act of 1962.

When I said it was impossible to determine the cost to the American taxpayer of such a program, I refer first to the millions of men and women unemployed in this country because cheap foreign imports have put them out of work. These people are now on relief or social security, or some program which drains the Federal Treasury.

These unemployed millions are also responsible for Federal "make work" programs and a so-called war on poverty program—poverty resulting in a substantial degree from jobs being exported through cheap foreign imports.

In this same category is American agriculture. The figure varies, but the latest figure I have seen is 475,000 farmers driven from the farms in America during the past 3 years because agricultural imports have made the operation of their farms impractical. They have been added to the millions of unemployed—they have been added to the millions the President refers to as the "have nots" and which he places in his category of the "poverty stricken."

Under this "foreign aid through trade" the State Department and the Department of Agriculture have been responsible for displacing the production of millions of acres of land, part of which has been rented by the Federal Government in order to assist the landowner, and, to induce him to take it out of production to make room for foreign imports. These dollars must be added to the cost of "back door" foreign aid.

During the past 3 or 4 years the imports of beef have jumped several hundred percent until in 1963 there was imported 1.7 billion pounds of boneless and processed meat or, if you please, the carcass equivalent of 4.1 billion pounds of live beef. This is the equivalent of 4.1 million head of 1,000 pound beef, or,

if you please, more beef than was produced and marketed in the States of North and South Dakota, Montana, Wyoming, and Idaho combined in 1962, or 500 million pounds more beef than was produced and marketed in the State of Texas in 1962, or to put it another way, more beef than was produced and marketed in the 19 East Coast States, including Ohio and Indiana.

These unchecked imports, which resulted from increased import duties and import taxes levied by the Common Market countries and Great Britain, and which made the United States the only country in the free world without import restrictions, have resulted in this becoming the "dump" ground of beef in the free world, receiving 60 percent of all beef offered in world trade. All this was done as an aid to these foreign countries which is perfectly proper, if not overdone, but in this instance was responsible for breaking the American beef market, resulting in the American beef producer losing millions of dollars on his beef prices. In fact, cattle prices, the first week in May, fell below \$20 per hundred as compared with the average of \$27.67 during the year of 1962, which is a good illustration of the price American farmers are paying for "back door" foreign aid.

Beef is only one example. Under the Sugar Act passed under pressure by Congress we distribute to every country in the world 55 percent of the American sugar market while at the same time American farmers are crying for a product to raise on their acreages. Hundreds of farms could be producing sugarbeets—dozens of sugar refineries could be in operation throughout the Middle West, providing employment for hundreds of people if it were not for "back door" foreign aid through sugar importation.

The same thing is true with wool, where the production of millions of acres is supplanted by imports of wool, lamb and mutton. Imports cost the American farmer millions of dollars. "Back door" foreign aid, through the importation of dairy products, when we have a dairy surplus in our country, adds millions more.

It is impossible to determine the billions of dollars that indirect or "back door" foreign aid is costing the American producer, the American taxpayer, the American Treasury, and worse than all this, the spirit of America which is broken as men are turned out from factories because of foreign imports and when men are driven from the farms by the thousands because of foreign imports.

Mr. Chairman, America owes an obligation to assist other countries in establishing and preserving a free enterprise system but that obligation extends only to the limit to which we ourselves can afford that assistance. We cannot afford to give away our money in the amount of \$3.5 billion, our substance through food for peace in the amount of \$2.1 billion, our other direct monetary assistance programs which total some \$3.9 billion, in addition to our indirect aid of military subsidies in the amount of

\$2.4 billion, and the billions and billions of dollars that it costs the American producer, the American taxpayer, and the American Treasury through an unlimited open market program.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. BERRY. I yield to the gentleman from Nebraska.

Mr. CUNNINGHAM. I was interested in the remarks of the gentleman from South Dakota, particularly with reference to the importation of foreign beef.

I voted against the 1962 Trade Expansion Act because I feared it would have an adverse effect upon the livestock industry. It is my privilege to represent the largest such market in the world. I said in 1962 that the passage of the Trade Expansion Act would contribute to the skyrocketing of beef imports and that it may cost in my district alone the loss of up to 10,000 jobs. I do not know whether it has yet reached that proportion, but it is very serious.

I was also interested in a recent statement which was made by a Member on the other side of the aisle, the gentleman from Georgia, when he introduced legislation to label imported beef as such. I have introduced companion legislation, the reason being that a good deal of this beef comes in in boneless frozen form. It is then defrosted and ground into hamburger. The housewife may go and buy this defrosted meat, take it home and refreeze it. This is a very definite health hazard. For this reason I believe that imported beef should be labeled. If anyone wishes to purchase foreign beef they should know it is foreign beef. The housewife should be protected in her purchase.

Mr. BERRY. I thank the gentleman. I certainly agree completely with the gentleman.

Mr. MORGAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Hawaii [Mr. GILL].

(Mr. GILL asked and was given permission to revise and extend his remarks.)

Mr. GILL. Mr. Chairman, I thank the distinguished gentleman from Pennsylvania for yielding to me this time.

Mr. Chairman, I rise in support of this legislation and I hope that it passes without amendment.

Mr. Chairman, one of the remarkable things about the annual foreign aid debate in Congress is the fact that it seems to evoke the same charges from the opponents of aid year in and year out, regardless of how many times the record is set straight.

For example, we shall probable hear again this year the assertion that foreign aid is "the road to bankruptcy, and not a very long road at that."

Or this one: "Why should this country—pour out money for the aid of a government bent upon going further into the nationalization of industries."

These charges first saw the light of day in 1948 when we were debating the Marshall plan.

Most certainly we shall be informed that we "cannot buy friendship."

Fortunately we now have a considerable record of progress to show for our

foreign aid efforts and achievement is the best argument against these charges.

No one today would argue that the Marshall plan led to bankruptcy for the United States—we are stronger and more prosperous than ever in our history.

No one would argue that the Marshall plan led to further nationalization of industries. Private business enterprise is far stronger in today's prosperous Europe than it was in the shattered, hungry, cold Europe of 1948.

As for the argument that friends cannot be bought, that was true in 1948. It is true today. But it is not at issue. Senator Vandenberg, in his famous speech opening debate on the Marshall plan, did not claim that foreign aid was justified because it would buy friends. He was presenting, he said, "a plan for peace, stability, and freedom. As such, it involves the clear self-interest of the United States." No one today would argue that the Marshall plan did not contribute mightily to peace, stability, and freedom. That was its purpose. And its success is clear.

Many people seem to be under the illusion that while the Marshall plan was a success for foreign aid, we have had no successes since then. This is not so. The evidence on the subject is quite plain.

Success can be demonstrated by the number of countries which have "graduated" from aid recipients to aid donors, and by the number of countries where the need for aid is now coming to an end. Success can be demonstrated by institutions built, lives saved, production increased. Success is demonstrated above all by millions of people who are now able to do things for themselves which they could not do a few years ago.

Economic assistance from the United States, in the form of grants and soft-term loans, has done its work and come to an end in no less than 17 countries thus far—in Japan and Lebanon, as well as 15 countries in Europe.

In 14 more countries in Asia, Latin America, and Africa, the transition to economic self-support is well underway and the need for U.S. economic assistance is drawing to a close. These countries are rapidly approaching the time when they can provide for their own economic and social progress without substantial help from us or from anyone else.

Taiwan can serve as an illustration. Fifteen years ago, the free Chinese on Taiwan were as dependent on U.S. help as are the Vietnamese today. But no longer. Ten years ago, the Chinese conducted a land reform program. They accompanied it with agricultural extension, education, and supply programs. The Chinese farmers have raised their productivity steadily and sharply.

For the last several years, the rate of growth in national output in Taiwan has been one of the highest in the world. Exports have been climbing, reaching about \$400 million last year. The major share of Taiwan's needs for technical and capital assistance can already be met through normal commercial channels, including substantial foreign private investment in an economy that is now

clearly a going concern and an attractive market.

Greece and Israel are other examples of less-developed countries which are approaching the transition to self-support and the end of the need for special aid. India and Pakistan—although still far from self-support and the end of the need for aid—have made solid and substantial progress in education, in health, in industry and transportation, in agriculture, and community development.

Our total effort in foreign aid, compared with our resources, has been small. We propose to invest only about one-half of 1 percent of our gross national product. In view of this, our impatience with rates of development in underdeveloped countries is hard to explain in terms of our own hardship.

Perhaps it can be better explained by our failure to realize that we are now dealing, in large part, with nations that have little or no tradition of modern industrialization. It does little good to help build a tractor factory for people who don't understand the use of tractors, and for that matter, may never have seen one. We are not now dealing with the sophisticated and technologically competent people of Western Europe or Japan; we are dealing with people many of whom do not yet realize the need to improve their technology and raise their standards of living.

Of course, this takes time; of course, there will be many false starts and some wasted effort. Yet our national salvation is closely tied to raising the underdeveloped nations closer to the level we enjoy, for the world cannot long endure one-third fat and two-thirds starving.

We have the resources to carry this minimal burden; we should have the patience to see the job through; indeed we have no choice.

Mr. MORGAN. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. CAMERON].

(Mr. CAMERON asked and was given permission to revise and extend his remarks.)

Mr. CAMERON. Mr. Chairman, when I was first elected to the California Legislature a few years ago, a very dear friend of mine gave me a little book of satire which I am sure many of the Members have read. The book, "Parkinson's Law," had a chapter describing a meeting of a corporation board of directors where the board in 2¾ minutes approved a \$10 million expenditure to build an atomic reactor and then spent a half hour on a \$2,300 expenditure for a bicycle shed, and over an hour on a \$4.75 expenditure for refreshments for the board meeting.

I believe that the debate described in "Parkinson's Law," is not dissimilar to what has happened to the debate on foreign assistance over the last 17 years. It appears to me that so much emphasis has been put on whether the high muckymuck of some remote spot did or did not abscond with a book from the local library that the American public has nearly lost sight of the objectives of foreign assistance.

Applying Parkinson's law, it is easy to see why the taxpayer wonders what foreign assistance is all about. It is difficult

to visualize the abstract—and you can be sure that the headline of the Morning Bugle will not help to clarify the situation—but will lay emphasis on that stolen library book.

For my part, I hope no books are stolen. I hope that the program will run so efficiently that every last dime provided will be used for the intended purpose. But just as I know my church in Whittier has wasted funds in the past—just as I know my professional society, though it be of accountants, has been guilty of errors in judgment—so I know economic assistance will continue to be plagued with the stolen library book.

To me this minutia is not of major importance. What is of crucial importance is the accomplishment of our real objectives. There can be no question that the United States is engaged in a death struggle with communism—a cancerous growth in the universal body politic. To remove this condition, as in most dangerous body growths, we have two alternatives—one is radical surgery, the other is a program of intensive treatment—treatment designed to arrest and ultimately to eliminate the foreign growth. A good physician will, of course, advise his patient of the consequences of both actions and will take all possible steps to protect the life of the patient.

We, sitting here as the Nation's physician, are doing just that. We will provide over \$55 billion this year to take care of surgery—should it become necessary. Now, what we are about to do today is provide less than 7 percent of that amount for treatment.

The treatment will be flexible. It will be completely successful on some growths, less so on others and, for the moment, it may fail on still others. But it is the best and only program of treatment we know today. As with any arresting and preventive medicine, as new facts and techniques are developed, they will be incorporated into the program for the good of the patient.

I believe that it is the destiny of the United States to show the world the wonders of a free, democratic, capitalistic society—to show mankind, by example and by deed, that it is possible to live under a government of laws, not of men—to build not just a nation, but a world free from fear, to use the wonders of science for the benefit of all mankind, and to develop a universal philosophy of brotherhood of man.

As imperfect as it may be, the Foreign Assistance Act is our only current means to accomplish these lofty objectives, and the United States is the only country with the resolve and the ability to meet the challenge.

A vote to cut, or a vote against, this bill is a decision for radical surgery and surely fatal surgery on a very sick world.

A vote for the bill in its present form is a decision for prolonged treatment of a patient that has the latent strength to survive.

Mrs. FRANCES P. BOLTON. Mr. Chairman, I yield such time as he may desire to the gentleman from New Jersey [Mr. WALLHAUSER].

(Mr. WALLHAUSER asked and was given permission to revise and extend his remarks.)

Mr. WALLHAUSER. Mr. Chairman, I rise in support of H.R. 11380.

I hold to the belief that our aid program has been a useful tool in the effort to stem the tide of Communist aggression over the years. It should be continued with reasonable safeguards to prevent waste and mismanagement.

I believe that the situation—unsettled as it is—would be much blacker today if we had not helped our friends recover from the severe economic shocks of World War II and also that many of the newly developing nations would be enveloped by the Communist ideology if we had not indicated our interest and genuine desire to help them make forward progress toward a self-sustaining position. We would be pretty well isolated and would not now be in the dominant position among the world leaders that we are today.

The information given to us indicates a good hard look has been given to the program by the responsible officials of the executive department who administer it, and that a genuine effort has been made to funnel the funds to those areas most in need of our help and which will respond to it with some appreciation and good will.

Precious as our financial stability is, and important as dollars are to the maintenance of this stability, there can be no doubt that the spending of dollars, if well regulated, is far preferable to taking a chance that the world might erupt like a volcano and bullets would be the only weapon left to us.

I do agree that Congress should not be bypassed by the executive branch on long-term aid commitments and that we in the Congress should be more frequently consulted than we presently are regarding the objectives and important decisions of policy.

Mrs. FRANCES P. BOLTON. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. MORSE].

(Mr. MORSE asked and was given permission to revise and extend his remarks.)

Mr. MORSE. Mr. Chairman, we are once again engaged in considering the Foreign Assistance Act—and, in a larger sense, the fundamental issues of our Nation's foreign policy. Our response to those issues should ultimately determine the outcome of this legislation. I say this because the authorization embodied in the bill before the House is neither more or less than the principal means whereby we, as a nation, attempt to carry out our policy on the world scene. For this reason, our objectives—what we hope to accomplish in the world—must first be subjected to close scrutiny and evaluated in terms of our national self-interest. If those objectives are sound, if they are consistent with our national heritage, and if they advance our national self-interest, only then can we intelligently appraise the contribution of the foreign assistance program to the attainment of those goals.

What then are the issues which are basic to our foreign policy undertakings, and have a direct bearing on the legislation before us?

First and foremost among them are the conditions which exist in the world today.

We live in an age of conflict and of rapid change. All around us, the world is in turmoil. The cohesion and the unity which are characteristic of the postwar period—both with respect to the Western alliance and to the Communist empire—no longer obtain. Within each camp, divisive trends are in evidence. And on the larger scene, the clash of competing ideologies; totalitarianism's onslaught on freedom; and the groundswell generated by the concurrent revolutions of the 20th century in education, in communications, in science, and in the rising expectations of the dispossessed masses, contribute to the general atmosphere of uncertainty and instability prevalent today.

Second, the United States continues to be the foremost power in the world. In military and economic strength, we have no equal. The output of our prodigious economy is sufficient to sustain a high level of living for our own people and to provide a measure of help to those in other lands. Our prestige and influence abroad, though frequently maligned, are of considerable proportions.

When we consider these two facts—the condition of the world and of our own Nation—one conclusion emerges: whether we like it or not, the United States occupies a dominant position in world affairs. This position carries with it enormous responsibilities—both to our own people, and to those abroad. We have a responsibility to lead—to lead in action as well as in words. We must lead at home—by attacking the obstacles to a better life for our citizens—and we must lead in the world—by helping others to attain that which we wish for ourselves: a world of peace, with freedom and justice, in which all men can strive to fulfill their highest aspirations.

This, it seems to me, is the basic goal of our foreign policy. And the foreign assistance program which we are debating today is the instrument devised by our Government to help us attain that goal. That is its sole purpose—and it provides for us as well the justification of our support for this legislation. For if we hope to preserve peace and to enlarge the horizons of freedom, we must be willing to assist those in distant lands who daily resist the encroachments of totalitarian forces; and if our hope for a better life is to be shared by others, we must be willing to lend them a helping hand.

I will not attempt to repeat what other speakers who proceeded me have already stated. I would simply like to stress a few developments which are worthy of our attention.

First, the objectives of the program have been sharpened during the past year.

Second, its scope has been narrowed. Selectivity has replaced the scatter-gun approach. We are concentrating our aid

in fewer countries where the promise of success, and the will to self-help, are most clearly in evidence.

Third, the administrative machinery of the Agency for International Development has been improved.

Fourth, greater participation of private enterprise has been secured for this undertaking.

And, fifth, our European allies, and some of those on other continents who have benefited from our aid, have increased their own foreign aid efforts.

Mr. Chairman, I would like to end on a note of caution.

It is all too easy to jump to the conclusion that because the program has been improved in recent years—and because this year's authorization is more realistic than earlier requests—that further progress in the direction of tightening the administration of foreign aid, of improving its effectiveness, is not necessary. To my mind, this is a dangerous assumption. I, for one, will work for, and expect to see, further progress in that direction. I am certain that other members of my committee, and of the House, will do likewise.

Also, I think that it is only fair to warn the recipients of our aid—including our partners in the Alliance for Progress—that we expect them to shape up their monetary and fiscal policies, to adopt necessary tax and land reforms, and generally to put their houses in order. Our good will and our aid are not inexhaustible. Under proper conditions, our aid can mean the difference between failure and success of a soundly conceived and energetically pursued self-help or reform program. Without the proper climate in the receiving country, however, without the will for self-help, all our assistance can come to naught. And I am certain that the Congress, and the American people, have no intention of wasting our resources on futile undertakings.

Mr. Chairman, I urge that the bill pass.

Mrs. FRANCES P. BOLTON. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. THOMSON].

(Mr. THOMSON of Wisconsin asked and was given permission to revise and extend his remarks.)

Mr. THOMSON of Wisconsin. Mr. Chairman, I wish I could join with those who have urged all members of the Committee to vote for this bill without amendment, but I find great need to strengthen this program and remove the cause of embarrassment to the American people, prevent misuse of our money, and save some money.

I have found in a limited investigation some amazing uses of American foreign aid funds. To me these uses are inexcusable. I think they can be stopped. I think the American people should demand that they be stopped. I think we should amend the bill to make sure that these uses do not reoccur.

Now the agency is making an effort and they say they are increasing their staff and their determination to prevent improper uses of American foreign aid money and when they discover improper uses, after the money has been spent,

they send a statement to the offending nation and ask that the money be repaid. Those statements are called bills.

Well, in 1960 they sent out bills amounting to \$9,968,744.

In 1961 that had increased to \$15,146,374.

In 1962 it had increased to \$19,853,343.54.

In 1963 it had increased to \$24,753,362.71.

The amount that was recovered of these claims were as follows:

In 1960 the amount recovered was \$9,861,017.29.

In 1961 it was \$8,963,217.

In 1962 it was \$11,641,000.

In 1963 it was \$12,659,000.

But the agency itself reports that collections are not very good this year.

Whereas last year they collected almost \$13 million—they report that for the first 3 quarters of 1964 they have only collected \$5,375,911 and anticipate collecting only \$1,800,000 more.

So the bills that are being sent out for improper use of money are going up and the amount collected is going down.

Here are some amazing items and I am reading to you from the bills for collection from the AID office itself.

Here is Cambodia, that just told us to get out of there with our mission. Here is an item for Metracal, if you please—\$6,400.

Here is another one to Cambodia for Metracal, \$10,670.

Here is another one to Cambodia for sun and surf lotion, if you please. It is only for \$59 but you can buy quite a few bottles of sun and surf, I assume, for that amount.

Then for Turkey—Air Wick, a household deodorant, \$10,650.50. I think it is a luxury item.

Here is another. To Pakistan, Odorono, listed as a deodorant skin cream, \$1,042.

Here is one for Turkey: Eye shadow, \$199. That is very important.

Here is another one for Turkey: Lipstick, \$741.60.

Here is another one for Turkey: Electric ice cream freezers, \$1,128.50.

Here is one for the Dominican Republic: Hops, \$5,131.

Here is another for Turkey: Bubble gum, \$999.98.

There are some others which are most amazing and quite disturbing.

To Turkey: Prophylactics, \$590.

To Turkey: Contraceptives, \$997.50.

To China: Androgenic hormones, listed as a sex stimulant, \$2,060.

Here is another for the same purpose, with a different trade name, to the same destination, for \$1,950.

Here is another one, listed as Royal Bee Jelly, which is in the same category, \$13,500. That is to China. Royal Bee Jelly, \$13,500.

If this Agency is going to insist upon permitting these practices to continue, I believe they should send the contraceptives to China and the stimulants to some other destination.

Let us see what happens. What is the result of the improper and illegal use of American taxpayers' money in the country which gets it? I say it is demoraliz-

ing to those countries. There are destructive results in the recipient nations.

Now available to all Members, of course, is the report of the Comptroller General of the United States, made in 1962, in which he discusses the AID program in Korea. I shall quote from page 113. He says:

In Korea the "U.S. AID funds financed imports of luxury or semiluxury materials" and the result of those luxury imports to those countries was "consumption habits beyond the standard possible to be maintained at present by the country's economic resources were encouraged."

We were encouraging the people of Korea to insist on buying, for instance, nylon yarn, which costs \$1 or \$1.50 a pound when, if they wanted a synthetic, they could have had other yarns such as rayon, costing only 50 cents a pound.

But we whetted the appetite of a country and of a people of luxury items well beyond their means or their ability to produce in that country.

As the Comptroller General also states—and this in a recent letter to me—

Generally the U.S. assistance is made available to provide a country with needed foreign exchange, and in the cases discussed the net effect is that the aid recipient country has spent some of its own foreign exchange for unnecessary or low-priority commodities.

The purchase of such commodities by AID recipient countries tends to add to the need for U.S. assistance for the financing of essential commodities to that country.

So, this practice we have been following of permitting the improper and inexcusable use of American foreign aid to countries has aggravated the imbalance in the foreign exchange in the country that we are trying to assist and has encouraged consumption habits which are beyond the standards that are possible in that country. I say to you it is costly to the American taxpayers and it is embarrassing to the Members of Congress and should be to the people who are responsible for this. It discourages those who might otherwise like to assist in this program from supporting it.

The CHAIRMAN. The time of the gentleman has expired.

Mrs. FRANCES P. BOLTON. Mr. Chairman, I yield 2 additional minutes to the gentleman.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield at this point?

Mr. THOMSON of Wisconsin. Yes; but I would first like to make this observation.

As a result of the situation, I intend at the appropriate time, at the reading of this bill, to offer an amendment to the bill which will in effect cut off further assistance to the countries who refuse to repay the claims that America files against them for the improper use of American aid money.

Now, Mr. Chairman, I yield to the gentleman from New Jersey.

Mr. GALLAGHER. The gentleman has some very interesting material as the basis of his speech, but I ask him nevertheless if his material and these facts and vouchers were not in fact supplied by the AID.

Mr. THOMSON of Wisconsin. Naturally. I did not make them up.

Mr. GALLAGHER. No; but you say this was on the basis of a preliminary investigation. It is my understanding of this matter that the AID had found these errors and had already billed these countries for the misappropriation of the funds included in these items and that these items are on a list of items which makes it improper to use these funds or credits for these purposes. Also, that the AID had already taken corrective action and had billed these countries for this money. I ask the gentleman is that not a fact? Therefore, this is not something that we have been doing and making permissible. The Agency and the administration itself have been against this type of practice and have taken corrective action.

Mr. THOMSON of Wisconsin. Let me respond to the inquiry by saying that I went to the Agency, certainly. They have a record of the claims that they have filed for the last 2 years. Prior to that they could not produce them. They said it would be an impossible physical task to get together the claims that had been filed prior to that time.

Mr. GALLAGHER. That is not the question. The question is they made the disclosure themselves and filed it with the committee.

The CHAIRMAN. The time of the gentleman has expired.

Mrs. FRANCES P. BOLTON. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. THOMSON of Wisconsin. Maybe the chairman of our fine committee would yield an additional minute so that I may respond to the question.

Mr. MORGAN. Mr. Chairman, I yield the gentleman 1 additional minute.

The CHAIRMAN. The gentleman is recognized for 2 additional minutes.

Mr. GALLAGHER. I ask the gentleman, if he will yield, the following question: I restate my proposition that the very items the gentleman has mentioned were in a presentation made by AID and that they themselves had corrected these errors and have billed accordingly, so that these practices would not continue. Is that not correct?

Mr. THOMSON of Wisconsin. No. I think you should say that the Agency hopes they can prevent the continuance of these practices but they have not been able to prevent them. A year ago, when Senator WILLIAMS of Delaware discovered they were sending great volumes of Metrecal into Vietnam, it created quite a sensation. The AID people wrote on the vouchers, "Pharmaceuticals except Metrecal into Vietnam," but at the same time they were putting the Metrecal into Cambodia.

Mr. GALLAGHER. The gentleman knows that this is in violation of the regulations.

Mr. THOMSON of Wisconsin. Mr. Chairman, the point that I am making is that we should be able to prevent that kind of misuse of American taxpayers' money and it has not been prevented up to this time.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. THOMSON of Wisconsin. I yield to the gentleman from Iowa.

Mr. GROSS. And is it not significant that the foreign handout outfit over here can put out all kinds of releases favorable to the organization; but it is not of record that they put out a release saying that they discovered the peddling and distribution of these items. They do not advertise this fact, do they?

Mr. THOMSON of Wisconsin. They did not advertise the fact, no. They gave me a long list of 13 different types of violations in the use of taxpayers' money by the AID administration. I asked them specifically for violations under two categories from certain countries. I went down to the agency to get it. The gentleman says that they volunteered it. I say that I dredged it out.

Mr. MORGAN. Mr. Chairman, I yield 8 minutes to the gentleman from New Jersey [Mr. GALLAGHER].

Mr. GALLAGHER. Mr. Chairman, we are considering today the Foreign Assistance Act of 1964. This is in itself not remarkable; the foreign assistance program has been before this House in the past many times. What is remarkable is that this year, for the first time in recent memory—some say for the first time in the history of this great endeavor—the Committee on Foreign Affairs has reported out an authorization bill in the full amount requested by the administration.

The action of the committee by a large majority was the culmination of a most painstaking and exhaustive examination. That examination convinced us—Members on both sides of the aisle—of three fundamental facts:

First. The amount requested for economic and military assistance is a tight, realistic, hard-core estimate of the needs for the next fiscal year.

Second. The program is being planned, administered and managed more effectively and more wisely than it has been since the Marshall plan.

Third. The mutual defense and development program continues to be in the best interests of this Nation's security and in keeping with our finest traditions as a people.

The President's request this year—including his supplemental request for \$125 million for South Vietnam—was nearly \$1 billion less than was requested last year. Before any Member misinterprets that action, let me assure them it is not because the needs of the less-developed countries are any less, nor that the national security of the United States is any less threatened nor that last year's request was inflated. On the contrary, the needs of the underdeveloped nations of Latin America, Asia, and Africa are as great now as ever; the national security of the United States continues to be threatened, particularly in southeast Asia. The reduction in the President's request is due entirely to a different approach in estimating the requirements in our national interest of economic and military assistance. This year the request was based not on possibilities but on probabilities, not on the assumption that every country would meet the standards of self-help and self-discipline set by the United States, but on the careful assessment that major recipients

would. This reduced request is in itself a testimonial to the careful planning and effective management of the aid program.

The Committee on Foreign Affairs responded to this demonstration of good faith and responsibility by approving the entire amount requested. As one of our great national newspapers commented the other day:

The President has presented an honest, startlingly realistic request; irresponsible cutting can only lead to irresponsible budget proposals.

The committee has met its responsibility; I am sure the full House will not do less.

The funds requested for military assistance were justified by Secretary McNamara and General Taylor on two separate occasions, by each of the four military field commanders and by civilian and military witnesses of the Department of Defense. Mr. McNamara eloquently and forcefully told of the great damage done by the indiscriminate cutting in last year's budget request. The daily news from southeast Asia underscores the necessity of authorizing and appropriating the full \$1.055 billion, 55 million requested for military assistance and the folly of jeopardizing our entire worldwide military position and the continued survival of our allies by refusing to give the President the tools to do the job. Let no one risk defeat in Vietnam or anywhere else through some misguided and shortsighted attempts at false economy.

But, Mr. Chairman, my main concern today is the economic assistance portion of this bill. The President is requesting \$922 million for development loans. The Development Loan Fund has become the principal instrument in the foreign assistance program. At the direction of the Congress, the Agency for International Development over the past 2 years has shifted increasingly from grants to dollar-repayable loans—loans which are tied to procurement in the United States and which represent no drain on balance of payments. On the contrary, they represent a growing outlet for U.S. goods and widening markets for U.S. exports. Nearly 60 percent of these loans are for capital projects—dams, powerplants, transportation systems, productive enterprises, et cetera. The remaining portion is for so-called program loans which do so much to stimulate private enterprise in the developing nations by providing the commodities, spare parts, plant expansion, raw materials, and machinery necessary for maintaining and utilizing the already existing productive capacity of the more advanced underdeveloped countries such as Colombia, India, Turkey, Chile, and Pakistan. And lest any critic complain that American aid is dispersed and scattered, let me call to your attention the concentration of development lending: two-thirds of all loans will go to only seven countries—Chile, Colombia, India, Nigeria, Pakistan, Turkey, and Tunisia. AID will obligate all of its available loan funds this fiscal year. It is essential that the full amount requested be authorized and that full authorization be appropriated.

Technical cooperation is a concept with which all of us are familiar, and with which all of us should agree. This category represents the most direct visible expression of our concern for the welfare and well-being of the peoples of Asia and Africa. This fund finances technical assistance experts and projects in health, public administration, education, community development, rural electrification, agriculture, public safety, and labor. It trains the manpower in the skills necessary for growing societies bent upon release from centuries-old bondage to poverty, disease, ignorance, hunger, and malnutrition. Technical cooperation is the investment in the future of these nations—a practical expression of faith in the dignity of man—who have yet to realize their full potential but who have yet to give up hope in the peaceful and orderly evolution of a society in which that potential can be realized.

The request for the Alliance for Progress needs no justification in this House which remembers with respect and affection the memory of President Kennedy. The recent reaffirmation by President Johnson of our dedication to the principles of the Alliance for Progress—social progress and economic growth through self-help and reform reminds us only that, as a nation, we are dedicated to these same principles. We are beginning to see tangible results from the joint efforts—however halting and however frustrating—of our Latin American neighbors and ourselves. I have already mentioned Chile and Colombia; recent events in Brazil are signs of hope that nation, the largest in Latin America, has begun its journey backward from the brink of anarchy, Communist takeover, political stagnation, economic chaos, and social instability.

In the year ahead this Government must be ready to meet the opportunity presented by the overthrow of the Goulart regime. It is imperative that full \$550 million requested for our share in the Alliance for Progress be made available. At no time since its inception have the prospects for the Alianza looked so promising; and at no time have the threats been so foreboding in Argentina, in Chile, and in Brazil. Let one Cuba and one Castro be enough to remind us—and the Latin Americans—of our common purpose and our mutual interests: The preservation and extension of democratic, progressive, and free societies in a hemisphere devoid of the threat of foreign intervention and subversion. This House can do its duty by voting the full authorization.

Supporting assistance is the category of funds that contributes most directly to the political stability and military security of nations directly threatened by aggression and subversion, nations whose economic capacity to support their territorial integrity is severely limited. The supporting assistance funds authorized in this bill, \$405 million, will enable the people of South Vietnam to continue their long struggle for freedom from the domination of Red China. It will enable the Koreans to continue in their tortuous and sometimes convulsive pursuit of economic and political sta-

bility under the constant threat of military attack. A few years ago supporting assistance was over \$700 million; this bill shows the continual and successful efforts to move countries receiving such grant aid to development assistance. Seventy percent of all supporting assistance is concentrated in four countries—Korea, Laos, Jordan, and Vietnam. Let no one in this House be deluded that victory in South Vietnam will be purely a military one. Essentially, it will be a political victory and one that can only be won by the Vietnamese themselves. Our assistance, both military and economic, is the margin of safety. Neither can be emphasized at the expense of the other; both are needed. Authorizing and appropriating the full amount of supporting assistance will demonstrate to the world our determination to assist the people of Vietnam for as long as they are willing to fight for their freedom and for as long as it may take to win ultimate victory.

Mr. Chairman, there are other categories of funds in this bill. Support for the developing nations through our contributions to international organizations, assistance to American schools and hospitals in their work abroad; the all-important administrative funds necessary to carry out this program; and special provisions for the encouragement of private enterprise. They are no less important than the ones I have already outlined.

I conclude as I started by emphasizing this is a tight, realistic request, it is a program that is increasingly well-managed; it is essential to our national interest. It merits our support and it has earned our confidence. It is succeeding. Fourteen countries in this year's presentation have been identified as being in a transitional stage. They are on the road to self-sufficiency and the U.S. aid program has put them there. Taiwan, Greece, Mexico, the Philippines, and the others over the next few years will take their place in a world of independent, increasingly prosperous nations secure to the free world. It is in this kind of world that America's political, economic, and military security is best protected. It is to this end that we are engaged in foreign aid. However frustrating and however trying the task, the burden shared increasingly by our West European allies and Japan is light compared to the cataclysm of a world at nuclear war or enslaved to totalitarian ideologies.

The United States is committed—and rightly so—to make this long twilight, in which two-thirds of the world's people live, a twilight before the dawn, not the twilight before the night.

Mr. Chairman, I urge adoption of this bill because I believe in our America, our values and our way of life. We should be happy to share them; we should be determined to protect them. This bill does both.

One often hears the critics ask, "Can we afford to continue the foreign aid program? How much does it cost?"

The cost is less than one-half of 1 percent of our gross national product. To put it a different way, it represents less

than four pennies out of every tax dollar collected from the American taxpayer.

Our foreign aid program uses that part of the tax dollar of the American taxpayer that costs less than a nickel pack of gum or a package of lifesavers. And yet, imagine what a lifesaver it is to hundreds of millions of our fellow human beings where the difference is life and death, starvation or survival, possessing health or dying slowly of disease. The question should be, Can we really afford not to have a foreign aid program? I do not feel we can.

Senator Vandenberg pointed out in 1948:

The greatest nation on earth either justifies or surrenders its leadership.

The threat of this thought was continued in the 1963 aid message of President Kennedy:

The United States—the richest and most powerful of all peoples, a nation committed to the independence of nations and to a better life for all peoples—can no more stand aside in this climactic age of decision than we can withdraw from the community of free nations.

Mr. Chairman, I strongly urge passage of this bill.

Mr. McDOWELL. Mr. Chairman, will the gentleman yield?

Mr. GALLAGHER. I yield.

Mr. McDOWELL. Mr. Chairman, I wanted to inform the gentleman who talked about the item of Metrecal that I am afraid he is sadly misinformed because if he will follow that out to its conclusion he will find that the item Metrecal was never shipped from this country.

Mr. THOMSON of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. GALLAGHER. I yield.

Mr. THOMSON of Wisconsin. Mr. Chairman, when we are back in the House I shall ask to have placed in the RECORD the documents from the AID which show that they billed for the Metrecal. Whether it was shipped from this country is inconsequential, because it was money from the AID that paid for it.

Mr. McDOWELL. But it was never shipped.

Mr. GALLAGHER. Mr. Chairman, the point is that commodity credits are established and unless you have a pre-audit on every single item that is being shipped under commodity credit there is no way in which these abuses can be corrected before the act occurs. We have listed certain items that are violations of the regulations. The fact of the matter is that the items the gentleman has just enumerated were on this list. These items were in violation and these countries were billed accordingly.

There has been an inference made that the administration has attempted to withhold information on this very item. The fact of the matter is that it was the AID itself that presented the committee with this information along with the corrective action they had taken to recover the money and also blacklist the companies that had been doing this business. The gentleman who has just enumerated these items was given complete cooperation by the Agency.

He was asked to come down there and all of the bills that he requested were brought forth. The gentleman himself knows that the accounting system down there, and not anyone else, discovered these infringements upon the regulations, and corrective action was taken long before the gentleman made his investigation.

Mr. Chairman, I would like to add that the AID Agency approves for a recipient country an import program, including specific amounts for categories of commodities such as drugs, machinery, chemicals, and textiles, and issues regulations that imports shall include essentials only and not luxuries. Then, in turn, the local government issues import licenses to commercial importers under such a program.

Mr. Chairman, if a violation occurs, it occurs in the free enterprise section of this credit establishment. Therefore, this certainly should not be a condemnation of the AID. In fact what we should do is to applaud the Agency for correcting these violations and recovering for the American taxpayer this money that has been spent in violation of the existing regulations.

Mr. Chairman, it further publishes the rules and takes criminal and/or civil action against importers which make fraudulent statements—and these were fraudulent statements. There are in existence regulations to cover just such infringements as the gentleman would have the members of the committee believe that he discovered. This is just not the case. Therefore, a preaudit situation would impose a heavy blanket of bureaucracy upon any exporter or little importer who would want to take advantage of his opportunity to obtain an export or an import license. Therefore, I believe that the gentleman while he has had some interesting material, he is misrepresenting how this material came to light. It was the agency itself which brought this to light and which had made a full disclosure and which does have regulatory action at its disposal which it is presently using to recover the money.

Mr. ADAIR. Mr. Chairman, will the gentleman yield?

Mr. GALLAGHER. Yes, I yield to the gentleman from Indiana.

Mr. ADAIR. I would like to call the attention of the committee to a chart which appears on page 70 of the report. This chart indicates that in fiscal year 1962 bills were issued in the amount of something over \$19 million and collections were effected in the amount of \$8.7 million in this type case about which the gentleman is now speaking.

For fiscal year 1963 bills in the amount of \$24.7 million-plus were issued, and collections in the amount of \$12,474,000 were collected, showing a very substantial balance of uncollected accounts.

Mr. GALLAGHER. I believe it also demonstrates that Mr. Bell is a pretty able bill collector or a better bill collector than previous Administrators and that the Agency itself has been exceptionally good in certain respects in turning up these discrepancies. The fact that there are a number of bills uncollected does not

mean that they will not be collected. In fact we are now going through the bill collecting process. I am sure the gentleman will agree that we have made more headway under Mr. Bell and this administration in this field than ever before. I believe this shows great promise that the administration itself has imposed a very strict regulatory action on this type violation. Therefore, the gentleman's figures are correct and I believe they support the administration's attempt to clean up any of these areas where they may be cloudy and to rid the program of any violations that presently exist.

Mr. Chairman, I believe the entire program has been one which has been extremely progressive. It has served well the purposes of the program. I believe Mr. Bell himself has shown a keen awareness of the type of condition that previously existed and that has gone unnoticed. I believe he deserves our praise and our thanks as an extremely able Administrator. The AID has been doing an excellent job.

Mrs. FRANCES P. BOLTON. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. ADAIR].

Mr. ADAIR. Mr. Chairman, it has been pointed out earlier today, and I should like to underscore the fact, that the Chairman has certainly been very patient, fair, and in every respect considerate of those of us on the minority side, and especially those of us in the minority of the minority. We appreciate that.

We are also grateful, Mr. Chairman, for the consideration that the gentleman from Ohio [Mrs. FRANCES P. BOLTON], as the ranking minority Member, has shown to us. She, too, has been fair, just, cooperative, and helpful, even though our views with respect to this bill do not coincide. So to her also our thanks and our appreciation.

Mr. Chairman, we are here again to consider a bill which has cost at a minimum since 1946 \$110 billion. There are those who will find higher figures, as the gentleman from Iowa, if I understood him correctly, earlier this afternoon, used the figure of \$120 billion. Of course, this is understandable, because there are so many aspects of foreign aid that the total figure one reaches depends on the various items which are included. But the most recent figures from the Executive now are somewhat higher than those used in our report which, if I remember correctly, indicated an expenditure of \$104 billion. I repeat now, the figure to the end of this fiscal year as provided by the Executive is expected to be more than \$110 billion.

The question then arises, what have we gotten for this outpouring of money? And are we continuing to give it to countries in the numbers that have heretofore received it? Well, for 1965 our economic aid is to be extended to 73 countries and 3 territories, a total of 76 country and territorial units. That is in the program before us today. But there is a previous year carryover also that will be spent in this next fiscal year. This will go to 10 countries and 3 other territories. So members of the committee will want to have in mind that we will

be spending money under present plans on the economic side of this program in 89 countries and territories in the next fiscal year.

That hardly looks like a great retrenchment in the number of countries which are receiving assistance. But to that might be added also those countries which are getting Public Law 480 assistance and are not included in the categories just mentioned. There are four of those and three other territories, to make a total of seven countries and territories which will get Public Law 480 assistance in addition to the pure foreign aid assistance.

So in all of these two categories Members will note that we are planning to extend assistance, in the fiscal year 1965, to a total of 96 countries and territories around the world. That pretty well takes care of most of such countries and territories.

One of the problems which was considered by the committee and to which a great deal of thought was given was this matter which has been alluded to earlier this afternoon, the matter of aid being given by other countries.

Reference has been made to some of the countries, European principally, which do extend assistance on their own account. I think there are some things that need to be kept in mind about those countries.

First of all, the great bulk of that aid is not grand aid, it is loan aid. It is given upon terms much harder than we ordinarily extend our assistance under the foreign-aid bill. Someone has made a calculation as best it could be made and has discovered that most of the loan aid given by other nations is given at rates in excess of 5 percent, far more than ours. It is also given generally for periods of time much briefer than the periods for which we extend assistance. So it is not accurate to say that other nations now are carrying a very heavy proportion of this aid to underdeveloped countries.

I think it is accurate to say that some is being extended, but where it is being extended it is extended largely on the basis of their own national or private self-interest. They do that, if Members will study the record, largely in countries or areas where they have had a history of colonial activity, where they have continuing business connections, so that it is to their national self-interest to extend this sort of assistance.

Along this very same line, one question further discussed in the committee and upon which no action of an amendatory nature was taken was the question of whether or not we should extend aid to nations which then in turn give aid to other nations. The view was expressed that if we give aid to country X and country X then gives aid to underdeveloped country Y, we are in effect simply making it possible for this second country to use the assets of our country to claim credit for assisting the underdeveloped country. I say the committee took no legislative action upon this. There is material in the report which I would commend to the Members of the Committee of the Whole in this connec-

tion, because I think as countries other than ourselves, as they give aid of one sort or another to underdeveloped nations, will have to have our very close and continuing scrutiny lest we do find ourselves in the position of the rich uncle who is making it possible for a nephew to make a display of wealth and assistance which is hardly justified.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman from Florida.

Mr. FASCELL. I believe the gentleman would like to have the record straight with respect to countries receiving aid giving aid to other countries. Is it not a fact that this matter was considered by amendment before the committee and the amendment was beaten by 22 to 2?

Mr. ADAIR. The gentleman may well be correct. I have forgotten whether the amendment was withdrawn or defeated, but I will agree with the gentleman that it was not successful, whatever the means by which it died, because my memory is not clear on that.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman from Iowa.

Mr. GROSS. There were a lot of other amendments that were defeated, too. Will the gentleman agree with that?

Mr. ADAIR. Since the amendment originated with the gentleman in the well of the House now, I will have to agree with the gentleman from Iowa that there were amendments that should have received a happier fate than they did receive from the committee.

Now the matter of the pipeline. Members will observe that it is expected at the end of this fiscal year to be at the rate of about \$6.3 billion. This is a modest reduction from last year. It is much higher than the pipeline was in the late fifties. During the period of the Korean war and immediately thereafter, the pipeline was quite large and then in response to congressional prodding, it was reduced. For several years it has been at a plateau at this level of something above \$6 billion.

The response to criticism of this is that this money is largely committed or reserved—at least plans are made for its expenditure. But a careful study of the record will reveal that in a very great many cases the money which is programmed now never is used for the purposes originally designated. Or there is a great delay. We have accounts which are set forth in the record of the hearings, if my memory serves me correctly, of money that has been tied up for 3 or 4 years and is still not being used.

Therefore, I would say to Members that this is idle money—money that is not needed in the program. It is money which ought to be cut out and removed.

There will be amendments offered. Some were suggested earlier. I would commend them to the Members of the House.

The matter of earmarking funds, both military and economic, for Vietnam, I think, is important. If we mean what

we say about giving support to the warfare in Vietnam, then let us show it by earmarking money. Otherwise there is no assurance written into the act that it will be used for that purpose.

Then, Mr. Chairman, there will be amendments offered which will provide Members who think the bill is too high—Members who think the committee should have reduced its dollar value—amendments will be offered which will afford an opportunity to do this.

As was pointed out earlier this afternoon, the committee reported out the bill in the full amount originally requested by the Executive plus the supplemental request of \$125 million stated to be for Vietnam. But, I repeat, not legislatively earmarked for that embattled country.

Therefore, I would urge Members to support not only the earmarking amendments which I think are of great importance, but also to support some certain moderate reductions in the dollar value of the bill.

(Mr. ADAIR asked and was given permission to revise and extend his remarks.)

Mr. MORGAN. Mr. Chairman, I yield such time as he may require to the gentleman from New Jersey [Mr. JOELSON].

Mr. JOELSON. Mr. Chairman, I think one of the most significant developments in foreign policy achieved by the United States in the trying months immediately after World War II was the foreign aid program.

We did not patent this invention, and other nations have been quick to see its benefits, which redound both to those who receive and those who give.

If imitation is the sincerest form of flattery, other nations have indeed flattered our aid program.

When President Truman signed the Greek-Turkish aid bill in May 1947, the United States was the only country in the non-Communist world able to provide any substantial help to anyone else. Today, many free world countries other than the United States provide substantial aid to the less-developed nations, and more are undertaking aid programs.

Eleven of these other donors—Belgium, Canada, Denmark, France, Germany, Italy, Japan, the Netherlands, Norway, Portugal, and the United Kingdom—are members, with the United States, in the Development Assistance Committee of the OECD in Europe, the Committee that has become the center for free world aid coordination. These 11 countries account for about 95 percent of the bilateral aid from other than the United States. The other 5 percent comes from six other countries: Australia, Austria, Kuwait, New Zealand, Sweden, and Switzerland.

More aid recipients are becoming donors today. For example, Israel, the Republic of China on Taiwan and Mexico now provide technical assistance to nations less developed than themselves, although not in a position to grant financial aid.

We have also seen the rise of international agencies equipped to provide technical and capital assistance to the

less-developed world, agencies such as the World Bank, the International Development Association, the European Development Fund, and the Inter-American Development Bank. Ten years ago, the World Bank was the only multilateral source of capital for this purpose.

Since 1956, the other developed free world countries have invested more than \$13 billion in aid to the less-developed world—about what the United States invested in the recovery of Western Europe through the Marshall plan between 1948 and 1952.

The aid programs of others are increasing steadily in size. By 1960, the total volume of all free world aid commitments had climbed to \$6.5 billion, of which 40 percent—or \$2.6 billion—came either from multilateral agencies or other countries. By 1962, the total volume of free world aid had increased to \$8.5 billion, of which 44 percent, or \$3.7 billion was provided outside the U.S. bilateral aid programs.

We no longer face the challenge alone; or with impoverished allies; or without precedent or example in the orderly development of the free world's poor nations. With 17 nations on their feet and self-supporting; with 14 others in Asia, Africa, and Latin America fast approaching that point; with solid growth underway in countries like India, Colombia, Turkey, Nigeria; with other advanced countries helping to meet the challenge of development.

Mr. MORGAN. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. O'BRIEN].

(Mr. O'BRIEN asked and was given permission to revise and extend his remarks.)

Mr. O'BRIEN. Mr. Chairman, this is the first time in 12 years that I have engaged in the general debate on the mutual assistance bill, and I regret that the position I am taking today will bring me into conflict with a number of distinguished Members of this House whose opinions I respect and whose friendship I treasure.

During those dozen years, Mr. Chairman, I have done a lot of listening. There have been times, after hearing the plight of this country described in dark terms, I have gone out and looked to make certain that the Capitol was still here.

I have heard during the debates during the past dozen years practically every country in the world, including our friends, denounced in various terms—large countries, small countries; every kind of country there is.

I cannot help but think that we are in a sense each year looking at mutual security through a cracked mirror which does not detect only the flaws but gives us and the Nation a distorted picture of the truth.

During these dozen years, under four different Presidents, Mr. Chairman, I have gone along with their requests for mutual security funds; and during 8 of those years our President was a Republican.

I deemed myself a man of courage for so voting, because of the attitudes of some vociferous persons in my district who, after a swift glance at headlines,

denounced so-called foreign aid as wasteful, as useless, and even as un-American.

I have now come to the conclusion that some of us who sat on the back benches during these annual debates were not courageous at all. We voted with our Presidents, Republican and Democratic, but we denied them our voices.

So, Mr. Chairman, I rise today to add the small measure of my oral aid and comfort to the courageous few on both sides of the aisle who have stood here year after year and defended a course which, while unpopular with some extroverts at the end of the bar or in the golf club locker room, was vital to our defense and to our world posture.

So many of those who write to me against foreign aid add a little postscript to their letters—"Give it to me instead. Sacrifice our strength abroad to add a dollar to my pension, to my subsidy, to my tax reduction."

Others say that after spending billions in aid we still have enemies. To them I say that prophets, priests, ministers, and rabbis have been fighting sin for thousands of years, and we still have sin. Should we then tear down our churches and synagogues and let the Devil run wild? We must remember that both the Communists and the Devil have a cute little habit of filling any vacuum anywhere.

Still others say that we who vote to uphold our Presidents are "one worlders." Well, I have a little world which means a lot to me. It contains seven grandchildren. I believe foreign aid makes their world a little safer and, though part of the cost of what we vote will be on their shoulders, I would rather risk a mortgage on their financial future than risk denying to them a future of freedom.

This is a "bare bones" appropriation, Mr. Chairman. Those who fought fat in the past, and sometimes correctly, should realize that the knives which they brandish today are aimed at muscle and bone, at the very heart of something vital to our security.

So, Mr. Chairman, I return to my back seat. My conscience and I are at peace.

Mrs. FRANCES P. BOLTON. Mr. Chairman, I yield 10 minutes to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

(Mr. FRELINGHUYSEN asked and was given permission to revise and extend his remarks.)

Mr. FRELINGHUYSEN. Mr. Chairman, as we approach the end of this debate on the foreign aid authorization bill, I believe one of the most surprising things about it is how little serious debate there has been. There have been some very sensible comments from both sides of the aisle, but there has been a matter-of-factness about it, a lack of interest on the part of most Members, which I believe is noteworthy.

I would guess that nothing anyone has said today—and surely nothing I shall say—is going to change a single vote. I myself feel this is probably a good thing. It shows, in my opinion, that the request of the administration for funds for the foreign aid program, which has

been thoroughly considered by the Foreign Affairs Committee, is not an unreasonable one.

One point of interest, and a fact that all of us can be thankful for, is that we are considering this bill some 10 weeks earlier this year than the authorization bill was considered last summer. Members will recall that it was toward the end of August when that authorization bill was finally passed, under somewhat heated conditions, and it was not until a 7 a.m. session on the day before Christmas that the appropriation bill itself was passed by the House. So, I think we have made some progress.

Admittedly any foreign aid bill looks somewhat like the one before it. Perhaps that is one of the reasons why there has been some apparent lack of interest here. In my opinion, the amount which is being requested is a reasonable one; it is a relatively small amount. When we talk about billions of dollars in Washington, we tend to discount the fact that these are very considerable sums, but compared to what we spend for direct military support of our own forces, it is a small amount. It is going to fewer recipients than it has in the past. Admittedly, as the gentleman from Indiana [Mr. ADAIR], said, it is no great retrenchment of our program, but there is a concentration of our assistance in areas where the need is greatest.

Admittedly, also, the international situation presents problems to us. Testimony was heard before the Committee on Foreign Affairs just this morning with respect to the situation in southeast Asia, both in Laos and Vietnam. There is, of course, considerable reason for concern about the situation in that area of the world. However, I think we should remember that the frustrations which this country faces today, and must continue to face, regardless of how quickly we would like to resolve them, are going to continue. We must also remember that they are not the result nor the fault of the foreign aid program itself. Indeed, without foreign aid our problems, our relationships with other nations, would be far more serious and the problems which the free world faces would be far harder to cope with.

I myself do not think that this bill we are considering is perfect, I would like to mention a few changes which I think might well be considered favorably. The gentleman from Indiana has discussed the action taken by the committee in authorizing both military and economic assistance for Vietnam. Members will remember that on the 18th of May President Johnson sent a special message to Congress pointing out the necessity for an additional \$125 million—\$70 million for supporting assistance and \$55 million for military aid—to that small country. In my opinion, the President has already specifically earmarked that additional amount of money, if we should make it available. He had pointed out the necessity for providing more money than the administration had previously thought would be necessary in fiscal year 1965. Because this is true and because I think it is highly desirable for this

country to back up our policymakers in an area where there is a real test of strength, I think it would not be unreasonable for us to earmark no less than \$200 million for economic assistance to Vietnam. It would not mean that this money would have to be used for that country if conditions should change favorably, but it would mean that this amount of money could be used only in that country. We hear the argument that this will decrease the administration's flexibility; but we also hear the argument presented, as it was today, that there is already too much authority granted to the Executive, that there is already too much flexibility confided to the administration. Also, we have specific language in the basic legislation which allows a certain degree of transfer ability of funds.

In the case of Vietnam I think the situation is somewhat different. As I say, the President has already made it plain that he will spend more money if Congress will make it available. One of the reasons, presumably, that more money was not asked for in March when the Secretary of Defense came before our committee was because the administration thought, for some reason, that they could spend less in Vietnam in the coming fiscal year than they had spent. A few months previous to that, you will recall, there was some talk of withdrawing some of our own armed forces from southeast Asia. Events have proved that this is not likely to develop.

As a member of the committee I thought it unrealistic for the Administration to argue that they would request only \$1 billion in military aid, even though \$1 billion had not been enough to protect the basic national interests of the country, our own country, last year. It seemed evident to me that we also would have to spend at least as much in Vietnam during the next fiscal year both for military aid and economic assistance. The argument which Secretary McNamara made was that Congress had already made it crystal clear that we would appropriate no more than \$1 billion. To my mind that was a reflection not only on the Committee on Foreign Affairs, which had not even heard his case for any spending or what the level of spending should be for the next fiscal year, but it was also a reflection on Congress as an institution. How could we have made it plain that we would not spend more than \$1 billion, no matter what the international situation was at the time?

In any event, within 2 months, and after a quick trip to Saigon, Secretary McNamara came back and said in effect that he had made a mistake, that they needed more money both for economic and military assistance. The committee decided to give him this additional money. The committee report on page 21, referring specifically to economic assistance, indicates that we feel this money is to be spent in Vietnam. Yet there is no legislative requirement, as the gentleman from Indiana has pointed out, that this money be spent in that country.

The argument can be made that the crisis may not materialize as it seems to be developing now, and that some other area of the world may need money so therefore we should not tie the hands of the executive branch. My answer to that contention is that if some unexpected development occurs and money cannot be found, either in the contingency fund or in some section of this bill, that the administration should come back and request additional funds, as it has just now, with respect to Vietnam.

One other amendment is somewhat less significant but it also deserves attention, and that is with respect to the Advisory Committee on Private Enterprise. This, you will recall, was authorized in the bill as it passed last year. As it stands now this new advisory committee, which is concerned with ways in which private enterprise can find means of expression overseas, is to submit a report no later than December 31, 1964. It is my understanding that the advisory committee only now has been established, with a chairman and a distinguished group to support him. It is my hope that we will allow the final report of this advisory committee to be submitted no later than June 30, 1965, in order to give them further opportunity to consider this matter.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the Chairman.

Mr. MORGAN. Mr. Chairman, I want to say that I am in perfect agreement with his proposal. I think the extension should be granted and if the amendment is offered tomorrow, I shall be very receptive to an extension of the time for the committee to report.

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for his comments. I might say also that I am considering an amendment which would include an increase in the total amount to be authorized for the use of the committee from \$50,000 to \$100,000, because the budget of that committee has only now been established.

Mr. MORGAN. Mr. Chairman, if the gentleman will yield further, I think also that the funds for the committee should be increased from \$50,000 to \$100,000. I think that the committee, now that it has been appointed, should have the money and the time necessary to complete their study.

Mr. FRELINGHUYSEN. I thank the gentleman. During the discussion tomorrow I hope I will have time to indicate the way in which the committee would plan to spend this additional money, if it be made available. As I say, there was no formal budget prepared because no committee has been set up when we authorized the establishment of the committee last year. However, we do now have additional information which indicates that a budget of roughly \$100,000 will be needed for the first year.

Mr. Chairman, in conclusion, I should like to add my words to what has already been said by others with respect both to the chairman of the full Committee on

Foreign Affairs, the gentleman from Pennsylvania, Dr. MORGAN, and the ranking minority member, the gentlewoman from Ohio [Mrs. FRANCES P. BOLTON]. They have been models of propriety in every way. They have been fairminded and evenhanded and have provided a needed balance. When we have discussed matters which are of considerable significance, but which sometimes become controversial, I believe they have contributed much to what I consider a good bill, and one on which I hope to see favorable action tomorrow.

(Mr. FULTON of Tennessee (at the request of Mr. MORGAN) was given permission to extend his remarks at this point in the RECORD.)

Mr. FULTON of Tennessee. Mr. Chairman, in the past our foreign aid program has had my support because of my belief that the assistance it renders is essential to the implementation of our foreign policy. However, I am becoming increasingly concerned by the apparent need for improvements within the program.

A basic shortcoming is that the United States, because of the program's structure, does not receive full credit for its many accomplishments. This can be attributed, in large part I am convinced, to the shotgun method of providing assistance grants and loans to recipient nations.

Too often these American dollar programs are made to foreign governments which, in turn, allocate the dollar exchange to importers, some of whom use this money for current consumption imports. An example of the results of such programing can be illustrated by the case in which a university in my own congressional district has had great difficulty in arranging for a \$20,000 physics institute in Brazil while, at the same time, program loans under foreign aid are being made to that nation but are not tied to specific visible projects and, in effect, are essentially balance-of-payments loans.

Another result of the current administration of the aid program is the continuing lack of a system of priority in planning and programing aid projects and funds. We cannot possibly do everything for every nation. But, I fear, too often we attempt to do too much under the present crazy patchwork of assistance with the result being ineffectual.

Serious consideration could be given to separation of administration of the economic and military programs as a means to greater efficiency at less cost. The Military Establishment of this Nation is under the management of the Department of Defense. Might not Defense properly be the agency to administer this aspect of our foreign assistance thus relieving the Department of State and Agency for International Development this heavy responsibility while enabling them to concentrate their efforts to more efficient and meaningful economic programs?

What we can and must do through foreign aid is prove to all the nations of the world that freedom and free enterprise not only can but are willing to lead

all peoples to the great society of tomorrow.

I am told by our atomic energy scientists that we may be on the verge of a great breakthrough in the desalinization of sea water through atomic energy. What greater showcase for democracy could exist than one of these great desalinization plants, bearing the stamp "Made in the U.S.A.," converting the waters of the Mediterranean and feeding them into the parched deserts of the Near and Middle East turning these wastes into habitable and arable lands?

There can be no doubt that our foreign aid program today is at ebb in the tide of American public opinion. This is due to a lack of understanding on the public's part of the program's goals and achievements.

There is concern that our aid dollars are being used to shore up feudal economies in backward lands where a ruling elite or military strongman maintains a dictatorial stranglehold over all national institutions with no wish nor reason to strengthen the economic or social system of the country so that all, not just a fortunate few, may enjoy a better, longer, and happy life.

There is concern that too often our foreign aid funds never reach the people but fall into the hands of privateers, black-marketeers, and greedy, corrupt government officials.

There is a concern that we are attempting to "buy friends" when in actuality, as I understand it, our ultimate goal is the strengthening of the free world's economic and social development in order that all free peoples may become our partners in prosperity and abundance.

We cannot realize this goal on other than our own terms. Our aid must be made available, not to all who seek it, but to all who are willing and able to put it to its proper use.

This foreign aid request has been trimmed to \$3.5 billion, a significant reduction from the \$4.9 billion originally requested in 1963. The administration, the Agency for International Development, and the chairman and members of the committee are due our commendation and appreciation for this fine start.

It is my hope that further reductions can be made in the future. They can be if we will tailor our foreign aid program to the needs of this and future decades and abandon those very effective but now outmoded and outdated procedures and methods of the immediate post-World War II era. By instituting reforms, by tightening administration, by cutting redtape we can make American foreign aid a genuine instrument of free world progress and development while, at the same time, we will certainly restore public confidence in our AID program.

Mr. MORGAN. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. FRASER].

(Mr. FRASER asked and was given permission to revise and extend his remarks.)

Mr. FRASER. Mr. Chairman, included in the report of the Foreign Affairs Committee on the bill now before us is

the minority report signed by a minority of the Republican members of our committee.

This minority report, Mr. Chairman, is a remarkable document. Perhaps it can be disregarded as the discordant note sounded by the few whose views failed to carry the day. Yet the persistence of the theme of these dissenters merits some discussion on the floor of this House.

Mr. Chairman, I have read and reread the minority report several times. Here are three conclusions which I believe to be merited after reflecting upon this interesting document:

First. The minority report fails to set forth any comprehensible statement of purposes to which an American aid program should be addressed.

Second. In its bitter attack upon the administration's efforts to weaken the ties of Eastern European countries to Moscow, the minority report finds itself in agreement with the views expressed by Moscow.

Third. If Congress should be persuaded to follow the recommendations of the minority report, the national security of our country would be impaired, the cost of our national defense would rise, and the likelihood of more "hot wars" in which American lives are lost would be increased.

Mr. Chairman, I want to take a few minutes to document these conclusions.

First, the report lacks any understandable statement of the objectives of aid. Perhaps the authors of the minority report could be excused from this task on the grounds that the supporters of aid have the affirmative obligation to outline these objectives. The minority report does not let the matter rest there, however.

In its conclusion on page 74 the minority concludes that our aid programs have accomplished nothing. What is more, they say, the difficulties NATO is having today and the lack of a common NATO policy toward Cuban trading are explicit failures of the American aid program.

Is this a fair test to impose on our aid program? Is its success or failure to be judged by the extent to which our allies see eye to eye with us on the myriad problems which beset this world? To ask the question is to suggest the answer. Aid was not to—and cannot—serve as a yoke upon the necks of our free and independent allies who are as proud of their right to determine where their national interests lie as are we. Every President of the United States since World War II has made it abundantly clear that the aim of America's aid to other nations is to enhance their ability to be free—free of totalitarian systems and free to pursue their own national destinies.

Yet the authors of the minority report, apparently, would have preferred to see Europe submerged by international communism after World War II rather than give them Marshall plan aid, since such aid could not reasonably lead to a community of western nations which

shared an identical view of world problems.

The degree of irresponsibility exhibited by the reasoning in the minority report can hardly be overstated. If the authors beg off such a drastic conclusion, then in fairness to this House they should affirmatively state their views on the proper role of aid and the realistic goals to which they believe it should be directed.

Second, the minority report joins with Mr. Khrushchev in deploring enlarged contacts and trade between Rumania and the West. The complaint of the minority is expressed on page 73, while the complaints of Mr. Khrushchev and company have been spread across the pages of our newspapers for the past several weeks.

The similarity of the views of the minority with those of Mr. Khrushchev do not prove, nor should they even suggest, that the authors of the minority report are seeking to aid the cause of the Kremlin. On the other hand, one would expect that the minority would at least pause and reexamine their premises before pushing forward with their condemnation of any encouragement to some of these Eastern European countries to break the solidarity of the Iron Curtain countries with Moscow.

In truth, Mr. Chairman, I have never been able to understand the views of those who would force a country like Yugoslavia to turn away from the West and back to Moscow. Our struggle with international communism is based both upon moral and military considerations. We do not have six divisions of American boys in Europe to protect against the moral threat. Those men in uniform are there to block any aggression from the East. For us to impose upon the satellite nations a dependence upon Moscow which they seek to escape, would serve to increase the military threat to the West.

Such policies—advocated by the authors of this minority report—would obstruct Western efforts to let the fresh winds of freedom blow across Eastern Europe in the hope that increased freedom would prove irresistible over the long run. The entire effort of Radio Free Europe, and the efforts of our Government through agencies such as USIA, are designed to raise questions in the minds of those behind the Iron Curtain—yet when more open contacts with the West are offered, the minority would condemn any favorable response on the part of our Government.

Yugoslavia, a favorite target of these critics, closed its borders to Communist insurgents during the battle for Greece. What would we give today if Cambodia would close its borders to the Vietcong in South Vietnam? Yugoslavia has never joined the Communist trade organization or the Warsaw Pact, the counterpart to NATO. USIA libraries are permitted in that country.

Do the authors of the minority report really want to force Yugoslavia to retrace her steps and become an integral

part of the Moscow-controlled satellite nations?

In any event, Mr. Chairman, none of the aid in this bill is scheduled for any of these Eastern European countries.

Third, the minority's position would endanger our national security, raise the costs of our defense, and increase the likelihood of more "hot wars."

Inadvertently, the minority reports make the case. On page 75 the reports state that "sufficient military and economic assistance funds should be earmarked solely for use in Vietnam."

The plain inference to be drawn from this statement is that insufficient military and economic aid should be provided for other nations looking to us for help.

Lest the authors of the minority report disclaim such an inference, let me point out that this is precisely what they call for in their recommendations. They call for a substantial reduction in economic aid funds. They do not tell us where, or how much.

Are the cuts to come from Africa, which receives only 7 or 8 percent of the aid program and consists mostly of technical assistance?

Do they propose that aid should be cut from the Middle East where a tinderbox of emotions continually threatens to spark world war III?

Are the cuts to come from the Alliance for Progress, thus demonstrating to our friends in Latin America a high degree of unreliability?

Or are the cuts to come from the forward defense nations ranging from Greece and Turkey, Pakistan, India, and Laos to Formosa and Korea?

The minority, of course, will argue that there is plenty in the pipeline. Yet how many of them voted to cut defense appropriations on the basis that the Department of Defense has 30 billions in the pipeline?

These obligated but unexpended pipeline funds are not available to start new programs. They have been committed in prior years to programs and projects needed to advance the economic development, military security, and political stability of the recipient countries.

The minority report would have us, presumably, having entered into these commitments and agreements, withdraw these funds and reuse them. Would it have us then withdraw them once again, commit them to other projects on and on in some endless chain of broken commitments? Is the report suggesting that the United States should renege on its promises, deny our reputation for honest dealing with our friends and allies?

These funds remain unexpended because a dam cannot be built by signing a loan agreement, a powerplant cannot be constructed simply by depositing funds in a bank, roads cannot be built simply by extending a credit. Once the funds are committed by the U.S. Government to the countries who are receiving assistance, we are committed to finish that project even though it may take several years, as it does, even in this

country. These funds cannot be called back and used elsewhere.

The basic point about the foreign aid pipeline in 1964 is that in every category of assistance but one—the Alliance for Progress—the pipeline is lower in 1964 than it was in 1963. In fact, the total pipeline, military and economic, is substantially lower than in 1963.

Mr. Chairman, I assume that just as last year those who signed the minority report will offer motions to cut funds during the debate on this bill, or as part of a motion to recommit. The most revealing act last year came when these same members, after winning a substantial cut in the program, voted against passage of the reduced bill. In short, they have demonstrated that their goal is to kill the aid program. This is their aim, and their persistent and erratic criticisms of the aid bill are designed, not to improve the aid program, but to gut it. It is unfortunate that these critics cannot offer the type of constructive criticism which was contained in the report of the Republican Issues Council.

Mr. Chairman, I believe this House should be fully informed of the effect that total destruction of the aid program—the goal of these critics—would have upon our national security. A number of witnesses told our committee what this effect would be:

Question (p. 35). If we kill this bill we, in effect, kill the major part of our effort in South Vietnam.

Secretary RUSK. Yes.

Question (p. 35). This would also be true in your efforts to maintain Laos in its precarious situation. The termination of the aid effort would be giving up in Laos.

Secretary RUSK. Yes; where we and about five other countries have been providing the external economic assistance that Laos has to have to survive as a country.

Question (p. 36). Mr. Secretary, if we kill this bill, we kill the Alliance for Progress, isn't that right?

Secretary RUSK. I think there is no question about it.

Question (p. 36). With respect to the Middle East, if we are to kill this foreign aid program and terminate all aid to the United Arab Republic and the other countries in the Middle East, would it be your judgment that this would increase the likelihood that a war might break out in that part of the world?

Secretary RUSK. I think it is entirely possible, but before that would almost certainly come a stage where the Middle East would almost against its will find itself turning to the north, turning to the Communists. If we are not in a position where we can work with them day by day, despite some of the known difficulties, to help in the face of the difficulties pushing upon them, that Western influence in the Middle East would disappear and that, itself, could move us down the road one more step toward a war.

Question (p. 36). I noticed one statement of an official in the executive department that suggested that killing the foreign aid bill program would amount to a form of unilateral disarmament. Recognizing the limitation of that statement—

Secretary RUSK. Yes; indeed. I think that for us to back away from a strong and effective foreign aid program would have a faster effect on our security than a substantial measure of unilateral disarmament.

Question (p. 80). * * * I think there is a substantial body of opinion that would have us terminate our aid program. What

effect would this have on the whole leadership role—

Mr. BELL. Obviously, I personally, and I am sure anybody speaking on behalf of the executive branch, would regard it as disastrous. Terminating the aid program would mean we would pull out of Vietnam. This is all there is to it. The efforts we are making in Vietnam are supported by the funds in this bill. We would be pulling out of Laos. We would be pulling out of Thailand, the whole of southeast Asia, the whole effort we are making in that part of the world is essentially an effort under the authority of this bill. * * * Nevertheless, the underlying security position of all of the free world rests very heavily on the assistance we are providing for the development of defensive and economic strength in the Indo-Pakistan subcontinent. * * * In a number of African countries the effects would be less severe. * * * In Ethiopia any cessation of U.S. assistance would have immediate and very severe effects. * * * If we stopped our help, their alternatives would be very limited.

Question (p. 529). Would a substantial cut in the supporting assistance, in your judgment, impair the efficacy of the billion dollars that we are proposing to spend for military assistance?

General WOOD. Yes, sir. It would.

Question (p. 712). Admiral, we carried this last year, I think—this foreign aid—by some 20- or 30-vote margin. If we were to defeat this bill this year—and we are always running a close margin—this, in effect, would mean the end of our efforts in Vietnam, at least so far as the economic aid and the military assistance program is concerned.

Admiral FELT. If the bill is defeated. That would be the beginning of the end of our forward strategy.

Mr. Chairman, the minority report deserves some further comment beyond that which I have already made. I believe that the House should have an opportunity to hear about some of the other weaknesses which pervade this report.

The minority report seems to suffer from an excess of misinformation and self-contradiction. The report charges that the aid program has not been hard-nosed in providing its assistance. The report then turns around and attacks the aid program for the use of program loans—one of the most effective ways of conditioning assistance to effective self-help and reform on the part of aid recipients. The minority report contains its usual pious talk about the importance of promoting private enterprise, but then seems to attack the Cooley loan program under Public Law 480 for lending money to U.S. private enterprise, instead of providing more for U.S. Government uses abroad, or instead of merely giving away our surplus agricultural commodities.

In another place the minority report is just dead wrong. For example, the reasons enumerated by the minority report for their dislike of program loans are as wrong as the conclusion itself. The minority report implies that program loans do not require detailed technical, financial or economic feasibility studies under section 611 of the Foreign Assistance Act. The minority report is wrong. Standards of section 611 which require cost estimates, engineering surveys, financial and other technical plans to be completed satisfactorily before loan

funds can be obligated, apply equally to program loans as well as project loans. No program loans are made without completion of a careful review under the provisions of section 611 of the act.

The minority report charges that the United States does not receive credit for or become identified with assistance provided under program loans. Again the report is wrong. Most of the U.S. equipment and commodities imported under program loans are clearly marked as being AID-financed. Indeed, if one were concerned only with "visibility," it seems to me that program loans would increase the visibility of U.S. assistance because these imported commodities are spread throughout a country to various private enterprises and thus becomes "visible" to more people than a project that is located at one place.

The minority report implies that program loans promote the import of luxury items to recipient countries. Again, the facts contradict the charge. Program lending is limited to a few countries which have undertaken sound development planning and which have achieved successful self-help measures and reforms which enable them to make real development progress. One measure of such self-help is the limiting of luxury-type imports that can come into a country and the insistence on careful use of the country's scarce foreign exchange resources to promote development. It should be noted also that luxury items are specifically excluded from direct financing under AID program lending.

The minority report charges that much of the program lending is used for current consumption imports. The facts are, as I stated a minute ago, that program lending is limited to those countries which are doing an effective job of limiting their imports of current consumption goods and luxury items and are using as much of their scarce foreign exchange as possible to promote economic development.

The minority report quotes at some length a "highly respected private witness" who attacks program lending. That same private witness elsewhere in his testimony praised heavily the AID financed "private investment fund" in Columbia. The witness either did not know or did not mention that this private investment fund is financed by an AID program loan. Indeed the minority report does not mention at all the fact that one good reason for using program lending is that program loans assist private enterprise in the developing countries by providing them with the U.S. equipment and commodities necessary to maintain and expand their own production.

I do not know how other Members feel, but for myself, I think it is more useful for the aid program to undertake activities which really do help build private free enterprise in the developing countries, than to merely mouth pious platitudes about the importance of private enterprise.

Perhaps the strangest part of this strained attack on foreign aid is the minority report charge that bilateral

"economic aid should not be given the countries that are giving economic aid directly to other countries. Most of the other free world countries which are providing assistance to less-developed countries are in Europe. None of these European countries receive AID economic assistance and have not for some time. It is true that China, Mexico, and Israel have begun to carry out technical assistance activities and that they received AID economic assistance. The amounts of such assistance to these three countries have declined in recent years as they have achieved capability for self-sustaining growth. Perhaps we should discourage other nations from providing foreign assistance. Perhaps we should tell the Israelis and the Chinese to stop providing aid or we will cut off our assistance even sooner than anticipated. But it seems to me that the beginning of an aid program by these first less-developed countries which have achieved self-sustaining growth themselves is a hopeful and promising sign for the future. This suggestion in the minority report that we should discourage others from giving assistance is one of the most incomprehensible suggestions I have seen in my short stay in the Congress. The administration wants to get to the moon by 1970. It seems to me the minority report is already there.

One short note in passing. I suggest that the people who put together the first part of the minority report should check with the people who put together the last part. On page 73 the report notes with some dissatisfaction that "United States makes loans with no interest and only a service charge of three-fourths of 1 percent." On page 50 the report notes correctly that the minimum interest rate on development loans is now 2 percent.

There is one ray of hope in the minority report. In its conclusions the report states that if U.S. assistance had been hardnosed in earlier years, all would be well with the world, that the vexing problems of foreign affairs at least in the underdeveloped world would have all disappeared.

Today it is clear that our aid is dispensed in a hardnosed fashion. For example, when Brazil did not live up to the self-help provisions of the Bell-Dantes agreement, U.S. aid was withheld. I believe that this hard-nosed approach is necessary and I believe that this administration and Mr. Bell should be commended for it.

Perhaps with a little clearer understanding of our aid program its critics will come around to support it. It needs their support. Attacks by half-truths and innuendo on our foreign aid program cannot serve anyone except those who would succeed most by America's failure in world affairs.

Mr. MORGAN. Mr. Chairman, I yield 5 minutes to the gentleman from Hawaii [Mr. MATSUNAGA].

(Mr. MATSUNAGA asked and was given permission to revise and extend his remarks.)

Mr. MATSUNAGA. Mr. Chairman, it seems to me that too many of us have the notion that the foreign-aid program

consists of putting a bunch of dollar bills in bales and shipping them overseas.

When we talk about foreign aid, we should not be talking about dollars only.

We should be talking about a program which helps the less fortunate people of other lands to learn better ways of building things, better ways of growing things, better ways of educating their children, better ways of improving public health, better ways of public administration—and in general, better ways of living.

American goods, services, and technical skills, rather than U.S. dollars are being made available to the less developed countries in our cold war against communism.

For the desperately poor people of these countries, we should not begrudge sharing American know-how.

Foreign aid deals with real people, down-to-earth problems, and practical solutions. Let me give a couple of illustrations.

Nigeria is the most populous country in Africa, with about 55 million people, most of whom live under primitive conditions. One of the major needs in Nigeria is for more protein in the diets, and one of the best ways to provide protein is through poultry and eggs. But until recently the local chickens were weak and scrawny and the local eggs were small and scarce.

Three years ago, an American agricultural specialist named Charlie Davis, from Mississippi, went to work on this problem. He got a group of Nigerian farmers together and offered to start them off with some improved poultry stock if they would care for it properly. Together he and the Nigerian farmers worked out simple, homemade incubators and brooderhouses. Davis brought in 1,300 baby chicks from the United States, and the farmers started to take care of them. Together, Davis and they solved one by one the problems of keeping the chickens alive and healthy. The farmers started marketing eggs and chicks. More farmers became interested. Today there are some 200 commercial chicken farmers in eastern Nigerian where only one existed before 1960. The eggs now sold there are much larger and many times more plentiful than before, and their cost has been cut almost in half.

The most important part of that story is not simply the increase in production and the larger distribution of poultry and eggs at lower prices. Those are valuable, it is true. But the most important part of the story is that the ideas and know-how that made these gains possible are now planted firmly in Nigeria, and the multiplication of better poultry-producing techniques and better nutrition for the people of that country can now go forward on a self-sustaining basis. Charlie Davis—known all over Nigeria as "Chicken" Davis—has, like Johnny Appleseed, sown a crop which will be harvested for generations to come.

That is an example of foreign aid at work—an American technical adviser helping people in an underdeveloped country to learn to meet their own needs in steadily better ways.

Let me cite you another example.

Throughout Latin America, surplus agricultural commodities from the United States are being used to feed schoolchildren. Some 10 million—about one-third of the schoolchildren in Latin America—are being fed under the "Alianza para Los Niños"—for many of them the only hot meal they receive. The effects of the school lunch program are frequently startling. A group of schoolchildren in northeast Brazil gained an average of 10 pounds each during the first 3 months. In country after country, the reports show the dropout rate has fallen sharply when school feeding is available.

This is a case where everyone gains. The children gain in nutrition and in education. The United States makes good use of commodities which would otherwise be idle in surplus. And millions of mothers and fathers in Latin America know that the Alliance for Progress means something direct and immediate for their own children.

That is another example of foreign aid at work—American surplus agricultural commodities being used to help meet human needs in our less-developed neighboring countries.

We could examine hundreds of illustrations of foreign aid projects.

U.S. foreign aid provides radio sets—made in Texas—which are used to call for help from the Vietnam villages when they are attacked by Communist guerrillas.

U.S. foreign aid provides technical advisers from the U.S. savings and loan industry to help establish savings and loan systems in Chile, Peru, Ecuador, and other Latin American countries—allowing tens of thousands of Latin Americans for the first time to buy homes on decent interest rates under long-term mortgages.

U.S. foreign aid provides a group of professors from the University of Illinois to help establish a land-grant college in the Province of Uttar Pradesh in India, where agricultural yields are one-quarter or one-fifth of what they are in our Middlewestern States.

U.S. foreign aid provides a few dozen diesel engines for the fishing boats based in Karachi harbor, in Pakistan, enabling the fishermen to stay out at sea twice as long and to bring their catch in for the first time on a reliable timetable.

These examples I trust will make my point clear. When we think of the U.S. foreign aid program we should think not of U.S. dollars going abroad, but instead of U.S. goods and U.S. technicians being sent to specific places for concrete purposes. You should think of practical, down-to-earth activities like building schools, roads, and powerplants, showing farmers how to grow more food, training doctors and engineers, tax collectors and policemen—in short, help to create the skills and facilities with which the people of the less developed countries can solve their own problems.

Our foreign aid program is clearly in the interest of the United States and the entire free world and merits the support of every thinking American.

Mr. MORGAN. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. O'HARA].

Mr. O'HARA of Illinois. Mr. Chairman, I want to believe that nations as well as individuals find the chart of their destiny and the cup of their contentment in erecting roofs over homeless families and putting food into hungry mouths. Mr. Chairman, I am moved to make this observation both by the nature of the issue we are discussing and by the fact that today presiding over the Committee of the Whole and perhaps, but I hope not, for the last time, is a beloved Member of this body who has put more roofs over more American homes and families than any other man in our history. It was my privilege a number of years ago to serve with the distinguished gentleman from Alabama [Mr. RAINS], on his great housing subcommittee when it was first created.

I know of the condition of housing in America at that time and I know what it is today.

Mr. Chairman, when you leave this Chamber voluntarily on the sine die adjournment of the 88th Congress the eyes of all your colleagues will be moist with tears. You will leave here, sir, esteemed by your colleagues as one of the ablest Members who ever served in the House of Representatives. And you will be missed, Mr. Chairman.

Mr. Chairman, I suppose that foreign aid is a part of the seed of our hemispheric discovery and our national development. I presume it is.

The greatest investment in foreign aid was made by Isabella. Yes, there were those in Spain who said, "That is a reckless investment. You do not know where you are going. You are going to squander the money of the taxpayers of Spain." But Columbus was a dreamer, and I believe, Mr. Chairman, that Isabella was a dreamer. When she said "Yes" to Columbus she embarked on the world's greatest adventure in foreign aid. I believe she dreamed of what was to come. Yes, perhaps she dreamed even of us as we are today. For, Mr. Chairman, all the people who have turned the tides of history have started as dreamers.

Yes, there were the doubters sailing with Columbus. They were perplexed. They could not dream unless they had a soft and comfortable pillow for their heads, but they could complain and demand to go back.

May I address myself to you, Chairman MORGAN. I believe some of the sailors sailing with Columbus who wanted to throw him overboard and go back to Spain were the same kind of doubters as some on our committee—great, fine people, but they wanted to turn back, to turn back when we have all but won the day.

Let me read from Monday's newspaper. This is an Associated Press dispatch from Monday's newspaper. It says that repayments are reducing U.S. outgo for foreign aid.

Is there any failure in that, Mrs. KELLY? No. Any failure in that, Mr. GALLAGHER, and Mr. MURPHY, and Mr. FARBERSTEIN? No, no, no.

I go on reading from the Associated Press dispatch of Monday of this week, as recent indeed as yesterday:

Based on the postwar repayment record to date the United States seems likely to get back a very large proportion of the welfare loans for foreign aid.

Now, listen to this. "Plus billions of interest." Listen to it again, the complete sentence:

Based on the postwar repayment record to date the United States seems likely to get back a very large proportion of the welfare loans for foreign aid plus billions of interest.

This is the record as of Monday of this week, yet the gentleman from Wisconsin comes here and wants to turn back. He went over to the AID office and found there had been a little slip or two there and somebody had made a mistake. They had found those little items totaling a few thousand dollars out of billions handled. He wants to turn back, just like those fainthearted crewmen of Columbus.

My good friend from South Dakota charged everything under the sun, including rotten beef, to the AID program. Everything. There was not a thing he left out.

Here the dear old Associated Press sort of makes monkeys out of them. I do not mean that any colleague of mine is a monkey, none is certainly that; it is only that this Associated Press dispatch makes it sort of look that way, and that would be as far from the truth as one could get.

Mr. Chairman, I am a simple kind of fellow. I guess I am what they call an old-fashioned American. I have always believed in the President of the United States. I have always believed in him; I do not care who he is. When he is President, there is only one thing ahead of him, and that is his place in history. He is dedicated to making that a fine and honorable place. When I lose faith in the President of the United States I will have lost the very soul of my patriotic love of country. I will never live to see that day.

So, on this committee I have always voted, when the President of the United States took a stand on foreign policy, to support the President. Every vote of mine on the Foreign Affairs Committee—whether Eisenhower was President, Truman was President, Kennedy was President, or Johnson—has been a vote standing with and behind the President of the United States. I do not know any other way to act. If politics does not end at the waterline, there will be trouble aplenty ahead.

Now we have a new President. He has come to us with a reduced program involving not much money—not as much as I would like to see in it, and not as much as they had to work with last year after my good friend from Louisiana [Mr. PASSMAN] had finished with it. The President said:

Give me this, and I will do the best I can with it. I'll make every penny count and try to get two pennies worth of work and results out of every penny spent.

Why, Mr. Chairman, we ought to show confidence in our President.

We ought to go along with that kind of economy and that kind of efficiency.

I am going to show the same confidence in our President now that I showed in the President when he was a Republican. That is the kind of Americanism I believe in, old fashioned though it may be.

I am going to vote and I hope that this House will vote for this bill exactly as it is. Do not reduce it a cent. I would not accept an amendment, no matter how good the amendment might be. I would not do that because I want to say to the President of the United States, "You have made our foreign policy; this is a troubled world and we have confidence you will lead us out of the dangers. Lead, Mr. President, and in faith and national unity we will follow. Here is your bill. We have not changed a single line of it."

Then, Mr. Chairman, and I say this with reverence, I think the good Lord above us will say we have done a good day's work for our country and for all mankind.

Mr. Chairman, I yield back the remainder of my time.

Mr. DUNCAN. Mr. Chairman, I intended to speak in support of this bill today. I have, however, just heard the very moving speech of the gentleman from New York [Mr. O'BRIEN]. I shall content myself, therefore, with saying "Amen" to the reasons why this bill should pass which he has so eloquently expressed.

Mr. EDWARDS. Mr. Chairman, one of the hardest realities of our time is the rapid rate of population growth, particularly in many countries struggling for modernization and independence.

The magnitude of these problems of population growth is easily seen, for example, in Latin America as it is and as it may be by 1975. This, I would remind you, is not a remote future. The year 1960 was 4 years ago; the year 1975 is 11 years ahead. The population in 1975 is likely to be half again as large as it was in 1960, making an increase of 50 percent in only 15 years. Numbers of children in elementary school ages will be 60 percent more numerous in 1975 than they were in 1960. Schools and teachers must be provided for children not now in school—and expansion must be rapid enough to provide for ever-increasing numbers. Numbers of men in the working ages are increasing 15 percent each 5 years. There are three entrants to the labor force age for each one that leaves.

Given the facts of population growth in the developing countries not only in Latin America, but in Asia, Africa, U.S. policy has faced upon to the situation.

We now base what we do and say in the foreign aid program on a concern for human well-being, and on facts uncovered by studies of relations of population growth to economic and social development as well as on results on

biomedical research program now under way.

We recognize that there are many problems related to rapid population growth—the effect on many facets of the economy, unemployment, urban problems, needs for additional food, housing, education, health and social services, on political aspirations of various groups, and so forth. There is no one solution to these problems which are obviously related to many factors beside the size of the population. A balanced program to raise the plans of economic, social, and family relationships is needed both at home and abroad, and this is where our economic assistance is so vital.

Finally, we recognize that the decisions as to population policies and their implementation in other countries are to be made by individual countries and families in accord with their own needs and values. This is true in our own country, too. There is an ever wider recognition of both artificial and natural methods of regulating pregnancy and they are increasingly being made freely available to all segments of the population. The U.S. Government feels it desirable that all health facilities supported by public funds shall provide such freedom of choice so that persons of all faiths are given equal opportunities to exercise their choice without offense to their consciences.

Our Government realizes that there are major needs for further knowledge in all fields related to population. Particularly needed are the specific relations of population growth to many phases of economic and social development, the means of extending awareness of population problems, changing motivations, judging the effectiveness of various administrative organizations designed to cope with population problems as well as much more action research in the field of natural and artificial methods of regulating pregnancy. There is obvious need to expand as rapidly as scientifically feasible research laboratories devoted to the biomedical and biosocial aspects of human reproduction.

And finally in accord with our Government's support of the United Nations, its regional commissions, and specialized agencies, as well as the tradition of governmental cooperation with private groups and friendly governments we stand ready to work cooperatively with such groups.

Each of us sees population problems largely from his own vantage point and each believes in his solutions. The specialized health worker in the family planning field pushes ahead on developing and applying acceptable methods of limiting family size. The agriculturalist despairs of reducing the rate of population growth rapidly enough and so enjoins everyone, quite properly, to increase agricultural productivity forgetting that it takes time as well to change age-old farming habits in tradition bound societies. Industrial development, postponement of the age of marriage, self-help, and education are held out by others as solutions but they, too, take time. Another argues for migra-

tion as a solution. Let us accept the fact that there is no one answer, no one program for action.

We cannot ignore the problem of population growth. It is serious and it must have the serious, practical and sensitive attention now being given our official policies. But neither can we rely on population control measures as a cure-all. If the developing countries are to continue their advance from poverty and desperation they need our help on every front: our technical assistance to improve their education, their health, their agricultural productivity; our loan programs to provide the powerplants, irrigation systems, roads and other basic capital for further growth; and our attention and our tactful help to helping others solve the problem of population growth. If we believe we can relax on any of these fronts, we deceive ourselves.

Mr. LIBONATI. Mr. Chairman, H.R. 11380, the Foreign Assistance Act of 1964, as amended further relative to the fiscal year 1965: Chairman THOMAS E. MORGAN and his committee, after numerous hearings—26—and receiving expert witnesses, executives, and Members of the Congress, are to be complimented in remaining consistent in the support of our foreign policy in giving economic and military aid to our allies who are combating the inroads of communism at the local and national levels.

H.R. 11380 appropriates \$2,041,600,000 new funds to carry out the foreign aid program for 1965. This with sums previously enacted totals \$3,516,700,000 for foreign aid for fiscal 1965.

The U.S. strategy in granting this aid has resulted in a standoff blocking of the conquest of nations and territories adjacent or at proximate distances from Communist dominated countries. The confidence inculcated in the peoples of these nations through the foreign aid program has become a bulwark of opposition to Communist conquest. These contributions and loans to needy nations have served to strengthen their economy, build their military resistance, raise their standard of living, improve their natural resources, cultivate their agricultural production, advance their cultural and material status.

Many of these nations could not financially support the large military forces needed to repel enemy forces. The loans to the Alliance for Progress have contributed much to the advancement in housing programs, and technical assistance, to say nothing of public projects, so necessary to the development of the nation's economy, both in industrial and agricultural production. Also the advancement of guarantees and credits have resulted in the attraction of many millions of dollars of private capital for purposes of investment.

The narrower limitations of last years bill resulted in the delay of many projects both in being and on the drawing boards. The committee sought to remedy this stalemate in order to further our cold war strategy.

The military aid provides military support that if not given would necessitate vast armies of American personnel to

take the place of native sons who at the present time face the enemies of freedom.

Chairman THOMAS MORGAN and his distinguished committee have accomplished in this great task our steadfast adherence to a fixed foreign policy that has proven to be successful in our cold war strategy. Although the fortunes of war in jungle encounters are unpredictable from day to day—yet even the most bitter opponent of this legislation must admit that our military advisers and technical experts training native troops have developed a most formidable force of military strength to combat communism—in Korea, Formosa, Vietnam, and Thailand.

Mr. MORGAN. Mr. Chairman, I have no further requests for time.

Mrs. FRANCES P. BOLTON. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foreign Assistance Act of 1964".

Mr. MORGAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. RAINS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, had come to no resolution thereon.

A QUESTION OF THE PRIVILEGE OF THE HOUSE

Mr. MOSS. Mr. Speaker, I rise to a question of the privilege of the House.

The SPEAKER. The gentleman will state it.

Mr. MOSS. Mr. Speaker, I have been summoned to appear before the juvenile and domestic relations court of the city of Alexandria, Va., to testify in the case of the Commonwealth of Virginia in re Patricia Ann Finch, to be heard on the 19th day of June 1964.

Under the precedents of the House, I am unable to comply with this subpoena without the consent of the House, the privileges of the House being involved. I therefore submit the matter for the consideration of this body.

I send to the desk the summons.

The SPEAKER. The Clerk will read the summons.

The Clerk read as follows:

COMMONWEALTH OF VIRGINIA,

CITY OF ALEXANDRIA.

To the Sergeant and to Any and All Police Officers of Said City—Greeting:

You are hereby commanded to summon John E. Moss, 715 South Royal Street, Alexandria, Va., to appear before the judge of the juvenile and domestic relations court of the said city of Alexandria at the courtroom of said justice in said city on the 19th day of June 1964, at 2:00 o'clock p.m., to testify

and the truth to speak, on behalf of the Commonwealth of Virginia in the case of said Commonwealth of Virginia in re Patricia Ann Finch, and this he shall in nowise omit, under the penalty of \$100, and have then and there this writ.

Witness Rita E. Thompson, deputy clerk of the juvenile and domestic relations court of said city, this 27th day of May 1964.

RITA E. THOMPSON,
Deputy Clerk.

Mr. ALBERT. Mr. Speaker, I offer a resolution (H. Res. 743), and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Whereas Representative JOHN E. MOSS, a Member of this House, has received a summons to appear before the judge of the juvenile and domestic relations court of the city of Alexandria, on June 19, 1964, to testify in the case of the Commonwealth of Virginia in re Patricia Ann Finch; and

Whereas by the privileges of this House no Member is authorized to appear and testify, but by order of the House: Therefore be it

Resolved, That Representative JOHN E. MOSS is authorized to appear in response to the summons of the juvenile and domestic relations court of the city of Alexandria, Va., at such time as when the House is not sitting in session; and be it further

Resolved, That as a respectful answer to the summons a copy of these resolutions be submitted to the said court.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SECRETARY OF THE TREASURY DOUGLAS DILLON'S WARNING AGAINST RESTRICTIVE MONETARY POLICY SHOULD BE HEEDED BY FED, SAYS CONGRESSMAN WRIGHT PATMAN, CHAIRMAN OF THE HOUSE BANKING AND CURRENCY COMMITTEE

(Mr. PATMAN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. PATMAN. Mr. Speaker, the Honorable Douglas Dillon, Secretary of the Treasury, delivered a speech on May 21 in Vienna, Austria. I have received a copy of his remarks which were presented to the International Monetary Conference of the American Bankers Association. The significance of Secretary Dillon's address is the more apparent the closer one studies what he told the assembled bankers.

With no reservations, I wish to commend Secretary Dillon for spelling out the end of an old wives' tale or two regarding interest rates and balance of payments.

As my colleagues may realize, I have not always agreed with Secretary Dillon's statements on monetary policy. I admit that more than once I have been either skeptical or critical and even alarmed at some of his remarks. Perhaps my skepticism arises from the fact that there is in my mind the knowledge that although the Secretary is serving under his second Democratic President, he began as a Republican diplomat and served later as a Republican sub-Cabinet officer, under

a Republican President. Moreover, his background is that of a Wall Street investment banker.

But now, regarding his remarks of May 21, I throw my skepticism to the winds and commend him highly for what he had to say. It is most encouraging to note that Mr. Dillon does not feel that we have to stifle our domestic economy in attempting to correct the balance-of-payments problem by maintaining artificially high interest rates here at home.

Mr. Dillon said:

We have found that the old rules of the game—whatever their values in the past—are no longer adequate. For instance, the classical presumption that balance-of-payments deficits call for restriction of domestic economic activity has had little relevance to the situation facing the United States in recent years.

In bankers' parlance, when Mr. Dillon talks of "restriction of domestic economic activity" he can only mean tight money and high interest rates. He finds, as he says, "little relevance to the situation facing the United States in recent years." He goes on to say that, "easy monetary policies designed to stimulate demand" are no more appropriate as an "antidote for recent payment surpluses."

So, as I have stated, he puts an end to the old wives' tale about interest rates and balance of payments.

He notes further in his speech that:

The promotion of full employment has come to be accepted as a high priority responsibility of governments throughout the free world. Price stability, the promotion of international trade, and the stimulation of overall economic growth all now occupy prominent places in national policy objectives.

Clearly, Mr. Dillon, with his Wall Street investment banking background, has come a long way in his thinking. It would appear that he is becoming a conservative liberal—or perhaps a liberal conservative. I hope he swayed the American bankers who were listening to him. Their position has too frequently been one of sheer opposition and reaction.

Then further along in his speech, Secretary Dillon noted that:

The heavy accumulations of savings in the United States make it doubtful that even an extreme monetary policy would cause our long-term interest rates to approach the European level—and any such extreme monetary policy would clearly run counter to our current domestic need for fuller employment and higher utilization of our industrial capacity.

In this last statement, the Secretary clearly points out that it would be folly for us to up our interest rates to those of European banks. He is absolutely correct. Such an extreme policy would run counter to our current need for reducing unemployment.

Mr. Speaker, I commend the Secretary's remarks to our Federal Reserve authorities. For the last several years they have cautioned us on the alleged necessity to raise interest rates in order to help correct the balance-of-payments problem. England learned in the 1920's that this does not work. John Maynard Keynes, in his book entitled "The Eco-

nomical Consequences of Mr. Churchill," points out that England stunted the growth of its economy through maintaining high interest rates in order to protect its balance of payments.

This is the kind of tragedy we have already begun to repeat and, indeed, we are in danger still of continuing it. Mr. Dillon's advice is good advice. The fact of the matter is that the European bankers have been urging us to raise interest rates still higher and increase our budgetary deficits by greater amounts. In this way, fiscal policy, through deficit spending, is supposed to correct the stagnating effects of high interest rates. It is a little like trying to drive a car faster while the brake is on.

It would be a healthier thing, as Mr. Dillon suggests, if the European countries would do the reverse of what they caution us to do—lower their interest rates and tighten their fiscal policy. If a country with an unfavorable balance and serious unemployment, like the United States, ought to raise interest rates, then those countries in Europe with favorable balances and full employment, ought, by their own logic, to lower them.

Mr. Speaker, I hope that this speech of Secretary Dillon's will help to get rid of the false notion that high interest will cure any of our problems at the present time. To me it is clearly evident that the best resolution of our balance-of-payments problem lies in promoting domestic full employment and, if necessary, resorting to direct measures like the equalization tax. The very fact that the balance-of-payments problem has lessened as our domestic economy has expanded in the last year and a half, is strong testimony that Mr. Dillon is correct in what he had to say in Old Vienna.

As a matter of fact, I wish that Secretary Dillon would give the speech all over again—this time in New York, where its full impact still needs to register.

IT CAN HAPPEN HERE

(Mr. HALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL. Mr. Speaker, as one of the physicians and surgeons in the Congress I feel the typhoid epidemic in Aberdeen, Scotland, must serve as a warning that "it can happen here," at any time and at any place unless we exercise continued vigilance against typhoid and the other ancient scourges of mankind.

In this day of "miracle drugs" and widespread inoculations we are in danger of becoming complacent, of feeling that the battle has been won against these diseases. But plague, smallpox, typhoid, and yellow fever have not been conquered. They are rampant in less developed nations, and only dormant in the civilized world. Only constant battle can keep them from erupting again in the Western World.

In recent years, we have seen outbreaks of typhoid in Zermatt, Switzer-

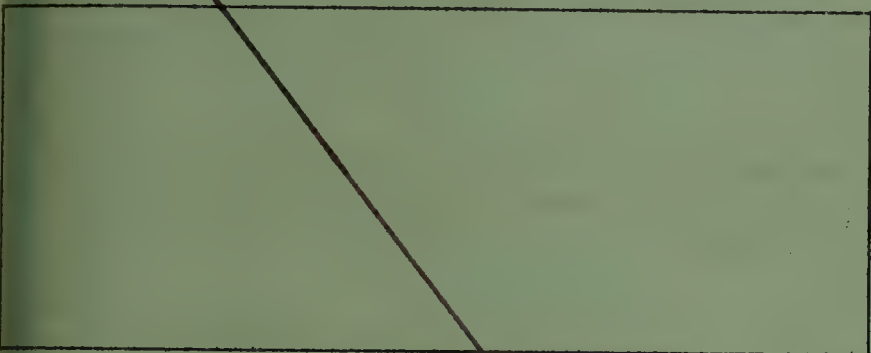
Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued June 11, 1964
For actions of June 9 and 10, 1964
88th-2nd; No. 116



CONTENTS

Accounting.....20	Civil rights.....2,3	Federal aid.....28
Agricultural products....4	Contracts.....9	Foreign affairs.....11,27
Appropriations.....5,7	Dairy.....24	Foreign aid.....4,25
Area redevelopment.....14	Disaster relief.....1	Foreign currencies.....4
Atomic energy.....22	Economic growth.....10	Forestry.....13,20
Beef imports.....17	Extension Service.....18	Livestock feed.....1
CCC losses.....7	Farm income.....15	Personnel.....23
		Poverty.....18
		Price supports.....7
		Public debt.....26
		Public Law 480.....4
		Public works.....5
		River basins.....12,16
		Sugar.....8
		Taxes.....26
		Wage standards.....9
		Water resources.....19,21
		Wheat.....6

HIGHLIGHTS. House passed foreign aid authorization bill. Rep. Lipscomb criticized license for reexportation of wheat purchased by Russia. Rep. Langen urged increased quotas for sugarbeets. Rep. Michel criticized "failure" to appropriate additional funds to restore CCC losses. Sen. McGovern inserted letter from this Department defending administration of disaster livestock feed program.

SENATE - June 9 continued

1. DISASTER RELIEF. Sen. McGovern inserted a letter from this Department upholding the administration of the disaster livestock feed program. p. 12853
2. CIVIL RIGHTS. Continued debate on H. R. 7152, the civil rights bill. pp. 12767-52

SENATE - June 10

3. CIVIL RIGHTS. Continued debate on H. R. 7152, the civil rights bill (pp. 12854-952). By a vote of 71 to 29 agreed to motion to invoke cloture which would limit debate on the bill (pp. 12874-5). Rejected, 25 to 69, an amendment by Sen. Gore to delete Title VI, which would prohibit discrimination in Federal-

ly assisted programs and authorize the withholding of Federal assistance to violators (pp. 12878-950).

HOUSE - June 10

4. FOREIGN AID. By a vote of 230 to 175, passed with amendments H. R. 11380, the foreign aid authorization bill (pp. 12696-744, 12746-7). By a vote of 193 to 211, rejected a motion by Rep. Adair to recommit the bill to the Foreign Affairs Committee (pp. 12742-3).

Agreed to the following amendment:

By Rep. Reid, to provide that the President shall take all appropriate steps to assure the maximum extent possible that U. S.-owned foreign currencies are utilized in lieu of dollars. pp. 12729-31

Rejected the following amendments:

By Rep. Bennett, Fla., to provide that U. S. payments to the United Nations shall not be used for programs contrary to the policies of the U. S. Government. pp. 12703-4

By Rep. Jones, Mo., to provide that U. S. contributions to international organizations may not exceed 33.33 percent of the total amount contributed and paid by all nations. pp. 12704-7

By Rep. Stratton, 32 to 83, to prohibit aid and Public Law 480 sales of commodities to the United Arab Republic. pp. 12715-23

By Rep. Jones, Mo., 56 to 83, to prohibit aid to any country which the President determines is discriminating against the importation of any U. S. agricultural product. pp. 12723-5

5. APPROPRIATIONS. Consent was granted to the Appropriations Committee to file a report on the public works appropriation bill by midnight Thurs. p. 12695

6. WHEAT. Rep. Lipscomb criticized the issuance of a license by the Commerce Department to Russia for the reexportation of wheat purchased in the U. S. to Rumania and stated he was looking into the question of whether or not Russia was making a profit on the transaction. p. 12696

7. CCC LOSSES; APPROPRIATIONS. Rep. Michel stated that sufficient funds had not been requested by the Department or appropriated by Congress for the restoration of CCC losses resulting from price support programs and contended that the "statutory borrowing authority available to the CCC is at such a low level now that the Department is resorting to rather questionable methods of financing export sales." pp. 12748-9

8. SUGAR. Rep. Langen urged enactment of legislation to increase the domestic sugarbeet quota, stating that the "crop now in the ground is expected to yield a possible 3,400,000 tons of sugar, but under the present law the beet sugar quota for 1964 will be only 2,700,000 tons." p. 12748

9. WAGE STANDARDS; CONTRACTS. The Education and Labor Committee voted to report (but did not actually report) H. R. 11522, to provide wage standards for persons engaged by Federal contractors or subcontractors to furnish services or maintenance work to Federal agencies. The "Daily Digest" states that the bill is a substitute bill for H. R. 6088. p. D456

10. ECONOMIC GROWTH. Rep. Reuss inserted Secretary Dillon's address discussing problems of economic growth. pp. 12749-51



United States
of America

Please return to
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Congressional Record

PROCEEDINGS AND DEBATES OF THE 88th CONGRESS, SECOND SESSION

Vol. 110

WASHINGTON, WEDNESDAY, JUNE 10, 1964

No. 116

House of Representatives

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

I John 1: 3: *Truly our fellowship is with the Father and with His Son Jesus Christ.*

Almighty God, we humbly acknowledge that this is a great spiritual truth which our minds and hearts cannot fathom or formulate in terms of thought and words.

Grant, however, that our daily life may be primarily a real and blessed fellowship with Thee, transforming our darkness into light, our weakness into power, our fear into courage.

Help us to cultivate a feeling of community that will constrain us to live together with our fellow men in honor and peace and may the day draw near when these bonds of fellowship shall be strong enough to overcome all hatred and enmity.

May we see clearly that tolerance is not enough but that we must expand and enlarge our faculties and capacities for insight and understanding, for appreciation and cooperation.

To Thy name we shall ascribe all the praise. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

COMMITTEE ON APPROPRIATIONS, PERMISSION TO FILE A REPORT

Mr. KIRWAN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations have until midnight Thursday, June 11, to file a privileged report on the public works appropriation bill for 1965.

The SPEAKER. Is there objection to the request of the gentleman from Ohio? There was no objection.

Mr. JENSEN. Mr. Speaker, I reserve all points of order on the bill.

SENATOR BARRY GOLDWATER

(Mr. DEVINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEVINE. Mr. Speaker, I never cease to be amazed when publications such as the Washington Post suddenly begin to feel constrained to worry over the future of the Republican Party. I have never read anything in the Washington Post particularly favorable to the Republican Party, but now, suddenly after Senator GOLDWATER's victory in California, they become quite concerned.

On the other side of the coin, however, I would like to quote an editorial by the Taft Broadcasting Co. and WTVN Broadcasting Co. at Columbus, Ohio, of Wednesday, June 3, 1964, as follows:

GOLDWATER'S VICTORY, WEDNESDAY, JUNE 3, 1964

The victory of BARRY GOLDWATER in the California primary is one of the most politically significant events in a generation.

Arrayed against him was the combined power of the liberal establishment, which since the Roosevelt era, has controlled most of the means of communication in this country * * * the national press services, the political pollsters, most of the TV network commentators, and three of the four so-called national news magazines.

In California the establishment used all the smear tactics they have learned so well over the years. They slanted and distorted facts throughout the campaign to make their side look good and GOLDWATER's look bad. The immediate beneficiary of this massive and concerted propaganda drive was supposed to be Governor Rockefeller; but the real purpose of the liberal establishment was to maintain its control of the Republican Party. It's all the more remarkable that a majority of the Republican voters in California saw through the smoke and voted as they did.

We suspect yesterday's result means that BARRY GOLDWATER will be nominated at the Republican Convention in San Francisco next month. This is all to the good. The voting public in this country has not had a clean cut liberal-conservative choice for the Presidency since 1932. BARRY GOLDWATER will give them that choice—which in our opinion, is the best and perhaps only chance for victory in November. But, win or lose, the Republican Party will be better off in the long run for having stood for something.

SENATOR BARRY GOLDWATER

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, I would like to say to my friend from Ohio that not all of the people who are making statements and writing editorials against Senator GOLDWATER are some kind of liberals or Democrats or anti-Republican. I was somewhat surprised and not a little bit interested to read in the Pittsburgh Press of the past Sunday a statement from the Republican Congressman from Pittsburgh, Mr. JAMES FULTON, in which he said he was not going to stand idly by and let the "kooks from Kooksville" dictate the policy of the Republican Party. He also made it clear by this application he was referring to GOLDWATER supporters.

HOURLY MEETING TOMORROW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

POLLSTER LOU HARRIS

(Mr. HALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and include extraneous matter.)

Mr. HALL. Mr. Speaker, in the questions I have recently raised regarding the objective of Pollster Lou Harris; I find some rather fascinating implications in the fact that none of the major news media, and particularly none of the Washington press, has made mention of my key premise—the fact that Harris has a long record of affinity and dedication to causes of the Democratic Party, and slants his findings to their benefit.

To further document this background, which includes employment by the late President Kennedy and the Democratic National Committee, I call attention to an article carried almost a year ago, page 17A of the September 22, 1963, issue of the Washington Post. The article, entitled "More and More Democrats" by Rowland Evans and Robert Novak, states:

Three days of top secret sessions by Democratic labor politicians in the South American Room of the Statler Hotel here last week generated more than normal apprehension at Republican national headquarters a few blocks away.

This was the COPE big cities conference, sponsored by the AFL-CIO's famed Committee on Political Education. Some of the Nation's shrewdest tacticians were on hand, including White House Aid Lawrence F. O'Brien and Pollster Louis Harris. Their purpose was to instruct the union men on 1964 presidential campaign tactics.

Now, Mr. Speaker, can anyone reading these remarks recall Mr. Lou Harris' past connection with the Democratic Party and still hold to the illusion that the polls conducted by Mr. Harris and reported by much of the Nation's press including CBS News are intended to be objective reporting? Can anyone doubt that the polls by Mr. Harris, including the latest which alleges that 40 percent of the California Republicans would vote for Lyndon Johnson, are in fact part and parcel of the top secret presidential campaign tactics which evolved from the meeting attended by Mr. Lou Harris and White House Aid Lawrence O'Brien? Can anyone doubt that Mr. Harris' objective, is not to predict elections, but to influence them, to discourage Republican leaders and Republican voters? Can anyone doubt that news media which report Mr. Harris' findings without identifying, on every occasion, his own partisan background and participation, are in fact bamboozling the American public and degrading their own honorable profession?

REEXPOR OF WHEAT SHIPPED TO RUSSIA

(Mr. LIPSCOMB asked and was given permission to extend his remarks at this point in the Record.)

Mr. LIPSCOMB. Mr. Speaker, on June 8, 1964, in a statement to the House of Representatives, appearing at page 12456 of the CONGRESSIONAL RECORD, I expressed concern over the fact that the Department of Commerce on May 22, 1964, had granted a license authorizing wheat purchased by the U.S.S.R. from the United States valued at \$12,589,400 to be reexported from the U.S.S.R. to Rumania.

There are many questions about that deal that I feel must be looked into. When the license to reexport the wheat was granted I registered an inquiry about it with the Department of Commerce. The Department has furnished the following information in response to my inquiry.

The wheat in question was licensed for shipment to Moscow, Russia, in February and March of this year. The end use of the wheat in the U.S.S.R. was for milling into flour to be consumed in the U.S.S.R.

The U.S.S.R. requested reexportation authority, I am advised, stating that they wished to repay in kind some of the wheat that had been loaned to them by Rumania in the summer of 1963. The U.S. exporter, acting as the intermediary, received all the correspondence relating to the transaction from the U.S.S.R. and

Rumania and made the formal request for reexportation to the Department of Commerce.

The export license granted by the Department of Commerce authorizes the wheat to be reshipped to Bucharest, Rumania, to be used in Rumania for the milling of flour and other wheat products to be consumed in Rumania.

The Department states that to the best of its knowledge the wheat has already been shipped from the U.S.S.R. to Rumania.

As I discussed with the House previously about this matter—how real was the alleged need for wheat in the U.S.S.R. if it can now afford to transship this wheat to Rumania? Also, since the wheat we sold to the U.S.S.R. was subsidized, is the U.S.S.R. making a profit on the transshipment of wheat to Rumania? These and other questions remain concerning this deal and I have requested the Department of Commerce to furnish additional information.

CORRECTION OF RECORD

Mr. QUILLIN. Mr. Speaker, I ask unanimous consent to have the insertion which I made in the Record of June 8, 1964, reprinted as corrected in its entirety due to a printer's error in the spelling of the name of the person who made the speech. This insertion entitled "Memorial Day Address at the Veterans' Administration, Mountain Home, Tenn., by the Honorable Robert Love Taylor, Chief Judge of the U.S. District Court, Knoxville, Tenn.," begins on page A3085.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

CALL OF THE HOUSE

Mr. BERRY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 151]

Ashmore	Griffin	Pilcher
Baring	Gubser	Pillion
Bass	Gurney	Powell
Bolling	Hagan, Ga.	Roberts, Ala.
Bolton,	Harvey, Ind.	Roudebush
Oliver P.	Healey	Sheppard
Bray	Hébert	Shipley
Bruce	Horan	Taylor
Buckley	Kee	Thompson, La.
Dorn	King, Calif.	Toll
Edmondson	Lloyd	Van Pelt
Elliott	McIntire	Wilson, Ind.
Forrester	Martin, Mass.	Winstead
Glaime	Norblad	

The SPEAKER. On this rollcall 391 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

FOREIGN ASSISTANCE ACT OF 1964

Mr. MORGAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 11380, with Mr. RAINS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the Clerk had read through the first section of the bill, ending on line 4, page 1. If there are no amendments to this section, the Clerk will read.

Mr. BATTIN. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

(Mr. BATTIN asked and was given permission to proceed for 2 additional minutes.)

Mr. BATTIN. Mr. Chairman, yesterday, June 9, 1964, the gentleman from Minnesota [Mr. FRASER] made some illogical and, to my mind, fuzzy statements about those who signed the minority report accompanying the foreign aid bill of this year. I was even more surprised by the fact that the UPI carried a quote from the gentleman which, in fact, was not spoken by him on this floor—namely, that the six Republican members who voted against the foreign aid bill were "irresponsible and playing into the hands of Moscow." There were, however, more than six members of the committee who voted against the bill in committee and they were not all Republicans.

I realize the gentleman believes he has all the answers to all the problems and that his solutions should not be challenged or questioned.

Our colleague has a short memory. For only last August 23 the House voted to cut the foreign aid bill then under consideration. Under the logic of my friend these good people who voted the cut are also indicted by his remarks. Then on final passage the vote was close—a difference of only 34 votes. I am sure in the gentleman's opinion those who oppose his conclusions are part of some sort of uninformed fringe.

He has given some of us credit for playing into the hands of Mr. K. Yet we did not support credit to Russia on the purchase of wheat—we did not support the subsidization of exports to Russia. Our colleague must have missed the news report on the meeting this week between Mr. K. and President Tito of Yugoslavia. The account read something like this—Premier Khrushchev met President Tito with a bear hug and two

kisses. We have indeed driven Tito away from Mr. Khrushchev. I have no doubts that if a hot war were to erupt Mr. Tito would be doing the bidding of Mr. K.

I do not recall of seeing any remarks or hearing any speeches of the gentleman from Minnesota on Cuba or Vietnam. Perhaps, he follows a Member of the other body who believes, in the case of Cuba, that the problem there is just a nuisance and will go away.

I do not recall of hearing or seeing any remarks from our colleague when Russia shot down our unarmed planes. Was this an act of peace and cooperation?

In his speech he referred to a report of the Republican Issues Council. He left the impression that this group was an official organ of the Republican Party. It is not, in fact, a part of the official Republican Party, but a group of distinguished citizens well known to the people of this country. I am afraid, however, that if this group were to disagree with our distinguished colleague he would attempt to brand them as a bunch of uninformed, misguided people.

So the record is clear and we can be sure of the position taken by the gentleman from Minnesota, not only as to our minority report, but also as to general problems facing the world and our country. I wonder if he subscribes to all of the resolutions adopted by the Western States Conference of the Young Democratic Clubs of America adopted in San Francisco August 16-18, 1963? Such resolutions as:

Resolved, That the Western States Conference YDCA urges President Kennedy to make renewed efforts to encourage Diem to make meaningful social, economic, and political reforms, posing as a possibility the withdrawal of American forces if these reforms are not begun;

Resolved, That the Western States Conference YDCA urge the U.S. Government to resume diplomatic relations with the Cuban Government and reestablish trade relations with that country.

Resolved, That the Western States Conference YDCA urges the signing of a non-aggression pact between the NATO countries and the nations of the Warsaw Pact as another step on the road to lasting world peace.

Resolved, That the Western States Conference YDCA urges the abolition of the House Un-American Activities Committee.

I would invite my friend to answer these questions in detail for it would shed some light on his basic thinking. I would comment in advance that whatever his position he can be assured I will not criticize him for that position, but will give him the benefit of any doubt and defend his right to his opinion. It was a sad day, yesterday, when a Member of this body resorted to innuendo and false premises to arrive at his conclusions. I hope that in the future he will respect those who disagree with him and not make any more false assumptions.

The gentleman did perform a worthwhile function, however. He called to the attention of the House the minority report, and for this I thank him.

I commend it to your reading, for I think it is worthwhile and states not only the position of the minority of the

committee but also the majority of the country.

Mr. EDWARDS. Mr. Chairman, I am proud to associate myself with the gentleman from Minnesota [Mr. FRASER] who has done such excellent work on the Foreign Affairs Committee and who works continuously for a strong America with a foreign policy aimed at furthering freedom and independence throughout the world.

The gentleman from Montana [Mr. BATTIN] apparently is not familiar with the views of our colleague from Minnesota [Mr. FRASER]. Just 2 weeks ago, our Minnesota colleague was the principal speaker at community Memorial Day services in Minneapolis. He presented an excellent statement on the struggle against communism in Laos and Vietnam. He pointed out that "The United States cannot stand by while southeast Asia is overrun by armed aggression."

Mr. Chairman, the speech of our Minnesota colleague [Mr. FRASER] sets forth a well reasoned statement on our involvement in southeastern Asia. I am, therefore, inserting appropriate excerpts from that speech in the Appendix of today's RECORD.

[The matter referred to appears in the Appendix.]

The Clerk read as follows:

PART I

CHAPTER 2—DEVELOPMENT ASSISTANCE

Title II—Technical Cooperation and Development Grants

SEC. 101. Title II of chapter 2 of part I of the Foreign Assistance Act of 1961, as amended, which relates to development grants and technical cooperation, is hereby amended as follows:

(a) Amend the title heading to read as follows: "TITLE II—TECHNICAL COOPERATION AND DEVELOPMENT GRANTS".

(b) Amend section 212, which relates to authorization, by striking out "1964" and "\$220,000,000" and substituting "1965" and "224,600,000", respectively.

(c) Amend section 214(c), which relates to American schools and hospitals abroad, by striking out "1964, \$19,000,000" and substituting "1965, \$18,000,000", and by striking out the second sentence.

(d) Amend section 216(a), which relates to voluntary agencies, by inserting after "ports" the first time it appears, the words "or, in the case of excess or surplus property supplied by the United States, from foreign ports".

AMENDMENT OFFERED BY MR. ADAIR

Mr. ADAIR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ADAIR: Page 1, immediately after line 6, insert the following:

"TITLE I—DEVELOPMENT LOAN FUND

"SEC. 101. Section 202(a), which relates to authorization, is amended by striking out 'and \$1,500,000,000 for each of the next two succeeding fiscal years' and inserting in lieu thereof '\$750,000,000 for fiscal year 1965, and \$1,500,000,000 for fiscal year 1966'."

And renumber the following section accordingly:

Mr. ADAIR. Mr. Chairman, this amendment to the Development Loan Fund section of the bill would in effect

accomplish a reduction of \$172,200,000. The wording needs to be understood. We have previously authorized for the Development Loan Fund provision of this bill \$1,500 million for fiscal year 1965 and an identical amount for the following fiscal year, 1966. My amendment relates only to the 1965 fiscal year and would not touch 1966, on the theory that we ought to take a look at that next year and see what the situation is with respect to the development loan program.

Although the authorization previously made for fiscal year 1965 is in the amount of \$1,500 million, and my amendment if adopted would set the figure for fiscal year 1965 at \$750 million, it is in fact a reduction of \$172,200,000 from the appropriation request, which is the figure that is most meaningful at this point.

Members will recall that last year we eventually authorized \$925 million for the development loan program. The appropriation for last year was \$687,300,000.

If this amendment is adopted, there would still be substantially more money authorized than was appropriated last year. There is the difference between \$687,300,000 appropriated and the \$750 million authorized.

It is somewhat difficult to discuss this amendment in meaningful detail because there is a classification as to the amount of loans programmed for the various countries. Therefore, I or others who are discussing this amendment cannot say—take X dollars from Y country. This is classified. I repeat it makes our problem of trying to give a valid explanation of the reason for the reduction more difficult.

I would call the attention of the members to the fact that the information relating to loan programs for the several countries can be found in the books at the Committee table.

This reduction, if adopted, would amount in the loan program to approximately 18.6 percent. I would call the attention of members to the fact there is this year approximately the same amount unspent for development loans as there was last year. The amount unspent—a good bit of it has been programmed—but it is unspent—is about \$1,900 million, in the development loan program, almost exactly the amount that was unspent last year.

May I cite as an example some cases that are not covered by a security classification and which can be mentioned to the Committee:

On page 69 of the minority report, three such loans in India and Greece are mentioned—loans authorized a long time ago—\$43 million not yet spent.

In addition, there are other instances and illustrations of cases where money for development loans have been earmarked and laid aside for a long period of time.

The Dominican Republic has received a \$2.1 million loan on which disbursements have ceased.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. ADAIR. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

Mr. MORGAN. Mr. Chairman, reserving the right to object, and I am not going to object to the gentleman's request at this time, I just want to serve notice that I will be compelled to object to any further extension of time to speak on amendments during today's debate because if we are going to finish the bill today, I think we will have to hold the line and proceed in the regular order.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. The gentleman from Indiana is recognized.

Mr. ADAIR. Mr. Chairman, in Pakistan two loans still have not been signed although money was set aside more than a year ago. The desirability of one loan of \$3.1 million for a water supply is being reexamined by Pakistan.

Another loan of \$4.3 million for an airport at Dacca has been suspended.

In Syria a \$14 million loan has been approved since December 1962, but Syria has not yet met the conditions precedent to the conclusion of that loan.

In Egypt only about \$850,000 has been disbursed against a \$17 million loan. Egypt has not yet fulfilled conditions precedent although the loan was approved in April 1962. I might say that the \$850,000 which has been disbursed has been disbursed for engineering purposes for the main body of the project which is a grain storage project. There has been nothing done on it since then except that these engineering studies have been made.

Let me summarize my points briefly. First, the carryover of development loan funds remains at the high level of last year of more than \$1.9 billion, second, there are the instances I have cited and many more in which money has been earmarked or committed but not spent nor is there a likelihood of it being spent in the immediate future if at all. Third, if the \$750 million limitation is agreed to we will be substantially above last year's appropriation. Therefore, I would urge the members of the Committee to adopt the amendment and to save for the taxpayers \$172.2 million.

Mr. ZABLOCKI. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, at the outset I wish to point out that the gentleman is correct in stating that the present authorization under section 202 of existing law provides \$1.5 billion for development loans.

The President, however, has shown great restraint by proposing to use much less than the full amount. In his appropriation request, the President asked for almost \$600 million less than what is already authorized in the existing law. I wish to emphasize that he asked for only \$922.2 million. The Committee on Foreign Affairs has given careful study to the amount and received testimony that the full amount requested is absolutely necessary. As the gentleman from Indiana reminded the committee, a substantial cut was made in the appropriation last year. The cut has prevented

the making of loans for projects which are ready for financing. Therefore, the President's full request is necessary to fulfill those commitments.

The cut proposed by the gentleman from Indiana would limit the Development Loan Fund authorization for fiscal 1965 to \$750 million. This represents a cut of \$172.2 million.

I think we would err if the committee were to follow the suggestion of the gentleman from Indiana. Since 1953, the House and the Foreign Affairs Committee have repeatedly demonstrated the desire to see that the grant component of foreign aid be lowered, and that the policy initiated by the gentleman from Ohio, Mr. Vorys, proposing the shift from grants to loans, be continued and emphasized.

I would like to refer to the testimony presented on behalf of the development loan program by the chamber of commerce, which appears in the printed record of the hearings, beginning on page 1015. I am referring to the statement of Mr. John O. Teeter, vice president of Pfizer International, who spoke on behalf of the Chamber of Commerce of the United States, and gave testimony in support of the foreign aid bill.

Mr. Teeter stated:

In presenting the national chamber's position on foreign aid, I want to emphasize that the chamber supports effectively administered foreign assistance for two principal reasons:

First, foreign assistance programs can help establish the politically and economically free societies which are essential to the national interest of the United States.

Second, foreign assistance programs can help provide the economic base necessary to establishment of a favorable climate for vital private investment and enterprise in developing countries.

Funds for foreign development: Support for the principle of foreign aid does not necessarily imply approval of all the various programs known as foreign aid nor of every budget authorization request.

He pointed out, however, that the chamber favors the loan program. He said, and I quote:

The programs for which we recommend full budgetary support are:

	Million
Development loans-----	\$922.2

As we know, development loans go primarily to countries which have already made significant progress toward economic self-sufficiency. As pointed out by Mr. Teeter, any action to retard the advance of countries which are beginning to make economic progress, may have bad political consequences.

I submit, therefore, Mr. Chairman, that we ought to turn down the amendment proposed by the gentleman from Indiana.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MORGAN. Mr. Chairman, I rise in opposition to the amendment.

First I would like to give a little history of section 202(a). In 1961, when the foreign aid program was reorganized, and the basic legislation revised the House remembers that the Executive asked for Treasury borrowing author-

ity for development loans. This was denied by the House. Then consultation was had with the minority side of the House, and the gentleman from Michigan [Mr. Ford] and the minority leader, were consulted. This section 202(a) was put in the bill exactly as it is in the law now. We provided a long-range authority under the development loan section, which included an authorization of \$1.2 billion for the first year and then 4 years projected up to 1966 with an authorization of \$1.5 billion each year to carry on the Development Loan Fund.

This arrangement which was enacted in section 202(a) for the Development Loan Fund worked very well. However, there have been attempts in each of the last 2 years to amend this language and to reduce the authorization for the years 1964 and 1965. Last year when the gentleman offered the motion to recommit the foreign aid bill, he apparently believed that the Development Loan Fund last year needed at least \$900 million. That was the amount in his motion to recommit. He served as a member of the conferees where we added \$25 million more, making the total amount authorized last year \$925 million. As he told you, the appropriation for 1964 was \$687 million. The cutback from the authorization to the appropriation certainly weakened the ability of the Executive to carry on our foreign policy. You must know that the situations in various parts of the world are changing, especially in Latin America, where we now have the new and emerging Government in Brazil. This will probably mean that more money for the Development Loan Fund program will be necessary. This amendment calls for a cut of \$170 million in a program that is vitally needed.

Mr. Chairman, I ask for the defeat of the amendment.

Mrs. KELLY. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman.

Mrs. KELLY. Mr. Chairman, is it not true that following the urging of our committee, and your personal support, some 12 countries will not receive aid in any form or manner under the new program next fiscal year and that some of these countries still have assistance in the pipeline? This pipeline is rather high for they are waiting for deliveries which will be made to them at the proper time when they are ready for them. I think this is a very good example of how our aid is being cut back and concentrated. We must remember, however, that while this process goes on, the pipeline remains for an extra year or two. We cannot argue, therefore, that the need for new loan authority is negated by the existence of a pipeline. The pipeline exists in some cases even after aid has been terminated to a particular country. I think this is an important point to keep in mind as we vote on this amendment.

Mr. MORGAN. I think the gentleman is correct.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. GROSS. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania have 1 additional minute.

Mr. MORGAN. Mr. Chairman, I am compelled to object.

Mr. GROSS. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I take this time to ask the gentleman if it is not true that we were told in the committee hearings this year and told repeatedly that other foreign countries are embarking on the business of making loans and otherwise giving aid to foreign countries. I can only assume without speaking for my friend from Indiana [Mr. ADAIR], that he is offering this amendment to provide a slight cut in these funds on the basis that other foreign countries are presumably getting into this act.

Would the gentleman care to comment upon the testimony we have had to that effect before the committee?

Mr. MORGAN. It is our policy to encourage other countries to make loans and grants to the less developed country as long as these are free-world countries making grants and loans to free-world countries. This helps the United States. It lightens our load. I am sure that countries like West Germany, France, the United Kingdom, and Japan are now making substantial loans to other free-world countries.

Mr. GROSS. Then should not our funds for this purpose be diminished?

Mr. MORGAN. They have their own programs. They are making loans to various areas of the world. The gentleman I am sure realizes that the United Kingdom has trouble spots around the world. In the Near East, for instance, the United Kingdom has plenty of problems and is spending money for foreign aid. They are making loans and grants throughout this area, and I think they are to be commended for the amount of effort they are putting into the areas where they have an interest.

Mr. GROSS. I thought the purpose of this program—at least it has been so stated many, many times—the purpose of spending billions and billions, particularly upon Western European nations, was to build up their economies so they could take over this load or at least a part of this load. Now the gentleman says they are doing this. So why should not this fund be reduced? I suggested to the gentleman that somewhere in this bill I should think he would want to cut out some money to help take care of the pay increase for Members of Congress and others if it happens to be voted through the House. It is going to take more than half a billion dollars to take care of the pay increase bill. There ought to be some savings in this foreign give-away program, if this program is going to be voted through. I hope it is not, but if it is, I should think those who vote for it would want to provide the money without having borrowed it.

Mr. MORGAN. I am for a strong development loan program and I feel that

if we have a strong development loan program we are going to be able to stop giving this money away. Here is a section where we can move away from what the gentleman likes to call a give-away program to a loan program.

Mr. GROSS. Don't be too sure that you are not giving it away in the guise of a loan.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. DERWINSKI. To clarify the record, the gentleman's support of the amendment indicates to the House that he is a serious and dedicated student of this program and as such he is convinced that the minimum amount of funds that may be reduced under the amendment of the gentleman from Indiana will not reduce the strength of our foreign aid program?

Mr. GROSS. That is right.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. GROSS. If the gentleman is going to quote the chamber of commerce again I would rather not yield to him for that purpose. I wondered when that was going to start. I suppose we will hear about the chamber of commerce all afternoon and from Members on the side of the aisle who do not ordinarily quote the chamber of commerce. I yield to the gentleman.

Mr. ZABLOCKI. The chamber of commerce is recognized as one of the most conservative organizations in the United States and I thought it might influence the gentleman.

Mr. GROSS. I am not too sure about the conservatism, from some of the things that I have heard recently.

Mr. ZABLOCKI. Does the gentleman mean to imply that if we reduce the amount of authorization for development loans, other countries, particularly European countries, would be in a better position to lend money to the underdeveloped countries and other assistance? Should that be the case, does the gentleman advocate that we should return to grant programs? Does the gentleman mean to imply that he prefers grants to loans?

Mr. GROSS. Not at all. Why even talk about a grant program? I predict many of these loans will never be repaid, or it will be on the basis of a few cents on the dollar.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. GROSS] has expired.

Mr. BARRY. Mr. Chairman, I rise in opposition to the amendment.

I just want to point out that in the hearings, when Dean Rusk testified before the committee, he stated that two-thirds of all the development loans in the coming year will be made to seven countries. I think that before we proceed to cut 18 percent of development lending that we should realize where the cut would come and ask ourselves whether we want to do this.

Mr. Chairman, the first country is Chile and the second is Colombia, two countries of South America; one which has had perhaps the greatest history of

representative government of any of the American Republics but which is having dire trouble at the present time. I am, of course, referring to Chile. The other is Colombia which has been a model, a model country in restoring itself but which now has internal problems today as the members of the committee know in the hill country with gangs murdering and so on. They have made remarkable progress with our help.

Mr. Chairman, in Africa there is Nigeria. Nigeria has the largest population of any country in Africa. The bulk of our aid to Africa will go there.

The next three countries are the soft underbelly of Asia which are today more threatened than any other by the Communists infiltration and possibility of aggression. They are Turkey, Pakistan, and India.

The last is Tunisia. Tunisia, as we all know, is strategic insofar as we are concerned with reference to some of our military bases located there.

Therefore, Mr. Chairman, I believe before we consider cutting the appropriation, we must realize exactly where those cuts would come and at the same time we should realize the danger to these countries which would ensue.

Lastly, Mr. Chairman, I would like to say that we have succeeded in persuading other governments to increase their foreign development assistance to a rather remarkable degree. Indeed, I could say to the members of the Committee that there is \$9 billion in aid money being extended by free world governments, including our own. In my opinion for us at this time to cut materially our own modest program would be flying in the face of what we have been urging other governments to do and which they have been doing because of our urging. The great increase in development loans extended by the free world is a direct result of the experience and the success of our loan experience which we have undertaken over the years. This is no time to weaken our resolve by truncating our development loan program and I strongly urge the defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The question was taken; and on a division (demanded by Mr. ADAIR) there were—ayes 35, noes 61.

Mr. ADAIR. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. MORGAN and Mr. ADAIR.

The Committee again divided, and the tellers reported that there were—ayes 61, noes 102.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. DERWINSKI

Mr. DERWINSKI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DERWINSKI: On page 1, immediately after line 6, insert the following:

"TITLE I—DEVELOPMENT LOAN FUND

"SEC. 101. Section 201, which relates to general authority, is amended by adding at

the end thereof the following new subsection:

"(g) None of the funds made available for this title shall be used for balance-of-payments loans or programs loans."

And renumber the following sections accordingly.

(Mr. DERWINSKI asked and was given permission to revise and extend his remarks.)

Mr. DERWINSKI. Mr. Chairman, I direct the special attention of the Members to pages 50 through 52 of the minority report, where we discuss in substantial detail the imperfections of balance-of-payments and program loans. However, this amendment is inspired by comments in the majority report, and I direct your specific attention to page 6 of the majority report, under chapter 2, "Use of Development Loan Funds for Program Loans." I quote the majority:

The committee has noted with concern the large proportion of such funds which are being used for program loans as distinguished from project loans.

Then the majority continues:

The committee believes that countries which progress to the point where they qualify for large development loans should be encouraged to assume increasing responsibility for financing their imports, except imports related to projects for which loans are made.

Here is the key point of the majority position:

There is a danger that dependence on the United States for such financing could result in levels of consumption higher than the recipient could normally sustain and could encourage—

And I emphasize this—

could encourage unsound financial and monetary practices.

In laymen's language, these balance-of-payment loans or program loans are basically made to countries whose economy cannot sustain their degree of trade and their degree of governmental expenditure. In the last 3 fiscal years, 1962, 1963, and 1964, such loans have amounted to \$1,617 million. In fiscal 1964 alone up to the first week of May this type of loan has come to \$511 million.

As I pointed out yesterday in general debate, it seems completely contradictory for us to be processing this bill, approving these programs and balance-of-payment loans, and next week follow with an increase in our national debt ceiling. May I remind you that we have run up a deficit in our own budget of \$25 billion in the last 4 years. It seems to be completely inconsistent in view of our rising budget deficit and in view of our rising national debt to be expending sums in excess of \$500 million a year to help other nations balance their budgets. Even granting the feasibility for us of certain projects in some countries, and I quote the majority again, to "encourage unsound financial and monetary practices" in other countries is contrary to the principles of the very proponents of this bill.

I apologize to the House for taking this time. I assume the logic of my amendment will have it approved by the majority. I have not received that sign

as yet but I assume the overpowering logic of this position will be sustained. Therefore, I am directing special attention to the majority views. I feel that the unsound practices which we encourage are in contradiction to the stated principles which the proponents of this program emphasize.

I feel that as representatives of the taxpayers the very least we should eliminate from this program is loans to help other countries balance their budgets, especially in view of the poor example we are setting ourselves.

The curious thing about the countries that are recipients—let me run down them quickly for you to give you the geographic picture—is that they are such countries as Argentina, Brazil, Chile, Colombia, the Dominican Republic, Ecuador, Honduras, free China, Indonesia—incidentally, \$17 million to help Indonesia balance its budget in 1963—Greece—and \$740 million in the last 3 fiscal years to help India balance its budget—and Israel, Pakistan, Turkey, Morocco, and Tunisia. This is a very interesting assortment of nations.

In this year, 1964, we have added Tanganyika to the list of nations that evidently requires this unsound financial support.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GALLAGHER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, one of the purposes of program loans is to establish dollar credits where there are no dollar credits in countries that may be in a position and express a desire to purchase commodities in another country. The purchases of these commodities are limited to the United States. They are made to countries who have adopted fiscal reforms and are on the road to development. Therefore, whenever these loans are made, we have written into the act and imposed restrictions in the act, that the funds borrowed from the United States under a program loan can be expended in no country other than the United States. We have already eliminated or phased out 10 countries that formerly received program loans. I might add the gentleman from Indiana [Mr. ADAIR] offered this amendment in committee, and it was as a result of his interest, and this being something that should be encouraged, that we should get out of the program loan business as soon as we can but that time is not yet here.

We have shifted to program loans in order to get out of direct grants. These are loans that are repayable in dollars that are made to countries that have no dollar credits or foreign exchange to import from the United States those commodities that they need in order to sustain their own economy. So as a result of this I feel this would create an unfair burden in many of the areas in which we have a vital interest such as Chile, Columbia, Pakistan, Turkey, and in Nigeria.

Therefore, Mr. Chairman, I urge that the amendment be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. DERWINSKI].

The question was taken; and on a division (demanded by Mr. DERWINSKI), there were—ayes 28, noes 65.

So the amendment was rejected.

Mr. RYAN of New York. Mr. Chairman, I move to strike out the last word.

(Mr. RYAN of New York asked and was given permission to revise and extend his remarks.)

Mr. RYAN of New York. Mr. Chairman, I take this time to discuss one of the crucial problems facing the American people—South Vietnam. The debate on the Foreign Assistance Act of 1964 offers an opportunity for the House to consider policy in that area. Although the bill itself does not specify funds for particular countries, under H.R. 11380 economic and military assistance will be programmed for South Vietnam—\$207 million for economic aid and \$198.1 million for military aid. This includes the additional request of President Johnson of \$125 million—\$55 million for military and \$70 million for economic aid. This amounts to more than \$1 million a day for South Vietnam and does not include Department of Defense funds used to maintain some 16,500 troops in the area or the funds expended by the Central Intelligence Agency.

In spite of the fact that we are spending huge sums and U.S. soldiers are fighting and dying in the steaming jungles of southeast Asia, very little real debate has been carried on in or out of Congress. I realize that the funds for South Vietnam, which include the special request of \$125 million, are included in the omnibus foreign aid bill, and I support the bill. However, I think there should be debate in the House on this vital matter, and I hope that my remarks today will lead to further discussion.

The military situation in the area is steadily deteriorating, and the United States is becoming more and more involved in a mean, ugly war. A U.S. Navy ship was sunk in Saigon harbor. The Vietcong has launched full-scale attacks within 14 miles of Saigon. The Vietcong engages in military operations as well as campaigns of terrorism. The Communist slogans of peace, prosperity, and land have a great appeal, especially when the Government has been unwilling and unable to carry out real reforms in the heavily populated rural areas. As a result, the Vietcong controls much of the countryside.

In his column of April 21, 1964, Walter Lippmann stated:

The truth, which is being obscured for the American people, is that the Saigon government has the allegiance of probably no more than 30 percent of the people and controls (even in daylight) not much more than a quarter of the territory.

I wish to include the Lippmann article at this point in the RECORD.

[From the Washington Post, Apr. 21, 1964]

FOREIGN POLICY DEBATE

(By Walter Lippmann)

After spending a few days in Saigon, Mr. Nixon has come home with a formula for winning the war in southeast Asia. The reason we are not winning it now is, he says, that we believe in "Yalu River concepts of private sanctuaries," and for that reason we

are preventing the South Vietnamese, who presumably are raring to go, from taking the offensive, from carrying the war into Laos and to the north, and of winning the war there.

Mr. Nixon ought to know better, and perhaps he does know better, than to say that the reason why South Vietnam does not win the war in North Vietnam is that the United States won't let it. The indubitable fact is that South Vietnam is quite incapable of carrying the war successfully into North Vietnam. That is not because we will not give it arms. We do give it arms. It is because the South Vietnamese have very little fighting morale and are well aware from experiments that have already been made that raiding in North Vietnam means almost certain death. Let us hope that Mr. Nixon is not going to revive at this late date the old chestnut which we used to hear about "unleashing Chiang Kai-shek," and ask us to believe that victory can be had by unleashing General Khanh.

General Khanh is leashed by the unwillingness of the large majority of the South Vietnamese to fight on in the civil war. "Hot pursuit" indeed; where are the South Vietnamese soldiers who are hot about pursuing the Vietcong into the clutches of General Giap? The truth, which is being obscured for the American people, is that the Saigon government has the allegiance of probably no more than 30 percent of the people and controls (even in daylight) not much more than a quarter of the territory.

The real and immediate problem in South Vietnam is to prevent a collapse of a weak government which is losing the civil war. That is the paramount objective of the Johnson-McNamara policy—to prevent a bad situation from becoming impossible. It is certainly not a glorious policy, or even a promising one, and it has led high officials of the administration into making commitments that had better been left unmade. But the policy is at least concerned with the reality of the situation, which is the need to prevent a collapse and surrender before there is an opportunity to work out a political solution in the area.

Any other plan for "winning the war" in southeast Asia must be, if the speaker is being candid and not tricky, a plan for the intervention of the United States with large forces prepared to overwhelm the whole of Indochina and to confront Mainland China itself. All schemes for "interdicting" outside help to the Vietcong can be carried out only by the U.S. Air Force. The South Vietnamese Government does not have the bombers and could not fly them if they had them in any such enterprise. The enterprise should never be undertaken unless we are prepared to have a large war with China.

In his review of foreign policy on Monday, the President was, in effect, saying that there has been no material change since the death of President Kennedy. Our relations with Russia, which took a decided turn for the better between the Cuban crisis and the test ban treaty, have continued to improve, slowly, to be sure, but to improve.

On the other hand, in the areas where President Kennedy had not been succeeding, things are about as they were. This is true of Europe, of Asia, and of South America. There is a pause in Europe and perhaps also in Latin America. This may be in part because new developments have not gone far enough to show what is going to happen, in part because of the coming elections—here and in Britain and in Chile this year, in Germany and France and Brazil next year. This is a pause in the Far East because the war plans of Messrs. Nixon and GOLDWATER are unworkable and undesirable, and any other kind of plan is, as Senator FULBRIGHT would say, still unthinkable.

This pause permits President Johnson to devote himself primarily to our too long postponed and too much neglected internal problems.

The Observer, the official U.S. Military Advisory Group—MAG—newspaper in Saigon, reported on January 25, 1964, that a ranking spokesman for the American mission in Vietnam:

Conceded that some 4 to 5 million people support the NLF (National Liberation Front, the political arm of the Vietcong) in varying degrees, though not necessarily through choice or sympathy, but rather by fear and coercion.

The Saigon Post, subject to Government censorship like all newspapers in South Vietnam, provided some insight into the reasons for the distrust of the Government by the people of South Vietnam in an editorial on January 10, 1964:

The main obstacle barring the Government from reaching the peasants' hearts stems from the peasants' innate mistrust of officials. This mistrust, accumulated through decades of colonialist rule, has been compounded even more by the misrule and mis-handling of Diem's lieutenants.

Peasants' grievances against local officials of the Ngo Dinh Diem government have become almost endemic. Most of these grievances were justified. Cases of extortion, bribery, intimidation, arbitrary arrest, summary execution and mass torture were commonplace.

In many instances peasant grievances are the result of tactical errors committed by well-meaning commanders. Cases have been reported of wanton bombing or shelling of entire villages where, it was later learned only a handful of VC (Vietcong) had been detected. Sometimes these grievances are explained away as the consequences of war. The merciless destruction of unharvested ricefields under a column of armored personnel carriers, or the scorched earth of napalm bombing are examples of this type of grievance.

Let us remember that this is not a Vietcong newspaper talking but one which operates by Government permission. Let us also remember that the United States sanctioned, if not actually carried out, the policy of "merciless destruction of unharvested ricefields" and the "scorched earth of napalm bombing."

In addition to the Vietcong's appeal to the people, the South Vietnamese Army is demoralized. The New York Times reported, on April 20, 1964:

Pursuit of the war against the Communist Vietcong faces the basic obstruction of inertia and low motivation of the South Vietnamese Army, in the judgment of American military advisers.

The same article quoted one American in the field:

All this talk in Saigon about gaining the support of the population to win this war is fine. But it would also be a good idea to gain the support of the army. This may be a political war, but it is still a war.

The Saigon Post of January 11, 1964, echoed the same feeling:

One handicap plaguing our troops is what observers would term as "lack of motivation"—lack of incentive.

Despite the factual situation in South Vietnam, it is often argued that the West has succeeded in other guerrilla wars. Greece, Malaya, and the Philippines are cited. But there are essential differences with the situation in South Vietnam.

In Greece the Communist guerrillas were not defeated until Yugoslavia closed its border, depriving them of their

sanctuary. Moreover, the Greeks were motivated to win.

The situation in Malaya is not really analogous. The guerrillas in Malaya belonged to the Chinese minority which meant that any Malay or Indian inhabitant of Malaya—about 55 percent of the total—was likely to be loyal if not actively unsympathetic to the terrorist cause. In South Vietnam both the population and the guerrillas are Vietnamese. Indeed, often the infiltrators from North Vietnam are returning southerners who left in 1954. They know the topography of the area and speak the language. In Malaya food is scarce and especially difficult to obtain in the jungle. In South Vietnam food is abundant, and food denial or control programs have failed. In Malaya there was no "active sanctuary" next door. In the case of South Vietnam, North Vietnam openly supports the guerrillas; Laos is a complete sieve; and Cambodia makes no particular effort to halt guerrilla operations in hard-to-survey border areas. With all the advantages the British had in Malaya, which do not exist in South Vietnam, it took 13 years and cost \$3 billion to defeat 8,000 guerrillas with 300,000 men.

The Huk uprising in the Philippines is also quite distinguishable. Because of the islands, the guerrillas were virtually cut off from outside help. In addition, a sound agricultural reform policy deprived the Communists of much of their appeal. It still took 7 years for approximately 60,000 Filipinos to defeat a 8,000 to 10,000-man guerrilla force.

The guerrilla war in Algeria should be considered in any analysis of South Vietnam. There the French did not repeat the military mistakes made in Indochina but repeated their political mistakes. The result was that 760,000 men were tied down for 8 years at a cost of \$12 billion fighting a guerrilla force which shrank from 60,000 to 7,000 at the time of the ceasefire. The French also cut off the guerrillas' sanctuary with an ingenious electronic fence which cost \$500 million. But by the time the French were "winning the war" militarily, they had alienated most of the civilized world from their cause. It was also apparent that, even if they were to achieve "total victory," they would still have to maintain an army of 200,000 to 300,000 troops in Algeria to prevent the reoccurrence of guerrilla activity. The war could be won militarily but not politically. The Algerian experience would suggest that the primary purpose of any effort should be to win the minds and hearts of the people.

The experience of other guerrilla wars suggests that there is small prospect of a military victory in South Vietnam under present circumstances with the present level of U.S. commitment. However, it might be possible to succeed militarily if the U.S. commitment were vastly increased. The Vietcong has about 25,000 regulars and another 60,000 to 80,000 irregulars. Experts maintain that, in order to win a revolutionary war, there should be a ratio of 10 soldiers to one guerrilla. This would require doubling the number of South Vietnamese under arms which is now estimated at 500,000.

Then the U.S. advisory forces would have to be increased. Such a level would require an expenditure of \$1.2 to \$1.5 billion a year for possibly 7 to 10 years. A military victory would still be doubtful without the fierce determination of the South Vietnamese Army, which has been less than enthusiastic in combat. To insure victory, a large scale military commitment by the United States would probably be necessary, involving combat troops—not “advisers.” Even then we might be in a situation similar to the French in Algeria.

A second option, instead of a large-scale military commitment, is to extend the war to North Vietnam. The idea that the war can be won by extending it to North Vietnam ignores the fact that the Vietcong live in South Vietnam off the land and enjoy the support of friendly peasants. Although they receive training and material in North Vietnam, they also fight with captured weapons and might well continue the war if North Vietnam no longer existed. The Pulitzer Prize-winning reporter of the New York Times, David Halberstam, indicated the problem of extending the war to the North when he reported on March 6, 1964:

The war is largely a conflict of southerners fought on southern land. No capture of North Vietnamese in the south has come to light, and it is generally believed that most Vietcong weapons have been seized from the South Vietnamese forces.

The impression in Vietnam, at least up to about 2 months ago, was that only a limited number of weapons were coming into the south. There was some question about the amount of ammunition being brought in. Since the long border, with its rough terrain, is almost impossible to control, the view was that the Vietcong could have brought in more weapons but it was deliberate policy to capture them from the Government.

Some Vietcong cadres have been trained in the north or have served in the North Vietnamese army, but they are southerners. Special teams, such as medical or demolition units, have also been trained in the north. The regular guerrillas are southerners who have rarely left the south.

Carrying the war to the north presents the danger of escalation into a Korean-type war. Then there is the possibility of North Vietnam committing its army of 14 crack combat divisions, which defeated the French when the French had 10 times as many men in Indochina as we have in South Vietnam.

A third course of action—pulling out—would probably lead to Communist control of the area in a very short time. This would be inconsistent with our commitment to the freedom of the people in South Vietnam. However, that commitment is to the people of South Vietnam and their right to freely choose their Government—not to a small clique which rules at the point of a bayonet. With that goal firmly in mind, I believe that there are alternatives to the three I have mentioned.

First, the United States should make clear that it will not bargain away the freedom of the people in South Vietnam to choose their own government, a freedom which is now denied to them. Then the United States should be willing to

discuss the possibilities for a peaceful settlement. Let us keep in mind President Kennedy's words:

Let us never negotiate out of fear. But let us never fear to negotiate.

In South Vietnam the United States is in a good position to negotiate. Despite the deteriorating situation in the south, North Vietnam is in a difficult position. As the Vietcong comes closer and closer to success, the cries in the United States to extend the war will become louder and louder. The North Vietnamese have spent 10 arduous years building up their industrial capacity which they know could be wiped out by the U.S. Air Force in 1 day. In addition, North Vietnam, as seen from its cautious position in the Sino-Soviet split, would not welcome Chinese Communist troops marching across its territory. The Chinese occupied North Vietnam for centuries, and the North Vietnamese do not want to repeat that experience. The north is also in dire need of the rice of the south. Before the area became a battleground, the north imported one-quarter million tons of rice from South Vietnam annually. The south could use industrial goods from the north. These factors show that negotiation is at least feasible and should certainly not be rejected out of hand.

How could a settlement be brought about and under what terms?

When the United Nations was established, it was intended that the international organization would concern itself with all “threats to the peace.” Unfortunately, both the major powers more frequently turned to bilateral or multilateral negotiations than to the United Nations. In recent years, however, more and more reliance has been put upon the United Nations in the area of peacekeeping. We have seen the effectiveness of the United Nations in the Gaza Strip, in the Congo and in other areas of the world. Within the past few weeks the United States has consented to a U.N. presence in southeast Asia. By unanimous resolution of the Security Council a U.N. team has been sent to investigate the border situation between South Vietnam and Cambodia. This action could lay the foundation for a broader role for the United Nations in southeast Asia.

Under the auspices of the United Nations, or even outside of the U.N.: a special conference could be convened on Vietnam. The machinery set up in 1954 by the Geneva Conference might be used. Once it is recognized that our goals are not attainable through a military solution and there is a willingness to attempt to negotiate a political settlement, the question of a proper forum is less important than the question of the conditions for a negotiated settlement.

It is impossible, of course, to arrive at a sure-fire formula for negotiations. However, various possibilities may be suggested. All suggestions must be consistent with the maintenance of the freedom of the people in South Vietnam.

One possibility would be a minimal agreement guaranteeing that both North

and South Vietnam would not join any military alliances or attempt to overthrow each other, either by subversion or direct warfare. Each would be allowed to develop its own form of government and to live in peace. Under this proposal the South would agree to normalize trade relations with the North, but that would not necessarily mean diplomatic recognition. The relationship between East and West Germany could be used as an example. A variation of this proposal might include joint economic development projects between North and South, which could look toward eventual reunification and free elections for the entire country.

On a broader level a proposal to include North and South Vietnam, Laos, Cambodia and possibly Thailand in a regional agreement should be explored. Such an agreement would prohibit the signatory countries from joining any military alliances or attempting to overthrow the governments of the other parties to the agreement by subversion or direct aggression. A provision for resumption of trade might accompany such an agreement. Variations of this idea have been discussed by Cambodia, France and others. In the Washington Post of March 5, 1964, Walter Lippmann points out that such an arrangement might be possible since:

Ho Chi Minh in North Vietnam has no desire to be ruled by the Chinese. Access to food grown in the south would be tempting to him. The reduction of the risk and threat of a great war between China and the United States would be a benefit to him. As for Red China itself, there is always the problem of the long, disputed and dangerous frontier with the Soviet Union in the north, and a bargain which tranquilized the borderlands on the south might therefore be attractive.

Another possible solution might be to have both North and South Vietnam enter the United Nations on the stipulation that all aggressive action including subversion cease between them and that trade be resumed. The United Nations might very well be called upon to send a peace force to the area to supervise such an arrangement.

Mr. Chairman, these proposals are not advanced as final answers to this very difficult problem. But it makes no sense to put our heads in the sand and refuse to consider any alternative to a military one. That courts disaster. There are no doubt risks in any solution. Therefore, it would be necessary to secure any political settlements by agreement between the major powers and perhaps a United Nations peacekeeping force. Also, any solution in South Vietnam must be accompanied by genuine economic reform which benefits the great majority of the people who are peasants. There must also be political reform to allow freedom of expression and freely chosen representatives, which are nonexistent in South Vietnam today. Without such reforms the chances of an indigenous civil war are great.

Mr. Chairman, we must clarify our goals in South Vietnam. It is not enough to be just anti-Communist. The vast majority of the people in South Vietnam could not define the word. We

must be pro-people and frame our policy according to the democratic and humanitarian principles for which we have always stood. We can win the world with the power of our ideals.

Mr. BURTON of California. Mr. Chairman, I request that the distinguished gentleman from New York yield.

Mr. RYAN of New York. I yield to the gentleman from California.

Mr. BURTON of California. I should like to commend the gentleman for his able and thoughtful presentation of this major problem, and I wish to associate myself with his remarks.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

Title III—Investment guaranties

SEC. 102. Title III of chapter 2 of part I of the Foreign Assistance Act of 1961, as amended, which relates to investment guaranties, is hereby amended as follows:

(a) Amend section 221(b) (2), which relates to general authority, as follows:

(1) Strike out "\$180,000,000" in the third proviso and substitute "\$300,000,000".

(2) Strike out "1965" in the last proviso and substitute "1966".

(b) Amend section 224(b), which relates to housing projects in Latin American countries, by striking out "\$150,000,000" and substituting "\$250,000,000".

Title IV—Survey of investment opportunities

SEC. 103. Section 232 of the Foreign Assistance Act of 1961, as amended, which relates to surveys of investment opportunities, is amended by striking out "1963" and "\$2,000,000" and substituting "1965" and "\$2,100,000", respectively.

Title VI—Alliance for Progress

SEC. 104. Section 252 of the Foreign Assistance Act of 1961, as amended, which relates to the Alliance for Progress, is amended by striking out in the first sentence the words beginning with "of the funds" the first time they appear through the words "fiscal year 1964" and substituting "in each of the fiscal years 1963 and 1964 and \$85,000,000 in fiscal year 1965 of the funds appropriated pursuant to this section for use beginning in each such fiscal year".

CHAPTER 3—INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 105. Section 302 of the Foreign Assistance Act of 1961, as amended, which relates to international organizations and programs, is amended as follows:

(a) Strike out "1964" and "\$136,000,000" and substitute "1965" and "\$134,400,000", respectively.

(b) At the end thereof, add the following new sentence: "None of the funds available to carry out this chapter shall be contributed to any international organization or to any foreign government or agency thereof to pay the costs of developing or operating any volunteer program of such organization, government, or agency relating to the selection, training, and programing of volunteer manpower."

AMENDMENT OFFERED BY MR. MAILLIARD

Mr. MAILLIARD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MAILLIARD: On page 4, line 7, strike out \$134,400,000 and insert in lieu thereof \$134,272,400.

Mr. MAILLIARD. Mr. Chairman, this is a rather small amount of money, but when the committee took the action which it did, forbidding, as you will see

in the language on page 4 of the bill, beginning at line 9, the use of these funds where it says:

None of the funds available to carry out this chapter shall be contributed to any international organization or to any foreign government or agency thereof to pay the costs of developing or operating any volunteer program of such organization, government, or agency relating to the selection, training, and programing of volunteer manpower.

We forbade the expenditure of \$150,000 requested for this purpose. However, in one of those rather strange things that occasionally happens in our committee we left the money for it in. What my amendment would do is remove the \$150,000 minus \$22,400 which is requested to help support a clearinghouse of information on the subject of the International Peace Corps or Peace Corps of other countries. We have now by this bill forbidden the United States to contribute to an International Peace Corps, and yet we left the money in. So this would remove \$127,600 which was requested for a purpose which we have now said they may not contribute to. It only seems sensible to take the funds out since we said that they cannot spend them the way they intended to.

Mr. MORGAN. Mr. Chairman, I think the gentleman's amendment reflects the views of the committee. The committee placed a limitation on the use of these funds and the committee did not remove the funds which are not required for this purpose. I am sure the Members on the majority side have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. MAILLIARD].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BENNETT OF FLORIDA

Mr. BENNETT of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BENNETT of Florida: Page 4, immediately after line 2, insert the following:

"SEC. 105. Section 301 of the Foreign Assistance Act of 1961, as amended, which relates to general authority to make contributions to international organizations, is amended by adding at the end thereof the following new subsection:

"(d) Notwithstanding any other provision of law, for the purpose of preventing United States contributions or payments from being used contrary to the policies of the United States, the President shall not make any contribution or payment to the United Nations or to any agency or activity thereof until he has determined that no part of any such contribution or payment will be used to carry out any program or activity which is contrary to the policies of the United States. If the United Nations or any agency or activity thereof hereafter carries out any program or activity which is contrary to the policies of the United States, the President shall thereafter withhold contributions or payments by the United States to the United Nations or such agency or activity, as the case may be, until the United States share of the expenses of the United Nations or such agency or activity, as the case may be, is reduced by such amounts as are required to carry out the purposes of this subsection."

And renumber the following sections accordingly.

Mr. BENNETT of Florida. Mr. Chairman, I have long been a critic of how the foreign aid program has recently been carried out by our Government, and this criticism is felt by millions of Americans and by a large portion of Congress.

The tremendous financial outlay for foreign aid today is a great drain on the country's fiscal strength, especially in view of the recent tax reduction, which I supported. I believe we must hold down Government spending and this area is one where this can be done without harm to our country in any way.

It is obvious that administrative improvements must be made in this program and waste eliminated wherever possible.

Besides that, the program is far too flexible and lacks specific congressional attention and restriction to individual projects and countries.

A third point I would like to mention is that I am a strong advocate of the military program of the foreign aid legislation being placed in the Department of Defense, with review by Congress coming through the House and Senate Armed Services Committees. The military items should get the same scrutiny and careful attention that is given our own military expenditures. Nothing like this or even approaching this is presently the case.

These points are things that must be constantly improved upon, or changed to make our foreign aid program not only for the benefit of the people we assist, but also for the benefit of the people of America, the taxpayers, who pay the bills.

Something that we can accomplish in this bill before us today is to enact legislation to halt the transfer of U.S. funds to programs and activities in opposition to our national interests.

I have introduced a bill, H.R. 3847, to provide that U.S. payments to the United Nations shall not be used for programs contrary to the policies of the United States.

Today I am introducing an amendment to H.R. 11380, the Foreign Assistance Act for 1964 which would accomplish the principle of my bill, H.R. 3847.

In this present year the United States has contributed 40 percent of the cost in maintaining the United Nations Special Fund, a group consisting of 18 member states, elected by the Economic and Social Council, and providing "systematic and sustained assistance in fields essential to the integrated technical, economic and social development of the less developed countries."

On February 13, 1963, the Managing Director of the Special Fund announced plans to aid Fidel Castro's ailing economy by injecting it with \$1,157,600 of United Nations funds. Since this money was to come from the U.N. Special Fund, of which the United States contributes 40 percent, the taxpayers of America in essence were to give the Castro government a handout of nearly a half million dollars. Even more ridiculous is the fact that this money strengthens a government dedicated to burying us.

I urge adoption of this amendment to stop this outflow and direct aid to Communist countries.

Mr. MORGAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as the gentleman from Florida [Mr. BENNETT] stated, the bill he introduced is pending before the Committee on Foreign Affairs. The committee has sent the bill down to the Executive for comment and the Executive submitted a report to the committee which the committee has received.

Mr. Chairman, I am sure the gentleman from Florida realizes that he is offering a far-reaching amendment. The enactment of this amendment would put the United States in the same position as the Soviet Union and its satellites who in effect are doing exactly what the amendment proposes. The Soviet bloc persists, as everybody knows, in refusing to pay its U.N. assessments for peacekeeping and related activities because they disagree with these programs. This puts us exactly in that position.

The U.S. Government, including the Congress—this Congress—has denounced the Soviet position as illogical and disruptive.

Mr. Chairman, the adoption of this amendment would reverse the U.S. position on this issue and cause our country to adopt, in effect, the Soviet view. This would create financial chaos in the United Nations.

Now, Mr. Chairman, I am sure that the Members of this body remember the vote on the U.N. bond issue when article 17 of the U.N. Charter was discussed in full. The members of the committee will remember that article 17 of the U.N. Charter provides that all members bear the expense of the organization as appropriated by the General Assembly. On budget matters, this requires a decision by a two-thirds majority of the Members present and voting. If we followed this and did not pay our assessment, under article 17, we would lose our voting rights in the U.N.

Mr. Chairman, the amendment has some other far-reaching, destructive effects, but I am reluctant to take the time to discuss them.

Therefore, Mr. Chairman, I ask for the defeat of the gentleman's amendment.

Mr. JONES of Missouri. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Missouri.

Mr. JONES of Missouri. Does the gentleman say that the United States would lose its voting rights in the U.N.? How about the U.S.S.R.? Has it lost its voting right?

Mr. MORGAN. The gentleman knows that last December the United Nations approved the decision of the International Court of Justice on this matter. As soon as the Soviet Union falls behind in its payments for a 2-year period they will lose their vote in the General Assembly.

Mr. JONES of Missouri. If the gentleman will yield further, they are not paying into some of these funds now.

Mr. MORGAN. No; but they are not behind for a period of 2 years in their payments.

Mr. FARBSTAIN. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from New York.

Mr. FARBSTAIN. Would the enactment of this amendment mean that every time we disagreed with the United Nations that we shall be in the position of the dog in the manger for refusing to pay any assessment on the budget?

Mr. MORGAN. That is the way I interpret the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida.

The amendment was rejected.

AMENDMENT OFFERED BY MR. JONES OF MISSOURI

Mr. JONES of Missouri. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES of Missouri: On page 4, immediately after line 2, insert the following:

"Sec. 105. Section 301 of the Foreign Assistance Act of 1961, as amended, which relates to general authority to make contributions to international organizations, is amended by striking out subsection (b) and inserting in lieu thereof:

"(b) Contributions, whether in cash or in goods and services, and other payments made by the United States for the calendar year 1964 or any subsequent calendar year to the United Nations or to any program or activity thereof (whether or not financed in whole or in part by assessments against member nations) may not exceed 33.33 percent of the total amount contributed and paid by all nations for the calendar year involved to the United Nations, or the program or activity thereof, as the case may be. This subsection shall not apply to contributions or other payments by the United States to the United Nations Emergency Force."

And renumber the following sections accordingly.

(Mr. JONES of Missouri asked and was given permission to revise and extend his remarks.)

Mr. JONES of Missouri. Mr. Chairman, this is a long amendment but what it says in effect is that on any such program the contribution of the United States would be restricted to 33 1/3 percent, which is the same restriction that we have on our contribution to the United Nations.

Mr. Chairman, I feel that this is a matter of policy. While there are not too many of these programs into which we are paying more than 33 1/3 percent, there are some, and in some instances the rate of payment goes up to 100 percent.

In the case of the matter to which the amendment of the gentleman from Florida [Mr. BENNETT] was directed a minute ago, we are paying only 40 percent of that amount. However, I would call the attention of the members of the committee to the fact that since 1959 the amount of our contribution to that particular fund has gone up from \$10,313 up to \$29,383. So, we are paying now almost three times as much, although the percentage remains at 40 percent.

Mr. Chairman, the members of the committee will recall that in previous years I have been in the well of this House calling attention to the Palestine refugee program where we were not only paying more than 70 percent of the cost of that program, but at the same time they were using American dollars to buy foods from other countries which we had in surplus, and their only excuse was that our prices were too high.

Mr. Chairman, this is very simple. Any time that the United States pays 40 percent or more of a program, we could very well take over the program and run it ourselves. In this particular program that the gentleman from Florida mentioned of the United Nations we are now putting up \$29 million, we are paying 40 percent of it. You will notice the governing council that makes up includes the U.S.S.R., and they are telling us how we shall spend the 40 percent which is our money. As a matter of principle there is no justification for any program taking more than we are paying to the United Nations.

I ask respectfully that we at least be consistent in this and restrict these special funds to a contribution of not more than 33 1/3 percent.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. JONES of Missouri. I yield to the gentleman from Iowa.

Mr. GROSS. The Defense Department is providing certain services in connection with the transportation of United Nations troops. Not all these bills have been paid. I believe there was some language included in a bill, perhaps this bill, to provide that this service be provided on a nonreimbursable basis. Thus millions of dollars have been expended on the United Nations over and above the contributions and assessments that have been levied upon us.

Mr. JONES of Missouri. Yes. However, under this amendment I do not try to affect the United Nations Emergency Force because it seems that last year the committee hung its hat on this and said we have to have an emergency force. I do not want to do anything to disrupt the programs that are necessary, but these programs continue to grow each year, and we are contributing 40, 60 or 70 percent. There is no reason for that at all, and I think it is time we wake up and pay only our fair share. I believe 33 1/3 percent is more than a fair share of this program.

Mr. HAYS. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Missouri.

Mr. Chairman, I do not think too many people can quarrel with the basic objectives of this amendment. In fact, I would like to see all of our contributions work down to this figure, and we are working in that direction.

It is fair to point out when we started the Children's Fund, for example, commonly known as UNICEF, which meets with wide and popular approval in this country, we were paying 70 percent of the total cost of that particular program. We have worked over the years to get that down. The figure is now

down to 40 percent, and I would hope we would continue to work to get our share reduced. But if you arbitrarily cut that off, as this amendment would, you would cripple the program. This is working well, and it is being moved in the direction that the gentleman from Missouri would like to see.

This would also hit the Palestine Refugee Relief program. This might be the means, if the amendment were adopted, of causing that tinder box to erupt if our share of that fund, which is more than half, were drastically cut by more than 50 percent.

I am not so sure about the gentleman's amendment where he admits the application of it to the United Nations Emergency Force would apply to future situations such as we might find in the Congo. We might send in a force which the United Nations would manage, supplied by other countries, for which we were furnishing the money.

A recent example is Cyprus. We did not supply all of the money in Cyprus, but we did go in there with transportation, and other countries went in with troops. It would seem to me it is necessary to give us flexibility when we run into an emergency situation of this kind, which the gentleman's amendment would preclude.

Mr. MAILLIARD. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from California.

Mr. MAILLIARD. Mr. Chairman, I was not able to tell from the wording of the gentleman's amendment whether this would restrict us in Cyprus. The U.N. Emergency Force is in the Middle East only. There is uncertainty in my mind as to whether it would prevent us from going under international auspices, into a situation such as Cyprus, where two of our allies are involved in an explosive situation. I think the implication for our foreign policy might be quite disastrous.

Mr. HAYS. I would agree thoroughly with what the gentleman says. I am a little in doubt about the effectiveness of the language, whether it would apply to the Cyprus Force or even the Congo.

Mr. JONES of Missouri. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield.

Mr. JONES of Missouri. The amendment says that this section shall not apply to contributions or other payments by the United States to the United Nations Emergency Force.

Mr. MAILLIARD. That means only the Middle East Force.

Mr. JONES of Missouri. The United Nations Force—is not that what you go anywhere in the world with?

Mr. MAILLIARD. No, it is not.

Mr. HAYS. The United Nations Emergency Force, as I understand it, applies only to the Force which is on the border between Israel and Egypt and the Palestine area keeping peace there. I do not think the United Nations Emergency Force applies even to the Force in the Congo.

Mr. MAILLIARD. I was at the United Nations last fall and was directly in-

involved in arranging for funds for the United Nations Emergency Force. The term applies only to the Force in the Middle East and does not apply to the Congo, and I am quite certain it would not apply to Cyprus. This would be a tremendously dangerous thing, which I think the author does not intend.

Mr. HAYS. I am glad to have the gentleman clarify that, because he has expert knowledge whereof he speaks. I suspected that, but I could not be in a position to be sure of it.

Mr. JONES of Missouri. Would the gentleman have any objection if we could get unanimous consent to change the amendment to say that it shall not apply to the United Nations emergency operations? That would include anything of that sort.

Mr. HAYS. I am not in a position to say that I could accept that. I would think the gentleman's solution is wrong, that we ought to just defeat the amendment and continue to work as we have to bring these contributions down to that figure.

Mr. HALL. Mr. Chairman, I rise in support of the amendment offered by my colleague from Missouri.

Mr. JONES of Missouri. Mr. Chairman, will the gentleman from Ohio [Mr. Hays] yield for a question?

Mr. HAYS. If the gentleman from Missouri [Mr. HALL] will yield.

Mr. HALL. I will be glad to yield.

Mr. JONES of Missouri. Always the committee hangs its hat on something of an emergency nature, but no one ever answers the question about the 70 percent which we are paying in the Palestine operation, where they are using our dollars to buy agricultural commodities from other countries which the United States has in surplus. The gentleman cannot condone that, can he?

Mr. HAYS. I say to the gentleman that I do not like the situation in Palestine at all. I do not like our paying 70 percent. I did not like it when we paid 90 percent.

Mr. JONES of Missouri. Let us cut it down.

Mr. HAYS. If the gentleman can figure out some other way in which we can keep these people eating, so there is not a potential force to prevent another war out there, at less cost than it is costing, I would appreciate knowing what it is.

Mr. JONES of Missouri. If you would send \$23 million worth of wheat instead of \$23 million, we can get the job done.

Mr. HAYS. Maybe the Committee on Agriculture, which goes into the foreign affairs field quite often, could just report out a bill doing that.

Mr. JONES of Missouri. But you would not stop sending the money?

Mr. HAYS. Yes; if we could do that. I would be in favor of cutting out the money.

Mr. HALL. Mr. Chairman, I rise in support of the amendment offered by my colleague from Missouri. The amendment is similar to one which I offered to the foreign aid bill last year and on which I testified before the House Foreign Affairs Committee, but with one very important exception: The amend-

ment now before the House excludes from the 33⅓-percent limitation, the U.S. contribution to U.N. "Emergency Forces," which at the present time, I believe, is 50 percent.

Personally I do not believe we should pay half the total cost of any organization program which is supposed to be international in nature. But all of us realize that effective legislation often demands a spirit of compromise. In this instance it was the objection of the members of the Foreign Affairs Committee to the restrictions this amendment might place on U.N. emergency operations, which led to its narrow defeat last year.

That objection has now been removed. We are now back to the basic premise, should a country which has 17 million poverty stricken people pay more than its fair share of an international organization's programs which are supposed to cure poverty in other lands? Should we pay 40 percent of the cost of the U.N. Special Fund, 40 percent of the U.N. expanded technical assistance program, 70 percent of the U.N. Middle East refugee program, 50 percent of the United Nations International Atomic Energy Organization, and on and on ad infinitum?

Should we follow the recommendations of the Clay Committee which recommended that we apply the same budget ceiling to both our assessed and voluntary U.N. budgets, or should we continue to allow other nations to avoid their responsibilities in this whole field of world welfare.

We have been told that the reason we are paying more than our fair share is to get these programs underway because they are so terribly needed, and that as other nations see their need they will assume their fair share. I say that is pure hogwash. We have been paying the same 40 percent of the U.N. Special Fund budget since it was initiated. We are now paying a higher percentage of the U.N. Middle East refugee program than we have ever paid since it was first initiated as a blackmail measure to keep Nasser from causing trouble and waging aggression in the Middle East. For years our percentage hovered around 67 percent but it is now up to 70 percent as other nations see that we are willing to pick up all the debts that they refuse to honor. The only U.N. voluntary program to which our disproportionate contribution has shown any tendency to be reduced is the United Nations Children's Fund and even it has now leveled off at 40 percent, a far cry from the 33⅓-percent limitation which governs our regular U.N. assessment.

I say, Mr. Chairman, that we put back in the legislative branch of Government the responsibility that is ours for determining the expenditure of American dollars. I know of no other Federal program where we give, or the State Department preempts such a free hand in determining how much the taxpayer will pay to support an activity of such dimensions.

Furthermore, if the Congress votes a specific limitation in the amount of 33⅓ percent it will give our Department of State a basis for realistic bargaining for

other nations which do not now pay their fair share. So long as other countries know that, as in the case of many of these programs, the sky is the limit, they will be quite content to let the status quo remain, or, as in the case of the Middle East refugee program, even force us to increase our contribution.

I urge the adoption of this amendment.

Mr. MAILLIARD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not want to belabor this, but there are some things being tossed around here that are not quite correct. For one thing during the last couple of years the gentleman from Missouri has been talking about the Palestine refugee problem. We have been making our contribution, not only in cash but in kind and we have contributed our own surplus agricultural products directly to the program.

Mr. JONES of Missouri. Mr. Chairman, will the gentleman yield?

Mr. MAILLIARD. I yield to the gentleman.

Mr. JONES of Missouri. Is it not a fact that for many years they did not buy U.S. wheat? They did buy Australian wheat. They did buy Canadian wheat. They did buy Pakistan wheat. They did buy French wheat. And they did not buy our wheat because the prices were too high.

Mr. MAILLIARD. Yes, Mr. Chairman, what the gentleman says I think was correct but it is my understanding that for the last 3 or possibly 4 years this has not been the case and that agricultural products that have been going into the program have been going out of our surpluses and not from other countries.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. MAILLIARD. I yield to the gentleman from Ohio.

Mr. HAYS. What the gentleman has said is exactly right. As a matter of fact, last year our contribution was \$24,700,000 of which \$7,500,000 was wheat under Public Law 480 and \$16 million was in cash. Obviously, they cannot eat nothing but wheat and presumably I would gather from these figures that we furnished all of the wheat that they could consume under Public Law 480 and that with some of the other money they buy other crops or commodities. The gentleman from Missouri can make all the hay he wants to out of the fact that they did not buy American wheat before, but they are buying it now.

Mr. JONES of Missouri. Mr. Chairman, will the gentleman yield?

Mr. MAILLIARD. If the gentleman will permit me to continue, I would like to go on to some other things that are involved here without taking too much time.

There are other programs in which our interest is overwhelming in connection with the World Health Organization such as malaria eradication and other things that have been mentioned. Also, may I say we keep talking about our fair share. When I was at the U.N., I got into discussion of that question.

Members may or may not know that there is a special committee in the

United Nations which determines from time to time the ability to pay of the various nations of the world.

I do not vouch for the accuracy of their findings. In fact, I have strongly recommended to our State Department that we obtain some economic experts in our own country to review the findings. But it is true that by any standards they have been able to bring forward so far the fair share of the United States, on the ability-to-pay theory, is something around 38 or 39 percent. Our assessed share is 32.02 percent, so we pay less than our fair share, if we can believe the figures which are accepted by the United Nations, on the things as to which we are assessed.

Certainly, in regard to things as to which we have a special interest, our ability to pay more than one-third gets other nations to contribute to those things. Otherwise we would be paying for it all, if we wanted to do it.

I believe this amendment would be particularly dangerous because of the uncertainty of the meaning of the language with respect to special peacekeeping emergency situations, such as we now face on Cyprus. I believe it would be most unwise for the House to accept the amendment.

Mrs. KELLY. Mr. Chairman, I move to strike the requisite number of words.

I rise in opposition to the amendment. I take this opportunity to bring to the attention of Members of the House our good fortune in having had the Congressman from California serve last year at the United Nations as the U.S. delegate. He handled that important assignment with exceptional distinction and ability.

There is very little I can add to what our colleague from California had already said. I would, however, like to comment briefly on the effect of the proposed limitation. As a Representative from this side of the aisle, who had the honor of serving as U.S. delegate to United Nations, I can speak from firsthand experience.

I wish to say that so far as the U.N. expanded technical assistance program is concerned, we did agree to contribute 40 percent. Why did we do that? We did this because these program are in our national self-interest, because they are accomplishing a lot of good, and because each \$1 we contribute is matched by \$1.50 in contributions from other nations.

We should also remember, Mr. Chairman, that this is one of the most important years for the United Nations. We are determined to make certain, at the coming session of the General Assembly that all members of the United Nations pay their just share of the expenses of that organization, or be deprived of the right to vote if they do not. This is an important issue and we should not jeopardize its outcome by pulling out our financial support from vital U.N. programs.

I should like to add one more thing: We worked hard last year to bring down the percentage of U.S. contributions to various U.N. programs. The gentleman from California contributed ably

to this effort through his work on the Fifth Committee of the U.N. General Assembly. We have made some progress. If we persevere in these efforts, and be patient, we will make more progress in the future.

So far as U.N. peacekeeping operations are concerned, there is very little for me to add except to say that we are fortunate to have the U.N. Emergency Force in the Middle East. It has prevented open war in that place. I believe that it should be continued, no matter what percentage we may have to pay.

So far as the United Nations relief work for the Palestine refugees is concerned, we did add one feature to that this year. I take this opportunity of complimenting our representative, Ralph Bunche, for all he has done so far as that is concerned. The feature we added this year is this: we requested that private and intergovernmental agencies volunteer to contribute to the United Nations for this particular project. In other words, any organization throughout the world can give a voluntary contribution. In that way we hope in the coming year the 70 percent of the United States will be reduced.

I hope that the amendment will be defeated.

Mr. MORSE. Mr. Chairman, I move to strike the requisite number of words.

I rise in opposition to the amendment.

Mr. Chairman, I should like to address myself particularly to those of my colleagues present who would like to see our share of these expenses reduced, as I believe nearly all do.

I believe, by virtue of the language which the gentleman's amendment contains, there would be a result the gentleman did not intend. I speak specifically of the peacekeeping operations which previously were mentioned.

The exception in the gentleman's amendment refers exclusively to the United Nations Emergency Force. The amendment would not except other peacekeeping operations, which may be in operation now or which may come at any time in the future.

Conceivably—and I believe this point is important—if we were limited to making a voluntary contribution of 33½ percent, and if funds were not available from other sources, from other nations, the net result would be that if there were a peacekeeping operation, clearly in the national interest of these United States, we would be giving the Soviet Union a veto over our action.

I do not think there is a person in this body who wants to do that, but if you support this amendment, you are potentially giving the Soviets a veto over the foreign policy of the United States.

Mr. BARRY. Mr. Chairman, will the gentleman yield?

Mr. MORSE. I yield to the gentleman from New York.

Mr. BARRY. I want to associate myself with the gentleman's remarks. It would be a mistake to adopt this amendment, especially when you realize the United Nations Children's Fund is included in the amendment's limitation where we now contribute 40 percent. There is no known country standing

ready to take up the differential between the percentage in the bill and the 40 percent we are now giving. Therefore, there would be a great risk that in passing this amendment that great damage could follow to one of the most important humanitarian programs that has ever been created, seriously affecting the world's most important hope for the future—the children of the next generation.

Mr. JONES of Missouri. Mr. Chairman, will the gentleman yield?

Mr. MORSE. I yield to the gentleman from Missouri.

Mr. JONES of Missouri. Would it improve it, in your estimation, if we would make that read the United Nations emergency operations rather than emergency forces? Would that satisfy you?

Mr. MORSE. I would have to read the amendment carefully before I can agree with that, but I think the gentleman understands the point I make, which is that the gentleman's amendment gives the Soviets a veto over the foreign policy of the United States.

Mr. JONES of Missouri. You are not trying to imply that I am trying to help the Soviet Union, are you?

Mr. MORSE. I know the gentleman does not intend that.

Mr. JONES of Missouri. Will the gentleman yield for a unanimous-consent request?

Mr. MORSE. I will yield to the gentleman.

Mr. JONES of Missouri. Mr. Chairman, I ask unanimous consent that in the amendment the word "forces" be changed to "operations."

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri as modified.

The amendment was rejected.

The Clerk read as follows:

CHAPTER 4—SUPPORTING ASSISTANCE

SEC. 106. Section 402 of the Foreign Assistance Act of 1961, as amended, which relates to supporting assistance, is amended by striking out "1964" and "\$380,000,000" and substituting "1965" and "\$405,000,000", respectively.

AMENDMENT OFFERED BY MR. FRELINGHUYSEN

Mr. FRELINGHUYSEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FRELINGHUYSEN: Page 4, line 19, immediately before the period insert the following: "and by adding at the end thereof the following new sentence: 'Of the funds made available for the fiscal year 1965 to carry out the purposes of this chapter, not less than \$200,000,000 shall be available solely for use in Vietnam, unless the President determines otherwise and promptly reports such determination to the Committees on Foreign Relations and Appropriations of the Senate and to the Speaker of the House of Representatives.'"

Mr. FRELINGHUYSEN. Mr. Chairman, reference was made during debate on this bill yesterday to the situation in Vietnam, and further reference was made again to Vietnam today. My amendment is very simple. I discussed it briefly yesterday. It is to earmark specifically an amount of not less than

\$200 million for use in the field of supporting assistance for Vietnam. I had originally considered ending my amendment at that point. However, after discussion with some of my colleagues on the Committee on Foreign Affairs, I decided that I would add the "unless" provision, giving the President authority to make a determination that the money might be spent elsewhere. If he should make that determination, he would promptly have to report his determination to the appropriate committees of the Congress.

It is my feeling that in view of the fact that President Johnson on the 18th of May specifically asked Congress for \$70 million for supporting assistance in Vietnam and \$55 million for military assistance, that we should indicate the nature of our response to his request by not only going along with his suggestion that \$70 million additional be made available but that a total of no less than \$200 million be made available to that country.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Ohio.

Mr. HAYS. I might say to the gentleman with the proviso in the amendment which he has added, after consultation with the Chairman and other members of the majority, we will accept the gentleman's amendment.

Mr. FRELINGHUYSEN. I thank the gentleman for his comment. I myself am not sure how much meaning there is to the proviso. I would think an indication that we want \$200 million to be earmarked for use only in Vietnam for supporting assistance would be sufficient, without giving the President this additional authority.

I certainly think we should not be reflecting on whether or not the President has any such intention to spend money on this scale for these purposes, because I think the administration has made it plain that this is their plan. However, I do think that it is important, under the specific circumstances of a request by the President of the United States for money to be used in this country, that we provide this level of assistance to Vietnam. I should hope that if there is no unforeseen circumstance, this money would only be used in Vietnam. I, myself, can think of no justification for the President's deciding that economic assistance, which is that this is, should be used in some other country. I cannot see what determination he could make that would change the priorities.

We may have emphasized too much the military nature of the operations in Vietnam. If we recognize that we do have a very substantial nonmilitary obligation there, and that this money will provide needed assistance, we will accomplish something significant by this earmarking.

Mrs. KELLY. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield.

Mrs. KELLY. Mr. Chairman, I am in complete support of the gentleman's amendment. However, I want to ask one question. Does his amendment in any way whatsoever restrict the amount of

aid which can be given to Vietnam if the administration should see the need to go beyond the amount envisioned for that country under this bill?

Mr. FRELINGHUYSEN. In answer to the inquiry it would be my feeling that this is in no way a ceiling on what might be expended in Vietnam for support assistance. This amendment would indicate that we do think that a reasonable floor for spending in the next fiscal year would be \$200 million, and only in exceptional circumstances do we believe the money should be made available for any other country or for any other purpose.

Mrs. KELLY. Mr. Chairman, with that clarification, I support the gentleman's amendment. If the gentleman would yield further, I wish to state that I will support his amendment. I will do so because I think it is important that we show the world our willingness to provide this much and more in assistance to Vietnam—that we are determined to do what we can to help them win their battle for freedom.

Mr. Chairman, if the gentleman from Michigan will bear with me for a moment longer, I would like to recall a thing that happened on the floor of this House 14 years ago which in some ways has a bearing on the issue before us.

On January 19, 1950, after a several months' delay, the House of Representatives was voting on a bill carrying \$60 million in assistance for Korea. The legislation was defeated that day by the narrow margin of two votes. This was the first vote which I cast in the House of Representatives, and I cast that vote in support of aid for Korea. But 193 Members of the House voted against it. And even though aid for Korea was subsequently approved in a revised bill, I cannot help but believe that the failure on the part of the House to act promptly and that first defeat, did tremendous damage. Psychologically, they dealt a blow to the cause of freedom. They seemed to indicate that the Congress was not determined to stand by that country. And within 6 months, the Communist hordes invaded Korea.

I do not think that we should allow the same thing to happen with respect to Vietnam. We should not provide the Communists with any reason to believe that we are not going to stand by that country. And that is why I think the Broomfield amendment should be approved, and I will vote for it.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman.

Mr. GALLAGHER. Mr. Chairman, I feel that this is a good amendment. I think it is consistent with the purposes that President Johnson has already indicated of our great concern with Vietnam. As such I feel that this is parallel to his intention to carry on in this area.

Mr. FRELINGHUYSEN. I thank the gentleman.

AMENDMENT OFFERED BY MR. ADAIR

Mr. ADAIR. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. ADAIR to the amendment offered by Mr. FRELINGHUYSEN, of New Jersey:

"Strike out 'unless the President determines otherwise and promptly reports such determination to the Committees on Foreign Relations and Appropriations of the Senate and to the Speaker of the House of Representatives.'"

Mr. ADAIR. Mr. Chairman, obviously my amendment would remove that part of the amendment offered by the gentleman from New Jersey which provides for Presidential determination. I offer it, Mr. Chairman, for two reasons. First, with that provision in it the amendment of the gentleman from New Jersey is meaningless. It has no real force or effect because by a Presidential determination, followed by a report to the Congress, the money can be used otherwise.

My second reason for opposing the proviso is that it is unnecessary. Members will recall that section 614 of the law gives the President very wide authority in the matter of waivers. If we have given him this wide authority as we have and then turn around and write similar provisions in every other amendment which we offer we are doing a futile thing.

If the President desires to use the authority contained in section 614 he may do so. In my opinion it would give him the flexibility which he needs. I believe it would be better legislation not to repeat this provision every time that we amend the bill.

Now, Mr. Chairman, as to the general purposes of the amendment which has been offered by the gentleman from New Jersey [Mr. FRELINGHUYSEN], I find myself in complete accord. I believe it is highly desirable that we earmark funds, both economic and military, for use in Vietnam.

Mr. Chairman, much has been made in the press and otherwise in recent days and weeks about the fact that we are trying to beef up our effort in Vietnam. If we are doing this, then let us do it and let us make it very clear.

As I pointed out to the Committee on yesterday, the additional \$125 million which was requested by the President and which was subsequently placed in the authorization bill, was done so on the basis that it was required for use in Vietnam. The law does not so provide. In fact, it could be used any place in the world apart from the moral responsibility which the administration would have on the basis of its presentation.

So I would ask, Mr. Chairman, that my amendment be adopted removing the unnecessary and unwarranted Presidential discretion and then that the amendment offered by the gentleman from New Jersey, as amended, be adopted.

Mr. HAYS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the amendment for the simple reason that it seems to me this is about the most anomalous situation into which one could get.

The gentleman, as I gather from his amendment, would like to say that we have to spend \$200 million out there in

so-called supporting assistance, whether they need it or whether they do not need it. It seems to me if there is any one thing we ought to get clear about this Vietnamese affair, it is something that I have been saying for a long time and that is that you cannot win a war if the people do not want to win it for themselves.

Mr. Chairman, I have never been to Saigon, but I have talked to members of the committee who have. Saigon is known as the "Paris of the East." They say one of the reasons they are not winning the war out there is because the people in Saigon are going on "in a business as usual" attitude and not caring about what happens out in the boon-docks.

Mr. Chairman, I am further informed that there are more Mercedes automobiles in Saigon per 1,000 population than any city in the world.

Mr. Chairman, the effect of the gentleman's amendment, it seems to me, would be that if you cannot use this money for anything else, we are going to give it to you; go ahead and buy some more Mercedes. If the amendment which has been offered by the gentleman from Indiana [Mr. ADAIR] is applied to military assistance, that would be one thing. However, I believe the President as the Commander in Chief has got to have some flexibility. I believe this proviso to the amendment which has been offered by the gentleman from New Jersey [Mr. FRELINGHUYSEN] gives the President that flexibility. If they do not need \$200 million worth of supporting assistance, we are not going to give it to them willy nilly anyway.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. In response to the gentleman's comment about the need for the amendment, with or without the presidential proviso, I would like to point out that this amendment does not require that \$200 million be spent. It says "shall be available only for Vietnam." It cannot be used anywhere else. There is no intention on anybody's part to set this as a requirement to spend; it is a limitation only.

Mr. HAYS. Yes; but you are restricting the President. If there should be a flareup in Cyprus, for instance, he cannot use any of that money that he might need for support assistance somewhere else.

Mr. FRELINGHUYSEN. Supporting assistance in such an emergency would not be the kind of assistance needed.

Mr. HAYS. Is the gentleman for his amendment or is he not?

Mr. FRELINGHUYSEN. I am in favor of my amendment. However, I would think there is more reason to give the President flexibility with respect to military assistance than to give him flexibility with respect to economic assistance. However, I think that the amendment offered by the gentleman from Indiana should be defeated. He would not allow the President to make a determination that he wants to spend any of this money somewhere else. There might be an occasion for the President to act.

Mr. ADAIR. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Indiana.

Mr. ADAIR. Does not the gentleman agree with me that section 614, the waiver authority, would be broad enough to cover this situation if my amendment were adopted?

Mr. HAYS. If you take that position, and I were sure it were right, I would not have any objection to your amendment, because what you are in effect saying is it would not make any difference whether the amendment was adopted or not, he could.

If I were sure he could, then I would ask why are you making such a fuss about your amendment? Why not go ahead with the thing the way it is that he still has the authority. In all kindness I say to the gentleman why bother with his amendment?

Mr. ADAIR. That was one of the points I was trying to make. He does have the authority, and by including that here we are doing a useless and futile thing in the writing of the legislation.

Mr. HAYS. I do not agree with that. Let me say if somebody says they are going to give me a million dollars I would not care how many ways they said it. In fact, the more assurances the better I would like it. If we are giving the President this flexible authority and if the gentleman is correct, and I hope he is, that he already has it, I see no reason for getting upset by saying it all over again.

Mr. GALLAGHER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would also use this time to clarify the parliamentary situation. As I understand it, the Frelinghuysen amendment would allow the President that flexibility to use these funds in other areas if an emergency should arise and the emergency in Vietnam should diminish.

If I understand Mr. ADAIR's amendment, this flexibility would be removed and these funds would be earmarked for expenditure of \$200 million of supporting assistance in Vietnam. This would create the situation that if there were no need for the use of this \$200 million in Vietnam for supporting assistance, the President would be precluded from using these funds in any other area where he might require the use of funds. In effect, what we would be doing is denying President Johnson the very flexibility that he inserted in the various bills that he caused to be passed when he was Senate majority leader during President Eisenhower's administration. I feel, therefore, Mr. FRELINGHUYSEN's amendment should be agreed to. Mr. ADAIR's amendment would create an inflexible situation and should be defeated.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. GALLAGHER. I yield to the gentleman from Pennsylvania.

Mr. MORGAN. The gentleman from Indiana [Mr. ADAIR] mentioned section 614. I do not believe that 614 would give the President the authority he needs. I am sure the gentleman from Indiana knows in section 614 there is a \$50 million limitation; \$200 million is much great-

er than that. Section 614 is not adequate to deal with this situation.

Mr. GALLAGHER. I think the chairman of the Committee on Foreign Affairs has made a salient point. This money would have to go back to the Treasury if it were not used in Vietnam. If there was a situation that required its use in Laos or some other area, this money would not be available.

Mr. ADAIR. Certainly any Presidential waiver would have to be within the terms stated in section 614. There is no argument about that. But as to the remarks of the gentleman from New Jersey about tying the President's hands in the use of this money, I would say again that the \$70 million of economic assistance that was most recently added to the bill was added expressly for use in Vietnam. That was the basis on which it was put to the committee. Therefore, I think we should see that it is available for that use. As the gentleman from New Jersey [Mr. FRELINGHUYSEN] pointed out, this does not mean it has to be spent, but it was presented to the committee, at least with respect to the \$70 million, on the basis it was for use in Vietnam. I see no reason why we should not say so in the law.

Mr. GALLAGHER. I agree with the gentleman. I feel we can take the President's word that he is going to use this money for the purpose for which he requested the funds if the situation continues to exist in Vietnam. But if there is no need for these funds to be used, I see no reason why they should not be expended or should not be used in another area where a situation would require their use. This is what the gentleman's amendment does.

Mr. ADAIR. I am not able, for security reasons, to present the figures that would make this matter clearer, but I think the history of our program in Vietnam would give a good indication of our need for the future with regard to the military activity.

Mr. GALLAGHER. There is no question we are spending more money right now than this amendment calls for and will continue to require large expenditures. Mr. FRELINGHUYSEN's amendment recognizes the need in Vietnam, and we reaffirm our belief that President Johnson is carrying out a program that is in the best interests of the United States and the free world.

Mr. MORGAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I have had some discussion on this amendment and the possibility that this amendment would be offered was considered by the executive branch, and by our Commander in Chief. I know that he wants this waiver and does not want to be restricted in his activities in regard to Vietnam.

I want to read a paragraph from a message he sent up here on May 18 when he requested this additional money:

By our words and deeds in a decade of determined effort, we are pledged before all the world to stand with the free people of Vietnam. Sixteen thousand Americans are serving our country and the people of Vietnam. Daily they face danger in the cause

of freedom. Duty requires, and the American people demand, that we give them the fullest measure of support.

I think we should give the President the fullest measure of support and giving him this money to be used in Vietnam without restriction is the best expression of our support for him. I urge the defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. ADAIR] to the amendment offered by the gentleman from New Jersey [Mr. FRELINGHUYSEN].

The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. FRELINGHUYSEN].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

CHAPTER 5—CONTINGENCY FUND

SEC. 107. Section 451(a) of the Foreign Assistance Act of 1961, as amended, which relates to the contingency fund, is amended by striking out "1964" and "\$160,000,000" and substituting "1965" and "\$150,000,000", respectively.

AMENDMENT OFFERED BY MR. ADAIR

Mr. ADAIR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ADAIR: On page 5, line 1, strike out "\$150,000,000" and insert in lieu thereof "\$100,000,000".

Mr. ADAIR. Mr. Chairman, the effect of this amendment, if adopted, would be to reduce the contingency fund by \$50 million. The request is for \$150 million. This amendment would cut it to \$100 million.

Let me give the Committee a little history. For the last fiscal year, there was a request for \$300 million for the contingency fund. The authorization was \$160 million. But there was appropriated only \$50 million because of the carryover of over \$179 million.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman.

Mr. MORGAN. The gentleman means there was a carryover of \$127 million; is that not correct?

Mr. ADAIR. The gentleman is correct. There was a carryover in two different accounts of \$129 million which together with the \$50 million of new money made \$179 million available.

It is anticipated as it appears in the Committee report prepared by the majority that there would be \$30 to \$40 million left over this year which can be reappropriated. Up to the present time out of the Contingency Fund of this year, \$93 million approximately has been used. This is expected to rise to somewhat more than that, perhaps \$130 or \$140 million may be used in all.

The point I am making is that if there is \$100 million in new money and if there is available for reappropriation \$40 million or so of old money, approximately the same amount will be available next year as is available this year. So by this reduction of \$50 million the program will not be injured. The House, I think,

will have acted responsibly in saving \$50 million.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MORGAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, every year the cuts offered on the floor always turn toward the contingency fund as an easy prey. These funds are not programed for any specific purpose and their uses cannot be planned in advance. It is difficult to argue against cutting them back because no one can say what has been sacrificed.

The figures given by the gentleman from Indiana are correct. Last year this House in its wisdom in its authorization bill did approve \$150 million, and the bill agreed to in conference authorized \$160 million, but there was approximately \$12 million unobligated at the end of last year which reverted to the Treasury. The Committee on Appropriations instead, reappropriated the \$127 million and added it to the contingency fund. Then, they only appropriated \$50 million of new money to the contingency fund. But that cannot happen this year. The gentleman from Indiana, I am sure, is acquainted with the fact that 2 years ago when the Committee on Foreign Affairs felt there were abuses in the contingency fund, we clamped down on the executive and those abuses were stopped. That was as a result of the \$127 million carryover. This year that is impossible.

There have been some unforeseen emergencies which occurred in the past year, which have used all of the \$179 million. It is now estimated that there will be less than \$30 million carryover in the contingency fund. So there will not be a great carryover, to make up for the cut as there was last year.

Without that contingency fund for the past year we would have been in serious trouble in southeast Asia. The transfer of funds from this fund was needed.

I do not believe, considering that the war in South Vietnam is getting hotter by the day, that we dare reduce the contingency fund of the President. I ask that the amendment be defeated.

Mr. BARRY. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from New York.

Mr. BARRY. I wish to associate myself with the remarks of the gentleman and also to say that under President Eisenhower, under President Kennedy, and under President Johnson the contingency fund has been used sparingly and only for the purposes for which intended. It does not appear that there have been any abuses of this fund. It is a good strategic situation for our Nation to have a fund of money for emergency purposes for foreign policy.

I highly commend the defeat of the amendment, and I support the position of the committee.

Mr. MORGAN. The gentleman is correct. The Executive has assured the Committee on Foreign Affairs that if there is any carryover the appropriation

request will be reduced accordingly. No money is wasted out of this fund. There is no logic in tying the hands of the President by reducing the amount, because if he does not spend the money the money will go back to the Treasury.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. I wish to associate myself with the remarks of the chairman of the Committee on Foreign Affairs. I would like to point out that if there is any question about the past use of the contingency fund, Members of Congress should turn to page 314 of the hearings held before our committee. On that page, there appears a report of contingency fund expenditures, for the period ending March 31, 1964.

As the gentleman from Pennsylvania, Chairman MORGAN stated, the countries in the Far East, in southeast Asia, received the bulk of the money.

Mr. MORGAN. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. ADAIR].

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PART II

CHAPTER 2—MILITARY ASSISTANCE

SEC. 201. Chapter 2 of part II of the Foreign Assistance Act of 1961, as amended, which relates to military assistance, is amended as follows:

Mr. BARRY. Mr. Chairman, I ask unanimous consent that the section be considered as read and open for amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. ADAIR. Mr. Chairman, with regret I must object.

The CHAIRMAN. Objection is heard. The Clerk will read.

The Clerk read as follows:

(a) Amend section 503, which relates to general authority, as follows:

(1) In subsection (c) strike out "and" at the end thereof and in subsection (d) strike out the period at the end thereof and substitute "; and".

(2) Add the following new subsection (e):
 "(e) guarantying, insuring, coinsuring, and reinsuring any individual, corporation, partnership, or other association doing business in the United States against political and credit risks of nonpayment arising in connection with credit sales financed by such individual, corporation, partnership or other association for defense articles and defense services procured in the United States by such friendly country or international organization."

(b) Amend section 504(a), which relates to authorization, by striking out "1964" and "\$1,000,000,000" and substituting "1965" and "\$1,055,000,000", respectively.

(c) Amend section 507(b), which relates to sales, by inserting after "are due" at the end of the first sentence the following: "Provided, That the President may, when he determines it to be in the national interest, accept a dependable undertaking to make full payment within one hundred and twenty days after delivery of the defense

articles, or the rendering of the defense services, and appropriations available to the Department of Defense may be used to meet the payments required by the contracts and shall be reimbursed by the amounts subsequently received from the country or international organization".

(d) Amend section 509, which relates to exchanges, as follows:

(1) The section heading is amended to read as follows:

"EXCHANGES AND GUARANTIES".

(2) After the section heading insert "(a)".

(3) Add the following new subsection

(b):

"(b) In issuing guaranties, insurance, coinsurance, and reinsurance, the President may enter into contracts with exporters, insurance companies, financial institutions, or others, or groups thereof, and where appropriate may employ any of the same to act as agent in the issuance and servicing of such guaranties, insurance, coinsurance, and reinsurance, and the adjustment of claims arising thereunder. Fees and premiums shall be charged in connection with contracts of guaranty, insurance, coinsurance, and reinsurance. Obligations shall be recorded against the funds available for credit sales under this part in an amount not less than 25 per centum of the contractual liability related to any guaranty, insurance, coinsurance, and reinsurance issued pursuant to this part and the funds so obligated together with fees and premiums shall constitute a single reserve for the payment of claims under such contracts. Any guaranties, insurance, coinsurance, and reinsurance issued pursuant to this part shall be considered contingent obligations backed by the full faith and credit of the United States of America."

(e) Section 510(a), which relates to special authority, is amended by striking out "1964" in the first and second sentences thereof and substituting "1965".

(f) Section 512, which relates to restrictions on military aid to Africa, is amended by striking out "1964" and substituting "1965".

AMENDMENT OFFERED BY MR. BROOMFIELD

Mr. BROOMFIELD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROOMFIELD: On page 5, immediately after line 3, insert the following:

"CHAPTER 1—POLICY

"SEC. 201. Section 502 of the Foreign Assistance Act of 1961, as amended, containing a statement of policy, is amended by inserting immediately before the last paragraph thereof the following new paragraph:

"It is the sense of the Congress that—

"(1) the President of the United States should use every means to secure the borders of South Vietnam from infiltration by hostile forces and to assist the South Vietnamese in every way in their efforts to win their war for freedom;

"(2) our Nation is committed and must remain committed to the wholehearted support of freedom for South Vietnam and its people and to an end of Communist expansion in southeast Asia as well as everywhere else in the world; and

"(3) there should not remain the slightest doubt that the United States Government is determined to pursue this course of action, and to fully inform the American people of what will be necessary to defend freedom in South Vietnam and in southeast Asia."

"And redesignate the following section accordingly."

Mr. BROOMFIELD. Mr. Chairman, I offer an amendment to section 201 of

H.R. 11380, the Foreign Assistance Act of 1964.

There is nothing very complicated about this amendment. It is three short phrases expressing the sense of Congress that:

First, the President should use every means to secure the borders of South Vietnam from infiltration by hostile forces and to assist the South Vietnamese in every way in their efforts to win their war for freedom;

Second, our Nation is committed and must remain committed to the wholehearted support of freedom for South Vietnam and its people and to an end of Communist expansion in southeast Asia as well as everywhere else in the world; and

Third, there should not remain the slightest doubt that the U.S. Government is determined to pursue this course of action, and to fully inform the American people of what will be necessary to defend freedom in South Vietnam and southeast Asia.

This amendment authorizes no additional funds. It ties the hands of no one. It is not in any manner, shape, or form an infringement upon the duties and responsibilities of the President to formulate and execute foreign policy.

It is, in fact, just the opposite. It is a commitment to policies which have been outlined by the President on many occasions in the past.

It is an expression by the Congress of the United States of the determination of our Government and our people to keep our word in South Vietnam and southeast Asia.

I think this expression by Congress is important for a number of reasons.

A great many of us have been disturbed in recent weeks by an apparent wavering of purpose and a lack of sense of direction in our southeast Asia policies by some in high places in our Government.

On April 22, 1963, Secretary of State Rusk declared that no quick victory in Vietnam could be expected. On October 2, 1963, the White House announced that the United States would withdraw 1,000 American troops in the next 3 months, and that a major portion would return by the end of 1965.

Seventy-nine days later on December 20, the troop withdrawal policy was abandoned and Secretary of Defense McNamara assured Saigon that American military personnel would "stay as long as needed." However, just 40 days later on January 29, 1964, Secretary McNamara told us that he still hoped for a withdrawal of U.S. troops by the end of 1965.

Once again the administration has changed its tune. The latest statements I have heard from Mr. McNamara indicate that the Vietnam war will be "long, hard, and very difficult." Now Secretary of State Rusk is talking about an expansion of the war in South Vietnam which would possibly mean an increase in the number of U.S. troops.

Next, we received a request for \$1 billion in military assistance for the coming fiscal year. In testimony before our

committee, we are told by no less than the Secretary of Defense that this amount is too low, and that this is all that the administration figures it can get out of Congress.

Some of us took offense at this statement and this intimation that Congress was insisting upon a bargain basement war in South Vietnam.

I offered an amendment in committee to increase the amount of military assistance by \$250 million so that there would be no shortage of adequate arms and ammunition by either the South Vietnamese forces or our own in this vital part of the world.

After another inspection trip to Vietnam by the Secretary of Defense, the President revised his figures for further assistance to Vietnam with a request for an additional \$125 million, including \$55 million for additional military equipment.

The House Foreign Affairs Committee unanimously adopted this request for additional funds.

But I think we must do more. All of us realize that dollars are not the answer to our problems in South Vietnam.

Although we know that we need some updating of equipment there, and that this updating is finally taking place after considerable congressional persuasion, more and better arms are not going to solve our problems, either. Past experience indicates that a fairly large percentage of this new equipment and arms will simply end up in the hands of the Vietcong anyway.

What is needed in South Vietnam, more than dollars, more than arms, more than all the mollifying statements of governmental propagandists and press agents, is a reason to fight.

There has been almost constant war going on in South Vietnam for the past 23 years. There are many adults in Vietnam who have known nothing but war; first, under the occupation of what was then Indochina by the Japanese in the early days of World War II, next the efforts to gain independence from French rule following the war and finally this resistance to the efforts of the Communists to wrest this rich land from its citizens and place it behind the Bamboo Curtain.

A correspondence for U.S. News & World Report who went into combat with our special forces in Vietnam, Mr. Robert L. Moore, Jr., described this battle as the "war of no thanks." There could not be a more apt description.

A great many Americans who are assisting the war effort in South Vietnam fail to realize why we are there. They are there because they were ordered there, and for no other reason.

Those Americans who do understand the necessity of winning in South Vietnam, of keeping southeast Asia out of the hands of the Communists, feel that we Americans back home do not know why men are dying so many miles from home.

They are probably right. Most Americans do not know why we are so deeply entrenched in southeast Asia. Most fail to comprehend the fact that

this is the anchor of the southern end of our defense line in the Pacific. They fail to realize that the Communists want not only South Vietnam, but all of the rest of what was once Indochina, and the Malay Peninsula, across the Malay Straits into Indonesia. Next target on the list would be Australia.

Does this sound fantastic? A look at the map should convince anyone that this is the Red Chinese scheme for conquest.

If Laos and South Vietnam fall, then the next immediate targets would be Cambodia and Thailand. Both have tiny armies and could be infiltrated and overrun quickly.

Next down the line is Malaysia, and Malaysia is already feeling the pressure of the threat of war from its huge neighbor to the south, Indonesia, a neighbor whose leader, Sukarno, has declared he will stamp out Malaysia and who is well supplied with Soviet arms and military equipment.

The Chinese Communists want the rich resources of southeast Asia badly. Here is the world's rice bowl which could end Red China's perennial problem of growing enough to feed its people. Here is the tin, the rubber, the oil, the other minerals and food and fiber crops the Reds need to continue their attempts at conquest in other parts of the world.

There should be no doubt in anyone's mind just who the Red Chinese consider the No. 1 enemy in the world.

If there is any doubt in the mind of any American, I assure you there is no such doubt in the mind of Mao Tse-tung and the other leaders of Red China.

They have said, time and again, on occasion after occasion, that the United States is the prime target of the Communists in the world.

We are the symbol of capitalism. We are the major obstacle in the path of an eventual Communist takeover. As long as we, the United States, exist, as long as we have the highest living standards in the world and we still have our freedom, then we are a constant rallying point for freedom.

As long as there is freedom in the world, the people in the world will not be satisfied with communism.

The war in South Vietnam is a war by the people of Vietnam to maintain their freedom and to keep from being swallowed behind the Chinese wall of woe and despair. Undoubtedly, that is the reason why so many thousands of South Vietnamese are continuing their resistance, are fighting this battle.

But this war is also something else. It is an indirect, but nevertheless real, confrontation between the United States and Red China. The troops and the training forces we have in South Vietnam, the arms, the ammunition, the equipment we have there is to stop this fire of Communist imperialism and colonialism from spreading and growing until it is too large to contain.

The South Vietnamese know that once we have contained this fire, once we have cleared the countryside, we will eventually get out and go home. The South

Vietnamese are equally certain that if the Communists ever get a foothold in southeast Asia, they will never leave. South Vietnam will be swallowed up by Communist imperialism as if it never existed.

The South Vietnamese are aware of these threats to their freedom. They have lived with them for years. If they are disillusioned and confused by our on-again, off-again policies in South Vietnam, I think these are understandable emotions.

What the South Vietnamese people need, what their soldiers need, what the 16,000 American troops and military advisers in South Vietnam need, for that matter, is a clear-cut, forthright statement of what we intend to do there and how we intend to win, not simply hold our own.

In this, the President and his administration and the Congress must speak with one voice and dedicate ourselves to one purpose. That is to provide the means, whether they be military, economic, political, or moral, to commit ourselves to victory in this important part of the world.

Our soldiers and our military advisers in South Vietnam are not afraid to die, and many have given their lives in this struggle. We at home at least have the responsibility to tell them why some must die in this bitter, jungle war where the enemy is a shadow and death is a step away.

The least we owe these men is a unity and a pledge of our continued support to an effort which must be won.

Mr. Chairman, I urge adoption of this amendment.

Mr. Chairman, our distinguished colleague, the gentleman from New York [Mr. BARRY], has received a letter from our former Ambassador to Thailand, the Honorable Kenneth T. Young, Jr., in which he outlines the problems we face in southeast Asia and the steps we might take to solve these problems, particularly in South Vietnam.

What Mr. Young has to say makes a great deal of sense, and I am inserting the copy of his letter to Mr. BARRY in the RECORD.

NEW YORK, N.Y.

The Honorable ROBERT R. BARRY,
House Office Building,
Washington, D.C.

DEAR BOB: The news about Laos, Vietnam, and southeast Asia certainly looks grim. I read with interest but some concern the President's statement urging additional funds for Vietnam. I strongly support this, but I think we need to go into some fundamentals before we add on more economic and military assistance. I would hope that the Foreign Relations Committee would look into these and other possible questions so that we might get a winning strategy in southeast Asia.

May I take this opportunity to list three areas which I think are fundamental. I do this as a private citizen who has had some experience in southeast Asia over the past 15 years and who spent the last 3 years out there as Ambassador to Thailand and SEATO representative.

The three areas are:

(1) Lack of public understanding and commitment in America.

(2) Lack of political priority and political approach in Vietnam.

(3) Lack of a strategic defense in southeast Asia.

May I make just a few comments on each of these.

1. Lack of public understanding or commitment in America: As you know from our conversations in Bangkok and in Washington since I returned, I have been concerned that our position in southeast Asia was weakening partly because of a lack of understanding of the issues here at home. If there had been strong public opinion and legislative support 3 years ago, I think we could have negotiated a much more effective settlement in Laos as well as stronger program in Vietnam. The crux of the matter is the continuing ambivalence of whether or not to resort to allied military intervention to stop Communist aggression by creepage. Since I have returned, I have talked with some 20 groups of well-informed Americans in the Washington, New York, and Boston areas. I am discouraged by the dismay, criticism, and demoralization which these men and women demonstrate by their questions. They do not understand what is going on in southeast Asia even though they are well informed. They seem responsive to my urging for a broad commitment of U.S. power to hold the line there. So I would like to ask you whether or not it would be possible for the House Foreign Affairs Committee and the Senate Foreign Relations Committee to issue a joint statement of legislative intent regarding southeast Asia. If this were short and forthright, it would meet the first requirement for our southeast Asia position—the support of the country—which I don't feel we have today, at least among well-informed groups in the East.

2. Lack of political priority and political approach: We continue to make the mistake of militarizing the situation in Vietnam. We have done a great many things and I have the greatest respect for Bob McNamara. He has done wonders. But the problem is basically psychological and political—not military, not hardware and not production schedules, although these are needed. As I tried to urge on the administration 3 years ago, the Vietnam problem is like a two-wheel bicycle—the front wheel is political and the back wheel is military. You need both for speed and momentum; you need the political one in front, and if you lose either the whole thing collapses. From talks I have had with Vietnamese, Americans and some non-French Europeans, we are not getting across politically through the Vietnamese Government. The villager knows what he wants and will work with his own organizations. The Vietnamese distrust soldiers, policemen and government officials. Yet it is through these and more of them that our policy in Vietnam is trying to turn the tide of a losing battle. That just will not work. Instead we need a new political approach in the villages through organizations of their own choosing such as cooperatives, the Confederation of Vietnamese Workers and farmers volunteer organizations. The government also needs to revolutionize its village agents and administrators. Their attitudes have been neocolonial. In fact, the whole approach to villages should be civilianized before the political and military are brought in for the necessary security. The tactic of mobile development units, which in Thailand were essentially civilian in appearance, might have some application in certain parts of South Vietnam where constant guerrilla warfare is now taking place.

I would like to see the President's message stress these political approaches for us before listing the needed increase in military and economic assistance. And I would hope that your committee could explore this political question constructively to develop a

positive approach to mobilize the majority of the Vietnamese rural population for their own cause. This will be difficult, yes; and it will take time, certainly; but until we go after and get a successful political formula in Vietnam—which we have not had for years, I know—no amount of equipment and aid will save South Vietnam.

3. Lack of strategic defense line in southeast Asia: Our position continues to deteriorate because we treat southeast Asia piecemeal in separate compartments while the Communists deal with Laos, Vietnam, Thailand, Cambodia and Malaysia as one political and military zone of operations. We should establish an allied line of ground and air deployments in Thailand, southern Laos and the northern part of South Vietnam. We should also use air strength in hot pursuit in Laos and North Vietnam to injure the sanctuary of the Communists and increase the cost to them by such actions. I do not believe this would escalate the fighting in southeast Asia. But I doubt whether sending Marines again just to Thailand or carriers of the 7th Fleet to the Gulf of Tonkin will scare Peiping and Hanoi if we are not clearly and presently prepared to use power in Laos and Vietnam. There is the keystone holding back the avalanche about to crumble on us in southeast Asia.

So, I am convinced that if we move vigorously along these three lines to reinforce our policies of support for Thailand and Vietnam, we will turn the tide in southeast Asia and prevent what may become the inevitable collapse of the whole free world position from Tokyo to Teheran in all of Asia. Those are the stakes at issue today.

The Communists are smart and tough. They are exploiting the immobility of an American election year just as they did in 1960-61. Why do we let them get away with this again? But this time with much more serious consequences for us and our friends in southeast Asia.

Despite our electoral differences, I think we should unite for a commitment to the preservation of an independent southeast Asia.

If I can be of help to you or the committee in this crisis, please let me know. I am sending personal letters along these lines to Senators HUMPHREY, JAVITS and MCGHEE and to HENRY REUSS.

All the best.

Sincerely,

KENNETH T. YOUNG, JR.

Mr. MORGAN. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I should like to ask the gentleman from Michigan [Mr. BROOMFIELD] one or two questions. This is the sense resolution that the gentleman introduced in the House on May 21; is that correct?

Mr. BROOMFIELD. That is correct.

Mr. MORGAN. This was during the markup on the foreign aid bill. I think by the time the gentleman introduced this resolution we had passed the place in the bill where he could make these additions to the bill. The gentleman introduced House Joint Resolution 1034, a joint resolution, a sense resolution pertaining to Vietnam. I know of the gentleman's great interest in South Vietnam. I know that he made a trip there with a subcommittee of the Committee on Foreign Affairs last fall. He has given a great deal of attention to this area of the world.

Mr. Chairman, I am just wondering if the gentleman would be willing to withdraw his sense resolution that he wants

to make part of the Foreign Assistance Act this year if we would assure him that he would have a hearing before the Subcommittee on the Far East on the resolution which he introduced on May 21, 1964.

Mr. BROOMFIELD. In view of the gentleman's statement I shall be delighted to withdraw my amendment, on the basis that we will have a hearing on a sense resolution at a later date.

Mr. MORGAN. I thank the gentleman.

Mr. BROOMFIELD. Mr. Chairman, I ask unanimous consent to withdraw my pending amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

AMENDMENT OFFERED BY MR. BROOMFIELD

Mr. BROOMFIELD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROOMFIELD: On page 6, line 2, immediately before the period insert the following: "and by adding at the end thereof the following new sentence: 'Of the funds made available for the fiscal year 1965 to carry out the purposes of this part, not less than \$200,000,000 shall be available solely for use in Vietnam, unless the President determines otherwise and promptly reports such determination to the Committees on Foreign Relations and Appropriations of the Senate and to the Speaker of the House of Representatives.'"

Mr. BROOMFIELD. Mr. Chairman and members of the Committee, the amendment I offer would be a further commitment to victory in South Vietnam.

It would earmark not less than \$200 million in military assistance under this bill for use in Vietnam.

This money would be exclusively designated for this purpose unless the President should determine otherwise and promptly reports this determination to the Senate Foreign Relations and Appropriations Committees and to the Speaker of the House.

In effect, this amendment supplements the other amendment, I offered earlier in the day and which stated the sense of Congress to remain committed to freedom in South Vietnam.

It is another way of stating that the United States intends to stick by its friends. It serves notice to the Communists that we have no intention of abandoning this fight nor of giving this war less than our full attention and support.

As with the previous amendment, I would like to make it perfectly clear that this amendment should not be interpreted in any manner or means as an attempt by the Congress to dictate foreign policy to the President. It is not.

It is further support by Congress of a foreign policy objective which has been outlined by the President and the executive branch on many occasions.

It is a declaration, in essence, that no matter which party prevails in the congressional elections next fall, or who is in the White House next January that our Nation will speak with one voice

for freedom in South Vietnam and will act in concert to attain this objective.

Past experience should have taught us by now that the Communists like to create crises and make their pushes for power while the United States is preoccupied with political campaigns.

Few of us will forget the Cuban missile crisis during the last congressional campaign, or the manufactured efforts in Berlin to catch us off guard while our attentions were turned inward on our own political problems.

We should not be at all surprised if we see a full-blown crisis in South Vietnam or another part of southeast Asia later this year which would make our present troubles look like a tempest in a teapot.

We should make it abundantly clear right now to the people of South Vietnam that we intend to stand by them if the war there and in Laos is escalated further. We also should make it perfectly clear to Red China that we will not turn our backs on this crisis because of the domestic decisions our voters will be making in November.

May I urge my colleagues on both sides of the aisle to support this amendment as is proposed.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Florida.

Mr. FASCELL. Is it not true right now that without the amendment which has been offered by the gentleman from Michigan earmarking the use of funds in Vietnam that there is no provision in the Foreign Assistance Act which would limit the amount of military assistance funds which could be used by the President, including Vietnam?

Mr. BROOMFIELD. That is correct.

Mr. FASCELL. And if the gentleman will yield further, under the present law the President could use all of the funds he so desired in Vietnam or any other country in which there was an emergency?

Mr. BROOMFIELD. Actually, that is probably correct. I still contend that although we talk about a bare-bones request in military assistance—we should provide \$200 million more in the military assistance program alone in order to do the right kind of job during the next fiscal year.

Mr. FASCELL. If the gentleman will yield further, it is because of the gentleman's belief along this line that he has offered this amendment earmarking not less than this amount of money?

Mr. BROOMFIELD. That is correct.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from New Jersey.

Mr. GALLAGHER. I feel that the amendment which has been offered by the gentleman from Michigan supports President Johnson's announced intention of carrying on the purposes of the United States in Vietnam. In view of the President's request for additional funds I believe this amendment is supportive of that goal and as such I am authorized by the committee to say that we will accept this amendment which is

similar to the one which was offered earlier by the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. McDOWELL. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Delaware.

Mr. McDOWELL. I agree that the gentleman's broad statement of purpose is the sense of Congress and I believe it truly expresses the wishes of the Members of Congress to defend the people of South Vietnam and to put an end to Communist aggression there.

But I am a little bit confused about the gentleman's purposes as expressed a few moments ago when he stated the problem in South Vietnam was not a military problem. He stated it was something else. Now he thinks it is a military problem, and we are not spending enough money.

Mr. BROOMFIELD. I am sure the gentleman realizes there is more than a military problem involved there. There are other problems involved such as political.

Mr. McDOWELL. That is not a problem of money. It is a problem of government policy.

Mr. O'HARA of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it had not been my intention to speak on any amendments offered today. I had hoped that in loyalty to the President and in the spirit of national unity no amendment would be adopted. I am speaking now under a great handicap. I understand the committee has accepted an amendment which I think is a fatally bad amendment. It is not only silly, but it is insincere and it strikes at the very heart of what the President proposes. I am going to vote against this amendment.

I have no hope of defeating it inasmuch as the committee, I think taken off guard, has accepted it, but I hope there will be some members of the committee who may show their agreement with me and at least not permit the adoption of what I regard as a viciously bad amendment by default and without some show of opposition. There are times when a dozen or more Members voting in opposition to that which to them is unsound and unwise can render a service to their country beyond calculation.

Mr. DERWINSKI. Mr. Chairman, I rise in support of the present amendment.

(Mr. DERWINSKI asked and was given permission to revise and extend his remarks.)

Mr. DERWINSKI. Mr. Chairman, if I understand the situation the amendment offered by the gentleman from Michigan [Mr. BROOMFIELD] has been accepted by most Members on the majority side. However, in view of the comment just made by my illustrious neighbor from Illinois, I feel it necessary for me to clarify the RECORD on Mr. BROOMFIELD's behalf. It is a fact that Mr. BROOMFIELD's modesty prevents him from properly explaining to the House the key role he has played in recent developments. As a matter of

fact, early in the deliberations by our committee on this foreign-aid bill the gentleman from Michigan [Mr. BROOMFIELD] in his questions directed to witnesses consistently emphasized his concern over the lack of sufficient funds for Vietnam. As a result of his persistent and courageous prodding, after one of the numerous trips which Secretary McNamara took to Vietnam he in effect accepted Mr. BROOMFIELD's suggestion. So it is a fact that it is Mr. BROOMFIELD's consistent interest in this subject that has brought about the direct request by the executive branch for additional funds for Vietnam.

Personally, I do not think the gentleman from Michigan [Mr. BROOMFIELD] should have been so diplomatic as to permit the Presidential waiver to be incorporated into his amendment, but that is his policy position, not mine. However, I do desire to emphasize to the House that it was Mr. BROOMFIELD's leadership that has produced this situation that we have this afternoon, where the committee has in effect accepted the earlier amendment by the gentleman from New Jersey [Mr. FRELINGHUYSEN] and this amendment by the gentleman from Michigan [Mr. BROOMFIELD], reassuring the American public that additional funds will be earmarked for Vietnam, that our troops will be properly equipped and properly supported, and there may be some chance of success in that country. I believe the gentleman from Michigan [Mr. BROOMFIELD] in this case is clearly a prophet without honor and deserves the recognition of the entire membership.

Mrs. KELLY. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentlewoman from New York.

Mrs. KELLY. Mr. Chairman, it is not a fact that the author of this amendment was alone in seeking adequate aid to enable Vietnam to pursue successfully its struggle for freedom. The increased authorization included in this bill came about as a result of united action on the part of the President and the Committee on Foreign Affairs. I deeply regret that the inference has been made that a single Member achieved this result. I sincerely believe all of us support the action of the President of the United States who requested these additional funds, and of the Committee on Foreign Affairs which recommended that his request be granted. Further, while we are on this subject, my natural humility will have to take the back seat for a moment: I want to point out something that is in the RECORD—namely, that I was first to propose, when Secretary McNamara was before our committee, to offer an amendment increasing our aid for Vietnam. At that time I asked him this question:

Mr. Secretary, I, too, am perturbed about this statement that my colleague from Indiana mentioned. You are responsible for the military section of this bill, for the formulation of policy, administration, and operations; is that correct?

Secretary McNAMARA. That is correct.

Mrs. KELLY. If you have the time to come up with the added amount that you will need in fiscal 1965, I will be very glad to introduce the necessary amendment in the

committee and we'll see where the chips will fall.

I hope the Members of the House feel that we are united in this action of backing up the President of the United States.

Mr. DERWINSKI. To again clarify my statement, I repeat that the man who courageously battled for this point until some degree of realization finally entered into the Defense Department was the gentleman from Michigan [Mr. BROOMFIELD]. The gentlewoman from New York is a most able independent and effective member of the Foreign Affairs Committee. As the result of this wonderful effort she no doubt added emphasis, we now note some success.

The question was taken; and on a division (demanded by Mr. ROONEY of New York) there were—ayes 76, noes 17.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

PART III

Chapter 1—General provisions

SEC. 301. Chapter 1 of part III of the Foreign Assistance Act of 1961, as amended, which relates to general provisions, is amended as follows:

(a) In section 620(f), relating to prohibitions on furnishing assistance to Communist countries, immediately after "Union of Soviet Socialist Republics" insert the following: "(including its captive constituent republics)".

(b) Amend section 620(k) by striking out "1964" each place it appears and substituting "1965" in each such place.

(c) In section 620(m), relating to prohibitions on furnishing assistance to Cuba and certain other countries, after "during" insert "each" and also strike out "1964" and "\$1,000,000" and substitute for the latter "\$500,000".

AMENDMENT OFFERED BY MR. FRELINGHUYSEN

Mr. FRELINGHUYSEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FRELINGHUYSEN: On page 7, between lines 24 and 25, insert the following:

"(a) Amend section 601 (c), relating to the Advisory Committee on Private Enterprise, as follows:

"(1) In paragraph (4), strike out "December 31, 1964" and substitute "June 30, 1965".

"(2) In paragraph (5), strike out "\$50,000" and substitute "\$100,000 for all costs necessary to the committee's operations".

On page 7, line 25, strike out "(a)" and insert "(b)".

On page 8, line 4, strike out "(b)" and insert "(c)".

On page 8, line 7, strike out "(c)" and insert "(d)".

Mr. FRELINGHUYSEN. Mr. Chairman, yesterday during debate on the bill I indicated that I would offer an amendment with respect to the Advisory Committee on Private Enterprise. You will recall that an Advisory Committee was authorized when the foreign aid bill was passed last year. At the time when this bill was passed it was provided that the final report of this committee should be completed no later than December 3, 1964. However, it was not until the end of May, and I have here a release dated May 26, 1964, that the White House announced the actual formation of this Advisory Committee on Private Enter-

prise. It is to be under the chairmanship of Arthur K. Watson, president of the IBM World Trade Corp. In addition to Mr. Watson, there are distinguished members of this committee including—

Ernest C. Arbuckle, Menlo Park, Calif., dean of the Graduate School of Business of Stanford University.

Joseph A. Beirne, president of the Communications Workers of America, AFL-CIO, Washington, D.C.

William T. Golden, investment banker, trustee, and member of the executive committee of the System Development Corp., Santa Monica, Calif.

Henry T. Heald, New York City, president of the Ford Foundation.

Kenneth D. Naden, executive vice president of the National Council of Farmer Cooperatives, Washington, D.C.

Edith Sampson, Chicago, judge of the Circuit Court of Cook County, Ill.

Sydney Stein, Jr., Winnetka, Ill., member of the firm of investment counselors of Stein, Roe & Farnham, Chicago.

Murray A. Wilson, Salina, Kans., former president of the National Society of Professional Engineers.

My amendment is intended to give this new Committee an opportunity to come up with a meaningful report. It would postpone the deadline for the submission of such a report until June 30 of next year.

In addition, we now have a projected budget for this Committee which indicates that costs will run approximately \$100,000 rather than \$50,000.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I am glad to yield to the chairman of the committee.

Mr. MORGAN. As I indicated to the gentleman yesterday during general debate when he made some remarks on the bill and mentioned this situation, I look with favor on this amendment.

I remember the enactment of the legislation creating this Committee very well. It was adopted in conference. It was proposed in the other body by the distinguished Senator from New York, Mr. JAVITS.

The gentleman has said that on May 26 the President appointed the distinguished Advisory Committee which he named. It is too late for them to do their work and report by December 31, 1964.

Also, when the Committee was first appointed by the President, the \$50,000 authorized in the original request of last year was deemed not sufficient.

I believe the amendment of the gentleman from New Jersey to increase the amount to \$100,000 is necessary if we are to do the job. I look with favor on the amendment. I will not oppose it.

Mr. FRELINGHUYSEN. I thank the gentleman.

Mr. ADAIR. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I am glad to yield to the gentleman from Indiana.

Mr. ADAIR. I join with the gentleman from Pennsylvania in saying that this seems to be a worthwhile amend-

ment. If the committee is to function effectively, it must have an opportunity to do so. It has not had and will not have, in the limited time available to it, that opportunity.

I believe the gentleman's amendment should be adopted.

Mr. FRELINGHUYSEN. I thank the gentleman.

We are all interested in encouraging private enterprise to find its way overseas constructively, and I hope this committee will come up with some constructive suggestions.

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. FRELINGHUYSEN].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TEAGUE OF TEXAS

Mr. TEAGUE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TEAGUE of Texas: on page 7, immediately after line 24, insert the following:

"(a) Section 601, which relates to the encouragement of free enterprise and private participation, is amended by adding at the end thereof the following new subsection:

"(d) It is the sense of Congress that the Agency for International Development should continue to encourage, to the maximum extent consistent with the national interest, the utilization of engineering and professional services of United States firms (including, but not limited to, any corporation, company, partnership, or other association) or by an affiliate of such United States firms in connection with capital projects financed by funds authorized under this Act."

Mr. TEAGUE of Texas. Mr. Chairman, it is the present policy of AID that for engineering and construction associated with the projects financed by AID, the selection of engineers, the negotiation of contracts, and the award of construction contracts is the responsibility of the applicant or recipient country.

While it is true that because of a requirement by the Foreign Aid Act the agency must approve the selections of contractors, this is on an after-the-fact basis, puts the agency people on the defensive to prove any reason for nonapproval—and should they do so would be so unnecessarily embarrassing to the other countries or to influential contractors that it seldom happens. Furthermore, there is an agency tendency to delegate authority for such actions to the country missions, where there is a strong tendency to agree with country actions in such cases. In addition, by a procedure of financial participation, particularly in Latin America, in intermediate financing institutions, the legal requirement for U.S. approval is construed as no longer applicable.

I have been informed by many substantial representatives of the engineering profession that they know directly of instances when considerations other than ability—kickbacks, bribes, personal favors, reductions in fees, have been predominant in selection of the engineer or contractor made by the country, and I

understand that the Agency has some evidence of this too.

I have also been informed by professional people that there are many instances where this U.S. financed engineering and construction work is awarded to other than U.S. firms. While the agency policy is alleged to favor U.S. firms, there is a proviso having to do with contracts under \$5 million which permits, in preference equal to a U.S. firm, selection of local firms in which there is "substantial U.S. participation". In most of the developing countries in this world, it is not too difficult for a firm largely made up of other nationals who may or may not have been resident in that country for some time to qualify themselves with "substantial U.S. participation", and I have had brought to my attention sufficient evidence of this happening to convince me that it does.

Professional people have also called to my attention the fact that it seems to be very difficult for new firms to "break in" to work financed by AID throughout the world. They imply that firms currently in business in countries and areas within the AID organization seem to be perpetuated. This would tend to be substantiated by the fact that nearly half of the money in current AID-financed engineering contracts has been awarded to 10 to 15 firms—compared to nearly 1,000 registered with AID.

Many professional representatives have told me that in discussions related to their professional qualifications, the borrowing country representatives have bargained with them and other firms during the selection interviews. Several people have also commented that after they have completed negotiations with the countries concerned, their contracts when referred to the agency have been held up or changed or questioned in the approval process, frequently upsetting the terms upon which they have negotiated and agreed.

People in both the engineering profession and the construction business have told me that in the negotiations phases of contracting with these borrowing governments, they are often exposed to restrictions or requirements which, in their opinions and experience, are often not proper, not ethical, not in accordance with accepted U.S. practices, often not in the best interest of the United States—this is U.S. money.

It is my understanding that professional groups have brought these factors to the attention of the agency and have attained little if any responsive action.

Mr. Chairman, this amendment in a mild way tells the agency that there should be more and better utilization of American firms in our foreign aid program. It is my understanding that the chairman is willing to accept the amendment. If so, I shall be glad to yield back the remainder of my time.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I am glad to yield to the gentleman from Pennsylvania.

Mr. MORGAN. On April 24, the gentleman from Texas introduced a bill,

which was referred to the committee. The bill went much further than the gentleman's amendment.

Yesterday I was glad to work with the gentleman from Texas and to come up with this language. This language is acceptable to the committee, and the committee has no objection to the amendment.

Mr. TEAGUE of Texas. Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. TEAGUE].

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Chairman, I wish to ask the gentleman from Texas if the AID outfit needs any encouragement to enter into more and bigger contracts with respect to foreign aid—cost-plus-fixed-fee contracts and all other kinds of contracts? Is this what the gentleman's amendment would do? Would it encourage more contracting out instead of in-house administration of this program?

Mr. TEAGUE of Texas. I believe the amendment pretty well explains itself. It says that the Agency will encourage to the maximum extent the utilization of American firms and professional services.

Mr. GROSS. This seems to me to be encouraging the giveaway outfit to contract out its work. They have some 70,000 people on the payroll now. How much more are they going to get?

Mr. TEAGUE of Texas. If the gentleman wants to interpret it that way, that is his business. It is a dumb interpretation in my opinion.

Mr. GROSS. Mr. Chairman, I demand that the gentleman's words be taken down.

The CHAIRMAN. The Clerk will report the words objected to.

Mr. TEAGUE of Texas. Mr. Chairman, I ask unanimous consent that the words that were taken down be withdrawn from the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. TEAGUE].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. STRATTON

Mr. STRATTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STRATTON: Page 8, line 3, add a new subsection, subsection (b), to read as follows:

"(b) Amend Section 620(1) relating to prohibitions on furnishing assistance to countries which the President determines are engaging in or preparing for aggressive military efforts against certain other countries to read as follows:

"(1) No funds authorized to be made available under this Act (except under Section 214) shall be used to furnish assistance, and no sales shall be made under the Agricultural Trade Development and Assistance

Act of 1954, to the United Arab Republic (Egypt) unless the President determines that the United Arab Republic (Egypt) is not engaging in, preparing for, promoting, or stimulating aggressive military efforts against Israel or any other country in the eastern Mediterranean, and unless the President also determines that the furnishing of such assistance is essential to the national interest of the United States. The President shall keep the Congress fully and currently informed of any assistance furnished to the United Arab Republic (Egypt) under this Act."

Mr. HAYS. Mr. Chairman, I reserve a point of order against the amendment.

(Mr. STRATTON asked and was given permission to revise and extend his remarks.)

Mr. STRATTON. Mr. Chairman, the effect of this amendment is very simple. It is to cut off all aid, except aid to schools and hospitals, to Nasser's Egypt. The reason I offer this amendment and the reason I feel it ought to be included in the bill is that Mr. Nasser by his actions has now clearly demonstrated that the policy of his country is detrimental to the interests of the United States in the vital tinderbox of the Middle East. Just take a look at some of the things Mr. Nasser has done recently.

First of all he put pressure on the State of Libya to try to get them to take away the important Wheelus Air Force Base located there. If that base were to be taken away, the effectiveness of our Air Force in Western Europe would be seriously impaired because we have no target ranges available on the continent of Europe.

Second. Mr. Nasser has been doing everything he could to stir up war on Cyprus, a move that would have the effect of starting a war between Greece and Turkey, thereby destroying the effectiveness of the NATO alliance on the important southern flank of the Soviet Union.

Third. Mr. Nasser has been engaged in additional military adventures in Yemen, a move which is also designed to stir up the situation and impair the peace and stability of the Middle East.

Finally, the evidence is now clear that Mr. Nasser continues to spend millions of dollars every year to underwrite the activities of German scientists in Egypt whose only object is to try to develop high-powered military weapons, nuclear if possible, clearly directed against the freedom and independence of the State of Israel.

The Washington Post on May 4 indicated that as a result of these activities Egypt is emerging as an atomic power with light missiles that could kill by fallout and that could destroy Israel's small and highly concentrated centers of population.

It makes no sense for us to continue to subsidize these activities with American taxpayers' money. We have tried to express our thoughts on this matter before. Last year we included in the bill a section which my amendment would now amend which would withhold aid from any country that the President found was engaging in or preparing for aggression. But no such determination has yet been made. My amendment

would simply rewrite this section to put the shoe on the other foot. The adoption of this amendment would automatically cut off all aid to Egypt, and it could not then be restored unless the President found that Egypt was not engaged in this aggressive action or in promoting war or subsidizing it or stimulating it, and if he also found that this assistance was vital to the security of the United States.

This is a mutual security bill. The elimination of aid to Mr. Nasser would help us insure the peace in the Middle East. It would contribute to the peace and security in this vital area and it would thus promote our own security.

Mr. Chairman, I urge the adoption of my amendment.

The CHAIRMAN. Does the gentleman from Ohio [Mr. HAYS] desire to pursue his reservation of a point of order?

Mr. HAYS. Mr. Chairman, I withdraw my reservation of the point of order.

The CHAIRMAN. The point of order is withdrawn.

Mr. FARBSTEIN. Mr. Chairman, I rise in favor of the amendment.

Mr. Chairman, I feel that Egypt has forfeited its right to any assistance from the United States.

Despite the fact that we are feeding half of its people through Public Law 480, the United Arab Republic is diverting this benefit for the purpose of obtaining munitions to make trouble for this country and its friends and allies. By supplying the United Arab Republic with foodstuffs we are permitting them to exchange their cotton for Soviet arms; indirectly we are subsidizing the Soviet munitions industry in the flow of Russian arms through Cairo to some of the newly developing African nations.

I am informed that Nasser's regime has received many new Komar-class missile ships, SA-2 ground-to-air missiles, Mig 21 jets equipped with air to air missiles, as well as Tupolov 16 and Ilyushin 28 bombers. No less than 1,000 first line operational tanks, so modern and up to date that they are being used today in the Russian Army itself in its vast military establishment have arrived in the United Arab Republic creating a dangerous imbalance, tempting Nasser to aggression against Israel. The Egyptian Navy now has 10 submarines, 9 of them of the W type. Even more dangerous is the feverish Egyptian activity to develop two types of ground-to-ground missiles in the shortest possible time.

Should we continue to subsidize Nasser's obtaining Russian arms and training Egyptian officers in Soviet military bases? Russian arms are flowing through Egypt and causing trouble in Aden and potential trouble in such African nations as Ghana, Guinea, Mali, and others. Egypt has become a transit point for Russian arms being transshipped to Cyprus to exploit the chaos there. It is my opinion that she is responsible for the difficulty we are having in Libya. As the result of her efforts we are being compelled to give up our rights to air bases in that country. How long are we going to support the United Arab Republic that is keeping 40,000 of its troops in

Yemen, despite its agreement to have them withdrawn? Should we assist a known troublemaker to grow strong—a country that has violated the Convention of 1888 which would allow ships of any nation in war or peace to pass through the Suez Canal; a country that has threatened to drive Israel into the sea at a time and place of its own choosing—that is to say, when it feels strong enough to be able to do so; a country that has made evidence of its imperialistic designs throughout the Near East.

Let us not be deceived as we were with Hitler's "Mein Kampf." We must take this man at his word. I believe that he should be brought down to size; and there is no better way to do this than to deprive him of the assistance that he obtains in this country which on his own he is continually insulting.

Why should we assist him and enable him to pay for the importation of West German scientists to build weapons of terribly destructive powers; that has created an underground which has been spiriting Nazi war criminals into the United Arab Republic, Spain, and South America for two decades and, most recently brought Nazi war criminal Hans Walter Nentzwith to Cairo.

Let us once and for all remove the fangs of this serpent which will make for a peaceful Near East.

Khrushchev's recent Cairo performance offers scant hope that the Soviet Union will forgo the opportunity to exploit Near East conflict in order to promote its own imperialistic interests. Our policymakers should carefully examine Nasser's intentions in the light of the Cairo communique. Is Nasser, who drops bombs in Yemen and hurls threats on Israel, a force for stability to be strengthened by the American people without concern or question? Or is he a menace whose threats must be taken at his angry word and whose expansionism must be countered by reinforcing those whom he threatens?

Critics have charged that U.S. policy in the Near East has been inhibited by fear that if we displease the Arabs they will react by adopting Moscow's line. The new Cairo communique demonstrates that Nasser has gone far to identify himself with Khrushchev's cardinal objectives. There is no doubt in my mind that Khrushchev's 16-day tour of Egypt represented a gain for international communism and a setback for the free world.

Let me remind you that U.S. economic aid to Egypt will exceed \$1 billion by the end of 1964 and this is larger than Moscow's economic aid. We do not attempt to compete with Moscow's military aid. Despite our assistance the West has not won the plaudits that Khrushchev gained when he presided over the diversion of the Nile at Aswan.

Before Khrushchev left, Nasser's own statements had reassured him on his conception of Arab unity. For Nasser said:

There is no room for feudalism or for capitalist exploitation in the national societies which the Arab masses have created. For these are the basic supports of the imperialists, and they are the enemies of the masses.

Arab unity can be established only on the basis of unity and socialism.

Dear friend, you are standing now among the vanguard of the Arab working people who are waging a holy war for their revolutionary aims. They know that they are fighting feudalism and capitalist exploitation.

We feel that the Arab revolution does not stand on its own. We are part of the great alliance of the forces of the world revolution which are fighting imperialism and backwardness. In this revolution the movement for national liberation which is sweeping through Asia, Africa, and Latin America stands by the side of the forces of the Socialist camp which have already achieved so much.

And now Mr. Nasser, according to reports, is stagemanaging the war by Somalia against Ethiopia, the oldest Christian country in the world and one of our few friends in that area. He is assisted, of course, by his old friends, the Soviets and Communist Chinese. Here again we are to be driven out from our No. 1 tracking center at Asmara in northern Ethiopia and Haile Selassie and the government which controls the headwaters of the Nile are to be knocked out.

Mr. MORGAN. Mr. Chairman, I rise in opposition to the pending amendment.

(Mr. MORGAN asked and was given permission to revise and extend his remarks.)

Mr. MORGAN. Mr. Chairman, I rise in opposition to the pending amendment. I know this is an emotional issue. Everybody knows of the conduct of Mr. Nasser. But I want to say that there is something already in the Foreign Aid Act which was introduced by the gentleman from New York [Mr. FARBSTEIN] that does not name any particular country which is stronger than the amendment offered by the gentleman from New York [Mr. STRATTON].

I dislike any amendment that names the particular countries.

In my 20 years in Congress, since Israel became an independent nation in 1948, I have supported it strongly. I have many friends among American Jews in this country, and I feel they do not want an amendment of this kind. This amendment is not going to do Israel any good.

I want to read the language that is already in the law. This is section 620 that the gentleman from New York is trying to amend:

(1) No assistance shall be provided under this or any other Act, and no sales shall be made under the Agricultural Trade Development and Assistance Act of 1954, to any country which the President determines is engaging in or preparing for aggressive military efforts directed against—

(1) the United States,
(2) any country receiving assistance under this or any other Act, or

(3) any country to which sales are made under the Agricultural Trade Development and Assistance Act of 1954, until the President determines that such military efforts or preparations have ceased and he reports to the Congress that he has received assurances satisfactory to him that such military efforts or preparations will not be renewed. This restriction may not be waived pursuant to any authority contained in this Act.

So, what the gentleman from New York is trying to do is to restate what is already in the act in much stronger terms but he wants to name individual countries.

Mr. BARRY. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from New York.

Mr. BARRY. What the gentleman is saying is that because of Nasser's action in connection with Yemen, Egypt would not be eligible at the present time for aid, notwithstanding the gentleman's amendment.

Mr. MORGAN. That is correct.

Mrs. KELLY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to compliment my colleague from New York [Mr. STRATTON], for introducing this amendment. I have felt for a long time we should help our friends, and not those who oppose us or work at counterpurposes with us, either in words or in deeds.

I therefore feel I must at this point thank the gentleman from Ohio [Mr. HAYS], for withdrawing his objection to this amendment.

While the chairman has stated that there is sufficient authority in the law to cope with situations to which the amendment addresses itself, I feel that we should support the amendment if for no other reason than because repetition is sometimes necessary. I am very happy to associate myself with the action of the gentleman from New York.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mrs. KELLY. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, I should like to associate myself with the remarks of the gentleman from New York, [Mrs. KELLY] in commending and congratulating the gentleman from New York [Mr. STRATTON], for offering this amendment.

With all due respect to the observations made by the chairman of the Committee on Foreign Affairs, the gentleman from Pennsylvania [Mr. MORGAN], I also think the time has come when we ought to precisely identify exactly what we stand for. A couple of weeks ago we participated in a program paying tribute to Israel, island of democracy in the Middle East, pointing out how important it is for Israel to survive and to continue to bring democratic principles to that part of the world. Yet today we see Mr. Nasser dedicating himself to the destruction of this country.

It would appear to me that we would serve the best interests of America better when we concretely and positively identify what we stand for. For that reason I support the pending amendment and congratulate the gentleman from New York for offering it.

Mr. HAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to correct an observation made by the gentleman from New York [Mrs. KELLY] when she thanked me for withdrawing an objection. I had not made an objection to the amendment. I had reserved

a point of order on the amendment on the ground I thought it was amending other legislation. On examining the act, I found that we had previously amended this legislation. Therefore, because of that previous amendment, it seemed to me that the amendment was in order and that no point of order would lie. I therefore withdrew my reservation of a point of order.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Pennsylvania.

Mr. MORGAN. I want to say that this is a very dangerous amendment. The situation in the Middle East is really delicate. We have no business aggravating the Israel-Arab dispute. We are attempting now to keep war from breaking out in that trouble spot. I think this is a really dangerous amendment. I think it ought to be defeated. I believe the President already has the power in the act under 620(i) to cut off aid now. I see no reason for naming specific countries in this amendment and causing trouble to be fomented in the Near East.

Mr. HAYS. I agree with the position of the chairman of the committee. I will say to you that over and over again I have publicly said that I thought the United States ought to make a declaration that we believed Israel was here to stay and if any country attacked Israel we would see that Israel had the means to protect itself. That is a far cry from writing in an amendment that completely ties the President's hands in regard to the way in which he might use Public Law 480 to ease the situation out there.

As a matter of fact, I think the gentleman from New York who offered this amendment is just about as confused in his thinking as the former Senator from Wisconsin, Senator Wiley, was, when he allegedly made the remark that he did not see why these Jews and "A-rabs"—which was the way he pronounced it—did not get together and settle this thing in a Christian manner. Obviously the situation goes a little bit deeper than that.

I think the President's hands should not be tied in his efforts to settle this. Again I say that both the chairman, Dr. MORGAN, and I yield to no one in our friendliness for Israel. I must say I do not say this because of any great number of votes that are to be gained or lost, because strangely enough I may have the only district in the United States that has more Arabs than Jews. But I still say the United States ought to take a firm position that we are not going to have anybody destroy the State of Israel, but I think the House ought to take a firm position that it is not going to tie the President's hands in seeing that that does not happen.

Mr. RYAN of New York. Mr. Chairman, I move to strike out the last word.

(Mr. RYAN of New York asked and was given permission to revise and extend his remarks.)

Mr. RYAN of New York. Mr. Chairman, since my election to Congress I have

been deeply concerned about this question. Congress has consistently approved foreign-aid bills which program assistance to Egypt.

This aid continues despite the Arab boycott against American firms, despite the Arab discrimination against American citizens, and despite the fact our aid helps Egypt prepare for aggression against Israel, which is not only the only democracy in the Near East but our good friend.

Congress has recognized this problem, and throughout the years we have made progress in writing into foreign-aid bills various restrictions on aid to Nasser. In 1961 several of us supported a section of the foreign-aid bill which was aimed at the Arab policy of religious discrimination. Unfortunately, the Senate version, which was finally enacted, contained language on this subject which was much weaker than the House bill. However, in 1962 Congress adopted a provision very similar to the House version of 1961, which declared:

Any attempt by foreign nations to make distinction between American citizens because of race, color, or religion—is repugnant to our principles; and in all negotiations with any foreign nation with respect to any funds appropriated under authority of this Act, these principles shall be applied.

The legislative history, which several of us contributed, shows this language was intended directly to Egypt. Nevertheless, it has not been implemented.

Last year Congress finally came to grips with the problem of Egypt's determination to destroy Israel. The Foreign Assistance Act of 1963—Public Law 88-205—specifically bars aid:

To any country which the President determines is engaging in or preparing for aggressive military efforts directed against—any country receiving assistance under this or any other act.

This was referred to by the distinguished chairman of the committee. In the debate last year I said:

Those who advocate a policy of aggression and take actions calculated to destroy their neighbors and disrupt the security of the world can no longer look forward to aid from the United States if the policy expressed in this bill is adopted and carried out.

The fact of the matter is that the policy was adopted but not carried out.

It is crystal clear from the debate that the aggressor nation clause was intended to apply to Egypt. It is also clear from the historical record that Egypt is preparing for aggressive military efforts. In the press and through the radio Egypt has declared repeatedly that it will wage war against Israel. In fact, it insists that it is in a state of war with Israel.

Let me offer a few examples of the continued belligerence of Nasser.

On February 22, 1964, Nasser declared:

The possibilities of the future will be war with Israel. We are the ones who will impose the time. We are the ones who will impose the place.

On April 23, 1964, Nasser stated:

By God, we will not rest until we redeem Palestine for the Arab nation.

In an interview with a newspaper reporter Nasser said:

Egypt hopes to crush Israel within the present generation.

If the hostility of Egypt toward Israel were limited to words, there might be less cause to worry. But Egypt is engaged in a dangerous arms race. Supplied by the Soviet Union and aided by West German scientists, Egypt is a menace to the peace and security in the Middle East. I have spoken of this danger many times and have introduced House Concurrent Resolution 152 which calls for denuclearization of the Middle East and major power guarantees of security in that area. I will not repeat the details of the arms buildup in Egypt. However, I wish to draw the attention of the House to an article which appeared on May 21, 1964, in the Manchester Guardian Weekly entitled "Growing Threat From UAR Arms."

[From the Manchester Guardian Weekly,
May 21, 1964]

GROWING THREAT FROM UNITED ARAB
REPUBLIC ARMS

(By Richard Scott)

In the view of Israel officials, the United Arab Republic's conventional military power now poses a real and growing threat.

It is claimed that this power, based entirely on equipment and weapons purchased on favorable terms from Russia is far in excess of what it was 2 or 3 years ago and that in another year or 18 months it will be materially superior to that possessed by Israel. It is estimated that Egypt has been spending for defense at the rate of 15 percent of her gross national product, or about £179 million annually.

The United Arab Republic Naval Forces are impressive. They have seven Soviet Skory-class heavy destroyers and are expecting to obtain two or three more. They have 12 Soviet-built submarines.

Perhaps most dangerous are the 12 Soviet Komar motor torpedo boats equipped with missiles which can be launched some distance from the shore and which will home on to their designated target. Israel has now abandoned any attempt to match this naval force.

Equally impressive is the United Arab Republic air strength. The Egyptians are believed to have two squadrons of the Russian TU-16, with the formidable range of 3,600 miles; a number of modern Mig-21's which have not yet been sold even to some of Russia's European satellites; and several hundred of the older but still effective Mig-19's and IL-28's.

The Egyptians, according to the Israel officials, have been using several of their TU-16's, flying from bases in the Sinai Peninsula to bomb, napalm, and gas the royalist forces and civilian supporters in the Yemen. It is believed that the Egyptian pilots are normally accompanied by a Soviet copilot, much as the American pilots are assisting the South Vietnamese pilots.

Two squadrons of the Mig-21's are equipped with the Russian air-to-air guided missile Atol (comparable to the U.S. Sidewinder) and a third squadron is now being formed.

The only effective defense which Israel has against these low-flying TU-16's are the Hawk anti-aircraft missiles which they have been able to buy in the United States. Israel also, of course, has a number of Mystere fighter interceptors.

Although the Israel Army is probably still more than a match for the Egyptians, it is conceded that the Russian tanks acquired by President Nasser are superior to anything possessed by Israel and that those the Egyptians

are expecting to receive will be overwhelmingly superior.

Although Egyptian efforts to obtain or produce nuclear warheads have failed they have produced three different types of rocket with conventional warheads or possibly gas-filled warheads. The Israel and some American officials believe that these rockets are intended as terror weapons against the Israel civilian population.

By the end of the year the Egyptians are expected to have about 1,000 ground-to-ground missiles produced in Egypt. Moscow refused to supply ground-to-ground missiles.

Mr. Chairman, I have written to the President and the Secretary of State urging that the aggressor nation clause be implemented. As with the nondiscrimination clause, the replies have been less than satisfactory and represent a timidity which, in the face of clear congressional intent, is inexcusable. Not only has the Executive and the Department of State refused to heed congressional action, but recently the United States supported a loan to the United Arab Republic, which I believe is in direct conflict with the Foreign Aid Act. According to the New York Times of May 28, 1964:

The United States over the objections of its Western European allies has virtually forced through the International Monetary Fund a \$40 million loan to the United Arab Republic that sets precedents in its liberal terms.

The Times pointed out that the usual strict standards of the Fund were relaxed, and that the loan was opposed by both our Western allies and the U.S. Treasury Department. This loan, which is to be used for imports, can be used for the purchase of military material.

Mr. Chairman, the intent of Congress must not be disregarded. Under present law the nonaggression and nondiscrimination clauses are clearly aimed at ending aid to Egypt if that country continues to threaten the peace.

The Department of State has refused to come to grips with this issue. I think this is the reason why Members of Congress are now concerned and why it is important that we make it perfectly clear that we expect the law, as it is presently written, to be invoked and enforced. Since the law has not been implemented, further steps must be taken to insure that aid is not continued as long as Egypt is preparing for aggression.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. RYAN of New York. I yield to the gentleman.

Mr. MORGAN. The amendment offered by the gentleman from New York has a definite waiver clause in it which gives the President permission to waive it. But in the law that is already written, there is no waiver clause. Therefore, I do not think this language is going to do what the gentleman says it will do.

Mr. RYAN of New York. I hope this debate, Mr. Chairman, will impress upon the Department of State the necessity for taking action and the necessity for enforcing the law as it presently exists. I agree with the chairman that the clause said aid shall be terminated for any nation that is preparing for aggression,

and I hope the chairman agrees that this provision of the law should be enforced as to Egypt.

Mr. CONTE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, it is my strong belief that this legislation has the primary purpose of keeping the free world free, strong, and able to resist the encroaching designs of communism around the world.

Our foreign assistance program, on balance, has been successful since World War II in thwarting the threat of communism on various parts of the globe and stands today as a bulwark in our efforts to secure the peace.

The foreign aid program of the United States can be compared to a two-edged sword.

On the one hand, we hold out a helping hand to the millions of people around the globe who suffer from the misery and poverty that engulfs them. This is the humanitarianism that has come to reflect the United States desire to insure a life of hope to less fortunate people wherever they exist.

On the other edge of the sword, we have the interests of the United States uppermost in mind—and these interests are directed at stopping communism and arresting the spread of its cancerous growth around the world. It is a most effective weapon in the battle to stop this growth especially in depressed countries which could easily be led into communistic control most importantly, the assistance provided by this program is necessary to maintain the security of our country and our American way of life.

From these two edges of the sword, the one humane, the other realistic, the United States can continue its leadership of the free world.

Our continued support of AID programs gives us the opportunity to strengthen the will and capacity of these newly developing countries and to advance the great alternative to communism.

As one who has consistently been in the fight to secure a better life for millions of people through a strong, resilient foreign assistance program, I feel that we have arrived at a watershed in our aid programs.

Of course, we need to have a continuing review to make certain that the inevitable bugs in the program are taken out and that we have a trim, efficient program.

But we have come to a point, Mr. Chairman, when the world looks to us as a leader in the march of the world's millions toward a new destiny.

This leadership is not due simply to our military strength or our wealth but is based rather on our ideas, our tradition of independence, and respect for individual dignity.

We have become the standard bearer of the free world's aspirations and we must continue to justify this leadership.

We can only do this by our deeds, and the present legislation before the House is in the great tradition of our country.

I urge the House of Representatives to pass this legislation, and in doing so,

acknowledge our humanitarian traditions and to keep faith with our heritage.

Mr. Chairman, it is this faith and this heritage that has made this country the greatest country in the world and has given solace, strength, and sustenance to the free world in a never-ending battle against the forces that would take our freedoms away.

This said, Mr. Chairman, I would like to direct my remarks to the question of our balance of payments.

FOREIGN AID AND THE U.S. BALANCE OF PAYMENTS

Mr. Chairman, the continuing deficit in the U.S. balance of payments has been a matter of serious concern over the past few years. As recent figures have shown, the administration has successfully taken steps to improve our balance-of-payments position. Even so, it seems likely that the basic problem will be with us for some time.

Because this problem is so serious—and so complex, it is particularly disturbing when unfounded charges are made about the cause and possible solution to our balance-of-payments problems. One argument runs something like this: "Elimination of the economic aid program would wipe out our balance-of-payments deficit."

I find this argument doubly disturbing: first, because it draws attention away from more important issues involving our balance of payments, and second, because it exaggerates and distorts the impact of economic aid on the balance of payments, thus creating an unjustified argument against continuance of foreign aid.

The actual situation regarding economic aid and the balance of payments is roughly as follows: In the shortrun balance-of-payments situation, economic aid exerts a small and declining negative impact. Economic aid is not the critical element of our current balance-of-payments difficulties. In the long run, economic aid will be an important tool in finding and expanding markets in the developing countries for U.S. goods. Thus, our economic aid program may well be critical to the longrun solution of our balance-of-payments problem.

CURRENT IMPACT

Dollar outflows resulting from economic aid comprise the smallest of the major elements in our current balance-of-payments deficit. In 1963, for example, U.S. private investment abroad created a balance-of-payments debit of \$4.1 billion; net military expenditures overseas created a debit of \$1.9 billion. Oversea expenditures by U.S. tourists amounted to \$2.1 billion. Economic aid—including Public Law 480, Eximbank, AID, and other aid activities—created a dollar outflow of \$0.9 billion.

AID expenditures contributing to the balance of payments have declined in recent years. Estimates show that they will continue to drop. In 1961, AID offshore expenditures for commodities and services totaled \$1,065 million. In fiscal year 1965, AID estimates that its offshore expenditures for commodities and services will be reduced to \$500 million, a reduction of more than 50 percent.

The decline in AID offshore expenditure results from a number of changes made in AID procurement regulations during the last 2 years. These changes have progressively increased the share of AID procurement confined to the United States.

Insofar as economic assistance funds are expended for U.S. procurement, they exert a new impact of zero on our balance-of-payments position. In effect, they do not involve the balance-of-payments problem.

In 1965 about 83 percent of AID funds will be committed for the export of American goods and services. Of the remaining 17 percent which affect our balance of payments, most will be spent in the less-developed nations of the world, not in Europe.

Even dollars spent in the less-developed countries are not entirely lost. The Brookings Institution estimates that about 40 percent of the free foreign exchange available to less-developed countries is ultimately spent in the United States. In Latin America where AID has increased most rapidly in recent years, this ratio was 55 percent.

Tight procurement policies are increasing AID-financed U.S. exports of commodities and services. AID-financed exports are estimated at a level of \$1.6 billion for fiscal year 1964, more than twice the fiscal 1961 level. Thus, AID is boosting the U.S. merchandise trade surplus in the balance of payments. In the export of certain commodities, AID plays a particularly important role. For example, more than 25 percent of American iron and steel exports are financed by AID. Almost one-quarter of exports of railroad equipment are AID-financed.

LONGRUN IMPACT

Economic aid will exert a positive influence in the longrun U.S. balance-of-payments position. This positive influence is built in two ways: first, by assisting developing countries to achieve economic growth, our aid will substantially expand the market for U.S. goods; second, by financing the export of American goods to largely untapped markets in developing countries, aid is building trade ties and increasing familiarity with U.S. products which can be important in generating future normal commercial trade.

Mr. Chairman, it is a demonstrable fact that developed, prosperous nations buy more U.S. goods than poor nations. The less-developed countries of the world are presently engaged in a struggle to achieve economic growth. It is the goal of our economic assistance program to help them achieve such growth on a self-sustaining basis and thus to help them remain independent and free. As the less-developed countries achieve substantial economic growth they will be in a position to buy more U.S. products than they can afford at present. At the very least, they will provide a much larger potential market for U.S. exports.

This can be seen by examining our trade with Europe and Japan, which has dramatically increased since the early 1950's. U.S. exports to the Marshall plan

countries more than doubled from 1953 to 1962. Exports to Japan more than tripled from 1953 to 1962. During this period our sales to the less developed countries increased by only about 15 percent. It is significant that 15 developed countries received two-thirds of U.S. exports, and 90 less developed countries received the remaining one-third.

It is obvious that even with our economic aid the less developed countries will not achieve economic growth as quickly as did Europe and Japan, but it is highly probable that within the next 20 years a significant number of underdeveloped countries will achieve substantial growth and that they will provide substantial markets for U.S. exports.

Mr. Chairman, AID-financed U.S. exports are extending American trade ties with the developing countries and are increasing the familiarity and acceptability of American products in the markets of the underdeveloped world. Over a period of time, this should prove a useful tool in developing channels of normal commercial trade.

Many of the developing countries of the world were, for a long time, the private trade preserves of European metropolises. It is a difficult task to cut into these long-established trading patterns. In many cases, the provision of U.S. aid tied to export of American goods may be our most effective tool in breaking these barriers. Even a small entry now to the markets in developing countries may prove important in the future as these markets expand to include new kinds of products and commodities.

It is sometimes charged that foreign aid, even tied to U.S. procurement, merely makes goods and services available that developing countries might otherwise buy from us with their own funds; that our aid substitutes for trade. Evidence demonstrates, on the contrary, that commercial imports from the United States have flourished and that the U.S. share of the local market has improved in developing countries assisted by our economic aid programs, except in those countries which have suffered abnormal drops in their foreign exchange earnings because of decrease in world prices of commodities—such as certain one-crop countries of Latin America.

A recent study of 32 countries receiving about 80 percent of all AID and Public Law 480 assistance between 1957 and 1962 shows that total imports from the United States rose about 4 times as fast as total economic aid. In addition, the U.S. share of total imports in these countries increased a small but appreciable amount over the period.

Clearly the goal of economic aid is and should be sound economic growth of free and independent societies. But the future byproduct of increased U.S. trade is also an important result of our aid effort. By stimulating trade, U.S. economic aid will contribute toward the longrun improvement of our balance-of-payments position.

Mr. LONG of Maryland. Mr. Chairman, I rise in support of the amendment.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. LONG of Maryland. I am glad to yield to the gentleman.

Mr. STRATTON. Mr. Chairman, I thank the gentleman for his fine support. If he will yield further I would like to try to respond to the point made by the chairman of the committee who charges that this amendment would tie the hands of the President. This, of course, is incorrect. The chairman, himself, just a moment ago made it perfectly clear that this is not the case by pointing out there is a provision in my amendment that if the President finds Mr. Nasser is not trying to destroy our position at the Wheelus Air Force Base in Libya, and if he is not trying to stir up war in Yemen and Cyprus, and if he is not trying to build up aggression against Israel, and if moreover, this aid to Nasser would help our national defense, then the President has the right to restore such aid. This would not tie the hands of the President at all. But, as the gentleman from New York [Mr. RYAN] mentioned a moment ago, the existing provision of law has never been invoked. There has just not been any finding so far that what Mr. Nasser is doing is directed toward aggression. Yet, as the gentleman from New York [Mr. RYAN] indicated a moment ago, since this section was adopted a year ago Nasser has been putting the heat on Libya to destroy our position at the Wheelus Air Force Base, and without that base our airpower in NATO and in Western Europe will be seriously impaired. Since this amendment was added, Nasser has moved into Yemen and he has tried to foment war between Greece and Turkey. Fortunately, action by the United Nations prevented that little operation. And since that amendment was passed last year information has been made public about the extent of his nuclear activities with German scientists. And yet even then, in the face of all that evidence, the provisions of that amendment were not invoked, so obviously it does not fill the bill, it does not meet our need. My amendment, which is a substitute to the one adopted last year, would meet this need and, certainly, would not tie the President's hands in any sense. I thank the distinguished gentleman from Maryland [Mr. LONG] for his courtesy.

I appreciate the gentleman's yielding to me.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. LONG of Maryland. I am glad to yield to the gentleman from Ohio.

Mr. HAYS. I should merely like to make a comment about the speech of the gentleman from New York [Mr. RYAN].

If Members of the House were paying any attention the first time he spoke today, they know he advocated a surrender in Vietnam to the Communists. In principle, that is exactly what he advocated—that we cease the war out there and get the two sides together and have a situation like we now have in Laos.

Now the gentleman comes back—although I hate to think the Jewish vote in

New York would have anything to do with this, and I would be the last to imply it—and gets quite belligerent about Mr. Nasser.

We are familiar with what has happened in Vietnam. I believe this is getting ridiculous. We ought to go ahead and pass this bill.

Mr. RYAN of New York. Mr. Chairman, the gentleman from Ohio [Mr. HAYS] either did not listen to my remarks on South Vietnam earlier in the debate, or he is deliberately distorting my position. I made it perfectly clear that the freedom of the people of South Vietnam must be preserved. This may be achieved through a political settlement. It will not be accomplished by continuing a losing war. President Kennedy wisely observed, "Let us never negotiate out of fear. But let us never fear to negotiate."

I am surprised that the gentleman would resort to such an irresponsible statement.

Mr. LONG of Maryland. Mr. Chairman, I yield back the remainder of my time.

Mr. PUCINSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am concerned that there should be any suggestion made here that those of us who support the Stratton amendment would be motivated, above all, by political consideration. It is an injustice to Israel to suggest any such motive. Recently, I asked a question in my annual questionnaire to my constituents whether or not the United States should discontinue further economic assistance to Nasser until he opens the Suez Canal to all nations, including Israel. Mr. Chairman, 87 percent of my constituents said, "Yes," we should discontinue any further assistance to Nasser until he opens the canal. My action here today in supporting this amendment is in effect carrying out the wishes of my constituents and I am proud to have this opportunity to express their views here today. It is cruel to suggest any other motive.

I was surprised by the statement of the distinguished chairman of the committee, when he tried to suggest that if we should adopt this amendment, we would precipitate some sort of situation in the Middle East which could lead to armed conflict. The fact of the matter is that we have just adopted another amendment allocating some \$200 million in military assistance to help Vietnam because we are standing up for a principle in Vietnam. While we are not interested in escalating—hostilities in Vietnam, we have made it quite clear, on both sides of the aisle, that we are ready to defend the principle of freedom in Vietnam—a principle of human dignity and survival. I suppose there will be those who would say that our aid to beleaguered Vietnam could also lead to hostilities but we are willing to take that chance in support of freedom.

The time has also come for us to do this in the case of Israel. A lot of speeches have been made to the fact that Israel is a great cornerstone of democracy, and we must do everything we can

to help that nation. Yet, only a few days ago Mr. Khrushchev told us how he had negotiated an agreement with Nasser which could seriously endanger Israel. The world has failed to react against the danger.

The time has come, as reasonable people, when we should assert the same principle toward Israel as we have asserted toward other countries dedicated to the principles of freedom and democracy.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the chairman of the committee.

Mr. MORGAN. Again, as the chairman said, this is an emotional issue. If the gentleman will take time to read what is already in the act, he will find that the existing provision is stronger than the Stratton amendment and better than the Stratton amendment, and will accomplish what the gentleman says he wants to do.

Mr. PUCINSKI. I should like to remind the distinguished chairman that I participated in the debate last year in regard to that language. That language has been on the books, and Mr. Nasser has ignored it.

He has ignored every single standard of civilized behavior in his treatment of Israel. He has not made one single act nor has he said anything in any manner or form to indicate that he has anything in mind other than the ultimate destruction of Israel, despite the fact that this language is in the bill. The language referred to by the gentleman from Pennsylvania has not deterred Nasser in his determination to destroy Israel.

Therefore, I believe the stronger language being proposed today certainly will serve notice upon Nasser and the Egyptians as well as the Soviet Union as to where this country stands in respect to Israel, that bastion of democracy.

Mr. MORGAN. I should like to read one line to the gentleman:

Until the President determines such military efforts or preparations have ceased.

If the gentleman has no confidence in the amendment of last year, he has no confidence in his President.

Mr. PUCINSKI. I have the highest confidence in my President. The gentleman has a way of putting words in the mouths of other people.

There is nothing in this amendment offered by the gentleman from New York [Mr. STRATTON] which does not place the highest confidence in the judgment of the President. It will give him additional strength to deal more effectively with this problem and I hope the amendment will be adopted.

Mr. FRIEDEL. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Maryland.

Mr. FRIEDEL. I concur in the views expressed in the statement by the gentleman from New York, Congressman STRATTON, and I support his amendment.

Mr. ROSENTHAL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time merely to ask the distinguished chairman of the

committee, the gentleman from Pennsylvania, a question or two.

At the beginning of the debate I was somewhat confused, but the more some of the gentlemen here have spoken, I have become more confused. The committee accepted this amendment last year which was proposed by the gentleman from New York [Mr. FARBERSTEIN]. Is that correct?

Mr. MORGAN. That is correct.

Mr. ROSENTHAL. And during the intervening time since the acceptance of the amendment and the enactment of the law with reference to this section, has the committee inquired from the State Department or any executive department as to whether they have taken any action at all under this amendment?

Mr. MORGAN. The committee keeps in touch with the situation in the Near East and we review the amount of aid going to Israel and the Arab countries. There has been a slowing up of aid to the United Arab Republic.

Mr. ROSENTHAL. I might suggest to the gentleman that I think the major thrust of the amendment last year was to prevent aid going to any country that is engaging in or preparing for any aggressive military efforts and it directs that aid should be withdrawn from such countries.

Mr. MORGAN. That is correct. And the reason why I oppose the Stratton amendment, is because it specifically names Israel and the United Arab Republic.

Mr. ROSENTHAL. I think that is the less important part of the amendment. If I might, let me ask, has the Committee on Foreign Affairs inquired since this became law as to whether any country receiving aid did "prepare for aggressive military effort"? Did you inquire as to the effect of this section on the operation of our aid program?

Mr. MORGAN. We have no cases reported that were in violation of this section.

Mr. ROSENTHAL. Have you had under inquiry the situation in the Middle East and the statements or the conduct of any of the leaders of any of the nations there?

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. ROSENTHAL. Yes. I am glad to yield.

Mr. HAYS. We have under constant review the situation throughout the world. We have the Secretary of State periodically appearing before the committee and the Assistant Secretaries. The Middle East is frequently talked about and asked about in the committee. The language of the law as it now stands makes it automatic that they shall report to us.

Mr. ROSENTHAL. Have they ever reported to you that any nation in any part of the world has committed aggressive military actions that would preclude them from receiving aid under this amendment?

Mr. HAYS. Not within the past year, no. I would say to the gentleman, if you want to take the political speeches that these Arab leaders make as evidence that they are preparing for war, then I think

we could say the late visitor to the White House came here saying that he was preparing for war. Because he makes these speeches, which I think have to be regarded with a grain of salt, it does not make it their intention. He could not very well say anything else. But I do not think any reasonable person either in the State Department or in the Committee on Foreign Affairs thinks that Jordan is about to go to war with Israel.

Mr. ROSENTHAL. Taking some of the other speeches, is it the position of the distinguished gentleman from Ohio if a leader of a state says he is preparing for war, that you do not think he is preparing for war?

Mr. HAYS. No, I do not take that position at all, but I do not think because he necessarily says that he is going to drive somebody into the sea that he is going to do it. They were saying that a lot more vehemently 10 years ago than they are now.

Mr. ROSENTHAL. In other words, you discredit those statements?

Mr. HAYS. No. I think they are made for popular home consumption the same way as a great deal of stuff put in the Record here is for home consumption.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. ROSENTHAL. I yield to the gentleman.

Mr. MORGAN. I want to say those opposed to the Stratton amendment feel it puts the burden of showing that the United Arab Republic is an aggressor directly on the President of the United States.

Mr. ROSENTHAL. But it would appear to me no one has pursued the objectives of the amendment that the distinguished gentleman voluntarily accepted last year. Apparently even the committee has not pursued what seems to me a thorough investigation of whether the amendment was followed through on or not.

Mr. FARBERSTEIN. Mr. Chairman, will the gentleman yield to me?

Mr. ROSENTHAL. I yield to the gentleman.

Mr. FARBERSTEIN. Unfortunately, in my opinion, the amendment of last year has in effect been disregarded.

Mr. ROSENTHAL. That is precisely what I was trying to find out from someone who might know.

Mr. FARBERSTEIN. Let me add further it has been admitted that there are presently 40,000 of Egypt's troops in Yemen.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROOSEVELT. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I should like to associate myself with the remarks of the gentleman from New York [Mr. ROSENTHAL]; and also to say that the gentleman from New York [Mr. FARBERSTEIN], has put his finger exactly on it. In other words, what we wrote into the act last year has been completely disregarded. I would say to the gentleman from Ohio [Mr. HAYS] if he says that this is for home consumption, that he is absolutely

right. I happen to represent the people of my district who have a tremendous interest in this matter. I do see anything wrong with that in any manner whatsoever.

Also I would simply add that it seems to me that this puts the head of the United Arab Republic, Mr. Nasser, on notice beyond any question that we mean what we say which is that we will not in any way participate with anybody who has any aggressive intentions in the Middle East.

I intend to support the amendment of the gentleman from New York.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Chairman, the gentleman from Ohio said a moment ago that he did not believe speeches represented aggression. The four specific things that I referred to in offering my amendment were clearly not speeches. These were documented actions in Cyprus, in Yemen, in Libya, and in the employment of German scientists. These are not speeches; these are concrete actions.

As the gentleman from New York [Mr. FARBERSTEIN] has already pointed out, the amendment adopted a year ago to try to stop this kind of thing apparently has not proved effective. That is why we need to turn it around the other way, put it on the other foot, as I have proposed, and then perhaps it will be effective.

Mr. LINDSAY. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield to the gentleman from New York.

Mr. LINDSAY. Mr. Chairman, I thank the gentleman for yielding.

The distinguished chairman of the Committee on Foreign Affairs, the gentleman from Pennsylvania, stated that the amendment of last year, the Farberstein amendment, is a stronger amendment than the one now proposed. It seems to be generally agreed that it has been ignored by the executive branch of the Government. The question here is, if the pending amendment is adopted, what does the majority of the Committee on Foreign Affairs intend to do about it in order to insure that the State Department carries out the will of Congress?

Mr. ROOSEVELT. Mr. Chairman, I agree with the gentleman. I do not know what we can do except to keep after it with everything we have. I agree that the amendment of last year is stronger than this amendment. But that seems to be no reason why we should not adopt this amendment.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield to the gentleman.

Mr. HAYS. Since my name has been mentioned both by the gentleman from California and the gentleman from New York [Mr. STRATTON], I would like in my own defense to point out that we have now reached the height of ridiculousness. We have heard from the Democratic candidate for the Senate from New York and the Republican candidate for Gov-

ernor. But I would like to say that the gentleman from New York [Mr. STRATTON], is now pleading the United States guilty of aggression because he says that anybody who employs German scientists is automatically guilty of aggression. Of course, I assume that he knows that Dr. Wernher von Braun is the man who has made our missiles program possible and if we take his statements literally, he has put himself in the position of saying what the Communists have been saying about us all along, that we are aggressors because we build missiles and use German scientists to help do it.

Mr. ROOSEVELT. Mr. Chairman, I refuse to yield any further. The gentleman from Ohio is being ridiculous himself, and I think we can well point out. We have never made the kind of statements Mr. Nasser has made and everybody in this House knows it. There is no parallel whatsoever. On the other hand, everybody in this House realizes that arms have been delivered to Egypt by the Russians to stir up trouble. It seems to me this amendment would go a long way at least to put this House on record that we will not support such action.

Mr. MORGAN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. BARRY] for 1 minute.

Mr. BARRY. Mr. Chairman, I want to point out that in the hearings, on page 249 thereof, at the time Mr. Talbot and Mr. Macomber appeared before our committee I asked them if we were still making loans to Egypt and the answer was as follows:

Egypt has received development loans and it is receiving development grants.

Then I asked the following question:

In each instance when we make these loans, are we using our leverage to attempt to bring about as peaceful a solution as possible to the Israel situation?

Mr. TALBOT. I would answer that affirmatively. Mr. Chairman, we are discussing with the United Arab Republic on a continuing basis the whole range of our interests in the Near East and in wider areas of the world. This discussion has been fuller in the past couple of years than at any previous time of which I am aware in the past decade.

We think that the discussion has had a series of helpful effects.

Then, Mr. Chairman, I asked the following question:

The broadcasting has ceased, has it not?

This referred to the Egyptian anti-Israel broadcasts that were being pursued a year ago.

Mr. Talbot answered as follows:

The broadcasting of comment about other Arab countries has ceased; yes, sir.

The CHAIRMAN. The time of the gentleman from New York has expired.

The Chair recognizes the gentleman from New York [Mr. LINDSAY] for 1 minute.

Mr. LINDSAY. Mr. Chairman, I am going to support this amendment even if it fails it is useful to make some legislative history on this point. It is past time our Government shut down the doors on Mr. Nasser's aggressive, anti-Israel aggressions.

Mr. Chairman, it may be that the chairman of the Committee on Foreign Affairs is correct, that last year's resolution to cut off all forms of assistance to aggressors is stronger than the one now under discussion. But what good does that do us. Nasser has, if anything, increased his aggressions in the Middle East since last year's resolution was passed. It seems to me it is time that the Congress and particularly the Committee on Foreign Affairs insisted upon positive action on the part of the executive branch of the Government in this regard. The resolution should be implemented. What is the State Department afraid of?

Mr. Chairman, it does little good for the House of Representatives and the other body to pass amendments and resolutions of this kind in order to have them ignored by the executive branch of the Government.

Mr. Chairman, I would hope that in the months to come the Committee on Foreign Affairs will insist that the will of the Congress and its Members be respected and that this double game in the Middle East be ended. Israel is the most powerful friend and defense the United States has in this sensitive and explosive part of the world, and it is high time we gave that fact full recognition.

The CHAIRMAN. The time of the gentleman from New York has expired.

The Chair recognizes the gentleman from New York [Mr. FARSTEIN] for 1 minute.

Mr. FARSTEIN. Mr. Chairman, I regret that this debate had to take the turn that it has, but it seems to me it is high time that my amendment of last year be implemented.

Mr. Chairman, I can state numerous other instances of violations of that law by the United Arab Republic. Ethiopia, the only Christian country in that area, is now being endangered as a result of the machinations of Mr. Nasser. The \$40 million that was loaned by the International Monetary Fund last week was due to the fact that Nasser has used up all of his cash in buying weapons with which to destroy Israel, and wherever else he desires to move.

Mr. Chairman, the entire thrust of this amendment is to put the State Department on notice that it should be implemented. It will be only upon the implementation of that amendment in some degree that Mr. Nasser will know that we are serious about this business and that we refuse to bend our knee to him.

The CHAIRMAN. The time of the gentleman from New York has expired.

The Chair recognizes the gentleman from Illinois [Mr. O'HARA] for 1 minute.

Mr. O'HARA of Illinois. Mr. Chairman, I enlisted in Israel's war for the duration and I can assure my colleague, the gentleman from New York [Mr. FARSTEIN], that he and I have always

stood shoulder to shoulder in our committee for Israel and, Mr. Chairman, I am not now deserting the war.

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. PUCINSKI] for 1 minute.

Mr. PUCINSKI. Mr. Chairman, I would hope that the statement made here earlier today, that we need not treat Mr. Nasser's threats seriously because they are only made for home consumption, will not capture the imagination of this House.

Mr. Chairman, I do not believe that the State of Israel has ever been in greater danger than it is today, because Mr. Nasser means every word of what he says. He has backed up what he has said with action.

Finally, Mr. Chairman, today he has in his pocket an agreement from Mr. Khrushchev who is carrying on in the Soviet Union a most brutal pogrom against the Jewish people, right now in 1964, that the world has ever seen. So, let there be no mistake, Mr. Nasser is more arrogant now in his determination to destroy Israel than ever before.

Mr. Chairman, I believe the State of Israel is in greater danger today than ever before. It would be my hope that this House will have the courage to adopt this amendment so we can serve notice on Mr. Nasser and on Mr. Khrushchev where we in this House stand on this issue and that we are determined to see Israel survive as a free nation.

I urge adoption of the amendment.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Does the gentleman from Pennsylvania [Mr. MORGAN] desire to be recognized?

Mr. MORGAN. I do, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania for 1 minute.

Mr. MORGAN. Mr. Chairman, I want to say again that if we adopt the Stratton amendment we put the burden of proof that the United Arab Republic is the aggressor directly upon the President of the United States.

It is a bad situation to put your own President in. The U.N. has not been able to find that any nation in the Near East is an aggressor. But under the Stratton amendment you are going to require the President to make a determination on this matter. I do not think the great country of Israel would desire an amendment of this kind.

Mr. HAYS. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. HAYS moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. HAYS. Mr. Chairman, I realize that in opposing this amendment you might be in an unpopular situation if you have Jewish constituents. I realize if you have a great number of them you might be in a further unpopular situation.

I have gone along with my friend, the gentleman from New York [Mr. FAR-

STEIN], on numerous occasions in connection with amendments to protect and benefit Israel. It is time to point out that I am chairman of the subcommittee which has jurisdiction over the foreign policy and the personnel of the State Department, yet not one time up to this minute have any of these people who have been bleeding publicly, asked that subcommittee to hold hearings to investigate or to question anybody in order to determine whether or not the State Department has carried out the law, or to determine the adequacy with which it is being carried out.

All they would have to do would be to say that the law is not being effectively carried out, and ask us to hold a hearing. We will hold one this week. That is the way to get at that situation. You are not going about it in a proper way by making speeches on the floor of this House. As far as not believing what Mr. Nasser is doing, I have said, and I say again, if he makes an overt move on Israel we should make it emphatically clear that through the forces of the United States we are not going to stand for the destruction of Israel.

I am delighted to observe, too, that the gentleman from New York [Mr. FARBERSTEIN] and the gentleman from California [Mr. ROOSEVELT] have gotten together since last week when the gentleman's son-in-law was running against the gentleman from New York [Mr. FARBERSTEIN] and denied that he was an Arab; that he was an Episcopalian, and suddenly became a Jew. I am speaking of Mr. Haddad. You may say there are no politics involved in this situation if you want to, but it seems to me I read in the news media about the gentleman from California going to New York 2 years ago to be for the gentleman from New York [Mr. FARBERSTEIN] and this year to be against him. Now they are on the same side and, thank God, Israel has two strong defenders here. I will be interested in seeing how anxious they are in getting that investigation to see whether the State Department is doing its duty.

Mr. MORGAN. Mr. Chairman, I rise in opposition to the preferential motion.

Mr. Chairman, again I want to say that this is a very emotional situation. I had hoped that the amendment could be disposed of without any display of temper.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Chairman, I was hoping to be recognized in opposition to the preferential motion. If an additional 5 minutes is going to be taken on one side, we on the other side deserve to be heard. I wonder if the distinguished chairman of the committee wants to associate himself with the personal attacks that have been made by the gentleman from Ohio? It is perfectly clear when you do not have an argument you resort to personalities. We have heard a personal attack on the gentleman from New York [Mr. RYAN], we have heard a personal attack on the gentleman from New York [Mr. FARBERSTEIN],

we have heard a personal attack on the gentleman from California [Mr. ROOSEVELT]. I think the Chairman of the Committee certainly should either allow these gentlemen to be heard in opposition to the remarks of the gentleman from Ohio or else we ought to have a repudiation of this kind of attack.

The issues are very clear. Do we want to do something about the policy the House adopted last year, or do we just want to go through the motions and do nothing?

Mr. MORGAN. This amendment has been under debate for over 50 minutes. The gentleman from New York has had his time. I do not believe there were any personal attacks on the gentleman from New York [Mr. FARBERSTEIN] by the gentleman from Ohio [Mr. HAYS]. I am sure the gentleman from Ohio [Mr. HAYS] has a personal affection for the gentleman from New York [Mr. FARBERSTEIN]. They work closely together on the Committee on Foreign Affairs. I am sure it was not a personal attack.

Mr. HAYS. If the gentleman will yield, of course I made no personal attack on the gentleman from New York. I consider him one of my closest friends. I merely stated a fact. There was nothing personal in it at all. Nor is there any thing personal when I say that Mr. STRATTON has a right to use this amendment as a vehicle for his senatorial campaign.

Mr. MORGAN. The gentleman from Pennsylvania would like to get back to the Stratton amendment.

Mr. BARRY. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from New York.

Mr. BARRY. Despite the emotionalism that has been expressed, if one wants to examine the record by referring to the classified information, which is available to any Congressman at either of the leadership desks he will find and what I am now going to say is not classified, that the loans to Egypt have been materially cut this year and the program for next year provides a flexible but reduced scale which could be used as a restraining influence by the administration in future negotiations.

So if you want to know what the administration has been doing, I suggest we examine the facts first before we weaken the strong stand we took last year. Indeed by adopting the amendment at hand there is the possibility of doing more harm than good, although I join in the intention of the sponsors of the amendment.

Mr. MORGAN. The amendment put in by the gentleman from New York [Mr. FARBERSTEIN] last year is much stronger than the Stratton amendment. I oppose the proposed amendment because I have a sincere interest in Israel and a sincere interest in my own country. The Stratton amendment is very dangerous, in my opinion. It would upset a very delicate situation in the Near East. It would apply also to Public Law 480 commodities. It puts the burden of proof as to who is the aggressor, directly on the President of the United States. This is a very bad situation. I think we should

take a second look at this. Many of us have great love and devotion for Israel and nobody here, including anybody of the Jewish religion, has any greater love and affection for Israel than I. I want to protect Israel and see that its position in the Near East is strong. But what we have in the law is stronger than the Stratton amendment. I say that the President of the United States already has the power and we should stay with the President and not embarrass him, we should not put him in a situation where we are going to be involved in the Israel-Arab dispute for any reason.

The CHAIRMAN. All time has expired.

The question is on the preferential motion offered by the gentleman from Ohio [Mr. HAYS].

The question was taken; and on a division (demanded by Mr. JONES of Missouri) there were—ayes 32, noes 92.

So the motion was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. STRATTON].

The question was taken; and on a division (demanded by Mr. STRATTON), there were—ayes 32, noes 83.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. JONES OF MISSOURI

Mr. JONES of Missouri. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES of Missouri: Page 8, immediately after line 10, insert the following:

"(d) At the end of section 620, add the following new subsection:

"(n) No assistance under this Act shall be furnished to any country which the President determines is discriminating against the importation of any United States agricultural product."

(Mr. JONES of Missouri asked and was given permission to revise and extend his remarks.)

Mr. JONES of Missouri. Mr. Chairman, this is a very simple amendment. It says that no assistance shall be furnished to any country which the President determines is discriminating against the importation of any U.S. agricultural product. I think that is very simple. I had intended to offer an amendment which was much stronger than this because, frankly, I think the United States is not justified in giving any financial aid to any country which spends U.S. dollars to buy agricultural products from any other country which agricultural products the United States has in surplus. Now I do not go that strong. I am only saying here that no assistance shall be furnished to any country which the President determines is discriminating against the importation of any U.S. agricultural product.

I can cite you a specific instance to indicate the type of operation that I would hope to prevent. Specifically, in Chile. Chile was a customer for U.S. cotton. We were selling cotton there on an equal basis with all other countries. Lately, a tariff has been imposed against U.S. cotton whereas cotton from other countries is permitted to be sold there

without any tariff being imposed against their cotton.

Therefore, the U.S. cotton cannot be sold. That is one instance. There are probably many others. I believe Members understand what I am driving at.

I wish to see if you are interested now in permitting discrimination against U.S. products. I ask for support of the amendment.

Mr. MORGAN. Mr. Chairman, I move to strike the last word.

I should like to ask the gentleman from Missouri some questions, before I make up my mind, as to how I should vote on the amendment. Could the gentleman indicate any specific agricultural product or any specific country as to which discrimination has already occurred.

Mr. JONES of Missouri. I just got through spelling out the Chile situation.

Mr. MORGAN. What particular product was that?

Mr. JONES of Missouri. Cotton.

Mr. MORGAN. How was it discriminated against?

Mr. JONES of Missouri. It was discriminated against because they placed a tariff on American cotton and permitted Peruvian and Mexican cotton to enter without a tariff.

Mr. MORGAN. Of course, I feel that the gentleman's amendment relates to Public Law 480 and to matters which concern the Committee on Agriculture more than the Foreign Affairs Committee. I know the gentleman is a member of the Committee on Agriculture, and I know that hearings will be held on Public Law 480, because that act will expire December 31 of this year. The gentleman's committee will be holding hearings. I feel that the restriction does not belong on the foreign aid bill.

Mr. JONES of Missouri. Mr. Chairman, will the gentleman yield for a brief comment?

Mr. MORGAN. I yield to the gentleman from Missouri.

Mr. JONES of Missouri. The only way we are going to stop this is to cut off the money. That is the only language the Department of State understands—cutting off the money.

Mr. MORGAN. I fear that we should not get into every tariff situation of every industry or commodity in every country to which we are going to give assistance.

Mr. JONES of Missouri. All I am asking is that there not be discrimination against the United States. You are either for discrimination or you are against discrimination. The vote is that simple.

Mr. DENT. Mr. Chairman, will the gentleman yield to me?

Mr. MORGAN. I yield to the gentleman from Pennsylvania.

Mr. DENT. I note that the amendment reads:

No assistance under this Act shall be furnished to any country which the President determines is discriminating against the importation of any United States agricultural product.

The gentleman from Missouri said that we either believe in discrimination or are against discrimination.

I would suggest, sir, that you not discriminate against the industrial products which are being discriminated against by many of the nations which receive aid. Therefore, the very premise of your argument loses weight, in that you yourself would discriminate against those of us who have industrial products which are being discriminated against by nearly all nations.

Mr. JONES of Missouri. Mr. Chairman, will the gentleman yield?

Mr. DENT. I would be happy to yield, but it is not my time.

Mr. JONES of Missouri. I would be happy to support an amendment to that effect. This was called to my attention. I do not know about discrimination in regard to other products. However, I would be glad to support that amendment.

Mr. MORGAN. Mr. Chairman, if anybody who has a letter from a constituent who cannot sell cotton to a particular country, or cannot sell coal to Western Germany, or cannot sell hats to Poland or some place else, should come up with an amendment to the foreign aid bill, we would be here until doomsday.

Mr. JONES of Missouri. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Missouri.

Mr. JONES of Missouri. We would say, "If the President determines that there is discrimination."

I am not going to determine it. The President of the United States will determine it. Is the gentleman willing to trust the President of the United States?

Mr. MORGAN. Certainly I trust the President of the United States.

I have a letter from the State Department on the case in point, in Chile. I cannot understand how the situation in Chile could justify an amendment with such serious implications as the amendment offered by the gentleman from Missouri.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I am glad to yield to the gentleman from New Jersey.

Mr. GALLAGHER. The fact of the matter is that while this is aimed at one particular case, it would have a very complex reaction with respect to the entire broad scope of tariff reciprocity.

The gentleman may be willing to listen to a letter from the State Department, which says that except in 1959 the United States has not been a major exporter of cotton to Chile. In addition, the gentleman may be interested to know that there is presently under consideration a proposal for the sale of U.S. cotton under Public Law 480, which is really the only way we can sell cotton to Chile under present conditions, because of the competition factor and the cost ratio factors as it affects our cotton sales and shipping it there, when the Peruvian cotton is close by.

One of the elements in these discussions includes a clause that calls for Chile to purchase from the United States, in addition to Public Law 480 cotton, some cotton from its own resources with dollars. So I think this

amendment should not be adopted in view of the negotiations that are presently taking place.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOW. Mr. Chairman, I rise in support of the amendment.

(Mr. BOW asked and was given permission to revise and extend his remarks.)

Mr. BOW. Mr. Chairman, this seems an appropriate time for an illustration of how this foreign aid program and related programs work against the interests of American industry and American workingmen.

The case history I will relate illustrates that there is little if any coordination between the foreign aid program, the Public Law 480 program, the defense stockpile program, the so-called Appalachia poverty program, and our own national security.

I relate it now because the Agriculture Department has awarded contracts to two American firms to process into ferrochrome some 15,000 tons of Turkish chrome ore acquired under the barter and stockpile program. This new supply of chromium ferroalloy is not needed in the stockpile, but it was purchased from Turkey because that nation's chrome industry has suffered severely from Russian competition, including large purchases of Russian ore by the same American producer who has now won the lion's share of the contract to process the surplus Turkish ore.

I am acquainted with this transaction because Ohio has the largest concentration of ferroalloy plants in the Nation, and they are distressed. In addition, I might add, several of these plants are in the part of Ohio that is now included within the new superstate, Appalachia. Had they received part of the recent contract, as many as 100 men would have been put to work for 1 year, which would have served to eliminate considerable poverty in Appalachia. I do not criticize the Agriculture Department which may have been required to give the award to the lowest bidder, but I suggest that if this administration is truly interested in overcoming poverty in depressed areas, and when it has on its hands some 15,000 tons of ore that we do not need but which we must process anyhow, it might permit some consideration other than the bid to enter into the award of the contract.

To return to the main problem, ferroalloys, as we know, are an essential part of the steelmaking process. The so-called developing nations have been given large amounts of American aid to develop their own steel plants so that they can become self-sufficient and, of course, they need ferroalloy plants, too. In typical foreign aid fashion, we helped them to build many times the capacity of ferroalloy plants that they can use, now or in the foreseeable future, so they began to look abroad for markets for this product.

Uncle Sam, having created this excess capacity, stepped forward to provide the market for this excess production. We traded wheat for it under the Public Law 480 barter program. We bought three or four times more than our stockpile

required. We bought ore and had it produced in the foreign plants that our dollars built. And we turned the prosperous ferroalloy industry of Ohio and other States into a sick and ailing industry, its very survival threatened because foreign aid and foreign barter upset the normal economic pattern.

With American subsidies of every kind plus cheap labor and low taxes, foreign producers are able to flood our markets with ferroalloys.

Complicating the situation, a principal American producer of ferroalloys began in 1962 large imports of Russian chrome ore to be processed into ferrochrome. The Russians apparently are willing to sell this product at less than the cost of production in order to capture our markets. The great volume of Russian chrome coming into the United States at prices up to \$12 per ton cheaper than other nations has given these importers a price advantage over American producers who are unwilling to do business with the Communists. And it has also struck a severe blow, as mentioned earlier, to the Turkish chrome industry and to other friendly nation producers such as Southern Rhodesia.

The Turkish Government, quite naturally, complained to our Government about the displacement of its ore in U.S. markets by the cheaper Russian product. The solution was to arrange another barter, the 15,000 tons previously referred to, to be added to the stockpile, which is already 400 percent over our requirements, and the people who created the problem by their Russian imports will, as I have said, realize the profit from beneficiating the ore.

It sounds like something Lewis Carroll might have written.

It illustrates how normal economic channels are thrown completely out of kilter, to the great detriment in this case of many hundreds of people in Ohio, by government manipulation of both domestic and international trade and development.

We will suffer for many years from the damage that has been done, perhaps unwittingly, as a result of our various foreign aid programs and our free trade policies and our refusal to place any real restrictions on trade with the Communists.

Appalachia will be greatly enlarged if this kind of program continues.

Worse than that, our very security is threatened by our increasing dependence on foreign sources not only of ferroalloys but of steel, fuel, torpedo tubes, and hundreds of other products that might be listed.

Mr. Chairman, there is now pending an application for relief under section 232 of the Trade Expansion Act, which is the section empowering the Director of the Office of Emergency Planning to investigate imports that are said to threaten national security. The application was filed May 20, 1963. The fact that 1 year has elapsed since the filing raises in my mind a question as to the effectiveness of this procedure in a situation which seriously affects national security. The situation has worsened

steadily during the past year. I hope that the Office of Emergency Planning may be ready with its reports and recommendation in the very near future.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. JONES].

The question was taken; and on a division (demanded by Mr. JONES of Missouri) there were—ayes 56, noes 83. So the amendment was rejected.

AMENDMENT OFFERED BY MR. THOMSON OF WISCONSIN

Mr. THOMSON of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. THOMSON of Wisconsin: Page 8, immediately after line 10, insert the following:

"(d) at the end of section 620, add the following new subsection:

"(n) The President shall suspend assistance to the government of any country to which assistance is provided under this Act whenever such country is failing to reimburse the United States, within 3 years following a United States request for reimbursement, for the improper use of assistance made available to the government of such country under this Act."

Mr. THOMSON of Wisconsin. Mr. Chairman and members of the Committee, I think that the time has come to stop the financing of luxury items to foreign countries. The amendment I have offered simply says to foreign nations that if they use our aid money improperly and refuse to pay it back within a period of 3 years, the President shall shut off the aid going to that country. Now, trying to collect the money the AID agency says costs us no money, but they point out that they send a bill or a demand for repayment and if the foreign country does not repay the money, then they follow up this action every 3 months. That costs the taxpayers a lot of money. I think that practice should be stopped.

Mr. MORGAN. Mr. Chairman, will the gentleman yield so I can make an inquiry as to his amendment?

Mr. THOMSON of Wisconsin. Certainly. I yield to the chairman.

Mr. MORGAN. I know you deal with the countries that the products go into, but does your amendment have anything to do with the American companies that sell this that are in violation of this act?

Mr. THOMSON of Wisconsin. Mr. Chairman, I think we have jurisdiction of the American companies who reside here, because you will note in the memorandum from the AID agency itself that if the suppliers, the American suppliers, do not respond and repay within a reasonable time, the claim is referred to the Justice Department.

Mr. MORGAN. The gentleman feels that what is already in the statute books with reference to Americans would cover the situation?

Mr. THOMSON of Wisconsin. I think we are absolutely protected as far as the domestic individuals and corporations are concerned. But I think we should apply the same standard to foreign nations that are buying luxury items. I do not think we should continue to finance

them. I do not think we should be encouraging habits that are away beyond the means of the people in that country to pay for. I think we should treat foreign countries the same as we treat American suppliers.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. THOMSON of Wisconsin. Certainly, I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Chairman, I want to assure the gentleman from Wisconsin, and I am sure he is cognizant of the fact that all Members of Congress, including the gentleman from Wisconsin, are deeply concerned over the misuse of foreign aid money in various commodity transactions. As the gentleman knows, there were abuses discovered primarily with respect to pharmaceuticals sent to Vietnam. If the gentleman's amendment were adopted and Vietnam could not recoup the funds from the foreign suppliers or importers, that country would have difficulty in refunding the money. That is where the problem is, is it not? AID is recouping or obtaining repayment where American suppliers are involved.

I repeat, if in the case of Vietnam, if that country is unable to obtain a settlement with the supplier, and is thereby unable to repay the United States, we would have to discontinue aid to Vietnam, is that not true?

Mr. THOMSON of Wisconsin. Yes, I think that is true. I think we should establish a standard that those people would understand. We should not keep on supporting the crooked practices there by permitting, under the AID program, the misuse of these funds. Over \$400,000 has been charged as excessive fees in Vietnam. We do not know whether they are kickbacks or bribes or what. But it is a scandalous situation and I think the taxpayers want it stopped.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield further?

Mr. THOMSON of Wisconsin. I yield.

Mr. ZABLOCKI. I agree with the gentleman that we want to stop abuses. I point out again however, that the problem does not exist between our country and the Government of Vietnam, or between Vietnam and the importer or the agent, but between the supplier and the importer or agent. That is where most abuses are perpetrated.

Mr. THOMSON of Wisconsin. Mr. Chairman, I cannot yield further. There are some instances of that kind. But what about the shipment of Metrecal to Cambodia, \$16,000 worth of Metrecal to Cambodia? And they thumb their nose at us. Oh, they would like to have us build their highways, but that project is a scandalous abuse of the use of our aid money. They would like to have us conduct training programs in this country. But I think we should say to all of the tin dictators throughout the world, "You are not going to get any more money through the AID program, when you use it improperly."

Mr. GALLAGHER. Mr. Chairman, I rise in opposition to the amendment.

(Mr. GALLAGHER asked and was given permission to revise and extend his remarks.)

Mr. GALLAGHER. Mr. Chairman, I might say at the outset that neither Israel nor Egypt is affected by the amendment which has been offered by the gentleman from Wisconsin.

Mr. Chairman, while the gentleman from Wisconsin certainly has a worthwhile purpose in mind, the problem is that his proposed amendment will create greater problems than presently exist under the regulations now in effect, which regulations have brought into being an apparatus through which we can recover these funds and are in fact presently recovering these funds.

Mr. Chairman, we discussed yesterday the question with reference to the collections that Mr. Bell has been making. I would like to point out to the members of the Committee what this proposed amendment would do. For instance, it would cut off all aid to Panama because of a \$297 claim which has been in contention for the last 3 years.

Further, it would because of a \$878 arrearage in Pakistan cut off all aid to Pakistan.

We have obtained refunds for all the items that the gentleman mentioned yesterday. Therefore, we are presently trying to do everything that can be done to eliminate these abuses. But, to adopt this amendment and to place it into effect would overlook completely the fact that many of these purchases accrued through the private sector. They are financed through Commodity Credit that is established for the purchase of these commodities here in the United States.

Therefore, Mr. Chairman, we do have in existence means of collecting this money, and we are doing it.

Now, Mr. Chairman, if the gentleman's amendment is adopted, all aid to Korea would be cut off because there is in contention one claim in the amount of \$192.

In addition to all this, there has been in contention with a private company in Vietnam a claim in the amount of \$4,291. This amount has been in contention over the past 36 months. Immediately, right now, if this amendment were adopted all aid to Vietnam would have to terminate.

Therefore, I believe it would be a very unwise action if we should adopt this amendment.

While the amendment seems to seek to recover money for the United States, I wish to assure the members of the Committee that the AID agency is making every endeavor to do just that. But the far-reaching consequences of this amendment I feel are too great and would go far toward jeopardizing our security just to collect a few bills.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. GALLAGHER. I yield to the gentleman from Florida.

Mr. FASCELL. Is it not true that the amount of collections has increased?

Mr. GALLAGHER. Oh, yes; it has increased considerably I might say, and the billings have greatly increased since Mr. Bell has been in office.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. GALLAGHER. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Is it not true that the percentage of refunds collected by AID is much higher than that of any other governmental agency, including IRS?

Mr. GALLAGHER. There is no question about it. I believe if you want to cut off aid to Vietnam, and we are all concerned about this, then support this amendment.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. GALLAGHER. I yield to the gentleman from Pennsylvania.

Mr. DENT. Perhaps I am confused. Let me see if I can reconstruct it. According to what I believe is going on, we make a loan to a foreign country to buy commodities and commodities are ordered by an importer in that country from an American supplier. The American supplier is paid. Upon arrival in the foreign country, we discover that some of the products, in a post-audit, are products that are not permitted to be sold under this loan provision because they are so-called luxury items and are outside the list of allowed items. However, the American supplier has been paid. We, therefore, say to the foreign government, "This product that you have purchased is not allowed under the terms of the loan."

Is it not true that as much of the blame is upon the shoulders of the American suppliers who are well qualified to be prepared to know the items that are allowed under the loan items?

Mr. GALLAGHER. Exactly. In fact, most of the blame should be shouldered by the American exporter because he has the regulations and the black-listing of these prohibitive items.

Mr. DENT. If the gentleman will yield further, is it not true in the whole business of making a sale, if you can, make it, even if they do not need the product?

Mr. GALLAGHER. Exactly.

Mr. Chairman, I urge the defeat of the amendment.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. I would like to ask the gentleman—I do not believe he stated—how much is still outstanding?

Mr. THOMSON of Wisconsin. There is more than \$24 million that remains unpaid. The collections this year do not reflect the glowing estimates of those who have just spoken on this.

Mr. GROSS. I was afraid of that, and that is why I obtained this time to ask a question or two.

Mr. THOMSON of Wisconsin. They have sent out more than \$24 million of bills this fiscal year, and they have collected for the first three quarters of fiscal year 1964 only \$5 million, and they anticipate collecting only \$1.8 million additional. So the billings are going up and the collections are going down.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Florida.

Mr. FASCELL. The gentleman wants to be fair. I would refer the gentleman to page 70 of the minority report, which the gentleman signed. There is a table there showing that for the fiscal year 1962 bills issued amounted to \$19,022,860, for fiscal year 1962 the amount of claims were \$8,739,699; for the fiscal year 1963 the amount of bills issued was \$24,727,656, and the collections for fiscal year 1963 were \$12,474,658, or 50 percent, whereas in previous years it was not that much. This certainly supports the statement that there has been an increase in collections.

Mr. GROSS. Let me ask the gentleman, does he not think we ought to collect if our money is being used to buy bubble gum, eyelid shade, or lipstick?

Mr. FASCELL. The gentleman is absolutely correct.

Mr. GROSS. Or contraceptives, sex stimulants, and that sort of thing? Does not the gentleman think we ought to collect for those?

Mr. FASCELL. Absolutely.

Mr. GROSS. How is it proposed to collect?

Mr. FASCELL. The gentleman's minority report shows we are collecting.

Mr. GROSS. It shows there is still \$24 million outstanding.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. I know the gentleman is a very informed Member of Congress. I am sure he knows that the refunds are being collected. The so-called bubble gum claim and claims for the other items the gentleman has mentioned were being collected.

Mr. GROSS. I cannot understand why these products are sold in the first place. How could these products get into their hands in the first place if there was proper administration of foreign aid funds?

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New Jersey.

Mr. GALLAGHER. I will be very happy to answer the question. The products get into the exporter's hands because we establish a line of credit where there are not dollars available; therefore, unless you have a preaudit, you do not know what is going to be purchased. You must trust they are complying with the law unless you have a preaudit. After we have a postaudit these items turn up, and if they are in violation they are criminally prosecuted or claims are pursued civilly. Where there is a violation, we have already obtained refunds on the items the gentleman has mentioned.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. DERWINSKI. I would like to make the observation that, in my opinion, the gentleman from New Jersey misses the point of the amendment, or the purpose of the amendment, which

is to avoid price disclosures which are so embarrassing to proponents of the program. Here is an amendment which will help the bill.

Mr. GROSS. I want something more than hope that this money is going to be paid back. This amendment will serve to help get the \$24 million that is outstanding.

Mr. GALLAGHER. I am in agreement with the gentleman. We are doing more than hoping; we are enforcing the regulations. The gentleman from Illinois is worried about these matters. He is very concerned about Vietnam. Are we now prepared to cut off the war in Vietnam because of a \$4,000 unpaid bill?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The amendment was rejected.

AMENDMENT OFFERED BY MR. ADAIR

Mr. ADAIR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ADAIR: Page 8, immediately after line 10, insert the following:

"(d) At the end of section 620, add the following new subsection:

"(n) No funds authorized to be made available under this Act shall be used to furnish assistance (except to complete commitments entered into prior to July 1, 1964) on a loan or grant basis to any country which provides economic development assistance on a loan or grant basis directly to another country."

Mr. ADAIR. Mr. Chairman, yesterday there was discussion concerning those countries which receive assistance from us and in turn are themselves granting assistance to other nations. It was pointed out that by this process we are making it possible for such countries to get credit for giving assistance for which in fact we are paying.

My amendment if adopted would cut off loan and grant aid to any country which is conducting its own economic aid program directly with another country.

Some of the things that my amendment would not do:

It would not force us to renege on or to violate existing commitments or those entered into prior to July 1 of this calendar year. Members who have read the report, including the minority views, will recall that there are at least three nations extremely well developed economically which are still receiving military assistance. I refer to Norway, Denmark, and Japan, which are in this program for a total of approximately \$53 million. In spite of our feeling about them, in spite of the question which may arise in our minds as to the validity of our giving assistance to three nations such as these, my amendment would not cut off assistance because the agreement has previously been made.

Some have wondered whether it would interfere with Peace Corps type operations. My answer to that is in the negative, it would not, because the amendment is limited to economic development assistance.

I think in the same category would be cultural activity. These are not eco-

nomics developmental activities and therefore they would not be affected.

Neither does it cut off aid to countries because they contribute to multilateral assistance programs through international organizations.

Finally, it should be pointed out that it does not cut off aid to countries for contributing military assistance either directly or through international organizations.

With these limitations and these safeguards, it seems to me we are saying simply that if other countries are prosperous enough to engage in their own economic development programs, then they ought not to look to us for financing to do that. Therefore, I urge the adoption of the amendment.

Mr. ZABLOCKI. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I ask unanimous consent that the amendment be reread.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk again read the amendment.

Mr. ZABLOCKI. Mr. Chairman, frankly, I am completely puzzled and I cannot understand the reason for this amendment. After all, over the years, we have been encouraging the rest of the countries of the free world, particularly those countries that have received our assistance and have become economically viable, we have asked them and encouraged them to join in cooperative efforts to help each other and to help the less developed countries. Some of them, of course, are still receiving assistance. Some of them are joining in consortia with other countries to assist third countries. For example, certain countries that are receiving our economic and military assistance at the present time are members of the Colombo plan. If the gentleman's amendment were to prevail, these countries would have to stop providing assistance to other countries. This would cause, I submit, resentment on the part of those who have been friendly to us. They would charge us with infringing on their sovereign rights, on their freedom to conduct international relations, on their dealings with their neighbors and friends.

Mr. ADAIR. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I am delighted to yield to the gentleman.

Mr. ADAIR. The gentleman raised the question as to the reason for the amendment. I tried to state it very simply, that certainly we want other developed nations to bear part of this burden. But we do not want them to do it with our money. This is an effort to get them to use their own money.

Secondly, I tried to point out in my remarks that where there is an international organization that is carrying on activities that would not be affected by my amendment. This is direct country-to-country economic development assistance which is involved here.

Mr. ZABLOCKI. The gentleman has further clarified his amendment, and I thank him for it, but I want to point out

the difficulties that would be involved in trying to administer it. How would the amendment differentiate between countries, between the origins of their assistance to other countries? I want to make it very clear that we are giving 80 percent of our assistance in the form of commodities. We do not give dollars. So the recipients of our aid would not be using our money in providing assistance to third countries. Further there are cases where countries that are receiving our aid, are giving aid to other countries because of their proximity to such other countries, perhaps because of a common language. Under such circumstances, their assistance can do more good than comparable aid coming from us or from other countries.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Pennsylvania.

Mr. DENT. The gentleman by his explanation has made the amendment practically useless, because it is ridiculous to say that you are going to stop our aid to them only if they use our dollars to make loans to other countries, because that is exactly the explanation that the gentleman gave. If they are using their own currency or their own commodities for aid to other countries, how can we interfere with that?

Mr. ZABLOCKI. I mentioned earlier that it was our national policy, expressed in legislation adopted by the Congress, to encourage other countries to enter into foreign aid undertakings. I would like to read that section of the law, although I am sure the gentleman from Indiana is familiar with it.

The law reads as follows:

SEC. 102.

"The Congress urges that all other countries (including private enterprise within such countries (able to contribute join in a common undertaking to meet the goals stated in this part. In particular, the Congress urges that other industrialized free world countries increase their contributions and improve the forms and terms of their assistance so that the burden of the common undertaking, which is for the benefit of all, shall be equitably borne by all. It is the sense of Congress that, where feasible, the United States Government invite friendly nations to join in missions to consult with countries which are recipients of assistance under this part on the possibilities for joint action to assure the effective development of plans for the economic development of such recipient countries and the effective use of assistance provided them;".

Now I know the gentleman from Indiana is very much interested in promoting private enterprise and private participation in foreign aid. If I recall correctly, he has joined in formulating this provision of the law, and he has supported this particular section of it. Therefore, I say again, I am completely at a loss as to what the gentleman intends to accomplish by his amendment.

Mr. Chairman, I urge that the amendment not be adopted.

Mr. HAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not propose to use 5 minutes, but it seems to me there is one important point which has not been

made in opposition to the gentleman's amendment. Simply stated, it is this: We talk about giving money to other countries. Actually, what we do in this foreign aid program, and what we have done since the days of the Marshall plan, is make available dollar credits to countries which do not have dollar exchange.

At the risk of getting into another argument, we will use Israel as an example. I use it because it has been quite active in the technical assistance field. It is possible that we would want to finance a project in Israel which would require certain things from the United States that they did not have the exchange to pay for, while, on the other hand, they might have credits in Nigeria, in their money, for products they had sold to Nigeria, which they could use to help Nigeria in a technical assistance program.

Do we want to say that when there is a balance-of-payments situation in a little nation, when it is possible to help another underdeveloped nation, this shall not be done at the risk of losing possible U.S. aid? I really do not believe we wish to say that. I do not believe the gentleman from Indiana really wishes to do that, but that would be the effect of his amendment, as I read it and understand it.

For that reason alone I believe the amendment should be defeated.

SUBSTITUTE AMENDMENT OFFERED BY
MR. DERWINSKI

Mr. DERWINSKI. Mr. Chariman, I offer a substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. DERWINSKI as a substitute for the amendment offered by Mr. ADAIR: Page 8, immediately after line 10, insert the following:

"(d) At the end of section 620, add the following new subsection:

"(n) No assistance shall be furnished under this Act to any Communist country (as defined in section 620(f)) which provides assistance directly to another country. No other provision of this Act shall be construed to authorize the President to waive the provision of this subsection."

(Mr. DERWINSKI asked and was given permission to revise and extend his remarks.)

Mr. DERWINSKI. Mr. Chairman, I would hope that the amendment offered by the gentleman from Indiana [Mr. ADAIR], would prevail, but hours of observation of the mood and organization of the House this afternoon lead me to the conclusion that his amendment will not prevail.

Mine has a more specific target area, and therefore I offer it as a substitute.

To be specific, we have, over the years, in this foreign aid program, provided aid to Communist countries under the argument that it gives us a "foot in the door" in Eastern Europe, among people who are basically pro-Western and friendly to our concept of freedom. This aid has been used by the Red governments to maintain control over their unhappy citizens.

The purpose of my amendment is to prohibit aid to a Communist government when it, in turn, is carrying on its own aid program; so that if a Red gov-

ernment is interested in receiving American aid, we would then be saying, by this amendment, that our aid must go to improve the lot of the oppressed people, not permitting siphoning off our funds or releasing their funds to embark, in cooperation with the Soviet Union, on a carefully directed program of international subversion.

Poland and Yugoslavia, Communist governments which have received aid under this program both carry on aid to Cuba and other lands as part of the international Communist conspiracy.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from New Jersey.

Mr. GALLAGHER. Then the gentleman's amendment would allow us to give aid to Communist countries so long as they were not giving aid to other countries?

Mr. DERWINSKI. No. No. The prohibitions in the law against giving aid to Communist countries would naturally still apply. I would not disturb that. All I say is that if a Communist country is receiving aid under this program and is carrying on its own aid program, the President may not waive, under the other provisions of law, the prohibition.

Mr. GALLAGHER. The fact of the matter is that there are no Communist countries getting aid under this law. The effect of the gentleman's amendment would be to repeal that and to allow this aid to Communist countries.

Mr. DERWINSKI. No. My amendment would prohibit either at a later point in this fiscal year or in any future fiscal years aid to a Communist country which carries on its own aid program. It does not disturb any other portion of the law. I am opposed to granting aid or subsidy to any Communist government.

Mr. GALLAGHER. We do not give any aid to Communist countries under this law.

Mr. DERWINSKI. Temporarily, in this fiscal year you are not giving any.

Mr. GALLAGHER. Your amendment would qualify Communist countries as long as they do not give aid to their neighbors?

Mr. DERWINSKI. No. To repeat, my amendment would merely prohibit the waiving of the prohibition against Communist countries which the President has discretion to grant as to any country if that Communist country were carrying on its own aid program.

Mr. GALLAGHER. Would this cut off assistance to Italy if they were going to provide for the Polish veterans in the cemetery in Italy?

Mr. DERWINSKI. No. Italy is not a Communist country.

Mr. GALLAGHER. No; but under the Adair part of it I mean.

Mr. DERWINSKI. I am substituting this for the Adair amendment, in hopes to bring it into a position where the gentleman from New Jersey and the gentleman from Pennsylvania might approve it.

Mr. GALLAGHER. I think this raises a number of complex issues if the gentleman's amendment is adopted. The

fact of the matter is we give no aid to Communist countries nor is it anticipated under this act.

Mr. DERWINSKI. Temporarily we are not giving aid to Red governments.

Mr. GALLAGHER. We are only talking about the 1964 act.

Mr. DERWINSKI. I am trying to protect this program in the future. I suspect the administration will restore aid to Red governments sometime after the fall elections.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Florida.

Mr. FASCELL. I can appreciate the fact that you are trying to deal with this program by obfuscation. Under your amendment, we may give aid to a Communist country if it does not engage in an aid program of its own. There is a prohibition in the present law against aid to a Communist country, but your amendment would raise an inference that that has been nullified or repealed.

Mr. DERWINSKI. No. To repeat, my amendment specifically states no other provision of this act shall be construed to authorize the President to waive the provisions of this subsection. What I am saying is the President may not waive any portion of the law when we accept my amendment. I flatly oppose aid to any Communist government.

Mr. FASCELL. That is the only clear thing about your amendment, as a matter of fact. The rest of it does not change the inference which arises by the language in the gentleman's amendment. The gentleman says no aid shall go to any Communist country if they are engaged in an aid program of their own. Ergo you may give aid to a Communist country if it does not have an aid program.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the substitute amendment offered by the gentleman from Illinois [Mr. DERWINSKI].

The substitute amendment was rejected.

The CHAIRMAN. The question now occurs on the amendment of the gentleman from Indiana [Mr. ADAIR].

The amendment was rejected.

AMENDMENT OFFERED BY MR. CASEY

Mr. CASEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CASEY: Page 8, immediately after line 10 insert the following:

"(d) At the end of section 620, add the following new subsection:

"(n) No assistance shall be furnished under this Act for the construction or operation of any productive enterprise in any country unless the President determines that similar productive enterprises within the United States are operating at a substantial portion of their capacity and that such assistance will not result in depriving such United States enterprises of their reasonable share of world markets. The President shall keep the Foreign Relations Committee and the Appropriations Committee of the Senate and the Speaker of the House of Representatives fully and currently informed of assistance furnished under this Act for the construction or operation of productive enter-

prises in all countries, including specifically the numbers of such enterprises, the types of such enterprises, and the locations of such enterprises."

Mr. CASEY. Mr. Chairman, this is an amendment that I offered last year.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. CASEY. Yes. I will yield to the chairman of the committee.

Mr. MORGAN. Mr. CASEY, is this the same amendment as you offered to the bill during the debate last year?

Mr. CASEY. I will say to the distinguished gentleman that this amendment is word for word like the amendment that was offered last year and which you saw fit to accept.

Mr. MORGAN. That is true. The committee did accept this last year, and we took the bill to conference. I want to assure the gentleman from Texas that the conferees made an effort within the conference to retain some of the language of the gentleman's amendment, but due to the strong resistance from the conferees on the other side, we finally had to give in on the gentleman's amendment. The main objection, if I remember correctly—and I am quoting from the conference print—is that the Senate objected to the sweeping language that required the President to make some of these determinations. This seemed to be their main objection to the gentleman's amendment.

I just want to say that I think the gentleman's amendment has some merit and I would be glad again to take it back to conference this year.

Mr. CASEY. Mr. Chairman, I should like to say to the distinguished chairman of the Committee on Foreign Affairs that I appreciate his again accepting this amendment, and I thank him again for the efforts he made last year and I hope that someone in the other body will wake up to the merit of this proposal. I hope he will be a little more successful in persuading them to accept this language because in my opinion it will keep us from building up competition and taking away jobs from our own country.

Mr. RANDALL. Mr. Chairman, will the gentleman yield?

Mr. CASEY. I yield.

Mr. RANDALL. Mr. Chairman, I should like to commend the gentleman from Texas [Mr. CASEY]. I joined with him in the effort he made last year. I think I know the reason for his action. The district I represent has a steel mill that was plagued with some of the same trouble as the gentleman from Texas. We were confronted with losing jobs on account of a situation which we are both now trying to remedy by this amendment.

Mr. Chairman, I thank the gentleman for his efforts this year and wish to associate myself with his remarks.

Mr. CASEY. Mr. Chairman, I thank the gentleman.

Mr. Chairman, as I pointed out last year, foreign aid funds are being used to build competition for our own plants and industries, and no consideration seems to be given to the condition of our industries when a similar industry is considered for a grant under the air program.

Last year, I pointed out that up to that time, in the neighborhood of 179 foreign steel plants had been built or expanded through the foreign aid program. Since last year, that is, in fiscal 1963, in excess of 18 additional aid projects have aided foreign steel competition. In fiscal 1963 alone, over \$315 million of the taxpayers' money was used for steel mill expansion, locomotive plants, forging factories, rolling mills, and so forth.

The reason I use approximate figures and the words "in the neighborhood of" in describing the number of plants is that again, the Library of Congress advises me that the Agency for International Development does not itemize totals per industry or the country in which they are built and that many such activities are included under the over-all designation of "productivity centers, mining developments, research centers, metals fabricating plants, engineering laboratories and services, technical support, and industry development and project assistance." Therefore, there is no question that the aid to the steel industries and other industries is higher than that which the Library of Congress Legislative Reference Service is able to furnish.

Last year, I pointed out that 31 pulp and paper plants had been built and expanded under the foreign aid program. And in fiscal year 1963, I have been able to determine that at least seven more projects in the pulp and paper field have been initiated under the foreign aid program. Twenty-two rubber plants had been built or expanded as of fiscal 1962, and during fiscal 1963, three additional projects in the rubber industry are known to have been initiated.

Mr. Chairman, this amendment will spotlight exactly the type of industries being built or expanded with foreign aid funds, and it will also give the Congress and the taxpayers an itemized list of such plants and where they are being built.

It is not restrictive. There is plenty of flexibility. But it will call to the attention of the President for determination the question of whether or not any plant built under foreign aid assistance will seriously jeopardize our own domestic competing companies.

I sincerely hope that those in the other body who have been alarmed at the flood of steel imports will take note of this amendment and will see fit to offer this or a similar amendment to the Senate's version of the Foreign Assistance Act. Because, until this agency is required to use some discretion and caution in building plants overseas, they will have nothing to look forward to but more imports and the further loss of production, as well as jobs, in their respective States and districts.

Mr. Chairman, in the next few days, I will insert in the RECORD a recompilation of U.S. aid to specific foreign industries to again bring to the attention of this Congress and the people the competition that we have built with our own money, which I think will tell more graphically than I can do here today the need for this amendment.

I again wish to sincerely thank the

gentleman from Pennsylvania [Mr. MORGAN], chairman of the committee, as well as other members of the committee, who have seen fit to recognize the merits of this amendment, and I wish them more success this time when they take the matter to conference.

(Mr. CASEY asked and was given permission to revise and extend his remarks.)

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. CASEY].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. REID OF NEW YORK

Mr. REID of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REID of New York: Page 7, immediately after line 24, insert the following:

"(a) Amend section 612, which relates to the use of foreign currencies, by adding the following new subsection (c):

"(c) Any Act of the Congress making appropriations to carry out programs under this or any other Act for United States operations abroad is hereby authorized to provide for the utilization of United States-owned excess foreign currencies to carry out any such operations authorized by law.

"The President shall take all appropriate steps to assure that, to the maximum extent possible, United States-owned excess foreign currencies are utilized, in lieu of dollars. As used in this subsection, the term "excess foreign currencies" means foreign currencies or credits owned by or owed to the United States which are, under applicable agreements with the foreign country concerned, available for the use of the United States Government and are determined by the President to be excess to the normal requirements of departments and agencies of the United States for such currencies or credits and are not prohibited from use under this subsection by an agreement entered into with the foreign country concerned."

Page 7, line 25, strike out "(a)" and insert in lieu thereof "(b)".

Page 8, line 4, strike out "(b)" and insert in lieu thereof "(c)".

Page 8, line 7, strike out "(c)" and insert in lieu thereof "(d)".

(Mr. REID of New York asked and was given permission to revise and extend his remarks.)

Mr. ROONEY of New York. Mr. Chairman, will the distinguished gentleman yield?

Mr. REID of New York. I yield briefly, to the distinguished chairman from New York.

Mr. ROONEY of New York. Mr. Chairman, I do not understand this. The gentleman and I had a conversation earlier with regard to using foreign currencies in lieu of American dollars. Now the gentleman offers an amendment which contains certain language; for instance, the last three lines at the foot of the proposed amendment.

Under these circumstances I may have to oppose it.

Mr. REID of New York. First I would like to discuss the amendment.

Mr. Chairman, the Foreign Operations Subcommittee of the House Committee on Government Operations held hearings on November 18, 19, and 20 on uses of U.S.-owned foreign currencies.

Testimony was taken from representatives of the Department of State, Department of the Treasury, AID, and the Bureau of the Budget. It was clear from this testimony that the United States has in excess of \$1.1 billion of excess foreign currencies for the exclusive use of the United States. It was equally clear that we have \$920 million, roughly, as of now that is totally noncommitted.

Mr. Chairman, the purpose and the focus of this amendment is to make clear the concern and the interest of the Congress with regard to our excess foreign currencies for the exclusive use of the United States.

We also hope to point out the rate of accretion with respect to these foreign currencies, because they are growing at the rate of something in excess of \$100 million per year. In the last 8 months, from June 1963 to February 1964, they increased at the rate of \$94 million.

Mr. Chairman, the amendment is specific with regard to several direct points. One, it explicitly defines for the first time excess currencies.

Two, it states the President shall take all appropriate steps to assure to the maximum extent possible that U.S.-owned excess foreign currencies are utilized in lieu of dollars.

In addition, it is my conviction and I believe that of my colleague, the gentleman from Wisconsin [Mr. REUSS], who helped draft this amendment, and of the subcommittee chaired by the distinguished gentleman from California [Mr. Moss]—that the utilization of these currencies can result not only in a savings of some dollars but complement and extend the value of dollars in other programs. Also, their utilization is important and essential for certain U.S. programs.

Mr. Chairman, the utilization of excess foreign currencies under existing programs, and consistent with existing laws, can be helpful in terms of support for: Schools abroad for dependent children of U.S. officers and employees; language instruction for our Foreign Service officers and other U.S. nationals serving overseas; the teaching of English as a second language; official travel for officers within their regional area of service; and for other purposes such as lease, rental, and acquisition of adequate housing facilities. In addition, another key area of support includes international, educational and cultural exchange activities.

In my judgment it is important for the Congress in this bill to take note of the accretion of these currencies, to encourage the Executive to come forward to the Appropriations Committee with properly thought out requests for their use under existing programs so that these funds can be appropriately utilized and where possible, save dollars.

Mr. REUSS. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I yield to the

distinguished gentleman from Wisconsin.

Mr. REUSS. Mr. Chairman, I feel that this is a good amendment. I hope it will be favorably received.

Mr. Chairman, we now have close to a billion dollars worth of such currencies as Indian rupees, Yugoslav dinars, Polish zlotys, and other foreign currencies. While they lie there gathering moss, they do not help us, but they are a constant source of friction to our friends.

Mr. Chairman, the gentleman's amendment would assure the orderly use of these currencies, and I hope the amendment will be adopted.

Mr. ADAIR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to propound a question of the author of the amendment. There might be some question as to whether or not this would increase the total amount of expenditures. It is my desire to get the intent of the author of this amendment.

Is it his intent that these local countries should be used in lieu of dollars or in addition to other already programed dollar amounts?

Mr. REID of New York. In response to the question of the distinguished gentleman from Indiana, I would like to say first of all these excess foreign currencies, now in some seven countries, are currencies or credits owned by or owed to the United States which are, under applicable agreements with the foreign countries concerned, available for the use of the U.S. Government.

These funds, therefore, as the amendment suggests, could be used in lieu of dollars. In other words, the thrust of this amendment is first, to make clear the intent of Congress as to sound utilization of these funds rather than their continuing accretion; second, to save dollars where we can; and third, to facilitate support of programs to aid and strengthen our foreign policy.

Mr. ADAIR. Reference has been made by the gentleman from Wisconsin [Mr. REUSS], to this matter, and I would like to ask him if he subscribes to the sentiments expressed by the gentleman from New York with respect to saving dollars where possible in connection with this proposed amendment.

Mr. REUSS. Yes. I subscribe entirely to what the gentleman from New York [Mr. REID], has just said. I think we can rely on the Appropriations Committee, chaired by the gentleman from New York [Mr. ROONEY], to screen very carefully any requests for the use of foreign currency and to apply to them the same standards we would require of any other request for appropriations. That is the purpose of the amendment, and I believe it is a dollar-saving amendment.

Mr. ADAIR. With those answers, and in the hope that it will result in the utilization of local currency owned and the conservation of dollars, I think the amendment should be supported.

Mr. BRAY. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman from Indiana.

Mr. BRAY. Would these funds have to be authorized and appropriated the same as any other funds by the Congress?

Mr. REID of New York. Absolutely. That would be the concern of the Committee on Appropriations.

Mr. ROONEY of New York. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I should like to participate in this little bit of legislative history and to say that insofar as I am concerned the distinguished gentleman from New York [Mr. REID] came to me earlier with a proposed amendment to this pending bill which was two pages long and under which he would have authorized expenditures for many more programs than we presently spend for in connection with what? The Department of State, the U.S. Information Agency, and the AID.

The distinguished gentleman and I had a discussion, as the result of which he agreed to present in place of his proposed amendment a mere statement of policy. This statement of policy is the same statement of policy that has been contained in reports on State Department appropriations bills for many years; to wit, that they shall use foreign currencies wherever possible instead of American dollars for programs approved in appropriations bills. Who could be against the use of this so-called wooden money, as somebody has called it? But let me refer to them properly, foreign currencies on deposit in the Treasury of the United States rather than our American tax dollars. These foreign currencies originally cost us good American tax dollars when they were given to whomever the program was generated by. That is the situation. So this business of any other or additional programs being concerned with here is not truly in the picture; is that correct, I ask the gentleman from New York?

Mr. REID of New York. I appreciate the opportunity to reply to the gentleman's question.

Mr. ROONEY of New York. Will the distinguished gentleman please answer me directly? Does he propose to spend any more money, counterpart or otherwise, under the terms of the pending amendment?

Mr. REID of New York. My understanding is, and I thought it was clear, we would save dollars. This does not provide any new programs.

Mr. ROONEY of New York. I thank the gentleman.

Mr. REID of New York. All it provides is authorizations.

Mr. ROONEY of New York. Since there are to be no new or expanded programs in the use of foreign currencies. I withdraw my opposition to the pending amendment. Thus this amendment is merely a statement of policy, and does

not authorize the expenditure of any additional taxpayers' moneys, whether in foreign currencies or in American tax dollars.

I thank the distinguished gentleman from New York.

Mr. POAGE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I find myself in agreement with the objectives of this amendment but in disagreement with the legislative procedures which are being used to attain these objectives.

I assume that the greater part—if not all—of the excess foreign currencies which are referred to in this amendment have accrued under Public Law 480, 83d Congress. If so, this is a law which is separate and distinct from the Foreign Assistance Act, which deals solely with the surplus commodities and other assets of the Commodity Credit Corporation, and which is under the jurisdiction of the Committee on Agriculture.

The subcommittee of which I am chairman has had public hearings and several executive sessions on the extension and revision of Public Law 480, and the foreign currency uses authorized by this amendment include uses to which we have given extended and, I might add, generally favorable consideration.

I think that the amendment might well be subject to a point of order. But I do not intend to raise that point of order because I find myself in agreement with the objectives of the amendment—and I believe that most of the members of my subcommittee would also agree with these objectives.

The Committee on Agriculture is constantly at work trying to get greater beneficial use to the United States out of the foreign currencies which are received by the Commodity Credit Corporation in exchange for surplus agricultural commodities.

This amendment would apparently help to bring about such additional U.S. uses.

But it does it in a manner which is inconsistent with the legal theory of Public Law 480—by authorizing the reappropriation of assets which have already been appropriated and made available to the President for his use pursuant to the provisions of Public Law 480.

Authorizing the reappropriation of these foreign currencies is exactly the same as though Congress were to go through the procedure of authorizing every sale, transfer, or donation of wheat, corn, or cotton after it has already authorized the use of these commodities by the President.

The Committee on Agriculture has felt from the very start of Public Law 480 that the utmost possible use beneficial to the United States should be made of these foreign currencies. For that reason, we have resisted from the start this grotesque business of reappropriating these currencies before they could be used overseas in lieu of dollars, for our own benefit.

In spite of our opposition, the Congress now goes through the illegal and restrictive procedure of not permitting a Government agency to use these cur-

rencies until there has been an appropriation in dollars to that agency for their use.

As the direct result of this restrictive and shortsighted procedure, U.S. use of these foreign currencies has dropped from about 26 percent of the total received during the early years of the program to 17 percent in 1963.

I can readily understand how the Appropriations Committee, seeking as it properly always is to trim budgets, can find something to trim now and then from the dollar requests for foreign currency uses overseas.

What the distinguished members of that committee do not seem to understand is that this money has already been appropriated and that the only thing they are restricting is the United States getting the most benefit possible out of dollars that have already been spent.

If I understand this amendment correctly, it will at least authorize the appropriation of the foreign currencies themselves, rather than dollars. To that extent, I think it is an improvement of our present procedure.

I hope that more of our excess foreign currencies will be used abroad for the benefit of the United States.

For that reason I am not going to oppose the amendment.

But I want to make it clear that this does deal with a law which is within the jurisdiction of the Committee on Agriculture, and that it is entirely possible that in our review and revision of Public Law 480, we may find need to reconsider the action taken today.

We expect to have a bill extending Public Law 480 before the House within the next few weeks. I anticipate that most of the amendments which will be proposed to the existing law will be for the purpose of trying to see that the United States gets more value for the CCC assets we are sending abroad; that more of the foreign currency received in exchange for these assets is devoted to U.S. uses. I hope that we will have the cooperation of all Members of the House, and of other committees, in this endeavor.

Mrs. KELLY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am shocked by the remarks of the gentleman who has just spoken. I, too, regret that Public Law 480 is not within the jurisdiction of the Committee on Foreign Affairs because sometimes I wonder whether our foreign policy exists to serve the domestic agricultural programs and Public Law 480, or vice versa.

It seems to me, Mr. Chairman, that at times Public Law 480 can get our foreign policy into a great deal of trouble. At the present time, agricultural problems are one of the reasons why the Common Market which we are endeavoring to encourage in Europe is not advancing as rapidly as was anticipated. Therefore, I hope that a change of policy under Public Law 480 will not compound those problems or cause the dumping of our products on other countries.

Mr. BARRY. Mr. Chairman, will the gentlewoman yield?

Mrs. KELLY. I yield to the gentleman.

Mr. BARRY. I rise in support of the amendment. I think it is good. Several years ago we considered this problem and its solution is long overdue.

Mrs. KELLY. I thank the gentleman.

Mr. MORGAN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I know that the Committee on Government Operations had long hearings on this amendment last November and December. The gentleman from New York who has offered the amendment brought the original draft to the attention of the committee, during our markup of this bill.

We considered it at that time. We thought it was a broad and inclusive amendment and suggested that maybe it should be in Public Law 480. Now that we have heard from a member of the Committee on Agriculture, the gentleman from Texas [Mr. POAGE], who says that he sees no objection to it going in here, and that his committee is going to pursue this further in hearings on Public Law 480 later this year together with the fact that the gentleman from New York [Mr. ROONEY], who chairs the great Subcommittee on Appropriations for the Department of State, has withdrawn his objection, I feel that the committee can take this to conference and we have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. REED].

The amendment was agreed to.

Mr. FASCELL. Mr. Chairman, I move to strike out the last word.

(Mr. FASCELL asked and was given permission to revise and extend his remarks.)

Mr. FASCELL. Mr. Chairman, I just want to make a brief comment with respect to section 620(a)(3) which was added to the bill last year, an amendment which I cosponsored with my distinguished colleague, the gentleman from Florida [Mr. ROGERS].

You will recall that the amendment required a determination as to whether any country has failed to take appropriate steps not later than 60 days later than the enactment of the Legislative Act preventing shipping and transporting by plane commodities to or from Cuba.

The United States immediately notified covered countries of the legislative restrictions under the act and that our Government would carefully scrutinize action being taken by such countries to which that amendment would apply.

As a result thereof, it was found that 19 countries had ships or aircraft in trade with Cuba since October 23, 1962.

Of those 19 countries, 3—Canada, Finland, and Sweden—did not receive assistance from funds provided under this act and, therefore, did not come within the purview of the amendment.

Of the remaining 16 countries, 3 who were receiving aid were found not to have taken appropriate action. Those were the United Kingdom, Yugoslavia, and France. We immediately terminated the residual, small programs we had with those countries.

Of the remaining 13 countries affected by that amendment, it was determined that appropriate action had been taken by those countries within the time prescribed by the amendment, and therefore that they had met the conditions and the requirements of the amendment. The countries are: Denmark, Greece, Italy, Japan, Lebanon, Mexico, Morocco, Netherlands, Norway, Panama, Spain, Turkey, and West Germany.

I should like to give Members an idea of what kind of action was taken. This is the kind of legislative requirement which does call for the exercise of the best diplomatic skill on our part. We here believe that skill has been applied to the interpretation of this amendment.

For example, Greece, by two royal decrees, prohibits all carriage to or from Cuba.

Japan, which had only one ship which called at Cuba in 1963, promptly removed that from the trade.

Panama promptly punished a ship-owners of vessels violating the decree of that Government which prohibited calls at Cuba.

Turkey had no ships which called at Cuba in 1963 and 1964 and has also fully cooperated with the United States.

The AID Agency, and the President have followed the intent of the Congress pursuant to my amendment. This action has been effective and I am pleased to report the prompt and effective action taken by the President and the AID Agency to carry out the intent of Congress. We have taken another affirmative step in carrying out our national goal in freeing this hemisphere of Castro and communism.

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to my distinguished colleague from Florida.

Mr. ROGERS of Florida. I thank the gentleman.

(Mr. ROGERS of Florida asked and was given permission to revise and extend his remarks.)

Mr. ROGERS of Florida. I wish to say, Mr. Chairman, in backing up the remarks of my colleague and coauthor of the amendment, the gentleman from Florida, Congressman FASCELL, that of the 19 countries which were shipping into Cuba there are now only 2 main offenders. The biggest offender is England.

The report for this past month, the latest, shows that in May England had 12 ships which went into Cuba, the Greeks had 2 and the Lebanese 5.

If we will continue the pressure against these countries we can soon cut off the shipping to Cuba, and this will place an intolerable burden upon Russian shipping. This will be a major step in getting rid of communism in this hemisphere.

Mr. Chairman, last year the House exercised its wisdom and adopted the FASCELL-ROGERS amendment to the foreign aid bill to prohibit U.S. aid going to any country which allows ships or aircraft of its registry to call in Cuba.

When the amendment became law on December 16, 1963, there were 19 nations involved in shipping to Cuba. Diplomatic representations have been made to

these nations, with threats of U.S. aid cutoffs being the primary lever, in efforts to obtain cooperation.

Canada, Finland, and Sweden were receiving no aid from the U.S. foreign aid program, but, nonetheless, not one ship from either of these countries has entered Cuba since January of this year, according to the intelligence reports from the Maritime Administration.

However, because insufficient action resulted in continuing ship traffic to Cuba by vessels of British, French, and Yugoslav registry, United States aid to those countries has been suspended by order of President Johnson.

Of the remaining nations, efforts are nearly completed whereby those governments have either drafted legislation to prohibit shipping to Cuba, reached agreements with their shipping interests, or actually halted shipping to Communist Castro.

Thus the law is being applied with a firm hand.

The principal offenders of this continued shipping to Cuba are Britain, with 12 ships calling so far according to the reports for May; Lebanon, with 5 ships reported so far for May; and Greece, with 2 calls reported in May. The Greek Government, however, has issued a royal decree banning any further charter commitments.

Thus, Mr. Chairman, it is clear that the amendment adopted last year has been effective. No reason exists to alter the law in this area as it has been administered firmly.

However, stronger efforts must be made to get those few nations led by Great Britain to halt this continued assistance to Communist Castro by serving as his transporter. That task should be borne solely by the Communist world, and not by a nation claiming our friendship.

AMENDMENT OFFERED BY MR. JENSEN

Mr. JENSEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JENSEN: On page 8, after line 10, add a new section to read as follows:

"No assistance is herein provided to any country which does not contribute financially to the struggle in Vietnam."

Mr. JENSEN. Mr. Chairman, the amendment speaks for itself, but I wish to say that about 3 weeks ago I was called to the White House, along with a number of other Members of the House and of the Senate, to meet with the President of the United States and with the Security Council. At that meeting Secretary McNamara, Secretary Rusk, and Mr. McCone briefed us quite extensively on conditions in Vietnam. They painted a dismal picture, to say the least.

After the briefing, which was quite thorough, we asked a number of questions. I asked this question of Secretary McNamara: "How much financial aid are these other so-called friendly nations of ours contributing to the Vietnam struggle?"

He said about \$30 million. I did not ask him how many men they were contributing, because I already knew. That number is less than 100, while we have

15,000 men in Vietnam. Our men have suffered around 1,200 casualties and over 140 of our fine American youth have lost their lives there. So I asked Secretary McNamara if he had insisted that these other so-called friendly nations of ours get into this struggle with us. He said he had asked them to do it. "Well," I said, "do you not think it is about time to insist?", then I directed this statement to the President of the United States, who was sitting across the table from me, "Do you not think, Mr. President, it is about time that you demand they get in this struggle with us?" Now, of course, I am not going to quote the President of the United States, but I will say this: there was a tall, powerful man that met me at the door as I was leaving and he said, "Ben, from now on I am going to demand that they get into this struggle in Vietnam with us."

Now, we have a Federal debt today of almost twice as much as all the other nations in the world all put together. The record will show, that there is not a single nation listed in this bill today that is not just as well able and possibly more financially able to help in that struggle in Vietnam than are the taxpayers of the United States. Mr. Chairman, I am sincere and serious in offering this amendment.

Now, some may say, "You do not state how much these nations should contribute financially." I am not going to name any amount, but I am quite sure the President of these United States will insist on a substantial contribution from these nations if this amendment is adopted by both Houses of Congress, and become law.

I hope my amendment will be adopted.

Mr. MORGAN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MORGAN. Mr. Chairman, I had the occasion and the honor to attend the same briefing as the gentleman from Iowa did, and I am sure the gentleman, when he asked the President that question, was sincere in his desire to get help for South Vietnam. We all would like other countries to pitch in to South Vietnam and help us, but it seems that we are committed to assume the primary responsibility for backing up the Vietnamese people and I cannot see why we should stop our fight against communism all over the world by adopting his amendment, or why we should stop the Alliance for Progress, stop our NATO contributions, and stop our payments for our SAC bases in Spain as well as other parts of the world by attempting to bring these people into South Vietnam. I do not think it will bring any help to us in Vietnam.

I know the gentleman is sincere in his efforts, and that he asked a question of the President in great sincerity. I am sure he has offered an amendment here in great sincerity, but I do not feel that the way to win the fight against international communism is to say that if

you do not go into Vietnam we are not going to do anything for you. I do not think this amendment will get us any help or any money for Vietnam nor will it put any more soldiers there. It will only make the problem we face all over the world bigger and greater.

Mr. JENSEN. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Iowa.

Mr. JENSEN. Mr. Chairman, the gentleman could not have been listening to the reading of my amendment.

Mr. MORGAN. The gentleman referred to offering assistance in Vietnam.

Mr. BROOMFIELD. I think the gentleman from Iowa has a point. I think what should be stressed is that many of these countries in the Far East could be encouraged to participate to a greater extent than they are now in that area. I am not talking about dollars so much; I think there are countries in the Far East who should be willing to put men in there to join U.S. forces in the effort against communism in Vietnam.

Mr. MORGAN. I agree with the gentleman, but I do not think this is the way to stir them to action.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. JENSEN].

The amendment was rejected.

Mr. BRAY. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, once again we are offered the grabbag of foreign-aid gifts, and have the unhappy duty of accepting them all or rejecting them all.

There are so many different aspects of foreign aid that it is very unfortunate we do not have an opportunity to vote separately on them.

There is very strong sentiment favoring military assistance to friendly nations, and such aid would have strong support if it were presented by itself.

Even within that category, many of us would like an opportunity to consider separately aid to friendly nations, and aid to Communist or near-Communist nations where our assistance may serve a more doubtful purpose.

Some people would like the opportunity to support the Alliance for Progress, and are still hopeful for its success, despite its early failures.

No doubt most all of us, in varying ways, want to support aid which will educate other people to help themselves—to make self-sustaining nations of countries currently underdeveloped.

Instead we are greeted again with a patched together conglomeration of various programs and various purposes. It is obvious that in this way it is hoped to push through the good with the bad, the generally approved with the highly controversial.

This can be a very undesirable, and even dangerous legislative procedure. Many times in the past things have been approved in this fashion which might well have failed had they not been pushed through under the cover of other programs.

One such example refers to the African nation of Ghana. Since 1957, and in

spite of President Kwame Nkrumah's total hostility toward the West and his close alliance with the Communists, the United States has given almost \$170 million in loans and grants to Ghana.

This includes \$7 million for beginning the construction of a great power-producing project on the Volta River. This amount was contained in the 1962 foreign aid bill.

During debate on this bill on July 11, 1962, I spoke against this particular item, pointing out that while the amount was small, it was merely a foot in the door and the project would cost many times that before construction was finished.

I also criticized the folly of aiding Nkrumah and giving him additional prestige, noting that this could only strengthen him in maintaining an iron hand over the lives and freedom of his own people, as well as encourage other countries of Africa to take a similar course of enmity toward the West.

In addition, I observed that construction of the Volta Dam, where power was to be used to produce aluminum in great quantities, could only injure the West. With this great U.S.-financed ability to produce cheap aluminum, Ghana would clearly become an important force to assist the Communists to destroy the free world aluminum industry. There is a world surplus of aluminum and American manufacturers who employ American workers have had to curtail their operations. Thousands of Americans will be put out of work by increasing the aluminum production abroad.

I want to point out again the prophetic remarks I made in July 1962:

In trying to make friends of our enemies, we make enemies of our friends. Such a philosophy has never succeeded in helping the country which followed it, but apparently we naively believe that such can be accomplished by helping the Communist leader Nkrumah.

Now we have reaped the fruits of this policy. The thanks we receive for the \$170 million given to Ghana comes to us in the form of Government-inspired and Government-led insults, attacks upon our embassy, desecration of our flag, threats of massacre, and slanderous accusations of having murdered our own President.

Furthermore, the leaders of Ghana have announced their complete support of Fidel Castro in Cuba.

It is difficult to understand the type of people in our State Department who insist upon our supporting projects of this kind.

In another typical attempt to lump everything together the administration has thrown in a request for additional money for the defense of Vietnam. If more money is needed for our men in Vietnam and to resist the efforts of the Communists to take over there, I am sure that this Nation wants the money to be provided. It is unfortunate, however, that this cannot be handled separately and upon its own merits, instead of being lumped together with many less desirable programs.

There are many of us who fear that continued programs such as that which

lead us to help the Ghanas of this world, and to support in office leaders such as Kwame Nkrumah, will only tend to encourage and strengthen Communist advances and to discredit and destroy free enterprise development.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER 2—ADMINISTRATIVE PROVISIONS

SEC. 302. Chapter 2 of part III of the Foreign Assistance Act of 1961, as amended, which relates to administrative provisions, is amended as follows:

(a) Amend section 625, which relates to employment of personnel, as follows:

(1) In subsection (d)(2) in the third proviso strike out "more than thirty persons in the aggregate" and substitute "the assignment to such duty of more than twenty persons at any one time".

(2) Add the following new subsection (j): "(j) The President may appoint or assign a United States citizen to be representative of the United States to the Inter-American Economic and Social Council and to be United States representative to the Inter-American Committee on the Alliance for Progress and, in his discretion, may terminate such appointment or assignment, notwithstanding any other provision of law. Such person may be compensated at a rate not to exceed that authorized for a chief of mission, class 2, within the meaning of the Foreign Service Act of 1946, as amended."

(b) Amend section 626, which relates to experts, consultants and retired officers, as follows:

(1) Subsection (a) is amended by striking out "\$75" and substituting "\$100".

(2) Subsection (c) is amended by striking out the words "Career Compensation Act of 1949, as amended (37 U.S.C. 231 et seq.)" and substituting "section 101(3) of title 37 of the United States Code".

(c) Amend section 637(a), which relates to administrative expenses, by striking out "1964" and "\$54,000,000" and substituting "1965" and "\$52,500,000", respectively.

CHAPTER 3—MISCELLANEOUS PROVISIONS

SEC. 303. Chapter 3 of part III of the Foreign Assistance Act of 1961, as amended, which relates to miscellaneous provisions, is amended by adding at the end thereof the following new section:

"SEC. 648. SPECIAL AUTHORIZATION FOR USE OF FOREIGN CURRENCIES.—Subject to the provisions of section 1415 of the Supplemental Appropriation Act, 1953, the President is authorized, as a demonstration of good will on the part of the people of the United States for the Polish and Italian people, to use foreign currencies accruing to the United States Government under this or any other Act, for assistance on such terms and conditions as he may specify, in the repair, rehabilitation improvement, and maintenance of cemeteries in Italy serving as the burial place of members of the armed forces of Poland who died in combat in Italy during World War II."

PART IV—AMENDMENTS TO OTHER LAWS

SEC. 401. The first section of the Act entitled "An Act to authorize participation by the United States in the Interparliamentary Union", approved June 28, 1935 (22 U.S.C. 276), is amended to read as follows:

"That an appropriation of \$50,000 annually is authorized, \$23,100 of which shall be for the annual contributions of the United States toward the maintenance of the Bureau of the Interparliamentary Union for the promotion of international arbitration; and \$26,900, or so much thereof as may be necessary, to assist in meeting the expenses of the American group of the Interparliamentary Union for each fiscal year for which an appropriation is made, such appropriation to be disbursed on vouchers to be approved by

the President and the executive secretary of the American group."

Mr. MORGAN (interrupting the reading of the bill). Mr. Chairman, I understand that there is only one more amendment to be offered.

Mr. Chairman, I ask unanimous consent that the bill be considered as read.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MORGAN. Mr. Chairman, I ask unanimous consent that all debate on the bill close in 15 minutes, the last 5 minutes to be divided between the minority and the majority.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMENDMENT OFFERED BY MR. FOREMAN

Mr. FOREMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FOREMAN: On page 10, immediately after line 9, insert the following:

"SEC. 304. Chapter 3 of part III of the Foreign Assistance Act of 1961, as amended, which relates to miscellaneous provisions, is further amended by adding at the end thereof the following new section:

"SEC. 649. LIMITATION ON AUTHORIZATIONS FOR ECONOMIC ASSISTANCE.—Notwithstanding any provision of this or any other Act, no provision of this Act authorizing appropriations to carry out any program of assistance under this Act (other than a provision contained in part II of this Act) shall become effective until the tax receipts of the United States Government for the preceding fiscal year were equal to or greater than the expenditures of the Government (other than for the retirement of indebtedness) for such fiscal year."

(Mr. FOREMAN asked and was given permission to revise and extend his remarks.)

Mr. FOREMAN. Mr. Chairman, this is a very simple amendment. It simply says that we will not continue to give our tax dollars away so irresponsibly as we have in so many parts of the world, until we have balanced our national budget.

Never before in the history of mankind has there been demonstrated such shortsighted generosity as our expensive, badly executed, unrealistic, uncontrolled, and uncontrollable foreign aid giveaway program. This is the only Federal aid program I know of that does not exert Federal control along with the granting of Federal funds.

American taxpayers have contributed more than \$124 billion, including the interest we have paid on the money we borrowed to give away, in foreign aid—about 1 out of every 17 tax dollars—to over 100 nations on the last 16 years.

Mr. ALGER. Mr. Chairman, will the gentleman yield?

Mr. FOREMAN. I am pleased, indeed, to yield to my good friend the distinguished gentleman from Texas, [Mr. ALGER].

Mr. ALGER. Is the gentleman suggesting that we not borrow money in order to give it away?

Mr. FOREMAN. That is exactly what I am suggesting.

Mr. ALGER. If the gentleman will yield further, is he suggesting that we balance the budget before we appropriate money to give away?

Mr. FOREMAN. Exactly. I say that before we continue this kind of foreign aid giveaway program, we should get our own house in order. We should balance our own domestic budget, and pay our own debts first.

Mr. ALGER. I appreciate and certainly agree with the gentleman's view but he has not a slightest chance of getting such a reasonable amendment accepted.

I thank the gentleman for yielding and commend him on his very positive, constructive approach to this very grave and perplexing problem.

Mr. FOREMAN. I would like to point out one very important aspect. This amendment leaves in part 2 of the bill, the military assistance portion of this act. It only cuts out the economic grant portions of aid as contained in this bill.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. FOREMAN. I would be delighted to yield to the distinguished gentleman from Iowa.

Mr. GROSS. I want to commend the gentleman for offering his amendment. I wish it went further and provided for payment on the national debt as well as a balanced budget.

Mr. FOREMAN. I thank the gentleman for his remarks, and I certainly agree with him, however, I believe he will agree this is about all we could expect to get at this setting.

Mr. Chairman, as I pointed out, this amendment leaves in part 2, the necessary and strategically important military assistance portion of the bill. Further, as pointed out in the report in the minority views, we can get along without this aid if need be, until the budget is balanced. We will have from 2 to 3 years, or perhaps even longer to balance our national budget, by continuing this program with the money that we already have in the foreign aid pipeline, as shown by tables in the report, country by country and program by program the unexpended balances of economic and military assistance in the foreign aid program financed with funds made available under the authority of the Foreign Assistance Act of 1961, as amended. At June 30, 1964, this pipeline of economic aid added to the military pipeline of \$2,087.7 million totals \$6,363 million. Add this sum to the \$3,517 million authorized by this bill and the total available for expenditure rises to \$9,880 million.

One of the ironies of this program is that the United States gives economic or military assistance to a number of countries which themselves are giving aid. It was brought out during the hearings that \$90 million in military assistance during fiscal year 1964 and \$55 million during fiscal year 1965 was programed to European countries and Japan having assistance programs of their own.

Military assistance to nations conduct-

ing substantial assistance programs include, but are not limited to, Belgium, Canada, Denmark, France, Germany, Italy, Japan, the Netherlands, Norway, Portugal, United Kingdom.

In addition, economic loans and technical assistance grants went to such countries as China, Mexico, and Israel that also carry out direct technical assistance activities with other countries.

Further, it was brought out that assistance activities by other countries had expanded to a considerable degree during the last decade. However, the financial terms on which it is given are considerably harder than our own. In 1962, U.S. loans to less developed countries carried an average maturity of about 30 years as compared to the 12-year repayment period for Italy and 17 years for Germany. Interest rates on aid loans of countries other than the United States have been high, averaging 5.1 percent, while the United States makes loans with no interest and only a service charge of three-fourths of 1 percent. Not only are the financial terms considerably harder than our own, but the assistance is tied to the procurement of project commodities and other products from the country granting aid.

In addition to the inefficiencies and wastes in the program, I direct special attention to the basic foreign policy inconsistencies which are clearly seen in this program.

The legislative history of the Foreign Aid Act and all the titles under which it has been operated indicate that the main argument advanced for this massive spending program has been to stop the spread of communism.

The same day our Foreign Affairs Committee approved this latest spending authorization, State Department officials were negotiating to provide trade subsidies for the Rumanian Communist Government with the implication that direct aid would be forthcoming under this act in the near future.

The granting of aid and favorable trade conditions to Communist nations is a self-defeating, tragic policy, completely contrary to the arguments advanced for it on behalf of this program.

For years the Communist rulers of Poland have been granted aid under this program and what have been the results? Polish authorities have loyally supported the policies of Moscow in Laos, cooperated with other Communist governments in subsidizing Castro and have played a major role in international Communist conspiracies. In addition, within their own country, instead of liberalizing or mellowing as the State Department claims, they have increased persecution of religion, intensified class warfare, and moved deliberately to subjugate peasants of the country to Communist agricultural bondage.

The massive aid poured into Yugoslavia has not produced any major results or freed the people of that country of harsh Communist rule. On all major international issues, the Tito Government stands with the Soviet Union and their fellow Communist tyrants. Communist Yugoslavia is especially involved in pro-

grams to infiltrate Africa with Red-trained personnel.

In turn, the people of Yugoslavia are subject to religious persecution, constant governmental control of communications media, and standard Communist interference with their attempts for personal economic advancement as under any Red dictatorship.

We have been unable to obtain the cooperation of our European allies to reduce their trade with Cuba in strategic materials. Not even our hemispheric neighbors will go along with us on the sanctions against Cuba necessary to protect their freedoms.

The political settlement in Laos has predictably worked to the advantage of the Communists. The \$330 million poured into that country has done nothing more than identify the United States with a losing battle.

After 10 years and \$370 million in aid, Cambodia has asked us to pick up our marbles and go home.

Indonesia with \$870 million of our money continues to threaten freedom-seeking Malaysia. On March 25, 1964, Sukarno announced: "To hell with U.S. aid." Yet, we continue to give him aid. In fiscal year 1965, \$10 million is planned for technical cooperation.

Our friends in Turkey and Greece are at each other's throat over Cyprus.

Are these the accomplishments of our aid? If so, the program needs to be drastically revised.

Had our aid been dispensed in a hard-nosed fashion in earlier years I believe the United States would not be faced with many of the international problems it faces today. If we had demanded, as a condition to receiving assistance, the social and economic reforms that were necessary to give people hope and assure proper utilization of the aid furnished—

Indonesia's economy might be viable instead of on the verge of bankruptcy; she would be a member in good standing with the free world forces against communism instead of its apt pupil; and Sukarno, kept in power with our aid, would long ago have departed from the international scene;

The popular base needed to sustain President Diem's government in South Vietnam would not have been dissipated and thereby encouraging another source of support for Communist insurgents;

President Rhee of Korea would have remained as the inspired leader of his people and the unstable situation would not be the problem it presently is;

Laos might be wholly free; and

Brazil would be realizing its great economic and leadership potential.

These are only a few of the benefits we could have derived from "hard decisions" instead of soft grants and loans.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. FOREMAN. I yield to my good friend the distinguished gentleman from Illinois.

Mr. FINDLEY. I want to commend the gentleman for offering this amendment. I think it would go a long way toward restoring a sound dollar as the first line of defense of this country.

Mr. FOREMAN. I thank the gentleman for his remarks and endorsement of this amendment, one which I might point out, that has been offered by the gentleman from Illinois [Mr. FINDLEY] several times in the past. Now, what improvement proposals do I offer concerning our foreign aid program?

We must initiate drastic reductions in foreign aid in all instances, except where technological and military assistance is necessary to the defense of the free world and is economically advantageous to the United States. We must initiate some tough-fisted management over it. We must use commonsense in our administration of it and curb its waste and mismanagement.

We can do this by restricting grants to the careful distribution of surplus farm products to friendly underdeveloped countries to feed the hungry, by providing needed medicines to the sick, and by providing technological assistance and instruction to those who show a willingness and desire to help themselves. Our money and equipment sent to countries needing help should be only to non-Communist countries, and this should not be grants, rather it should be in the form of sound, hard, reasonable interest-bearing loans, backed up with collateral, and to be repaid according to a specified, sensible, businesslike schedule.

Mr. Chairman, it is an unforgivable disgrace, indeed, for a country with a national debt greater than all the countries of the world combined, to continue to tax our people to give away our goods to try to buy friends among people who readily turn against us when the till goes empty and the chips are down. Any supporter of this wasteful throwaway program, who has one hungry child or one depressed business in his district, should hang his head in shame if he continues to vote funds that are to be so irresponsibly spent. How absurd, how foolish, how ignorant can we get when we throw our money away to our enemies?

Mr. ALGER. Mr. Chairman, will the gentleman yield?

Mr. FOREMAN. I yield to the gentleman from Texas.

Mr. ALGER. Will the gentleman support the bill if his amendment is adopted?

Mr. FOREMAN. If this means we would balance our national budget, I would certainly be inclined to support this bill.

Mr. ALGER. May I suggest to the gentleman that he take it up with the chairman of the committee? The chairman might consider his amendment.

Mr. FOREMAN. I would not be so naive as to believe that he would. However, my reason for offering this amendment, was to try to get the Members of this House to accept a responsible, effective alternate to the very sad, deteriorating economic situation that we are facing in this Nation today.

I would like to quote from a letter of the New Mexico Taxpayers' Association, as reprinted by my good friend Mr. Bill Hooten, editor of the El Paso Times Newspaper, El Paso, Tex., which I think further points out the ridiculousness of

borrowing money to give away in foreign aid:

Last year Congress legislated into law a denial of foreign aid funds to any nation whose ships supplied oil to Cuba. In the first 6 months of this year, four nations shipping oil to Cuba have received \$145 million in foreign aid.

The State Department without asking anyone's permission gave the U.N. \$217 million, part of which was used to pay the delinquent dues of Castro's Cuba.

All of us would agree on humanitarian grounds, that we should help a needy neighbor. But Christian charity does not decree that we should go in debt to see that he has an egg in his beer.

Dr. Howard Kershner reported a conversation in which the Prime Minister of Lebanon said that his little country had balanced its budget, had no debts, no deficit, no inflation, and had increased its gold holdings from \$20 to \$170 million. When he had finished, Dr. Kershner said, "Mr. Prime Minister, my country hasn't balanced its budget in 26 of the last 32 years. Our debt is greater than the combined debt of all the nations of the world. We're losing gold so fast that the very stability of our currency is in danger. We have chronic inflation. Do you think that under these circumstances we should continue to give your country millions of dollars each year?" And the Prime Minister said, "No, but if you're foolish enough to do it, we're going to keep on taking the money."

Poland has to take it—how else can she give \$13 million to Castro and \$15 million to North Vietnam so more American soldiers can be killed? For \$1 billion, Tito lets us have one American reading room in Belgrade. Less than half of Brazil's annual budget is covered by tax revenues—the difference is made up by the billions we have poured in and now we've handed them a half million more to make a survey to determine what uses they could find for additional funds.

Further, Mr. Chairman, I would like to include a very excellent editorial on this subject by my good friend, Mr. Olin Ashley, editor of the Odessa American, Odessa, Tex.:

FOREIGN AID

One of the most palpable instances of mass deceit perpetrated by politicians is found in the current claim that "foreign aid helps domestic industry."

Recently an article appeared which gained wide circulation in various news and feature media in which it was stated that "most foreign aid is now spent with U.S. firms." The theory is that money we send abroad is channeled back into America thereby stimulating business and encouraging boom conditions at home.

A precise analogy can be found if we imagine the following condition.

A man has a department store. To spur business, he stands outside the door and hands out money to people on the street encouraging them to enter his portals and buy generously. Even if we assume that a majority of the recipients of these unexpected dollars do as directed, in what way will the store owner benefit? Would he not be just as well off if he abandoned the money route, took his merchandise out onto the street and gave it away?

At the start of the transaction, he has both money and merchandise. At the end of his giveaway cycle, he has only some of the money and none of the merchandise. But it is said that he has prospered.

The bogus nature of the propaganda we are getting is even worse than this. For the fact is that only a relatively small percentage of the money we ship overseas comes home to roost. Rather, it is employed to in-

crease our competitors' competitive position in the creation of new factories and improved production techniques. So, in the end, we not only have subsidized the organization and implementation of foreign competition.

Following is a chart of American dollars and where they have gone. The sums listed are totals bestowed from 1945 through mid-1962:

France	\$9,438,000,000
Britain	8,713,200,000
Italy	5,755,800,000
Korea	5,433,600,000
West Germany	4,999,400,000
Nationalist China	4,428,300,000
India	3,952,000,000
Turkey	3,869,300,000
Japan	3,693,800,000
Greece	3,387,600,000
Netherlands	2,481,400,000
Vietnam	2,441,700,000
Belgium-Luxembourg	1,995,900,000
Yugoslavia	2,396,900,000
Brazil	1,952,700,000
Pakistan	1,889,600,000
Philippines	1,753,200,000
Spain	1,711,300,000
Indo-China Reg.	1,535,200,000
Iran	1,310,200,000
Austria	1,173,800,000
Norway	1,146,800,000
Denmark	905,600,000
Israel	877,700,000
Mexico	766,900,000
Thailand	753,900,000
Indonesia	670,900,000
Argentina	640,500,000
United Arab Republic (Egypt)	628,600,000
Poland	522,600,000
Portugal	488,700,000
Peru	470,700,000
Laos	461,000,000
Colombia	408,500,000
Morocco	352,000,000
Jordan	349,300,000
Tunisia	293,200,000
Venezuela	273,800,000
Bolivia	258,400,000
Afghanistan	219,600,000
Libya	191,700,000
Ethiopia	185,300,000
Guatemala	162,600,000
Ghana	156,500,000
Ireland	146,200,000
Ecuador	138,300,000
Liberia	131,500,000
West Berlin	131,000,000
Sweden	108,900,000
Haiti	100,800,000
Panama	100,800,000
Burma	95,400,000
Congo	94,600,000
Costa Rica	89,900,000
Lebanon	89,000,000
Uruguay	88,200,000
Ceylon	79,700,000
Syria	75,800,000
Iceland	70,200,000
Nicaragua	68,900,000
Iraq	67,700,000
Sudan	65,000,000
Paraguay	59,300,000
Cuba	52,100,000
Nepal	48,400,000
Saudi Arabia	46,600,000
Dominican Republic	45,500,000
Honduras	45,300,000
Nigeria	43,600,000
El Salvador	40,700,000
Rhodesia-Nyasaland	36,100,000
Indus Basin	33,800,000
Hong Kong	30,400,000
Cento	27,400,000
Somali	27,400,000
Malaya	23,200,000
Yemen	22,900,000
West Indies	22,500,000
Kenya	18,500,000
Tanganyika	16,600,000

Cyprus	\$16,900,000
Cameroon	15,600,000
Algeria	15,000,000
Guinea	14,300,000
Jamaica	8,800,000
Mali	6,100,000
Rwanda-Burundi	6,100,000
Togoland	5,800,000
Dahomey	5,200,000
Senegal	4,600,000
Ivory Coast	4,600,000
British Guiana	3,500,000
Sierra Leone	3,500,000
Surinam	3,400,000
Niger	3,200,000
Upper Volta	3,200,000
British Honduras	2,400,000
Seato	1,800,000
Mauritania	1,600,000
Malagasy	1,300,000
Gabon	500,000
Chad	400,000
Central African Republic	2,000
Zanzibar	100,000

The excuse given for all this foolishness takes two avenues:

1. It is good for American business to give away this money because most of it is returned to us. (Fact: less than 12 percent annually is returned.)

2. This process serves to prevent the spread of communism.

In 1945 communism, as a going concern, was largely limited to the Soviet Union and to slightly more than 200 million people. Today, thanks in part to our foreign aid program, communism is now the accepted economic system for nearly all the people of the world.

Perhaps we had best wake up to the realization that wealth sharing by compulsive means is the core of communism. Foreign aid doesn't stop communism—it is communism.

(Mr. FOREMAN asked and was given permission to revise and extend his remarks.)

Mr. HAYS. Mr. Chairman, I rise in opposition to the pending amendment.

First, I would like to point out the two gentlemen who seem to be talking most for this amendment, the two gentlemen from Texas, if I can read the news media right, also have a plan to abolish the income tax. I do not know exactly what that will do to the national debt, and I am sure they have not explained that, either, because it is very easy to be for a proposition without giving much of an explanation.

The second thing I would like to point out is this: In spite of what the gentleman says, this is not a simple amendment. I suppose what the amendment would do, if simply explained, is the amendment would kill the bill. I think it is made crystal clear if you want to kill the bill, vote for the amendment; but if you want to continue fighting communism you will defeat it.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Pennsylvania.

Mr. MORGAN. Although the gentleman exempts military assistance to Vietnam, he does eliminate supporting assistance to Vietnam and to other countries. I want to agree with the gentleman from Ohio that this amendment would absolutely kill the foreign aid bill; there is no question about that.

Mr. HAYS. Not only that, may I say to the gentleman, but it would give him

something else to criticize the administration for losing the war in Vietnam. This is pretty much having your cake and eating it, too.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from New Jersey.

Mr. GALLAGHER. Would it also cut off supporting assistance to Laos, Korea, Pakistan, and other countries on the periphery of the Communist threat?

Mr. HAYS. It would cut off all aid to all the countries. I cannot think of anything that the Communists would like to see more than this amendment becoming law.

Mr. FOREMAN. We do not have to use this bill to criticize the present administration for losing the war in Vietnam. Anybody who knows anything about the situation knows we are not on the winning side now.

Mr. HAYS. You would not have any more reason for criticizing the administration than you would for shoving the Vice President around in Dallas.

Mr. ALGER. Mr. Chairman, I demand the words be taken down.

The CHAIRMAN. The Clerk will report the words objected to.

Mr. HAYS. Mr. Chairman, to save time, I ask that my remarks be withdrawn.

Mr. ALGER. I object. I want them to be taken down. I want them to be read, and I expect to talk about them on a question of personal privilege.

Mr. HAYS. I hope you do that, and I will answer it.

The CHAIRMAN. The Clerk will report the words objected to.

The Clerk read as follows:

Mr. HAYS. You would not have any more reason for criticizing the administration than you would for shoving the Vice President around in Dallas.

The CHAIRMAN. The Committee will rise.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. RAINS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, certain words used in debate were objected to and on request were taken down and read at the Clerk's desk, and he herewith reported the same to the House.

The SPEAKER. The Clerk will report the words objected to in the Committee of the Whole House on the State of the Union.

The Clerk read as follows:

Mr. HAYS. You would not have any more reason for criticizing the administration than you would for shoving the Vice President around in Dallas.

The SPEAKER. The Chair is prepared to rule.

The Chair sees nothing objectionable or in violation of the rules of the House in the language used. It is a matter of opinion of the gentleman from Ohio. The Chair does not see that the remarks made by him constitute a violation of the rule.

The Committee will resume its sitting. Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 11380, with Mr. RAINS in the chair.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. FOREMAN].

The amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana [Mr. ADAIR], a member of the committee.

Mr. ADAIR. Mr. Chairman, I should like to advise the Committee of the contents of the proposed motion to recommit. First, it will include a reduction in the development loan fund. It will be the same provision offered earlier this afternoon which would have the effect of reducing by \$172,200,000 the authorization for this fund. This figure is computed from the appropriation request.

I would call the attention of Members to the fact that when this is read, some may have the impression that it is a reduction of \$750 million. This is not the case when measured, as I said, in terms of the appropriation request. It is a reduction of \$172.2 million from that. Added to that, Mr. Chairman, will be a proposed reduction in the contingency fund of \$50 million to make a total proposed reduction in dollars, if the motion to recommit is adopted, of \$222,200,000.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. MORGAN].

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman.

Mr. ROGERS of Florida. Mr. Chairman, progress has been made in the past 5 years in effecting reductions in the gift and grant features of the foreign aid program. I have received encouraging proof of this reduction in a letter from the Agency for International Development.

The letter states that requests by the executive branch for supporting assistance alone have gone from \$1.047 billion in fiscal year 1959, to \$405 million for fiscal year 1965. This represents a total reduction of \$642 million in Executive requests.

In addition, the letter states that the reduction in the number of countries for which such aid is programmed has also been reduced from 41 nations in fiscal year 1959, to 14 nations for fiscal year 1965. Thus there are 27 less countries in line for gift and grant aid now than there were 5 years ago.

The reason for this reduction may be found in an amendment to the foreign aid program which was adopted first in 1959, then again in 1961, when it was made a permanent part of the law as section 634(e). The amendment, which I sponsored, directed that a country-by-country study be made of those nations receiving bilateral grant economic assistance. The directive required that a

report be made to the Congress each fiscal year on ways which such assistance can be progressively reduced and eventually terminated. It marked the first positive expression of congressional intent that such plans be made.

Not only has supporting assistance been reduced, but requests for technical cooperation aid have also been diminished. In the 3 years since this portion of the foreign aid program has been subject to section 634(e) of the Foreign Assistance Act of 1961, some \$70 million have been reduced from requests, and there has been a reduction of eight countries receiving such aid.

The Agency for International Development is discharging its duties under section 634(e), and is wisely shifting its emphasis away from the giveaway aspects of the foreign aid program.

I include herewith the letter from the Deputy Administrator of the Agency for International Development:

DEPARTMENT OF STATE, AGENCY
FOR INTERNATIONAL DEVELOPMENT,
Washington, D.C., June 9, 1964.

Hon. PAUL G. ROGERS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ROGERS: I am pleased to respond to your inquiry regarding compliance with the Rogers amendment first added to the Mutual Security Act in 1959 and now part of the Foreign Assistance Act (sec. 634(e)).

This section, as you know, directs the executive branch, wherever practicable, progressively to reduce and eventually terminate bilateral grant economic assistance. This directive has been in effect with reference to supporting type assistance since fiscal year 1959, and with reference to technical cooperation type assistance since fiscal year 1962.

Attached are two charts showing the progress that has been made in complying with the Rogers amendment in these two appropriation categories.

With reference to supporting type assistance, the total request made by the executive branch has declined from \$1,047 million in fiscal year 1959 to \$405 million in fiscal year 1965—a reduction of \$642 million. The reduction in the number of countries for which such assistance is programmed has been from 41 in fiscal year 1959 to only 14 in fiscal year 1965—an overall reduction of 27 countries.

With reference to technical cooperation type assistance, the total reduction in the appropriation request from fiscal year 1962 to 1965 is \$70 million. The reduction in the number of countries has been 8—from 77 in fiscal year 1962 to 69 in fiscal year 1965. However, technical cooperation assistance is expected to be a continuing part of the aid program for some time to come and this type of activity is not readily susceptible to loan financing.

These figures show that there has been substantial compliance with the congressional directive contained in the Rogers amendment regarding the reduction in bilateral grant economic assistance.

I hope this information will be helpful to you and if there is any way we can be of further assistance, please do not hesitate to call.

Sincerely yours,

WILLIAM S. GAUD,
Deputy Administrator.

Supporting type assistance appropriation requests since application of the Rogers amendment (sec. 634(e))

	Appropriation request (millions)	Number of countries for which assistance programmed
Fiscal year 1959.....	\$1,047	41
Fiscal year 1960.....	1,106	42
Fiscal year 1961.....	992	34
Fiscal year 1962.....	610	42
Fiscal year 1963.....	481	22
Fiscal year 1964.....	435	19
Fiscal year 1965.....	1405	14

¹ Includes \$70,000,000 special additional request for South Vietnam.

NOTE.—Total reduction in request fiscal year 1959-65, \$642,000,000. Reduction in number of countries fiscal years 1959-65, 27.

Technical cooperation type assistance appropriation requests since application of the Rogers amendment (sec. 634(e))

	Appropriation request	(Of which Alliance for Progress)	Number of countries for which assistance programmed
	Millions	Millions	
Fiscal year 1962.....	\$380	—	77
Fiscal year 1963.....	435	(\$100)	80
Fiscal year 1964.....	357	(100)	79
Fiscal year 1965.....	310	(85)	69

NOTE.—Total reduction in request fiscal years 1962-65, \$70,000,000. Reduction in number of countries fiscal years 1962-65, 8.

Mr. MORGAN. Mr. Chairman, I want to use the 1½ minutes of time remaining to oppose the motion to recommit. As has been stated all along in the hearings and in the debate on the floor during these last 2 days, this is a barebones program. It is a bikini-size program. It is a preshrunk program. The President has already taken the fat out of this program. It is a program that is at the same level as was appropriated for last year plus the addition of \$125 million for Vietnam. The President needs every dollar of the \$3,517,000,000 and I hope the Members will consider this and vote against the motion to recommit.

(Mr. FEIGHAN asked and was given permission to revise and extend his remarks at this point.)

Mr. FEIGHAN. Mr. Chairman, over the years since 1947 I have voted in support of our foreign aid program. The record will confirm my support of this program. My action has always been voluntary, based upon my conviction that our national interest was served by helping our allies and friends to strengthen their national economies so that in due time they would be able to defend their national independence against the tyranny of communism. My vote in favor of this program has never been sought by interested parties nor has anyone ever attempted to influence my vote on this issue.

Now, in this 16th year of the program, I believe we can make a few reasonable conclusions. Among those conclusions, I include the following:

First. Our foreign aid program has served its intended purpose in Europe.

There we are happy to see an unprecedented era of economic prosperity. There is no unemployment there. In some countries of Europe there is an actual manpower shortage—more jobs than they have people to fill. All of the European countries have a favorable balance of payments which we, the donor nation, do not have.

Second. In Asia we are happy to see that Japan, Thailand, and Taiwan are prospering and enjoy a favorable balance of payments. These countries can now stand on their own economic feet. All are proud of their freedom and independence. All can be counted upon to defend their interests against those who would seek to relieve them of their freedom and independence.

Third. There remains the so-called underdeveloped nations of the world who now look to the United States for economic assistance. The nations of Latin America, many underdeveloped, are in a special category because they are part of the Western Hemisphere where the United States must assume the burdens of leadership and where, in the final resolve, our security interests are primary, if not overriding.

This leaves the newly emerging nations of southeast Asia and Africa. In those areas, with rare exceptions, we find despotic and dictatorial regimes in power who specialize in the game of courting Moscow as well as the United States. Their behavior reminds one of a feather merchant or middleman who seeks without conscience to play both ends against the middle.

Take Sukarno as an example. He has done very well in extracting in excess of a billion dollars from the Public Treasury of the United States. And how does he indicate the importance of our help to his country? He tells us he will throw us out, economically, unless he gets approval for his imperial plans in southeast Asia. In fact, he has warned that if we do not agree with his plans he will refuse to accept our assistance.

Take Nkruma as another example. We went all out to help Ghana, as a symbol of national independence in west Africa. And what is our reward? Nkruma today is closer to Moscow than he ever was. And as a special salute of gratitude he ordered his stooges to tear down the American flag which flew over our Embassy in Accra, Ghana. If that is not contempt for the United States it is certainly a signal of his allegiance to Moscow.

It is time we woke up. It is time we made a realistic evaluation of our foreign aid program on a country-by-country basis. The present foreign aid package deal method, under which Members are forced to vote for an undue amount of stupidity to accomplish some good, must be abolished or it will abolish the foreign aid program.

I present these basic questions as calling urgently for forthright answers.

First. Does our aid to neutralist countries, or more specifically neutralist dictators, enhance our position in the power struggle which grips the world today?

Second. Does our present foreign aid policy, stipulating no qualifications—

with no precise terms of reference—with regard to self-interest, encourage our prosperous allies in Europe to contribute to the overall concept of aid to underdeveloped countries?

Third. Does our present broad and overgeneralized aid concept discourage the otherwise ingenious and vigorous urge of private U.S. investments abroad?

In this connection, I suggest we must begin to look more at the needs of our own people here at home because there is a limit to the tax burden the American people can carry. Illustrative of my point, I include a recent letter which I wrote to the Postmaster General, following receipt of a resolution from the Cleveland AFL-CIO Federation of Labor. When we begin to curtail vital public services to our people as an economy move, while permitting the foreign aid program to carry on in a business-as-usual fashion, we are headed for serious trouble. My letter to the Postmaster General makes this issue crystal clear.

JUNE 5, 1964.

The Honorable JOHN A. GRONOUSKI,
Postmaster General, Post Office Department,
Washington, D.C.

DEAR MR. POSTMASTER GENERAL: The Cleveland AFL-CIO Federation of Labor, which represents 200,000 members, has unanimously adopted a resolution protesting the curtailment of postal service to the public, a copy of which is enclosed for your information.

I am sure you understand that the purpose of the resolution adopted by the Cleveland AFL-CIO Federation of Labor is to insure rapid, efficient, and continuous service to the public by the Post Office Department. They are equally concerned about the curtailment of Government employees involved and the obvious relationship this has to serving the public.

I join with the Cleveland AFL-CIO Federation of Labor in this protest and respectfully request that you take steps to rescind the orders which will bring about a curtailment of service by the Post Office Department in the Greater Cleveland area. In making this request, I take this opportunity to suggest that it is time our Government gave priority consideration to the needs of our own people here at home, only a part of which is the distressing and chronic unemployment problem, in preference to the large expenditure of taxpayers dollars in a wide variety of nonproductive and questionable foreign aid programs. I am keenly aware of the fact that there is a limit to the burden which the American taxpayers can carry, and the need to cut back drastically on all nonessential Federal expenditures. I am therefore convinced that the desired cutbacks in Federal expenditures can be accomplished without impairing in the slightest those vital public services which our people expect and are entitled to have.

I will appreciate hearing from you on this matter at your earliest convenience.

With all good wishes, I am,
Sincerely,

MICHAEL A. FEIGHAN.

RESOLUTION OPPOSING DECREASE IN POSTAL SERVICES

Whereas the Post Office Department is rendering a great disservice to the public and to its own employees by closing window services on Saturday and eliminating one full day of parcel post service each week; and

Whereas the fact that parcel post rates were increased 13 percent in April 1964 and service decreased more than 18 percent 1 month later is a severe blow to the patron, the employee, and the prestige of the service; and

Whereas this policy is a direct reversal of Post Office policy to give better service to the public; and

Whereas the purpose of closing window service and curtailing parcels is to reduce employment at a time when the Government is trying to reduce unemployment; and

Whereas the curtailment order is discriminatory in that it permits 6-day delivery in some areas but only 5-day delivery in the major and volume business areas, and

Whereas this order eliminates Saturday service for purchase of money orders, COD's, and postal savings; prevents trust fund deposits, box rentals, meter settings, and information services: Therefore be it

Resolved, That the Cleveland AFL-CIO Federation of Labor go on record to use all its efforts in supporting the 6,500 members of the Council of Postal Employees representing letter carriers, clerks, special delivery messengers, motor vehicle, mailhandlers, and maintenance workers, to have this order rescinded, and to send written protest to the Post Office Department, our four Congressmen, both Senators and any other necessary media.

Adopted: May 13, 1964.

Mr. RYAN of Michigan. Mr. Chairman, I wish to rise in full support of the measure which authorizes the President to use foreign counterpart currencies in the repair, rehabilitation, improvement, and maintenance of cemeteries in Italy serving as the burial place of members of the armed forces of Poland who died in combat in Italy during World War II.

These Polish soldiers, who fought side by side with our own American boys and with other allied troops, are being denied a decent final resting place on the land where they so willingly gave their lives.

The Italian Government is unable to provide the necessary funds. The present Polish Government has refused to maintain the burial places of the anti-Communist Polish forces who fought with the Allied Forces in World War II.

As a demonstration of good will on the part of the people of the United States for the Polish and Italian people, and out of respect for those men who fought with us for freedom's sake, I urge Congress, as the true representative of the people, to pass this measure.

Mr. MOORHEAD. Mr. Chairman, foreign aid is vital for our national security. And since our national security is involved, we must mobilize all of the resources of this country. Government assistance alone cannot do the job. America's assets are its wealth of private companies, business and professional associations, universities, cooperatives, labor unions, State, and local governments, farmers' organizations, charitable institutions, and voluntary service groups. Their capital and competence are especially important to social and economic assistance to the less-developed countries.

In fact, the entire foreign assistance program is a product of private effort. It takes about 600,000 farmers and workers to produce the industrial and agricultural products and equipment which are furnished each year under the aid program. About one-quarter of the technical assistance now provided is carried out by nongovernmental groups—universities, business firms, service organizations—on direct con-

tract from AID. The University of Pittsburgh in my district has three AID contracts totaling \$1,471,000 for training programs in Ecuador, Chile, and Nigeria.

American private investment is of course particularly important for stimulating the growth of the less-developed countries. In 1962, total new American long-term investment in companies and plants overseas totaled \$2.7 million—half again the total expenditures of economic aid under the Foreign Assistance Act. Most of this flow of investment went to the developed countries rather than to the less-developed countries, but it shows the possibilities for investment if adequate incentives and encouragement are given.

Investment by private companies not only supplies necessary capital but it also brings with it technical skills, managerial talents, and administrative organization. In many developing countries these are even more of a bottleneck than shortage of capital. Although much is now being done by AID in the private field, further studies should be made to determine how the present program can be strengthened and supplemented to make sure that private investment makes the maximum contribution. I was, therefore, pleased to see that in accordance with the Senate amendment of last year, an Advisory Committee on Private Enterprise in Foreign Aid has been appointed by the Administrator. This Committee will make recommendations this year for achieving the most effective utilization of the private enterprise provisions of the Foreign Assistance Act.

The main new legislative actions requested by the President for fiscal year 1965 are in accordance with the new emphasis upon the private community: the investment tax credit, increased funds for investment surveys, and increases in extended risk guaranty authority and Latin American housing guarantee authority. Further legislation may well be recommended next year as a result of the report of the Advisory Committee.

Potentially one of the most powerful devices for mobilizing private resources for development is the proposed tax credit legislation, called the Less-Developed Country Investment Credit Act, which was designed to encourage a greater flow of U.S. private capital to developing countries. It provides for a U.S. investor to receive a tax credit, against his total tax liability, equal to 30 percent of his investment in developing countries. It also authorizes a credit on reinvested earnings in excess of 50 percent of total earnings if they remain at work in the developing country. This tax credit leaves the investment decision freely to the private investor, but it should tip the balance in many cases in favor of a decision to invest in one of the less-developed countries.

One of the important problems in mobilizing private enterprise for development is how to make businessmen aware of the opportunities that do exist and of how to encourage them to give serious consideration to such opportunities.

A Businessmen's Information Center has been established within AID to help businessmen learn where and how they can participate in AID private enterprise programs. The Center will provide information and guidance to American businessmen on those functions of the agency which affect business and whom to contact on each of them. AID is also compiling a list of investment opportunities which have been studied by numerous public and private organizations such as international banks, foreign governments, U.S. and foreign corporations, universities, and foundations, for use by the investing public.

Authorization of \$2.1 million for the investment survey program has been requested by the President because the program has expanded rapidly in the past year. Under this program AID can agree to pay up to half of the cost of investment surveys undertaken by prospective investors. If the survey results in an actual investment project, the investor pays the full cost of the survey. The modest AID costs under the program give promise of opening the way to millions of dollars of investment. In 1963, AID participated in the financing of 60 surveys by companies wishing to explore new investment opportunities in less-developed areas—a significant jump from the five surveys authorized in 1962.

The leverage of this program is so high that even a relatively small proportion of successes would produce an impressive increase in investment—much of which might not have taken place without this encouragement.

To overcome the higher risks which act as a major barrier to U.S. investment in developing areas, the President has asked for expanded guarantee authority.

A crying need in developing countries is for boldness in pursuing investment opportunities entailing considerable risk, beyond those that can be insured against through the specific risk guarantee programs. Authority to grant extended risk guarantee coverage on commercial risks to U.S. investors is granted in the authorizing statute. The act now authorizes up to \$180 million for assuring against loss of any loan investment for housing projects, or against loss of not to exceed 75 percent of any other investment. I understand that the first contract granting such coverage was signed with a group of U.S. companies to cover an \$8 million additional investment in a petrochemical complex in Argentina. Rapid expansion is now anticipated by AID, with amounts under this guarantee expected to rise to \$50 million in fiscal year 1964 and to \$140 million in fiscal year 1965. To allow this expected expansion, the President has asked that we increase the authorized guarantee issuing authority by \$120 million, bringing the total to \$300 million.

As is well known, the housing shortage in Latin America is incredible. Without even the barest minimum of a place to live, it is hardly surprising that unrest, strife, and despair cover the continent. The Latin American housing guarantee program is a start toward providing a measure of social justice in this hemisphere. In 1963, AID approved

eight investment guarantees for self-liquidating demonstration housing projects in Latin America; in addition, two projects were guaranteed in 1962. These 10 projects in Peru, Chile, El Salvador, Honduras, Mexico, and Panama will produce approximately 13,000 housing units, representing a total investment guarantee commitment of almost \$55 million. More than 5,500 homes are already under construction, and 100 of the first 400 houses to be built and financed under this Alliance for Progress housing guarantee were formally dedicated and delivered in Lima, Peru, on January 18, 1964.

The President has asked us to raise the authorized guarantee issuing authority by \$100 million to a total of \$250 million. This will accommodate the continued rise in demand for these guarantees. Close to \$190 million is expected to be in force by the end of fiscal year 1965.

The introduction of low downpayment, long-term mortgage financing in Latin America—aided by the U.S. guarantee—is broadening the possibilities for private home ownership and serves as a demonstration to local builders and financial institutions.

The oldest AID program to assist the U.S. investor is the specific risk guarantee program, covering convertibility, expropriation, or war risk. From the inception of the program through December 1963, 778 guarantee contracts worth \$1.4 billion had been written for specific political risks. Of this amount, \$1.1 billion was still outstanding. Outstanding guarantees have doubled again over the last 2 years.

In 1963, Congress increased guarantee issuing authority by \$1 billion to a total of \$2.5 billion. This authority is sufficient to meet the needs for the coming fiscal year.

The President's proposal for an Executive Service Corps will help to mobilize the technical and managerial skills of American business for development. There are many Americans with high skills and long experience in business who would welcome the challenge and opportunity to put their know-how to work directly to help the growth of free enterprise in developing countries. At the same time, a major limiting factor in the growth of private enterprise in most of these developing countries is the great shortage of managerial and technical manpower.

The Executive Service Corps should bring together the needs of the developing countries and the available skills in the United States. But I also applaud the President's view that the Executive Service Corps should be operated entirely by a business organization, working with similar local groups in developing countries.

The proposed new Executive Service Corps should emphasize placing people directly in private enterprises and in actual operating jobs overseas rather than purely advisory functions. Those going abroad should go as individual volunteers and not as U.S. Government representatives in any formal sense, though we hope that through their deeds they may become effective ambassadors for

development through private enterprise. This has been the key to success of the Peace Corps—and is a noble example for older citizens.

This program offers an opportunity to mobilize business know-how and skilled manpower—which is one of the greatest strengths of our system—to meet the challenge of world development. It also offers the opportunity for Americans to practice what they preach and to show by example why we as a nation believe so strongly that a free enterprise system is the most effective way to achieve both prosperity and true freedom.

I congratulate the administration for the progress being made toward greater participation in the aid program by private enterprise and private organizations.

Mr. PEPPER. Mr. Chairman, I have been pleased to hear the statement of my colleagues from Florida [Mr. FASCELL and Mr. ROGERS] as to the good results obtained by the amendment offered by them when the foreign aid authorization bill was up last year to deny foreign aid to nations which carry on trade with Cuba, an amendment with which I associated myself at the time of its adoption and which I still strongly favor.

All of us agree, I think, however, that we should go further toward restricting trade with Cuba by other nations of the world so as to expedite the restoration of that "jewel of the Caribbean" to the status of a free and independent nation.

I have a bill pending, H.R. 8464, which I think will go far toward the accomplishment of that purpose. My bill would prohibit any ship which goes into a Cuban port while Castro or communism dominates Cuba, from thereafter coming into an American port. It would prohibit any owner of any ship which has been directed into a Cuban port while Castro or communism dominates Cuba, from sending any other ship owned by such owner into an American port. It would also prohibit any ship captain who has taken any ship into a Cuban port while Castro or communism dominates Cuba, from bringing any ship into an American port.

This bill would so reduce the value of any ship which takes commerce into a Cuban port while Castro or communism dominates Cuba, that any such ship owner would not wish to stand such loss; and it would so penalize a ship captain who takes a ship into Cuba while so dominated as to make most, if not all captains in the free world unwilling to perform such service.

I am hoping to have hearings at an early date upon this bill and I commend it to the consideration of the able chairman and the members of the committee as well as to my colleagues.

Mr. ROUSH. Mr. Chairman, the votes we cast on the various bills which come before the House of Representatives are not always easy votes to cast. The reason for this is, of course, that there is some good in much of the legislation we consider and there is also some bad in much of the legislation. This is especially so with the foreign aid authorization bill of 1964.

I commend the administration for its insistence that the foreign aid program

be "cut to bone." This bill now carries the lowest price tag it has had for many years. Yet, despite this, I have, as in the past, misgivings. It is still a program which operates beyond the restraints which Congress imposes on domestic programs. We impose every kind of restraint and control over every domestic program we have with the view of keeping them under congressional control.

In the foreign aid program, we cut the reins with the pretense it must be done to give more flexibility to meet fluid situations. To me this does not make sense.

I also believe there is much to the argument that much of the program is not providing the basic help which will lead a nation to that place where it becomes economically self-supporting but, rather, causes these developing nations to become dependent both in attitude and response. It is my considered opinion that no part of the funds should be used unless those funds are designed to cause the recipient nations to become self-sufficient. No aid should be given to any country which is not politically stable and which, both by promise and action, shows that it is capable of providing sound and stable government for its people. The combining of both military and economic aid in this one bill is not sound. I doubt very much if the bill would pass if it contained only economic aid.

Mr. Chairman, much more could be said. My vote shall be "no." My hope will be that we will eventually get this program in line with good judgment, sound planning, and purposeful goals.

Mr. BRADEMAS. Mr. Chairman, I should like to speak briefly about our foreign assistance efforts in the field that I know best, education. Too few Americans are aware of the good work that American educators are doing overseas in helping the developing countries improve their educational systems. We hear much too much of failures, and much too little of the success of our efforts. It is all too rare that we hear of the classrooms that have been built, the textbooks that have been provided, the improvements made in the university, or the help given in planning for better use of that most precious national resource—the young men and women of a nation. Our efforts in the field of education are beginning to pay off. In this field, foreign aid has made a difference.

The importance of the skills and discipline of a people to its own national development can hardly be overemphasized. Our country was built by pioneers whose first act was to build schools and churches; the factories, the dams, the industrial development came later. And so it must be in the developing societies.

It does little good to plan for industrial expansion in a country where too few people can read or write. Development plans put together by foreign experts collapse for lack of trained manpower. Without an educated people, the plans for tax reform, for economic expansion, for agricultural development have little chance of success. Our best economists have recognized this fact for they argue that the educational system

of a country is as basic to its growth as are its roads, dams, and factories. In my own travels in Latin America, I have heard—as have many of you—that the biggest, most serious shortage is trained manpower.

What is AID doing to meet this challenge? A great deal. Today I want to confine my remarks to four major areas: Textbooks and materials, school construction, teacher training, and assistance to the universities. The projects that AID has underway in these critical areas symbolize to me what can be done when American educators put their shoulders to the wheel.

First, textbooks and materials: We take books for granted in our own country. But in countries such as Colombia, Nigeria, and Pakistan, millions of youngsters go to schools that are without books. The shortage is immense. But foreign aid can make a difference. And it is making a difference. Americans are a generous people, and we are all familiar with book drives for old, discarded U.S. books, including textbooks. Unhappily, many donated books are not usable. A first grade reader used in the Indian schools is not really relevant to the needs of a 6-year-old youngster in Costa Rica. He needs a reader in Spanish, with illustrations drawn from his country, his culture.

In Central America, AID has organized a regional textbook center. First and second grade readers are being written, printed, and distributed to youngsters in the five Central American countries. Thus, for the first time in history, every youngster in Central America will soon have a first grade reader. This is a magnificent achievement; if anything will pay off, surely this will.

In the Philippines, AID is helping relieve a critical textbook shortage in the nation's school system by financing paper imports and technical services to print 25 million textbooks by 1965.

Second, school construction: Not only books but classrooms are in extremely short supply in many parts of Africa, Asia, and Latin America. Obviously, we cannot build schools everywhere for everyone, nor is this being attempted. But in select countries help is being given for school construction. American advisers assist in the design of classrooms that can serve as prototypes in school construction programs. Here our most important contribution has been the self-help principle. The best schools are those which the local community itself helps build. In such self-help school projects the community provides the labor; AID and the host government provide technical help and construction materials.

To the extent that the self-help principle catches fire in Latin America, it promises a revolution in Latin American education within a generation. Money alone, whether our money or the host country's money, will not do the job. The people themselves, whether in the African bush, the Guatemalan highlands, or the plains of India, must want schools for their children, and want them badly enough to work with their own hands to help build them.

In Liberia, there is a rural school built by the women of a remote village. The mud and cement were carried in buckets on the heads of the women, for there are no beasts of burden in this country. It took 12,000 miles of walking and carrying by the women of the village. But the school was built and the village will never be the same. The AID educator who guided the project made a difference.

Third, teacher training: Classrooms mean little unless there are teachers—and good teachers. The shortage of teachers is the most crippling of all manpower shortages, for unless youngsters learn to read and write, to develop their curiosity, they will never have the opportunity to decide whether to become lawyers or engineers or architects or accountants. And as in the case of books and classrooms, the problem cannot be solved by importing foreign teachers. Nor can it be solved, in my judgment, by opening up the doors of our colleges and universities to all who would come here from Africa and Asia and Latin America. In the long run, each nation must educate its own. And this means that the developing countries must prepare their own teachers.

AID's distinctive contribution, it seems to me, is to help set up the teacher training programs so desperately needed. And this AID is doing. We cannot wait to expand formal training programs. In Nigeria, in Central America, and elsewhere, AID has helped the Ministry of Education develop short courses for intensive summer study. We have done whatever has to be done, whether in providing home-study programs, in improving curriculums, in adding to the libraries in the universities.

Much of AID's efforts are sharply focused, as indeed they should be, on teacher training. This is fundamental. All other assistance, whether for books or equipment or for advisory services, will go for nothing unless ways can be found to increase the supply and upgrade the quality of the teaching profession.

Fourth, assistance to universities: Universities are the capstone of any nation's education system. Not only do they produce the engineers and the administrators necessary to manage a modern economy but they also produce the leaders who guide the destinies of the nation. Few of the universities in the developing societies are equipped to perform their job adequately. They have neither the teachers, the libraries, the traditions, nor the managerial know-how to operate modern universities.

I have visited several universities in Latin America. They need help, and they are eager to accept help. As a result of the foreign assistance program, about 70 U.S. universities are extending help, chiefly to their counterparts overseas—to schools of medicine and veterinary medicine, in agriculture, in business and public administration, and in education.

In modernizing the universities, we help modernize the society itself. For no country can hope to feed and provide for its people, let alone compete in world markets, unless it equips itself with mod-

ern science and technology. And it is the universities which hold the key to science and technology.

I am convinced that in Latin America, for example, helping the universities is the most tangible way of impressing the restless and radical youth of these societies that we are genuinely interested in their future. The American professor who teaches chemistry in the University of Honduras, and the specialist on audiovisual materials in São Paulo, Brazil, are visible symbols of our competence and our concern.

These are but a few examples of the approaches that have most impressed me: Assistance in textbooks, school construction, teacher training, and the upgrading of universities.

There have been great successes; and there have been failures too. In education as in other fields not everything that we have attempted has succeeded. We have learned that assistance in education must be highly selective. Indiscriminate help is in some ways worse than no help at all, for it may generate unrealistic aspirations and lead to disappointment. Assistance to education must be tailored to a country's needs. Textbooks may be the top priority in one country, and a much lower priority in another country. The secondary school is the bottleneck in many countries. In these cases it makes more sense to expand the secondary school than to assist the universities.

Our aid will be effective if the very best minds in the U.S. academic community are brought to bear on this problem. We need to have more of our colleges and universities involved. Some may see this as a drain on our own academic resources at a time when our own rapidly expanding school population needs the guidance of our best minds. But knowledge is unique among the world's riches; it can be shared without loss to the donor. We are the richer, not the poorer, when we help the University of El Salvador improve its medical school, when teachers from San Francisco State College help the Liberians design a new educational system, when agricultural teachers from our great land-grant universities introduce Brazilians and Indians and Pakistanis to the disciplines and technologies that underlie modern agriculture.

The next generation of American students will be better served by teachers who have lived and worked overseas, and have added new dimensions to their understanding. It is not, in truth, a smaller world but rather a larger, more complicated, more confusing world that is emerging. And our own universities must shape their programs in the light of new knowledge about the peoples of the world. Indeed, this is the principal thrust of an excellent report that I commend to my colleagues—the report of AID-university relations prepared by Mr. John Gardner of the Carnegie Corp. of New York.

We can be proud of the AID programs in the field of education, for they have made a difference. At present over 7,000 men and women from the developing countries are studying in the United

States, largely in our colleges and universities, under AID auspices. In studying economics and agriculture, medicine and nursing, and other subjects, they are preparing themselves to become leaders in their own societies. I can imagine no better investment in the future. Many hundreds of American teachers are at work for AID, in ministries of education, in textbook centers, in universities, in vocational schools. We are giving generously of our skills, our competence, our specialized knowledge. We are, in short, helping build the schools and colleges without which no nation can possibly enter into the economic life of this century. In last analysis it is not simply American know-how that we export. Rather it is the American faith in education—as a liberating agent for the individual, as the guardian of a nation's freedoms, and as the only lasting key to a strong economy and a secure society.

Mr. Chairman, I include at this point in the RECORD some facts and figures concerning the impact of the U.S. AID program in the field of education in several major areas of the world:

AFRICA

Total program, \$82,900,000.

Educational component, \$24,526,000.

Educational programs have a high AID priority in Africa because of the magnitude of the need for education. Education is regarded as a highly profitable short-term as well as long-term economic investment.

The dimensions of Africa's educational needs are demonstrated dramatically by these 1961 statistics:

African enrollment south of the Sahara—percent of school population

Current African enrollment:

Primary	9.4
Secondary	5.9
Higher	.09

World average (current):

Primary	76.0
Secondary	21.0
Higher	3.0

United States:

Primary	93.8
Secondary	81.3
Higher	26.7

The AID program varies with the widely ranging needs and stages of development of African countries. The program may be characterized by the following four significant and successful educational projects in Africa:

1. Secondary education: A cooperative undertaking with the United Kingdom in the three east African countries that has made possible rapid and effective expansion of critically needed secondary education opportunities.

2. Teacher education: The expansion and improvement of teacher education in the western region of Nigeria through the services of a contract team of 15 people from Ohio University. This team advises the Ministry of Education and the several teacher training institutions in the region.

3. Higher education: The impressive emergence of Africa's first land-grant college in the form of the University of Nigeria. In 4 years the university has grown from 220 students to 1,800, has produced its first 150 graduates, and has pioneered in developing a program suited to the Nigerian needs in modern times. Nearly half its faculty is now Nigerian, a percentage of indigenous staff not matched by any other university south of the Sahara.

4. Vocational education: A project in Ethiopia which was conducted completely by direct-hire technicians, was carried through to completion as planned, and has continued to operate effectively under host country direction and financing in the years since the complete phaseout of U.S. assistance.

NESA

Total technical assistance program, \$56,-100,000.

Education component, \$10,770,000.
(Supporting assistance, \$150,000.)

The NESA education program varies from country to country, depending on needs and varying stages of development. The majority are in the secondary and higher level.

1. Vocational education, Turkey:

Adult Education: AID will continue to help the Turkish Government improve and expand its literacy and adult education program launched by the Armed Forces in 1959, which in 1963 saw 127,000 civilian adults attending basic literacy and vocational classes.

Vocational education: AID will continue to help the Ministry of Education improve various programs in vocational education. The final phase of AID support will be aimed at upgrading industrial and vocational education facilities of the new vocational demonstration organization at Narmac, a suburb of Tehran.

2. Teacher education, India: AID is supporting a series of summer inservice science and mathematics teacher training Institutes aimed at introducing new methods of teaching to Indian professors and secondary school advisors and teachers. AID is financing the participation of 32 American science and mathematics secondary school teachers and 16 American University professors to help run this program.

3. Higher education, India: AID is helping finance an Institute of Technology at Kanpur under a contract with a consortium of nine universities known as Educational Services, Inc. Fiscal year 1965 funds will provide an additional year of funds for the consortium for 25 professors, 10 laboratory research assistants and others and the purchase of about \$6 million of equipment and books by the summer of 1966.

FAR EAST

Total technical assistance program, \$48,-700,000.

Educational component, \$5,548,000.

This program is balanced among elementary, secondary and higher education needs depending on national stages of development which range from Laos at the beginning, to Taiwan, which has attained a high degree of development and where the AID program is being phased out.

Elementary, Vietnam: AID is assisting in building of elementary schools or classrooms in 16,000 villages; the training of teachers for these schools and the writing and publishing of textbooks for the schools.

Secondary education (vocational), Korea: AID is continuing to support what is becoming a \$4 million project for improving and expanding vocational training to help provide an adequate supply of well-trained workers for Korea's industrial and agricultural development.

Higher education: In a multilateral project under SEATO, USAID is working with the British, French, and Australians to support a graduate school of engineering at Bangkok under contract with Colorado State University. The program will produce high-level graduates geared to the industrial needs of southeast Asia.

LATIN AMERICA

Total technical assistance program, \$79,-400,000.

Educational component, \$16,959,000.

The Latin American program continues to move away from the concept of vocational training alone to meet the broader educational needs of the area as defined by Latin Americans.

Examples:

1. Educational planning: support of the Economic Development Institute at Santiago. University contract support of planning in Peru, Ecuador, and Colombia.

2. Improvement in the quality and form in higher education: Peru, three university consortium; Brazil, land-grant college.

3. The development of middle level manpower to meet the region's growing agricultural and industrial needs.

LOANS

Loan activities tied to quality improvement of higher education: CSUCA, improvement of faculty, etc.

WORDS TAKEN DOWN

(Mr. ALGER (at the request of Mr. MARTIN of Nebraska) was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ALGER. Mr. Chairman, today, during debate on H.R. 11380 in a colloquy between the gentleman from Ohio [Mr. HAYS] and the gentleman from Texas [Mr. FOREMAN], I demanded that the gentleman from Ohio's words be taken down. I did this because the gentleman from Ohio said to the gentleman from Texas [Mr. FOREMAN]:

You have no more right to criticize the administration than your colleague had to shove the Vice President around in Dallas.

As the reporter took the words down the words "your colleague" were omitted. Obviously, the meaning is quite different, since the reference to "colleague" referred to me.

In either case, the gentleman from Ohio is entirely out of order by such a statement whether it refers to either gentleman from Texas, and has no place in debate on the floor of the House. The gentleman from Ohio should inform himself of the facts before he accuses others of shoving people around.

The CHAIRMAN. All time has expired.

Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. RAINS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, pursuant to House Resolution 742, he reported the bill back to the House with sundry amendments adopted in Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

If not, the Chair will put them en gros.

The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. ADAIR. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. ADAIR. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. ADAIR moves to recommit the bill (H.R. 11380) to the Committee on Foreign Affairs with instructions to report the same to the House forthwith with the following amendments:

On page 1, immediately after line 6, insert the following:

"TITLE I—DEVELOPMENT LOAN FUND

"SEC. 101. Section 202(a), which relates to authorization, is amended by striking out 'and \$1,500,000,000 for each of the next two succeeding fiscal years' and inserting in lieu thereof '\$750,000,000 for fiscal year 1965, and \$1,500,000,000 for fiscal year 1966'."

On page 5, line 1, strike out "\$15,000,000" and insert in lieu thereof "\$100,000,000".

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

Mr. ADAIR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 193, nays 211, not voting 27, as follows:

[Roll No. 152]

YEAS—193

Abbott	Fulton, Pa.	Nelsen
Abele	Fuqua	Norblad
Abernethy	Gathings	O'Konski
Adair	Glenn	Ostertag
Alger	Goodell	Passman
Anderson	Goodling	Pelly
Andrews, Ala.	Grant	Pirnie
Andrews,	Griffin	Poff
N. Dak.	Gross	Pool
Arends	Grover	Quie
Ashbrook	Gubser	Quillen
Auchincloss	Gurney	Reid, Ill.
Avery	Hagan, Ga.	Reifel
Baker	Haley	Rhodes, Ariz.
Baring	Hall	Rich
Bates	Halleck	Riehlman
Battin	Harrison	Rivers, S.C.
Becker	Harsha	Rogers, Fla.
Beermann	Harvey, Ind.	Roudebush
Belcher	Harvey, Mich.	Roush
Bell	Henderson	Rumsfeld
Bennett, Fla.	Herlong	St. George
Bennett, Mich.	Hoeven	Saylor
Berry	Hosmer	Schadeberg
Betts	Huddleston	Schenck
Bonner	Hull	Schneebell
Bow	Hutchinson	Schweiker
Bray	Ichord	Scott
Brock	Jarman	Selden
Bromwell	Jennings	Short
Brotzman	Jensen	Shriver
Brown, Ohio	Johansen	Sibal
Broyhill, N.C.	Johnson, Pa.	Sikes
Broyhill, Va.	Jonas	Siler
Burleson	Jones, Mo.	Skubitz
Burton, Utah	Keith	Smith, Calif.
Byrnes, Wis.	Kilburn	Smith, Va.
Casey	King, N.Y.	Snyder
Cederberg	Knox	Springer
Chamberlain	Kornegay	Stafford
Chenoweth	Kunkel	Stinson
Clancy	Kyl	Taft
Clausen,	Laird	Talcott
Don H.	Langen	Teague, Calif.
Clawson, Del.	Latta	Thomson, Wis.
Cleveland	Lennon	Tollefson
Collier	Lipscomb	Tuck
Colmer	McClary	Utt
Corbett	McCulloch	Van Pelt
Cramer	McDade	Waggonner
Cunningham	McLoskey	Watson
Curtin	McMillan	Weaver
Curtis	MacGregor	Weltner
Dague	Marsh	Westland
Derounian	Martin, Calif.	Whalley
Derwinski	Martin, Nebr.	Wharton
Devine	May	Whitener
Dole	Meador	Whitten
Ellsworth	Michel	Williams
Feighan	Miller, N.Y.	Willis
Findley	Milliken	Wilson, Bob
Fino	Minshall	Wilson, Ind.
Fisher	Moore	Wyder
Ford	Morton	Wyman
Foreman	Mosher	Younger

NAYS—211

Addabbo
Albert
Ashley
Aspinall
Ayres
Baldwin
Barrett
Barry
Beckworth
Blatnik
Boggs
Boland
Bolton
Frances P.
Brademas
Brooks
Broomfield
Brown, Calif.
Burke
Burkhalter
Burton, Calif.
Byrne, Pa.
Cahill
Cameron
Carey
Celler
Chelf
Clark
Cohelan
Conte
Cooley
Corman
Daddario
Daniels
Davis, Ga.
Davis, Tenn.
Dawson
Delaney
Dent
Denton
Diggs
Dingell
Donohue
Downing
Dulski
Duncan
Dwyer
Edmondson
Edwards
Elliott
Everett
Evins
Fallon
Farbstein
Fascell
Finnegan
Flood
Flynt
Fogarty
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Tenn.
Gallagher
Garmatz
Gary
Gibbons
Gilbert
Gill
Gonzalez

Grabowski
Gray
Green, Oreg.
Green, Pa.
Griffiths
Hagen, Calif.
Halpern
Hanna
Hansen
Harding
Hardy
Harris
Hawkins
Hays
Healey
Hébert
Hechler
Hollfield
Holland
Horton
Joelson
Johnson, Calif.
Johnson, Wis.
Karsten
Kastemeler
Kelly
Keogh
Kilgore
King, Calif.
Kirwan
Kluczynski
Landrum
Lankford
Leggett
Lesinski
Libonati
Lindsay
Long, La.
Long, Md.
McDowell
McFall
Macdonald
Madden
Mahon
Mailliard
Mathias
Matsunaga
Matthews
Miller, Calif.
Mills
Minish
Monagan
Montoya
Moorhead
Morgan
Morris
Morrison
Morse
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
Olsen, Mont.
Olson, Minn.

O'Neill
Osmers
Patman
Patten
Pepper
Perkins
Philbin
Pickle
Pike
Pilcher
Poage
Price
Pucinski
Purcell
Rains
Randall
Reid, N.Y.
Reuss
Rhodes, Pa.
Rivers, Alaska
Roberts, Tex.
Robison
Rodino
Rogers, Colo.
Rogers, Tex.
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roybal
Ryan, Mich.
Ryan, N.Y.
St Germain
St. Onge
Schwengel
Secrest
Sennar
Sickles
Sisk
Slack
Smith, Iowa
Staebler
Staggers
Steed
Stephens
Stratton
Stubblefield
Sullivan
Teague, Tex.
Thomas
Thompson, N.J.
Thompson, Tex.
Trimble
Tupper
Tuten
Udall
Ullman
Van Deerlin
Vanik
Vinson
Wallhauser
Watts
White
Wickersham
Widnall
Wilson
Charles H.
Wright
Young
Zablocki

NOT VOTING—27

Ashmore
Bass
Bolling
Bolton
Oliver P.
Bruce
Buckley
Dorn
Dowdy
Forrester

Glaimo
Hoffman
Horan
Jones, Ala.
Kee
Lloyd
McIntire
Martin, Mass.
Murray
Pillion

Powell
Roberts, Ala.
Sheppard
Shipley
Thompson, La.
Toll
Winstead

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Taylor for, with Mr. Sheppard against.
Mr. Thompson of Louisiana for, with Mr. Toll against.

Mr. Shipley for, with Mr. Jones of Alabama against.

Mr. Dowdy for, with Mr. Buckley against.
Mr. Dorn for, with Mr. Glaimo against.

Mr. Lloyd for, with Mr. Powell against.
Mr. Horan for, with Mrs. Kee against.

Until further notice:

Mr. Ashmore with Mr. Hoffman.

Mr. Winstead with Mr. Bruce.

Mr. Roberts of Alabama with Mr. Pillion.

Mr. Bass with Mr. Martin of Massachusetts.

Mr. Forrester with Mr. McIntire.

Mrs. GRIFFITHS and Mr. BARRETT changed their vote from "yea" to "nay."

Mr. WILLIS changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. ADAIR. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 230, nays 175, not voting 26, as follows:

[Roll No. 153]

YEAS—230

Addabbo
Albert
Arends
Ashley
Aspinall
Auchincloss
Ayres
Baldwin
Barrett
Barry
Bates
Beckworth
Bell
Blatnik
Boggs
Boland
Bolton
Frances P.
Brademas
Brooks
Broomfield
Brown, Calif.
Burke
Burkhalter
Burton, Calif.
Byrne, Pa.
Byrnes, Wis.
Cahill
Cameron
Carey
Celler
Clark
Cleveland
Cohelan
Conte
Cooley
Corbett
Corman
Daddario
Daniels
Davis, Tenn.
Dawson
Delaney
Dent
Denton
Diggs
Dingell
Donohue
Downing
Dulski
Duncan
Dwyer
Edmondson
Edwards
Elliott
Everett
Evins
Fallon
Farbstein
Fascell
Feighan
Finnegan
Fino
Flood
Fogarty
Ford
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Garmatz

Gary
Gibbons
Gilbert
Gill
Gonzalez
Grabowski
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Hagen, Calif.
Halleck
Halpern
Hanna
Hansen
Harding
Hardy
Hawkins
Hays
Healey
Hébert
Hechler
Hollfield
Holland
Horton
Hosmer
Joelson
Johnson, Calif.
Johnson, Wis.
Karsten
Karth
Kastemeler
Keith
Kelly
Keogh
Korman
King, Calif.
Kirwan
Kluczynski
Kunkel
Lankford
Leggett
Lesinski
Libonati
Lindsay
Long, Md.
McDade
McDowell
McFall
Macdonald
MacGregor
Madden
Mahon
Mailliard
Mathias
Matsunaga
Matthews
Meador
Miller, Calif.
Minish
Monagan
Montoya
Moorhead
Morgan
Morrison
Morse
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Natcher

Nedzi
Nelsen
Nix
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
Olsen, Mont.
Olson, Minn.
O'Neill
Osmers
Ostertag
Patman
Patten
Pepper
Perkins
Philbin
Pickle
Pike
Pilcher
Pirnie
Price
Pucinski
Purcell
Quie
Rains
Reid, N.Y.
Reuss
Rhodes, Pa.
Riehlman
Rivers, Alaska
Roberts, Tex.
Robison
Rodino
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roybal
Ryan, Mich.
Ryan, N.Y.
St Germain
St. Onge
Schneebeli
Schweiker
Schwengel
Selden
Sennar
Sibal
Sickles
Sisk
Slack
Smith, Iowa
Springer
Staebler
Stafford
Staggers
Stratton
Stubblefield
Sullivan
Teague, Calif.
Thomas
Thompson, N.J.
Thompson, Tex.
Trimble
Tupper
Udall
Ullman
Van Deerlin
Vanik
Vinson
Wallhauser

Watts
Weaver
Weltner
Whalley
White

Wickersham
Widnall
Wilson,
Charles H.
Wright

NAYS—175

Abbutt
Abele
Abernethy
Adair
Alger
Anderson
Andrews, Ala.
Andrews,
N. Dak.
Ashbrook
Avery
Baker
Baring
Battin
Becker
Beermann
Belcher
Bennett, Fla.
Bennett, Mich.
Berry
Betts
Bonner
Bow
Bray
Brock
Bromwell
Brotzman
Brown, Ohio
Broynhill, N.C.
Broynhill, Va.
Burleson
Burton, Utah
Casey
Cederberg
Chamberlain
Chelf
Chenoweth
Clancy
Clausen,
Don H.
Clawson, Del.
Collier
Colmer
Cramer
Cunningham
Curtin
Curtis
Dague
Davis, Ga.
Derounian
Derwinski
Devine
Dole
Ellsworth
Findley
Fisher
Flynt
Foreman
Fountain

Fuqua
Gathings
Glenn
Goodell
Goodling
Grant
Gross
Gurney
Hagan, Ga.
Haley
Hall
Harris
Harrison
Harsha
Harvey, Ind.
Harvey, Mich.
Henderson
Herlong
Hoeven
Hoffman
Huddleston
Hull
Hutchinson
Ichord
Jarman
Jennings
Jensen
Johansen
Johnson, Pa.
Jonas
Jones, Mo.
Kilburn
Kilgore
King, N.Y.
Knox
Kornegay
Kyl
Laird
Landrum
Langen
Latta
Lennon
Lipscomb
Long, La.
McClory
McCulloch
McLoskey
McMillan
Marsh
Martin, Calif.
Martin, Nebr.
May
Michel
Miller, N.Y.
Milliken
Mills
Minshall
Moore
Morris

Morton
Mosher
Norblad
O'Konski
Passman
Pelly
Poage
Poff
Pool
Quillen
Randall
Reid, Ill.
Reifel
Rhodes, Ariz.
Rich
Rivers, S.C.
Rogers, Fla.
Rogers, Tex.
Roudebush
Roush
Rumsfeld
St. George
Saylor
Schadeberg
Schenck
Scott
Secrest
Shitt
Shriver
Sikes
Siler
Skubitz
Smith, Calif.
Smith, Va.
Snyder
Steed
Stephens
Stinson
Taft
Talcott
Teague, Tex.
Thomson, Wis.
Tollefson
Tuck
Tuten
Utt
Van Pelt
Waggonner
Watson
Westland
Wharton
Whitener
Whitten
Williams
Willis
Wilson, Bob
Wilson, Ind.
Wyman
Younger

NOT VOTING—26

Ashmore
Bass
Bolling
Bolton
Oliver P.
Bruce
Buckley
Dorn
Dowdy

Forrester
Glaimo
Horan
Jones, Ala.
Kee
Lloyd
McIntire
Martin, Mass.
Murray

Pillion
Powell
Roberts, Ala.
Sheppard
Shipley
Taylor
Thompson, La.
Toll
Winstead

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Sheppard for, with Mr. Taylor against.
Mr. Toll for, with Mr. Thompson of Louisiana against.

Mr. Jones of Alabama for, with Mr. Shipley against.

Mr. Buckley for, with Mr. Dowdy against.
Mr. Glaimo for, with Mr. Dorn against.

Mr. Lloyd for, with Mr. Ashmore against.
Mr. Powell for, with Mr. Horan against.

Until further notice:

Mrs. Kee with Mr. McIntire.

Mr. Bass with Mr. Pillion.

Mr. Roberts of Alabama with Mr. Martin of Massachusetts.

Mr. Winstead with Mr. Bruce.

Mr. Forrester with Mr. Murray.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

APPLICATIONS FOR WRITS OF HABEAS CORPUS

Mr. YOUNG, from the Committee on Rules (on behalf of Mr. DELANEY), reported the following privileged resolution (H. Res. 747, Rept. No. 1471), which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1335) to amend section 2254 of title 28 of the United States Code in reference to applications for writs of habeas corpus by persons in custody pursuant to the judgment of a State court. After general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the substitute amendment recommended by the Committee on the Judiciary now in the bill and such substitute for the purpose of amendment shall be considered under the five-minute rule as an original bill. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

IRRESPONSIBLE CADRES OF OUTSIDERS SEEM DETERMINED TO CAUSE BLOODSHED IN ST. AUGUSTINE, FLA.

(Mr. MATTHEWS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MATTHEWS. Mr. Speaker, irresponsible cadres of outsiders seemed determined to cause bloodshed in St. Augustine, Fla., the oldest, and one of the proudest cities in America. Proud of their religious heritage, conscious of their historical tradition, Americans of all races, creeds, and of many national origins in St. Augustine have lived in harmony for years until the recent forces of discord, have fomented strife and now openly clamor for bloodshed.

In the other body today, cloture has been voted by a vote of 71 to 29 and the so-called civil rights bill, which I have opposed to the utmost of my ability, will become the law of the land. There will be thousands of pious utterances that people all over America should obey these laws despite their personal differences.

What about the laws today? There are State laws until repealed that local officials are charged to enforce. The roving bands in St. Augustine are demanding that local and State laws be abrogated, not through orderly processes but by intimidation.

The inciting of riots is not nonviolent. The undisciplined cadres of juvenile, thrill seekers, and agitators who claim a divine right to interpret what law should be obeyed and what laws should be disobeyed are not holy messengers in the spirit of the living Nazarene but are actually prophets of anarchy.

Americans of sober thought should demand that the citizens of St. Augustine have the right to continue their orderly program without threats and irresponsible acts of a small minority who are not willing to subscribe to the rule of law and order.

Americans should realize that the imposition of the so-called civil rights bill on the people of this country will create fantastic problems. Now as never before those who for personal notoriety, take the law in their hands, and demand laws by intimidation, should be told to abate their efforts to cause the loss of life.

In St. Augustine, the overwhelming majority of the citizens, white and colored, are proud of the progress they have been making. Their public facilities have been integrated, schools are integrated, some restaurants have been integrated—without Federal laws. But this progress is treated contemptuously by the present agitators who in Hitlerian fashion insist on their demands—or else.

Congratulations to the good people of St. Augustine, the people of all races and creeds who are still working together for a greater community. Since their city is the oldest in the United States, and in the public eye, they have been marked by the self-styled critics as a logical place to foment trouble.

I pray there will be no bloodshed. But is there is—the fault will lie with those who have organized this "March on St. Augustine." Our local law enforcement officers are doing a heroic job, but flames of wrath are smoldering. They can extinguish these flames if people who go to St. Augustine to cause violence will return to their homes, and contribute to the building of America rather than devote their energies to the destruction of this great and beloved land of opportunity.

GRACIOUS THANKS

(Mr. MONAGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, as a member of the House Committee on Foreign Affairs, I have been actively interested in our international educational

and cultural exchange program, which is administered by the Department of State. It was my privilege to have supported the Fulbright-Hays Act, which authorizes this program, both in committee and on the floor of the House. I have on several occasions enjoyed the privilege of telling constituents that they had been selected to participate through a Federal grant under the Mutual Educational and Cultural Exchange Act of 1961 in studies and seminars approved by the Board of Foreign Scholarships.

I have received many gratifying acknowledgments from recipients of grants under this program, but none more touching than the one which came to me recently from Mrs. Isabelle Ann Pioppi, of Oakwood Drive, Harwinton, Conn., a teacher at the Torrington, Conn., High School, who has been elected to participate in a seminar for American teachers of Italian at the University of Rome.

I offer for the gratification of my colleagues the following letter which I have received from Mrs. Pioppi:

HARWINTON, CONN.,
May 27, 1964.

Congressman JOHN MONAGAN,
U.S. House of Representatives,
Washington, D.C.

DEAR SIR: I cannot tell you how happy and proud I was to receive your congratulatory message in reference to my receiving a Fulbright award to study in Italy this summer.

Your letter was not a mere formality. It asked me to call upon you if I need help.

What a marvelous country this is. First, I, an unknown citizen living in a small town, am given the honor, made possible through a Government program, to represent, in a sense, our great country and its ideals. Then, my Congressman wants to know if he can be of help to me. What high and excellent proof of our democratic ideals.

I would be happy, honorable sir, if you could in some way, thank our Congress for me for such a program, and thank all of those people who were responsible for selecting me.

I carry this award within me with a deep sense of honor and shall do all I can to bring it dignity and credit, in turn. Perhaps this is the best way I can show my appreciation.

Perhaps I may in some way, some day, be of service to you.

Most respectfully yours,
ISABELLE PIOPIPI.

PRAYER AND BIBLE READING IN THE PUBLIC SCHOOLS

(Mr. BECKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BECKER. Mr. Speaker, in last night's Washington Star there was an article by David Lawrence. I commend it to all Members to read, because reference was made to a statement by 223 professors and so-called constitutional lawyers about my amendment to permit prayer and Bible reading in the public schools. I want to read just one paragraph from their statement.

American liberties have been secure in large measure because they have been guaranteed by a Bill of Rights which the American people have until now deemed practically unamendable.

The article continues:

This will come as a shock to many people who have always thought that the Constitu-

tion could be amended whenever public opinion desired it, and that there is nothing so sacred about anything in the Constitution that the public could not change it at will.

These 223 people would deny the right of the American people to amend the Constitution. I shall do everything in my power to induce the Congress to take action at this session to give the people the right to amend the Constitution to return God to the schools and keep Almighty God here in the House of Representatives.

Mr. Speaker, I include at this point in the RECORD as a part of my remarks the entire article which I have referred to. [From the Washington (D.C.) Star, June 9, 1964]

THE RIGHT TO AMEND CONSTITUTION—SUPREME COURT'S PRAYER DECISIONS STIR CONTROVERSY ON BILL OF RIGHTS
(By David Lawrence)

A surprising statement has just been filed with the House Judiciary Committee by 223 lawyers, including 55 deans of law schools, and several college professors, many of them of the so-called liberal school of thought. They have taken a stand which will be construed as meaning that, so far as possible, further amendments to the Constitution must be blocked and that the Supreme Court of the United States must be left to rewrite the Constitution at will.

The current controversy arises as a consequence of the Supreme Court's decisions which have produced widespread apprehension that the word "God" cannot be mentioned in public school exercises and that voluntary prayers may be prohibited in educational institutions or in connection with official activities of the Government.

The statement warns those who have been agitating for a constitutional amendment that they are, in effect, engaging in something bordering on impropriety. Dozens of amendments, for instance, have been proposed to overrule the decisions of the Supreme Court on the subject of prayer in exercises or ceremonies in schools, but the statement of the 223 citizens asks for a kind of cloture on further consideration of all such amendments by Congress. The statement says:

"American liberties have been secure in large measure because they have been guaranteed by a Bill of Rights which the American people have until now deemed practically unamendable."

This will come as a shock to many people who have always thought the Constitution could be amended whenever public opinion desired it and that there is nothing so sacred about anything in the Constitution that the people couldn't change it at will. Objection rather has been voiced against the Supreme Court's assumption of a right virtually to introduce any meaning it pleases, thus giving to an oligarchy of nine judges appointed for life the power to amend the Constitution through judicial decisions.

The recent movement to submit to the people an amendment safeguarding the right to pray grew out of a deep-seated belief that the Supreme Court had taken away a fundamental right and had indeed violated that part of the Constitution which states that there should be no interference with "the free exercise" of religion. The statement of the protesting group, however, says:

"Whatever disagreements some may have with the Bible-prayer decisions, we believe strongly that they do not justify this experiment. Accordingly, we urge that Congress approve no measures to amend the first amendment in order to overrule these decisions."

The lawyers who filed the statement have a right to their opinion and to argue against any proposed amendment to the Constitution, but it comes as a surprise to find such a learned group stating that the mere attempt to use the amending process prescribed in the Constitution is dangerous. The sponsors of this viewpoint add:

"If the first clause of the Bill of Rights, forbidding laws respecting an establishment of religion, should prove so easily susceptible to impairment by amendment, none of the succeeding clauses will be secure."

Such a sweeping declaration is hardly justified because, for one thing, there are more than 100 proposals for a constitutional amendment, along with the resolution submitted by Representative FRANK J. BECKER, Republican, of New York, in behalf of many Members of Congress, all of which are merely designed to safeguard the right to pray in official surroundings.

There are many ways by which this right can be assured without imposing any established church. Just as one group respects the right of another group to hold differing opinions, there is every justification for at least tolerating voluntary prayer by another body of citizens, whether outside or inside a Government building, in a public ceremony.

But entirely apart from the merits of the issue itself as it relates to the right to pray, the controversy over methods of amending the Constitution may be intensified. In 1962 the National Council of State Governments adopted a resolution proposing an additional formula. Thus, if two-thirds of the State legislatures submitted identical texts for a proposed amendment, three-fourths of the States could then ratify it without any further action by Congress.

Whether the foregoing proposal is a desirable one or not, the fact remains that many constitutional lawyers in the United States believe that, if Congress is going to block the amending process, some way must be found to enable the people themselves to initiate amendments to the Constitution through their own State legislatures.

CORRECTION OF ROLL CALL

Mr. CUNNINGHAM. Mr. Speaker, on roll call No. 150, a quorum call, I am recorded as absent. I was present and answered to my name. I ask unanimous consent that the permanent RECORD and Journal be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

DISTRIBUTION OF SILVER DOLLARS

(Mr. RIEHLMAN (at the request of Mr. MARTIN of Nebraska) was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RIEHLMAN. Mr. Speaker, and Members of the House, there has been a recent run on the Treasury for silver dollars by collectors and hobbyists.

After 25 million silver dollars had been released, the Treasury halted the outflow.

The Treasury undoubtedly did so because the remaining silver dollars all have special numismatic value. We have been made aware of this by its press releases.

For some time there has been a great deal of controversy about the disposition of these 3 million silver dollars.

There is no way of equitably distributing them at their face value. At the same time, the suggestion that they be melted down for other coinage is appalling because of their value to collectors and as historic items of currency of the United States.

The question naturally arises as to why the Treasury should continue to hoard these silver dollars.

What good are they to the Treasury? Why should they not be made available to the public just as the Post Office makes available special stamp issues in various ways to stamp collectors?

I believe the Treasury should be allowed to dispose of these coins at their numismatic value. Thus, the United States would make some profit on these coins which otherwise will continue to be retained by the Treasury. In addition, some of these historic coins would circulate among hobbyists just as stamps do.

Estimates of the worth of these dollars have ranged up to a quarter of a billion dollars.

In my opinion the Treasury could sell these coins somewhat like the Superintendent of the Philadelphia Mint does now with mint proof and uncirculated coin sets—with the purchaser paying the costs of handling and mailing as well as a premium.

It may interest Members to know that the Treasury realized a profit of \$1,662,000 in fiscal year 1963 on the sale of mint proof sets. These are specially polished and stamped coins.

However, disposition of the silver dollars should differ in one respect from the sale of mint proof sets. The coin sets in the past have been available in quantities up to 100 per individual. This has been very inequitable to many individual collectors who have been unable to buy one set because of the great demand.

I would suggest that silver dollars be made available at their numismatic value on the basis of one per customer on a first-come, first-served basis after a certain date to be determined by the Treasury.

To accomplish disposition of these coins, I am today introducing legislation which would grant authority to the Secretary of the Treasury to publish price lists and sell the silver dollars at their numismatic value.

ARA LOANS TO THE AFFLUENT

(Mr. TALCOTT (at the request of Mr. MARTIN of Nebraska) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. TALCOTT. Mr. Speaker, we hear reports from almost every section of our country—whether poverty stricken or affluent—that ARA moneys are disbursed profligately, without economic justification, and without compliance with the original intent of the ARA program.

These deviations from principle and from plan degrade the purpose and jeopardize the usefulness of ARA.

Moneys loaned for political purposes deprive the needy elsewhere. Money

hurriedly loaned "to make an impressive lending record" usually does not accomplish the intended purpose.

I insert one of many letters I have received which tells a story and appears to be all too typical of the deteriorating ARA operation:

Re ARA loan commitment, Teton County, Wyo.

MY DEAR MR. TALCOTT: This letter pertains to a certain ARA redevelopment loan commitment made to Alex Morley, Paul McCollister, et al., d.b.a. Jackson Hole Ski Corp. in the sum of \$975,000 for the development of a ski complex in Teton County, Wyo. How did a county with less than 3,300 population qualify for an ARA loan when the people of said county own as many, or more, new automobiles, guns, boats, fishing rods, skis, et cetera, per capita than any area in the Nation and where probably more time is devoted to play and recreation per capita than any area and where the local bank has approximately \$7 million in assets and where rural area deeded land is valued for sale purposes at \$1,000 to \$8,000 per acre?

When I asked the above question of some of the local influential citizens I was informed that to get this loan it was necessary to work a gimmick. Many of us do not believe we qualify for distress ARA loans and do not want them.

This county has undeveloped natural resources, water no doubt being the most valuable, which exceeds billions of dollars in value. Last year there were 2,000,040 tourists in the area including the Grand Teton National Park and the Yellowstone National Park.

Money obtained by the above mentioned loan will be used to the detriment of, and in direct competition with, privately invested capital.

The development of the above mentioned ski complex is highly speculative and, in my opinion, has not been proved feasible.

I sincerely request that no further money, or any money, be disbursed on this commitment until an investigation is completed to determine if all available facts were presented before this commitment was made.

This concerns all American citizens.

Very respectfully yours,

A BILL TO AMEND TITLE II OF THE SOCIAL SECURITY ACT

(Mr. QUIE (at the request of Mr. MARTIN of Nebraska) was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

MR. QUIE. Mr. Speaker, today I have introduced a bill to amend title II of the Social Security Act. My bill will increase from 75 percent in the case of children, surviving mothers, and parents and 82.5 percent in the case of widows or widowers to 100 percent all survivors' benefits; permit the payment of child's insurance benefits beyond the age of 18 years for children attending school on a full-time basis; and increase the amount of outside earnings from \$100 to \$250 a month without deductions from benefits.

My action today is prompted by evidence of poverty in our country presented to the House Education and Labor Committee during consideration of the administration's antipoverty proposals. A large percentage of the families earning less than \$3,000—these are the people the administration have termed "poverty stricken"—are headed

by elderly persons and surviving mothers and widows. In fact, 16.2 percent of the families under \$3,000 have a female head under 65 years, and 30.5 percent under \$3,000 are headed by persons 65 years and older.

Thus, almost 47 percent of the people to be aided by the President's antipoverty organization could be helped directly through the Social Security Administration provided they have met the eligibility requirements. Here is a specific case where we already have administrative machinery set up for the express purpose of aiding these types of individuals; yet surprisingly enough, there is no mention of an increase in benefits and pensions under Social Security in the administration's poverty legislation. Rather, we are asked to support the establishment of a new and monstrous Federal bureaucracy which in almost every respect will duplicate the efforts of others.

Furthermore, let me point out that it has been 3 years since the Congress last provided an increase in benefits under social security, and this only pertained to widows. The last across-the-board increase in pensions was enacted in 1958. Yet, since 1958 the cost of living has increased 7.1 percent and at the same time the purchasing power of the dollar has decreased by approximately 6 percent. This continuing trend of rising prices and declining purchasing power has its most profound and detrimental effect on those living on fixed incomes and those with limited opportunities.

The second provision of my bill, relating to the extension of child dependent's benefits to cover education expenses, is so important to our country's basic needs of an intelligent and articulate electorate, trained manpower, and professional people that I think every possible effort must be made to enable our youth to complete their education. I am happy to note that many of my colleagues realize the importance of this matter and have introduced similar legislation. I might add that one of the main ideas brought out of our hearings on antipoverty legislation was the need for education to break the generation-to-generation poverty conditions where young people lack the general background and training in skills necessary to find a place in modern-day employment and thus are unable to remove themselves from their present condition.

The third part of my bill, which would increase the monthly earnings limitation from \$100 to \$250, is an effort to correct what I consider an improper motive behind the Social Security Act. When it was first enacted, we were faced with a situation of severe unemployment especially among our young and middle-aged citizens, and it was felt that if we could retire our older citizens at 65 with a pension, we would then be able to absorb a good proportion of this unemployment. During the depression this philosophy seemed justified, but it no longer holds water in 1964. Our unemployment rate has remained relatively constant and even decreased within the last couple of months, the wonders of medicine have extended the life span of man,

and the ability of an elderly couple to live on a monthly social security check alone is proving more and more difficult. I think that our economy is strong enough and diverse enough to allow for the normal increase in the labor market without a governmental policy urging retirement at 65 or under. Not many people who reach the age of 65 have laid away enough money for incomes which, together with social security, will enable them to live respectably. Furthermore, the present earnings limitation keeps many older persons from working with a resultant loss to the country of valuable skills and productivity. The present provision causes real hardship for those individuals who must work to supplement their benefits.

Mr. Speaker, I urge my colleagues on the Ways and Means Committee to give favorable consideration to this measure as a practical, effective, and most important way of helping our elderly citizens.

FOREIGN AID

(Mr. HARSHA (at the request of Mr. MARTIN of Nebraska) was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

MR. HARSHA. Mr. Speaker, Congress should drastically cut and revise our foreign aid program.

The sum requested in the bill of \$3.5 billion is not a true portrayal of our foreign aid costs. A more accurate figure would be in excess of \$7 billion. The following is a recapitulation of the various authorization proposals and appropriation requests during 1964 that can be identified:

Foreign Assistance Act:	
Economic assistance.....	\$2,461,700,000
Military assistance.....	1,055,000,000
Peace Corps.....	115,000,000
Food for peace (Public Law 480).....	2,215,000,000
Inter-American Development Bank:	
Social Progress Trust Fund.....	750,000,000
Callable capital stock.....	412,000,000
International Development Association.....	
Association.....	373,656,000
Tax credit proposal.....	60,000,000
Total.....	7,442,356,000

Furthermore, there are additional sums requested for foreign aid projects in some of the individual Federal agencies' budgets. This is far too much foreign aid; we have too many problems here in America that need solving first before we undertake to solve the problems of the world.

What has our generous well-intentioned but misguided assistance activities accomplished? Nothing—and events of the last few months support this:

NATO appears on the verge of complete disintegration. It offers hope only in a "crisis confronting" situation since the diversity of political, economic, military, and other interests would probably preclude any unanimity on limited actions. France, a major recipient of U.S. aid, has apparently withdrawn its support while retaining its voice.

We have been unable to obtain the co-operation of our European allies to reduce their trade with Cuba in strategic materials. Not even our hemispheric neighbors will go along with us on the sanctions against Cuba necessary to protect their freedoms.

The political settlement in Laos has predictably worked to the advantage of the Communists. The \$330 million poured into that country has done nothing more than identify the United States with a losing battle.

After 10 years and \$370 million in aid, Cambodia has asked us to pick up our marbles and go home.

Indonesia with \$870 million of our money continues to threaten freedom-seeking Malaysia. On March 25, 1964, Sukarno announced: "To hell with U.S. aid." Yet, we continue to give him aid. In fiscal year 1965, \$10 million is planned for technical cooperation for Indonesia.

Our friends in Turkey and Greece are at each other's throat over Cyprus.

Are these the accomplishments of our aid? If so, the program needs to be drastically revised and reduced.

The main argument advanced for this massive spending program has been to stop the spread of communism. However, our State Department has negotiated trade agreements with the implication that direct aid would be forthcoming under this act in the near future. It is in the process of negotiating liberalized trade agreements with other Communist nations.

The granting of aid and trade agreements with Communist nations is a self-defeating tragic policy completely contrary to the arguments advanced on behalf of foreign aid and should be curtailed.

I urge my colleagues to accept the amendment offered to reduce this authorization bill and in the alternative, if these amendments are not accepted to vote for recommitment to the Foreign Affairs Committee. The American taxpayer has had enough of this dole.

(Mr. FOREMAN (at the request of Mr. MARTIN of Nebraska) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

[Mr. FOREMAN'S remarks will appear hereafter in the Appendix.]

DISARMAMENT: RESPONSIBLE AND IRRESPONSIBLE

(Mr. BERRY (at the request of Mr. MARTIN of Nebraska) was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BERRY. Mr. Speaker, under leave to extend my remarks, I wish to insert in the RECORD another in the series of articles by Holmes Alexander. The article is as follows:

DISARMAMENT: RESPONSIBLE AND IRRESPONSIBLE

(By Holmes Alexander)

WASHINGTON, D.C.—In the unfinished business which President Johnson took over from President Kennedy is action to pre-

vent the national atomic energy enterprises from highballing down the same track that nearly wrecked the American railroad system.

One of the Atomic Energy Commissioners who served under J.F.K. tells me that he discussed this matter with the late President in terms of the following analogy:

Like the railroads, the Atomic Energy Commission has been on the point of getting itself committed to an open-ended supply of services: that is, doing research and providing materials at large costs to the Defense Department, NASA, and private industries.

Like the railroads, the AEC is committed, through its contractors, to scores of labor contracts that reach far into the future, as well as to contracts with many universities and research corporations.

Like the railroads, the AEC is a multi-billion-dollar institution and has accumulated manifold and complex fiscal obligations which are threatening to become an impediment to free and wise choice of action.

Against this background of thinking, President Johnson, last January, announced a reduction in the production rate of plutonium and uranium. In part, this was a disarmament decision, for the military uses of nuclear power take a large hunk of the AEC's \$2.6 billion budget.

The point I am creeping up on is that here is a careful, phased, responsible form of disarmament, the very opposite of the ignorant, meat-ax, irresponsible disarmament which is being attempted by ban-the-bomb scientists, do-gooders, and dubious characters, two of whom I shall name in this piece.

The President, the Defense Department, the AEC, and the Joint Congressional Committee on Atomic Energy all had a part in determining that the cutback in production of uranium-plutonium could be safely made. The Joint Committee, consisting of Senate and House members of long experience in these fields, decreased last year's nuclear weapons program by \$11.1 million, and knocked another \$22.1 million off last year's figure for plant and capital equipment in the weapons program.

In contrast to these reductions in nuclear arms production by men who know what they're doing, we get political scheming by an outfit that ought to be politically black-listed—the Council for a Livable World. This pacifist group, with a secret membership, has invested sometimes over \$80,000 in the reelection funds of Senators who are nonmembers of the Atomic Energy and Armed Services Committees, but who vote for meat-ax disarmament. At least two members of the Scientists' Committee of the Livable World can be called suspect of not having the Nation's best interests at heart. They are:

Dr. Halsted Reid Holman, born 1925, a California physician, a president and vice president of groups cited by the Un-American Activities Committee as Communist fronts, a campaign fund contributor as recently as 1962 to the Livable World. In testimony before the Senate Internal Security Subcommittee, 1951-52, Dr. Holman pleaded the fifth amendment and declined to answer several questions, including:

"Are you a member of the Communist Party? In November 1946, you were a member of the Communist Party in Connecticut, were you not?"

Dr. Herman J. Muller, born 1890, a Nobel Prize winner in medicine and physiology, author of an avowedly Marxist book, "Out of the Night." Dr. Muller testified in closed hearings of the Un-American Activities Committee, 1953. The committee records show him as a member of the Advisory Committee of the Book Union (1944) and member of the national committee of the Student Congress Against War (1944), both cited by the

committee as being subversive organizations. In justice to Dr. Muller, he resigned his post (1933-39) as senior geneticist at the Soviet Academy of Sciences' Institute of Genetics, and also his membership to the U.S.S.R.'s Academy of Sciences (1948) because of disagreements arising from the Stalinist dictatorship. He says he is not an "orthodox Marxist," but believes Marx rates with Darwin as a man who gave the world "revolutionary truths."

The Livable World, into whose affairs I am prying, is financially backing the reelections of Democratic Senators BURDICK, of North Dakota; McGEE, of Wyoming; and MUSKIE, of Maine. In 1962, it backed Democratic Senators CLARK, of Pennsylvania; FULBRIGHT, of Arkansas, and McGOVERN, of South Dakota. Four Republicans who have been either offered or given campaign backing—KUCHEL, JAVITS, PROUTY, and FONG—have backed off.

Thus, we have an organization, difficult to research because of its secrecy but showing at least two dubious official advisors, trying for a foothold of influence in the U.S. Senate.

SELECTION OF SITE FOR NEW PLANT BY THE NESTLE CO. OF WHITE PLAINS, N.Y.

(Mr. SCHADEBERG (at the request of Mr. MARTIN of Nebraska) was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SCHADEBERG. Mr. Speaker, one of the best known firms in the United States, the Nestle Co. of White Plains, N.Y., has announced selection of a site in Burlington, Wis., for a new 200,000-square foot \$30 million plant to serve as the Midwest center for the manufacture and distribution of the famed Nestle chocolate and chocolate products.

As Burlington is and has been home to me and my family for many years, Nestle's choice of Burlington naturally stirs in me a feeling of pride in our town. But the reasons for that choice are of even greater significance. They are found in the ingredients that make up Burlington and the First Wisconsin District—the city's location 65 miles north of Chicago and 40 miles south of Milwaukee; its proximity to the other larger communities of the Midwest; its terrain; the healthy business and industry already thriving on the nutrition of a sound local economy; and not the least important—the industrious and self-reliant people of Burlington and the surrounding areas of Delevan, Lake Geneva, Elkhorn, East Troy, Racine, Kenosha, Waterford, Union Grove, Kansasville, and Westosha, from whom will be selected the majority of employees who will staff the new plant. A relatively few workers, including technicians, will be brought in from New York and California where the firm has established plants.

There is significance to the Members of Congress in this decision by Nestle, which is the purpose of these remarks. It is the fact that Burlington's attributes and the fair and effective presentation of them by community leaders—business, government, and civic leaders at the local level—were responsible for Nestle's approval of the Burlington location. It is to the credit of the Nestle Co. that it sought no special inducements to locate in Burlington, and to

the credit of the local leaders that they offered none. Once again it proves that industry will go where the economic climate, geography, and natural resources are favorable to the growth and expansion of that industry. In this instance, in addition to the plus-factors already enumerated, a most important contribution to the operations of the new plant is that provided by our dairy industry in the heart of America's dairyland.

The people of the first district express their appreciation to those who have been instrumental in bringing the plant to Burlington, numbered among them are Robert Bayer, Les Haganson, Anthony B. Rewald, William E. Branen, Patrick Lloyd, Assemblyman Merrill Stalbaum, State Senator Lynn Stalbaum, and Governor Cunningham. The cooperation of the people of the city of Burlington and the surrounding area was outstanding and noteworthy.

It is a pleasure for me to welcome the Nestle Co. to Burlington and to the First Wisconsin District.

(Mr. BROOMFIELD (at the request of Mr. MARTIN of Nebraska) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

[Mr. BROOMFIELD'S remarks will appear hereafter in the Appendix.]

(Mr. BRAY (at the request of Mr. MARTIN of Nebraska) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

[Mr. BRAY'S remarks will appear hereafter in the Appendix.]

SUGAR LEGISLATION

(Mr. LANGEN (at the request of Mr. MARTIN of Nebraska) was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LANGEN. Mr. Speaker, it is a rare occasion when this House has the opportunity to assist American agriculture by encouraging the production of a needed crop that not only is not in surplus but by virtue of its expansion would reduce the production of other crops already in surplus. But this is exactly what we have in a number of bills concerning sugar legislation, including my own H.R. 11113, which have been introduced during this session. These bills, generally, call for an increased domestic quota for sugarbeets to meet the rising demand for sugar and to insure an adequate supply in the future.

In 1962, when the present Sugar Act became law, the domestic beet sugar quota was set at a little less than 2,700,000 tons. We were told that supplies of sugar on the world market would more than take care of the future needs of this Nation. But political unrest abroad and a number of other factors combined to create a sugar shortage and unconscionable rises in the price of sugar. It was obvious that something had to be

done and the administration took the most logical action possible by appealing to the domestic sugarbeet industry to take up the slack.

Our domestic sugarbeet producers rose to the occasion, increased production as requested, and in compliance with existing restrictions and still produced 20 percent more sugar than the year before. And the amazing thing is that the sugarbeet industry sold this sugar, during the height of the sugar crisis, at \$1 to \$3 per hundred pounds less than cane sugar. But because our domestic industry believed that the Government would stand behind them, our growers face a serious cutback after investing time and money. The crop now in the ground is expected to yield a possible 3,400,000 tons of sugar, but under the present law the beet sugar quota for 1964 will be only 2,700,000 tons. Legislation is obviously needed.

Mr. Speaker, conditions have changed considerably since the quotas were set in 1962.

And it appears, as I have cautioned before, that a number of the foreign suppliers are of doubtful reliability because of present or potential political instability. We simply cannot afford to gamble on an unreliable source of sugar when the farmers of the United States are fully capable of supplying our needs. It is ridiculous to rely on foreign sources for two-thirds of our sugar needs.

Actually, the basic foreign quotas for sugar would be untouched under provisions of my bill and other similar measures. My bill merely sets the basic domestic quotas at levels where the industry is now producing to protect our established growers, and includes modest provisions for the expansion of both the established industry and for new acreage in areas such as the Red River Valley of Minnesota and North Dakota, where it has been proven that beets can be grown profitably.

The main area affected by this new and needed legislation is on the world market scene, where supplies are uncertain and prices fluctuate to the disadvantage of the American consumer. This legislation would not affect our Latin American neighbors or other countries with fixed quotas, even though opposition to such legislation, mainly from some cane processors, has insinuated that these quotas would be cut and that the Alliance for Progress would be jeopardized.

Thinking and reasoning by our own State Department has not helped the situation, either. I met yesterday with representatives of the State Department and was appalled by their lack of concern for the American sugar industry. It is unconscionable that these people, paid by the taxpayers of this Nation, can blatantly defend foreign interests at the expense of private enterprise. I seriously hope the State Department, along with other Government departments and agencies, will adapt their thinking and policies to the common good of the United States.

Apparently the State Department fails to grasp the importance of an adequate

supply of sugar to our national defense. Certainly we are not trying to exclude all foreign importations, but we do have to face up to this problem and give the top priority to our own people and our own self-interest as a Nation.

It was my privilege this past week to have met with representatives of both potential new growers of sugarbeets and representatives of established growers. Both need a responsive ear from the Congress and the administration.

The old growers, of course, are concerned with the impending cutbacks if new legislation is not enacted. These old growers note with natural concern that in the event of a cutback in acreage, the burden would fall on their shoulders since the newst plants in operation are protected from cuts in acreage allotments.

These old growers have gone to considerable expense in order to respond to their Government's plea for extra sugar. They should not be denied now.

Other farmers, from established and proven beet areas, also would like to raise sugarbeets. And they should not be denied either. I have noted with interest the formation in Washington this week of a new organization called the National New Sugarbeet Growers Committee. Homer Garrison of Plainview, Tex., was elected chairman; Carl Hansen, of Breckenridge, Minn., vice chairman; and Robert J. Waite, also of Breckenridge, Minn., as secretary-treasurer. This organization is composed of prospective growers from 17 States, and was formed for the purpose of securing allotments in new sugarbeet growing areas of the United States to replace crops now being grown in surplus. They recommend extension of the present sugar act for 1967, 1968, 1969 and 1970, increasing the annual allotment for new domestic sugarbeet production from 65,000 to 150,000 tons annually.

We have a great opportunity to perform a needed service for the farmers of America, for the taxpayers of this country and for the consumers of our Nation. We need sugar legislation this year that will maintain our present domestic production, allow a reasonable and needed expansion of the industry both among established growers and new growers, and a reasonable expectation that the United States will continue to have a reliable source of sugar at a reasonable price. This can be accomplished through my pending bill, H.R. 11113.

RESTORATION OF LOSSES RESULTING FROM PRICE SUPPORT PROGRAMS

(Mr. MICHEL (at the request of Mr. MARTIN of Nebraska) was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MICHEL. Mr. Speaker, in February when Secretary Freeman and his budget officer were before the House Subcommittee on Appropriations for the Department of Agriculture, the statement was made that only partial restoration of the losses resulting from price

88TH CONGRESS
2D SESSION

H. R. 11380

IN THE SENATE OF THE UNITED STATES

Read twice and referred to the Committee on

AN ACT

to amend further the Foreign Assistance Act of 1961

Be it enacted by the Senate

88TH CONGRESS
2D SESSION

H. R. 11380

IN THE SENATE OF THE UNITED STATES

JUNE 11 (legislative day, MARCH 30), 1964

Read twice and referred to the Committee on Foreign Relations

AN ACT

To amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Foreign Assistance Act
4 of 1964".

PART I

CHAPTER 2—DEVELOPMENT ASSISTANCE

TITLE II—TECHNICAL COOPERATION AND DEVELOPMENT

GRANTS

9 SEC. 101. Title II of chapter 2 of part I of the Foreign
10 Assistance Act of 1961, as amended, which relates to

1 development grants and technical cooperation, is hereby
2 amended as follows:

3 (a) Amend the title heading to read as follows:
4 "TITLE II—TECHNICAL COOPERATION AND DEVELOPMENT
5 GRANTS".

6 (b) Amend section 212, which relates to authorization,
7 by striking out "1964" and "\$220,000,000" and substitut-
8 ing "1965" and "\$224,600,000", respectively.

9 (c) Amend section 214 (c), which relates to American
10 schools and hospitals abroad, by striking out "1964, \$19,-
11 000,000" and substituting "1965, \$18,000,000", and by
12 striking out the second sentence.

13 (d) Amend section 216 (a), which relates to voluntary
14 agencies, by inserting after "ports" the first time it appears,
15 the words "or, in the case of excess or surplus property
16 supplied by the United States, from foreign ports".

17 TITLE III—INVESTMENT GUARANTIES

18 SEC. 102. Title III of chapter 2 of part I of the Foreign
19 Assistance Act of 1961, as amended, which relates to invest-
20 ment guaranties, is hereby amended as follows:

1 (a) Amend section 221 (b) (2), which relates to gen-
2 eral authority, as follows:

3 (1) Strike out "\$180,000,000" in the third proviso
4 and substitute "\$300,000,000".

5 (2) Strike out "1965" in the last proviso and substi-
6 tute "1966".

7 (b) Amend section 224 (b), which relates to housing
8 projects in Latin American countries, by striking out "\$150,-
9 000,000" and substituting "\$250,000,000".

10 TITLE IV—SURVEYS OF INVESTMENT OPPORTUNITIES

11 SEC. 103. Section 232 of the Foreign Assistance Act of
12 1961, as amended, which relates to surveys of investment
13 opportunities, is amended by striking out "1963" and
14 "\$2,000,000" and substituting "1965" and "\$2,100,000",
15 respectively.

16 TITLE VI—ALLIANCE FOR PROGRESS

17 SEC. 104. Section 252 of the Foreign Assistance Act of
18 1961, as amended, which relates to the Alliance for
19 Progress, is amended by striking out in the first sentence the
20 words beginning with "of the funds" the first time they

1 appear through the words "fiscal year 1964" and substitut-
2 ing "in each of the fiscal years 1963 and 1964 and
3 \$85,000,000 in fiscal year 1965 of the funds appropriated
4 pursuant to this section for use beginning in each such fiscal
5 year".

6 CHAPTER 3—INTERNATIONAL ORGANIZATIONS AND
7 PROGRAMS

8 SEC. 105. Section 302 of the Foreign Assistance Act of
9 1961, as amended, which relates to international organiza-
10 tions and programs, is amended as follows:

11 (a) Strike out "1964" and "\$136,050,000" and sub-
12 stitute "1965" and "\$134,272,400", respectively.

13 (b) At the end thereof, add the following new sentence:
14 "None of the funds available to carry out this chapter shall
15 be contributed to any international organization or to any
16 foreign government or agency thereof to pay the costs of de-
17 veloping or operating any volunteer program of such orga-
18 nization, government, or agency relating to the selection,
19 training, and programing of volunteer manpower."

20 CHAPTER 4—SUPPORTING ASSISTANCE

21 SEC. 106. Section 402 of the Foreign Assistance Act
22 of 1961, as amended, which relates to supporting assistance,
23 is amended by striking out "1964" and "\$380,000,000"

1 and substituting “1965” and “\$405,000,000”, respectively,
2 and by adding at the end thereof the following new sentence:
3 “Of the funds made available for the fiscal year 1965 to carry
4 out the purposes of this chapter, not less than \$200,000,000
5 shall be available solely for use in Vietnam, unless the Presi-
6 dent determines otherwise and promptly reports such deter-
7 mination to the Committees on Foreign Relations and Appro-
8 priations of the Senate and to the Speaker of the House of
9 Representatives.”.

10 CHAPTER 5—CONTINGENCY FUND

11 SEC. 107. Section 451 (a) of the Foreign Assistance
12 Act of 1961, as amended, which relates to the contingency
13 fund, is amended by striking out “1964” and “\$160,000,-
14 000” and substituting “1965” and “\$150,000,000”, re-
15 spectively.

16 PART II

17 CHAPTER 2—MILITARY ASSISTANCE

18 SEC. 201. Chapter 2 of part II of the Foreign Assist-
19 ance Act of 1961, as amended, which relates to military
20 assistance, is amended as follows:

21 (a) Amend section 503, which relates to general au-
22 thority, as follows:

23 (1) In subsection (c) strike out “and” at the end

1 thereof and in subsection (d) strike out the period at the
2 end thereof and substitute “; and”.

3 (2) Add the following new subsection (e) :

4 “(e) guarantying, insuring, coinsuring, and reinsur-
5 ing any individual, corporation, partnership, or other
6 association doing business in the United States against
7 political and credit risks of nonpayment arising in con-
8 nection with credit sales financed by such individual,
9 corporation, partnership or other association for defense
10 articles and defense services procured in the United
11 States by such friendly country or international organiza-
12 tion.”

13 (b) Amend section 504 (a), which relates to author-
14 ization, by striking out “1964” and “\$1,000,000,000” and
15 substituting “1965” and “\$1,055,000,000”, respectively,
16 and by adding at the end thereof the following new sentence:
17 “Of the funds made available for the fiscal year 1965 to
18 carry out the purposes of this part, not less than
19 \$200,000,000 shall be available solely for use in Vietnam,
20 unless the President determines otherwise and promptly re-
21 ports such determination to the Committees on Foreign
22 Relations and Appropriations of the Senate and to the
23 Speaker of the House of Representatives.”.

24 (c) Amend section 507 (b), which relates to sales, by
25 inserting after “are due” at the end of the first sentence the

1 following: “: *Provided*, That the President may, when he
2 determines it to be in the national interest, accept a depend-
3 able undertaking to make full payment within one hundred
4 and twenty days after delivery of the defense articles, or the
5 rendering of the defense services, and appropriations avail-
6 able to the Department of Defense may be used to meet the
7 payments required by the contracts and shall be reimbursed
8 by the amounts subsequently received from the country or
9 international organization”.

10 (d) Amend section 509, which relates to exchanges, as
11 follows:

12 (1) The section heading is amended to read as follows:
13 “EXCHANGES AND GUARANTIES”.

14 (2) After the section heading insert “(a)”.

15 (3) Add the following new subsection (b) :

16 “(b) In issuing guaranties, insurance, coinsurance, and
17 reinsurance, the President may enter into contracts with ex-
18 porters, insurance companies, financial institutions, or others,
19 or groups thereof, and where appropriate may employ any of
20 the same to act as agent in the issuance and servicing of such
21 guaranties, insurance, coinsurance, and reinsurance, and the
22 adjustment of claims arising thereunder. Fees and premiums
23 shall be charged in connection with contracts of guaranty,
24 insurance, coinsurance, and reinsurance. Obligations shall be
25 recorded against the funds available for credit sales under this

1 part in an amount not less than 25 per centum of the con-
2 tractual liability related to any guaranty, insurance, coinsur-
3 ance, and reinsurance issued pursuant to this part and the
4 funds so obligated together with fees and premiums shall con-
5 stitute a single reserve for the payment of claims under such
6 contracts. Any guaranties, insurance, coinsurance, and re-
7 insurance issued pursuant to this part shall be considered con-
8 tingent obligations backed by the full faith and credit of the
9 United States of America.”

10 (e) Section 510 (a), which relates to special authority,
11 is amended by striking out “1964” in the first and second
12 sentences thereof and substituting “1965”.

13 (f) Section 512, which relates to restrictions on military
14 aid to Africa, is amended by striking out “1964” and sub-
15 stituting “1965”.

16 PART III

17 CHAPTER 1—GENERAL PROVISIONS

18 SEC. 301. Chapter 1 of part III of the Foreign Assist-
19 ance Act of 1961, as amended, which relates to general pro-
20 visions, is amended as follows:

21 (a) Amend section 601 (c), relating to the Advisory
22 Committee on Private Enterprise, as follows:

23 (1) In paragraph (4), strike out “December 31,
24 1964” and substitute “June 30, 1965”.

25 (2) In paragraph (5), strike out “\$50,000” and

1 substitute “\$100,000 for all costs necessary to the
2 Committee’s operations”.

3 (b) Section 601, which relates to the encouragement of
4 free enterprise and private participation, is amended by
5 adding at the end thereof the following new subsection:

6 “(d) It is the sense of Congress that the Agency for
7 International Development should continue to encourage,
8 to the maximum extent consistent with the national interest,
9 the utilization of engineering and professional services of
10 United States firms (including, but not limited to, any cor-
11 poration, company, partnership, or other association) or
12 by an affiliate of such United States firms in connection with
13 capital projects financed by funds authorized under this
14 Act.”

15 (c) Amend section 612, which relates to the use of
16 foreign currencies, by adding the following new subsection
17 (c) :

18 “(c) Any Act of the Congress making appropriations
19 to carry out programs under this or any other Act for United
20 States operations abroad is hereby authorized to provide
21 for the utilization of United States-owned excess foreign
22 currencies to carry out any such operations authorized by
23 law.

24 “The President shall take all appropriate steps to assure

1 that, to the maximum extent possible, United States-owned
2 excess foreign currencies are utilized, in lieu of dollars. As
3 used in this subsection, the term 'excess foreign currencies'
4 means foreign currencies or credits owned by or owed to
5 the United States which are, under applicable agreements
6 with the foreign country concerned, available for the use
7 of the United States Government and are determined by
8 the President to be excess to the normal requirements of
9 departments and agencies of the United States for such cur-
10 rencies or credits and are not prohibited from use under
11 this subsection by an agreement entered into with the
12 foreign country concerned."

13 (d) In section 620 (f), relating to prohibitions on fur-
14 nishing assistance to Communist countries, immediately after
15 "Union of Soviet Socialist Republics" insert the following:
16 "(including its captive constituent republics)".

17 (e) Amend section 620 (k) by striking out "1964"
18 each place it appears and substituting "1965" in each such
19 place.

20 (f) In section 620 (m), relating to prohibitions on fur-
21 nishing assistance to Cuba and certain other countries, after
22 "during" insert "each" and also strike out "1964" and
23 "\$1,000,000" and substitute for the latter "\$500,000".

24 (g) At the end of section 620, add the following new
25 subsection:

1 “(n) No assistance shall be furnished under this Act
2 for the construction or operation of any productive enterprise
3 in any country unless the President determines that similar
4 productive enterprises within the United States are operating
5 at a substantial portion of their capacity and that such
6 assistance will not result in depriving such United States
7 enterprises of their reasonable share of world markets. The
8 President shall keep the Foreign Relations Committee and
9 the Appropriations Committee of the Senate and the Speaker
10 of the House of Representatives fully and currently informed
11 of assistance furnished under this Act for the construction
12 or operation of productive enterprises in all countries, in-
13 cluding specifically the numbers of such enterprises, the types
14 of such enterprises, and the locations of such enterprises.”

15 CHAPTER 2—ADMINISTRATIVE PROVISIONS

16 SEC. 302. Chapter 2 of part III of the Foreign Assist-
17 ance Act of 1961, as amended, which relates to administra-
18 tive provisions, is amended as follows:

19 (a) Amend section 625, which relates to employment
20 of personnel, as follows:

21 (1) In subsection (d) (2) in the third proviso strike
22 out “more than thirty persons in the aggregate” and substi-
23 tute “the assignment to such duty of more than twenty per-
24 sons at any one time”.

1 (2) Add the following new subsection (j) :

2 “(j) The President may appoint or assign a United
3 States citizen to be representative of the United States to
4 the Inter-American Economic and Social Council and to be
5 United States representative to the Inter-American Com-
6 mittee on the Alliance for Progress and, in his discretion,
7 may terminate such appointment or assignment, notwith-
8 standing any other provision of law. Such person may be
9 compensated at a rate not to exceed that authorized for a
10 chief of mission, class 2, within the meaning of the Foreign
11 Service Act of 1946, as amended.”

12 (b) Amend section 626, which relates to experts, con-
13 sultants and retired officers, as follows:

14 (1) Subsection (a) is amended by striking out “\$75”
15 and substituting “\$100”.

16 (2) Subsection (c) is amended by striking out the
17 words “Career Compensation Act of 1949, as amended (37
18 U.S.C. 231 et seq.)” and substituting “section 101 (3) of
19 title 37 of the United States Code”.

20 (c) Amend section 637 (a), which relates to adminis-
21 trative expenses, by striking out “1964” and “\$54,000,000”
22 and substituting “1965” and “\$52,500,000”, respectively.

23 CHAPTER 3—MISCELLANEOUS PROVISIONS

24 SEC. 303. Chapter 3 of part III of the Foreign Assist-
25 ance Act of 1961, as amended, which relates to miscellaneous

1 provisions, is amended by adding at the end thereof the
2 following new section:

3 “SEC. 648. SPECIAL AUTHORIZATION FOR USE OF
4 FOREIGN CURRENCIES.—Subject to the provisions of section
5 1415 of the Supplemental Appropriation Act, 1953, the
6 President is authorized, as a demonstration of good will on
7 the part of the people of the United States for the Polish and
8 Italian people, to use foreign currencies accruing to the
9 United States Government under this or any other Act, for
10 assistance on such terms and conditions as he may specify, in
11 the repair, rehabilitation, improvement, and maintenance of
12 cemeteries in Italy serving as the burial place of members
13 of the armed forces of Poland who died in combat in Italy
14 during World War II.”

15 PART IV—AMENDMENTS TO OTHER LAWS

16 SEC. 401. The first section of the Act entitled “An Act
17 to authorize participation by the United States in the Inter-
18 parliamentary Union”, approved June 28, 1935 (22 U.S.C.
19 276), is amended to read as follows:

20 “That an appropriation of \$50,000 annually is authorized,
21 \$23,100 of which shall be for the annual contributions of
22 the United States toward the maintenance of the Bureau of
23 the Interparliamentary Union for the promotion of inter-
24 national arbitration; and \$26,900, or so much thereof as may
25 be necessary, to assist in meeting the expenses of the Amer-

1 ican group of the Interparliamentary Union for each fiscal
2 year for which an appropriation is made, such appropriation
3 to be disbursed on vouchers to be approved by the President
4 and the executive secretary of the American group.”

Passed the House of Representatives June 10, 1964.

Attest:

RALPH R. ROBERTS,

Clerk.

AN ACT

To amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

JUNE 11 (legislative day, MARCH 30), 1964

Read twice and referred to the Committee on
Foreign Relations

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued June 24, 1964
For actions of June 23, 1964
88th-2nd; No. 126

CONTENTS

Accounting.....17	Dairy industry.....24	Food prices.....10
Air pollution.....13	Electrification.....5	Foreign aid.....12
Appropriations.....1,2	Farm labor.....20,23	Foreign trade.....9,15
Beef imports.....9,27	Farm machinery.....29	Forest Service.....1
Civil defense.....19	Firefighters.....30	Forestry.....21
Cotton.....15	Flood control.....3,16,28	Interest rates.....4
Credit.....4	Flood relief.....14	Lands.....7
		Meat imports.....9,27
		Personnel.....30
		Poverty.....25
		Public debt.....26
		Reclamation.....6
		Research.....8
		Stockpiling.....24
		Tariff.....18,29
		Tobacco.....11
		Vouchers.....17
		Watersheds.....3,16

HIGHLIGHTS: Senate passed: Interior appropriation bill and Treasury-Post Office appropriation bill. Sen. Yarborough supported proposed legislation to restrict beef imports. Sen. McGovern commended proposal to establish National Commission on Food Marketing. Sen. Talmadge commended watershed program. Sen. Neuberger expressed concern over dangers of cigarette smoking. House subcommittee voted to report bill for statistical sampling in examination of vouchers. Rep. Talcott inserted articles in defense of Mexican farm labor program.

SENATE

1. INTERIOR AND RELATED AGENCIES APPROPRIATION BILL, 1965. Passed with amendments this bill, H. R. 10433 (pp. 14260-5, 14269). Senate conferees were appointed (p. 14269). House conferees have not yet been appointed See Digests 62 and 63 for items of interest to this Department.
2. TREASURY-POST OFFICE AND EXECUTIVE OFFICE APPROPRIATION BILL, 1965. Passed with amendments this bill, H. R. 10532 (pp. 14272-82). Senate conferees were appointed (p. 14282). House conferees have not yet been appointed. This bill includes funds for the Budget Bureau, Council of Economic Advisers, and the Advisory Commission on Intergovernmental Relations.

3. **WATERSHEDS; FLOOD CONTROL.** Passed as reported S. 2370, to authorize maintenance of flood and arroyo sediment control dams and related works to facilitate the Rio Grande canalization project and to authorize appropriations for this purpose. pp. 14282-3.
Sen. Talmadge commended the watershed program and stated he had requested the Administrator of the Soil Conservation Service to send to each Senator a copy of the compendium on watershed project benefits. pp. 14235-6
4. **INTEREST RATES; CREDIT.** The "Daily Digest" states that the Banking and Currency Committee "by a vote of 8 to 6, recommitted to the Subcommittee on Production and Stabilization the bill S. 750, to require the disclosure of finance charges in connection with extensions of credit." p. D496
5. **ELECTRIFICATION.** Passed as reported S. 502, to preserve the jurisdiction of the Congress over construction of hydroelectric projects on the Colorado River below Glen Canyon Dam. pp. 14270-1
6. **RECLAMATION.** The Interior and Insular Affairs Committee reported with amendments S. 2630, to provide for the construction of the Kennewick division extension, Yakima project, Wash. (S. Rept. 1099), and S. 2533, to authorize construction of the Manson unit, Chelan division, Chief Joseph Dam project, Wash. (S. Rept. 1101). p. 14227
7. **LANDS.** The Subcommittee on Public Lands of the Interior and Insular Affairs Committee approved for full committee consideration H. R. 1892, to repeal the Pittman Act, with authorized grants of certain public lands in Nevada. p. D497
Sen. Bible announced that the Public Lands Subcommittee of the Interior and Insular Affairs Committee would hold hearings July 1 and 2 on H. R. 8070, to establish a Public Land Law Review Commission. p. 14231
8. **RESEARCH.** Passed with amendments H. R. 4364, to provide for the free entry of a mass spectrometer for the use of Oregon State University. pp. 14271-2
9. **BEEF IMPORTS.** Sen. Yarborough supported enactment of proposed legislation to place restrictions on beef imports and inserted a resolution of the Southwestern Cattle Raisers Assoc. favoring restrictions. p. 14241
10. **FOOD PRICES.** Sen. McGovern expressed concern over "the growing spread between retail prices of food and the prices received by the farmers," and commended the proposed establishment of a National Commission on Food Marketing to study the matter. p. 14236
11. **TOBACCO.** Sen. Neuberger expressed concern over the possible harmful effects of cigarette smoking and inserted several items on the matter. pp. 14266-9
12. **FOREIGN AID.** Sen. Hickenlooper submitted amendments intended to be proposed to H. R. 11380, the foreign aid authorization bill. p. 14231
Sen. Long, Mo., commended the foreign aid program and inserted an editorial commending the program. p. 14266
13. **AIR POLLUTION.** Sen. Muskie inserted an article discussing the effects of air pollution. pp. 14231-4
14. **FLOOD RELIEF.** Sen. Bartlett reviewed actions taken by Federal agencies, including this Department, to provide assistance to Mont. as a result of recent floods. pp. 1428-9
15. **COTTON; FOREIGN TRADE.** Both Houses received from the Export-Import Bank a

Much of this is due to the fact that in 1954 the Bureau of Indian Affairs began placing Navajo children in boarding schools throughout the country. The Navajo children never enjoyed the opportunity of education up until 1954.

We urge that Congress do everything possible to make education facilities available for all Indian children and the Tongue Point School is a major facility that must be made available if we are to fulfill our pledge and obligation of free schooling for all children of this country.

We sincerely thank you for your major interest in the Tongue Point School and hope that you can convince your colleagues that this school facility is of major importance in the northwest area.

We heartily endorse your proposal 100 percent.

Most sincerely,

ROBERT BURNETTE,
Executive Director.

Mr. MORSE. Mr. President, I have just received a telegram from the mayor of the city of Astoria, which supports my position on the need for finding a Federal use for Tongue Point, in order to provide Astoria with deserved economic relief. The telegram reads as follows:

ASTORIA, OREG., June 23, 1964.

HON. WAYNE MORSE,
Washington, D.C.:

The city of Astoria extends its thanks for your continuing effort to provide a facility at the Tongue Point Naval Base. We extend our cooperation and sincerely hope that the utilization of the base will become a reality in the near future. The use of this facility will mean a great deal to our local economy which has suffered over the past several years.

HARRY M. STEINBOCK,
Mayor.

Mr. MORSE. Mr. President, I sincerely hope that the Senate will adopt my amendment. I ask for the yeas and nays, if enough Senators are present. Otherwise, I shall ask for a quorum.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon. On this question the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD (when his name was called). On this vote I have a pair with the distinguished minority leader [Mr. DIRKSEN]. If he were present, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. MANSFIELD. I announce that the Senator from Nevada [Mr. CANNON], the Senator from Pennsylvania [Mr. CLARK], the Senator from Rhode Island [Mr. PASTORE], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Missouri [Mr. SYMINGTON], and the Senator from New Jersey [Mr. WILLIAMS] are absent on official business.

I also announce that the Senator from Indiana [Mr. BAYH], the Senator from California [Mr. ENGLE], and the Senator from Massachusetts [Mr. KENNEDY] are absent because of illness.

I further announce that the Senator from Tennessee [Mr. GORE], the Senator from Mississippi [Mr. EASTLAND], and the Senator from Oklahoma [Mr. EDMONDSON] are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana [Mr. BAYH], the Senator from California [Mr. ENGLE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Rhode Island [Mr. PASTORE], and the Senator from Missouri [Mr. SYMINGTON] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from New Mexico [Mr. MECHEM], the Senator from Kentucky [Mr. MORROW], and the Senator from Pennsylvania [Mr. SCOTT] are necessarily absent, and if present and voting, would each vote "nay."

The Senator from Illinois [Mr. DIRKSEN] is detained on official business, and his pair has been previously announced.

Also, the Senator from Kansas [Mr. PEARSON] is detained on official business and if present and voting would vote "nay."

The result was announced—yeas 11, nays 71, as follows:

[No. 440 Leg.]

YEAS—11

Dodd
Douglas
Hartke
Inouye

Magnuson
McGovern
Morse
Nelson

Neuberger
Yarborough
Young, Ohio

NAYS—71

Aiken
Allott
Anderson
Bartlett
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Carlson
Case
Church
Cooper
Cotton
Curtis
Dominick
Ellender
Ervin
Fong
Fulbright
Goldwater

Gruening
Hart
Hayden
Hickenlooper
Hill
Holland
Hruska
Humphrey
Jackson
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kuchel
Lausche
Long, Mo.
Long, La.
McCarthy
McClellan
McGee
McIntyre
McNamara
Metcalf

Miller
Monroney
Moss
Mundt
Muskie
Pell
Prouty
Proxmire
Ribicoff
Russell
Saltonstall
Simpson
Smathers
Smith
Sparkman
Stennis
Talmadge
Thurmond
Tower
Walters
Williams, Del.
Young, N. Dak.

NOT VOTING—18

Bayh
Cannon
Clark
Dirksen
Eastland
Edmondson

Engle
Gore
Kennedy
Mansfield
Mechem
Morton

Pastore
Pearson
Randolph
Scott
Symington
Williams, N.J.

So Mr. MORSE's amendment was rejected.

WIDOW SWINDLING

Mr. SMATHERS. Mr. President, the Special Committee on Aging, of which it is my privilege to serve as chairman, has been devoting considerable attention to frauds and misrepresentations directed against senior citizens. Our work in this area is carried on by our Subcommittee on Frauds and Misrepresentations Affecting the Elderly, the chairman of which is the able junior Senator from New Jersey. Under Senator WILLIAMS' aggressive leadership, this subcommittee has held several hearings and more hearings are planned for the next few weeks and months.

These hearings have shown the importance of publicizing the methods

used in such heartless exploitation of America's seniors. To the extent that these schemes can be exposed, potential victims are alerted and helped to protect themselves against them.

An excellent article on this subject appeared in the February 2, 1964, issue of the Parade magazine. It is entitled "A Heartless and Growing Racket—Widow Swindling." It was written by Mrs. Margo Tupper, a former resident of the State I am privileged to represent here. In order that some senior citizens who did not see this article when it appeared in Parade may read it and be warned, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A HEARTLESS AND GROWING RACKET: WIDOW SWINDLING

(By Margo Tupper)

One of the most scandalous and contemptible of the con games being practiced today is growing at an alarming rate. Its victims are the Nation's 8,500,000 widows, who are heartlessly bilked out of sums ranging from a few dollars to a lifetime's savings by an ever-growing army of swindlers.

The situation has become so serious that postal inspectors from all over the United States gathered recently behind closed doors in Washington to decide how to cope with it.

According to the Post Office Department, complaints which in 1959 were in the hundreds today number way up in the thousands. An examination of the records show that of the cases filling the files of the Special Senate Committee on Aging and the Federal Postal Inspection Service, more than 60 percent involve widows.

Senator GEORGE A. SMATHERS, Democrat, of Florida, chairman of the Committee on Aging, estimates that widow-gyping brings in some \$100 million annually. "In many cases widows have been left with substantial amounts of property," says Senator SMATHERS. "They can be easily located, simply by reading the obituary pages. Because they are lonely and in need of affection—and have little if any business experience—they make an easy target for the wily con man."

Says Chief Postal Inspector H. B. Montague, "The person who makes a practice of cheating widows is the lowest of the low and must be brought to justice."

There are at least a thousand different ways of gyping widows. The funeral is hardly over before the first of the sharpies move in—usually tradesmen claiming that the deceased husband had ordered, and not paid for, a present for his wife, ranging from a piece of costume jewelry to an expensive fur coat. More virulent, however, are the long-term swindlers, who seize on the widow's yearning for income or companionship to cheat her over a period of years.

The most extensive of their schemes is the fraudulent "work at home" come-on. This swindle, which is also often directed at other lonely persons, usually begins with an enticing ad. "Are you interested in making from \$8 to \$20 a week?" it reads. "Work at home in your spare time. No selling."

The victim is often persuaded to buy an expensive piece of equipment, such as a sewing or knitting machine, with the promise that the product she turns out will be purchased by the company. But, on the pretext that the product does not meet the company's standards, the finished articles are rejected. When she becomes disillusioned and wants to quit the whole thing, she finds that her contract has been sold to a finance company and she has to pay, without recourse.

PROFITS ARE ENORMOUS

For example, the Strick-Matador Corp. of Buffalo, N.Y., was charged by the Post Office Department with being the instigator of a nationwide plot whereby knitting machines, imported for about \$40, were sold through dealers to widows and others for \$550, including finance charges. Since purchasers realized little or nothing from their investment, they were swindled out of more than \$5 million.

The king of the work-at-home swindlers, before he was tripped up by postal inspectors, was Nels Irwin, operating out of Los Angeles. With the help of his 80-year-old stepfather and another associate, Irwin extracted some \$3 million from his victims.

While work-at-home schemes prey upon the widow with little income, the dance studio racket swindles the more prosperous. Widows by the hundreds are waltzing and mamboing their way to the poorhouse.

They are sweet-talked, charmed and humbugged into signing almost unbelievable agreements. Kenneth B. Wilson, president of the National Better Business Bureau, Inc., cited the case of a 71-year-old widow who mortgaged her home to make the final payment to a dance studio on a number of "lifetime" memberships totaling \$32,000. She bought one membership while in a hospital with a knee injury which made it doubtful that she would ever walk again, let alone dance.

Some dance studios even sponsor parties at the home of the widow, who pays all expenses. The real purpose of the party is to give dance instructors, who are primarily salesmen, a chance to induce her friends to become lifetime members with a promise of parties and companionship for the rest of their lives.

Widows also are setups for fraudulent land schemes. Land which is worthless or nearly so is often advertised as ideal for building homes. Widows who want to invest their savings in land for speculative purposes or simply to build a home for themselves all too frequently find themselves the owners of costly but useless property. The sale of Florida real estate, which at high tide might be 2 feet under water, has become something of a national joke. Yet as recently as September 1962, a real estate promoter was sentenced to 8 years imprisonment for falsely advertising swamplands in the Florida Everglades as desirable building sites.

Today the land swindlers have moved their operations to the great Southwest, where millions of acres of arid desert land remain unsold. Walter F. Mondale, Attorney General of Minnesota, told the Committee on Aging that widows and other elderly people are being sold lots "situated somewhere in the Arizona or Nevada desert, miles from other communities and at a price which may run as high as 30 times the actual value of the land."

Other rackets in full swing are medical quackery, matrimonial clubs and phony charities.

Cora Galenti Smith, self-styled beauty scientist of Los Angeles, was found guilty last year on two counts of mail fraud regarding a facial rejuvenation process. Her magic formula was nothing more than a strong solution of carbolic acid, and numerous victims, many of them widows, were permanently scarred and horribly disfigured.

Hilmer E. Barnes, of Clarinda, Iowa, is now serving a 10-year stretch for obtaining \$16,000 from widows in four different States. Misrepresenting his family background, financial condition, education, and age, he induced women to correspond with him and agree to marry him. The indictment stated that Barnes got the women to give him money as a loan to establish a business or through blackmail, by threatening them with

pictures which had supposedly been taken in compromising situations.

CHECKS FOR THE DISABLED

Last July, a wealthy widow of Delaplane, Va., was fleeced out of \$31,000 by two men claiming to represent a fictitious organization for disabled Korean war veterans. After donating \$6,000 she was prevailed upon a few days later to write a check for \$12,500 for construction of a building in which to rehabilitate veterans. Soon after cashing that check the con men phoned the widow and told her they had spilled ink on it and asked her to send them another. She did so, but her chauffeur became suspicious and called bank officials. They called the police and the men were arrested. All the widow got out of the deal was a bronze statue inscribed, "From the boys."

To protect against such cases of mail fraud, the Post Office Department is seeking strengthened laws. It is augmenting its staff of 75 inspectors with 25 more, who will concentrate exclusively on mail frauds involving widows.

One major difficulty is getting swindled persons to cooperate in prosecution. "Widows scream to high heaven about a fraud involving a few dollars, but it is most difficult to get them to testify when thousands of dollars are at stake," says William F. Callahan, Director of the Mail Fraud Investigations Division of the U.S. Post Office. "It's largely a matter of pride and fear that ridicule at having been taken for a sucker will ruin their community standing."

Mr. Callahan gives this advice to widows: "If you feel that you have been a victim of a swindle, have lost money or property through deceit, always consider whether the mails have been used in any way as part of the deal. If letters or post cards were used, if any correspondence took place between you and the other person or firm, the Federal mail fraud law may have been violated and the Government will investigate. Bring all details to the attention of your postmaster who will contact the postal inspector for you."

HOW MUCH FOREIGN AID IS NECESSARY?

Mr. LONG of Missouri. Mr. President, when the Senate takes up the Foreign Assistance Act, the principal question will be how much aid is necessary to stimulate growth and stability in underdeveloped countries. Yet, I hope that this year we will give full recognition to the unique good will enjoyed by our Nation—good will that is, in part, traceable to our foreign aid program. Mr. President, I ask unanimous consent that an excellent editorial on this subject from the Columbia Missourian be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Columbia (Mo.) Missourian, June 9, 1964]

AID RETURN

Many Americans are sometimes smug and self-satisfied about foreign aid, always putting it in the category of international charity. Yet money and materials are now coming back to us from governments and private citizens abroad.

These returns are contributions to honor the late President Kennedy. They will be used to help erect the Kennedy Memorial Library, build the Kennedy Cultural Center, provide scholarships in Kennedy's name, and create a Kennedy memorial in England.

French Government officials have con-

tributed \$100,000 for the library, to be built near the campus of Harvard University in Boston. Venezuela also has contributed \$100,000 for this purpose. French citizens, meanwhile, have started a drive for additional funds, and a similar drive is being conducted in Germany.

Italy has sent a large amount of marble for use in the Cultural Center, to be built in Washington, D.C.

The British are creating Kennedy scholarships to Harvard, and to Radcliffe College and the Massachusetts Institute of Technology, both in Boston. Britain also has set aside an acre of Runnymede, site of the signing of the Magna Carta, as the place for building a Kennedy memorial.

Somehow these actions seem to call for some degree of humility and gratitude from Americans. They show, in essence, that the United States was fortunate to have as President a man who could become such a symbol of hope and freedom to our foreign friends.

ACTION ON CIGARETTE FRONT

Mrs. NEUBERGER. Mr. President, the House Interstate and Foreign Commerce Committee today began hearings on various House measures, similar to my own in the Senate, dealing with cigarettes, particularly centering on the proposals of the Federal Trade Commission and the Department of Health, Education, and Welfare concerning cigarettes, disease, and education. My testimony before the House committee emphasized my view that Congress, either directly or by implication, should do nothing which would obstruct or impede the implementation of these agency programs.

This morning the New York Times carried two items of special and timely significance to this issue. I was pleased to note that the editorial strongly supports the view that the Federal Government has the main responsibility to inform the public about the dangers in smoking. The editorial also wisely reminds the reader that following the expected promulgation by the FTC of the labeling requirement of cigarette packages, several other avenues of education remain open to the administration and should not be neglected.

The news article reviews some of the issues raised at the current meeting of the house of delegates of the American Medical Association. Several of the State medical society delegations submitted resolutions urging that the AMA strengthen and clarify its stand on the hazards of cigarette smoking. One of the resolutions from the California delegation of the association expressed serious misgivings about the acceptance by the AMA of the \$10 million from the tobacco interests to conduct research on the effects of cigarette smoking. My colleagues in the Senate will be interested to note that resolutions on smoking and health came from the delegations from California, Wisconsin, Florida, Texas, Illinois, New Jersey, Washington, Colorado, and Oregon.

Mr. President, 2 weeks ago the Surgeon General, Luther L. Terry, addressed the National Conference on Smoking and Youth. He challenged the conference with this theme:

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE

Washington, D. C. 20250

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Issued July 6, 1964
For actions of July 2, 1964
86th-2d, No. 133

HIGHLIGHTS: See page 5

CONTENTS

Adjournment.....	17,34	Food stamps.....	20	Reclamation.....	11
Appalachia.....	28,42	Foreign aid.....	5	Recreation.....	11
Area redevelopment....	7,24	Forestry.....	3	Research.....	4
Automation.....	21	Grain exports.....	12	Retirement.....	46
Budget.....	32,39	Housing loans.....	15	Roads.....	3
Civil rights.....	13,19	Information.....	9	Russian trade.....	40
Containers.....	22	Labeling.....	43	Subsidies.....	36
Contracts.....	44	Legislative program..	16,33	Tariff.....	47
Cotton.....	36	Meat imports.....	2	Taxation.....	38
Economies.....	32	Minerals.....	31	Tobacco.....	43,49
Electrification...14,	30,41	Opinion poll.....	26	Trade expansion.....	50
Expenditures.....	1,8	Packaging.....	6	Travel.....	9
Farm labor.....	25	Pay.....	2	Wages.....	44
Farm machinery.....	47	Personnel.....	1,48	Water research.....	4
Farm prices.....	23	Pesticides.....	35	Watersheds.....	18
Fish.....	35	Poverty.....	27,37,48	Wheat.....	40
Food additives.....	45	Radiation.....	10	Wilderness.....	29

SENATE

1. PERSONNEL. Passed, 58-21, with amendments H. R. 11049, the Federal pay bill. Agreed to amendments not affecting this Department. Rejected numerous amendments. Senate conferees were appointed. pp. 15275-325
Sen. Byrd inserted the report of the Joint Committee on Reduction of Nonessential Federal Expenditures, "Federal Personnel in Executive Branch, May 1964 and April 1964, and Pay, April 1964 and March 1964." pp. 15246-50
Sen. Miller indicated a belief that improper tactics had been used in getting Federal employees to attend the \$100 Democratic fundraising event, and inserted articles by Joseph Young on this subject. pp. 15255-6
2. MEAT IMPORTS. The Finance Committee reported with amendments H. R. 1839, to amend the Tariff Act, including restrictions on meat imports (S. Rept. 1167). p. 15246
3. ROADS; FORESTRY. Passed as reported H. R. 10503, to authorize 1966-1967 appropriations for roads, including forest development roads and trails. pp. 15331-3

4. WATER RESEARCH. Both Houses agreed to the conference report on S. 2, to authorize Federal aid for water-resources research. See Digest 109 for provisions. This bill will now be sent to the President. pp. 15326-8, D544-15373-5

5. FOREIGN AID. The Foreign Relations Committee voted to report (but did not actually report), 12 to 2, with amendments H. R. 11380, the foreign-aid authorization bill. The committee announced that a report would be filed Sat., July 11. The Record contains a table setting forth amounts provided for at various legislative stages. pp. D545-6

Both Houses received from the Treasury Department a proposed bill to amend the Inter-American Development Bank Act to authorize the U. S. to participate in an increase in the resources of the Fund for Special Operations of the Inter-American Development Bank; to Senate Foreign Relations Committee and House Banking and Currency Committee. pp. 15246, 15447

6. PACKAGING. Sen. Keating inserted a Long Island Women's Clubs resolution favoring the truth-in-packaging bill. p. 15246

7. AREA REDEVELOPMENT. Sen. Miller claimed information submitted to Congress by the Area Redevelopment Administration was inaccurate and inserted a report from the Comptroller General on this matter. pp. 15254-5

8. EXPENDITURES. Sen. Robertson inserted a report from the U. S. Chamber of Commerce recommending an "economy program for the fiscal year 1965" including proposed cuts in USDA programs. pp. 15258-61

9. TRAVEL. Passed as reported H. J. Res. 658, requesting the President to proclaim 1964 as "See America Year." p. 15263

10. RADIATION. Passed without amendment H. R. 10437, to incorporate the National Committee on Radiation Protection and Measurements. This bill will now be sent to the President. p. 15264

11. RECLAMATION; RECREATION. Sen. Gruening inserted and discussed a report, "New Fishing Areas Opened at Bureau of Reclamation Reservoirs in West; Recreation Uses Show Large Increase." pp. 15264-7

12. GRAIN EXPORTS. Sen. Dodd questioned the Commerce Department approval for Soviet resale of American grain to Rumania. p. 15274

13. CIVIL RIGHTS. Sen. Humphrey inserted a summary of the new civil rights law. pp. 15333-4

14. ELECTRIFICATION. Sen. Morse spoke in favor of a Pacific Northwest-Southwest intertie, but questioned the Interior Department recommendations on this subject. p. 15335

15. HOUSING LOANS. The Housing Subcommittee of the Banking and Currency Committee voted favorably on an original bill embodying proposed housing amendments for 1964. p. D545

16. LEGISLATIVE PROGRAM. Sen. Mansfield said the Senate will be in session July 6-10 and that "we expect appropriation and other bills of worthwhile significance to come up" involving "the possibility of quorum calls and votes." p. 15306

Highways: H.R. 10503, authorizing funds for highway construction for fiscal years 1966 and 1967, was passed with committee amendments (motion to reconsider tabled).

Pages 15331-15333

Social Security—Nevada: Senate made its unfinished business H.R. 287, authorizing State of Nevada to divide its retirement systems for social security purposes.

Page 15336

Merchant Marine: Senate adopted H. Con. Res. 323, requesting return to the House by the President of H.R. 10053, providing that construction differential subsidies authorized for vessels to be operated in foreign trade shall not exceed 55 percent of the construction cost, so that correction may be made in the reenrollment of the bill.

Pages 15304, 15326

Confirmations: The following nominations were confirmed: Gen. Earle G. Wheeler, to be Chairman of the Joint Chiefs of Staff; three Army nominations in the grade of general, including that of Lt. Gen. Harold K. Johnson, to be Chief of Staff of the Army; and two judicial nominations.

Page 15336

Record Votes: Eight record votes were taken today.

Pages 15284, 15293,

15299, 15306, 15310, 15314-15315, 15319, 15325

Program for Monday: Senate met at 11 a.m. and adjourned at 6:32 p.m. until noon Monday, July 6, when its unfinished business will be H.R. 287, Social Security—Nevada.

Page 15336

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—PACIFIC NW.-SW. INTERTIE

Committee on Appropriations: Subcommittee on the Bureau of Reclamation and Power Marketing Agencies continued its hearings on the proposed construction of a Pacific Northwest-Pacific Southwest electric intertie, with testimony from Senators Neuberger and Jackson, and Philip Dickinson, who presented a statement for Senator Engle; and Representatives Moss and Johnson of California; and numerous public witnesses.

Hearings were adjourned.

APPROPRIATIONS—USIA

Committee on Appropriations: Subcommittee continued its hearings on H.R. 11134, fiscal 1965 appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies, with further testimony in behalf of funds for their Agency from Carl T. Rowan, Director, and other officials of the U.S. Information Agency.

Hearings continue tomorrow to hear further testimony on funds for the USIA.

COMMITTEE BUSINESS

Committee on Armed Services: Committee, in executive session, ordered favorably reported the nominations of Gen. Earle G. Wheeler, to be Chairman of the Joint Chiefs of Staff; Lt. Gen. Harold K. Johnson, to be Chief of Staff, Army, in the grade of general; Lt. Gen. Creighton W. Abrams, Jr., to be Vice Chief of Staff, Army, in the grade of general; and Lt. Gen. Barksdale Hamlett, to be placed on the retired list of the Army.

Committee also approved for reporting H. Con. Res. 300, authorizing disposal of approximately 98,000 long tons of pig tin from the national stockpile; H.R. 11257, authorizing sale of 50,000 short tons of lead from the national stockpile without regard to the 6-month waiting period; H.R. 11235, authorizing disposal of 11 million pounds of molybdenum from the national stockpile without regard to the 6-month waiting period; and H.R. 11004, authorizing sale of 75,000 short tons of zinc from the national stockpile without regard to the 6-month waiting period.

Prior to this action committee, in open session, heard General Johnson testify and answer questions in his own behalf.

HOUSING

Committee on Banking and Currency: The Housing Subcommittee, in executive session, ordered favorably reported to the full committee an original bill embodying proposed housing amendments for 1964.

INTEREST EQUALIZATION TAX ACT

Committee on Finance: Committee concluded its hearings on H.R. 8000, imposing a tax on acquisitions of certain foreign securities in order to equalize costs of longer term financing in the U.S. and in markets abroad, after receiving testimony from Senator Javits; Dan Throop Smith, Harvard Graduate School of Business Administration; Robert W. Haack, National Association of Securities Dealers, Inc.; I. W. Burnham II, Burnham & Co.; Gene N. Woodfin, of Carl M. Loeb, Rhoades & Co.; Frederick Roe, Stein, Roe & Farnham; and Harry L. Freeman, of Janin, Morgan, Brenner & Freeman.

FOREIGN AID AUTHORIZATIONS

Committee on Foreign Relations: Committee, in executive session, by a vote of 12 to 2, ordered favorably reported with amendments H.R. 11380, fiscal 1965 authorizations for the foreign aid program. Committee announced that the report would be filed in the Senate on Saturday, July 11.

Committee released the following table setting forth the amounts authorized by the committee, as well as amounts requested and authorized and appropriated through the previous legislative stages.

	Administration appropriation request	House authorization bill	House appropriation bill	Senate Foreign Relations Committee	Reduction by Senate committee from admin- istration request
Part I: Economic:					
Ch. 2: Development assistance:					
Title I: Development loans...	\$922, 200, 000	(¹)	\$782, 200, 000	(¹)	
Title II:					
Technical cooperation, de- velopment grants.....	224, 600, 000	\$224, 600, 000	204, 600, 000	\$215, 000, 000	\$9, 600, 000
American schools and hos- pitals.....	18, 000, 000	18, 000, 000	18, 000, 000	18, 000, 000	
Title IV: Surveys of investment opportunities.....	2, 100, 000	2, 100, 000	2, 100, 000	2, 000, 000	100, 000
Title VI:					
Alliance for Progress loans.	465, 000, 000	(¹)	425, 000, 000	(¹)	
Alliance for Progress grants.....	85, 000, 000	85, 000, 000	85, 000, 000	85, 000, 000	
Ch. 3: International organizations.	134, 400, 000	134, 272, 400	134, 272, 400	134, 400, 000	
Ch. 4: Supporting assistance.....	405, 000, 000	405, 000, 000	405, 000, 000	374, 700, 000	30, 300, 000
Ch. 5: Contingency fund.....	150, 000, 000	150, 000, 000	150, 000, 000	150, 000, 000	
Part II: Military.....	1, 055, 000, 000	1, 055, 000, 000	1, 055, 000, 000	1, 045, 000, 000	10, 000, 000
Part III:					
Administrative expenses, AID.....	52, 500, 000	52, 500, 000	52, 500, 000	52, 500, 000	
State Department.....	2, 900, 000	(¹)	2, 900, 000	(¹)	
Total.....	3, 516, 700, 000	2, 126, 472, 400	3, 316, 572, 400	2, 076, 600, 000	50, 000, 000

¹ Previously authorized.

ECONOMIC CONCENTRATION

Committee on the Judiciary: The Antitrust and Monopoly Subcommittee continued its hearings on the concentration of economic power, having as its witnesses Dr. John Blair, chief economist of the subcommittee; Dr. Willard Mueller, Chief Economist, Federal Trade Commission; and Prof. J. Fred Weston, UCLA.

Hearings were adjourned subject to call.

NOMINATION

Committee on the Judiciary: Subcommittee held hearings on the nomination of Abram L. Freedman, of Pennsylvania, to be U.S. circuit judge, third circuit, with testimony from Senators Clark and Scott. The nominee was present to testify and answer questions on his own behalf.

By previous agreement this nomination was subsequently reported by the full committee.

AIR POLLUTION

Committee on Public Works: Special Subcommittee on Air and Water Pollution concluded its current series of hearings on air pollution problems, after receiving testimony from Joseph W. Mullan, National Coal Association; Harry Perry, Bureau of Mines, Department of the Interior; Vernon G. MacKenzie, Division of Air Pollution Control, PHS, Department of HEW; P. N. Gammelgard, American Petroleum Institute; W. C. L. Hemeron, a consultant of Pittsburgh; Lawrence Roberts and Ralph L. Chamberlin, both of Research-Cottrell, Inc., Bound Brook, N.J.; S. R. Orem, Aerotec Industries, Inc., Greenwich, Conn.; James W. May, American Air Filter, Louisville, Ky.; Martin M. Decker, Oxy-Catalyst, Inc., Berwyn, Pa.

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UNITED STATES DEPARTMENT OF AGRICULTURE

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U. S. Department of Agriculture

OFFICE OF
BUDGET AND FINANCE

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Issued July 9, 1964

For actions of July 8, 1964

88th-2nd; No. 125

CONTENTS

Appropriations.....15	Foreign service.....13	Parks.....7
Automation.....8	Forest roads.....2	Personnel.....13
Broom imports.....12	Forest Service.....15	Poverty.....1
Coffee.....10	Lands.....14	Reclamation.....14
Dual compensation.....10	Legislative program.....10	Sugar.....9
Electrification.....4,11	Marketing.....5	Tariff.....16
Foreign aid.....3	Meat imports.....1,6	Wildlife.....7

HIGHLIGHTS: Senate committees reported poverty and forest-roads bills. Sen. Pearson questioned ideas for revision of marketing system. Sens. Stennis and Anderson spoke in favor of Mansfield amendment on meat imports. Sens. Humphrey and McNamara recommended increase in sugar-beet quota.

SENATE

- 1. POVERTY.** The Labor and Public Welfare Committee reported with amendment S. 2642, the poverty bill. The printing of the report was delayed until July 22. p. 15508
Sen. Allott inserted a letter from a constituent criticizing the poverty bill and opposing meat imports. p. 15592
- 2. FOREST ROADS.** The Public Works Committee reported with amendment S. 1147, to enable the Secretary of Agriculture to construct and maintain an adequate system of roads and trails for the national forests (S. Rept. 1174). p. 15506
- 3. FOREIGN AID.** The Foreign Relations Committee was authorized to report H. R. 11380 the foreign-aid authorization bill, during Senate recess. p. 15505
- 4. ELECTRIFICATION.** S. 2853, to provide for research into the development of practical means for the utilization of solar energy, was transferred from the Aeronautical and Space Sciences Committee to the Interior and Insular Affairs Committee. p. 15514

5. MARKETING. Sen. Pearson expressed concern about a recommendation to this Department by the National Advisory Commission on Cooperatives for "the forming of producer cooperatives into independent bargaining and operating associations and also to use pool cooperatives which have been used in other countries." pp. 15517-8
Sen. Humphrey gave a tribute to Murray D. Lincoln, president of the Co-operative League. pp. 15548-9
6. MEAT IMPORTS. Sens. Stennis and Anderson spoke in favor of the Mansfield amendment to H. R. 1839 providing for restrictions on meat imports. pp. 15545, 15556-60
7. WILDLIFE; PARKS. Sen. Yarborough stated that wildlife threatened by extinction would be helped by more national parks. pp. 15552-4
8. AUTOMATION. Sen. Nelson inserted an article expressing concern about automation. pp. 15572-6
9. SUGAR. Sens. Humphrey and McNamara spoke in favor of an additional sugar-beet quota. pp. 15568-91
10. LEGISLATIVE PROGRAM. H. R. 7381, to revise the dual-compensation laws, was made the unfinished business for consideration today, July 9 (p. 15591). Sen. Humphrey said a perfunctory session will be held Friday with no business being transacted (p. 15569). It was agreed that the International Coffee Agreement will be postponed until July 20 (p. 15569).

ITEMS IN APPENDIX

11. ELECTRIFICATION. Extension of remarks of Sen. Neuberger inserting a statement by Sen. Engle before the Senate Appropriations Committee criticizing the proposed west coast electric power interties. pp. A3717-8
12. IMPORTS. Extension of remarks of Rep. Beermann inserting an article discussing the problems of the broom industry with imports. p. A3720

BILLS INTRODUCED

13. PERSONNEL; FOREIGN OFFICERS. S. 2983, by Sen. Fulbright, to amend the Foreign Service Act and the Federal Employees International Service Act; to Foreign Relations Committee. Remarks of author, pp. 15509-10
14. RECLAMATION. S. 2985, by Sen. Bible, to amend the act of August 1, 1956 (70 Stat. 775), so as to provide that the excess land provisions of the Federal reclamation laws shall not apply to certain lands that will receive a supplemental water supply from the Washoe reclamation project; to Interior and Insular Affairs Committee. Remarks of author, pp. 15510-1

BILLS APPROVED BY THE PRESIDENT

15. APPROPRIATIONS. H. R. 10433, making appropriations for the Department of Interior and related agencies for 1965. See Digest 129 for a summary of Forest Service items. Approved July 7, 1964 (Public Law 88-356).
16. TARIFF. H. R. 9311, to continue for two years the suspension of duty on certain alumina and to make permanent the suspension of duty on certain bauxite. Approved July 7, 1964 (Public Law 88-362).

Digest of CONGRESSIONAL PROCEEDINGS

OFFICE OF
BUDGET AND FINANCE

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OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE

Washington, D. C. 20250

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U. S. Department of Agriculture

Issued July 21, 1964

For actions of July 10 and July 20,
1964

88th-2nd; Nos. 137
and 138

CONTENTS

Alaska.....	34	Food marketing.....	15,29	Poverty.....	14,31
Appalachia.....	25,51	Foreign aid.....	1,47	Potatoes.....	14
Appropriations.....	3,18	Foreign trade.....	4,16,24	Prices.....	40,50
Automation.....	19	Forest research.....	22	Purchasing.....	44
Civil rights.....	10,18	Grange.....	9	Public debt.....	41
Coffee agreement.....	13	Information.....	5,17,37	Public works.....	25
Conservation.....	21	Laboratories.....	27	Reclamation.....	33,35,49
Copyrights.....	6,26	Legislative program.....	14	Recreation.....	20
Defense production.....	42	Libraries.....	8	Research.....	22,27,28
Dual employment.....	12	Mailing lists.....	5,17	Small business.....	39
Economy.....	44	Marketing.....	11,15,29	Stockpiling.....	36
Education.....	30	Minerals.....	38,36	Transportation.....	2
Electrification.....	43	Nomination.....	10	Water pollution.....	46
Estes case.....	45	Paperwork.....	37	Water research.....	28
Expenditures.....	7	Patents.....	6,26,48	Weather.....	35
Farm prices.....	23,50	Personnel.....	12	Weights and measures.....	11
Food costs.....	50	Pesticides.....	38	Wheat.....	16

HIGHLIGHTS: See page 5

SENATE

1. FOREIGN AID. The Foreign Relations Committee reported with amendments H.R. 11380, the foreign-aid authorization bill (S. Rept. 1188) (July 10). p. 15707
Sen. McGee inserted and discussed his recommendations for changes in the foreign aid program. pp. 15706-34
2. TRANSPORTATION. The Commerce Committee reported ^{with amendment} S. 1063, to provide that the Interstate Commerce Commission shall fix the compensation for use of freight cars in such a way as to insure the adequacy of the freight car supply (S. Rept. 1192). p. 15707

3. APPROPRIATIONS. The Appropriations Committee was authorized to meet during Senate sessions this week. p. 15708
4. FOREIGN TRADE. Both Houses received from the State Department a proposed bill to suspend the duty on certain tropical hardwoods; to Senate Finance Committee and House Ways and Means Committee. pp. 15708, 15704
5. INFORMATION. Both Houses received from GAO a report on "unnecessary costs incurred in mailing informational material to the public by the Washington, D.C., headquarters office, Department of Agriculture." pp. 15708, 15704
6. COPYRIGHTS. Both Houses received from the Library of Congress a proposed bill for general revision of the copyright law; to Judiciary Committees. pp. 15709 15704
7. EXPENDITURES. Sen. Williams, Del., inserted an article on "the inflationary danger of planned deficit spending." p. 15712
8. LIBRARIES. Sen. Morse inserted an address by Francis Keppel, "Libraries: Future Unlimited." pp. 15718-9
9. GRANGE. Sen. Morse inserted the legislative program of the Oreg. Grange. pp. 15719-20.
10. CIVIL RIGHTS... Confirmed, 53-8, the nomination of LeRoy Collins to be Director of the Community Relations Service. pp. 15734-41
11. MARKETING. Passed as reported H.R. 6413, to establish standard weights and measures for D. C. pp. 15762-3
12. PERSONNEL. Passed with amendments H.R. 7381, to simplify, modernize, and consolidate the laws relating to employment of civilians in more than one position and the laws concerning the civilian employment of retired members of the armed services. pp. 15765-9
13. COFFEE AGREEMENT. Sen. Hruska stated that the U.S. consumer pays the price of the International Coffee Agreement. pp. 15774-6
14. LEGISLATIVE PROGRAM. S. 332, to prohibit futures trading in Irish potatoes, was made the unfinished business for consideration today. Sen. Mansfield listed other bills for consideration after that, including the poverty bill and the foreign-aid authorization bill. p. 15773

HOUSE

15. MARKETING. Reps. Sullivan, Purcell, Rosenthal, Cunningham and May were appointed as House members of the National Commission on Food Marketing. p. 15699
16. FOREIGN TRADE. Rep. Rogers, Fla., stated that "strong action by the OAS will lay the groundwork for subsequent trade boycotts of Cuba by other nations of the free world." p. 15699
Rep. Anderson urged a thorough investigation of the report that American wheat has been seen being loaded on a Russian ship for delivery to Cuba. pp. 15701-2

FOREIGN ASSISTANCE ACT OF 1964

REPORT

OF THE

COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE

ON

H.R. 11380

TO AMEND FURTHER THE FOREIGN ASSISTANCE
ACT OF 1961, AS AMENDED, AND FOR
OTHER PURPOSES

TOGETHER WITH

INDIVIDUAL VIEWS



JULY 10, 1964.—Ordered to be printed

Filed under authority of the order of the Senate of July 9, 1964

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WASHINGTON : 1964

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CONTENTS

	Page
1. Main purpose of the bill.....	1
2. What the bill provides.....	1
3. Committee action.....	2
4. Committee comments.....	4
5. Substantive provisions of the bill:	
Part I:	
Chapter 2. Development assistance.....	7
Title II. Technical cooperation and development grants (sec. 101).....	7
Title III. Investment guaranties (sec. 102).....	10
Title IV. Surveys of investment opportunities (sec. 103).....	12
Title VI. Alliance for Progress (sec. 104).....	13
Chapter 3. International organizations and programs (sec. 105).....	14
Major programs:	
United Nations Expanded Technical Assistance Program and Special Fund.....	15
Indus waters.....	15
Palestinian refugees.....	17
United Nations Children's Fund.....	18
United Nations technical and operational assistance to the Congo.....	18
Chapter 4. Supporting assistance (sec. 106).....	19
Chapter 5. Contingency fund (sec. 107).....	19
Part II:	
Chapter 2. Military assistance (sec. 201).....	20
Guaranty authority.....	20
Authorization.....	20
Sales.....	22
Exchanges and guaranties.....	22
Special authority.....	23
Military assistance to Africa.....	23
Part III:	
Chapter 1. General provisions (sec. 301).....	23
Advisory Committee on Foreign Aid.....	23
Uses of foreign currencies.....	23
Expropriations and other similar matters.....	24
Prohibitions against furnishing assistance to Cuba and certain other countries.....	24
Assistance to developed countries.....	25
Chapter 2. Administrative provisions.....	25
Employment of personnel.....	25
Experts and consultants.....	27
Administrative expenses of AID.....	27
Part IV:	
Amendments to other laws.....	27
6. Changes in existing law.....	28
7. Individual views on H.R. 11380.....	42

FOREIGN ASSISTANCE ACT OF 1964

JULY 10, 1964.—Ordered to be printed
Filed under authority of the order of the Senate of July 9, 1964

Mr. FULBRIGHT, from the Committee on Foreign Relations, submitted
the following

REPORT

together with

INDIVIDUAL VIEWS

[To accompany H.R. 11380]

The Committee on Foreign Relations, having had under consideration the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, reports the same favorably with amendments and recommends that, as amended, it be passed by the Senate.

1. MAIN PURPOSE OF THE BILL

The main purpose of the bill is to authorize appropriations for those parts of the foreign assistance program which are on an annual basis. These are development grants, international organizations and programs, supporting assistance, contingency fund, military assistance, and Agency for International Development (AID) administrative expenses. For these purposes, the bill authorizes total appropriations for fiscal year 1965 of not to exceed \$2,076,600,000, a reduction of \$50 million from the administration's request. As approved by the committee, the bill will support an appropriation of \$3,466,700,000.

2. WHAT THE BILL PROVIDES

The following table compares the appropriations authorized by the committee in the bill with the appropriations request of the executive branch for fiscal year 1965 and with the amounts authorized and appropriated by the House of Representatives:

	Adminis- tration appropri- ation request	House authoriza- tion bill	House appropri- ation bill	Senate Foreign Relations Committee	Reduction by Senate committee from adminis- tration request
Pt. I. Economic:					
Ch. 2: Development assist- ance:					
Title I: Development loans.....	\$922, 200, 000	(1)	\$782, 200, 000	(1)	-----
Title II:					
Technical cooperation, development grants.....	224, 600, 000	\$224, 600, 000	204, 600, 000	\$215, 000, 000	\$9, 600, 000
American schools and hospitals.....	18, 000, 000	18, 000, 000	18, 000, 000	18, 000, 000	-----
Title IV: Surveys of in- vestment opportunities.....	2, 100, 000	2, 100, 000	2, 100, 000	2, 000, 000	100, 000
Title VI:					
Alliance for Progress loans.....	465, 000, 000	(1)	425, 000, 000	(1)	-----
Alliance for Progress grants.....	85, 000, 000	85, 000, 000	85, 000, 000	85, 000, 000	-----
Ch. 3: International organiza- tions.....	134, 400, 000	134, 272, 400	134, 272, 400	134, 400, 000	-----
Ch. 4: Supporting assistance.....	405, 000, 000	405, 000, 000	405, 000, 000	374, 700, 000	30, 300, 000
Ch. 5: Contingency fund.....	150, 000, 000	150, 000, 000	150, 000, 000	150, 000, 000	-----
Pt. II: Military.....	1, 055, 000, 000	1, 055, 000, 000	1, 055, 000, 000	1, 045, 000, 000	10, 000, 000
Pt. III: Administrative expenses:					
AID.....	52, 500, 000	52, 500, 000	52, 500, 000	52, 500, 000	-----
State Department.....	2, 900, 000	(1)	2, 900, 000	(1)	-----
Total.....	3, 516, 700, 000	2, 126, 472, 400	3, 316, 572, 400	2, 076, 600, 000	50, 000, 000

¹ Previously authorized.

In addition, the bill contains these major provisions:

1. The ceiling on the total face amount of extended risk investment guaranties that may be outstanding at any one time is increased from \$180 million to \$300 million.

2. The ceiling on Latin American housing guaranties is raised from \$150 million to \$250 million.

3. The President is authorized to issue guaranties against political and credit risks of nonpayment in connection with privately financed sales of U.S. defense articles and services to eligible foreign countries and international organizations.

4. AID personnel and Department of State employees of the foreign aid program are placed under selection out procedures comparable to those now applicable to the Foreign Service.

5. The President is authorized at any time during the 2 years after the effective date of the bill to separate in any 12-month period up to 100 persons performing duties under the act.

3. COMMITTEE ACTION

On March 19, 1964, the President sent to the Congress a message on foreign aid (H. Doc. 250, 88th Cong., 2d sess.) and Senator Fulbright introduced by request the administration bill, S. 2658, to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes. At the same time, on his own behalf, Senator Fulbright also introduced as eight separate bills the component parts of the administration bill with each bill identical to those parts except for that concerning contributions to international organizations.

These bills were S. 2659, to provide for technical cooperation and development grants to less-developed friendly countries and areas; S. 2660, to provide for additional investment guaranties and surveys of

investment opportunities under the Foreign Assistance Act of 1961, as amended; S. 2661, to authorize certain grant assistance under the Alliance for Progress; S. 2662, to amend the United Nations Participation Act of 1945, as amended; S. 2663, to authorize appropriations for supporting assistance pursuant to the terms of the Foreign Assistance Act of 1961, as amended; S. 2664, to authorize an appropriation to the President's contingency fund pursuant to the Foreign Assistance Act of 1961, as amended; S. 2665, to provide for military assistance to friendly countries and international organizations; and S. 2666, to provide for better administration of the Foreign Assistance Act of 1961, as amended.

The committee began public hearings on March 31 at which time Mr. Seymour M. Peyser, Assistant Administrator for Development Finance and Private Enterprise and Mr. William D. Rogers, Deputy U.S. Coordinator of the Alliance for Progress, and Deputy Assistant Administrator for Latin America, testified on S. 2658 and S. 2660. On April 1, the committee heard the Honorable Harlan Cleveland, Assistant Secretary of State for International Organization Affairs, on S. 2662, followed by the Honorable David E. Bell, administrator of the AID, April 14 and 21 on S. 2659. On April 3, the committee considered S. 2660 and S. 2662 in executive session.

On June 10, the House passed H.R. 11380, the administration companion measure. When the committee resumed hearings on June 18, the chairman moved that further consideration of the bills sponsored by him be indefinitely postponed and that the committee proceed with consideration of H.R. 11380. On June 18, 19, and 23 testimony on the House bill was provided by Secretary of State Dean Rusk, Administrator Bell, Secretary of Defense Robert S. McNamara, and the Chairman of the Joint Chiefs of Staff, Gen. Maxwell D. Taylor. These hearings have been published in one volume, with deletions for security purposes, and are available to Members of the Senate and the general public.

In addition to testimony from executive branch witnesses, the committee also heard witnesses representing the following organizations:

- U.S. Chamber of Commerce.
- International Economic Policy Association.
- National Council of Jewish Women.
- American Federation of Government Employees.
- Liberty Lobby.
- American Legion.

Mr. Henry J. Clay, of DeWitt, Lockman & DeWitt, New York City, also testified.

Statements and letters were received for the record from the following:

- Senator Jacob K. Javits.
- American Federation of Government Employees.
- Department of Legislation, AFL-CIO.
- Government Employees' Council, AFL-CIO.
- Citizens Committee for UNICEF.
- League of Women Voters.
- National Farmers Union.
- American Farm Bureau Federation.
- National Rural Electric Cooperative Association.
- National Society of Professional Engineers.

Women's International League for Peace and Freedom.
Friends Committee on National Legislation.
National Council of the Churches of Christ in the U.S.A.
Division of Peace and World Order, General Board of Christian Social Concerns of the Methodist Church.
Citizens Foreign Aid Committee.
Council for Christian Social Action of the United Church of Christ.
National Congress of Parents and Teachers.

As in previous years, the nongovernmental testimony was predominantly in favor of the foreign assistance program.

On June 24, the committee began marking up the bill. At this meeting and subsequent meetings on June 25, 26, 29, July 1 and 2, the committee went over the bill section by section and on July 2 voted 13 to 3 to report favorably the House bill, H.R. 11380 with amendments.

4. COMMITTEE COMMENTS

As experience with foreign aid is accumulated, the program and its implications become better understood by aid administrators and recipient governments alike. Thus, foreign aid is being steadily rationalized and improved, while its effects are becoming more discernible and perhaps more durable.

It is more difficult to see whether public understanding of the aid program is growing significantly with the passage of time. To some extent, the lack of understanding reflects a failure to perceive that the aid program is a multipurpose instrument of foreign policy, not a single doctrinal approach to the problems of the developing world. The criticism that foreign aid will not succeed until there is agreement on what the program seeks to achieve is not realistic. Clearly, the immediate objective of foreign aid in Africa, for example, is by and large quite different from that in Latin America, and its immediate objective there is different from that in southeast Asia. There is, to be sure, the broad underlying purpose of encouraging the development of a stable world order, within which independent societies may freely pursue policies deemed consistent with their own highest interests. The foreign aid program should contribute to this purpose by helping transitional societies along the path toward stronger economies and institutions; by helping others to preserve their independence; by helping primitive societies to learn to deal with contemporary problems and opportunities.

The committee finds the general trend of the aid program, on balance, encouraging. The total of bilateral American aid, for example, is declining. The appropriations request for economic and military assistance in fiscal year 1965 is \$3.5 billion, compared with \$4.9 billion in fiscal year 1963. The program is becoming progressively more concentrated. This year, two-thirds of the development loans are programed for 7 countries, four-fifths of the supporting assistance to 4 countries (Jordan, Korea, Laos, and Vietnam, the latter to receive nearly half), and two-thirds of the military assistance to 11 countries along the rim of the Communist bloc.

The number of countries receiving bilateral American aid is decreasing. AID assistance has been terminated in 17 countries, and the executive branch believes that 14 others may be added to the list in the near future. In many of these countries at least some credit for the greater self-sufficiency is due the aid program.

As the greater part of aid is shifted to dollar repayable loans, the supporting assistance program is diminishing. Five years ago, the request for such assistance totaled more than \$1 billion and represented about 60 percent of the economic aid program. The current request for supporting assistance is \$405 million; 14 countries which received this kind of assistance 3 years ago will receive none in fiscal year 1965.

Some concern exists that many development loans will not be repaid, and are really disguised grants. Any analysis of the repayment history of loans in all forms extended by the United States in recent years should provide some reassurance. The following short table illustrates the loan repayment history of the AID development loans, the Export-Import Bank, and the World Bank:

History of loan repayments to Mar. 31, 1964 (development loans, Export-Import Bank, IBRD)

[Values in millions of dollars]

Lending institution	Cumulative amount loaned		Payments to Mar. 31, 1964		
	Author-ized	Disbursed	Total	Principal	Interest
Development loans (DLF and AID)-----	\$4, 906	\$2, 513	¹ \$261	\$145	\$116
Export-Import Bank-----	14, 146	9, 347	² 7, 546	5, 810	1, 736
International Bank for Reconstruction and Development (IBRD)-----	7, 738	5, 853	³ 2, 818	1, 515	1, 303

¹ Development loans—As of Mar. 31, 1964, 20 loans were delinquent in the amounts of \$3,400,000 on principal and \$2,300,000 on interest. The majority of these delinquencies and each of the six that has been delinquent for more than 2 years involve private institutions.

² Export-Import Bank—In 31 years of operation, \$3,700,000 written off as actual losses and \$41,000,000 of principal and interest installments were overdue as of Dec. 31, 1963. There are protracted loan defaults aggregating \$34,400,000 (\$19,800,000 principal plus \$14,600,000 interest), involving 11 loans. In addition, there are other delinquencies which, in the opinion of the Board, are attributable to routine delays or transitory exchange difficulties. The delinquencies total \$6,600,000, of which \$5,100,000 is principal and \$1,500,000 is interest.

³ IBRD—No defaults during entire 18 years of operation.

Source: Statistics and Reports Division, Agency for International Development, June 26, 1964.

There is also concern that the aid program is a principal cause of the American balance-of-payments deficit. This does not appear to be the case. The committee explored this question with the executive branch and beginning on page 323 of the printed hearings there is a detailed statement on the relationship of the aid program to the U.S. balance of payments. This statement notes that more than 80 percent of aid funds are spent in the United States; also that the impact of the program on the balance of payments, when interest and principal repayments of loans are considered, actually produced an inflow of dollars in 1963.

There is longstanding concern that the other capital exporting and economically advanced countries of the free world are not shouldering a fair share of the aid burden. This is a complicated question, for which there is no categoric answer. Some of the other members of the Development Assistance Committee of the Organization for Economic Cooperation and Development (OECD) are contributing on a relatively generous basis. Others are contributing little to the overall aid effort. Some provide aid on a largely grant basis; others are steadily softening the terms and conditions of their aid, while still others continue to treat aid more as an arm of commercial policy than

of foreign policy. The overall trend is favorable, despite the fact that Europe appears to be undergoing severe balance-of-payments pressure, even as the American deficit is being reduced.

The committee asked for and received from the executive branch a comprehensive statement dealing with amounts and terms of aid supplied by the free world countries, the comparative defense expenditures of these countries as a percentage of gross national product, and the importance of their aid programs to their commercial trade. This statement also includes some detailed information on Sino-Soviet aid. It can be found on page 331 of the hearings.

The committee has always been impressed with the difficulties in administering aid programs. A great many of them are conducted thousands of miles from the United States under unfamiliar and trying circumstances. On the American side, the administration of the program, as indicated, seems to be improving. But it is equally clear that administrative inexperience of many recipient governments often presents one of the more serious difficulties; this, in turn, accounts for the emphasis placed on education and public administration training that is found in the technical cooperation program.

This problem is very well illustrated by an unclassified telegram from a U.S. embassy setting forth a chronology of negotiations with the host government with respect to an exchange of notes amending an investment guarantee agreement between the two countries. For obvious reasons, the names of the officials of the host government, as well as the country itself, have been eliminated from the text, which is as follows:

[Airgram]

DECEMBER 6, 1963.

To: Department of State.

From: Amembassy.

Subject: Amended investment guarantee agreement.

For the Assistant Legal Adviser for Treaty Affairs.

Enclosed are a certified copy of the Embassy's note of December 28, 1962, and the original copy of the government of ——— reply to it dated November 13, 1963, which amend the investment guarantee agreement between the two countries. Since it is realized that the elapsed time between the two notes is a bit longer than customary, there is also attached a chronology of the negotiations.

CHRONOLOGY OF NEGOTIATIONS

December 10, 1962: Matter discussed with Assistant Secretary (Economic) A. Since he was leaving the following week to join High Commission in ——— he referred it to Principal Secretary B.

December 17, 19, 21, 1962: Three meetings with B. Explained and gave copies of amended law. Had copies made of previous exchange of Notes (Foreign Office unable to find their file copies). B satisfied and prepared to exchange notes.

December 28, 1962: Embassy note delivered to B, who said that reply would be delayed until Foreign Minister returned from trip. Matter too important for Acting Foreign Minister C. B was leaving on 3-month vacation but would give all papers to assistant Secretary D.

January 21, 1963: Secretary D said unable to find note of December 28 or copies of amended law. Copies made and delivered.

February 5, 1963: D now unable find file with previous exchange of notes.

February 12, 1963: All papers found and under active consideration.

February 27, 1963: D moved to Ministry of Development—papers now with Assistant Secretary X.

February 28, 1963: X has given file to Foreign Minister.

March 18, 1963: No longer X's area of responsibility—referred to Assistant Secretary Y.

March 20, 1963: Met Y, who knew nothing of matter but would look into it.

March 21, 1963: Y cannot find file.

March 28, 1963: Gave copies of all papers to Y.

March 29, 1963: Y located Foreign Office files and would see to it immediately.

April 6 through 20, 1963: Y in ——— playing cricket for ——— team—no one else knows about matter.

April 24, 1963: Y returned—unable find file.

April 26, 1963: Y was unable to find file, because it had been sent to Cabinet.

May 14, 1963: Still with Cabinet—Y will check.

June 6, 1963: B (now Permanent Secretary) will check.

July 5, 1963: B unable locate file, requests file number. DCM gave B file number, which was on Formin note from first exchange. B said he would take care of matter at once.

September 17, 1963: B said he had given papers to Assistant Secretary Z and that he would check.

September 27, 1963: Talked to B, who said to discuss matter with Z following week.

October 3, 1963: Z said he knew nothing about it. Asked B who said he was being transferred to Ministry of Natural Resources, but would give papers to his successor.

October 16, 1963: B not yet transferred. Again gave him copies of all correspondence.

November 13, 1963: Foreign Minister out of country, Acting Foreign Minister C signs note.

5. SUBSTANTIVE PROVISIONS OF THE BILL

PART I

CHAPTER 2. DEVELOPMENT ASSISTANCE

TITLE II—TECHNICAL COOPERATION AND DEVELOPMENT GRANTS (SEC. 101)

This section amends the heading of title II to read "Technical Cooperation and Development Grants." The purpose of the change is to call attention to the growing emphasis on the technical assistance program and the declining use of grant money authorized under this section for capital projects. The expectation is that all or most capital projects will be financed under the development loan program.

The bill authorizes \$215 million for technical cooperation and development grants in Asia and Africa, a reduction of \$9.6 million from the amount requested by the executive branch. The funds will remain available until expended, as is normally the case with funds authorized under this title.

The bill also authorizes support for American schools and hospitals abroad in the amount of \$18 million. In order to allow greater flexibility in this program, it eliminates from section 214(c) of the act the \$2.2 million limitation on the amount of funds that may be used to cover the dollar costs of hospital programs; also eliminated from 214(c) is the requirement that a stipulated portion of these funds must be used to purchase foreign currencies. This latter requirement is repealed as unnecessary since dollar appropriations can always be used to purchase foreign currencies from the Treasury for these purposes.

The committee desires to express its strong approval for this program of assisting American-sponsored schools and hospitals abroad. The sum authorized includes \$1.5 million for Project Hope, and the committee would look with favor upon the provision of another hospital ship for this activity, as already authorized under 10 U.S.C. 2667.

The bill amends section 216(a) of the act, which concerns voluntary agencies, by authorizing the use of funds under this title for payment of the ocean freight costs from foreign ports to recipient countries of excess or surplus American property supplied by the United States and shipped by registered voluntary foreign aid agencies. At present the payment of ocean freight costs is limited to property shipped from U.S. ports. The committee believes that the amendment is sensible and fully consistent with the purposes of the act. The equipment that would be involved is located in Defense Department depots in Frankfurt and Tokyo, and consists in the main of blankets, tents, and basic tools. It is unlikely that domestic agencies would be willing to pay the costs of returning such equipment to the United States.

The committee added a new section authorizing the use of funds for a study to determine the feasibility of establishing programs for furnishing to less-developed countries used tools, machinery, and other manufacturing equipment which would be donated by private enterprises. The President is directed to submit to the Congress a report of the results of such a study, together with his recommendations. The authority is only for a study; on the basis of the study, the Congress can determine what further action, if any, is needed.

Most of the funds in this year's technical assistance program will be devoted to some 600 projects in 52 Asian and African countries. About 4,000 American citizens are serving abroad to help carry forward these projects; of these, about 1,800 are directly employed by AID, the rest by AID contractors or other Government agencies.

The committee has always placed a special importance on this program, which is basically intended to raise the educational, technical, managerial, and professional levels of developing societies, and to foster the growth of their institutions. Members tend to agree with the AID Administrator who was asked during a hearing how he rated the technical assistance program in the scale of priorities. He replied that the developing countries require both technical knowledge and capital to overcome their problems, but that if he had to "choose

between them [he] would unhesitatingly sacrifice the capital and concentrate on the technical knowledge, skills, leadership."

Technical cooperation is a program that has generally been carried on with relative economy, and the year ahead would seem to be no exception. As for the fiscal year 1964, the committee was informed that by March 31 the AID had already approved projects for which about 87 percent of available funds are being spent; thus, little carryover is expected. Nor is there much new money in this program; the majority of the projects have been underway for some time. The executive branch is proposing only 20 new technical cooperation projects in Asia, Africa, and Latin America for fiscal year 1965 at a total cost of \$5.8 million. In addition, virtually all programs are joint undertakings; the recipient country or private institution normally agrees to share substantially in the cost of a project and to shoulder the full cost upon the termination of American assistance. A detailed description of a number of activities being carried on under the technical cooperation program appears, for illustrative purposes, on pages 137-144 of the printed hearings. The following tables illustrate the sums that are being spent in the various categories of technical assistance in Asia and Africa:

Technical cooperation obligations, by field and activity (excluding Latin America)

[In millions of dollars]

	1963	1964	1965
Agriculture and natural resources.....	33.3	32.6	37.4
Industry and mining.....	16.4	13.7	16.3
Transportation.....	9.4	11.9	8.7
Labor.....	1.1	1.1	.9
Health and sanitation.....	21.4	19.3	17.7
Education.....	44.6	40.9	40.8
Public administration and public safety.....	18.0	16.7	15.4
Community development, social welfare, and housing.....	3.7	2.6	2.3
General and miscellaneous.....	23.8	11.8	13.8
Technical support.....	26.3	29.7	26.4
Subtotal.....	198.0	180.3	179.7
Nonregional.....	31.9	45.1	55.1
Grand total.....	229.9	225.4	234.8

Fiscal year 1963 participant arrivals—Technical cooperation,¹ by field of activity and region (excluding Latin America)

Field of activity	All regions	Near East and south Asia	Far East	Africa	Europe
Total all fields.....	4,510	1,454	1,384	1,525	147
Agricultural and natural resources.....	992	263	228	501	0
Industry and mining.....	505	258	169	59	19
Transportation.....	184	122	47	15	0
Labor.....	133	84	29	20	-----
Health and sanitation.....	395	184	141	64	6
Education.....	1,043	226	381	436	-----
Public safety.....	224	47	106	71	-----
Public administration.....	525	157	136	232	-----
Community development and housing.....	111	19	58	34	-----
General and miscellaneous.....	315	46	66	89	114
Atomic energy.....	83	48	23	4	8

¹ Adjusted to a technical cooperation total by reduction of 7 percent reflecting an estimate of participants funded from supporting assistance.

The largest share of the proposed fiscal year 1965 program, about \$83 million, is earmarked for 32 African countries. Almost without exception, the sums for these country programs are quite small, 13 of them less than \$1 million. Clearly, this is the kind of assistance that these changing African societies require. Thirty-two American colleges and universities are working under AID contracts in Africa. The bulk of the funds are concentrated in agriculture and education. The next most important area is public administration. In addition to field operations, about 1,500 Africans are sent each year to the United States through the AID participant training program. These people possess what AID describes as "key roles in development activities" and receive specialized training.

Nearly \$50 million is being requested for this program in the Near East and south Asia, and it is planned to concentrate three-fourths of this sum in five countries: India, Pakistan, Turkey, Jordan, and Afghanistan. It is in this region that AID has extended the consortium device to technical assistance. Nine universities have contracted to provide the technical services required to create an Indian Institute of Technology at Kanpur. The work, according to testimony, is "in full swing, and we expect it will establish over the next several years an institution of very high standards of excellence in teaching and research, whose impact will be felt progressively throughout Indian technical education for many years to come."

A similar arrangement has been undertaken by a group of 10 American universities which have agreed to help develop an Afghanistan Institute of Technology in Kabul.

It is proposed to spend \$47.5 million for technical cooperation in the Far East in the upcoming year. The funds would be divided among nine countries. Another \$55 million is earmarked for interregional activities in the technical assistance area. These include payment of ocean freight costs of privately donated supplies shipped by registered voluntary agencies; the cost (estimated at \$15 million for fiscal year 1965) of AID's development research and analysis program; some of the costs of training 9,000 or so foreign nationals who come to the United States each year for technical training; the cost of services supplied by other Government agencies participating in this aspect of the aid program.

The committee took testimony indicating that the level of technical help provided by other countries is on the rise. Within the Development Assistance Committee (DAC) of the OECD, a technical reference service is taking steps to coordinate and improve the quality of technical assistance activities. Some countries can be expected to have a persistent need of technical help, even after they no longer require grant or loan assistance. The DAC should be well suited to identifying the needs in this area of various governments and private institutions, and making useful referrals. Moreover, any increase in the activities of the DAC is itself encouraging. The progress of this organization has been understandably and unavoidably slow. With time, it should take on a larger role and greater importance.

TITLE III—INVESTMENT GUARANTEES (SEC. 102)

The bill makes two notable changes in this title, both involving face amounts. The ceiling on the total face amount of extended risk guarantees that may be outstanding at any one time is increased from

\$180 to \$300 million. The ceiling on Latin American housing guarantees is raised from \$150 to \$250 million. The present time limit on the authority to issue extended risk guarantees is carried forward from June 30, 1965, to June 30, 1966. The bill also broadens the language prohibiting payment "for any loss arising out of fraud or misconduct for which the investor is responsible" by adding a new criterion, "or action not meeting a standard of reasonable business prudence."

The extended risk guarantee program was designed to attract private capital to areas where instability, administrative inexperience, and various other conditions have tended to discourage investment. Thus, the program offers considerably broader protection than is available under the specific risk guarantee program (against convertibility, expropriation, and war risk) by covering normal commercial risks.

Extended risk guarantees emphasize social development, and fall into two categories: Guarantees against loss of any loan investment for housing projects with appropriate participation by the private investor in the loan risk; and guarantees against loss of up to 75 percent of other forms of investment. Loan guarantees may not exceed \$25 million, and guarantees of other types are limited to \$10 million. The increased authority for this program does not involve an appropriation of funds; rather it simply increases the contingent liability of the U.S. Government.

Since the extended risk program was adopted 3 years ago, 28 countries have signed agreements with the United States permitting such coverage. These countries are among the 55 with whom the United States has agreements covering specific risk guaranties, the oldest of the U.S. programs for assisting and encouraging private investment. These agreements provide for the subrogation of the United States to the assets covered by a guaranty, and for arbitration of international law issues that may be involved in a given case.

The Agency for International Development told the committee that it has received at least 60 inquiries regarding the extended risk coverage. These cover projects in 31 countries and about 15 have passed beyond the exploratory stage. Thus far, however, only two extended risk guaranties have been authorized. Together, these will obligate about \$8 million of the extended risk authority. Both cover projects in Latin America, and are described in Mr. Seymour Peyser's testimony. (See p. 2 of printed hearings.)

Eligibility for extended risk guaranties—either in the case of equity investment or loans—is determined by whether a proposed investment would promote the general objectives of the aid legislation. Moreover, the AID testified that applications may be rejected as a result of balance-of-payments considerations (non-U.S. procurement); because a project may promote Government-controlled rather than privately owned enterprises; because of the absence of a bilateral agreement or other suitable arrangements with a host government; and because a project could be financed privately without a guaranty, or through the Export-Import Bank.

The AID estimates that \$130 million of extended risk guaranties will be issued by the end of fiscal year 1965, leaving only \$170 million available for fiscal year 1966, provided the ceiling on the face amount of guaranties that may be outstanding at any one time is raised to the requested level of \$300 million. Thus, the Agency believes that this

additional authority would be essential merely to satisfy the estimated requirements of the program.

The Latin American housing guarantee program also protects investors against unspecified risks. Normally, these guarantees would cover 100 percent of the principal amount of long-term mortgage funds required by a buyer of a dwelling. The guarantee can take effect only after the units have been constructed and sold. The investor must obtain financing for the construction and marketing of the dwellings.

As of last summer, applications for these guarantees exceeded in total amount the \$150 million authority for the program. Thus far, one project—in Peru—has been completed, and the first houses delivered to their owners. Projects involving more than 5,000 units are underway in 3 countries. Still other projects are in the final negotiating stages, and should be under construction soon. Thus far, the AID has approved guarantees for 12 projects in 8 countries involving about 15,000 units and representing a total investment guarantee commitment of \$65.5 million. The Agency testified that even if the authority to increase the face amount of outstanding guarantees is increased to \$250 million, “this amount still would be approximately \$150 million less than the aggregate of approved and pending applications.” In order to avoid accumulating too large a backlog of applications, the Agency had decided not to accept new applications after May 15.

The Agency further testified that the Housing and Home Finance Agency is now providing the technical services required to determine the feasibility and eligibility of proposed projects. Beyond this, the AID must take account of other factors before deciding on an application for coverage under this program. The effects on the U.S. balance of payments is a consideration, since Latin housing projects normally do not require procurement in the United States. In addition, the effects on the balance of payments in certain of the Latin American countries is an important consideration; the debt servicing capacities of some of these countries are already overstrained, and the guaranteed loans carry dollar costs in the form of 5¼ percent interest charges, plus a guaranty fee (normally 2 percent) to the AID.

The committee hopes that this program will be pushed more vigorously.

TITLE IV—SURVEYS OF INVESTMENT OPPORTUNITIES (SEC. 103)

The bill provides an authorization of \$2 million for surveys of investment opportunities beginning in fiscal year 1965.

Under this program, the AID may finance up to 50 percent of the cost of investment surveys and studies in developing countries. Agreements reached under this program carry a determination date, by which time the applicant must declare whether he intends to go forward with an investment. If that is his decision, AID pays nothing and the results of the survey become the property of the investor; if his decision is not to go forward, AID pays half the cost, and the survey report becomes the property of the U.S. Government.

To date 74 surveys have been undertaken under this program, 60 of them in 1963. According to AID testimony, they cover “such varied fields as dairies, seafood processing, small iron foundries, and chemicals” in countries in Latin America, Asia, and Africa. Since

the surveys are generally undertaken in countries of relatively high investment risk a large percentage do not lead to actual investment.

Thus far, three surveys have led to decisions to proceed with investment, and AID testimony indicates that—

in 21 other cases the firms involved intend to invest subject to current negotiations with local partners and Government agencies or the conclusion of satisfactory arrangements for financing. Thirteen other surveys have been completed without a decision yet having been reached and 20 more are still in progress. Ten surveys have resulted in decisions not to invest and seven grants have been canceled with no obligation to AID.

In some cases, the AID missions abroad have identified investment opportunities, which subsequently have been surveyed by potential investors encouraged to participate in this program. The Agency believes—and the committee concurs—that the new authorization proposed in this bill will be needed to fund the program in the year ahead.

The committee has a continuing interest in all of the programs intended to encourage private investment in the developing countries. Such participation by the private commercial interests of the capital exporting countries is of crucial importance to the efforts of developing countries to strengthen their economies and raise the standards of living of their peoples.

The following table indicates that new private American investment in the less-developed countries has declined since 1961. This is clearly and especially true of Latin America.

New U.S. private capital investment, net

[In millions of dollars]

	1961	1962	1963
All areas.....	3, 953	3, 273	4, 082
Western Europe.....	1, 110	1, 258	1, 595
Eastern Europe.....	3	—3	26
Canada.....	972	634	773
Latin American Republics.....	397	227	154
Japan.....	(¹)	516	833
All other countries.....	1, 506	407	644
International institutions, and unallocated.....	—35	234	57
Addendum sterling area.....	(499)	(¹)	(¹)

¹ Not available.

Source: U.S. Department of Commerce.

TITLE VI—ALLIANCE FOR PROGRESS (SFC. 104)

The bill amends the authorizing language of section 252 by making available, in fiscal 1965, up to \$85 million of the funds previously authorized under that section on terms other than dollar repayable loans. With estimated recoveries of \$3 million, the executive branch is programing expenditures of \$88 million for technical cooperation in Latin America during the next fiscal year.

The committee strongly supports the proposed technical cooperation program for Latin America; the rationale for the program is the same

as that of the larger program authorized under title II. Technical help continues to be essential to the development efforts of most of the 20 Western Hemisphere countries which are receiving such assistance under this title.

The rate of economic and social progress in Latin America has been disappointingly slow in the view of many North American observers. But it should have been clear from the beginning that dramatic breakthrough and economic "takeoffs" are unlikely in the absence of a basic social and political reorientation in most of Latin America. The Alliance for Progress necessarily contends with political instability, anachronistic social patterns, inflation, capital flight, heavy debt service burdens, and the excessive reliance of many countries on the world market price of a single commodity. Progress, therefore, is at best gradual, the performance of most countries at best spotty.

However, measurable progress has been recorded. Eleven countries are embarked on substantial tax reform programs, and land reform efforts are underway in a half dozen countries. Significant housing programs on a self-help basis are said to have been inaugurated in 15 countries, and other self-help programs are underway almost everywhere. In reporting the Foreign Assistance Act of 1962, the committee noted that the comprehensive long-range development plans of three Latin American countries—Colombia, Chile, and Bolivia—had been submitted for review to experts of the Organization of American States (OAS). Since then, five other countries—Mexico, Venezuela, Honduras, Panama, and Ecuador—have submitted social and economic development plans to the so-called Committee of Nine of the OAS. Following consideration by this group, the recommended practice is submission of a plan for review by the World Bank, or the Inter-American Development Bank. The committee recognizes that a well-conceived and mature development plan normally requires support in the form of loans which finance goods considered essential to its various parts. These so-called program loans thus comprise a large part of the development loan program.

CHAPTER 3. INTERNATIONAL ORGANIZATIONS AND PROGRAMS (SEC. 105)

The bill authorizes appropriations of \$134.4 million for the support of international organizations and programs. The authority is limited to voluntary contributions (assessed contributions are charged to Department of State appropriations); which are provided on a grant basis.

The bill amends section 302 of the act by prohibiting the use of funds authorized under this chapter to help establish a volunteer service or other Peace Corps-type program of any international organization or to support the development or operations of any country programs administered by an international organization. The amendment, however, would not restrict the use of funds to provide technical assistance to the Peace Corps-type programs of other countries. Its practical effect, so far as the International Secretariat for Volunteer Service is concerned, will be to limit support to matching money (on a 40-percent basis) for the Secretariat to perform an information clearinghouse function.

It is proposed to devote the following amounts for the programs indicated:

- (1) United Nations expanded program of technical assistance and Special Fund, \$60 million.
- (2) United Nations technical and operational assistance to the Congo, \$5 million.
- (3) United Nations Emergency Force (Near East), \$850,000.
- (4) United Nations Relief and Works Agency for Palestine Refugees, \$16 million.
- (5) United Nations Children's Fund, \$12 million.
- (6) United Nations Food and Agriculture Organization world food program, \$2.3 million.
- (7) International Atomic Energy Agency operational program, \$1.1 million.
- (8) Indus Basin Development Fund, \$37 million.
- (9) International Secretariat for Volunteer Service, \$150,000.

MAJOR PROGRAMS

United Nations expanded technical assistance and Special Fund

As in the past, the largest contribution proposed under this chapter is \$60 million to the United Nations Expanded Technical Assistance Program (ETAP) and the Special Fund. Under this program, technical experts and fellowships are offered to less developed countries, along with demonstration supplies and equipment. Such assistance is provided through specialized agencies of the United Nations, or the United Nations itself. The program is financed by voluntary contributions from more than 100 countries.

The Special Fund finances preinvestment projects, such as surveys of power, soil, and mineral resources, and also the establishment of technical training centers. The projects are normally long term, and are carried on, wherever possible, on a regional instead of a country basis. To date, the Fund has devoted nearly \$340 million in support of 375 projects, with recipient countries having provided an additional \$472 million in local support costs.

Several years ago, the U.N. General Assembly, with U.S. support, set a combined annual goal of \$150 million for the expanded technical assistance and special fund programs. Since 1951, contributions have increased from \$20 million to about \$130 million in 1963. It is expected that the \$150 million target figure will be reached and surpassed in fiscal year 1965. The request for \$60 million which the committee approved represents a continuation of the 40-percent level of support that the United States has contributed to these programs in recent years.

Indus waters

The second largest contribution proposed in this chapter would be \$37 million to the Indus Basin Development Fund, roughly three times the estimated obligations for this program for the current fiscal year. The increase is due primarily to the unexpected slowdown of the project in 1963; this, in turn, was caused by a number of factors that are not expected to persist. For example, the World Bank held up approval of new contracts pending the completion of negotiations with Pakistan leading to a revised agreement.

These negotiations have been completed, and a final settlement of the Indus works project has been agreed upon. It calls for an additional \$315 million of foreign exchange, of which the U.S. share is \$170 million. (According to AID, more than three-fourths of the Indus project contracts have been awarded to American firms, and the project therefore seems to have a net favorable effect on the U.S. balance of payments.) A memorandum setting forth the background, origin, and history of the Indus project, together with an explanatory letter to the chairman from AID may be found on pages 106-110 of the printed hearings. The following are tables showing commitments to the Indus Basin Fund of the various contributors under both the initial 1960 agreement and the revised agreement:

INDUS BASIN DEVELOPMENT FUND

TABLE I.—*Commitments in fund agreement, Sept. 19, 1960*

(In U.S. dollar equivalent)

Contributor	Foreign exchange		Pakistan rupees	Total—All currencies	
	Grant	Loan		Commitment	Percent of total
Australia.....	15,601,600	-----	-----	15,601,600	1.7
Canada.....	22,544,119	-----	-----	22,544,119	2.5
Germany.....	31,500,000	-----	-----	31,500,000	3.5
World Bank.....	0	80,000,000	-----	80,000,000	8.9
India ¹	173,768,000	-----	-----	173,768,000	19.5
New Zealand.....	2,800,000	-----	-----	2,800,000	.3
Pakistan.....	1,232,000	-----	27,580,000	28,812,000	3.2
United Kingdom.....	58,408,000	-----	-----	58,408,000	6.5
United States.....	177,000,000	70,000,000	235,000,000	482,000,000	53.9
Total.....	482,853,719	150,000,000	262,580,000	895,433,719	100.0

¹ Provided for in Indus Waters Treaty.

This table relates only to works in Pakistan and includes Pakistan's contribution thereto. Financing for Indus Basin works in India, to take place outside the Indus Basin Development Fund Agreement, will include a U.S. loan of \$33,000,000, a World Bank loan of \$23,000,000, and provision by India of about \$144,000,000 equivalent in rupees to cover local currency costs.

Source: IBDF Agreement, "Progress Report by the Administrator for the Period July 1 to Dec. 31, 1962."

TABLE II.—*Additional contributions to the Indus Fund—1964*

Contributor	Grant	Loan	U.S. dollar equivalent
Australia.....	\$10,460,000	-----	10,460,000
Canada.....	15,550,000	-----	15,550,000
Germany.....	20,100,000	-----	20,100,000
World Bank.....	-----	\$58,540,000	58,540,000
New Zealand.....	1,400,000	-----	1,400,000
United Kingdom.....	39,140,000	-----	39,140,000
United States.....	118,590,000	51,220,000	169,810,000
Total.....	205,240,000	109,760,000	315,000,000

Source: IBDF Document No. 42, dated July 22, 1963.

Total commitments to Indus Basin Development Fund

[In U.S. dollar equivalent]

Contributor ¹	Commitments under fund agree- ment, September 1960			Additional commit- ments, revised agree- ment, 1964 (foreign exchange)		Total, all currencies commit- ments
	Foreign exchange		Pakistan rupees	Grant	Loan	
	Grant	Loan				
Australia.....	15,601,600			10,460,000		26,061,600
Canada.....	22,544,119			15,550,000		38,094,119
Germany.....	31,500,000			20,100,000		51,600,000
World Bank.....		80,000,000			58,540,000	138,540,000
India.....	173,768,000					173,768,000
New Zealand.....	2,800,000			1,400,000		4,200,000
Pakistan.....	1,232,000		27,580,000			28,812,000
United Kingdom.....	58,408,000			39,140,000		97,548,000
United States.....	177,000,000	70,000,000	235,000,000	118,590,000	51,220,000	² 651,810,000
Total.....	482,853,719	150,000,000	262,580,000	205,240,000	109,760,000	1,210,433,719

¹ India's commitment is provided for in the Indus Waters Treaty. This table relates only to works in Pakistan and includes Pakistan's contribution thereto. Financing for Indus Basin works in India, to take place outside the Indus Basin Development Fund Agreement, will include a U.S. loan of \$33 million, a World Bank loan of \$23 million, and provision by India of about \$144 million equivalent in rupees to cover local currency costs.

² U.S. foreign exchange commitments totaling \$416,760,000 include \$295,540,000 in grants and \$121,220,000 in loans.

Source: Indus Basin Development Fund Agreement "Progress Report by the Administrator for the Period July 1, 1962, to Dec. 31, 1962," and Indus Basin Development Fund Document No. 42, dated July 22, 1963.

The committee strongly supports the Indus Basin development project. Besides being important to the economies of India and Pakistan, it should help to foster the political stability without which there can be no lasting progress in the Indian subcontinent.

Palestine refugees

Existing law requires that the President, in determining whether to continue U.S. participation in the Palestine refugee relief program, shall take into account whether Israel and the Arab host governments are taking steps toward the resettlement and repatriation of the refugees, and whether adequate efforts are being made to rectify the Palestine refugee relief rolls. Testimony before the committee indicated that progress with regard to the relief rolls has been made. The Assistant Secretary of State for International Organization Affairs told the committee:

* * * For the first time since the beginning of this program the number of people on the ration rolls not only didn't go up this year but actually declined by a little over 2,000 names. It is not very much, out of 882,000 names, but it is distinctly a new trend.

The testimony also suggested that the "requirements for this refugee program are expected to decrease slightly in 1965 as a start is made on the systematic reduction of ineligible from the ration rolls." The reduction is made possible, among other things, by the movement away from camps and toward gainful employment of numerous younger refugees. This, however, is balanced to some extent by the high annual birth rate among registered refugees, which, according to estimates of the United Nations Relief Works Agency (UNRWA), exceeds the annual average for the area.

The request for this program in fiscal 1965 is \$16 million, a reduction of \$1.2 million from the level of support that the United States has customarily provided in recent years. In addition, a contribution of surplus agricultural commodities to UNRWA under Public Law 480 would probably bring the full value of American assistance to a maximum figure of \$24.7 million, or about 70 percent of the total. This is the only program of which the level of American support is so disproportionately high.

As in the past, the committee reports little progress toward resettlement and repatriation of the refugees. These people remain the victims of an unresolved struggle between Israel and the Arab States. It has always seemed clear that progress on the refugee question amounts to a precondition to any basic improvement in the political climate in this area. The committee continues to believe that the main responsibilities of the Palestine Conciliation Commission should be continued and encouraged. They are:

(a) Seek to establish contacts between the parties (the Arab States, Israel, and the Commission);

(b) Take steps to assist the governments and authorities concerned to achieve a final settlement of all questions outstanding between them; and

(c) Facilitate the repatriation, resettlement, and economic and social rehabilitation of the refugees and the payment of compensation.

United Nations Children's Fund

This program has always been generously supported by the United States, and since 1960 at the current level of \$12 million. This figure now represents a declining share of an increasing total. In the early 1950's, the United States supported nearly three-fourths of the cost of this program; 3 years ago, the U.S. contribution amounted to 46 percent. Since then, it has dropped about 2 percent per annum and is now 40 percent of the total.

The Children's Fund operates in almost every underdeveloped country, and, whereas it began as essentially a relief program, it has moved into the technical assistance field, and now trains specialists for national programs concerned with the health and welfare of children.

United Nations technical and operational assistance to the Congo

This chapter authorizes a \$5 million contribution in the calendar year 1965 in assistance to the Congo through a special United Nations program designed to supplant the departed Belgian technicians. This program is the largest country program that the United Nations has ever carried on. Its responsibility has been made necessarily larger by the departure on June 30 of the United Nations Peace-keeping Force. Testimony before the committee indicated that the United States in 1964 earmarked—

a major portion of our contribution for use in key areas of primary importance to economic stabilization and internal security, and in addition we have offered a million dollars on a matching basis to the Congo fund to help finance the cost of teachers, doctors, and other essential personnel. It is expected that the same pattern of earmarking and matching contributions would be followed in 1965 for which this \$5 million is requested.

The departure of the peacekeeping force may very well create a serious problem which could conceivably be somewhat lessened by the continuance of an effective civilian program. In any case, the committee concurs in the judgment that this special program enlists the services of the United Nations for responsibilities that no one nation could easily shoulder, and makes possible the earmarking of contributions of individual governments, such as the United States, for first priority uses.

CHAPTER 4. SUPPORTING ASSISTANCE (SEC. 106)

The bill authorizes the appropriation of \$374.7 million for supporting assistance for fiscal year 1964, a reduction of \$30.3 million from the amount requested by the executive branch. The funds are to remain available until expended. The amount authorized compares with an authorization of \$400 million and an appropriation of \$330 million in fiscal year 1964.

The executive branch initially requested \$335 million for this program in fiscal year 1965, but subsequently increased this figure by \$70 million because of the serious and uncertain situation in Vietnam, where roughly half of the total will be spent. Of the 13 countries expected to receive supporting assistance this year, 4 of them—Vietnam, Laos, Korea, and Jordan—will absorb about 80 percent of the total program. This is 14 fewer countries than received assistance in this form 3 years ago, 8 fewer than 2 years ago, and 6 fewer than 1 year ago.

For the most part, supporting assistance programs serve to bolster the economies of countries that are forced to bear disproportionately heavy military burdens. Most are located on the frontier of the Sino-Soviet empire. Three countries located on this rim—Greece, Iran, and Pakistan—formerly relied heavily on supporting assistance and now receive none. But in Vietnam and Korea, supporting assistance finances essential imports which in turn generate the currency that enables the economy to support necessarily large military forces. Supporting assistance is also provided as direct budgetary support to certain countries, such as Jordan and Bolivia, which would face economic collapse in the absence of such assistance. In still other very poor countries, supporting assistance in relatively small amounts is provided as a kind of rent, for which the United States in turn receives military base rights.

The committee recognizes the political requirements that underlie the supporting assistance program. It welcomes the steady trend toward lower levels of supporting assistance—a trend only partially affected by the increased requirements for Vietnam. It bears repeating that 5 years ago, the request for assistance in this form totaled more than \$1 billion and represented about 60 percent of the economic aid program. It is the committee's belief that the downward trend in this program can be expected to continue.

CHAPTER 5. CONTINGENCY FUND (SEC. 107)

This chapter authorizes an appropriation of \$150 million for a contingency fund to be used by the President to meet unforeseen demands. Congress is kept informed of the uses to which this fund is put.

This figure, the amount requested by the executive branch, is less than the Senate authorized last year, but an increase of \$100 million over what Congress finally appropriated. A carryover of \$127 million, plus reimbursements and deobligations, brought the total amount available in the contingency fund in fiscal year 1964 to \$184.7 million. Of this amount, all but \$384,000 had been obligated by June 30, the end of the fiscal year. About \$75 million was transferred to the military assistance program as a result of increased requirements in Laos and Vietnam. Another \$50 million was used for a loan to Brazil to meet a critical situation following the April change of government. The balance was largely absorbed by additional supporting assistance requirements in southeast Asia.

The committee believes that a contingency fund at the recommended level is essential to the purposes of the foreign aid program and overall U.S. foreign policy. In almost every part of the world, hostile pressures against independent societies are capable of producing combustible situations. In coping with such situations—Vietnam has become a conspicuous example—the President must have considerable scope and flexibility, including the authority to commit resources as swiftly as he deems necessary. The contingency fund has become even more important in view of the reduction in other parts of the program compared to last year.

PART II

CHAPTER 2. MILITARY ASSISTANCE (SEC. 201)

GUARANTY AUTHORITY (SEC. 201 (a))

The bill proposes some administrative changes in the military assistance program. Section 503 of the act, which concerns general authority, is amended by the addition of a new subsection (e) authorizing the President to issue guaranties against political and credit risks of nonpayment in connection with privately financed sales of U.S. defense articles and services to eligible foreign countries and international organizations. The purpose of this amendment is to promote private financing of sales of U.S. defense articles and services, thus reducing the expenditure of Government funds for this purpose. The guaranties would be restricted to sales to friendly countries and international organizations, "the assisting of which the President finds will strengthen the security of the United States and promote world peace."

A number of countries are now capable of purchasing the military equipment that heretofore they have received under the aid program. But commercial sources of credit are unwilling to extend credit on normal terms to many of them owing to political instability and uncertainty. The amendment should have the desirable effect of encouraging other countries to assume a larger share of the burden of their own defense. It is also consistent with efforts to reduce the deficit in the U.S. balance of payments.

AUTHORIZATION (SEC. 201 (b))

For fiscal year 1964, the Congress appropriated \$1 billion for military assistance. Initially, the executive branch requested appropriation of the same amount for fiscal year 1965 under a continuing

authorization. Owing to the serious situation in South Vietnam, the request was subsequently increased to \$1,055 million. The committee reduced this figure by \$10 million (the funds to remain available until expended), but decided to limit the authorization to fiscal year 1965. In part, the committee's decision arose from a recognition that in a rapidly changing world certain assumptions must be reexamined from time to time. Thus, the committee intends to examine carefully the rationale for some elements of the military assistance program next year. Conceivably, the committee will decide then to authorize military assistance on a multiyear basis, as has sometimes been done in the past.

In addition to the sum authorized by the committee, the executive branch expects recoveries of \$135 million of previously appropriated funds in the coming year; it is also seeking a reappropriation of a \$25 million carryover, which, if approved, would provide a total military assistance program of \$1,205 million for fiscal year 1965 compared with a program of \$1,234 million in fiscal year 1964 and about \$1,600 in fiscal year 1963.

The committee agrees that this year's overall military assistance program has been reduced to essentials, and given the policy requirements of the United States, should not be further reduced. The greatest part of the requested funds, about \$862 million, are programed for 11 countries on the periphery of the Communist world. The continued independence and internal stability of these countries is deemed essential to the "forward defense" strategy of the United States. Together, these 11 countries maintain more than 3½ million men under arms.

A committee member asked the Secretary of Defense what it would cost the United States to keep 3½ million more men under arms. The answer was \$17½ billion, allowing \$5,000 annually per man exclusive of equipment.

One of the crucial elements in the general problem of financing the forward defense strategy is adequate maintenance and modernity of the security forces of these 11 countries. The Secretary of Defense testified that a recent study by the Department of Defense of—

seven of these countries on the periphery of the bloc, indicates that the total requirement for major equipment alone needed to maintain these forces at the level required by the Joint Chiefs of Staff planning would call for \$700 million more than what would be available under this program. Operating costs alone are estimated to be on the order of \$300 million per year for these seven countries.

It is the professional judgment of some witnesses that the program approved by the committee is not fully adequate to cover the cost of modernizing obsolete or outworn defense articles and component parts. In this light, it may be recalled that the amount authorized and appropriated by Congress for this program in fiscal year 1961 was 80 percent more than the amount requested in fiscal year 1965. The reduction is traceable in part to somewhat reduced requirements and the improvements in administration that come with experience. But to some extent, it would also seem to indicate an assessment that some dangers are declining, even if others have sharpened. This is an area

that the committee, as indicated, hopes to explore with the executive branch in the next session of Congress.

The foregoing comments should not be construed as indicating an implicit committee endorsement of all elements of this year's military assistance program. The \$60 million NATO infrastructure program, for example, requires a disproportionately heavy American contribution—more than 30 percent of the total. The longrun beneficiaries of this program are the NATO countries in which the infrastructure is being built; it has been the view of the committee that these countries should bear a larger burden. Furthermore, the committee has always believed—and most recently stated in its report on the Foreign Assistance Act of 1963—that funds for this infrastructure program should be transferred from the foreign aid bill to the national defense budget.

In addition, even after making allowances for special internal political requirements in some countries, the committee believes that certain programs are not fully consistent with real problems and military objectives. (The \$10 million reduction in the executive branch request is a reflection of this view.) For example, the United States over the years has provided substantial assistance to Pakistan's Navy. The rationale for this program, for which additional funds are programmed in fiscal year 1965, lacks plausibility. The same might be said for the military assistance to Argentina, the largest such program scheduled for Latin America in the year ahead. The committee did not find the executive branch's justification for this program entirely persuasive. Some of the other programs planned for Latin America are in the same category.

SALES (SEC. 201(C))

Section 507(b), which relates to sales, is amended by the addition of language authorizing acceptance of a dependable undertaking by the purchaser to make full payment within 120 days of delivery of military equipment or performance of defense services when the President determines that such an arrangement is in the national interest. The new language further provides that appropriations available to the Department of Defense may be used to make payments to suppliers of military equipment, and these appropriations are to be reimbursed by the amounts subsequently received from the purchaser. Under existing law, the purchasers are required to give dependable undertakings to make payment no later than the time the United States is required to pay suppliers. This requirement has created difficulties in the past, and appears to be in conflict with the procurement policies or laws of certain countries. The committee, therefore, approves the new provision of this section.

EXCHANGES AND GUARANTIES (SEC. 201(d))

Section 509 is amended by a change in the heading (to read "Exchanges and Guaranties") and by the addition of a new subsection authorizing the President, first, to enter into contracts with exporters, insurance companies, financing institutions, etc., whereby such groups can be employed to act as agents in the issuance and servicing of guaranties, insurance, coinsurance, reinsurance, or the adjustment of claims.

Second, by the requirement that fees and premiums are to be charged.

Third, by the requirement of a reserve for the payment of claims under guaranties, the reserve to consist of funds available under this part in an amount equal to 25 percent of the contingent liability under each contract. Fees and premiums are also to be included in the reserve which will be a single reserve available for the payment of claims on a first-come-first-served basis.

Fourth, by the provision that guaranty contracts become contingent obligations backed by the full faith and credit of the United States.

These provisions logically follow the new authority (discussed above) to insure privately financed sales of defense items.

SPECIAL AUTHORITY (SEC. 201(e))

The bill continues for another year the special authority of the President under section 510(a) to utilize up to \$300 million of existing defense stocks and services for military assistance purposes, if he makes a finding that such action is "vital to the security of the United States." Although this authority has never been utilized, the gravity of the situation in southeast Asia and the relatively spare character of this year's military assistance request together make it advisable that this "drawdown" authority remain available to the President. The presence of this authority also serves to discourage the understandable temptation of the executive branch to provide for contingencies by enlarging the appropriations request.

MILITARY ASSISTANCE TO AFRICA (SEC. 201(f))

The bill also amends section 512 by extending the \$25 million ceiling on grant programs of defense articles for African countries for another year.

PART III

CHAPTER I. GENERAL PROVISIONS

ADVISORY COMMITTEE ON FOREIGN AID (SEC. 301(a))

Section 601(c) of the act is amended to extend the life of the Advisory Committee on Private Enterprise from December 31, 1964 to June 30, 1965. The members of this Committee have only recently been appointed. They are not compensated, but are entitled to reimbursement in accordance with other legislation for travel and related expenses incurred in attending meetings of the Advisory Committee. Authority to use funds in the amount of \$50,000 was provided for that purpose last year.

USE OF FOREIGN CURRENCIES (SEC. 301(b))

Section 612 of the act is amended by adding a new subsection (c) which would authorize appropriation acts to provide for the use of U.S.-owned excess foreign currencies in oversea programs that are authorized by law. The new subsection also directs the President to assure that U.S.-owned excess foreign currencies are, to the maximum extent possible, utilized in lieu of dollars.

This provision cannot necessarily be expected to stimulate broader use of these U.S.-owned excess foreign currencies—though hopefully it may have that effect—but it should simplify the bookkeeping attendant to their use.

EXPROPRIATIONS AND OTHER SIMILAR MATTERS (SEC. 301(c))

The bill amends section 620(e) by adding a new subsection which provides that no court in the United States shall decline on the ground of the act-of-state doctrine to make a determination on the merits or to apply principles of international law in a case in which an act of a foreign state is alleged to be contrary to international law. The amendment further provides that no effect shall be given to acts of a foreign sovereign that are found to be in violation of international law. It allows the President to waive these provisions whenever he determines that application of the act-of-state doctrine is required by the foreign policy interests of the United States, and a suggestion to that effect is filed on behalf of the President with the court.

The amendment is intended to reverse in part the recent decision of the Supreme Court in *Banco de Nacional de Cuba v. Sabbatino*. The act-of-state doctrine has been applied by U.S. courts to determine that the actions of a foreign sovereign cannot be challenged in private litigation. The Supreme Court extended this doctrine in the *Sabbatino* decision so as to preclude U.S. courts from inquiring into acts of foreign states, even though these acts had been denounced by the State Department as contrary to international law.

In the *Sabbatino* case, the Banco Nacional de Cuba sued to recover the proceeds of a sale of Cuban sugar by an American-owned company on the ground that the sugar, which had been expropriated, belonged to the Cuban Government. The lower courts dismissed the suit, but the Supreme Court reversed these decisions and remanded the case for further proceedings on the ground that it would not inquire into the act of the Cuban State.

The committee has received statements of the Bar Association of the City of New York and of such eminent legal scholars as Prof. Myres S. McDougal, of the Yale Law School, supporting this amendment.

The effect of the amendment is to achieve a reversal of presumptions. Under the *Sabbatino* decision, the courts would presume that any adjudication as to the lawfulness under international law of the act of a foreign state would embarrass the conduct of foreign policy unless the President says it would not. Under the amendment, the Court would presume that it may proceed with an adjudication on the merits unless the President states officially that such an adjudication in the particular case would embarrass the conduct of foreign policy.

PROHIBITION AGAINST FURNISHING ASSISTANCE TO CUBA AND
CERTAIN OTHER COUNTRIES (SEC. 301(d))

Section 620(f) of the act, which relates to prohibitions on aid to Communist countries, is amended so that it applies not only to the Soviet Union but to "its captive constituent republics" as well.

PROHIBITION OF PROJECTS OF MORE THAN \$100 MILLION (SEC. 620(e))

This subsection extends for 1 more year the prohibition contained in section 620(k) of the act against assistance for construction of any productive enterprise for which the total U.S. assistance will exceed \$100 million.

ASSISTANCE TO DEVELOPED COUNTRIES (SEC. 301(f))

The bill amends section 620(m) of the act, which with certain exceptions prohibits grant assistance to any economically developed nation capable of meeting its own defense and economic growth requirements. This section currently excepts from the prohibition fiscal year 1964 military assistance programs of training and orientation in an amount up to \$1 million per country. The amendment would continue this exception for future fiscal years but would reduce the ceiling to \$500,000.

The purpose of the amendment is to permit continuation of limited training and orientation programs which acquaint foreign military officers and defense officials with U.S. methods, procedures, and techniques in order to improve joint defense capabilities. Also, such training and orientation serves to demonstrate military equipment and thereby may assist in increasing the sales of such equipment.

CHAPTER 2. ADMINISTRATIVE PROVISIONS

EMPLOYMENT OF PERSONNEL (SEC. 302(a))

The bill amends section 625, which deals with employment of personnel, in four respects.

First, it amends subsection (d)(2), which provides that only 30 persons "in the aggregate" may be recruited for oversea service and then assigned to the United States for an initial preparation period of up to 2 years before their departure overseas. The amendment would provide that no more than 30 persons may be assigned to the United States at any one time under this special authority. It is expected that the present limitation of 30 appointments will very soon be reached, at which point the authority will lapse. The committee, believing that the preparation of AID employees for effective oversea service is clearly desirable, intends with the amendment to continue the authority for such preparation. This applies to Foreign Service Reserve officers appointed under the act and is used to give senior officials Washington experience before their assignment abroad.

Second, it amends subsection (e) to place employees of AID and the Department of State performing duties pursuant to the act under the selection out authority now applicable to Foreign Service Reserve Officers performing similar duties. As under the present law, the employee has a right to an appropriate administrative appeal. The President also retains the authority to extend to an employee, upon separation, severance pay equal to 1 month's salary for each year's service, but not to exceed 1 year's salary at the employee's then current salary rate. The amendment would except from the so-called selection-out authority the Inspector General, Foreign Assistance, and his staff, together with the 110 employees appointed to "administratively determined" positions, experts and consultants, oversea mission chiefs and their deputies, the Chairman of the Devel-

opment Assistance Committee, and any person appointed under the proposed new section 625(k) (which deals with the U.S. representative to the Inter-American Committee on the Alliance for Progress). Its effect would be to place Foreign Service and departmental employees under the same selection out procedures.

Third, the bill adds a new subsection (j) authorizing the President, at any time during the 2 years after the effective date of the act, to separate any person employed or assigned to perform duties under the act. A limitation of 100 is placed on the number of such persons that may be separated in any 12-month period. Excepted from the new authority are persons with general schedule appointments of grade 12 or below, Foreign Service Reserve appointments of class 5 or below, Foreign Service Staff appointments of class 3 or below, and the Inspector General, Foreign Assistance, and his staff.

Fourth, it authorizes the President to appoint or assign a U.S. citizen to be the U.S. representative to the Inter-American Committee on the Alliance for Progress. Such an appointment may be terminated by the President at any time at his discretion. The President may compensate such an appointee at a rate equal to that established for a chief of mission, class 2, under the Foreign Service Act of 1946 (presently \$25,000). There is already similar authority in the act with respect to appointing and compensating a U.S. citizen serving as Chairman of the Development Assistance Committee of the Organization for Economic Cooperation and Development. The committee feels that this recently established Inter-American Committee on the Alliance for Progress should become a useful instrument in advancing the principles of the Act of Bogotá and the Charter of Punta del Este. Thus, the authority to appoint an American representative of the first rank is clearly desirable, in the committee's judgment.

The committee was aware that its approval of provisions with respect to the separation authority contained in section 302(a)(3) of the bill, and the selection-out authority in section 302(a)(2) would be controversial. The fact is that the AID labors under unique difficulties. It is charged with administering a program, which cannot be said to enjoy broad and continuing support within the country and which involves the management of difficult operations throughout the developing areas of the world. Some flexibility with respect to personnel is clearly desirable. This bill does not represent a sweeping break with the past. Rather, it serves to place Foreign Service and departmental employees of the foreign aid program under comparable selection-out procedures, and to enable the President to separate up to 100 persons per year in the upper levels of aid administration, thus making room for persons of higher caliber or a stronger affinity for the management of aid programs. The committee had testimony that both the Chairman of the Civil Service Commission and the Director of the Bureau of the Budget support these provisions. It is the judgment of the committee that the authority they contain represents a modest step in the right direction—more specifically, that the provisions are fully consistent with AID's stated objective of building a "lean" and more professional administrative organization.

EXPERTS AND CONSULTANTS (SEC. 302(b))

The bill amends section 626(c), which concerns experts and consultants, by striking out the reference to the "Career Compensation Act of 1949" and substituting "section 101(3) of title 37 of the United States Code". The purpose of this technical amendment is to reflect codification of section 231 of the Career Compensation Act of 1949.

ADMINISTRATIVE EXPENSES OF AID (SEC. 302(c))

The bill authorizes the appropriation of \$52.5 million for AID administrative expenses in fiscal year 1965. This is the amount requested by the executive branch and an increase of \$2.5 million over the fiscal year 1964 appropriation. The need for additional administrative expenses reflects the greatly expanded activities of the AID, together with increased Federal pay costs. As indicated in its report on the Foreign Assistance Act of 1963, the committee is convinced that the overall administration of AID is steadily improving under its present leadership. The request for funds for administrative expenses appears to the committee to be appropriate and consistent with the requirements.

PART IV

AMENDMENTS TO OTHER LAWS (SEC. 401)

The bill authorizes an annual appropriation of \$50,000 to cover the yearly U.S. contribution for the maintenance of the Bureau of the Interparliamentary Union, plus the cost of meeting the expenses of the American delegation to meetings of the Interparliamentary Union. Of this amount, \$23,100 is set aside for the former purpose, \$26,900 for the latter. Existing law authorizes \$48,000—\$21,000 for the U.S. contribution and \$27,000 for delegation expenses. The change is necessary to meet a general increase in IPU assessments.

6. CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED

PART 1

CHAPTER 1—POLICY

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CHAPTER 2—DEVELOPMENT ASSISTANCE

TITLE I—DEVELOPMENT LOAN FUND

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[TITLE II—DEVELOPMENT GRANTS AND TECHNICAL COOPERATION]

TITLE II—TECHNICAL COOPERATION AND DEVELOPMENT GRANTS

* * * * *

SEC. 212. AUTHORIZATION.—There is hereby authorized to be appropriated to the President for use beginning in the fiscal year [1964] 1965 to carry out the purposes of section 211 not to exceed [\$220,000,000] \$215,000,000 which shall remain available until expended.

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SEC. 214. AMERICAN SCHOOLS AND HOSPITALS ABROAD.—(a) The President is authorized to furnish assistance, on such terms and conditions as he may specify, to schools and libraries outside the United States founded or sponsored by United States citizens and serving as study and demonstration centers for ideas and practices of the United States.

(b) The President is authorized, notwithstanding the provisions of the Mutual Defense Assistance Control Act of 1951 (22 U.S.C. 1611 et seq.), to furnish assistance on such terms and conditions as he may specify, to hospitals outside the United States founded or sponsored by United States citizens and serving as centers for medical treatment, education, and research.

(c) There is hereby authorized to be appropriated to the President for the purposes of this section, for the fiscal year [1964, \$19,000,000,] 1965, \$18,000,000 to remain available until expended. [Of the sums authorized to be appropriated under this subsection, not to exceed \$2,200,000 shall be available for direct dollar costs in carrying out subsection (b) and \$4,700,000 shall be available solely for the purchase of foreign currencies accruing to the United States Government under any Act.]

* * * * *

SEC. 216. VOLUNTARY AGENCIES.—(a) In order to further the efficient use of United States voluntary contributions for relief and rehabilitation of friendly peoples, the President is authorized to use funds made available for the purposes of section 211 to pay transportation charges from United States ports or, *in the case of excess or surplus property supplied by the United States, from foreign ports* to ports of entry abroad, or, in the case of landlocked countries, to points of entry in such countries on shipments by the American Red Cross and United States voluntary nonprofit relief agencies registered with and approved by the Advisory Committee on Voluntary Foreign Aid.

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SEC. 217. USED MANUFACTURING EQUIPMENT.—*The President is authorized to use funds made available for the purposes of section 211 to conduct a study and investigation to determine the feasibility of establishing programs for the furnishing to less developed friendly countries and areas of used tools, machinery, and other manufacturing equipment to be donated by private enterprises and the extent to which such programs are likely to be utilized by and contribute to the economic development of the receiving country. The President shall submit to the Congress at the earliest practicable date a report of the results of such study and investigation, together with such recommendations for legislation as he deems advisable.*

TITLE III—INVESTMENT GUARANTIES

SEC. 221. GENERAL AUTHORITY.—(a) * * *

(b) The President may issue guaranties to United States citizens, or corporations, partnerships, or other associations created under the laws of the United States or of any State or territory and substantially beneficially owned by United States citizens, as well as any wholly-owned (determined without regard to any shares, in aggregate less than 5 per centum of the total of issued and subscribed share capital, required by law to be held by persons other than the parent corporation) foreign subsidiary of any such corporation—

(1) assuring protection in whole or in part against any or all of the following risks:

(A) inability to convert into United States dollars other currencies, or credits in such currencies, received as earnings or profits from the approved project, as repayment or return of the investment therein, in whole or in part, or as compensation for the sale or disposition of all or any part thereof,

(B) loss of investment, in whole or in part, in the approved project due to expropriation or confiscation by action of a foreign government, and

(C) loss due to war, revolution, or insurrection:

Provided, That the total face amount of the guaranties issued under this paragraph (1) outstanding at any one time shall not exceed \$2,500,000,000; and

(2) where the President determines such action to be important to the furtherance of the purposes of this title, assuring against

loss of any loan investment for housing projects with appropriate participation by the private investor in the loan risk and in accordance with the foreign and financial policies of the United States, or assuring against loss of not to exceed 75 per centum of any other investment due to such risks as the President may determine, upon such terms and conditions as the President may determine: *Provided*, That guaranties issued under this paragraph (2) shall emphasize economic development projects furthering social progress and the development of small independent business enterprises, and no such guaranty in the case of a loan shall exceed \$25,000,000 and no other such guaranty shall exceed \$10,000,000: *Provided further*, That no payment may be made under this paragraph (2) for any loss arising out of **[fraud or misconduct]** *fraud, misconduct, or action not meeting a standard of reasonable business prudence* for which the investor is responsible: *Provided further*, That the total face amount of the guaranties issued under this paragraph (2) outstanding at any one time shall not exceed **[\$180,000,000]** *\$300,000,000*: *Provided further*, That this authority shall continue until June 30, **[1965]** *1966*.

* * * * *

SEC. 224. HOUSING PROJECTS IN LATIN AMERICAN COUNTRIES.—

(a) It is the sense of the Congress that in order to stimulate private homeownership and assist in the development of stable economies, the authority conferred by this title should be utilized for the purpose of assisting in the development in the American Republics of self-liquidating pilot housing projects designed to provide experience in rapidly developing countries by participating with such countries in guaranteeing private United States capital available for investment in Latin American countries for the purposes set forth herein.

(b) In order to carry out the purposes set forth in subsection (a), the President is authorized to issue guaranties assuring against the risks of loss specified in paragraph 221(b)(2) of investments made by United States citizens, or corporations, partnerships, or other associations created under the law of the United States or of any State or territory and substantially beneficially owned by United States citizens in pilot or demonstration private housing projects in Latin America of types similar to those insured by the Federal Housing Administration and suitable for conditions in Latin America. The total face amount of guaranties issued under this section outstanding at any one time shall not exceed **[\$150,000,000]** *\$250,000,000*.

TITLE IV—SURVEYS OF INVESTMENT OPPORTUNITIES

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SEC 232. AUTHORIZATION.—There is hereby authorized to be appropriated to the President for use beginning in the fiscal year **[1963]** *1965* to carry out the purposes of this title not to exceed \$2,000,000, which shall remain available until expended.

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TITLE VI—ALLIANCE FOR PROGRESS

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SEC. 252. AUTHORIZATION.—There is hereby authorized to be appropriated to the President for the purposes of this title, in addition to other funds available for such purposes, for use beginning in each of the fiscal years 1963, 1965, and 1966, not to exceed \$600,000,000 for each such fiscal year, and for use beginning in the fiscal year 1964, not to exceed \$525,000,000, which sums are authorized to remain available until expended and which except for not to exceed \$100,000,000 [of the funds appropriated pursuant to this section for use beginning in fiscal year 1963 and not to exceed \$100,000,000 of the funds appropriated pursuant to this section for use beginning in fiscal year 1964] *in each of the fiscal years 1963 and 1964 and \$85,000,000 in fiscal year 1965 of the funds appropriated pursuant to this section for use beginning in each such fiscal year*, shall be available only for loans payable as to principal and interest in United States dollars. In presenting requests to the Congress for authorizations for appropriations for fiscal years 1964 through 1966 to carry out other programs under this Act, the President shall also present the program proposed to be carried out from funds appropriated pursuant to the authorization contained in this section for the respective fiscal year. In order to effectuate the purposes and provisions of sections 102, 251, 601, and 602 of this Act, not less than 50 per centum of the loan funds appropriated pursuant to this section for the fiscal years ending June 30, 1965 and June 30, 1966, respectively, shall be available for loans made to encourage economic development through private enterprise.

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CHAPTER 3—INTERNATIONAL ORGANIZATIONS AND PROGRAMS

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SEC. 302. AUTHORIZATION.—There is hereby authorized to be appropriated to the President for use, in addition to funds available under any other Act for such purposes, for the fiscal year [1964] *1965* to carry out the purposes of this chapter not to exceed [\$136,050,000] *\$134,400,000. None of the funds available to carry out this chapter may be used for contributions (1) to the International Secretariat for Volunteer Service or any similar international organization for use by it to pay the costs of developing or operating any volunteer service or other Peace Corps-type program of any foreign government or agency thereof or (2) to any volunteer service or other Peace Corps-type program administered by such international organization.*

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CHAPTER 4—SUPPORTING ASSISTANCE

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SEC. 402. AUTHORIZATION.—There is hereby authorized to be appropriated to the President for use beginning in the fiscal year [1964] *1965* to carry out the purposes of this chapter not to exceed [\$380,000,000] *\$374,700,000*, which shall remain available until expended.

CHAPTER 5—CONTINGENCY FUND

SEC. 451. CONTINGENCY FUND.—(a) There is hereby authorized to be appropriated to the President for the fiscal year [1964] 1965 not to exceed [\$160,000,000] \$150,000,000 for use by the President for assistance authorized by part I in accordance with the provisions applicable to the furnishing of such assistance, when he determines such use to be important to the national interest.

(b) The President shall provide quarterly reports to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Speaker of the House of Representatives on the programing and the obligation of funds under this section.

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PART II

CHAPTER 1—POLICY

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CHAPTER 2—MILITARY ASSISTANCE

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SEC. 503. GENERAL AUTHORITY.—The President is authorized to furnish military assistance on such terms and conditions as he may determine, to any friendly country or international organization, the assisting of which the President finds will strengthen the security of the United States and promote world peace and which is otherwise eligible to receive such assistance, by—

(a) acquiring from any source and providing (by loan, lease, sale, exchange, grant, or any other means) any defense article or defense service;

(b) making financial contributions to multilateral programs for the acquisition or construction of facilities in foreign countries for collective defense;

(c) providing financial assistance for expenses incident to participation by the United States Government in regional or collective defense organizations; [and]

(d) assigning or detailing members of the Armed Forces of the United States and other personnel of the Department of Defense to perform duties of a noncombatant nature, including those related to training or advice[.]; and

(e) *guarantying, insuring, coinsuring and reinsuring any individual, corporation, partnership or other association doing business in the United States against political and credit risks of nonpayment arising in connection with credit sales financed by such individual, corporation, partnership or other association for defense articles and defense services procured in the United States by such friendly country or international organization.*

SEC. 504. AUTHORIZATION.—(a) There is hereby authorized to be appropriated to the President for use beginning in fiscal year [1964] 1965 to carry out the purposes of this part, not to exceed [\$1,000,000,000] \$1,045,000,000, which shall remain available until expended.

* * * * *

SEC. 507. SALES.—(a) * * *

(b) The President may, without requirement for charge to any appropriation or contract authorization otherwise provided, enter into contracts for the procurement of defense articles or defense services for sale to any friendly country or international organization if such country or international organization provides the United States Government with a dependable undertaking (1) to pay the full amount of such contract which will assure the United States Government against any loss on the contract, and (2) to make funds available in such amounts and at such times as may be required to meet the payments required by the contract, and any damages and costs that may accrue from the cancellation of such contract, in advance of the time such payments, damages, or costs are due: *Provided, That the President may, when he determines it to be in the national interest, accept a dependable undertaking to make full payment within one hundred and twenty days after delivery of the defense articles, or the rendering of the defense services, and appropriations available to the Department of Defense may be used to meet the payments required by the contracts and shall be reimbursed by the amounts subsequently received from the country or international organization.* No sales of unclassified defense articles shall be made to the government of any economically developed nation under the provisions of this subsection unless such articles are not generally available for purchase by such nations from commercial sources in the United States: *Provided, however, That the Secretary of Defense may waive the provisions of this sentence when he determines that the waiver of such provisions is in the national interest.*

* * * * *

SEC. 509. EXCHANGES AND GUARANTIES.—(a) Defense articles or defense services transferred to the United States Government by a country or international organization as payment for assistance furnished under this part may be used to carry out this part, or may be disposed of or transferred to any agency of the United States Government for stockpiling or other purposes. If such disposal or transfer is made subject to reimbursement, the funds so received shall be credited to the appropriation, fund, or account funding the cost of the assistance furnished or to any appropriation, fund, or account currently available for the same general purpose.

(b) *In issuing guaranties, insurance, coinsurance, and reinsurance, the President may enter into contracts with exporters, insurance companies, financial institutions, or others, or groups thereof, and where appropriate may employ any of the same to act as agent in the issuance and servicing of such guaranties, insurance, coinsurance, and reinsurance, and the adjustment of claims arising thereunder. Fees and premiums shall be charged in connection with contracts of guaranty, insurance, coinsurance, and reinsurance. Obligations shall be recorded against the funds available for credit sales under this part in an amount not less than 25 per centum of the contractual liability related to any guaranty, insurance, coinsurance, and reinsurance issued pursuant to this part and the funds so obligated together with fees and premiums shall constitute a single reserve for the payment of claims under such contracts. Any guaranties, insurance, coinsurance, and reinsurance issued pursuant to this part shall be considered contingent obligations backed by the full faith and credit of the United States of America.*

SEC. 510. SPECIAL AUTHORITY.—(a) During the fiscal year [1964] 1965, the President may, if he determines it to be vital to the security of the United States, order defense articles from the stocks of the Department of Defense and defense services for the purposes of part II, subject to subsequent reimbursement therefor from subsequent appropriations available for military assistance. The value of such orders under this subsection in the fiscal year [1964] 1965 shall not exceed \$300,000,000. Prompt notice of action taken under this subsection shall be given to the Committees on Foreign Relations, Appropriations, and Armed Services of the Senate and the Speaker of the House of Representatives.

* * * * *

SEC. 512. RESTRICTIONS ON MILITARY AID TO AFRICA.—No military assistance shall be furnished on a grant basis to any country in Africa, except for internal security requirements or for programs described in section 505(b) of this chapter, unless the President determines otherwise and promptly reports such determination to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives. The value of grant programs of defense articles for African countries in fiscal year [1964] 1965, pursuant to any authority contained in this part other than section 507, shall not exceed \$25,000,000.

PART III

CHAPTER I—GENERAL PROVISIONS

SEC. 601. ENCOURAGEMENT OF FREE ENTERPRISE AND PRIVATE PARTICIPATION.—(a)

* * * * *

(c)(1) There is hereby established an Advisory Committee on Private Enterprise in Foreign Aid. The Advisory Committee shall carry out studies and make recommendations for achieving the most effective utilization of the private enterprise provisions of this Act to the head of the agency charged with administering the program under part I of this Act, who shall appoint the Committee.

(2) Members of the Advisory Committee shall represent the public interest and shall be selected from the business, labor and professional world, from the universities and foundations, and from among persons with extensive experience in government. The Advisory Committee shall consist of not more than nine^f members, and one of the members shall be designated as chairman.

(3) Members of the Advisory Committee shall receive no compensation for their services but shall be entitled to reimbursement in accordance with section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-2) for travel and other expenses incurred in attending meetings of the Advisory Committee.

(4) The Advisory Committee shall, if possible, meet not less frequently than once each month, shall submit such interim reports as the Committee finds advisable, and shall submit a final report not later than [December 31, 1964] June 30, 1965, whereupon the Committee shall cease to exist. Such reports shall be made available to the public and to the Congress.

(5) The expenses of the Committee, which shall not exceed \$50,000, shall be paid from funds otherwise available under this Act.

* * * * *

SEC. 612. USE OF FOREIGN CURRENCIES.—(a) Except as otherwise provided in this Act or other Acts, foreign currencies received either (1) as a result of the furnishing of nonmilitary assistance under the Mutual Security Act of 1954, as amended, or any Act repealed thereby, and unobligated on the date prior to the effective date of this Act, or (2) on or after the effective date of this Act, as a result of the furnishing of nonmilitary assistance under the Mutual Security Act of 1954, as amended, or any Act repealed thereby, or (3) as a result of the furnishing of assistance under part I, which are in excess of amounts reserved under authority of section 105(d) of the Mutual Educational and Cultural Exchange Act of 1961 or any other Act relating to educational and cultural exchanges, may be sold by the Secretary of the Treasury to agencies of the United States Government for payment of their obligations outside the United States, and the United States dollars received as reimbursement shall be deposited into miscellaneous receipts of the Treasury. Foreign currencies so received which are in excess of the amounts so reserved and of the requirements of the United States Government in payment of its obligations outside the United States, as such requirements may be determined from time to time by the President, shall be available for the authorized purposes of part I in such amounts as may be specified from time to time in appropriation Acts.

(b) In order to provide for the foreign currency needs of United States citizens for travel or other purposes, the Secretary of the Treasury may make available for sale for United States dollars to such citizens, at United States embassies or other convenient locations, foreign currencies acquired by the United States through operations under this Act, the Mutual Security Act of 1954, as amended, or any Act repealed thereby, or the Agricultural Trade Development and Assistance Act of 1954, as amended which (1) he determines to be in excess of the needs of departments and agencies of the United States for such currencies, and (2) are not prohibited from such use or committed to other uses by agreement heretofore entered into with another country. United States dollars received from the sale of foreign currencies under this subsection shall be deposited in the Treasury as miscellaneous receipts.

(c) *Any Act of the Congress making appropriations to carry out programs under this or any other Act for United States operations abroad is hereby authorized to provide for the utilization of United States-owned excess foreign currencies to carry out any such operations authorized by law.*

The President shall take all appropriate steps to assure that, to the maximum extent possible, United States-owned excess foreign currencies are utilized, in lieu of dollars. As used in this subsection, the term "excess foreign currencies" means foreign currencies or credits owned by or owed to the United States which are, under applicable agreements with the foreign country concerned, available for the use of the United States Government and are determined by the President to be excess to the normal requirements of departments and agencies of the United States for such currencies or credits and are not prohibited from use

under this subsection by an agreement entered into with the foreign country concerned.

* * * * *

SEC. 620. PROHIBITIONS AGAINST FURNISHING ASSISTANCE TO CUBA AND CERTAIN OTHER COUNTRIES.—(a)(1) * * *

* * * * *

(e) (1) The President shall suspend assistance to the government of any country to which assistance is provided under this or any other Act when the government of such country or any government agency or subdivision within such country on or after January 1, 1962—

【(1)】 (A) has nationalized or expropriated or seized ownership or control of property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum beneficially owned by United States citizens, or

【(2)】 (B) has taken steps to repudiate or nullify existing contracts or agreements with any United States citizen or any corporation, partnership, or association not less than 50 per centum beneficially owned by United States citizens, or

【(3)】 (C) has imposed or enforced discriminatory taxes or other exactions, or restrictive maintenance or operational conditions, or has taken other actions, which have the effect of nationalizing, expropriating, or otherwise seizing ownership or control of property so owned,

and such country, government agency, or government subdivision fails within a reasonable time (not more than six months after such action, or, in the event of a referral to the Foreign Claims Settlement Commission of the United States within such period as provided herein, not more than twenty days after the report of the Commission is received) to take appropriate steps, which may include arbitration, to discharge its obligations under international law toward such citizen or entity, including speedy compensation for such property in convertible foreign exchange, equivalent to the full value thereof, as required by international law, or fails to take steps designed to provide relief from such taxes, exactions, or conditions, as the case may be; and such suspension shall continue until the President is satisfied that appropriate steps are being taken, and no other provision of this Act shall be construed to authorize the President to waive the provisions of this subsection.

Upon request of the President (within seventy days after such action referred to in 【paragraphs (1), (2), or (3)】 *subparagraphs (A), (B), or (C) of paragraph (1) of this subsection*), the Foreign Claims Settlement Commission of the United States (established pursuant to Reorganization Plan No. 1 of 1954, 68 Stat. 1279) is hereby authorized to evaluate expropriated property, determining the full value of any property nationalized, expropriated, or seized, or subject to discriminatory or other actions as aforesaid, for purposes of this subsection and to render an advisory report to the President within ninety days after such request. Unless authorized by the President, the Commission shall not publish its advisory report except to the citizen or entity owning such property. There is hereby authorized to be appropriated such amount, to remain available until expended, as may be necessary from time to time to enable the Commission to carry out expeditiously its functions under this subsection.

(2) *Notwithstanding any other provision of law, no court in the United States shall decline, on the ground of the federal act of state doctrine, to make a determination on the merits or to apply principles of international law, including the principles of compensation and the other standards set out in this subsection, in a case in which an act of a foreign state occurring after January 1, 1959, is alleged to be contrary to international law, and effect shall not be given by the court in any such case to acts that are found to be in violation thereof: Provided, That this subparagraph shall not be applicable in any case with respect to which the President determines that application of the act of state doctrine is required in that particular case by the foreign policy interests of the United States and a suggestion to this effect is filed on his behalf in that case with the court.*

(f) No assistance shall be furnished under this Act, as amended (except section 214(b)), to any Communist country. This restriction may not be waived pursuant to any authority contained in this Act unless the President finds and promptly reports to Congress that: (1) such assistance is vital to the security of the United States; (2) the recipient country is not controlled by the international Communist conspiracy; and (3) such assistance will further promote the independence of the recipient country from international communism. For the purposes of this subsection, the phrase "Communist country" shall include specifically, but not be limited to, the following countries:

Peoples Republic of Albania,
 Peoples Republic of Bulgaria,
 Peoples Republic of China,
 Czechoslovak Socialist Republic,
 German Democratic Republic (East Germany),
 Estonia,
 Hungarian Peoples Republic,
 Latvia,
 Lithuania,
 North Korean Peoples Republic,
 North Vietnam,
 Outer Mongolia-Mongolian Peoples Republic,
 Polish Peoples Republic,
 Rumanian Peoples Republic,
 Tibet,
 Federal Peoples Republic of Yugoslavia,
 Cuba, and
 Union of Soviet Socialist Republics (*including its captive constituent republics*).

* * * * *

(k) Until the enactment of the Foreign Assistance Act of [1964] 1965 or other general legislation, during the calendar year [1964] 1965, authorizing additional appropriations to carry out programs of assistance under this Act, no assistance shall be furnished under this Act to any country for construction of any productive enterprise with respect to which the aggregate value of such assistance to be furnished by the United States will exceed \$100,000,000. No other provision of this Act shall be construed to authorize the President to waive the provisions of this subsection.

* * * * *

(m) No assistance shall be furnished on a grant basis under this Act to any economically developed nation capable of sustaining its own defense burden and economic growth, except (1) to fulfill firm commitments made prior to July 1, 1963, or (2) additional orientation and training expenses under part II hereof during *each* fiscal year [1964] in an amount not to exceed [\$1,000,000] \$500,000.

CHAPTER 2—ADMINISTRATIVE PROVISIONS

* * * * *

SEC. 625. EMPLOYMENT OF PERSONNEL.—(a) Any agency or officer of the United States Government carrying out functions under this Act is authorized to employ such personnel as the President deems necessary to carry out the provisions and purposes of this Act.

(b) Of the personnel employed in the United States to carry out part I or coordinate part I and part II, not to exceed one hundred and ten may be appointed, compensated or removed without regard to the provisions of any law, of whom not to exceed fifty-one may be compensated at rates higher than those provided for grade 15 of the general schedule established by the Classification Act of 1949, as amended (5 U.S.C. 1071 et seq.), but not in excess of the highest rate of grade 18 of such general schedule: *Provided*, That, under such regulations as the President shall prescribe, officers and employees of the United States Government who are appointed to any of the above positions may be entitled, upon removal from such position, to reinstatement to the position occupied at the time of appointment or to a position of comparable grade and salary. Such positions shall be in addition to those authorized by law to be filled by Presidential appointment, and in addition to the number authorized by section 505 of the Classification Act of 1949, as amended.

(c) Of the personnel employed in the United States to carry out part II, not to exceed eight may be compensated at rates higher than those provided for grade 15 of the general schedule established by the Classification Act of 1949, as amended, but not in excess of the highest rate of grade 18 of such general schedule. Such positions shall be in addition to those authorized by law to be filled by Presidential appointment, and in addition to the number authorized by section 505 of the Classification Act of 1949, as amended.

(d) For the purpose of performing functions under this Act outside the United States the President may—

(1) employ or assign persons, or authorize the employment or assignment of officers or employees by agencies of the United States Government, who shall receive compensation at any of the rates provided for the Foreign Service Reserve and Staff by the Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.), together with allowances and benefits thereunder: and persons so employed or assigned shall be entitled, except to the extent that the President may specify otherwise in cases in which the period of employment or assignment exceeds thirty months, to the same benefits as are provided by section 528 of that Act for persons appointed to the Foreign Service Reserve, and the provisions of section 1005 of that Act shall apply in the case of such persons, except that policymaking officials shall not be subject to that part of section 1005 of that Act which prohibits political tests; and

(2) utilize such authority, including authority to appoint and assign personnel for the duration of operations under this Act, contained in the Foreign Service Act of 1946, as amended, as the President deems necessary to carry out the functions under this Act; and such provisions of the Foreign Service Act of 1946, as amended, as the President deems appropriate shall apply to personnel appointed or assigned under this paragraph, including in all cases the provisions of section 528 of that Act: *Provided, however, That the President may by regulation make exceptions to the application of section 528 in cases in which the period of the appointment or assignment exceeds thirty months: Provided further, That Foreign Service Reserve officers appointed or assigned pursuant to this paragraph shall receive within-class salary increases in accordance with such regulations as the President may prescribe: Provided further, That whenever the President determines it to be important for the purposes of this Act, the President may initially assign personnel under this paragraph for duty within the United States for a period not to exceed two years for the purpose of preparation for assignment outside the United States; however, the authority contained in this proviso may not be exercised with respect to [more than thirty persons in the aggregate] the assignment to such duty of more than thirty persons at any one time.*

[(e) The President is authorized to prescribe by regulation standards or other criteria for maintaining adequate performance levels for personnel appointment or assigned pursuant to paragraph (2) of subsection (d) of this section and section 527(c)(2) of the Mutual Security Act of 1954, as amended, and may, notwithstanding any other law, but subject to an appropriate administrative appeal, separate employees who fail to meet such standards or other criteria, and also may grant such personnel severance benefits of one month's salary for each year's service, but not to exceed one year's salary at the then current salary rate of such personnel.]

(e) The President is authorized to prescribe by regulations standards or other criteria for maintaining adequate performance levels for personnel employed or assigned to perform duties pursuant to this Act and may, notwithstanding any other provision of this or any other law, but subject to an appropriate administrative appeal, separate personnel who fail to meet such standards or other criteria, other than personnel employed under section 624(d), 625(b), 625(k), 626(a) or 631 of this Act, and also may grant personnel separated hereunder severance benefits of one month's salary for each year's service, but not to exceed one year's salary at the then current salary rate of such personnel.

(f) Funds provided for in agreements with foreign countries for the furnishing of services under this Act with respect to specific projects shall be deemed to be obligated for the services of personnel employed by agencies of the United States Government (other than the agencies primarily responsible for administering part I or part II of this Act) as well as personnel not employed by the United States Government.

(g) The principles regarding foreign language competence set forth in section 578 of the Foreign Service Act of 1946, as amended (22

U.S.C. 801), shall be applicable to personnel carrying out functions under this Act and the Secretary of State shall make appropriate designations and standards for such personnel.

(h) Notwithstanding any other provision of law, officers and employees of the United States Government performing functions under this Act shall not accept from any foreign country any compensation or other benefits. Arrangements may be made by the President with such countries for reimbursement to the United States Government or other sharing of the cost of performing such functions.

(i) To the maximum extent practicable officers and employees performing functions under this Act abroad shall be assigned to countries and positions for which they have special competence, such as appropriate language and practical experience.

(j) *The President is authorized, at any time during the two-year period commencing on the effective date of the Foreign Assistance Act of 1964, to separate, notwithstanding any other provision of this or any other law, any person employed or assigned to perform duties pursuant to this Act. The authority contained in this subsection shall not apply to persons with General Schedule appointments of grade 12 or below, Foreign Service Reserve appointments of class 5 or below, or Foreign Service Staff appointments of class 3 or below, or to persons employed under section 624(d) of this Act. The aggregate number of persons separated under this subsection shall not exceed one hundred in any twelve-month period.*

(k) *The President may appoint or assign a United States citizen to be representative of the United States to the Inter-American Committee on the Alliance for Progress and, in his discretion, may terminate such appointment or assignment, notwithstanding any other provision of law. Such person may be compensated at a rate not to exceed that authorized for a chief of mission, class 2, within the meaning of the Foreign Service Act of 1946, as amended.*

SEC. 626. EXPERTS, CONSULTANTS, AND RETIRED OFFICERS.—

(a) * * *

* * * * *

(c) Notwithstanding section 2 of the Act of July 31, 1894, as amended (5 U.S.C. 62), any retired officer of any of the services mentioned in the [Career Compensation Act of 1949, as amended (37 U.S.C. 231 et seq.)] *section 101(3) of title 37 of the United States Code*, may hold any office or appointment under this Act, but the compensation of any such retired officer shall be subject to the provisions of section 212 of Public Law 72-212, as amended.

* * * * *

SEC. 637. ADMINISTRATIVE EXPENSES.—(a) There is hereby authorized to be appropriated to the President for the fiscal year [1964] 1965 not to exceed [\$54,000,000] \$52,500,000 for necessary administrative expenses of the agency primarily responsible for administering part I.

* * * * *

CHAPTER 3.—MISCELLANEOUS PROVISIONS

* * * * *

FIRST SECTION OF THE ACT APPROVED JUNE 28, 1935
(22 U.S.C. 276)

That an appropriation of **【\$48,000】** *\$50,000* annually is authorized, **【\$21,000】** *\$23,100* of which shall be for the annual contributions of the United States toward the maintenance of the Bureau of the Inter-parliamentary Union for the promotion of international arbitration; and **【27,000】** *\$26,900*, or so much thereof as may be necessary, to assist in meeting the expenses of the American group of the Inter-parliamentary Union for each fiscal year for which an appropriation is made, such appropriation to be disbursed on vouchers to be approved by the President and the executive secretary of the American group.

INDIVIDUAL VIEWS

We strongly believe that this bill should contain provisions hardening the terms of development loans and loans under the Alliance for Progress. An amendment to this effect was rejected by the committee by a vote of 8-7, a decision which we shall urge the Senate to overturn.

Historically, the foreign aid program has gradually moved from a program which was almost all on a grant basis to a program which (excluding military assistance) is composed of roughly 60 percent loans and 40 percent grants. This progress is welcome. It has been, we think, too slow; but we are here concerned not so much with increasing the loan component as with the nature of the loans which comprise that component.

Until the Congress took a small step last year toward hardening loan terms, the common administration policy was to make loans at three-fourths of 1 percent interest and a maturity of 40 years including a 10-year grace period on repayment of principal. In 1963, the Congress amended the law to require a minimum interest rate of 2 percent after the 10-year grace period during which the interest may still be (and usually is) as low as three-fourths percent.

To call a transaction of this nature a "loan" is to be something less than candid. Loans on such soft terms contain an element of grants and a concealed subsidy in the interest rate. We are deceiving ourselves and the American people if we pretend that this is a loan program. The three-fourths percent interest during the grace period barely covers the cost of administering the loan. Even the 2 percent interest charged after the grace period is far below the cost of the money to the U.S. Treasury, which is now paying 3½ percent.

Under the current requirements of the Foreign Assistance Act, the average interest on development and Alliance for Progress loans is 1.7 percent.

This is far below what most other developed countries are charging, as shown in the following table:

DAC donor countries bilateral terms of aid, 1962—Commitments

	Interest rates			Maturities			Grace period (most liberal)
	Lowest	Highest	Weighted average (percent)	Longest	Shortest	Weighted average (years)	
Belgium.....	Nonavailable.	Nonavailable.	5.5	5 to 10 years.	5 to 10 years.	7.5	Not available. 3 years, 7 years. 5 years. 85 percent, 10 years. 3 years, 7 years. 10 years.
Canada.....	$\frac{3}{4}$ of 1 percent.	6 to 7 percent.	(1)	50 years.	do.	(1)	
Denmark.....	1 to 3 percent.	7 percent and up.	4.4	40 years and up.	1 to 5 years.	23.3	
France.....	do.	6 to 7 percent.	4.2	20 to 30 years.	do.	17.0	
Germany.....	3 to 4 percent.	7 percent and up.	4.9	10 to 20 years.	do.	9.8	
Italy.....	5 to 6 percent.	do.	6.1	do.	do.	8.1	
Japan.....	0 to 1 percent.	3 to 4 percent.	5.0	40 years and up.	20 to 30 years.	20.0	
Netherlands.....	0 to 1 percent.	7 percent and up.	4.6	20 to 30 years.	1 to 5 years.	22.4	
Norway.....	do.	6 to 7 percent.	5.6	40 years and up.	do.	26.3	
Portugal.....							
United Kingdom.....	0 to 1 percent.	6 to 7 percent.	5.1	40 years and up.	1 to 5 years.	19.8	
Total, other DAC.....			2.6			29.9	
United States.....			3.6			25.8	
Total, DAC.....							

1 Not available.

NOTE.—Data available lack precision or consistency; these average terms should be regarded as rough orders of magnitude.

The administration opposes harder U.S. loan terms primarily on two grounds: First, that the movement of U.S. policy in this direction would interfere with the administration's efforts to induce other developed countries to soften their terms; and second, that it would aggravate the balance-of-payments problems of the borrowing nations. Neither argument is persuasive.

With respect to the first argument, the administration lays great stress on the fact that loan terms of other developed countries have become softer in recent years. Nevertheless, with the exception of a portion of the Canadian loans, the softest of these loans still carry shorter maturities and interest twice as high as the softest U.S. loans.

To the extent that foreign borrowing aggravates an underdeveloped country's balance-of-payments problem, aggravation is certainly caused more by borrowing from Europe than from the United States. So long as the Congress tolerates a situation in which U.S. money is available for half the cost of European money, the United States will continue to be faced with requests for easy help on balance-of-payments problems which are partially due to European credits. Thus, to some degree, we are helping to make it possible for underdeveloped debtors to pay their European creditors.

A hardening of U.S. loan terms would correct this situation. It would also serve notice on the Europeans that we do not intend indefinitely to make soft loans while they make hard ones. Instead of interfering with efforts to persuade the Europeans to soften their loans terms, it might well contribute to those efforts.

A hardening of U.S. loan terms will also have the salutary effect of imposing better habits of fiscal discipline and responsibility on the borrowing countries by requiring them to plan their affairs more carefully and to exercise greater self-restraint. A grace period of 10 years provides a considerable incentive to postpone the day of planning to meet regular payments. With respect to politically unstable countries, a 10-year grace period increases the risk that a change in government might lead to default of the loan.

For all of these reasons, we urge the Senate to support an amendment which we intend to offer and which will make the lending part of the foreign aid program loans in fact as well as in name. Under the existing law, the so-called loans are in reality little more than grants. If the U.S. Government is going to make grants to foreign countries—and in some instances there may be a case for doing so—we should at least be honest with ourselves and with the American people and call them grants. We cannot justify making grants and calling them loans.

KARL E. MUNDT.
FRANK J. LAUSCHE.
WAYNE MORSE.



88TH CONGRESS }
2d Session }

SENATE

{ REPT. 1188
Part 2 }

FOREIGN ASSISTANCE ACT OF 1964

INDIVIDUAL VIEWS

OF

SENATOR MORSE

ON

H.R. 11380



JULY 10, 1964.—Ordered to be printed
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INDIVIDUAL VIEWS OF SENATOR WAYNE MORSE

The foreign aid program has become one of the most stagnant, unproductive, and misrepresented of all Federal activities. It is stagnant because its objectives are still tied largely to American strategic interests of the 1950's; it is unproductive because much of it goes for uses that neither build nor develop; and it is misrepresented because in spite of all the official hand-wringing pleas that we help the underprivileged and deprived people of the world, not more than 40 percent of it goes for that purpose.

The basis of my approach to foreign aid is that it must serve the interests of the United States. I believe in "strings" on aid. Congress may spend public money only for the general welfare of the United States, not for the general welfare of any other people, no matter how deserving they may be. Therefore, foreign aid cannot serve a purely humanitarian purpose, devoid of self-interest for the United States.

My difference with much of the program is over what really does serve the interests of the United States. I do not believe that aid extended for military reasons, security reasons, or for reasons of political intrigue serves our long-run interests—and this is a long-run program. I think that foreign aid should be primarily developmental and for specific purposes, with the short-run considerations very secondary instead of the other way around.

Unless and until it is put on that basis, foreign aid will remain a dole and its recipients will be either dependencies of the United States, or in some cases they will take our military aid and then use it for their own national purposes that may be quite contrary to our own.

FOREIGN AID AS A SLUSH FUND

Many advocates of aid think they are being sophisticated in recommending foreign aid as a slush fund to buy off other countries. They often say that every great nation has had to do the same thing, and that the United States should now undertake to carry the same burden, with the understanding that it is a waste of money and is spent only to prevent unfavorable things from happening.

Several things are wrong with this view. First of all, it assumes that money (or military equipment) buys more than it does. To holders of this view, the giving of money is synonymous with the influencing of the recipient; but more often than not, recipients, in the manner of Sukarno, take the money and then do as they intended to anyway.

Secondly, handing out money and weapons with the idea that they will promote political stability, or keep friendly governments in power, or prop up a bloated military establishment in a foreign country are all efforts to impose a political order from the top down. The underlying causes of unrest or susceptibility to communism are ignored, and sometimes worsened.

These uses of foreign aid are justified with such phrases as "forward defense against communism," "vital to the interests of the United

States," and "of strategic importance to the United States," concepts that now embrace virtually the entire globe. Most of the countries receiving huge and largely unconditional aid on the ground that they border the Communist bloc are already protected by mutual defense treaties with us, and by our retaliatory capacity.

The real justification for "forward defense" aid is not that the recipient can use it against communism, because a nonindustrial country that cannot support a peacetime army cannot sustain a war effort against Russia or China. Once Europe and Japan were rebuilt and rearmed, military aid ceased to have much practical value for indigenous forces. What "forward defense" aid does buy is entree for American military and intelligence agencies close to Communist borders. For these privileges, we have paid since World War II a dozen times more than we need to have paid.

Many will say, "Anything that helps us against Russia and China is worthwhile." But our failure to insist on sound economic standards even for this aid has not helped us. It only means we are still vulnerable to eviction from these countries without, in the meantime, having improved their economic prospects.

ECONOMIC FREEDOM SHOULD BE BASIC PURPOSE OF AID

In the long run, climates and attitudes sympathetic to the United States and compatible with American objectives will have to be created by the creation first of economic freedom in these countries. And economic freedom can only be advanced through the developmental part of the program.

But, sad to say, of the economic section of the program, not more than half is devoted to bona fide economic development. Supporting assistance, the contingency fund, and nonproject loans from the Development Loan Fund are but political props and payoffs to foreign governments. They do not develop; they merely patch over and perpetuate the lack of development.

Even the technical assistance program is being used for transportation and communication projects against the day when they may be of use to American forces, and to train small-time police states in emerging countries.

The words "economic freedom of choice," without which the security of this country will never be strengthened in this world, are being relegated to whatever is left over in the foreign aid pot. Education, sanitation, vocational training, capital projects, agricultural extension—the activities that our officials trot out to gain support for aid among the unknowing American people—these constitute at most only about 40 percent of the \$3.5 billion being requested.

Cutting the \$1 billion-plus military aid expenditure in half and applying the unproductive economic aid to genuine economic development projects would do more to strengthen the longrun security of the United States than any other changes that could be made in the foreign aid program.

NO EVIDENCE OF CHANGE IN CURRENT PROGRAM

Since January, Congress and the American people have been told again and again that this year the program is being tightened, curtailed, and improved. But there is no hint in any of the material

presented to the committee of where these changes are taking place. All that Congress is given in the annual presentation is a look at on-going programs, started in the current fiscal year or before.

Contrary to past efforts and directives from Congress, requested funds for supporting assistance have been increased over last year, even without the additional request for Vietnam. This grant economic aid has been a target for congressional criticism since adoption of the Mansfield amendment in 1959, calling for its eventual termination. The aid request for this category is a backward step from the Mansfield reform.

Unspecified loans called "program loans" abounded in fiscal 1964, and they apparently are to be used just as freely in fiscal 1965. Project loans finance the importing of commodities for specific projects whose soundness can be verified by AID officials; but program loans go to balance accounts and finance imports in general. In many countries these include imports that contribute nothing to local development. They only create a debt obligation to the United States whose chances of repayment are slim.

Moratoriums on debt obligations due us from Turkey and Brazil, and the prospect of renegotiation of Argentina's obligations, call for a much tighter control by Congress over this type of loan. In the case of Brazil and Turkey, we are making them a new soft loan even as we give them moratoriums on repayment of old ones.

These loans, as with aid in general, are touted as creating a future market for American goods. This theory is based on the advertising gimmick of giving away free samples. But their cost is absorbed by the American taxpayer, not the manufacturer. Yet testimony to this committee—not from administration sources but from U.S. commercial sources—brought out that in Colombia and Chile, U.S. exports declined as these countries received our goods under program loans and diverted the foreign exchange saving into new purchases from the European exporters. Worst of all, the chances that the taxpayers will ever recover any of this subsidy to American business are not good.

It is no wonder that committees of U.S. businessmen are becoming the major tub thumpers for foreign aid.

So far as Latin America is concerned, the indications are that the aid standards are being loosened, not tightened. A \$50 million loan for no particular development purpose, but just to balance international payments, has been extended to Brazil. This is despite the suspension of loans, pending fulfillment of certain economic conditions by the Brazilian Government. There is as yet no more or better economic performance to justify a loan than there had been under the previous Government. But once a new junta takes over in Latin America, we rush to curry favor with it, and in Brazil it is costing \$50 million.

In fact, the U.S. aid program in four other junta-ruled countries of Latin America where constitutional governments were pushed out, has been resumed. These are the Dominican Republic, Guatemala, Ecuador, and Honduras. This is a full turn back to the evil days of the 1950's when the United States gained a record level of ill will and ill repute among the people of Latin America who had to live under the brutal heel of U.S.-supported tyrants. The Alliance for Progress was supposed to have changed all that by financing economic reform within a framework of political freedom and demo-

cratic institutions. But today we are merely handing out more money for the same old purposes as before.

Having ignored ourselves the political conditions for aid under the Alliance, our partners feel free to ignore the self-help conditions. Why shouldn't they when they get this money anyway.

FUNDS SHOULD NOT GO ABOVE FISCAL 1964

As reported by the Committee on Foreign Relations, the bill increases the program for fiscal year 1965 over the program for fiscal 1964. This has been done despite the overwhelming evidence that the American people are demanding long-overdue reductions in the foreign aid burden, that the impact of the aid program is woefully smaller than its size, that U.S. Government funds are increasingly needed at home, and that our so-called allies are permitted to shirk their responsibilities because of our often feckless generosity.

Undoubtedly the administration sincerely believes its appropriation request for \$3,516,700,000 to be a "bare bones" budget. However, the determining factor in shaping this request had to be the judgment of the Agency for International Development. And our past experience has made it painfully clear that—at a minimum—there is nothing sacrosanct about the AID judgment. The Congress, on the other hand, is not (or should not be) content merely to accept the arguments of stanch advocates, but takes into account a range of other sources of information. Foremost among the latter are the reports by the Comptroller General of the United States, which time after time have severely criticized in detail the planning, the programming, and the implementation of the aid program. On the basis of such information, as well as a full study of the AID presentation material, I can only conclude that there is a great deal of fat clinging to the bare bones.

The appropriation last year, for fiscal 1964, was an even \$3 billion—a cut of almost \$2 billion from the original budget request. Judging by the cries of anguish and forecasts of catastrophe which rose from Foggy Bottom during that trimming process, one might have envisioned the United States and the rest of the free world sliding irretrievably toward disaster. Yet a year later the Republic still stands, and no one is able to point to any foreign policy reverse attributable to a lack of aid funds. Indeed, our setbacks appear to have come in the Mediterranean and in southeast Asia, areas into which the United States has poured money most lavishly.

During this year's hearings and committee discussions no evidence was presented to justify an authorization for fiscal year 1965 of almost \$467 million more than the \$3 billion appropriated for fiscal 1964. It might be noted in this connection that a great deal of attention and lipservice was given last year to the so-called Clay Committee report. While I disagreed strongly with that report's inflated financial recommendations, it did contain the extremely valid proposition that there should be a gradual but steady reduction in the size of the aid program annually in the future. Our experience last year with a program scaled to \$3 billion in new funds certainly suggests that a cut even below that level could be safely made this year.

Because of a carryover from prior year appropriations, the final figure for the fiscal 1964 program was almost \$3.4 billion, rather than \$3 billion. The carryover this year supposedly is only to be about

\$53 million. If true, and if the \$3 billion level of new money were maintained, the end result would be a reduction of about \$344 million under last year's figure. The word "supposedly" must be emphasized. For the administrators of the AID program are highly accomplished producers of rabbits from their hats, and there is good reason to believe that other funds may in time be brought out of hiding. Indeed, when such a wonderland category as "deobligations of prior year obligations" is counted, the understandably confused American man-in-the-street finds that the foreign aid program which he thought was \$3 billion last year turned out to be in excess of \$3.6 billion. The conclusion that \$3 billion in new money would not represent any real reduction from last year is shared by many Members of the House, who wrote in the "Minority Views" in the House Appropriations Committee report:

Further, it is impossible for the Appropriations Committee to ascertain with any degree of accuracy the amount of unobligated funds which are left at the end of the fiscal year. It has been stated that these figures for any fiscal year are not available until October of the following year. * * *

FOREIGN ASSISTANCE ACT ONLY A PART OF TOTAL FOREIGN AID

This leads to another major objection to the character of the foreign aid program as it now stands. It is only the beginning figure for what we spend overseas on an annual basis. Many Members of the Congress, much less the American public, have only the haziest idea of how money is involved in our contributions to a large number of international financial and developmental organizations, and in our shipments of agricultural surpluses.

Moreover, executive branch requests for the same general purpose in successive years have a tendency to disappear from one bill or category and turn up in another. For example, \$135 million for Latin American development (through the Inter-American Bank's Social Progress Trust Fund) contained in the 1964 foreign aid appropriation bill does not recur this year. At first blush this might appear as a reduction in our total aid. But no, the administration has just submitted a separate new request for \$750 million over a 3-year period for the same purpose with a slight change in terminology. There is no corresponding cut in this bill. Under these circumstances it is extraordinarily difficult to perceive the overall total of U.S. foreign aid, and to make intelligent judgments about the validity of its components, such as those contained in this bill.

EXCESSIVE NUMBER OF COUNTRIES CONTINUE TO RECEIVE BILATERAL AID

This confusion carries over into the question of how many countries are feeding at the American trough. If only aid under the Foreign Assistance Act is counted, then some 83 countries are scheduled to receive assistance in fiscal year 1965. But the total rises to over 90 countries and territories when all forms of assistance are counted. And indeed they should be counted. The administration can scarcely claim it is extending little aid to Nasser's Egypt, for instance, when Public Law 480 supplies are flooding that country.

Now it appears that the number of countries getting help under the Foreign Assistance Act has fallen by something like the figure of 10. It is noteworthy that there is no commensurate cut in the administration request for new funds. On the contrary, the AID officials point with pride to the growing concentration of effort in fewer "key" countries. By that standard, no matter how many nonessential applicants are cut off the aid payroll, the level of foreign assistance requests is likely to remain unchange.

Anyone reading the majority committee report, supported by the majority of members who voted for this bill, will be struck by the absence of persuasive answers to the outstanding questions which have always surrounded the foreign aid program. It is said that it is unrealistic to expect agreement on the purposes and aims of the foreign aid program. This at least is refreshing candor, although there is little novelty in the observation. My own experience with AID officials has always been that when I make a valid criticism of an economic project, they say the objective in that case is not economic but political—and vice versa in other cases. In numerous instances those officials have accepted the validity of my criticisms "in principle" but have cited so-called "special circumstances" which prevent them from taking corrective action. It is no wonder that we have difficulty in justifying foreign aid expenditures to our constituents.

The committee report states that the total of U.S. bilateral aid is declining. Yet, as substantiation, it merely cites the difference between last year's administration *request* and the one this year. The fact is there is no hard evidence to cite which would back up that statement in terms of last year and this.

The majority report then goes on to note that "aid has been terminated in 17 countries * * *." But it ignores the fact that some of these countries were cut off several years ago, and have been trotted out each year since as happy examples. In any event, as stated above, a reduction in recipients means little without a consequent reduction in expenditures.

A table is inserted in the report which supposedly "should provide some reassurance" that our development loans will be repaid. The only conclusion I draw from that table is that the World Bank—whose record is not at issue—has done extremely well with its hard loans on stringent criteria. I join Senators Mundt and Lausche in their objections to the easy terms of most of our loans.

Finally, the report meets the criticism that our industrialized friends are failing to take a fair share of the foreign aid burden by stating that: "This is a complicated question, for which there is no categorical answer." Again, the statistical information contained in the report just does not support an optimistic conclusion.

In the following sections I set forth my own specific conclusions and recommendations for cutbacks in funds, which latter are summarized at the end in tabular form.

DEVELOPMENT LOANS

Congress should reduce funds for development loans so long as these loans continue to be made for general purposes and not for specific projects. The House Foreign Affairs Committee report in both its majority and minority views was critical of the large sums in "program" loans during fiscal 1964. Yet Congress must be aware by now

that mere criticism in a committee report makes no impact whatsoever on the foreign aid program.

Said the majority report:

Nevertheless, the committee believes that countries which progress to the point where they qualify for large development loans should be encouraged to assume increasing responsibility for financing their imports, except imports related to projects for which loans are made. There is danger that dependence on the United States for such financing could result in levels of consumption higher than the recipient could normally sustain and could encourage unsound financial and monetary practices.

The minority report of the House committee showed program loans in fiscal 1964 as follows:

<i>Million dollars</i>		<i>Million dollars</i>	
Tanganyika.....	1	Turkey.....	70
Tunisia.....	10	Chile.....	40
India.....	275	Colombia.....	15
Pakistan.....	100		

for a total of \$511 million. Since then, Brazil has received a \$50 million program loan.

This means that about a third of all development loan funds available for fiscal 1964 have already been lent for general purposes unrelated to any specific development project.

Turkey again ranks as the No. 1 failure of the foreign aid program and among the No. 1 recipients of program loans. She is receiving over \$100 million in economic aid this fiscal year, and considerably more in fiscal 1965, most of it in "program" loans.

Both the Organization for European Cooperation and Development and the General Accounting Office of the United States have found Turkey's economic development to have stagnated despite the huge American aid program there since 1947. The OECD report of 1963 was prepared for a consortium of Western European countries that were supposed to join the United States in financing Turkey's development. AID presentations always refer to this consortium but do not mention that its total pledges amount to less than the American aid alone, and that the European members are not coming through on their pledges because Turkey has not carried out the reforms required.

Judging from the presentation figures for fiscal 1965, it appears that the United States is going to make up the difference, reforms or no reforms.

Although the United States has put \$1,670 million into Turkey's economy since 1947, and given her combined military and economic aid of over \$4 billion, that country's economic condition is worsening. The population increase has almost entirely wiped out the increase in the gross national product.

Reform of the grossly wasteful state enterprises and tax reform are the most urgent. The U.S. General Accounting Office reported a few weeks ago:

In the absence of a development plan and adequate information about the economy's resources and needs, the commodity import program (which has been the largest segment of the U.S. economic dollar aid to Turkey) was an inte-

grated part of the financing of Turkey's overall import programs and as such was not geared to specific long-range objectives. Moreover, substantial amounts of local currency generated under the commodity import program were allocated for the general support of investment budgets of state economic enterprises (those owned by the Turkish Government). Because neither the Turkish Government nor the mission exercised adequate control over commodity imports and the operations and investment programs of state enterprises, aid funds frequently were used to non-essential or low-priority purposes. State enterprises also received U.S. dollar aid to finance the foreign exchange cost of facilities which had been poorly utilized or not utilized at all. Assistance was freely provided some state enterprises notwithstanding their inefficient operations and uneconomical practices.

In a supplement to our prior report on the Turkey program, we pointed out that accomplishments in Turkey's economic development and support of the country's defense efforts had been accompanied by serious economic problems with consequent increases in the amount of aid required from the United States. * * * The average level of U.S. aid for the 5 fiscal years (1958-62) covered by our recent examination increased significantly over the level for the preceding periods. Moreover, U.S. officials estimate that during the 5-year period which began March 1, 1963, Turkey will need more aid than heretofore from both the United States and others and that Turkey will not reach self-sustaining growth before 1975. Steps taken since the military coup of May 1960 offer promise that sound and necessary economic control measures may be forthcoming, but much remains to be done. As can be seen from the above there is a need for more effective action to improve operations and increase earnings of state economic enterprises and for more productive utilization of resources available to Turkey.

The Turkish Government, continues this report, operates about half of the country's industrial production, including enterprises in the fields of manufacturing, mining, trading, banking, transportation, and public utilities. They have steadily lost money due to "poor organization, inefficient operations, and poor pricing policies."

Despite these basic management deficiencies, the United States continued to provide substantial sums of direct and indirect dollar aid and counterpart and U.S. owned local currency to some state enterprises. This aid has contributed little toward improving operations of the enterprises, relieving their drain on the Turkish economy, and thereby reducing the need for outside aid.

Turkey's failure to correct the worst of these conditions has led the consortium to curtail its scheduled aid. But instead of doing the same, the AID presentation indicates that the United States is going to increase its aid substantially over last year.

DEBT DEFAULT BY TURKEY

The GAO report also found that Turkey was by 1957 in arrears on three loans, with the arrearages amounting to \$6.4 million. In May 1959, AID deferred for periods ranging from 28 to 31 years all principal and interest payments originally due between 1956 and 1965. The Government of Turkey is to make the three interest and principal payments due between 1966 and the original maturity dates pursuant to the original repayment schedule, and make the deferred payments after the original maturity dates. But interest will not be charged on the principal and interest payments that were deferred, which represents another grant of \$31 million to Turkey.

The dreary details of American aid for importation of station wagons, for a meatpacking plant that is virtually unused, for modernization of the state-owned bituminous coal industry that continues to sink deeper into indebtedness, and for grain storage silos whose peak-loads averaged less than 40 percent of capacity are included in this GAO report. It should be read by every citizen who still believes that the foreign aid program is designed to help the world's unfortunate.

Says the report:

The Agency (AID) advised us that it had encouraged Turkey to adopt necessary reform measures for management of its fiscal and economic affairs. However, although actions taken by the Government of Turkey were not satisfactory, the Agency decided to not insist on a greater measure of cooperation because of foreign policy considerations.

Primary in these considerations are the extensive intelligence and military installations operated in Turkey by thousands of American personnel. They largely explain why protests about Turkey's stagnating economy and misuse of aid funds are pushed aside with references to Turkey's being "vital to American security."

Our aid to Pakistan is in very much the same category, and we seem to be heading in the same direction with India. The "forward defense" policy of aid is not one of promoting economic freedom of choice at all.

What is happening now in Laos and Vietnam is typical of what would happen in each of these peripheral countries should it come under any pressure from within or without. The American aid that we send them now would be only a drop in the bucket of what it would take to prop them up under conditions of war or near war.

Program loans to these countries are little better than outright grants and should be stopped.

TECHNICAL COOPERATION

For many years, this descendant of the point 4 program has been an almost untouchable segment of the foreign aid program. But a close examination of its current projects, and those in the comparable category in the Alliance for Progress, indicates that technical cooperation is moving far away from the original point 4. Today, a major function of "technical cooperation" is the training of local police forces in internal security matters. These programs are zealously pursued by American authorities even in countries like Panama and Indonesia, where their uses are more likely to be anti-American or anti-British instead of anti-Communist.

In short, these programs are being conducted in the countries where we have little or no control over the purposes to which they will be put. They include the recent military junta-ruled countries of the Dominican Republic, Honduras, Ecuador, and Guatemala. Just what we think we can teach the Dominican National Police that they did not learn for themselves in Trujillo's day is hard to guess. But we are trying.

We are undertaking similar endeavors in Somalia, Chad, Tunisia, the Central African Republic, Dahomey, the Ivory Coast, the Malagasy Republic, Niger, Upper Volta, the Congo, and Ethiopia in Africa. The programs are equally widespread throughout Latin America and Asia.

In few of these countries is there the institutional framework that would make them a wise undertaking. All we are doing for most of them is making their police states a little more efficient—maybe. But we have not the slightest idea to what use this efficiency will be put, and whether it will advance any interest of the United States.

In many ways, this kind of technical assistance is the most dangerous aid program ever undertaken by the United States. Any reduction Congress makes in it will be a step in the right direction.

The aid presentation for technical assistance gives no real reason for the \$9 million increase it plans over fiscal 1964. AID declares that it is moving the capital projects that have been under "Technical cooperation" into the "Development loan" category. But if so, what does it plan to do with the money saved, plus the increase over last year? "Research" is the only explanation for this in the presentation.

Many of the other projects undertaken in the name of technical cooperation and assistance have a similar flavor of political and military intrigue. In the Near East and Asia, many of the transportation projects seem to be directed at military rather than commercial use. In Afghanistan, for example, we have a total program of \$10 million worth of continuing projects. One of them is to plan a highway to the Iranian border. Its justification is that it would give Afghanistan an outlet in the west. But we had already helped her build a highway to the Pakistani border for the same purpose; then there were troubles between Afghanistan and Pakistan, causing the border to be closed off and on.

It seems a great hypocrisy to call this "technical cooperation," when it does not appear that Afghanistan is not as much interested in having an outlet to the west as we are in insisting that she have one, no matter how much it costs the American taxpayers.

Cyprus is another question mark. Cyprus is down for many hundreds of thousands of continuing projects. What has happened to them during the civil war? No one will ever know from reading the presentation.

Turkey, of course, is the most shameful failure of all aid recipients, not only in the technical aid but in all categories of aid. In technical assistance, many of the programs we are maintaining in Turkey are designed to help Turkey run her state enterprises. Since it is these state enterprises that are largely responsible for the stagnation of her economy, and the responsibility for their continuation is a political rather than a technical problem, it is hard to see how the United States is helping to improve her economic situation by aiding in the perpetuation of these enterprises. Another way of putting it is that we are training Turks in socialism, and creating more bureau-

crats who will have to be employed in these establishments already suffering from bloated payrolls.

As for Thailand, one cannot read the continuing projects there without concluding that they are laying the foundation for an American military operation in Thailand. The so-called transportation projects include a four-lane highway from the country's main international airport to Bangkok. From Bangkok, a two-lane highway is to continue to the northeast area where the border with Laos is threatened. Much the same picture is seen in the projects for aeronautical ground services which are "intended to make several airfields fit for military use, as well as civilian." It is hard to see where any civilian use in Thailand could justify "several" airfields of this nature.

In sum, showing people how to live better is on its way to becoming only an adjunct to the technical cooperation program, as it is to the rest of foreign aid. It is the Peace Corps that is making the greatest contribution to this cause.

AMERICAN SCHOOLS AND HOSPITALS ABROAD

In my opinion, the funds authorized for this activity rank high among the most worthwhile expenditures made in the name of foreign aid. Indeed, I have made a matter of record my willingness to support a larger sum for these purposes than the administration requested.

A number of my committee colleagues and I expressed great interest during the hearings in providing assistance to Mexico City College, now renamed the University of the Americas. This eminent institution certainly seems to qualify for help under the aid category of American-sponsored schools. Unfortunately, the university had not submitted its detailed application by the time of committee action on the bill. I believe it likely that the majority of members would have voted to increase the authorization for this section had they been in receipt of data from the university which seemed to require such action.

However, the committee was assured by the Administrator and other AID officials that the university's application, when forthcoming, would be reviewed most sympathetically. We were also assured that the funds requested for this general purpose would be sufficient to permit assistance to be granted to the University of the Americas in fiscal 1965. I take this occasion to express my intention of seeing to it that this project is not lost in the bureaucratic shuffle.

THE ALLIANCE FOR PROGRESS

As chairman of the Subcommittee on American Republics Affairs, I yield to no one in my deep interest in the countries of Latin America and their progress with economic and social reforms in the context of democratic political institutions and practices. I would certainly subscribe to the words of the committee report that "* * * dramatic breakthroughs and economic 'takeoffs' are unlikely in the absence of a basic social and political reorientation in most of Latin America." But sadly inadequate emphasis has been given to the fact that U.S. policy, rather than American public money, is the instrument through which we can best help our Latin American friends to help themselves.

It is a truism that a change in the price of a basic Latin American

export commodity by a few pennies, or a reversal of capital flight from that area, would have many times the effect of all the financial aid which the United States could possibly make available. What is irreplaceable, on the other hand, is a U.S. policy which actively encourages democratic constitutional means of governing and of tackling the fearsome social and economic problems of the Latin American countries. Regretfully, one cannot avoid the conclusion that such a policy still is not sufficiently in evidence.

Time and again we have reacted to the military overthrow of a constitutional regime by temporarily withholding recognition and foreign aid funds, and then by granting them without any reliable assurances that the new rulers are moving to reestablish constitutional and popular government. It is not merely that such practices evoke justified criticism from all parties involved; they serve to undermine our entire overall policy toward Latin America. Until the United States unequivocally aligns itself with those democratic elements which are trying to bring about peaceful revolution in the social and economic spheres, the Alliance for Progress will be a pious exhortation rather than an instrument for dramatic change.

Our "aid as usual" policy toward the Dominican Republic, Guatemala, Honduras, and Ecuador is the greatest single threat today to the success of the Alliance.

Because it is clear that money alone is not the key to the Alliance for Progress, there is no reason why foreign aid requests for Latin America should not be scrutinized—and reduced when necessary—on the same basis as AID programs in other world areas. Last year's appropriation for the Alliance totaled \$455 million, but the administration has requested \$550 million under that heading for fiscal year 1965. Although the overall foreign aid appropriation should be gradually reduced each year, this should not involve a rigid approach which would inevitably cut each and every component of the act. Therefore, I am recommending \$465 million for the Alliance in the 1965 authorization, or an increase of \$10 million over last year. Of this total, \$80 million would be for grants (the same figure as in 1964) and \$385 million would be devoted to development lending.

My reasons for cutting \$5 million from the administration request for Alliance grants stem from a painstaking examination of the presentation material. On the basis of listing projects which seemed inadequately justified, unduly extended (often for 15 or 20 years), or otherwise of dubious value, I might have sought a precise cut of \$8,243,000 had I not again preferred to err on the side of caution. In two major countries we make technical assistance grants to encourage the production of export items which are surplus in the United States. In a number of cases there are projects which involve the United States in paying local expenses which could be met by the Latin American country concerned. In other cases the United States is making grants of both heavy and light equipment which properly should be purchased by the local government with the proceeds of a development loan. The ill-advisability of training and equipping of police forces in totalitarian states is discussed in the section on technical cooperation. It is for these reasons that it seems correct to hold grants at last year's level while providing \$10 million more for lending.

There should be no confusion about my position regarding technical assistance for Latin America and other regions of the world. So

long as this cooperation is extended in terms of working with fellow human beings through education and training in productive activities, it is of supreme value and it is self-justifying. But this fine program must be kept separate from the provision of capital equipment, other material, and commodities. Development loans obviously are required in order to make such provision, but we must also make it as certain as possible that loans are confined to those purposes, and not devoted to budgetary and balance-of-payments support. The comments made elsewhere in these individual views concerning the Development Loan Fund are equally valid in the Latin American context.

One further point about the Alliance for Progress. There is no activity in Latin America which is more important in terms of reaching the people than the construction of decent, low-cost housing. Yet all indications are that there has been too little movement in this sphere, despite the special authority in the Foreign Assistance Act. I strongly urge far greater attention to this subject by AID officials on an immediate basis.

SUPPORTING ASSISTANCE

It is inexcusable that the administration request for supporting assistance funds should be raised over the amount available last year, even before the special request for additional money for Vietnam was sent to Congress. The Mansfield amendment of 1959 called for an eventual phasing out of these financial grants. Yet \$335 million was initially requested, compared to \$330 million appropriated last year. On top of this, \$70 million more was later requested for Vietnam, bringing the total to \$405 million.

Congress has suffered in the past from the shifting by AID of supporting aid funds away from the purposes presented in the hearings into other uses. If past experience is any guide, it is more than likely that much of the supporting assistance requested for Vietnam will be used elsewhere.

The \$30.3 million reduction in this category by the full committee is not enough. Three countries in Latin America, for example, are scheduled to receive supporting assistance. One of them is Haiti. Although the program being supported is malaria eradication, our program is in addition to UNICEF and Pan American Health Organization programs in Haiti for the same purpose, to which we also contribute. The brutality of the Duvalier dictatorship in Haiti is not exceeded even in Castro's Cuba. There is no more reason for the United States to maintain a unilateral health program in Haiti than in Cuba, or for that matter, in Communist China.

Supporting assistance aid to Bolivia simply undercuts the requirements of the Alliance for Progress and underwrites the incredible mismanagement of the Government-owned tin mines. As with Turkey, the excuse for this aid is the old reliable Communist bogeyman, and the result is the subsidizing by American taxpayers not only of socialist enterprises but of outrageously inefficient socialist enterprises. In the case of Bolivia, we have been supporting these tin mines with their grossly padded payrolls since 1954 and there is no end in sight so long as the word is out that there is more supporting assistance coming from the United States. Why should Bolivia change so long as she can scare money out of us?

Jordan and Yemen will account for another large chunk of supporting assistance. Despite the pretentious and glowing references to Jordan's "progressive" government in the presentation, there are no plans for loan aid to Jordan in this year's budget, and one of the three remaining capital projects under technical cooperation is also in Jordan. Nothing but grant money is planned for Jordan this year because with her present policies she is an economic impossibility. The presentation uses the phrase: "Eventual viability may be more securely rooted" in Jordan. That is the best outlook.

Much of Jordan's poor outlook is directly due to her expenditure of \$60 million for defense. "Offense" is probably the better word. Jordan's Army is concerned with nothing in the world but Israel, and King Hussein has made it quite clear that he is ready to move against Israel if the Jordan River project goes through. If he does, it will be only because the United States has subsidized his military establishment since 1947 through supporting assistance grants.

Jordan is not of interest exclusively to the United States. If she needs subsidization to exist, in the same way the Congo does, she should become an international ward, supported by some kind of consortium. That might also reduce the military threat she poses to Israel. But so long as the United States furnishes her this wad of money as a military subsidy, this will never happen. The contributions to her budget from Britain are very small, compared to ours, and Jordan's other sources of aid are loans, not grants. At the rate we are going in Jordan, it will be the American taxpayers who will repay these loans. The budget support to Jordan should be cut by several million this year, so a start can be made toward a longrun solution to Jordan's problems.

In Yemen, we are giving supporting assistance to a government that is little more than a creature of Nasser's, and that is still fighting against a royal government that is in turn backed by Britain.

Unilateral American aid to Yemen is in the same class with aid to Sukarno. Worse yet, a good half of it is for highway construction that is of far more military significance to Yemen now than commercial significance. This aid is nothing but an attempt at political intrigue. It should be stopped until the civil war there is over.

In the Far East, South Korea, Laos, Thailand, and South Vietnam are scheduled to receive large amounts of supporting assistance. Although much is claimed in the presentation for South Korea's economic prospects, no reason is given why supporting assistance to her is being increased over last year. It is all nonproject aid, and although the presentation indicates that it will be released only in increments as the South Korean Government makes good on its promises of economic reform, I see no reason why more should be provided than was provided last year.

Moreover, the only other non-American aid to Korea is taking the form of loans. As with Jordan, the United States will end up repaying these loans unless we develop a more effective program in Korea.

The optimistic note in the presentation book about Korea's future depends heavily upon its renewing aid and trade ties with Japan. The people of Korea, including the young people who rioted recently against this policy, should understand that the United States is not going to underwrite indefinitely their emotional aversion to Japan, however real it may be. We do underwrite it when we raise their budget support considerably over last year.

This large sum for Korea is also a result of the 600,000-man Korean Army we are supporting, in addition to the 50,000 American troops in Korea. This compares with figures I have seen that the North Korean Army is about 400,000. No good reason has ever been offered for maintaining this vast preponderance of military force in South Korea. The latter's army should be brought down at least to 500,000 and preferably to 400,000.

The levels of supporting assistance to Laos and South Vietnam are indicative of what we face in every other underdeveloped country where we are maintaining large military aid programs. The presentation books stress over and over again the meager economic resources of these countries and the high concentration of military activity. The result is that the United States finances a Western-style war effort in feudal countries. It costs us a yearly average of about \$40 million in Laos, a country of 2.5 million people, exclusive of military aid. In South Vietnam, it has run about \$130 million for economic aid, with this year's level much higher, in a country of 15 million. In both countries, much of this money goes for the enrichment of ruling classes and factions that we "hire" to fight communism.

Anyone who thinks the United States gains something by maintaining these indigenous armies in undeveloped countries around the world should figure out first how much we would have to subsidize any one of them if it became involved in any kind of a war.

The figures for Korea, Laos, and Vietnam should be a lesson to us, because in addition to direct action by the U.S. Armed Forces, it would cost us billions of dollars to subsidize a war effort in such countries as Turkey, Greece, Iran, Taiwan, or any of the others whose military establishments are creatures of the United States.

CONTINGENCY FUND

Once again, the uses of the contingency fund were advertised as being for unforeseen emergencies. But one of the largest transfers out of contingency funds was \$50 million into development loans to make a "program loan" to Brazil. Other uses of the contingency fund have been \$38 million for Vietnam (in addition to its programmed funds and the special request of \$125 million) and a transfer of \$75 million into military assistance. All these obligations were entered into only in the 2 months before Congress acted on the foreign aid bill.

Use of the contingency fund for Brazil's balance-of-payments problem continues to typify the abuses of this fund. This is neither an unforeseen nor an emergency situation. The contingency fund only provides the loophole whereby Brazil evades the stipulations of the Alliance for Progress.

This use of the fund alone justifies a \$50 million cut.

MILITARY ASSISTANCE

There is no part of foreign aid on which the Congress has received a worse flimflam from the executive branch than on military assistance.

One of the major criticisms leveled by both the Clay Committee and the Senate Foreign Relations Committee last year was that we had too many token military aid programs that seemed to be designed merely to give the American military a "presence" in most countries outside the Communist bloc.

Figures prepared for the hearings at my request indicate that the total number of countries receiving military grant aid in fiscal 1965 will be 55, compared to 63 in fiscal 1964. However, the March 1964 publication from the Defense Department called "Military Assistance Facts" includes an estimate that 62 countries will receive grant military aid in fiscal 1965, and that 10 more countries will acquire American arms through direct or credit purchases.

If there is in fact any reduction planned in the total number of countries receiving grant military aid next year, it does not show up in the request for \$1,055 million. There is no explanation of why we are sending the same total aid to fewer countries, if that is in fact what we are doing.

On March 6 of this year, the General Accounting Office issued another of its periodic reports that have consistently found extensive waste in military aid. This one reported that the Defense Department has continued to maintain large military aid staffs in the countries of Western Europe even though military aid to them is being phased out.

The report also stated that these military aid missions continue to prepare military aid plans even though no more grant aid is supposed to go to these countries.

To quote from the GAO report:

We found that in 1962, when the value of grant aid deliveries to 8 of the countries covered by our review was \$190 million, the Military Assistance Advisory Groups in these countries were staffed in total with approximately 345 U.S. personnel or 56 percent of the level maintained to administer programs during the peak year of 1953, when the value of grant aid deliveries was \$2.3 billion.

* * * The failure to eliminate or reduce the Military Assistance Advisory Group's functions and to make appropriate reduction in the number of personnel assigned, as the military assistance programs were accomplished or reduced, has resulted in the unnecessary expenditure of millions of dollars overseas; the ineffective utilization of highly skilled, highly trained personnel; and the continued but unnecessary support overseas of the dependents of many Military Assistance Advisory Group personnel. * * * The Department of Defense furnished us with comments in response to our findings and proposals for corrective action by letter dated July 25, 1963, classified secret. The Department of Defense has informed us that a worldwide review is now being made of the missions and functions of Military Assistance Advisory Groups to determine the feasibility of reducing U.S. representation abroad. We believe that immediate personnel reductions can be made by eliminating or reducing functions now being performed by these groups. We intend to make a followup review at a later date, and at that time we will examine into the adequacy of the Department of Defense's action to reduce or eliminate the staffs of the Military Assistance Advisory Groups in the countries involved. * * *

Although virtually no additional grant aid is to be provided to the eight Western European countries, we were advised by the MAAG's that they are continuing to prepare

military assistance plans. In France, the plans were being prepared in the same detail and on the same basis as though grant aid were to continue, whereas in other countries the plans were being updated and revisions were being made as necessary. * * *

Secretary McNamara, in his testimony to the Foreign Relations Committee, pointed out that only Denmark and Norway in Western Europe are receiving grant military aid in fiscal 1965, and that no new commitments are being made in Europe. Yet the military aid budget does not reflect any curtailment anywhere of small aid programs or of oversea missions.

A real deception of Congress took place in connection with Vietnam. The original 1965 budget reduced military aid to South Vietnam considerably below the level of fiscal 1964, and parceled it out to other countries. Then the President sent a special message to Congress claiming that conditions in Vietnam were so critical that an additional \$55 million for military aid was needed to meet that emergency. The addition only brings South Vietnam's military aid back to last year's level.

Those of who have been through 15 years and more of that kind of shell game from various administrators can no longer take at face value anything about aid that is told us by either military or civilian officials. In the case of this "bare bones" request, the funds available for military aid this year include not only the \$1,055 million in new appropriations, but \$25 million which was unspent last year and for which reappropriation is requested, \$135 million which is expected to be recouped from cancellations, price changes, and various slippages, plus a continuing standby authority to use \$300 million in Defense Department stocks when the President finds it "vital to the security of the United States." In recent weeks, \$75 million in contingency funds has also been used for military assistance.

This means there is really available not \$1,055 million but \$1,515 million for military assistance, plus the contingency funds. It is why an eventual cut of \$500 million in military aid would be one of the soundest steps that could be taken toward a sound and useful long-range foreign aid program.

It is becoming clear from the testimony Congress receives year in and year out, that the Pentagon has come to consider military aid a permanent program. Each year, the requests are justified with accounts of Greece or Pakistan or some other country using obsolete equipment that must be replaced by the United States to keep it current with Bulgaria, in the case of Greece, and to keep current with India, in the case of Pakistan.

It is about time that the Pentagon were required to produce some long-range plans for what it expects of military aid in the future. We should find out whether these countries are going to have their obsolete equipment replaced by us forever, and by whose standards it is obsolete. For example, a perennial favorite is the claim that countries in the Far East need new jetplanes. But the only conceivable enemy against which we are arming them is Communist China, whose jet aircraft from the Soviet Union was cut off several years ago and who does not produce its own jets. Published estimates put the Chinese jets at the period of about 1956.

There is no reason for upgrading the level of any military forces in the Far East above that of Communist China, whose air, naval, and mobile capability is very low.

Future Pentagon estimates for military aid should also include an estimate of how much it would cost the United States to finance a war effort in each country receiving military assistance. We are told, for example, that Taiwan no longer receives huge sums of economic aid, but she continues to receive large quantities of military aid. All this means is that Taiwan still cannot support a large *peacetime* military establishment. How much would it cost the United States to underwrite a war waged by Taiwan?

It continues to be my opinion that any military aid given to a country in peacetime is only a small fraction of what it would cost the United States to support that country in time of war, if indeed, we decided to support it at all. Such nations are not allies against communism; they are only dependencies. It is worst of all to continue giving large-scale, Western-style military aid to nations that have no prospect of being able to support a modern war out of their own economies in the foreseeable future.

It is not these indigenous forces that deter China or the Soviet Union—it is the likelihood of American response to an invasion of any one of them.

We are having a hard enough time trying to advise the South Vietnamese how to fight, after giving them the most modern equipment, without committing ourselves to the same undertaking with the several million foreign soldiers we keep under arms under the pretext that they are contributing to free world defenses.

The most astonishing testimony of all has been that this amount of the request is needed to upgrade the armed forces of Greece and Turkey. Why we should advertise that we want to do even more than we have in the past to prepare them to fight each other, I cannot imagine.

A 20-percent reduction in the military aid for both Greece and Turkey, and for Pakistan and India, would do more to end the quarrels over Cyprus and Kashmir than all the high-level conferences held to date. The spectacle of stoking their war machines while we beg them to be peaceful is as much a reflection upon Congress as upon the executive branch.

CRITICAL REPORTS FROM GENERAL ACCOUNTING OFFICE CONTINUE

Reports by the U.S. Comptroller General criticizing the aid program in Turkey and the size of military aid missions in Western Europe have already been cited. But there are other reports, too. They continue year in and year out to cite examples of wasted money in the foreign aid program. These reports are in no sense a comprehensive review of aid; they are only reports of practices uncovered in spot checks.

On March 5, 1964, the Comptroller General summarized as follows a report on "Certain Economic Development Projects for Assistance to Central Treaty Organization":

Because the availability of local resources was not adequately explored, grant and loan funds aggregating more than \$8 million were used for purposes other than those for

which they were initially obligated and for financing imports which were not needed or could be produced in the recipient country. Furthermore, the economic feasibility of the three projects for which the funds were obligated was dubious and, as conditions existed at the time of our review, there was no assurance that two of the three projects involved would ever be completed.

In light of the foregoing findings, we suggested certain basic policy guides for consideration by the Agency. The Agency expressed agreement with the principles of our proposals but claimed that the origin and objectives of the projects were primarily political and that its decisions and actions in the implementation of the projects were concerned principally with the achievement of political success.

The annual program presentations of the Congress on three of the projects did not fully disclose the unusual circumstances and the problems which have attended the projects. Moreover, the presentations were incomplete and inaccurate and indicated that the aid provided to these projects was more effective than was actually the case. We are repeating our recommendation made in previous similar instances, that the Agency make more informative, clear, and accurate disclosure of significant data in annual program presentations.

On March 12, 1964, a report was sent to Congress on "Unnecessary or Premature Procurement of Sidewinder Missile Training Systems and Their Delivery to Foreign Countries Under the Military Assistance Program." It said in part:

Tow target systems costing in excess of \$1 million, designed for training pilots in the use of Sidewinder missiles, were unnecessarily or prematurely delivered to 11 foreign countries because responsible Department of Defense agencies had not given consideration to the countries' inability or unwillingness to use the systems. Six countries were unwilling to use the tow target systems for reasons of safety and cost, and five countries did not have the equipment, missiles, or test programs to enable them to use the tow targets at the time of delivery. An additional \$240,000 had been expended by the Air Force for tow targets for which no firm requirement existed and which were never delivered under the military assistance program. These targets were still in storage at the time of our review.

In commenting on our findings and proposals, the Department of the Air Force advised us that action had already been taken or was underway to recover the excess equipment in six countries and that no immediate action was proposed in five countries because utilization had been planned.

With regard to the procurement of unneeded tow targets that were never delivered to recipient countries and are now in storage, inasmuch as the Department of the Air Force failed to comment on our finding, we are recommending that the Secretary of Defense require that an appropriate inquiry be made to determine the reasons for the over procurement

and which persons were responsible so that appropriate corrective and disciplinary measures may be taken.

Our reports on the military assistance program over the past 7 years have shown that a basic deficiency in the administration of the program has been the failure of the Department of Defense to limit materiel deliveries in accordance with the capability of the recipient countries to maintain and utilize equipment even though this is required by the Department's own regulations. Accordingly, we have recommended to the Secretary of Defense that these regulations be strengthened by requiring that future deliveries of major end items included in approved military assistance programs be made only upon a written certification by the chief of the Military Assistance Advisory Group based on a specific determination that the recipient country has the necessary capability to effectively absorb, maintain, and utilize the item to be delivered.

The Department of Defense has disagreed with our recommendations and has maintained that, under current directives, the Military Assistance Advisory Group chiefs have the continuing responsibility for screening undelivered military assistance program materiel and for taking timely cancellation or deferral action where delivery of materiel is not consistent with host country capability to absorb, maintain, and utilize the equipment. The Department of Defense maintained also that certification by the Military Assistance Group chief would serve no significant useful purpose.

We believe that such a certification requirement would encourage a current reappraisal of the need for the equipment and the country's capability to maintain and utilize it before it is delivered and would help to prevent future deliveries of military assistance program materiel in excess of the country's capability to effectively absorb, maintain, and utilize the items delivered. Military assistance program materiel has continued to be delivered for a number of years to countries which cannot effectively absorb, maintain, or utilize the equipment and has been the subject of numerous reports to the Congress and the Secretary of Defense, even though during that time the Military Assistance Advisory Groups have been charged with the responsibility of preventing this from occurring. We therefore believe that affirmative action by the Military Assistance Advisory Group chief before delivery should be required.

In view of the position of the Department of Defense with respect to this matter, the Congress may wish to consider the enactment of legislation requiring additional safeguards before delivery of military assistance program materiel. We shall be pleased to assist in drafting such legislation if desired.

Certainly the inclusion of legislation along this line must be considered at the next drafting of foreign aid legislation.

On June 17, 1964, a report was received on "Ineffective Administration of U.S. Assistance to Children's Hospital in Poland." It said in summary:

Our examination into U.S. assistance to a children's hospital in Poland, for which about \$2.2 million in dollars and the equivalent of \$8.3 million in U.S.-owned Polish currency has been appropriated, disclosed an almost complete lack of U.S. Government surveillance of project activities. Consequently, U.S. officials were not aware of certain unfavorable financial and operational factors attending this project.

We found that cost estimates submitted to the Agency for International Development did not include supporting details and that the Agency had not made a proper review and evaluation of the estimates. We found also that (1) the Agency disbursed more funds to the private sponsor of the hospital than were provided for in the original grant agreement; (2) the sponsor had incurred costs in excess of the maximum amount provided for in the original grant agreement and in excess of the erroneous amount disbursed by the Agency; and (3) the sponsor continued to incur costs even though all available funds were exhausted. We found further that the hospital may not be adequately staffed for effective operation at the time of its completion. We believe that this loose administration was caused in good part by a failure to define Agency responsibility.

The Agency made a commitment in August 1961 to finance the local currency costs of constructing the hospital on the condition that the sponsor would attempt to raise from private contributions in the United States the dollar funds required for certain material and equipment not available in Poland. The Agency made this commitment in the face of overwhelming evidence at the time that the sponsor would not be able to raise the dollar funds and that U.S. Government dollar financing would ultimately be necessary to complete the hospital. As far as we could determine, the Agency did not present this matter for the consideration of the Congress prior to making the commitment.

At the time of our review, construction was well underway with Polish currency made available by the Agency but the sponsor had raised only a fraction of the dollar requirement and reported that no prospect existed for raising the dollars. Consequently, in order to complete the hospital, the Agency requested \$2.2 million in dollars for the hospital in its fiscal year 1964 budget presentation to the Congress. The request was made, notwithstanding the then existing prohibition against giving dollar aid to Communist countries. The funds were appropriated in the Foreign Aid and Related Agencies Appropriation Act, 1964, approved January 6, 1964.

In requesting funds for the hospital in its budget presentations to the Congress for fiscal years 1963 and 1964, the Agency did not disclose the unusual circumstances and problems which have attended this project, as described in our report, and furnished incomplete and inaccurate information regarding some of the financial and operational

aspects of the project. Also, because the dollars were not available when needed, completion of the hospital will undoubtedly be delayed considerably beyond its scheduled date.

The comments of the Agency for International Development, concurred in by the Department of State, reflected general disagreement with our findings and conclusions. After an analysis of these comments and further review of files and records, however, we concluded that the Agency had presented no information which would cause a significant change in our basic report with respect to our presentation of the facts or the conclusions drawn.

We believe that, in addition to the corrective actions cited in the report, it is incumbent on the Agency for International Development to take steps to assure that arrangements have been worked out for adequate staffing of the hospital. Also, we are again recommending that future annual foreign aid budget presentations to the Congress describe projects and other significant activities in such clarity and specifics as will facilitate a full and correct understanding by the Congress of their scope, status, and administration.

On June 29, Congress received a report on "Deficiencies in Administration of the Earthquake Reconstruction and Rehabilitation Program for Chile." It said in summary:

On the basis of our review of projects financed under the reconstruction and rehabilitation program in Chile following the earthquakes in May 1960, we believe that serious problems were encountered because the Agency for International Development did not adhere to accepted standards of programing and project planning for the large number of projects included in such a vast program.

For the most part, no meaningful review was made of the Government of Chile's plans, specifications, and cost estimates for the projects undertaken. The Agency did not adjust the size and makeup of its mission staff to meet the tremendous expansion of assistance to Chile under the earthquake program. Also, appropriate consideration was not given to the abilities of the various agencies of the Government of Chile to carry out their part of the program. As a result, serious cost overruns and delays occurred in many projects and a number of projects had not been completed, or in some cases had not been started, some 3 years after the earthquakes and substantially after their estimated completion dates.

For a substantial part of calendar year 1962, the maximum rate of exchange was not obtained for dollars disbursed under the earthquake reconstruction program. The resulting loss to the earthquake program was estimated to be in excess of 26 million Chilean escudos, the equivalent of \$13.8 million on a most conservative basis. As a practical matter, it can be said that earthquake reconstruction funds were used for a period of time to subsidize and help maintain the Chilean escudo at a rate that was known to be overvalued in relation to the dollar.

Despite the disbursement of large sums in calendar year 1961 and 1962 under this program, Chile imports from the United States declined in those years, both in dollar value and in relation to total imports. Also, we noted that several earthquake reconstruction projects were adversely affected because of Chile's shortage of foreign exchange, despite the fact that \$120 million was being supplied under the earthquake program, and the amount of foreign exchange required for earthquake projects was relatively minor. We are recommending that, in future agreements providing dollar financing for projects or programs consisting principally of local currency costs, adequate provision be made requiring the utilization of the dollars so provided for any direct foreign exchange costs of the specific projects or programs being financed.

To the extent deemed appropriate, the comments of the Agency on our findings have been included in this report. The Agency's comments on the exchange rate matter, together with our evaluation of such comments, are contained in a supplementary report which has been classified as "Confidential."

In May, two more reports were received. They concerned waste in the military aid programs to Indonesia and Ethiopia, and both were marked "Classified."

This year's reports on foreign aid are only typical of those Congress receives every year. The answer always come back: "Some waste must be expected in a program of this size." But I do not know of any Federal program of any size where so much known waste of money continues with so little action being taken to stop it. So long as these critical reports on foreign aid come in from the General Accounting Office, I shall continue seeking to reduce and tighten the program.

CONCLUSION

On the basis of the foregoing discussion and other information which cannot be made public, I am recommending cuts totaling \$466,700,000 less than the figures approved by the Committee on Foreign Relations. This would bring the overall foreign aid authorization to the \$3 billion level of new money which was appropriated last year. The following table gives the statistical details of my proposal.

FOREIGN ASSISTANCE ACT OF 1964

	Appropriation, fiscal year 1964	Administration appropriation request, 1965	House appropriation bill	Senate Foreign Relations Committee	Reduction by Senate Com- mittee from administration request	Recommended further cuts	Recommended Senate authorization
Pt. I. Economic:							
Ch. 2. Development assistance:							
Title I: Development loans.....	\$687,300,000	\$922,200,000	\$782,200,000	(1)		\$140,000,000	\$782,200,000
Title II:							
Technical cooperation, development grants	155,000,000	224,600,000	204,600,000	\$215,000,000	\$9,600,000		215,000,000
American schools and hospitals.....	19,000,000	18,000,000	18,000,000	18,000,000			18,000,000
Title IV: Surveys of investment opportunities.....	(1)	2,100,000	2,100,000	2,000,000	100,000		2,000,000
Title VI:							
Alliance for Progress loans.....	375,000,000	465,000,000	425,000,000	(1)		80,000,000	385,000,000
Alliance for Progress grants.....	80,000,000	85,000,000	85,000,000	85,000,000		5,000,000	80,000,000
Ch. 3. International organizations.....	116,000,000	134,400,000	134,272,400	134,400,000			134,400,000
Ch. 4. Supporting assistance.....	330,000,000	405,000,000	405,000,000	374,700,000	30,300,000	11,700,000	363,000,000
Ch. 5. Contingency fund.....	50,000,000	150,000,000	150,000,000	150,000,000		50,000,000	100,000,000
Pt. II. Military.....	1,000,000,000	1,055,000,000	1,055,000,000	1,045,000,000	10,000,000	180,000,000	865,000,000
Pt. III. Administrative expenses:							
AID.....	50,000,000	52,500,000	52,500,000	52,500,000			52,500,000
State Department.....	2,700,000	2,900,000	2,900,000	(1)			2,900,000
Pt. IV. Other laws: Latin American development.....	135,000,000						
Total.....	3,000,000,000	3,516,700,000	3,316,572,400	2,076,600,000	50,000,000	466,700,000	3,000,000,000

1 Previously authorized.

It will be noted that in virtually every category but military assistance my recommended figures exceed the amounts appropriated for fiscal year 1964. The fact of this excess should counter the tortuous argument for increases based on carryovers, deobligations, and so forth—an argument which plagues and distorts our debates on the subject of foreign aid each and every year.

Needless to say, I am convinced that any authorization for a foreign aid program of more than \$3 billion is not in the national interest, and is actually inimical to the individual American taxpayer.



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88TH CONGRESS
2D SESSION

[Report No. 1188]

JUNE 11 (legislative day, MARCH 30), 1964

Read twice and referred to the Committee on Foreign Relations

JULY 10, 1964

Reported, under authority of the order of the Senate of July 9 (legislative day, July 8), 1964, by Mr. FULBRIGHT, with amendments

[Omit the part struck through and insert the part printed in *italic*]

To amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Foreign Assistance Act
4 of 1964".

5 PART I

6 CHAPTER 2—DEVELOPMENT ASSISTANCE

7 TITLE II—TECHNICAL COOPERATION AND DEVELOPMENT

8 GRANTS

9 SEC. 101. Title II of chapter 2 of part I of the Foreign
10 Assistance Act of 1961, as amended, which relates to

1 development grants and technical cooperation, is hereby
2 amended as follows:

3 (a) Amend the title heading to read as follows:
4 "TITLE II—TECHNICAL COOPERATION AND DEVELOPMENT
5 GRANTS"

6 (b) Amend section 212, which relates to authorization,
7 by striking out "1964" and "\$220,000,000" and substitut-
8 ing "1965" and "~~\$224,600,000~~ \$215,000,000", respectively.

9 (c) Amend section 214 (c), which relates to American
10 schools and hospitals abroad, by striking out "1964, \$19,-
11 000,000" and substituting "1965, \$18,000,000", and by
12 striking out the second sentence.

13 (d) Amend section 216 (a), which relates to voluntary
14 agencies, by inserting after "ports" the first time it appears,
15 the words "or, in the case of excess or surplus property
16 supplied by the United States, from foreign ports".

17 (e) Add the following new section at the end thereof:

18 "SEC. 217. USED MANUFACTURING EQUIPMENT.—
19 The President is authorized to use funds made available for
20 the purposes of section 211 to conduct a study and investi-
21 gation to determine the feasibility of establishing programs for
22 the furnishing to less developed friendly countries and areas
23 of used tools, machinery, and other manufacturing equipment
24 to be donated by private enterprises and the extent to which
25 such programs are likely to be utilized by and contribute to

1 *the economic development of the receiving country. The*
 2 *President shall submit to the Congress at the earliest prac-*
 3 *ticable date a report of the results of such study and investi-*
 4 *gation, together with such recommendations for legislation as*
 5 *he deems advisable."*

6 TITLE III—INVESTMENT GUARANTIES

7 SEC. 102. Title III of chapter 2 of part I of the Foreign
 8 Assistance Act of 1961, as amended, which relates to invest-
 9 ment guaranties, is hereby amended as follows:

10 (a) Amend section 221 (b) (2), which relates to gen-
 11 eral authority, as follows:

12 (1) *Strike out "fraud or misconduct" in the second*
 13 *proviso and insert in lieu thereof "fraud, misconduct, or*
 14 *action not meeting a standard of reasonable business*
 15 *prudence".*

16 ~~(1)~~ (2) Strike out "\$180,000,000" in the third proviso
 17 and substitute "\$300,000,000".

18 ~~(2)~~ (3) Strike out "1965" in the last proviso and sub-
 19 stitute "1966".

20 (b) Amend section 224 (b), which relates to housing
 21 projects in Latin American countries, by striking out "\$150,-
 22 000,000" and substituting "\$250,000,000".

23 TITLE IV—SURVEYS OF INVESTMENT OPPORTUNITIES

24 SEC. 103. Section 232 of the Foreign Assistance Act of
 25 1961, as amended, which relates to surveys of investment

1 opportunities, is amended by striking out "1963" and
 2 "\$2,000,000" and substituting "1965" and "\$2,100,000",
 3 respectively.

4 TITLE VI—ALLIANCE FOR PROGRESS

5 SEC. 104. Section 252 of the Foreign Assistance Act of
 6 1961, as amended, which relates to the Alliance for
 7 Progress, is amended by striking out in the first sentence the
 8 words beginning with "of the funds" the first time they
 9 appear through the words "fiscal year 1964" and substitut-
 10 ing "in each of the fiscal years 1963 and 1964 and
 11 \$85,000,000 in fiscal year 1965 of the funds appropriated
 12 pursuant to this section for use beginning in each such fiscal
 13 year".

14 CHAPTER 3—INTERNATIONAL ORGANIZATIONS AND 15 PROGRAMS

16 SEC. 105. Section 302 of the Foreign Assistance Act of
 17 1961, as amended, which relates to international organiza-
 18 tions and programs, is amended as follows:

19 (a) Strike out "1964" and "\$136,050,000" and sub-
 20 stitute "1965" and "\$134,272,400 \$134,400,000", re-
 21 spectively.

22 (b) At the end thereof, add the following new sentence:
 23 "None of the funds available to carry out this chapter shall
 24 be contributed to any international organization or to any
 25 foreign government or agency thereof to pay the costs of de-

1 ~~veloping or operating any volunteer program of such orga-~~
 2 ~~nization, government, or agency relating to the selection,~~
 3 ~~training, and programing of volunteer manpower~~ *None of the*
 4 *funds available to carry out this chapter may be used for con-*
 5 *tributions (1) to the International Secretariat for Volunteer*
 6 *Service or any similar international organization for use by*
 7 *it to pay the costs of developing or operating any volunteer*
 8 *service or other Peace Corps-type program of any foreign*
 9 *government or agency thereof or (2) to any volunteer service*
 10 *or other Peace Corps-type program administered by such*
 11 *international organization."*

12 CHAPTER 4—SUPPORTING ASSISTANCE

13 SEC. 106. Section 402 of the Foreign Assistance Act
 14 of 1961, as amended, which relates to supporting assistance,
 15 is amended by striking out "1964" and "\$380,000,000"
 16 and substituting "1965" and "\$405,000,000 \$374,700,-
 17 000", respectively,—and by adding at the end thereof the fol-
 18 lowing new sentence: "Of the funds made available for the
 19 fiscal year 1965 to carry out the purposes of this chapter,
 20 not less than \$200,000,000 shall be available solely for use
 21 in Vietnam, unless the President determines otherwise and
 22 promptly reports such determination to the Committees on
 23 Foreign Relations and Appropriations of the Senate and to
 24 the Speaker of the House of Representatives."

1 CHAPTER 5—CONTINGENCY FUND

2 SEC. 107. Section 451 (a) of the Foreign Assistance
3 Act of 1961, as amended, which relates to the contingency
4 fund, is amended by striking out “1964” and “\$160,000,-
5 000” and substituting “1965” and “\$150,000,000”, re-
6 spectively.

7 PART II

8 CHAPTER 2—MILITARY ASSISTANCE

9 SEC. 201. Chapter 2 of part II of the Foreign Assist-
10 ance Act of 1961, as amended, which relates to military
11 assistance, is amended as follows:

12 (a) Amend section 503, which relates to general au-
13 thority, as follows:

14 (1) In subsection (c) strike out “and” at the end
15 thereof and in subsection (d) strike out the period at the
16 end thereof and substitute “; and”.

17 (2) Add the following new subsection (e) :

18 “(e) guarantying, insuring, coinsuring, and rein-
19 suring any individual, corporation, partnership, or other
20 association doing business in the United States against
21 political and credit risks of nonpayment arising in con-
22 nection with credit sales financed by such individual,
23 corporation, partnership or other association for defense

1 articles and defense services procured in the United
2 States by such friendly country or international organiza-
3 tion.”

4 (b) Amend section 504 (a), which relates to author-
5 ization, by striking out “1964” and “\$1,000,000,000” and
6 substituting “1965” and “~~\$1,055,000,000~~”, “\$1,045,000,-
7 000”, respectively, and by adding at the end thereof the
8 following new sentence: “Of the funds made available for the
9 fiscal year 1965 to carry out the purposes of this part, not
10 less than \$200,000,000 shall be available solely for use in
11 Vietnam, unless the President determines otherwise and
12 promptly reports such determination to the Committees on
13 Foreign Relations and Appropriations of the Senate and to
14 the Speaker of the House of Representatives.” respectively.

15 (c) Amend section 507 (b), which relates to sales, by
16 inserting after “are due” at the end of the first sentence the
17 following: “: *Provided*, That the President may, when he
18 determines it to be in the national interest, accept a depend-
19 able undertaking to make full payment within one hundred
20 and twenty days after delivery of the defense articles, or the
21 rendering of the defense services, and appropriations avail-
22 able to the Department of Defense may be used to meet the
23 payments required by the contracts and shall be reimbursed

1 by the amounts subsequently received from the country or
2 international organization”.

3 (d) Amend section 509, which relates to exchanges, as
4 follows:

5 (1) The section heading is amended to read as follows:
6 “EXCHANGES AND GUARANTIES”.

7 (2) After the section heading insert “(a) ”.

8 (3) Add the following new subsection (b) :

9 “(b) In issuing guaranties, insurance, coinsurance, and
10 reinsurance, the President may enter into contracts with ex-
11 porters, insurance companies, financial institutions, or others,
12 or groups thereof, and where appropriate may employ any of
13 the same to act as agent in the issuance and servicing of such
14 guaranties, insurance, coinsurance, and reinsurance, and the
15 adjustment of claims arising thereunder. Fees and premiums
16 shall be charged in connection with contracts of guaranty,
17 insurance, coinsurance, and reinsurance. Obligations shall be
18 recorded against the funds available for credit sales under this
19 part in an amount not less than 25 per centum of the con-
20 tractual liability related to any guaranty, insurance, coinsur-
21 ance, and reinsurance issued pursuant to this part and the
22 funds so obligated together with fees and premiums shall con-
23 stitute a single reserve for the payment of claims under such
24 contracts. Any guaranties, insurance, coinsurance, and re-
25 insurance issued pursuant to this part shall be considered con-

1 tingent obligations backed by the full faith and credit of the
2 United States of America.”

(e) Section 510(a), which relates to special authority,
is amended by striking out “1964” in the first and second
sentences thereof and substituting “1965”.

(f) Section 512, which relates to restrictions on military aid to Africa, is amended by striking out “1964” and substituting “1965”.

PART III

CHAPTER 1—GENERAL PROVISIONS

11 SEC. 301. Chapter 1 of part III of the Foreign Assist-
12 ance Act of 1961, as amended, which relates to general pro-
13 visions, is amended as follows:

14 ~~(a) Amend section 601(c), relating to the Advisory~~
15 ~~Committee on Private Enterprise, as follows:~~

16 ~~(1) In paragraph (4), strike out “December 31,~~
17 ~~1964” and substitute “June 30, 1965”.~~

18 ~~(2)~~ In paragraph ~~(5)~~, strike out “\$50,000” and
19 substitute “\$100,000 for all costs necessary to the
20 Committee’s operations”.

21 (a) Amend section 601(c), relating to the Advisory
22 Committee on Private Enterprise, by striking out in para-
23 graph (4) "December 31, 1964" and substituting "June 30,
24 1965".

1 ~~(b)~~ Section 601, which relates to the encouragement of
2 free enterprise and private participation, is amended by
3 adding at the end thereof the following new subsection:

4 “(d) It is the sense of Congress that the Agency for
5 International Development should continue to encourage,
6 to the maximum extent consistent with the national interest,
7 the utilization of engineering and professional services of
8 United States firms (including, but not limited to, any cor-
9 poration, company, partnership, or other association) or
10 by an affiliate of such United States firms in connection with
11 capital projects financed by funds authorized under this
12 Act.”

13 ~~(e)~~ (b) Amend Section 612, which relates to the use of
14 foreign currencies, by adding the following new subsection
15 (c) :

16 “(c) Any Act of the Congress making appropriations
17 to carry out programs under this or any other Act for United
18 States operations abroad is hereby authorized to provide
19 for the utilization of United States-owned excess foreign
20 currencies to carry out any such operations authorized by
21 law.

22 “The President shall take all appropriate steps to assure
23 that, to the maximum extent possible, United States-owned
24 excess foreign currencies are utilized, in lieu of dollars. As
25 used in this subsection, the term ‘excess foreign currencies’

1 means foreign currencies or credits owned by or owed to
2 the United States which are, under applicable agreements
3 with the foreign country concerned, available for the use
4 of the United States Government and are determined by
5 the President to be excess to the normal requirements of
6 departments and agencies of the United States for such cur-
7 rencies or credits and are not prohibited from use under
8 this subsection by an agreement entered into with the
9 foreign country concerned."

10 *(c) Amend subsection 620(e), relating to expropria-*
11 *tions and other similar matters, as follows:*

12 *(1) After "(e)" insert "(1)".*

13 *(2) Redesignate subparagraphs (1), (2), and (3)*
14 *of the first paragraph as subparagraphs (A), (B), and*
15 *(C), respectively.*

16 *(3) Strike out "paragraphs (1), (2), or (3)" and*
17 *substitute "subparagraphs (A), (B), or (C) of paragraph*
18 *(1)".*

19 *(4) At the end of such subsection add the following*
20 *new paragraph (2):*

21 *"(2) Notwithstanding any other provision of law, no*
22 *court in the United States shall decline, on the ground of*
23 *the federal act of state doctrine, to make a determination*
24 *on the merits or to apply principles of international law,*
25 *including the principles of compensation and the other*

1 standards set out in this subsection, in a case in which an
 2 act of a foreign state occurring after January 1, 1959, is
 3 alleged to be contrary to international law, and effect shall
 4 not be given by the court in any such case to acts that are
 5 found to be in violation thereof: Provided, That this sub-
 6 paragraph shall not be applicable in any case with respect
 7 to which the President determines that application of the
 8 act of state doctrine is required in that particular case by
 9 the foreign policy interests of the United States and a sug-
 10 gestion to this effect is filed on his behalf in that case with
 11 the court."

12 (d) In section 620 (f), relating to prohibitions on fur-
 13 nishing assistance to Communist countries, immediately after
 14 "Union of Soviet Socialist Republics" insert the following:
 15 "(including its captive constituent republics)".

16 (e) Amend section 620 (k) by striking out "1964"
 17 each place it appears and substituting "1965" in each such
 18 place.

19 (f) In section 620 (m), relating to prohibitions on fur-
 20 nishing assistance to Cuba and certain other countries, after
 21 "during" insert "each" and also strike out "1964" and
 22 "\$1,000,000" and substitute for the latter "\$500,000".

23 ~~(g) At the end of section 620, add the following new~~
 24 ~~subsection:~~

25 ~~"(n) No assistance shall be furnished under this Act~~

1 for the construction or operation of any productive enterprise
 2 in any country unless the President determines that similar
 3 productive enterprises within the United States are operating
 4 at a substantial portion of their capacity and that such
 5 assistance will not result in depriving such United States
 6 enterprises of their reasonable share of world markets. The
 7 President shall keep the Foreign Relations Committee and
 8 the Appropriations Committee of the Senate and the Speaker
 9 of the House of Representatives fully and currently informed
 10 of assistance furnished under this Act for the construction
 11 or operation of productive enterprises in all countries, in-
 12 cluding specifically the numbers of such enterprises, the types
 13 of such enterprises, and the locations of such enterprises.”

14 CHAPTER 2—ADMINISTRATIVE PROVISIONS

15 SEC. 302. Chapter 2 of part III of the Foreign Assist-
 16 ance Act of 1961, as amended, which relates to administra-
 17 tive provisions, is amended as follows:

18 (a) Amend section 625, which relates to employment
 19 of personnel, as follows:

20 (1) In subsection (d) (2) in the third proviso strike
 21 out “more than thirty persons in the aggregate” and substi-
 22 tute “the assignment to such duty of more than twenty
 23 *thirty* persons at any one time”.

24 (2) Subsection (e) is amended to read as follows:

25 “(e) The President is authorized to prescribe by

1 *regulation standards or other criteria for maintaining*
2 *adequate performance levels for personnel employed or*
3 *assigned to perform duties pursuant to this Act and may,*
4 *notwithstanding any other provision of this or any other*
5 *law, but subject to an appropriate administrative appeal,*
6 *separate personnel who fail to meet such standards or*
7 *other criteria, other than personnel employed under sec-*
8 *tion 624(d), 625(b), 625(k), 626(a) or 631 of this*
9 *Act, and also may grant personnel separated hereunder*
10 *severance benefits of one month's salary for each year's*
11 *service, but not to exceed one year's salary at the then*
12 *current salary rate of such personnel."*

13 (3) *Add the following new subsection (j):*

14 *"(j) The President is authorized, at any time dur-*
15 *ing the two-year period commencing on the effective date*
16 *of the Foreign Assistance Act of 1964, to separate, not-*
17 *withstanding any other provision of this or any other*
18 *law, any person employed or assigned to perform duties*
19 *pursuant to this Act. The authority contained in this*
20 *subsection shall not apply to persons with General Sched-*
21 *ule appointments of grade 12 or below, Foreign Service*
22 *Reserve appointments of class 5 or below, or Foreign*
23 *Service Staff appointments of class 3 or below, or to*
24 *persons employed under section 624(d) of this Act.*
25 *The aggregate number of persons separated under this*

1 *subsection shall not exceed one hundred in any twelve-*
 2 *month period."*

3 ~~(2)~~(4) Add the following new subsection ~~(j)~~(k):

4 "~~(j)~~ (k) The President may appoint or assign a United
 5 States citizen to be representative of the United States to
 6 the ~~Inter-American Economic and Social Council~~ and to be
 7 United States representative to the Inter-American Com-
 8 mittee on the Alliance for Progress and, in his discretion,
 9 may terminate such appointment or assignment, notwith-
 10 standing any other provision of law. Such person may be
 11 compensated at a rate not to exceed that authorized for a
 12 chief of mission, class 2, within the meaning of the Foreign
 13 Service Act of 1946, as amended."

14 (b) Amend section 626(c), which relates to experts,
 15 consultants and retired officers, as follows:

16 ~~(1)~~ Subsection ~~(a)~~ is amended by striking out "\$75"
 17 and substituting "\$100".

18 ~~(2)~~ Subsection ~~(e)~~ is amended by striking out the
 19 words "Career Compensation Act of 1949, as amended (37
 20 U.S.C. 231 et seq.)" and substituting "section 101(3) of
 21 title 37 of the United States Code".

22 (c) Amend section 637(a), which relates to adminis-
 23 trative expenses, by striking out "1964" and "\$54,000,000"
 24 and substituting "1965" and "\$52,500,000", respectively.

1 CHAPTER 3—MISCELLANEOUS PROVISIONS

2 SEC. 303. Chapter 3 of part III of the Foreign Assist-
3 ance Act of 1961, as amended, which relates to miscellaneous
4 provisions, is amended by adding at the end thereof the
5 following new section:

6 “SEC. 648. SPECIAL AUTHORIZATION FOR USE OF
7 FOREIGN CURRENCIES.—Subject to the provisions of section
8 1415 of the Supplemental Appropriation Act, 1953, the
9 President is authorized, as a demonstration of good will on
10 the part of the people of the United States for the Polish and
11 Italian people, to use foreign currencies accruing to the
12 United States Government under this or any other Act, for
13 assistance on such terms and conditions as he may specify, in
14 the repair, rehabilitation, improvement, and maintenance of
15 cemeteries in Italy serving as the burial place of members
16 of the armed forces of Poland who died in combat in Italy
17 during World War II.”

18 PART IV—AMENDMENTS TO OTHER LAWS

19 SEC. 401. The first section of the Act entitled “An Act
20 to authorize participation by the United States in the Inter-
21 parliamentary Union”, approved June 28, 1935 (22 U.S.C.
22 276), is amended to read as follows:

23 “That an appropriation of \$50,000 annually is authorized,
24 \$23,100 of which shall be for the annual contributions of
25 the United States toward the maintenance of the Bureau of

1 the Interparliamentary Union for the promotion of inter-
2 national arbitration; and \$26,900, or so much thereof as may
3 be necessary, to assist in meeting the expenses of the Amer-
4 ican group of the Interparliamentary Union for each fiscal
5 year for which an appropriation is made, such appropriation
6 to be disbursed on vouchers to be approved by the President
7 and the executive secretary of the American group.”

Passed the House of Representatives June 10, 1964.

Attest:

RALPH R. ROBERTS,

Clerk.

[Report No. 1188]

AN ACT

To amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

JUNE 11 (legislative day, MARCH 30), 1964

Read twice and referred to the Committee on
Foreign Relations

JULY 10, 1964

Reported with amendments

H. R. 11350

Dis. 11350

AIN ACT

Digest of CONGRESSIONAL PROCEEDINGS

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE

Washington, D. C. 20250

Official business

Postage and fees paid

U.S. Department of Agriculture

Issued August 3, 1964

For actions of July 31 & Aug. 1,
1964

88th-2nd; Nos. 147 & 148

Adjournment.....	32	Foreign aid.....	4,25	Reclamation.....	18,31
Administrative law.....	3	Foreign trade.....	36	Recreation.....	35
Appalachia.....	1	Housing.....	24	Research.....	28
Appropriations.....	2,5	Information.....	3	Roads.....	23
Coffee.....	16,30	Lands.....	20	Shipping.....	9
Cotton.....	34	Loans.....	24	Subsidies.....	15
Economy.....	29	Meat imports.....	13	Technology.....	22
Education.....	8,26	Meteorological		Wheat.....	7
Electrification.....	10	services.....	17,27	Wilderness.....	11,33
Flood control.....	6	Public debt.....	14	Wool.....	21
Food marketing.....	12	Public works.....	19		

HIGHLIGHTS: House committee voted to report Appalachia bill. Senate passed housing bill. Senate concurred in House amendments to Senate amendments on road authorization bill. Senate discussed foreign aid authorization bill.

HOUSE - July 31

1. APPALACHIA. The Public Works Committee voted to report (but did not actually report) H. R. 11946, the Appalachian bill. p. D618
2. DEFENSE APPROPRIATION BILL, 1965. House conferees filed a conference report on this bill, H. R. 10939 (H. Rept. 1642). p. 17082

SENATE - July 31

3. INFORMATION; ADMINISTRATIVE LAW. Reconsidered and again passed with amendments S. 1666, to amend Sec. 3 of the Administrative Procedure Act so as to eliminate "loopholes" in the requirement for agency disclosure of information. pp. 17078-80

4. FOREIGN AID. Began debate on H. R. 11380, the foreign-aid authorization bill. pp. 17073-5
5. D. C. APPROPRIATION BILL, 1965. Passed with amendments this bill, H. R. 10199. Senate conferees were appointed. pp. 17021-73
6. FLOOD CONTROL. Sen. Metcalf inserted an editorial commending the flood-control program. p. 17077
7. WHEAT. Sen. Smith inserted an editorial criticizing the sale of wheat to Russia. p. 17077
8. EDUCATION. The Labor and Public Welfare Committee reported an original bill, S. 3060, to extend the National Defense Education Act for 3 years and to extend the impacted areas legislation for 2 years (S. Rept. 1275). p. 16899
9. SHIPPING. Sen. Proxmire inserted a statement by Sen. Douglas calling for strong enforcement of the Shipping Act by the Federal Maritime Commission. pp. 16908-15
10. ELECTRIFICATION. Sen. Gruening inserted a speech by Sen. Morse, "Twenty-one Years of Public Power Progress." pp. 16917-9
11. WILDERNESS. Sen. McGovern praised House passage of S. 4, the wilderness bill, and outlined the history of the bill. pp. 16919-20
12. FOOD MARKETING. Sen. Hart inserted an editorial containing "a balanced and objective analysis of the purposes and aims" of the Food Marketing Commission. p. 16928
13. MEAT IMPORTS. Sen. Javits inserted an editorial criticizing the Senate's "ill-advised capitulation" in imposing quotas on meat imports. p. 16928
14. PUBLIC DEBT. Sen. Robertson stated that "the real issue with which I hope the voters of the Nation will come to grips this fall is whether or not we shall adopt deficit financing as a permanent policy." p. 16930
15. SUBSIDIES. Sen. Thurmond inserted an article, "These Areas Want More of Your Money--Regional Subsidy Programs Offer Lure to Politicians." pp. 16931-2
16. COFFEE. Passed as reported, 58 to 27, H. R. 8864, to implement the obligations of the U. S. under the International Coffee Agreement, 1962. pp. 16946, 16952-84
17. METEOROLOGICAL SERVICES. The Commerce Committee reported without amendment S. 970, to authorize the Commerce Department to utilize funds received from State and local governments for special meteorological services (S. Rept. 1288). p. 16899
18. RECLAMATION. The Interior and Insular Affairs Committee reported with amendments S. 351, to authorize the Interior Department to construct, operate, and maintain the Auburn-Folsom south Unit, American River division, Central Valley reclamation project, Calif. (S. Rept. 1289). p. 16899
The Interior and Insular Affairs Committee reported without amendment H. R. 1892, to repeal the Pittman Act of 1919, which had provided for grants of public lands in Nev. in order to encourage reclamation of desert lands (S. Rept. 1282). p. 16899

I further announce that, if present and voting, the Senator from Virginia [Mr. BYRD], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Ohio [Mr. LAUSCHE], the Senator from Rhode Island [Mr. PASTORE] and the Senator from Georgia [Mr. TALMADGE] would each vote "nay."

On this vote, the Senator from Maryland [Mr. BREWSTER] is paired with the Senator from Massachusetts [Mr. KENNEDY]. If present and voting, the Senator from Maryland would vote "yea" and the Senator from Massachusetts would vote "nay."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER], the Senator from New Mexico [Mr. MECHEM], the Senator from Iowa [Mr. MILLER], the Senator from Vermont [Mr. PROUTY], the Senator from Massachusetts [Mr. SALTONSTALL], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Nebraska [Mr. HRUSKA] and the Senator from South Dakota [Mr. MUNDT] are absent on official business.

The Senator from Illinois [Mr. DIRKSEN], the Senator from Utah [Mr. BENNETT], and the Senator from Wyoming [Mr. SIMPSON] are detained on official business.

Also, the Senator from Kentucky [Mr. COOPER], the Senator from Nebraska [Mr. CURTIS], the Senator from Idaho [Mr. JORDAN], and the Senator from North Dakota [Mr. YOUNG] are detained on official business.

If present and voting, the Senator from Nebraska [Mr. HRUSKA], the Senator from Iowa [Mr. MILLER], and the Senator from Texas [Mr. TOWER] would each vote "nay."

The result was announced—yeas 20, nays 47, as follows:

[No. 510 Leg.]

YEAS—20

Bayh	Gore	Morse
Beall	Hart	Nelson
Case	Javits	Neuberger
Clark	Keating	Pell
Dodd	Kuchel	Proxmire
Douglas	McIntyre	Williams, N.J.
Fong	McNamara	

NAYS—47

Aiken	Hickenlooper	Morton
Allott	Hill	Pearson
Bartlett	Holland	Randolph
Bible	Humphrey	Robertson
Boggs	Inouye	Russell
Burdick	Johnston	Scott
Byrd, W. Va.	Jordan, N.C.	Smithers
Carlson	Long, Mo.	Smith
Church	Long, La.	Sparkman
Cotton	Magnuson	Stennis
Dominick	Mansfield	Symington
Eastland	McCarthy	Thurmond
Ellender	McClellan	Walters
Ervin	McGee	Williams, Del.
Fulbright	McGovern	Young, Ohio
Hayden	Monroney	

NOT VOTING—32

Anderson	Hatch	Muskie
Bennett	HRUSKA	Pastore
Brewster	Jackson	Prouty
Byrd, Va.	Jordan, Idaho	Ribicoff
Cannon	Kennedy	Saltonstall
Cooper	Lausche	Simpson
Curtis	Mechem	Talmadge
Dirksen	Metcalf	Tower
Edmondson	Miller	Yarborough
Goldwater	Moss	Young, N. Dak.
Grucinski	Mundt	

So the amendment of the Senator from Oregon was rejected.

Mr. BYRD of West Virginia. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. HUMPHREY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUMPHREY. Mr. President, I offer an amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment of the Senator from Minnesota will be stated.

The LEGISLATIVE CLERK. On page 6, line 4, it is proposed to strike out "\$9,819,000" and insert in lieu thereof "\$9,844,000".

Mr. HUMPHREY. Mr. President, the amendment to the District of Columbia appropriation bill would restore the \$25,000 requested in the budget to help defray the cost of free concerts in the District by the National Symphony Orchestra. The purpose of the free concerts is to advance the performing arts by giving four free concerts for children in each section of the city.

I want to make it clear that this is not simply a \$25,000 handout to the National Symphony. The funds would be included in the District of Columbia Recreation Department budget.

This appropriation would make it possible for the Symphony Association to add 1 week of service to the community of the Nation's Capital and employment to its musicians.

This request has the support of the District of Columbia Commissioners, of the White House through the Advisor on District of Columbia Affairs, of organized labor, and of thousands of residents in and near the District.

Unlike other municipal orchestras, the National Symphony has never, in its 33 years of growth, received subsidies from Government sources. In terms of the numbers of individuals who actively support it, the National Symphony is the best-supported orchestra in the United States; it receives gifts from over 25,000 individuals. That is some 2½ times greater than the number of individuals giving to any other major symphony.

I should also point out that the National Symphony does extremely well in earning its own way, producing almost 70 percent of its annual expenses through performances. Most other orchestras earn less through performances, many as little as 50 percent.

All of this is to the good, Mr. President, but let us not overlook the other side of the coin. In almost all major cities of the United States, resident orchestras receive support from their municipal, county, or State governments. For example, the Buffalo Orchestra receives \$137,300. The Los Angeles Symphony receives \$167,000. Other orchestras for which public funds help to support youth concerts are: Cincinnati, \$35,000; Cleveland, \$35,000; Indianapolis, \$60,000; Rochester, \$33,000; and Seattle, \$30,000. In all of these cases the figures I have

cited include support for student concerts in public schools.

The National Symphony gives 12 to 15 such concerts a year through its own privately supported means. To that extent, the National Symphony has been subsidizing the community in which it resides. This type of concert is both familiar and popular throughout the country. It introduces young people to the art of a symphony orchestra through live performances and demonstrations of individual instruments.

Mr. President, I urge my colleagues to endorse this modest but very important item by supporting this amendment.

Mr. BYRD of West Virginia. Mr. President, I discussed the question with the majority whip prior to the meeting of the full committee markup of the bill. The majority whip could not be present upon that occasion, and I assured his staff member that I would offer the amendment. I inadvertently failed to do so, and I so stated to the press. I am glad to accept the amendment at this time.

Mr. DOUGLAS. Mr. President, I do not wish to disturb the happy comity which has developed on this very desirable appropriation, but it is extraordinary that the Senate will accept an appropriation for music, which I believe is excellent, but will reject any amendment designed to make books more available to the population of Washington, D.C., or to feed the starving children of the unemployed.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to; and the Chair appointed Mr. BYRD of West Virginia, Mr. HUMPHREY, Mr. BARTLETT, Mr. ELLENDER, Mr. STENNIS, Mr. BIBLE, Mr. CASE, Mr. COTTON, and Mr. SALTONSTALL conferees on the part of the Senate.

AMENDMENT TO FOREIGN ASSISTANCE ACT OF 1961

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1123, the bill H.R. 11380.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with amendments, on page 2, line 8, after the word "and", to strike out "\$224,600,000" and insert "\$215,000,000"; after line 16, to insert:

(e) Add the following new section at the end thereof:

"SEC. 217. USED MANUFACTURING EQUIPMENT.—The President is authorized to use funds made available for the purposes of section 211 to conduct a study and investigation to determine the feasibility of establishing programs for the furnishing to less developed friendly countries and areas of used tools, machinery, and other manufacturing equipment to be donated by private enterprises and the extent to which such programs are likely to be utilized by and contribute to the economic development of the receiving country. The President shall submit to the Congress at the earliest practicable date a report of the results of such study and investigation, together with such recommendations for legislation as he deems advisable."

On page 3, after line 11, to insert:

(1) Strike out "fraud or misconduct" in the second proviso and insert in lieu thereof "fraud, misconduct, or action not meeting a standard of reasonable business prudence".

At the beginning of line 16, to strike out "(1)" and insert "(2)"; at the beginning of line 18, to strike out "(2)" and insert "(3)"; on page 4, at the beginning of line 2, to strike out "\$2,000,000 and"; in the same line, after "1965", to strike out "and \$2,100,000, respectively."; in line 20, after the word "and", to strike out "\$134,272,400" and insert "\$134,400,000"; at the beginning of line 23, to strike out "None of the funds available to carry out this chapter shall be contributed to any international organization or to any foreign government or agency thereof to pay the costs of developing or operating any volunteer program of such organization, government, training, and programing of volunteer manpower" and insert "None of the funds available to carry out this chapter may be used for contributions (1) to the International Secretariat for Volunteer Service or any similar international organization for use by it to pay the costs of developing or operating any volunteer service or other Peace Corps-type program of any foreign government or agency thereof or (2) to any volunteer service or other Peace Corps-type program administered by such international organization."; on page 5, line 16, after the word "and", to strike out "\$405,000,000" and insert "\$374,700,000"; in line 17, after the word "respectively", to strike out the comma and "and" by adding at the end thereof the following new sentence: 'Of the funds made available for the fiscal year 1965 to carry out the purposes of this chapter, not less than \$200,000,000 shall be available solely for use in Vietnam, unless the

President determines otherwise and promptly reports such determination to the Committees on Foreign Relations and Appropriations of the Senate and to the Speaker of the House of Representatives.'; on page 7, line 6, after the word "and", to strike out "\$1,055,000,000" and insert "\$1,045,000,000"; in line 7, after the amendment just above stated, to strike out "respectively, and by adding at the end thereof the following new sentence: 'Of the funds made available for the fiscal year 1965 to carry out the purposes of this part, not less than \$200,000,000 shall be available solely for use in Vietnam, unless the President determines otherwise and promptly reports such determination to the Committees on Foreign Relations and Appropriations of the Senate and to the Speaker of the House of Representatives.'" and insert "respectively."; on page 9, after line 13, to strike out:

(a) Amend section 601(c), relating to the Advisory Committee on Private Enterprise, as follows:

- (1) In paragraph (4), strike out "December 31, 1964" and substitute "June 30, 1965".
- (2) In paragraph (5), strike out "\$50,000" and substitute "\$100,000 for all costs necessary to the Committee's operations".

And, in lieu thereof, to insert:

(a) Amend section 601(c), relating to the Advisory Committee on Private Enterprise, by striking out in paragraph (4) "December 31, 1964" and substituting "June 30, 1965".

At the top of page 10, to strike out:

(b) Section 601, which relates to the encouragement of free enterprise and private participation, is amended by adding at the end thereof the following new subsection:

"(d) It is the sense of Congress that the Agency for International Development should continue to encourage, to the maximum extent consist with the national interest, the utilization of engineering and professional services of United States firms (including, but not limited to, any corporation, company, partnership, or other association) or by an affiliate of such United States firms in connection with capital projects financed by funds authorized under this Act."

At the beginning of line 13, to strike out "(c)" and insert "(b)"; on page 11, after line 9, to insert:

(c) Amend subsection 620(e), relating to expropriations and other similar matters, as follows:

- (1) After "(e)" insert "(1)".
- (2) Redesignate subparagraphs (1), (2), and (3) of the first paragraph as subparagraphs (A), (B), and (C), respectively.
- (3) Strike out "paragraphs (1), (2), or (3)" and substitute "subparagraphs (A), (B), or (C) of paragraph (1)".

(4) At the end of such subsection add the following new paragraph (2):

"(2) Notwithstanding any other provision of law, no court in the United States shall decline, on the ground of the federal act of state doctrine, to make a determination on the merits or to apply principles of international law, including the principles of compensation and the other standards set out in this subsection, in a case in which an act of a foreign state occurring after January 1, 1959, is alleged to be contrary to international law, and effect shall not be given by the court in any such case to acts that are found to be in violation thereof: *Provided*, That this subparagraph shall not be applicable in any case with respect to which the President determines that application of

the act of state doctrine is required in that particular case by the foreign policy interests of the United States and a suggestion to this effect is filed on his behalf in that case with the court."

On page 12, after line 22, to strike out:

(g) At the end of section 620, add the following new subsection:

"(n) No assistance shall be furnished under this Act for construction or operation of any productive enterprise in any country unless the President determines that similar productive enterprise within the United States are operating at a substantial portion of their capacity and that such assistance will not result in depriving such United States enterprises of their reasonable share of world markets. The President shall keep the Foreign Relations Committee and the Appropriations Committee of the Senate and the Speaker of the House of Representatives fully and currently informed of assistance furnished under this Act for the construction or operation of productive enterprises in all countries, including specifically the numbers of such enterprises, the types of such enterprises, and the locations of such enterprises."

On page 13, line 22, after the word "than," to strike out "twenty" and insert "thirty"; after line 23, to insert:

(2) Subsection (e) is amended to read as follows:

"(e) The President is authorized to prescribe by regulation standards or other criteria for maintaining adequate performance levels for personnel employed or assigned to perform duties pursuant to this Act and may, notwithstanding any other provision of this or any other law, but subject to an appropriate administrative appeal, separate personnel who fail to meet such standards or other criteria, other than personnel employed under section 624(d), 625(b), 625(k), 626(a) or 631 of this Act, and also may grant personnel separated hereunder severance benefits of one month's salary for each year's service, but not to exceed one year's salary at the then current salary rate of such personnel."

On page 14, after line 12, to insert:

(3) Add the following new subsection (j):
 "(j) The President is authorized, at any time during the two-year period commencing on the effective date of the Foreign Assistance Act of 1964, to separate, notwithstanding any other provision of this or any other law, any person employed or assigned to perform duties pursuant to this Act. The authority contained in this subsection shall not apply to persons with General Schedule appointments of grade 12 or below, Foreign Service Reserve appointments of class 5 or below, or Foreign Service Staff appointments of class 3 or below, or to persons employed under section 624(d) of this Act. The aggregate number of persons separated under this subsection shall not exceed one hundred in any twelve-month period."

On page 15, at the beginning of line 3, to strike out "(2)" and insert "(4)"; in the same line, after the word "subsection," to strike out "(j)" and insert "(k)"; at the beginning of line 4, to strike out "(j)" and insert "(k)"; at the beginning of line 6, to strike out "the Inter-American Economic and Social Council and to be United States representative to"; after line 15, to strike out:

(1) Subsection (a) is amended by striking out "\$75" and substituting "\$100".

At the beginning of line 18, to strike out "(2) Subsection (c) is amended"; and, at the top of page 16, to strike out:

CHAPTER 3—MISCELLANEOUS PROVISIONS

SEC. 303. Chapter 3 of part III of the Foreign Assistance Act of 1961, as amended, which relates to miscellaneous provisions, is amended by adding at the end thereof the following new section:

"SEC. 648. SPECIAL AUTHORIZATION FOR USE OF FOREIGN CURRENCIES.—Subject to the provisions of section 1415 of the Supplemental Appropriation Act, 1953, the President is authorized, as a demonstration of good will on the part of the people of the United States for the Polish and Italian people, to use foreign currencies accruing to the United States Government under this or any other Act, for assistance on such terms and conditions as he may specify, in the repair, rehabilitation, improvement, and maintenance of cemeteries in Italy serving as the burial place of members of the armed forces of Poland who died in combat in Italy during World War II."

Mr. MANSFIELD. Mr. President, there will be no action taken on the bill this evening.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. MORSE. I think the Senator will probably make the same statement a week from tonight.

Mr. MANSFIELD. Very likely.

Mr. MORSE. However, that is not what I rose to tell the Senator from Montana. If it is the desire of the Senator from Montana from time to time to lay aside the amendment to the Foreign Assistance Act of 1961 for the purpose of considering various problems as they arise, I want him to know that he will have my complete cooperation in agreeing to lay aside the bill at any time he wishes to do so.

Mr. MANSFIELD. I must say that I am surprised and delighted.

CIVILIAN EMPLOYMENT OF RETIRED MEMBERS OF THE UNIFORMED SERVICES

Mr. JOHNSTON. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House concur in the amendments of the Senate numbered 1, 2, 4, 5, 6, 7, 8, and 9 to the bill (H.R. 7381) entitled "An Act to simplify, modernize, and consolidate the laws relating to the employment of civilians in more than one position and the laws concerning the civilian employment of retired members of the uniformed services, and for other purposes."

Resolved, That the House disagree to the amendment of the Senate numbered 3, to aforesaid bill.

Mr. JOHNSTON. Mr. President, on July 23 the House of Representatives accepted the Senate version of the compensation bill with one exception. The House struck out section 206. Of the nine amendments that the Senate made to the House bill, the House accepted eight, but they struck out the one section, which is section 206, and agreed to carry it into conference. But now there will be no conference.

Mr. CARLSON. Mr. President, I believe that the action is a very happy solution to a very difficult problem that

has confronted the Congress and many of our citizens. I sincerely hope that the Senate will accept the action of the House.

Mr. JOHNSTON. Mr. President, when the dual compensation bill was passed by the Senate on July 20, the Senator from Delaware [Mr. WILLIAMS] requested the committee to advise him in regard to crediting military service for retirement purposes for Members of Congress. I ask unanimous consent that there be inserted in the RECORD a letter from Andrew E. Rudock, Director of the Bureau of Retirement and Insurance of the Civil Service Commission. I believe his letter is responsive to this question.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. CIVIL SERVICE COMMISSION,
BUREAU OF RETIREMENT AND
INSURANCE,
Washington, D.C., July 24, 1964.

HON. RALPH W. YARBOROUGH,
Chairman, Subcommittee on Civil Service,
Committee on Post Office and Civil Service,
U.S. Senate.

DEAR MR. CHAIRMAN: As you requested for the RECORD in connection with H.R. 7381, I am furnishing an explanation of how the Civil Service Retirement Act operates with respect to the crediting of military service in computing the annuity of a Member of Congress.

The formula for computing Member annuity is set forth in section 9(c) of the Retirement Act (5 U.S.C. 2259(c)). Under this formula, a retiring Member's basic annuity (subject to a maximum of 80 percent of final salary) consists of two parts as follows:

Part I: $2\frac{1}{2}$ percent of "high-5" average salary multiplied by his years of—(a) Member service, (b) active honorable military service performed during war or national emergency while on leave of absence from Congress, if he is not receiving military retired pay, (c) other active honorable military service, not exceeding 5 years, if he is not receiving military retired pay, (d) congressional employees service, not exceeding 15 years: Plus—

Part II: $1\frac{3}{4}$ percent of "high-5" average salary multiplied by any years of other creditable Federal civilian or military service which, when added to years of $2\frac{1}{2}$ percent service do not exceed a total of 10 years (if $2\frac{1}{2}$ percent service totals 10 years or more, $1\frac{3}{4}$ percent does not operate), and 2 percent of average salary multiplied by any remaining years of creditable Federal civilian or military service not used at $2\frac{1}{2}$ or $1\frac{3}{4}$ percent.

If the Member does not receive military retired pay, the formula affords him $2\frac{1}{2}$ percent credit under part I for a limited portion of his active honorable military service. Any remaining military service not used at $2\frac{1}{2}$ percent is credited at the lower percentage rates provided in part II.

If the Member does receive military retired pay, the creditability of his military service is determined under the Retirement Act provisions outlined in my letter to you dated July 14, 1964; that is, under the same rules applicable to employees in general. If the type of retired pay received by the Member falls under one of the exceptions not barring credit for military service, annuity credit for his active honorable military service is computed under the $1\frac{3}{4}$ or 2 percent steps of part II of the formula. If retired pay is not one of the accepted types, credit is of course barred for all of the Member's military service.

Sincerely yours,

ANDREW E. RUDDOCK,
Director.

Mr. JOHNSTON. Mr. President, I move that the Senate recede from its amendment No. 3.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Carolina.

The motion was agreed to.

COMMISSIONING ADDRESS FOR U.S.S. "JAMES MADISON" BY HON. THOMAS D. MORRIS

Mr. MONRONEY. Mr. President, this week more muscle was added to one of America's great arms of defense when the *James Madison*, our 23d Polaris submarine, was commissioned at Newport News. I am pleased to offer for the RECORD the splendid address of the day made by the Honorable Thomas D. Morris, Assistant Secretary of Defense, Installations and Logistics, as the submarine was turned over to its well-trained officers and crewmen.

The commissioning honored the fourth President of the United States, who was known as the master builder of the Constitution and who guided the young Nation through the War of 1812.

I have personally met many of the officers and men who served on the *Madison* and have been tremendously impressed by their dedication of their abilities to keep America safe from enemy attack. Two complete crews will man the submarine. Comdr. Joseph L. Skoog, Jr., of Seattle, Wash., will command the blue crew, and Comdr. James D. Kearny, of Washington, D.C., will command the gold crew. The *James Madison* was launched on March 15, 1963.

I ask unanimous consent to have the address printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

COMMISSIONING ADDRESS FOR U.S.S. "JAMES MADISON" (SSBN-627) BY THE HONORABLE THOMAS D. MORRIS, ASSISTANT SECRETARY OF DEFENSE, INSTALLATIONS AND LOGISTICS, JULY 28, 1964, AT NEWPORT NEWS, VA.

Admiral Lowrance, ladies, and gentlemen; it is my pleasant duty today to express to the Navy, to the officers and crews of our 23d Polaris submarine, and to its builders—the deep gratitude and respect of our Government and of the citizens of the free world everywhere.

In a world where no major wars are now raging, it may seem inappropriate to dwell on the awesome destructive power that will be poised ready for launching, in this submarine. It is for this very reason that we speak of our deterrent force—a force to put potential enemies on notice that we have the weapons to retaliate overwhelmingly if attacked. Sixteen nuclear tipped missiles—which take their name from the North Star, Polaris—will soon be hidden somewhere in the vastness of the ocean—ready to rain destruction on a potential enemy, if all-out war should come.

Although we do not wish to rattle our missiles, or raise our weapons in threat, this submarine is an indisputable fact. It is a significant fact. The whole world now appreciates the military significance of the mobile Polaris missile system, as well as of the other weapons in our defense arsenal which include land-based missiles and weapons carried in aircraft. All three types are on constant alert; the submarines on station

at sea, and the aircraft, in flight, in substantial numbers. The *James Madison* is, therefore, a powerful addition to a convincing, unsurpassed deterrent force.

As you know, all Polaris submarines are named for outstanding figures in American history. I cannot think of a more fitting namesake than James Madison, a great President and a native Virginian. When ours was a new nation, Madison's efforts to frame a workable constitution were largely responsible for achieving the necessary strength of the Federal Government. In fact, he is known as the master builder of the Constitution.

As the fourth President of the United States—who served from 1809 through 1817—James Madison guided the country safely through the perilous War of 1812. It was his leadership that brought into being the American Navy on the Great Lakes, which delivered the pivotal victories in that region. Madison was a great scholar, President and statesman. He was an intellectual who could exercise firmness with justice.

In the early years of our country when its young government was beset by dissension from within and war from without, the steady nerves and quiet wisdom of James Madison brought the Ship of State safely to harbor. I know that the two crews of this submarine will be a great credit to their outstanding namesake.

The crews of this submarine have been carefully selected and trained to their task. They are about to embark in a ship which is the product of the highest skills of American industry. Scientists, engineers, and skilled craftsmen, who have labored together to build this ship, deserve the respect and thanks of us all. This ship is truly a product of their minds, their hearts, and their hands. It is to the ingenuity of these people—and to their effective hard work—that this Nation owes much of its strength.

There are two striking parallels that we can draw between this submarine and President Madison. This ship was conceived in liberty and dedicated to freedom as was the Constitution of the United States, which owes so much to the inspiration of Madison. This ship has been built to a high purpose—to deter war and assure freedom. Madison's efforts in the Constitutional Convention, in the Federalist Papers, as Secretary of State under Thomas Jefferson, and as President, were directed toward the same high purpose—an end to tyranny and assurance of individual freedom.

The second parallel can be drawn between the builders of the ship, and her namesake, in the concern of both for maximum strength at the least cost. President Madison strove for a strong America and one wherein the purchasing power of the dollar would remain high. Submarines, vitally needed for the Nation's defense, such as the *James Madison*, are complex and costly. In building this submarine and in the procurement of all weapons, the Department of Defense vigorously strives for powerful military forces with maximum value for every dollar spent.

Secretary of Defense Robert McNamara has recently reported to the President that the Defense Department has achieved a great increase in its military strength and readiness at savings of over \$2½ billion during the past year. Mr. McNamara advised the President that we shall strive to preserve and increase this strength while attaining savings of \$4.6 billion a year by fiscal 1968 and each year thereafter. The Secretary has assured the President that these savings are being achieved by increased efficiency and without any adverse effect on our military strength or combat readiness. It is his conviction and mine that a well equipped Military Establishment and prudent low-cost management go hand in hand.

In fact, during the last 3 years we have increased the number of nuclear warheads

in the Strategic Alert Forces—which include the Polaris submarine—by 150 percent. We have achieved a 100-percent increase in general ship construction and conversion to modernize the Navy. Similar increases have been made in Army and Air Force combat strength.

The Secretary of Defense has also paid high tribute to the genius of American industry which has made it possible to produce these miracles of modern technology. The managers and employees of the Newport News Shipbuilding & Drydock Co. stand among the foremost members of defense industry in their ability to contribute new and powerful weapons to our arsenal at a cost which sets a high mark of efficiency for competitive free enterprise. The *James Madison* bears witness to the determination of our Government and of private enterprise to provide the best weapons available at the lowest sound cost to the Nation's taxpayers.

In closing, I would like to commend the men of the *James Madison* who will soon embark on their first operational patrol. I believe that if President Madison were alive today he would stand here proudly, knowing that the safety of his country is in the hands of men as patriotic and dedicated to freedom as any who ever served this Nation. Your willingness to endure the long, lonely patrols in the remote depths of the sea are setting a new standard of self-sacrifice in your country's service. I know that this submarine will be a credit to the officers and men who man her, and I also know that I speak for all Americans in extending to you our best wishes for a peaceful voyage. May God watch over you. Thank you.

PRESIDENT JOHNSON'S STATEMENT ON THE FIRST ANNIVERSARY OF THE NUCLEAR TEST BAN TREATY

Mr. HUMPHREY. Mr. President, yesterday the President of the United States reminded the Nation and the world that this week marks the first anniversary of the nuclear test ban treaty signed in Moscow on August 5, 1963. This is, indeed, a most timely and relevant statement.

In my opinion, history will record the nuclear test ban treaty as the single most important accomplishment of our late President, John F. Kennedy. History will note clearly that on this date—August 5, 1963—the world took one long step back from the brink of nuclear destruction.

In his profound analysis of the elements of world peace delivered at American University on June 10, 1963, President Kennedy observed:

There is no single, simple key to this peace—no grand or magic formula to be adopted by one or two powers. Genuine peace must be the product of many nations, the sum of many acts. * * * For peace is a process—a way of solving problems.

One year later the nuclear test ban treaty stands as a major contribution in that process which President Kennedy understood with such clarity and vision.

The U.S. Senate and the American people responded to this challenge of transforming the drift toward war into a process of peace. As President Johnson noted yesterday, three-fourths of the Republicans joined with four-fifths of the Democrats in approving the resolution of ratification by the overwhelming margin of 80 to 19. As with the passage of the civil rights bill this year, the two

great political parties of America joined together in achieving an objective so obviously in the best interests of this country. We can be justly proud of a political system which permits such accommodation and cooperation when the security of our people is at stake.

One year later we breathe air which is cleaner of nuclear contamination. This is a factor which every American family understands and appreciates, for the debate on the ratification of the treaty had disclosed shocking examples of unacceptably high levels of radiation to which Americans had been exposed. This year has passed without any atmospheric testing; every American reaps the benefits of the resulting lower levels of nuclear fallout.

President Johnson also reported that the program of safeguards to insure against secret testing has been fully implemented and that the Joint Chiefs of Staff have reported that satisfactory progress is being made under this program. As the President said yesterday:

Indeed the safeguards program leaves us much safer against surprises than we were in the period of moratorium begun in 1959.

In the past year the United States has not relaxed in its mission to protect freedom around the world. In fact, our defense capability has never been more powerful. But in this past year we have been successful in reducing somewhat the nuclear arms race. We have contributed to the process of peace for which every President has labored since the dawn of the atomic age. We must never forget that President Truman, President Eisenhower, President Kennedy, and President Johnson have been united in their belief that an enforceable nuclear test ban treaty clearly enhanced American national security.

Let us join with President Johnson in this affirmation:

We can live in strength without adding to the hazards of life on this planet. We need not relax our guard in order to avoid unnecessary risks. This is the legacy of the nuclear test ban treaty and it is a legacy of hope.

I ask unanimous consent that President Johnson's remarks of July 30, 1964, dealing with the first anniversary of the nuclear test ban treaty be printed at this point in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

THE PRESIDENT. First, a year ago this week the Nuclear Test Ban Treaty was signed and agreed upon. Today, a year later, more than 100 nations have joined the 3 original signing countries. We have also seen a U.N. resolution banning weapons of mass destruction in outer space, and steps to cut back production of fissionable materials.

A year without atmospheric testing has left our air cleaner. This is a benefit to every American family, and to every family everywhere, since all radiation, however small, involves some possibility of biological risk to us or to our descendants. At the same time we have taken every precaution to insure the security of the United States. To this end, we have put into full effect the program of safeguards originally approved by President Kennedy on the advice of the Joint Chiefs of Staff. I can report that the Chiefs have reviewed the present program

Passed as reported S. 1531, to increase the appropriations authorization for the completion of the construction of the irrigation and power systems of the Flathead Indian irrigation project, Mont. p. 16948

The Interior and Insular Affairs Committee voted to report (but did not actually report) S. 1658, authorizing construction of the Central Arizona project, Ariz. and N. Mex. p. D617

19. PUBLIC WORKS APPROPRIATION BILL, 1965. A subcommittee of the Appropriations Committee approved for full committee consideration this bill, H. R. 11579. p. D617
20. LANDS. The Interior and Insular Affairs Committee voted to report (but did not actually report) H. R. 5498, authorizing sale of public lands not needed for Federal program requirements; and H. R. 3070, to establish a Public Land Law Review Commission to study existing laws and procedures relating to administration of the public lands. p. D617
21. WOOL. Passed as reported S. 1778, permitting wool products to be sold without a label whenever disclosure of wool fiber content is not necessary for the protection of the consumer. p. 16974
22. TECHNOLOGY. Passed as reported H. R. 11611, to establish a National Commission on Technology, Automation, and Economic Progress. pp. 16985-91
23. ROADS. Concurred in the House amendments to the Senate amendments on H. R. 10503, the road authorization bill. This bill will now be sent to the President. pp. 17006-7
24. HOUSING; LOANS. Passed with amendments S. 3049, the housing bill (pp. 16984-5, 16992-020). This bill includes provisions to extend certain rural housing programs (under Secs. 511, 512, 513, and 515 of the Housing Act of 1949) until October 1, 1965; authorize \$150,000,000 additional for direct housing loans administered by the Farmers Home Administration; increase from \$100,000 to \$300,000 the maximum amount of a loan which may be insured under Sec. 515 (b) for rental housing and related facilities for the elderly in rural areas; make immigrant farm laborers permanently residing in the U. S. after legal entry for permanent residence, as well as citizen farm laborers, eligible to occupy housing financed with loans under Sec. 514(f) of the Housing Act of 1949; and authorize grants for low-rent housing for domestic farm labor. Rejected, 19-64, an amendment by Sen. Tower to substitute a more limited version for the bill as reported (pp. 16999-007).

SENATE - August 1

25. FOREIGN AID. Continued debate on H. R. 11380, the foreign-aid authorization bill. pp. 17103, 17132-35
26. EDUCATION. Passed without amendment S. 3060, to amend the National Defense Education Act, including a 3-year extension of that Act, and a 2-year extension of impacted-areas education legislation. pp. 17103-19
27. METEOROLOGICAL SERVICES. Passed without amendment S. 970, to authorize the Secretary of Commerce to utilize funds received from State and local governments for special meteorological services. p. 17132

28. RESEARCH. Sen. Carlson stated that "the enormously productive agriculture of the United States today rests directly upon the research and educational effectiveness of the land-grant colleges and universities and the Department of Agriculture," and inserted an editorial on the subject. pp. 17087-8
29. ECONOMY. Sen. Humphrey inserted two articles discussing the President's optimism over economy. pp. 17090-1
30. COFFEE. Sen. Douglas called attention to the fact that coffee prices increased approximately one-half cent per pound in the day following the passage of the "coffee bill," stated that "this is only the beginning," and urged a close watch on what happens to coffee prices. p. 17136
31. RECLAMATION. Passed without amendment H. R. 1892, to repeal the Pittman Act of 1919 which had provided for grants of public lands in Nev. in order to encourage reclamation of desert lands. This bill will now be sent to the President. p. 17130
32. AJOURNED until Mon., Aug. 3. p. 17136

ITEMS IN APPENDIX

33. WILDERNESS. Extension of remarks of Rep. Fraser expressing his "unequivocal support" for the wilderness bill. pp. A4035-6
34. COTTON. Rep. Teague inserted an address by B. C. Jackson, general chairman of the 25th annual American Cotton Congress, "Cotton's Past, Present, and Future." pp. A4039-40

BILLS INTRODUCED

35. RECREATION. S. 3054, by Sen. McGee, to establish the Flaming Gorge National Recreation Area in the States of Utah and Wyoming; to Interior and Insular Affairs Committee
36. FOREIGN TRADE. S. Con. Res. 91, by Sen. Douglas, to express the sense of the Congress that the United States should, on agricultural commodities as well as other commodities, bargain and negotiate in good faith as it is pledged to do under the Reciprocal Trade Act; to Finance Committee. Remarks of author, pp. 16900-1

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COMMITTEE HEARINGS AUG. 3:

Agricultura appropriations, S. Appropriations (exec. - to mark up).
Proxmire dairy bill, H. Agriculture.
Pay bill, conferees (exec).

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a counsel of complacency however, but rather an urgency to help them. What is new about poverty today is that we can do something about it. Therefore we must. We have the means to eliminate it. We are a people graced and blessed with the technology, the science, the resources, the intelligence adequate to give opportunity for all above the level of privation. We can do no other than wage a war on poverty. We have a moral responsibility.

I am delighted as a Democrat that I have been privileged to enlist in this cause. We can win it and we ought to make it a great crusade. We ought never to rest one single day as a party or as individuals until we have made sure that everyone in America has the opportunity to stand in economic independence.

In the long run this means a major investment in education in America, for here is the chief source of the new wealth in America. The development of brainpower plus character is the key to the great society. We must see to it that everyone in America has an opportunity for the best of education to the limits of his ability. The most serious deficit this Nation faces is in education. It is not the budget deficit that imperils us. It is the intellectual deficit that is allowing people to fall behind in the economic struggle and which is putting brakes on our power to create new wealth. We must invest money to make money. We must pour much more of our substance into education. This is not waste. This is not even spending. This is genuine investment—this is finding talent and putting it to work to increase many times over. This party of ours ought to champion the cause of enlightenment and have no fears of those who talk about it as spending and waste.

And we can win the struggle to help our elderly people. This society has been generous with youth. It provides much for those in the full bloom of life. Surely we can, and surely we will provide for those in the twilight of life. Therefore, we can pass hospital and nursing home care. We have an obligation and responsibility here, too. Old age should be lived in serenity and dignity. The young who do not respect age, will come to hate their own future.

Brooding over all our other concerns, of course, in this latter half of the 20th century, is the concern for peace. Since the close of World War II the world seemed to be on a slow but steady collision course with disaster. The accelerated race for thermonuclear weapons pinned us on a pervasive anxiety. Yet since 1961 there have been great movements toward peace. The world is not yet safe, and peace is not secure, but we have a new lease on hope, and a new reason to believe that we can take the first steps in a new direction away from war.

We began to sense it in President Kennedy's address at American University on June 10, 1963. The point that "peace is a process" was made simply, but eloquently clear. The truth that "war is not inevitable" was given a new conviction and determination. This address will surely be one of the great state papers of all time. If Democrats, Americans, Republicans will study it, we shall be less impatient, we will be more understanding, and we shall have a new determination to heed the President's words when he said "we must persevere" in the cause of peace.

In these last 4 years we have had striking evidence of that perseverance for peace from

at least four apostles of peace who gave their lives for it.

Dag Hammarskold gave his life for peace in a very real sense. He died in the Congo while seeking the answers, relentlessly pursuing the formula for peace in that part of the world. Indeed, the quest for peace had come to dominate his every concern as Secretary General of the United Nations.

In these years, too, we lost that great lady, Eleanor Roosevelt, and we realized that she, too, had given her life for peace. She has been in this club many times. She inspired us so frequently. I never knew her to speak unkindly of anyone. She died as she lived, in lifelong dedication to the cause of peace.

We have just lived through a time also when a peasant who was a parish priest, rose to become the chief prince of his church, and gave his life for peace. Pope John XXIII will be remembered as will few in our time, or any time. His great Easter "gift" as he called it—"Pacem in Terris"—is one of the most moving and magnificent documents for peace and justice that has been given to mankind. Again the overtones of this message soared beyond its content. He addressed "all men of good will." His astounding faith that there were such, everywhere, penetrated both the disillusioned of spirit and the hard of heart. He addressed the natural reason of men, even behind the Iron Curtain. Perhaps no one in our time got closer to the heart of humanity than did Pope John.

John Fitzgerald Kennedy gave his life for peace—for peace at home and abroad. He fell indeed the victim of a tormented mind. Even more he was the victim of a tormented society, a society that has been infected with hate, bitterness, and extremism. His was indeed a sacrifice for peace at home. But a world shared our grief because they believed his cause encompassed theirs.

I could give other evidences of change in the world, of movements in foreign policy and in the actions of nations, which would also suggest that this still untidy and restive world is wrenching itself away from the path of war. But what I say to my fellow Democrats is this: That because we have had such a close association with all of these great personalities and with all of the policies and programs I have mentioned, we cannot approach the campaign of 1964 as if it were just another election. It is not, in any sense. Every election in America is important, but elections now in America are vital. They determine not only the future of this Republic. They hold in balance the fate of the world. Once again then I make the appeal with which I began. I appeal to the Democratic Party to take the high road of principle and ideals; of wisdom and courage.

The American people want to be better; they want to believe; they want to be good; they want to have faith; they want to have ideals. Above all they want political leaders and a political party that makes them understand the importance of those ideals. Therefore, whether we are a precinct worker, a Congressman, a Senator, an officer in this club, a member of the Democratic National Committee, or just a plain citizen—whatever we are—we have a responsibility in this campaign. We must be worthy in our conduct, of the memory of John F. Kennedy. We have an obligation to carry forward the declaration of faith and the program of this party of Lyndon Johnson. We have the obligation to prove that we are worthy of the

faith and trust of the American people as a party that is responsible, constructive, progressive, and idealistic. In the words of John Wesley's great hymn "We have a charge to keep."

That is why I came to you tonight, to urge you to be worthy of it. Thank you.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

There being no objection, the Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

AMENDMENTS TO NATIONAL DEFENSE EDUCATION ACT AND IMPACTED AREAS LEGISLATION

Mr. MANSFIELD. Mr. President, if the distinguished chairman of the Committee on Foreign Relations will approve, I should like to ask unanimous consent temporarily to lay aside the pending business.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1212, Senate bill 3060, which I understand will take little time.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 3060) to amend and extend the National Defense Education Act of 1958, and to extend Public Laws 815 and 874, 81st Congress (federally affected areas).

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill.

Mr. MORSE. Mr. President, I ask unanimous consent that the professional staff members of the Committee on Labor and Public Welfare be permitted the privilege of the floor when Senators engage in debate during the discussion of the bill S. 3060.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, in opening the Senate debate on S. 3060, a bill to extend for 3 years, and to amend the provisions of the various titles of the National Defense Education Act of 1958, and which also extends for 2 years the provisions of the impacted areas legislation, Public Laws 815 and 874, I wish to express to each of the members of my subcommittee who sat with me and who worked with me in our executive sessions my deepest appreciation.

This bill bears upon it the mark of our combined judgment in almost every area. In particular, I wish to express to the junior Senator from Vermont [Mr. PROUTY] and to the senior Senator from

New York [Mr. JAVITS] my appreciation for their willingness without compromise of principle, to work diligently in hammering out conscientious compromises of language and intent. I wish to thank also the junior Senator from Idaho [Mr. JORDAN], who was most helpful.

To the very distinguished Senators on my own side, the senior Senator from Michigan [Mr. McNAMARA], the senior Senator from Texas [Mr. YARBOROUGH], the senior Senator from Pennsylvania [Mr. CLARK], the senior Senator from West Virginia [Mr. RANDOLPH], and in particular to our beloved chairman, the Senator from Alabama [Mr. HILL] the author of the Hill-Elliott Act of 1958 which we now seek to continue, I can only say, thank you from the bottom of my heart for the help you have been to me and to the boys and girls of America who will be the beneficiaries of this legislation.

Mr. President, before I present a brief summary of the principal provisions of the bill, there is one point I should like to discuss. In our executive session, it was indicated that there were members of the committee who, although they were not cosponsors of S. 580 upon its introduction, nevertheless in view of the fact that the bill then being reported was the product of the combined thinking of members of the committee on both sides of the aisle, wished to have their names appear on the bill when it was reported. We sought to find a way in which this could be done. Unfortunately, since the bill being reported was an original bill from committee, the advice we were given was that to do so at this stage would be contrary to the precedents controlling in the Senate.

I sought then yesterday when I filed the bill, to indicate the sense of the agreement reached in the committee by requesting unanimous consent that at the next printing of the bill in the Senate the names of those Senators who had expressed a desire to do so should be added as cosponsors. This procedure, too, it was found later, was contrary to the precedents of the Senate.

I, therefore, Mr. President, wish to announce that were it possible the following Senators had expressed to the bill clerk their desire to be associated with this legislation:

Senators CLARK, COOPER, FULBRIGHT, HILL, HUMPHREY, JAVITS, KENNEDY, KUCHEL, MANSFIELD, McNAMARA, METCALF, PELL, PROUTY, RANDOLPH, WILLIAMS of New Jersey, and YARBOROUGH. To each of them again I express my deep appreciation.

AMENDMENTS TO THE NATIONAL DEFENSE EDUCATION ACT

TITLES I AND II NATIONAL DEFENSE EDUCATION ACT AMENDMENTS

These titles of the National Defense Education Act are the general provisions title and the student loan title. The committee made one change in the general provisions which will permit some

35 accredited nonprofit private business schools to come within the purview of the student loan program established under title II of the act.

In title II the language has been broadened to permit part-time students, defined as students who are carrying at least half the normal academic workload program, as determined by the institution, to obtain the benefits of the student loan program. This necessitated an increase in the funds authorization for student loans. Currently, \$135 million is authorized for this purpose. If the bill is enacted, as I hope it will be, \$145 million would be authorized for this fiscal year; \$165 million would be authorized for the fiscal year ending June 30, 1966; \$180 million for fiscal year 1968; and \$195 million for fiscal year 1969.

The committee learned that there were seven large universities in the Nation which are currently handicapped by the \$800,000 institutional loan ceiling in the present law. I ask unanimous consent, Mr. President, that a table which may be found in the committee report listing the seven institutions and the amounts of money they are requesting for the academic year 1964-65, be printed at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Institutions requesting \$800,000 and over for academic year 1964-65 (as adjusted) as of May 20, 1964

	Approved request
California: University of California, Berkeley.....	\$942,300
Indiana: Indiana University.....	1,561,500
Kansas: University of Kansas.....	850,500
Massachusetts: Harvard University.....	1,194,400
Michigan: Michigan State University of Agriculture and Applied Science.....	848,220
Minnesota: University of Minnesota.....	1,102,500
Wisconsin: University of Wisconsin.....	1,067,123
Total, 7 institutions.....	7,567,143

Mr. MORSE. Mr. President, by removing the \$800,000 loan limitation, the committee has, while giving relief to the larger institutions, also assured itself through inquiry of the Office of Education that no small institution nor the students attending it would be handicapped in any way by this change in the statute. As chairman of the subcommittee, I insisted upon obtaining the findings of fact to justify this change, otherwise I would not have been in favor of lifting the ceiling.

The information we received was to the effect that sufficient funds are authorized to meet the reasonable requests of all institutions large or small.

A further change in title II affects the forgiveness feature of the present law. Senators are aware that students who have borrowed money who teach in public elementary or secondary schools

may have up to 50 percent of their loan indebtedness cancelled. Last year the Senate considered and passed S. 569, a measure introduced by Senators PROUTY of Vermont and KEATING of New York, which would have extended this loan forgiveness principle to teachers in the private nonprofit elementary and secondary schools and to all teachers in institutions of higher education.

Since as yet, the House of Representatives has taken no action on S. 569 but instead has included a similar provision in legislation which parallels the measure we are now debating, it seemed to the committee prudent to incorporate in these amendments the loan forgiveness feature previously passed by the Senate.

I would make note that the amendments in S. 3060, unlike the House counterpart, preserve in section 204(4) of the National Defense Education Act the special consideration of that act for students with a superior academic background who express a desire to teach in our elementary and secondary schools. It was felt that since the provisions of titles III and VI of the act have been broadened, it would be well that students in such areas be given consideration in connection with their financial needs and therefore, the committee replaced the language previously in the act giving special consideration to "students whose academic background indicates a superior capacity of preparation in science, mathematics, engineering, or a modern foreign language" with the phrase "other students with a superior academic background."

It had been related to the committee that graduate students found the loan limitations of the present act onerous. Therefore, in this area the committee has recommended that a graduate or professional student be permitted to borrow up to \$2,500 a year but that the aggregate of the loan made to any one individual who is a graduate student may not exceed \$10,000.

It was felt that the superior debt repaying capacity of the graduate student based upon his educational attainment made such a change feasible.

We must not forget that many of these young men and women are married and have family responsibilities.

Senators will find in the committee report a full description of the changes I have noted and certain others which are of a minor or technical nature, but I would call particularly to their attention the table in the report which gives the estimated distribution of the loan funds in each of the fiscal years and in order that this may be readily available I ask unanimous consent that the table in the report headed "Estimated Distribution of Legislative Authorizations" for title II loan funds be printed at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

(No. 1283), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill would make permanent the authority for flight instruction for members of the Reserve Officers' Training Corps.

EXPLANATION

Public Law 879 of the 84th Congress authorized flight training in the ROTC programs of the Army, the Navy, and the Air Force. This authority was intended to attract more qualified young men to apply for flight spaces in the advanced ROTC courses, to detect those who would later fail to complete pilot training after having been commissioned for that purpose, and to motivate more young Americans to become career flying officers. The original authority was for a period of 4 years and a 4-year extension was granted by Public Law 86-537. Unless extended, the authority expires on August 1, 1964.

The flight instruction program provides for approximately 35 hours of flight instruction and 35 hours of ground instruction. The military departments contract with the private colleges and universities to provide the flight instruction. The training is offered during the senior year of the ROTC cadets.

The flight and ground school curriculums have been approved by the Federal Aviation Agency. Cadets who successfully complete the program and pass the FAA flight and ground school examinations qualify for a FAA private pilot certificate.

The military departments are enthusiastic about the results from the operation of this program. The attrition rate in the Navy and Air Force pilot training for ROTC graduates who have successfully completed the flight instruction program has been approximately one-half that of ROTC graduates who have not received such training. In the Army the comparable attrition rate is approximately one-third that of ROTC graduates who have not received flight training.

COST

The table that follows shows the costs of the ROTC flight instruction program from its inception through fiscal year 1963.

Fiscal year	Air Force	Army	Navy	Total
1957	\$538,629	\$142,000	\$14,000	\$694,629
1958	547,000	280,000	29,000	856,000
1959	668,000	325,250	7,000	1,000,250
1960	712,000	245,266		957,266
1961	704,000	260,500		964,500
1962	612,000	309,000	150,000	1,071,000
1963	717,000	430,000	152,000	1,299,000

The estimated cost of the program for fiscal year 1964 is \$1,613,000 and for fiscal year 1965 it is \$1,700,000.

ADVANCE MOVEMENT OF DEPENDENTS AND EFFECTS OF MEMBERS OF UNIFORMED SERVICES

The bill (H.R. 4739) to amend section 406 of title 37, United States Code, with regard to the advance movement of dependents and baggage and household effects of members of the uniformed services was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1284), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill would authorize the advance movement of dependents, baggage, and household effects of members of the uniformed services if the secretary of the department concerned determined such advance movement to be in the best interests of the member or his dependents and the United States.

EXPLANATION

For a member of the uniformed services who is serving at a station outside the United States or in Alaska or Hawaii, existing law provides authority for the advance return of dependents, baggage, household effects, and privately owned automobiles of members of the uniformed services in "unusual or emergency circumstances."

The Department of Defense considers that advance movement is desirable under some conditions that do not qualify as unusual or emergency circumstances. Unforeseen family problems, changes in a member's status, and changed economic and political conditions in overseas areas at times make the advance return of dependents in the best interests of the member and the United States. Specific examples of situations justifying advance return of dependents include marital difficulties, financial problems brought about by confinement or reduction in grade of the member, and the death or serious illness of close relatives.

Similar authority for the advance movement of the dependents and household effects of a civilian employee serving outside the United States is contained in section 73b-3 of title 5, United States Code.

The bill provides that if an automobile is returned to the United States in advance of the member, an automobile may not be returned at Government expense when the member himself is ordered to make a permanent change of station.

The only expanded entitlement in this bill is the authorization for the return at Government expense of a dependent who attained the age of 21 while with the member overseas. This entitlement would exist only for a member's unmarried child who was transported overseas at Government expense incident to a permanent change of station of his parent.

Under the bill, if dependents are returned to the United States, they may not thereafter be returned to the overseas station they left, unless the member receives a permanent change of station to another assignment overseas or unless the return of the dependents is for the convenience of the Government.

A minor change permits automobiles otherwise authorized to be transported at the expense of the United States to be so transported on vessels leased or chartered by the United States. Now only vessels owned by the United States may be used for this purpose.

COST

It is impractical to make a meaningful estimate of the cost of this bill. The only new entitlement is the authorization for the return at Government expense of a dependent who attained the age of 21 while with the member overseas. The number of such dependents who might become entitled to return transportation to the United States cannot be predicted, but it is not large. The other expense involved in the bill would be incurred by the United States if the bill were not enacted, but at a later date. The annual cost is thought to be substantially less than \$1 million and the Department of Defense informed the committee that this

expense could be absorbed within available appropriations and that additional appropriations will not be requested.

WITHHOLDING AND FORFEITURE OF PAY AND ALLOWANCES OF CERTAIN MEMBERS OF UNIFORMED SERVICES WHO AID THE ENEMY WHILE PRISONERS OF WAR

The bill (S. 3062) to provide for the withholding and the forfeiture of the pay and allowances of certain members of the uniformed services who, while prisoners of war, aid the enemy or are guilty of other misconduct, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1007 of title 37, United States Code, is amended by adding the following new subsection at the end thereof:

"(h) Notwithstanding sections 1001-1016 of title 50, appendix, the Secretary concerned may withhold all or any part of the pay and allowances that are due or that become due a member of a uniformed service who is formally charged with committing, while a prisoner of war, an offense in violation of section 904 or 905 of title 10. However, all pay and allowances so withheld shall be paid to the member if—

"(1) the charge against him is dismissed;

"(2) he is acquitted of the offense; or

"(3) he is convicted of the offense, but, on review, the finding of guilty is set aside under conditions that prevent further trial within a reasonable time, as determined by the Secretary."

Sec. 2. Article 57(a) of the Uniform Code of Military Justice (10 U.S.C. 857(a)) is amended by adding the following new sentence at the end thereof: "However, a forfeiture may extend to pay or allowances that have been withheld under section 1007(h) of title 37."

AMENDMENT OF MISSING PERSONS ACT REGARDING PERSONS DETAINED IN FOREIGN COUNTRIES AGAINST THEIR WILL

The bill (H.R. 2989) to further amend the Missing Persons Act to cover certain persons detained in foreign countries against their will, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1286), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill would amend the Missing Persons Act (1) to permit the continued crediting of pay and allowances to a person who is detained in a foreign country against his will, and (2) to restore to the law a provision for the filing and payment of income tax returns on the 15th day of the 3d month after termination of a missing status, or after the executor or administrator of the estate of a missing person has been appointed.

BACKGROUND

The Missing Persons Act provides authority for the heads of executive departments to continue to credit the pay accounts of persons within the scope of the statute who are missing in action, interned, captured, or in a similar status and to initiate, continue, or modify allowances to dependents of persons in a missing status. It also authorizes the shipment of household effects and the transportation of dependents of persons in a missing status to such locations as may be approved by the head of the department concerned. With this authority the departments can continue to protect the financial interests of covered persons in a variety of ways, such as by paying commercial insurance premiums while the person is in a missing status. If allotments to dependents are not in effect when the person was placed in a missing category, the head of the department can initiate an allotment to provide for the dependents.

EXPLANATION OF THE BILL

The law now permits the continued crediting of pay for persons who are "missing, missing in action, interned in a foreign country, captured by a hostile force, or besieged by a hostile force." The Department of Defense considers that none of these descriptions accurately fits some categories of persons who should be entitled to continued pay and allowances, such as the two Air Force captains who were held by the Soviet Union after their B-47 was shot down over the Barents Sea. To cover such persons the bill would permit the continued crediting of pay and allowances to a person "who is detained in a foreign country against his will."

The bill also restores to the law a provision for the filing and payment of income tax on the 15th day of the third month following termination of a missing status or after an executor, administrator, or conservator of the estate of a missing person has been appointed. This provision was in the original Missing Persons Act when it was approved in 1942, but it was not reenacted when the act was reactivated by the Selective Service Act of 1948. Without this provision, the Internal Revenue Service has no express authority to excuse a person who files a late income tax return because he was imprisoned in a foreign country and there is no express authority for granting a refund if the 3-year statute of limitations for filing such a refund expires while the person is in prison.

FISCAL DATA

Enactment of this bill will not increase expenditures by the Department of Defense, as the Department is now applying the Missing Persons Act to persons currently carried as "missing."

LOWER PEND D'OREILLE OR KALISPEL TRIBE OF INDIANS

The bill (H.R. 10973) to provide for the disposition of judgment funds on deposit to the credit of the Lower Pend d'Oreille or Kalispel Tribe of Indians was considered, ordered to a third reading, read the third time, and passed.

AUTHORITY TO USE CERTAIN FUNDS FOR SPECIAL METEOROLOGICAL SERVICES

The bill (S. 970) to authorize the Secretary of Commerce to utilize funds received from State and local governments for special meteorological services was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce may accept reimbursement for providing meteorological and hydrological work or services requested by States, counties, cities, or other local government units. Reimbursement may be accepted for the total or partial cost of the work or services furnished for the benefit of or in cooperation with such governmental units: Provided, That the Secretary shall require reimbursement for the total direct and indirect costs of work or services so provided which do not have value to the public at large.

SEC. 2. The Secretary of Commerce may receive such payment in funds or property to be used in providing the work or services, or both. All funds received in payment for work or services authorized herein shall be deposited in a separate account in the Treasury and shall be available to pay the costs of such work or services, for making refunds, or for crediting appropriations from which the cost of such work or services may have been paid: *Provided, That payment for indirect costs not paid from the appropriation bearing the cost of the work or services shall be deposited into the Treasury as miscellaneous receipts.*

SEC. 3. The Secretary of Commerce shall establish regulations to insure that no commitment for work or services that are determined to have no value to the public at large are made to States, counties, cities, or other local government units where such work or services can be obtained from private organizations and individuals who have competency in the meteorological sciences.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar. I take this means of expressing my thanks and appreciation to the distinguished Senator from Arkansas, the chairman of the Foreign Relations Committee [Mr. FULBRIGHT], for his patience and understanding.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. FULBRIGHT. Mr. President, I am painfully conscious of the distaste of my colleagues for this misnamed, maligned, misrepresented, and misunderstood legislation.

For longer than I care to remember, I have had the thankless duty of presenting this bill to the Senate. Today, in the few minutes remaining before the Senate adjourns, I shall make the presentation as short and painless as I can. I have not forgotten the incredibly long and arduous debate which kept us in session until just before Christmas last year. I can only hope it will not go that long this year.

Some years ago Prime Minister Nehru of India took the visiting Chinese Foreign Minister Chou En-Lai to the site of a new dam. "It is in these temples that I worship," said Nehru. And so indeed he did, as does virtually every other leader of the third world of Asia, Africa, and Latin America. Many, like Nehru himself, have done far more than worship in the temple of economic development; they have gone out of the temple to build

dams and schools and factories, to begin the vast enterprise of bringing their long quiescent lands into the dynamic life of the 20th century.

Clearly, the aspiration to economic development is one of the powerful motivating forces in the world. It gives promise and substance and hope to the nationalism of the emerging nations. It has created new ferment in the world, new hopes and new dangers which the advanced nations, Communist as well as free, have tried to influence through military, economic, and technical assistance programs of unprecedented magnitude.

The aspirations of the poor nations are the occasion but not really the reason for the American foreign aid program. The reason for our aid—I think we must admit—lies in our own aspirations rather than those of the recipients, or, more precisely, in the profound effects which their aspirations have on our own prospects for peace and security.

Looked at in this way, foreign aid is not a special undertaking like an earthquake or famine relief program, but an instrument of policy—a normal instrument of policy like diplomacy, military power or intelligence, each of which is designed to achieve certain objectives which cannot readily be obtained by other means. I should like in these brief remarks to offer a few suggestions as to why foreign aid is a necessary instrument of American foreign policy, as to the kind of instrument it is and the kind of objectives it is likely to help attain.

The subject is not one which the Senate has neglected. Unlike certain other programs—some of at least equal importance and some of vastly greater magnitude—foreign aid has inspired many hours of colloquy and debate, including 3 full weeks of most enlightening discussion only a few months ago. There is therefore little to be said about foreign aid that has not been said before, but the case for the aid program is no less valid for being familiar. It is, indeed, as strong a case today as it was when General Marshall spoke at Harvard in 1947, and in some respects the prospects of our aid achieving its objectives are decidedly better today, after 17 years' experience, than they were when aid was a new and untested instrument of policy.

Of the bill itself little need be said. Its content is spelled out in the report of the Foreign Relations Committee and is in any case familiar. All that is markedly new about this year's foreign aid bill is the amounts proposed to be authorized, which are greatly reduced below the levels of previous years. It may be that the reductions have been too great; it may be that the program will function more effectively on a smaller scale. It is clear in any case that the proposed authorization cannot be further reduced without undermining the aid program as an instrument of American foreign policy.

The President has indicated that he regards this year's foreign aid request as the minimum consistent with the main-

tenance of a reasonably effective program. In reducing the authorization request to a total of \$3.5 billion the administration has accommodated itself to the doubts and criticisms of the foreign aid program which has been expressed in the Congress in recent years. I strongly recommend that the Senate now respond by authorizing and then appropriating the full amount approved by the Foreign Relations Committee, which is only slightly below the amount requested by the President.

Before commenting on aid as a broad instrument of American policy, I would like to point to certain very important improvements which have been made in the aid program in response to the wishes of Congress.

First. American economic and military assistance, once quite diffuse, has become highly concentrated. Two-thirds of all development lending funds in fiscal year 1965 will go to seven countries which have demonstrated their ability to make effective use of development capital: Chile, Colombia, Nigeria, Turkey, Pakistan, India, and Tunisia. Two-thirds of all military assistance will go to 11 countries along the periphery of the Soviet Union and Communist China. More than four-fifths of supporting assistance funds will go to four countries: Vietnam, Korea, Laos, and Jordan. Selectivity is high and becoming higher: 17 nations which once received economic assistance from the United States no longer receive it and another 14 countries are approaching the point where they will no longer need soft loans and grants.

Second. The disproportion between American aid programs and those of other prosperous free world nations is being steadily reduced. In April 1963 the Development Assistance Committee concluded an agreement on liberalizing aid terms which is having a constructive effect. France, which already contributes a higher proportion of its gross national product to foreign aid than does the United States, has indicated its intention of sustaining a high level of aid. Britain and Canada have committed themselves to larger aid programs on liberalized lending terms. Germany's aid program has grown progressively larger and its lending terms more generous.

Third. The President's request for \$3.5 billion for fiscal year 1965 is the second smallest since the beginning of the Marshall plan in 1948 and, in proportion to the Nation's growing resources, this year's request is by far the smallest burden since foreign aid began. In 1949 the amounts appropriated by Congress for military and economic assistance were 11.5 percent of the Federal budget and 2 percent of the Nation's gross national product. The current request is for less than 4 percent of the budget and only 0.6 percent of the gross national product.

As the Secretary of State pointed out in his statement before the Foreign Relations Committee, certain facts about foreign aid indicate that the program is sound and markedly improved along lines recommended by Congress; with two-thirds of development lending going to 7 countries and two-thirds of

military assistance going to 11 countries, the program is highly concentrated; three-fifths of all economic assistance is now in the form of dollar repayable loans; 80 percent of all foreign aid funds is spent in the United States, with the result that the adverse effect of foreign aid on the Nation's balance-of-payments is negligible; criteria of development lending and self-help have been improved with experience; allied countries are mounting larger aid programs on more liberal terms; the program is a diminishing burden on the Nation's resources, the smallest by far since foreign aid became an established instrument of American foreign policy at the end of World War II.

Much of the controversy which has attended the annual debate of Congress on foreign aid is rooted, I suspect, in our reluctance to regard foreign aid as a normal instrument of American foreign policy like diplomacy and military power. Foreign aid has been described as everything from a sacred mission to a criminal lunacy, but the Nation has yet to form a consensus on the significance of foreign aid as it has worked out in practice, that is to say, as a perfectly rational tool of policy, no better or worse than any other in moral terms, one which has sometimes succeeded and sometimes failed and one which should be used or not used in any particular situation depending upon the objectives at stake and the prospects for success or failure under the circumstances of the case.

Through the years we have treated aid as something abnormal, presumably because it represents a use of national resources for a purpose other than our own direct consumption. This indeed is the basis of virtually all criticism of the aid program: that it diverts resources from the immediate needs of our own society. And so indeed it does, but the point which is overlooked by the opponents of aid is that it is only one of a number of national programs which divert resources from the needs of our people and in fact one of the least costly.

I share the concern of my colleagues who deplore the diversion of the Nation's resources. This country has great and growing problems ranging from public transportation to public education which are not now being solved and which can only be solved by costly public programs. The diversion of public funds to foreign commitments is therefore a matter of wholly justifiable regret. It is, however, an impenetrable mystery to me why it is that our fears of extravagance and waste are so overwhelmingly focused on foreign aid rather than on other, more costly programs. It is an impenetrable mystery to me why it is that in 1963 the Senate authorized a \$3.6 billion aid program only after 3 weeks of rancorous debate and immediately thereafter approved a space budget of over \$5 billion with only perfunctory debate. This, of course, is to say nothing of our annual military budgets of over \$50 billion, which have recently been approved with no more than a few judicious queries by the Senators from South Dakota [Mr. McGovern] and Wisconsin [Mr. Nelson].

Unless it is believed that the defense and space programs are models of economy while foreign aid is by some mystery of its own nature scandalously extravagant, we can only conclude that the opposition to foreign aid is not primarily economic but political, that it is not the diversion and possible waste of national resources that troubles the opponents of aid but aid itself as an instrument of national policy. The issue, it seems clear, is not one of economy—if only because there is relatively little to be wasted in the foreign aid program and because so much in fact is wasted elsewhere without giving us undue concern—but rather one of the purpose and effectiveness of aid as an instrument of national policy.

The objective of American aid programs is to contribute to the development of a world environment in which free societies, notably our own, can survive and prosper in peace and reasonable security. The apparently unanswered question in our continuing public debate about aid is not one of economy but whether in fact our aid programs do contribute to the realization of this objective. As Prof. Edward S. Mason of Harvard has put it:

If there is some reasonable expectation that economic development assistance can make a significant contribution to the peace and security of the West, it is surprising how small a financial sacrifice the countries concerned are willing to make to this end. * * * If economic aid is considered to be an instrument of foreign policy, it seems really a rather small instrument to deal with such a very large problem.

Foreign aid must be judged by the political criterion of whether it does or does not contribute to the security of the United States. I think it is clear beyond any doubt that it has contributed to our national security. Are we not more secure, to take one example among many, then we would otherwise be for having helped democratic India to make a modest success of her economic development program? Is the Western Hemisphere not more secure against Communist subversion as a result of even the limited accomplishments of the Alliance for Progress than it would be if we had left our Latin American neighbors to fend for themselves? Are our interests in Africa not more secure for having helped finance the United Nations Congo operation than they would be if we had left the Congo to chaos? And who would question the effectiveness of the Marshall plan not only in bolstering our security but in preventing an irremediable disaster for the West?

It seems clear—

As Herbert Feis has put it—

that as a nation, we invest, lend, give, instruct, rescue, and resuscitate needy peoples in the belief that it will advantage our national security and reputation as well as our souls.

To acknowledge the importance and validity of foreign aid as an instrument of American foreign policy is not to assert its supreme importance or universal validity. It is in fact a limited instrument and must be appreciated as such if it is to be appreciated at all. It is a mod-

est element of our overall policy and a marginal factor in the economics of the recipient countries. Its success or failure thus depends on a great deal more than the amounts that are provided and the efficiency with which they are dispensed and put to use. Foreign aid is inseparable from the political, commercial, and defense policies of the donor and from the overall defense and social and economic development programs of the recipient. Only if we view our aid programs in their total context can we free ourselves of both excessive hopes and unwarranted disappointments.

We must not judge our aid program by impossible standards of achievement. It is not going to eliminate poverty and unrest and instability in the world. Even if it were magnified beyond any level which now seems feasible, our aid would not eliminate these problems because it is simply beyond our means—material, moral, and political—to elevate two-thirds of the human race from poverty to abundance.

But it does not follow from the fact that we cannot solve a problem that we should do nothing to try to alleviate it. An imperfect instrument is better than no instrument and modest progress is patently better than no progress at all. It is by the criterion of modest progress that we must evaluate foreign aid. Just as it makes no sense to think of disbanding our Armed Forces because they may not always secure the Nation against military dangers, it makes no sense to talk of terminating our foreign aid program because it serves only to alleviate rather than resolve worldwide problems of development and defense. Fire departments do not prevent losses from fires; the police do not prevent all crime; but who would suggest that we do without them?

Nor should we underestimate the importance of modest progress. It is frequently pointed out, for example, that even if the development programs of the poor nations are quite successful in, say, the next 20 years, the disparity between their living standards and those of the advanced nations is likely to become greater, not less, than it is now. This is probably true, but it tells us nothing of the probable effects of economic progress. A marked increase in the affluence of an already affluent America is likely to have only minor political consequences, but even small advances in diet and housing and education in a poor country can make a vital difference between hope and despair, between stability and disorder, between democracy and dictatorship.

Thus—

As Herbert Feis puts it—

one may anticipate that the disparity in human condition and experience will lessen, although differences in money income will grow greater.

Foreign aid, as I have suggested, can contribute to the development of a secure world environment for the free societies only as part of a grand strategy for security and peace. No matter how well conceived and administered, foreign aid can be of little value if our diplomacy is

clumsy or if our defenses are neglected. It can contribute little to our security if the problems of our own country—problems of education and employment, of slums and crime and the physical deterioration of our cities—are left unresolved to destroy the magnetism of our own example as a free society. And finally, if it is to contribute to our security, foreign aid must be related not only to our short-term strategy for the containment of Communist expansion, but also to our long-term strategy for alleviating the cold war and developing peaceful and stable relations between the Communist nations and the free nations.

In the context of the cold war the objective of our aid programs is to help build stable and viable nations in Asia, Africa, and Latin America, nations with the capacity to resist Communist aggression and subversion and with reasonable prospects for both democracy and economic development. Our aim is not to build nations which will be profusely grateful to the United States, never annoy or displease us, and follow us loyally on all international questions. If these were our objectives, a more effective program would be the immediate termination of our aid program and the use of all its funds and a great deal more for the training and equipment of mass armies of occupation.

Ingratitude is disagreeable but not dangerous and slavish compliance is a characteristic for which a free society has no use, either in itself or in its associates. The fact remains, nonetheless, that the United States should and must expect the recipients of its aid to meet certain basic criteria in their international behavior. First and foremost, we have the right to expect the recipients of our aid to act vigorously and effectively to preserve their own independence against Communist incursions.

In addition, we have the right—as Feis expresses it—

to expect and ask that any nation to which we give substantial help will not do the United States serious harm; that it will stand with us in any critical issues if it wishes our help in the future.

Our foreign aid program must also be an integral part of a global strategy of peace. Its broad objective, I have suggested, is to help create a world environment in which free and self-governing societies can survive and prosper in peace and reasonable security. Such a world environment requires the abatement of both the national and ideological differences that divide the Communist nations from the free nations and the profound social and economic disparities between the rich nations and the poor nations. If our aid program is to be true to its own objective, therefore, it must be part of an overall strategy aimed at both the development of the poor nations and the relaxation of the cold war. Our long-term objective must be the gradual development of an attitude of mutual toleration on the part of all countries for all other countries. They may or may not be friends, but they still can and should cooperate to their respective advantages regardless of ideology and wealth.

Looked at in this way, our foreign aid program can be described as an instrument of policy designed in the short run to help wage the cold war and in the long run to help end it. As important as it is in the immediate future to help the less developed nations resist the incursions of an expansive communism, it is equally important that they be prepared to play a constructive role in encouraging the development of peaceful and stable relations among the nuclear powers.

There is no contradiction between the short-term goal of strengthening our position in the cold war through our aid programs and the long-term goal of ending the cold war. By drawing the less developed countries into a free and developing concert of nations, we can foreclose the Communist hope of gaining control or predominant influence over Asia, Africa, and Latin America just as the Western Alliance has foreclosed Communist ambitions in Europe. When this is done, when the Communist powers are confronted on every side with virtually insuperable obstacles to expansion, it will then be possible to offer them an end of the cold war by making it clear that we have no hostile designs against them, that they can have secure and untroubled national existences within their own frontiers so long as they remain within their own frontiers, and that we are prepared to welcome them as associates in a peaceful and cooperative community of nations.

The objective is admittedly ideal. It may perhaps be unattainable but I do not think it is unapproachable. An objective does not have to be within our reach to be worth pursuing.

Ideals—

Said Carl Schurz—

are like stars; you will not succeed in touching them with your hands. But like the seafaring man on the desert of waters, you choose them as your guides, and following them you will reach your destiny.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD a letter sent to me by David Bell, the Administrator of the Agency for International Development, and an attached preliminary report on the amount of unobligated balances as of June 30, 1964, for the military and economic assistance programs. The report shows a total unutilized balance of \$22 million as of June 30, 1964, the lowest at the end of a fiscal year in the history of the program.

There being no objection, the letter and report were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
AGENCY FOR INTERNATIONAL DEVELOPMENT,
Washington, D.C., July 8, 1964.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: You will be interested, I believe, in the attached preliminary report showing the amount of unobligated-unreserved balances, as of June 30, 1964, for the military and economic programs under title I of the Foreign Assistance Appropriation Act of fiscal year 1964. These are not final figures. They are based on "flash" reports from our field missions and preclosing trial balances in our Washington accounts.

Later changes in these figures, however, are not expected to be large.

You will note from the attached table that \$15.2 million of available military and economic funds were unutilized as of June 30, 1964. In addition, \$6.8 million of principal repayments and interest had accrued in the development loan accounts but were not legally available for obligation during the fiscal year. The total of \$22 million is the lowest unutilized balance at the end of a fiscal year in the history of the program.

These low figures are evidence of the fact that fiscal year 1964 was an unusual year in

terms of demands placed upon the foreign assistance program. Normally we would expect to have an appreciable balance left in the contingency fund. This year, however, it was necessary to use the entire contingency fund to meet exceptional requirements for military aid and to deal with the changed situation arising in Brazil this spring.

If there is any additional information that we can furnish in this regard, please do not hesitate to call.

Sincerely yours,

DAVID E. BELL.

MUTUAL DEFENSE AND DEVELOPMENT PROGRAMS—UNOBLIGATED/UNRESERVED BALANCES¹

Fiscal yearend balances compared, fiscal year 1964² and fiscal year 1963, as of June 30, 1964

[In millions of dollars]

	June 30, 1964, preliminary			June 30, 1963, actual		
	Avail-able	Not avail-able for obligation ³	Total	Avail-able	Not avail-able for obligation ³	Total
Economic assistance:						
Development loans.....	(4)	4.6	4.6	96.2	24	120.2
Alliance for Progress loans.....	(4)	2.2	2.2	92.0		92.0
Technical cooperation/development grants.....	6.0		6.0	47.3		47.3
Alliance TC/grants.....	.1		.1	2.7		2.7
Inter-American social and economic program.....	.2		.2	1.6		1.6
Supporting assistance.....	4.0		4.0	6.0		6.0
International organizations.....				.3		.3
Contingency fund.....	.8		.8	127.1		127.1
Administrative expenses, AID.....	1.3		1.3	2.0		2.0
Administrative expenses, State.....				(4)		(4)
Survey of investment opportunities.....	.5		.5	1.1		1.1
American schools and hospitals abroad:						
Regular program.....	1.2		1.2			
Foreign currency program.....	.1		.1	.1		.1
Total, economic.....	14.2	6.8	21.0	376.4	24	400.4
Military assistance.....	1.0		1.0	22.3		22.3
Total, military and economic.....	15.2	6.8	22.0	398.7	24	422.7

¹ Excludes nonbudgetary accounts—investment guarantees, excess property revolving fund, and MAP credit sales account.

² Preliminary data based on preclosing trial balance.

³ Represents funds not legally available for obligation during the fiscal year.

⁴ Less than \$50,000,000.

Mr. MORSE. Mr. President, will the distinguished majority leader yield me 20 seconds?

Mr. MANSFIELD. I yield.

Mr. MORSE. Mr. President, because of the schedule of the Senate, I shall postpone until Monday my reply to the speech of the distinguished Senator from Arkansas, in which he supports the foreign aid program. I shall oppose the bill and offer a series of amendments starting on Monday.

PROGRESS OF LEGISLATION

Mr. MANSFIELD. Mr. President, it is the intention of the leadership to move shortly that the Senate adjourn until 12 o'clock noon on Monday next. Before doing so, I should like to make the following statement:

Since the reconvening of the Senate on July 20, after the Republican convention, the Senate has passed a number of major bills, including a score of Presidential recommendations. Most of these bills, if not all, have been passed by bipartisan effort. Therefore, credit is due both parties. Among the major achievements are the following:

An across-the-board increase for military personnel, through the efforts of Senators RUSSELL, SALTONSTALL, STENNIS,

and the other Members of this body, because, as I recall, the bill was passed unanimously.

A bill to clarify the complicated dual compensation laws, which was so capably handled by the distinguished Senator from Texas [Mr. YARBOROUGH], and later by the distinguished Senator from South Carolina [Mr. JOHNSTON]. In this respect, my distinguished colleague from Montana [Mr. METCALF] and the distinguished Senator from Delaware [Mr. WILLIAMS] raised questions which helped to sharpen the issue and, as a result, enabled the Senate to pass a better bill.

A bill to prohibit futures trading in potatoes on commodity exchanges, which was passed largely through the efforts of the distinguished Senator from Maine [Mr. MUSKIE] and the distinguished Senator from Vermont [Mr. Aiken], the senior Republican in this body.

The antipoverty bill, to which much credit is due Senators McNAMARA, JAVITS, KEATING, FULBRIGHT, WILLIAMS of New Jersey, and many other Senators, who put their shoulders to the wheel in support of the measure.

A military construction bill, which was cleared for White House action due primarily to the intensive efforts of the distinguished Senator from Georgia [Mr. RUSSELL], the distinguished Senator

from Mississippi [Mr. STENNIS], and the ranking Republican on the Armed Services Committee, the distinguished Senator from Massachusetts [Mr. SALTONSTALL].

The appropriation bills cleared by this body in the past 10 days were as follows: The defense appropriation bill, under the leadership of the distinguished Senator from Georgia [Mr. RUSSELL], and ably assisted by the distinguished Senator from Mississippi [Mr. STENNIS], the distinguished Senator from Missouri [Mr. SYMINGTON], and the distinguished Senator from Massachusetts [Mr. SALTONSTALL]; the legislative appropriation bill, under the managerial skill of the distinguished Senator from Oklahoma [Mr. MONROE], the distinguished chairman of the Appropriations Committee [Mr. HAYDEN], and the ranking Republican, the distinguished Senator from Massachusetts [Mr. SALTONSTALL]; the District of Columbia appropriation bill, which was passed yesterday and was managed so superbly by the distinguished Senator from West Virginia [Mr. BYRD]; the conference report on the Treasury-Post Office appropriation, which was cleared for the President, and was ably steered by the distinguished Senator from Virginia [Mr. ROBERTSON]. That bill, as the distinguished Senator from Wyoming [Mr. SIMPSON] is aware, contains an appropriation of \$600,000 for the minting of 45 million silver dollars. This is good news for our States.

Also, a veterans housing bill to which great credit should go to the distinguished Senator from Alabama [Mr. SPARKMAN], a bill supported by all Members of the Senate.

The ratification of five important treaties.

An extensive housing bill, through the great efforts and skill of the distinguished Senator from Alabama [Mr. SPARKMAN] and who was ably assisted by the distinguished Senator from New Jersey [Mr. WILLIAMS], the distinguished Senator from Pennsylvania [Mr. CLARK], the distinguished Senator from New Hampshire [Mr. MCINTYRE], the distinguished Senator from New York [Mr. JAVITS], and through the cooperation of the distinguished Senator from Texas [Mr. TOWER], whose opposition was most constructive and whose suggestions helped make it possible to have a better bill.

The establishment of a Commission on Automation and Technology, so much needed in our times, and for which the Senate is indebted to the distinguished Senator from Pennsylvania [Mr. CLARK], the distinguished Senator from West Virginia [Mr. RANDOLPH], the distinguished Senator from Oregon [Mr. MORSE], and the distinguished Senator from New York [Mr. JAVITS], the latter two of whom submitted the original resolution on automation.

A \$2.3 billion highway authorization bill, cleared largely through the efforts of the distinguished Senator from West Virginia [Mr. RANDOLPH], the distinguished Senator from Michigan [Mr. McNAMARA], and the ranking minority member of the Committee on Public

Works, the distinguished Senator from Kentucky [Mr. COOPER].

A bill to implement the International Coffee Agreement, which was passed largely through the efforts of Senators SMATHERS, AIKEN, and MORSE, but also through the efforts of Senator DOUGLAS and Senator CARLSON whose sincere and constructive opposition contributed so greatly in making an outstanding legislative history and which put the State Department on notice that the Senate will watch this quota system most carefully especially as it relates to an increase in coffee prices.

The passage this morning of the Hill-Burton Hospital Construction Act, under the superb leadership of the distinguished Senator from Alabama, who is a perennial in this respect.

The passage of the National Defense Education Act, under the excellent and outstanding floor managership of the distinguished senior Senator from Oregon [Mr. MORSE], ably abetted and supported by the distinguished Senator from Vermont [Mr. PROUTY].

In praising the Senate as a whole and attempting to single out some members for their skill, effort, and cooperation in connection with specific pieces of legislation, some will always be inadvertently omitted from the list, but one who could never be forgotten is the distinguished minority leader [Mr. DIRKSEN]; I must say that the effort that brought about these achievements could never have been accomplished without the leadership, counsel, spirit of cooperation, and duty always manifested by him.

Next week, we hope to conclude action on the independent offices bill, perhaps the public works bill, and also the agricultural appropriations bill.

It is anticipated that we will bring up legislation having to do with nurses training, and also the interest equalization bill.

Let me say to all Senators on both sides of the aisle that we have made great progress.

I wish to personally thank each Senator for his valuable contribution in assisting the leadership to get these measures through so expeditiously.

Mr. MORSE. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. MORSE. The majority leader, as usual, has been very gracious in expressing appreciation to those who have helped to put through the legislative program.

All Senators know—and I would have the country know—that if it were not for the able leadership of the majority leader, his ability to handle men, his deftness in carrying out a very difficult

assignment, none of these pieces of legislation would have been enacted. The entire Senate and the entire country owe the Senator from Montana a great debt of gratitude for his statesmanship.

Mr. MANSFIELD. I am indebted to the Senator from Oregon for his kind remarks.

COFFEE PRICES ALREADY GOING UP AFTER ENACTMENT OF H.R. 8864, THE INTERNATIONAL COFFEE AGREEMENT YESTERDAY

Mr. DOUGLAS. Mr. President, I appreciate the gracious references of the Senator from Montana about the efforts of the Senator from Kansas and the Senator from Illinois in opposing the coffee bill yesterday.

I especially appreciate his statement that Senators should keep close watch on what will happen after passage of the bill.

Mr. President, I hold in my hand a copy of the New York Times for this morning, which on page 32 gives the movement of future prices in coffee on Friday as compared with Thursday.

I should like to read two of these futures.

When the market closed on Thursday, March futures for 1965, on B grade coffee stood at 47.23 cents per pound. When the market closed last night, after we had passed the bill, it stood at 47.74 cents per pound—an increase of 0.51 cents per pound, or approximately one-half cent.

May futures which had been 47.11 cents per pound on Thursday, after the market closed last night was 47.68 cents per pound, or an increase of 0.57 cents per pound, or slightly over one-half a cent.

Each cent of increase in the price of coffee means from \$30 to \$35 million to the American consumers. The increase yesterday, which will probably be reflected in subsequent increases, amounted to \$15 to \$17 million.

This is precisely what the Senator from Kansas and the Senator from Illinois had prophesied would happen. This increase was undoubtedly due to the passage of the bill yesterday. So far as I know, there was no change in weather forecasts for Brazil or for anywhere in Latin America to justify any expectation that the supply of coffee would diminish. There was no information to indicate that there had been any expected increase in demand. What happened was that we had passed the coffee bill. The news reached New York and the speculators decided that this meant prices next year would be higher than this year.

Mr. President, this is only the beginning. This is merely the first installment

on the bill. This is merely the reaction in the first hours after our action yesterday.

The Coffee Council is meeting now, as I understand, in London, and will meet again next week to make its final decision on quotas. It will be very interesting to see what they do.

Yesterday's trading indicates that the Senator from Kansas and the Senator from Illinois were correct as to the effect of this pact upon the future course of coffee prices.

The chickens are coming home to roost, but they are not coming home to those who supported this measure; they are coming home to the American people. They are coming home to the families of the plainsmen out West who drink their cups of coffee to brace themselves against the asperities of the weather. They are coming home to the people who live in the small towns and in the big cities. They are coming home in the form of an increased price of coffee.

It is my intention, in conformity with the excellent admonition of the Senator from Montana, to try to keep watch from time to time on what happens to coffee prices.

I can say that they began yesterday afternoon, just as I expected them to begin—with an increase.

Mr. SIMPSON. Mr. President, let me say to the Senator from Illinois that I concur with him in his remarks, and I trust that a check on these coffee prices will be made and a record kept.

Mr. President, I rise to commend the majority leader for his fairness, his understanding, and his generosity with respect to the accomplishments of this body in the past few weeks.

The majority leader is always fair and just. He conducts himself with impeccable integrity.

His remarks as to the work of the minority leader and the cooperation given on this side of the aisle are another indication of that integrity, and I thank him wholeheartedly.

Mr. MANSFIELD. Mr. President, I thank the Senator from Wyoming most sincerely for his comments.

ADJOURNMENT UNTIL MONDAY

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate, I move that the Senate stand in adjournment until 12 o'clock noon on Monday.

The motion was agreed to; and (at 12 o'clock and 8 minutes p.m.) the Senate adjourned until Monday, August 3, 1964, at 12 o'clock meridian.

Senate

-3-

Aug 3, 1964

16. RECREATION. Passed with amendment S. 653, to provide an adequate basis for administration of the Lake Mead National Recreation Area, Ariz. and Nev. H. R. 4010, which had been earlier passed under suspension of the rules, was tabled. pp. 17226-9
17. NATIONAL PARKS. Passed under suspension of the rules H. R. 946, to establish the Fort Bowie National Historic Site, Ariz. pp. 17229-30
18. RECLAMATION. Passed under suspension of the rules H. R. 3672, to provide for the construction, operation, and maintenance of the Savery-Pot Hook and Fruitland Mesa participating reclamation projects under the Colorado River Storage Project Act. p. 17233
A subcommittee of the Interior and Insular Affairs Committee voted to report to the full committee H. R. 2337, with amendment, to provide for the construction of the Lower Teton division of the Teton Basin Federal reclamation project; Ida.; H. R. 5118, with amendment, to authorize the construction and operation of the Whitestone Coulee unit of the Chief Joseph Dam project, Wash., for irrigation, conservation and recreational purposes; H. R. 1712, with amendment, to amend the act authorizing the Crooked River Federal reclamation project to provide for the irrigation of additional lands; and H. R. 3279, with amendment, to authorize the Secretary of the Interior to construct, operate, and maintain the Dixie project, Utah. p. D626

SENATE

19. FOREIGN AID. Continued debate on H. R. 11380, the foreign-aid authorization bill. pp. 17142-4, 17159-77
20. ST. LAWRENCE SEAWAY. Both Houses received the annual report of the St. Lawrence Seaway Development Corporation (H. Doc. 332). pp. 17137, 17210
21. PACIFIC ISLANDS. Passed as reported H. R. 3198, to promote the economic and social development of the Trust Territory of the Pacific Islands. (July 31, pp. 16948-9)
22. POVERTY. This office has received a supply of S. Doc. 86 entitled "The War on Poverty, the Economic Opportunity Act of 1964, a Compilation of Materials Relevant to S. 2642," which contains a section-by-section analysis of S. 2642, the poverty bill.

ITEMS IN APPENDIX

23. POVERTY. Rep. Patman inserted a statement of the Credit Union National Association supporting the poverty bill. pp. A4046-9
24. LUMBER EXPORTS. Extension of remarks of Rep. Hansen expressing concern over "the recent increases in exports of logs from the forests of the Pacific Northwest." pp. A4049-50
25. RECLAMATION. Rep. Chenoweth inserted the report of the Committee on Irrigation and Reclamation of the National Rivers and Harbors Congress containing its policy recommendations for multiple-purpose water resources development projects. pp. A4061-3
26. NEWS SERVICE. Rep. Wharton inserted an editorial urging that "the Farm News Wire Service should be shut down at once before the Government gets a firm foothold in an area that belongs exclusively to the free press." p. A4063

27. WILDERNESS. Speech in the House by Rep. Springer urging passage of the wilderness bill. p. A4066
28. COTTON. Extension of remarks of Rep. Morris expressing approval over this Department's announcement of an export sales program for domestically grown extra-long staple cotton. p. A4077

BILLS INTRODUCED

29. FORESTRY. S. 3067, by Sen. Church, to extend the boundaries of the Kaniksu National Forest in the State of Idaho; to Interior and Insular Affairs Committee. Remarks of author pp. 17138-9.
30. MEAT IMPORTS. H. R. 12192, by Rep. Dorn, to protect consumers by requiring that imported meat and meat products made in whole or in part with imported meat bear a label showing the country of origin of such imported meat; to Interstate and Foreign Commerce Committee. Remarks of author p. 17204
- H. Res. 812, by Rep. Olsen, Mont., to provide for the concurrence of the House of Representatives to the Senate amendments to H. R. 1839; to Rules Committee. Remarks of author pp. 17204, 17266-7

BILLS APPROVED BY THE PRESIDENT

31. MILITARY CONSTRUCTION. H. R. 10300, to authorize certain construction at military installations, which includes a provision authorizing appropriations for military family housing, including repayments to CCC for such housing provided in the past from the proceeds of the sale of surplus commodities. Approved Aug. 1, 1964 (Public Law 88-390).
32. APPROPRIATIONS. H. R. 10532, the Treasury-Post Office and Executive Office appropriation bill for 1965. Approved Aug. 1, 1964 (Public Law 88-392).
33. CREDIT UNIONS. H. R. 8313, to repeal the D. C. Credit Unions Act, to convert credit unions incorporated under the Act to Federal credit unions. Approved Aug. 1, 1964 (Public Law 88-395).

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COMMITTEE HEARINGS AUG. 4:

Proxmire dairy bill, H. Agriculture. Public Law 480 operations, H. Agriculture. Agricultural appropriations, S. Appropriations (exec). Tariff schedules, H. Ways and Means (DeFelice, FAS, to answer questions). Daylight saving time, H. Interstate. Land and water conservation fund, S. Interior (exec). Area redevelopment. H. Rules. Alaska relief bill, conferees (exec).

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such moneys are borrowed. Such moneys shall be repaid by the Secretary from premiums paid into the revolving fund.

(c) Moneys in the revolving fund not required for current operations shall be invested in obligations of, or guaranteed as to principal and interest by, the United States.

AMENDMENT TO INTERNAL REVENUE CODE

SEC. 7. (a) Section 404 of the Internal Revenue Code of 1954 (relating to deduction for contributions of an employer to an employee's trust or annuity plan and compensation under a deferred-payment plan) is amended by adding at the end thereof the following new subsection:

"(g) GENERAL LIMITATION.—Notwithstanding the preceding provisions of this section, no employer shall be entitled, with respect to any taxable year, to a deduction under this section on account of contributions to a pension fund which is, during all of such taxable year, an 'eligible pension fund' within the meaning of the Federal Reinsurance of Private Pension Plans Act unless, at the close of such taxable year, such pension fund was insured under the program established by such Act."

(b) The amendment made by subsection (—) shall be effective with respect to taxable years which begin no less than six months after the date of enactment of this Act.

ADVISORY COUNCIL

SEC. 8. (a) There is hereby created a Federal Advisory Council for Insurance of Employees' Pension Funds (hereinafter referred to as the "Advisory Council"), which shall consist of nine members, to be appointed by the President, by and with the advice and consent of the Senate. The President shall select, for appointment to the Council, individuals who are, by reason of training or experience, or both, familiar with and competent to deal with, problems involving employees' pension funds and problems relating to the insurance of such funds. Members of the Council shall be appointed for a term of two years.

(b) Members shall be compensated at the rate of \$100 per day for each day they are engaged in the duties of the Advisory Council and shall be entitled to reimbursement for traveling expenses incurred in attendance at meetings of the Council. The Advisory Council shall meet at Washington, District of Columbia, upon call of the Secretary who shall serve as Chairman of the Council. Meetings shall be called by such Chairman not less often than twice each year.

(c) It shall be the duty of the Advisory Council to consult with and advise the Secretary with respect to the administration of this Act.

The explanation presented by Mr. HARTKE is as follows:

PUBLIC REINSURANCE FOR PRIVATE PENSION PLANS

A. PURPOSE OF THE PROGRAM

To establish a Federal system of reinsurance for private pension plans. The program would be financed by premiums to be paid by pension funds as a condition of qualification for favorable tax treatment under the Internal Revenue Code. Such a program would be similar to the program of insurance of deposits in savings banks and savings and loan associations through the Federal Deposit Insurance and the Federal Savings and Loan Insurance Corporations and the insurance of the mortgage obligation to make future payments under the Federal Housing Act.

B. NEED FOR THE PROGRAM

Congress has provided through legislation strong incentives for the establishment of private pension plans. Although the response has been gratifying in terms of the

numbers of such plans which have been instituted, the very fact that most pension programs have been in existence for so few years, has created a serious problem. Since most pension plans are newly created they are still far from being fully funded even where a program of funding has been undertaken. In fact, present tax regulations preclude the funding of past service liabilities in less than about 12 years; they do not require that they be funded at all.

As a result termination of a pension plan may mean that the funds accumulated are inadequate to even pay full pensions to those nearing retirement age, let alone to protect the benefit expectations of other workers who may find that the security they thought they had established for their older years, through the accumulation of pension credits, has disappeared overnight. The recent closing of the Studebaker Corp. South Bend, Ind., automobile plant illustrates the problem. Although Studebaker had been funding past service over a 30-year period, the moneys accumulated in the fund are only sufficient to insure benefits (payable at age 65) to workers who are now 60 and over. Workers in their fifties with more than 30 years of pension credits will never receive a single dollar in pension benefits even though they have met the requirements for vesting established by the plan.

The proposal embodied herein would insure to the worker at least some measure of the security which he has rightly come to expect, and because of its self-financing feature would not result in the expenditure of 1 cent of public funds. It would protect a worker's investment in a pension fund just as his savings are insured if deposited in a savings bank or a savings and loan association which are protected by insurance through a Government corporation. It would also insure the obligations of the fund to make future payments to him just as a mortgagee's right to receive future mortgage payments is insured by FHA.

C. PENSION RIGHTS PROTECTED

It is hoped that within the maximum premium rate set by the bill that all credits earned under all private pension plans will be able to be protected against the risk of termination. If, however, the premium should prove to be insufficient, the bill establishes a series of priorities for protection.

The highest priority would go to those who have already retired and who are receiving a pension and to those who are eligible to retire under the terms of their plan and who have attained normal retirement age. Next in line for consideration would be those who are eligible to retire by virtue of having attained the age specified in the plan for early retirement. If early retirement is not provided, age 60, the usual age for early retirement, should be used.

Third in line for possible coverage would be those workers whether or not eligible to retire who are over the age of 45 and who therefore presumably will find it impossible to accumulate sufficient new credits to provide adequately for their old age.

Fourth in the line of priorities would be those workers who have reached the age of 40. And last, reinsurance would be provided for all pension credits regardless of the age of the individual at the time of termination. This last classification would of course provide the complete coverage of every earned pension credit referred to earlier as the ultimate goal of this proposal. The desirability of such extensive coverage, if at all feasible, need not be restated.

It should be understood that insurance of credits in the third, fourth, and last priorities would not mean immediate payments from the pension reinsurance system. Payments would only be made when the individual reaches the normal retirement age.

D. PENSION PLANS ELIGIBLE FOR INSURANCE

The proposal contemplates insurance for all private pension plans which qualify under the Internal Revenue Code and which have been in operation and have paid premiums for a specified number of years before the insurance became effective would seem necessary. Such a suicide clause would seem necessary to prevent the establishment of a program with the knowledge that the plan will be terminated for one of several reasons. This would exclude "pay as you go" plans but would include all funded plans whether insured or trusted. This would include plans which provide for terminal funding, which provide only for the funding of future service liabilities, and which provide for the funding of both past and future service liabilities. It is recognized, of course, that since these different types of plans have significantly different levels of funding, that the unfunded liabilities will vary from plan to plan. Since it is this unfunded liability that will be insured, the amount of the individual plan's premium will be computed on the basis of the amount of unfunded liability.

While the bill proposes to insure all qualified pension plans, further study may prove it necessary to require a reasonable amortization program (30 or 40 years) for past service liabilities. Such a requirement may be necessary if it is determined that the reinsurance scheme would progressively become more expensive because of the large unfunded liabilities of aging firms.

The only limitation which I believe should be placed on this all-inclusive aspect of the insurance is one related to the amount of benefit which any particular plan promises to its members. This would be similar to the limitation of \$10,000 of savings which are eligible for insurance under existing programs. Such limitations are set forth in the bill.

E. RISKS AGAINST WHICH THE SYSTEM SHOULD INSURE

The reinsurance system would insure against all risks to earned pension credits if it is to provide a meaningful sense of security to the employee. These risks fall into two categories: (1) risks to the plan which depend on the degree to which it is funded, and (2) risks to the plan which depend on forces outside of it and which operate irrespective of the extent to which it is funded.

A clear example of a risk in the first category would be the termination of a plan because of the business failure of the employer. In such a case the risk insured against would be its unfunded liability which is attributable to the rights which are insured. As previously pointed out, the premium for insurance of this risk would be determined by the amount of unfunded liabilities.

Since the reinsurance plan is basically underwriting the benefit levels set forth in the plan, the amount of the unfunded liability, both for the purpose of determining the liability insured and the premium charged, would be determined on the basis of a set of standard actuarial assumptions. These actuarial assumptions could be determined by the Secretary on the basis of consultation with the Advisory Council established specifically for the purpose of consultation on the proposed program.

When the employer has not gone out of business, but has closed a plant or reduced the work force, continued funding of the past service liability may become such a burden as to jeopardize the existence of the remaining operation. To protect the rights of both terminating and continuing employees, the bill provides that where there is a partial termination, determined in accordance with recent Internal Revenue Service Regulations (code sec. 401(a)(7)), an appropriate portion of the assets would be al-

located to the terminating employees. The reinsurance would then pick up any additional liability on behalf of those employees. The employer would continue operation of his plan, with the remaining assets, on behalf of the continuing employees.

Where there is no termination, the program would not be applicable but the per capita past service amortization payment on a plan exceeds some specified percentage (e.g., 200 percent) of the initial per capita past service amortization payment, usually as a result of a severe reduction in the work force, the reinsurance would assume any past service liability financing required which is in excess of the specified percentage.

The second type of risk different from those which we have been discussing and which should be insured against is the risk of depreciation of the funded assets. The risk involved in the situation is probably very slight and is not dependent on the size of the unfunded liability. The premium for this risk is, therefore, computed separately than the premium for insuring the unfunded liabilities. While the risk here would depend upon the types of assets, it would probably be administratively unfeasible, as well as undesirable to set reinsurance premiums for individual investments at the same time consideration might be given to vary the premium by class of assets; i.e., Government bonds, stocks, mortgages, etc.

Since the premiums established, particularly with respect to the second risk outlined above, may eventually prove to be excessive, the legislation includes a provision authorizing the administrator to provide for the suspension or reduction of either type of premium for a period of time.

F. ESTABLISHMENT AND ADMINISTRATION OF REINSURANCE SYSTEM

The most logical existing agency to administer the system of reinsurance for private pension plans would be the Social Security Administration in the Department of Health, Education and Welfare. In addition to having the actuarial and technical personnel who are engaged in a similar operation, the administration by the social security offices would provide an opportunity for automatic notification to a prospective pensioner under a private plan at the time he files an application for social security benefits.

The legislation authorizes the Secretary to borrow moneys from the Treasury for the establishment of a reinsurance fund. This money would be repaid by the premiums which the fund would receive and the legislation would thereby achieve a self-financing status at no cost to the public.

SOCIAL SECURITY AMENDMENTS OF 1964—AMENDMENT (AMENDMENT NO. 1174)

Mr. RIBICOFF. Mr. President, pension and retirement programs for firemen and policemen have traditionally been considered separately from other employees. These men face unusual hazards in their daily work, and because of the nature of their jobs, often retire at an earlier age than the rest of the work force. As a result their pension and retirement plans have been developed with regard to their special needs, particularly the likelihood of early retirement.

The social security system is based on a general pattern of retirement at age 65, with the choice in recent years of retiring at age 62 and accepting reduced benefits. Because these retirement ages are generally unrealistic for firemen and policemen, these employees have not

previously been included as a class within the social security system if covered by State or local government retirement systems.

In some States a decision has been made that it would be advantageous to extend social security coverage to firemen and policemen, and where this is true, Congress has extended coverage on a State-by-State basis. Some 19 States are now included.

The pending social security bill, however, abandons the State-by-State approach and establishes a uniform program for all firemen and policemen. It is true that under the new provision, those presently employed could elect to remain outside the social security system, but in any municipality a small minority of the firemen or policemen could elect coverage not only for themselves but for all future employees. The result might well be a substantial impairment of the local pension and retirement rights of firemen and policemen in the years to come.

I believe these valiant public servants are entitled to continue under the provisions of law now in existence. I see no justification for changing the rules in a way that might be harmful.

I therefore submit, for appropriate reference, an amendment to H.R. 11865 to strike out the new section changing the social security status of firemen and policemen.

The ACTING PRESIDENT pro tempore. The amendment will be received, printed, and appropriately referred.

The amendment (No. 1174) was referred to the Committee on Finance.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961—AMENDMENT (AMENDMENT NO. 1175)

FOREIGN DEVELOPMENT LOANS SHOULD BE GRANTS OR LOANS—BUT NOT BOTH

Mr. GRUENING. Mr. President, I send to the desk an amendment to the foreign assistance authorization bill, H.R. 11380, which I ask that it lie on the table and be printed at the conclusion of my remarks.

My amendment would increase the rate of interest on development loans to the same amount that it costs the United States itself to borrow money.

In reporting H.R. 11380, three able and distinguished members of the Senate Committee on Foreign Relations, the senior Senator from South Dakota [Mr. MUNDT], the senior Senator from Oregon [Mr. MORSE], and the senior Senator from Ohio [Mr. LAUSCHE], in a cogent minority report, pointed up the problem with our development loans when they stated:

We cannot justify making grants and calling them loans.

This is exactly what we have been doing in the foreign aid program to the tune of billions of dollars.

The practice has become widespread in the development loan program of automatically granting soft terms on the vast majority of loans made. For example, in the calendar year 1963, \$1,057,925,000 in loans were made by the Development Loan Fund at interest rates of three-

fourths of 1 percent repayable in 40 years with a moratorium on the repayment of principal for the first 10 years. This amount represents 90 percent of the total amount of loans made under the Development Loan Fund during that year.

Even assuming that these loans will be repaid—and that is an assumption that flies in the face of the financial histories of many of these countries—the more than a billion dollars in development loans made by AID last year alone contains a hidden grant of approximately \$800 million which the American taxpayers will have to pay in the many years ahead because we made these soft loans in 1963.

I ask unanimous consent that there be printed at the conclusion of my remarks a list of loans made in calendar year 1963 alone at the rate of three-fourths of 1 percent service charge, repayable in 40 years, with a moratorium on the repayment of principal for the first 10 years.

We are told that the low rate of interest is necessary because the borrowing countries do not have sufficient foreign exchange to pay a higher rate of interest.

A closer examination of the loans made shows that this argument has no substance. Rather it can be said that it has become an almost automatic procedure to grant these loans at these low rates of interest.

Consider the loan made on December 4, 1963, to the Government of Tanganyika for a commodity development training center. The principal sum of this loan was \$250,000. Interest on this sum at three-fourths of 1 percent amounts to \$1,875. At 4 percent interest per annum, the interest rate would be \$10,000. The difference is \$8,125. The Government of Tanganyika could raise this additional sum by cutting down on the import of only two Cadillacs a year.

Let us also consider the loan of \$350,000 to the Government of Turkey. At three-fourths of 1 percent interest or service charge the interest rate per year would be \$2,625. At 4 percent interest the amount would be \$14,000 per year. The difference would be \$11,375 per year. In his report on our aid program in Turkey in June 1964, the Comptroller General states:

Because neither the Turkish Government nor the (AID) Mission exercised adequate control over commodity imports and the operations and investment programs of state enterprises, aid funds frequently were used for nonessential or low priority purposes.

This confirms my own evaluation contained in my report of a study of the foreign aid program in 10 Middle Eastern and African countries for the Committee on Government Operations. I stated in my report, with respect to the AID program:

AID dollars are loaned or granted to aid in a particular country's economic development. To prevent those dollars from being diverted into meeting that country's budget deficit or for the importation of luxury goods, it is essential that firm controls be exercised by AID to follow the dollars and see to it that it is in fact being used for the economic development of the country to which it is loaned or granted. This study indicated that such firm controls are not being exercised.

It is obvious that with a little austerity in its imports Turkey could have managed to discover the additional \$11,375 needed to pay the U.S. interest at the rate of 4 percent rather than to expect the United States to make a combined loan-grant to it.

In my report, I stated with respect to these three-fourths of 1 percent loans:

It is time to stop fooling the American people. These are not loans—they are combination loans and grants—with the grant portion coming close to equaling the amount of the loan.

There is great opposition to this amendment—or, for that matter, to any amendment increasing interest rates on loans under our foreign aid program.

In the recent disaster which befell the State of Alaska, I tried most unsuccessfully to persuade the Administrator of the Small Business Administration to reduce disaster loans from 3 percent to the lesser interest rate we charge under our foreign aid program for loans to aid the private sector of foreign countries—three-fourths of 1 percent. As I said, I did not succeed. My proposal was met with a variety of objections.

First, I was told that these loans did not go to the private sector of the foreign countries—they only ended up there after the foreign government had tacked on a tax in the form of an additional interest rate. That our money was being used to strengthen the private sector of foreign economies was conveniently forgotten.

Then, I was told that I did not have a full appreciation of the thinking of business. I was told that to a businessman, the interest rate was of secondary impor-

tance when compared to the other terms offered, that is, the repayment period and any moratoriums on repayment.

But when we seek to increase the interest rate—as I shall do through this amendment—to a rate equal to that paid by the United States on its own borrowings, interest rate becomes a vital matter and we are told that if the amendment succeeds then the foreign nations will be unable to borrow.

This I cannot understand.

Low interest rates are not necessary and are unimportant when they concern Alaska businessmen, stricken by one of the greatest natural disasters to befall any State. But when they concern foreign borrowers, low interest rates become the be-all and end-all of the entire program and we are warned that the program will fall unless the interest rate is kept at three-fourths of 1 percent per year.

This is called having one's cake and eating it, too.

This argument I cannot understand and will not support. If interest rates are unimportant to Alaska businessmen seeking to borrow money from the United States in time of disaster, then they are unimportant to foreign governments seeking to borrow money from the United States to aid the private sectors of their economies.

If the AID administrators are trying to tell the Congress that Tanganyika would turn down the loan of \$250,000 from the United States merely because of an annual interest rate increase of \$8,105 then they are asking the Congress to believe something that is well-nigh unbelievable.

If there is to be equality of treatment both here at home and abroad then my interest rate amendment should be enacted.

The ACTING PRESIDENT pro tempore. The amendment will be received and appropriately referred; and, without objection, the amendment and list of loans will be printed in the RECORD.

The amendment (No. 1175) submitted by Mr. GRUENING, was received, and ordered to lie on the table, as follows:

On page 1, between lines 6 and 7, insert the following:

"TITLE 1—DEVELOPMENT LOAN FUND

"SEC. 101. Section 201(d) of the Foreign Assistance Act of 1961, as amended, which relates to the Development Loan Fund, is amended to read as follows:

"(d) Funds made available for this title shall not be loaned or reloaned at rates of interest excessive or unreasonable for the borrower and in no event shall such funds (except funds loaned under section 205 and funds which prior to the date of enactment of the Foreign Assistance Act of 1964 were authorized or committed to be loaned upon terms which do not meet the minimum terms set forth herein) be loaned at a rate of interest of less than the rate arrived at by adding one-quarter of 1 per centum per annum to the rate which the Secretary of the Treasury determines to be equal to the average annual interest rate on all interest-bearing obligations of the United States then forming a part of the public debt, as computed at the end of the fiscal year next preceding the date the application for the loan is approved and by adjusting the result so obtained to the nearest one-eighth of 1 per centum."

Redesignate the succeeding sections under part I, accordingly.

The list of loans presented by Mr. GRUENING is as follows:

Loans made by the Agency for International Development to foreign countries during calendar year 1963 at $\frac{3}{4}$ of 1 percent for 40 years¹ (repayable in dollars)

Country, borrower, and purpose	Date of loan agreement	Number of years re-payment	Interest rate	Amount of loan	Country, borrower, and purpose	Date of loan agreement	Number of years re-payment	Interest rate	Amount of loan
LATIN AMERICA					LATIN AMERICA—CON.				
Argentina:					Costa Rica:				
Government of Argentina:					Banco Nacional de Costa Rica: Agricultural development	July 23, 1963	40	$\frac{3}{4}$	\$5,000,000
Central Housing Bank	June 3, 1963	40	$\frac{3}{4}$	\$12,500,000	Republic of Costa Rica:				
Route 12 road project	Jan. 21, 1963	40	$\frac{3}{4}$	6,700,000	Slum replacement housing	do	40	$\frac{3}{4}$	2,000,000
Road program loan	Mar. 18, 1963	40	$\frac{3}{4}$	30,500,000	Cachi hydroelectric project	do	40	$\frac{3}{4}$	1,500,000
Feasibilities studies	June 3, 1963	40	$\frac{3}{4}$	3,000,000	Metro emergency water supply	do	40	$\frac{3}{4}$	1,400,000
Grain storage facilities	Oct. 10, 1963	40	$\frac{3}{4}$	21,700,000	IBRC/AIC highway program	do	40	$\frac{3}{4}$	2,100,000
Bolivia:					COFISA: Financing subloans	Dec. 23, 1963	40	$\frac{3}{4}$	5,000,000
Government of Bolivia:					Dominican Republic: National Housing Bank: Savings & Loan Association	Jan. 2, 1963	40	$\frac{3}{4}$	2,100,000
Access roads	Aug. 1, 1963	40	$\frac{3}{4}$	7,200,000	Ecuador:				
La Paz-El Alto Highway	Aug. 17, 1963	40	$\frac{3}{4}$	3,400,000	Government of Ecuador:				
El Alto Customs Center	do	40	$\frac{3}{4}$	2,200,000	Quito-Quevedo road	Sept. 1, 1963	40	$\frac{3}{4}$	2,700,000
Banco Industrial, S.A.: Assist in financing subloans	do	40	$\frac{3}{4}$	2,400,000	Economic and engineering studies	Sept. 4, 1963	40	$\frac{3}{4}$	2,000,000
Government of Bolivia: Agricultural Bank	do	40	$\frac{3}{4}$	3,700,000	Administrative and fiscal reform	Sept. 2, 1963	40	$\frac{3}{4}$	1,600,000
Brazil:					El Salvador:				
Credito & Financiamiento S.A.: Development bank	Mar. 6, 1963	40	$\frac{3}{4}$	4,000,000	Republic of El Salvador:				
Cia. de Carbonos Coloidais: Carbon black plant	Mar. 11, 1963	40	$\frac{3}{4}$	2,000,000	Primary school construction	Sept. 18, 1963	40	$\frac{3}{4}$	2,400,000
Government of Brazil: Emergency stopgap assistance	Apr. 24, 1963	40	$\frac{3}{4}$	25,500,000	Agricultural loan program	do	40	$\frac{3}{4}$	8,900,000
Super Desenvolvimento, N.E.: Emergency electric power	Oct. 29, 1963	40	$\frac{3}{4}$	2,400,000	INSAFI	do	40	$\frac{3}{4}$	4,500,000
Chile:					Honduras: Government of Honduras:				
Government of Chile: Development program	Jan. 31, 1963	40	$\frac{3}{4}$	35,000,000	Small water systems	Aug. 22, 1963	40	$\frac{3}{4}$	1,050,000
Colombia:					Jamaica: Government of Jamaica: Project assistance	Nov. 29, 1963	40	$\frac{3}{4}$	1,500,000
Government of Colombia: Feasibility studies	June 26, 1963	40	$\frac{3}{4}$	4,000,000	Nicaragua: Government of Nicaragua:				
National Housing Institute of Colombia: Self-help housing	do	40	$\frac{3}{4}$	7,500,000	Las Mercedes Airport	July 25, 1963	40	$\frac{3}{4}$	1,000,000
Colombia Institute of Agrarian Reform: Supervised agricultural credit	do	40	$\frac{3}{4}$	10,000,000	Panama: Instituto de Acueductos: Water supply and sewerage system	Feb. 6, 1963	40	$\frac{3}{4}$	6,000,000
Government of Colombia: Mineral resources survey	Sept. 18, 1963	40	$\frac{3}{4}$	2,000,000	Peru:				
					Government of Peru:				
					Lima water, sewerage	Mar. 15, 1963	40	$\frac{3}{4}$	8,600,000
					Feasibility studies	do	40	$\frac{3}{4}$	3,000,000
					Uruguay: Banco Hipotecario del Uruguay: Home construction	Feb. 28, 1963	40	$\frac{3}{4}$	6,000,000

Loans made by the Agency for International Development to foreign countries during calendar year 1963 at $\frac{3}{4}$ of 1 percent for 40 years¹ (repayable in dollars)—Continued

Country, borrower, and purpose	Date of loan agreement	Number of years re-payment	Interest rate	Amount of loan	Country, borrower, and purpose	Date of loan agreement	Number of years re-payment	Interest rate	Amount of loan
LATIN AMERICA—continued					AFRICA				
Venezuela:					Cameroon: Government of Cameroon:				
C.A. Bank for Economic Integration:					Extension of railway system	Aug. 27, 1963	40	$\frac{3}{4}$	\$9,200,000
Feasibility studies	Nov. 29, 1963	40	$\frac{3}{4}$	\$2,500,000	Ethiopia: Government of Ethiopia: 3d				
Home loan department	do	40	$\frac{3}{4}$	10,000,000	highway program	Dec. 2, 1963	40	$\frac{3}{4}$	4,000,000
FAR EAST					Ivory Coast: Government of Ivory				
Korea: Government of Korea: Changsong					Coast: Highway equipment	Nov. 29, 1963	40	$\frac{3}{4}$	1,700,000
Coal Mine District	Dec. 7, 1963	40	$\frac{3}{4}$	9,500,000	Liberia:				
NEAR EAST AND SOUTH ASIA					Government of Liberia: National				
Afghanistan:					medical center	Dec. 5, 1963	40	$\frac{3}{4}$	5,300,000
Government of Afghanistan:					Monrovia Power Authority: MT				
Ariana Afghan Airlines	Mar. 23, 1963	40	$\frac{3}{4}$	2,625,000	coffee hydroelectric project	Sept. 26, 1963	40	$\frac{3}{4}$	24,300,000
Transport equipment	Dec. 3, 1963	40	$\frac{3}{4}$	2,000,000	Government of Liberia: Monrovia				
India:					Junior-Senior High School	Oct. 23, 1963	40	$\frac{3}{4}$	1,700,000
Government of India:					Mali:				
Ramagundam thermal power	May 21, 1963	40	$\frac{3}{4}$	8,400,000	Government of Mali:				
Delhi C thermal power	Mar. 8, 1963	40	$\frac{3}{4}$	16,000,000	Teachers Training College	Dec. 4, 1963	40	$\frac{3}{4}$	2,100,000
Satpura thermal power	do	40	$\frac{3}{4}$	25,100,000	Central Veterinary Laboratory at				
Central Ropeway F project	Oct. 21, 1963	40	$\frac{3}{4}$	7,700,000	Bamako	do	40	$\frac{3}{4}$	1,100,000
Nonproject imports	Feb. 25, 1963	40	$\frac{3}{4}$	240,000,000	Niger: Government of Niger: Develop-				
Chandrapura thermal stage II	Oct. 21, 1963	40	$\frac{3}{4}$	16,000,000	ment bank	Dec. 14, 1963	40	$\frac{3}{4}$	500,000
Fifth railway loan	do	40	$\frac{3}{4}$	15,850,000	Nigeria:				
Cugca coal washery plant	Nov. 29, 1963	40	$\frac{3}{4}$	5,100,000	Government of Nigeria:				
Tarapur nuclear power	Dec. 7, 1963	40	$\frac{3}{4}$	80,000,000	Ibadan water supply	Dec. 4, 1963	40	$\frac{3}{4}$	12,100,000
Nepal: Government of Nepal: Nepal In-					Calabar-IKCM Road	do	40	$\frac{3}{4}$	8,600,000
dustrial Development Corp.	Dec. 8, 1963	40	$\frac{3}{4}$	1,000,000	Somalia: Government of Somalia: Chisi-				
Pakistan:					maio port	do	40	$\frac{3}{4}$	3,600,000
Government of Pakistan:					Sudan:				
Sawmill and timber extraction	Oct. 23, 1963	40	$\frac{3}{4}$	2,200,000	Government of Sudan:				
Malaria eradication program	Feb. 28, 1963	40	$\frac{3}{4}$	3,800,000	Industrial development bank	July 14, 1963	40	$\frac{3}{4}$	2,000,000
Airport and airways equipment	Mar. 22, 1963	40	$\frac{3}{4}$	2,100,000	Khartoum sewerage	Dec. 7, 1963	40	$\frac{3}{4}$	3,800,000
Salin content and reclamation	do	40	$\frac{3}{4}$	10,800,000	Tanganyika:				
project No. 2	Mar. 27, 1963	40	$\frac{3}{4}$	30,000,000	Government of Tanganyika:				
General commodities, 2d	Mar. 22, 1963	40	$\frac{3}{4}$	3,600,000	Cares Salaam water supply system	May 20, 1963	40	$\frac{3}{4}$	2,200,000
Chalna anchorage project	Mar. 27, 1963	40	$\frac{3}{4}$	2,000,000	Urban water supplies	Dec. 4, 1963	40	$\frac{3}{4}$	1,300,000
Feasibility studies	Aug. 15, 1963	40	$\frac{3}{4}$	750,000	University college	Oct. 9, 1963	40	$\frac{3}{4}$	800,000
CPS and Maini-Rechna DCAB	do	40	$\frac{3}{4}$	6,500,000	Teacher training college	Dec. 4, 1963	40	$\frac{3}{4}$	800,000
project	do	40	$\frac{3}{4}$	4,400,000	Commodity development train-	do	40	$\frac{3}{4}$	250,000
Coastal embankment project	Sept. 28, 1963	40	$\frac{3}{4}$	70,500,000	ing center				
General consultants	Dec. 9, 1963	40	$\frac{3}{4}$	1,500,000	Agricultural college	do	40	$\frac{3}{4}$	1,250,000
3d commodity loan	Nov. 20, 1963	40	$\frac{3}{4}$	5,600,000	Program loan	Dec. 6, 1963	40	$\frac{3}{4}$	1,000,000
General services in public health	do	40	$\frac{3}{4}$	4,700,000	Electrical equipment	do	40	$\frac{3}{4}$	300,000
Investigative services	Oct. 23, 1963	40	$\frac{3}{4}$	5,000,000	Tunisia:				
5th railway loan	Dec. 9, 1963	40	$\frac{3}{4}$	1,500,000	Government of Tunisia:				
Telecommunication expansion	Nov. 20, 1963	40	$\frac{3}{4}$	35,000,000	Water and irrigation projects	Feb. 15, 1963	40	$\frac{3}{4}$	2,400,000
Machinery pool Organization	do	40	$\frac{3}{4}$	14,500,000	Commodity assistance	June 20, 1963	40	$\frac{3}{4}$	15,000,000
WAPCA	Oct. 23, 1963	40	$\frac{3}{4}$	4,700,000	Construction of university	Oct. 31, 1963	40	$\frac{3}{4}$	1,800,000
Mechanical equipment	Dec. 9, 1963	40	$\frac{3}{4}$	5,000,000	Agricultural equipment	do	40	$\frac{3}{4}$	6,500,000
Turkey:					Uganda:				
Government of Turkey:					Government of Uganda:				
Keban and Ciceroz feasibility	July 15, 1963	40	$\frac{3}{4}$	350,000	Development bank	Oct. 4, 1963	40	$\frac{3}{4}$	2,000,000
studies	Oct. 15, 1963	40	$\frac{3}{4}$	3,000,000	Secondary schools	Oct. 11, 1963	40	$\frac{3}{4}$	2,400,000
Feasibility studies	Sept. 11, 1963	40	$\frac{3}{4}$	35,000,000					
General commodities					Grand total for all countries				1,057,925,000
United Arab Republic-Egypt:									
Government of United Arab Re-									
public:									
Cairo West power project	Feb. 20, 1963	40	$\frac{3}{4}$	30,600,000					
Cardboard project	Nov. 12, 1963	40	$\frac{3}{4}$	5,700,000					

¹ Source: "Status of Loan Agreements" (W-224), Agency for International Development, as of Mar. 31, 1964, Office of the Controller, AID.

	Total amount
Argentina	\$74,400,000
Bolivia	18,900,000
Brazil	33,900,000
Chile	35,000,000
Colombia	23,500,000
Costa Rico	17,000,000
Dominican Republic	2,100,000
Ecuador	6,300,000
El Salvador	15,800,000
Honduras	1,050,000
Jamaica	1,500,000
Nicaragua	1,000,000
Panama	6,000,000
Peru	11,600,000
Uruguay	6,000,000
Venezuela	12,500,000
Korea	9,500,000
Afghanistan	4,625,000
India	414,150,000
Nepal	1,000,000
Pakistan	169,450,000
Turkey	38,350,000
United Arab Republic	
(Egypt)	36,300,000
Cameroon	9,200,000

	Total amount
Ethiopia	\$4,000,000
Ivory Coast	1,700,000
Liberia	31,300,000
Mali	3,200,000
Niger	500,000
Nigeria	20,700,000
Somalia	3,600,000
Sudan	5,800,000
Tanganyika	7,900,000
Tunisia	25,700,000
Uganda	4,400,000
Total	1,057,925,000

INTEREST EQUALIZATION TAX ACT—AMENDMENTS (AMENDMENT NO. 1176)

Mr. GORE submitted amendments, intended to be proposed by him, to the bill (H.R. 8000) to amend the Internal Revenue Code of 1954 to impose a tax on acquisitions of certain foreign securities in

order to equalize costs of longer term financing in the United States and in markets abroad, and for other purposes, which were ordered to lie on the table and to be printed.

NOTICE OF HEARINGS ON SENATE RESOLUTION 204, RELATING TO PERSECUTION BY THE SOVIET UNION OF PERSONS BECAUSE OF THEIR RELIGION

Mr. FULBRIGHT. Mr. President, as chairman of the Committee on Foreign Relations, I desire to announce that the committee will hold a public hearing on the resolution (S. Res. 204), condemning persecution by the Soviet Union of persons because of their religion, beginning at 10:30 a.m. in room 4221, New Senate Office Building, on Monday, August 10.

deposited in the Age of Reptiles may be seen in the exposed strata. In 1957, the year before construction of that visitor center, the number of visitors to Dinosaur National Monument was 66,000. By 1959, it had increased to 112,000. Now it is over 200,000 annually.

The National Park Service has estimated that, by the time Agate is fully developed, in about 5 years, the number of visitors will be at least 120,000, and possibly 200,000 or more.

The National Park Service plans a development program estimated to cost \$1,902,000 during the first 5 years, probably 90 percent which can be spent locally on labor and supplies and materials. When fully staffed and developed at the end of 5 years, the operating program for management and protection and maintenance of the area will require about \$135,000 a year.

The committee unanimously approves the proposal.

Mr. HRUSKA. Mr. President, the action of the Senate in taking up and acting upon this bill, S. 1481, to establish the Agate Fossil Beds National Monument, is most gratifying.

The purpose of the bill is to preserve and provide for the orderly development by the National Park Service of the paleontological deposits located at Agate Springs in western Nebraska. The site has been described as the most remarkable deposit of mammalian remains of the Tertiary age that have ever been found. They are unique and irreplaceable, and therefore must be protected.

We of Nebraska are particularly proud of the manner in which these fossil remains have been protected and developed to date. By an extraordinarily fortunate accident of history the deposits were first discovered by one who had the imagination and understanding to see the tremendous importance of preserving them and investigating their scientific significance in an orderly way.

They were discovered in the 1870's by Capt. James H. Cook, Indian scout and frontiersman, and later author of "Fifty Years on the Old Frontier." Captain Cook recognized the potential importance of the deposits and brought them to the attention of geologists and paleontologists, and later acquired title of the property on which they were located. Under his ownership and that of his son, Dr. Harold Cook, a noted paleontologist himself, the deposits were carefully protected against destruction or misuse, but were made freely available to scientific expeditions interested in their systematic exploration.

Dr. Harold Cook died 2 years ago and a danger now exists that, unless timely action is taken to provide for their systematic care, these irreplaceable deposits may be destroyed or dissipated. Furthermore, it is intended by the Park Service to develop the quarries on the spot in a manner to permit students, tourists, and others to view the deposits in the condition in which they are found in the ground.

Aside from its scientific importance, this monument is of especial significance as part of a developing network of tourist facilities in a four-State area comprising Nebraska, South Dakota, Wyoming, and Colorado. The National Park Service has announced that its devel-

opment program for the monument is to cost slightly less than \$2 million. The Park Service has also projected that, by the time Agate is fully developed in about 5 years, the number of visitors annually will amount to between 120,000 and 200,000. It seems certain that this volume of tourist traffic will bring into the area well over \$500,000 per year from outside.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar at this time.

Mr. President, with the same proviso, that the senior Senator from Oregon [Mr. MORSE] not lose his right to the floor, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEE MEETING DURING SENATE SESSION

Upon request of Mr. MANSFIELD, and by unanimous consent, the Committee on Appropriations was authorized to meet during the sessions of the Senate for the week beginning August 3, 1964.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum under the conditions previously stated.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. MORSE. Mr. President, as the CONGRESSIONAL RECORD will show, I announced on Saturday, following the speech of the able chairman of the Senate Committee on Foreign Relations, the Senator from Arkansas [Mr. FULBRIGHT], that I would answer his speech today. First, I wish to make the following brief comment as to what my position will be on procedural questions during the course of the debate of foreign aid.

It is my hope, and it will be my intention, to cooperate in fulfilling that hope, that the Senate will dispose of the foreign aid bill by the end of this week—sooner, if possible. I have already notified the majority leader that I am delighted to cooperate in as many night sessions as he cares to hold for as long as

he cares to hold them. This year, as last year, however, I shall insist that the foreign aid bill be debated under the rules of the Senate without any agreements to limit time or to fix a time certain to vote. I have also made clear to the majority leader that I hope that those of us in opposition to the bill will receive the cooperation of the majority in our requests for yea-and-nay votes on amendments that we think ought to be made a matter of rollcall record.

The time schedule of the Senate is well known. The record on foreign aid in the past several years, both pro and con, has been made over and over again in the Senate. By and large most Senators probably know now how they are going to vote on the major issues connected with the bill, irrespective of what is said during the course of the debate. But that does not in any way diminish the trust that each Senator owes to the country and to his own constituents to make the record. I am hopeful—and my cloakroom discussions with some of my colleagues seem to justify that hope—that in respect to some of the amendments that some of us will offer during this week on the bill, all minds have not been made up, and that there are still Senators who will study the record.

A good many Senators are absent today because of a very sad journey that the funeral group is making to California to pay respects to our beloved Clair Engle. I wish the RECORD to show that I would have taken that trip, but I agreed to remain in Washington today to make the first speech in opposition to the foreign aid bill so that the final vote on the bill could be advanced by that much time. But bearing out what I have said—that minds are pretty well made up—one need only to look at the attendance in the Senate at the present moment to know whereof I speak.

Absentees will graciously say that they will carefully read the RECORD—and I hope they will. Nevertheless, it is some indication, I suppose, that a majority of Senators would welcome voting tomorrow without any debate at all. Yet those of us in opposition to the bill intend to make a record this week that the proponents of the bill will have to live with, and for which the proponents of the bill will have to answer to their own constituency, not only this year, but also in the years immediately ahead.

Mr. President, we have heard it said over and over again that major reforms in the foreign aid program ought to be adopted. Last year, the Foreign Relations Committee, in its report to the Senate, said it thought the reforms ought to be adopted the following year. That year has passed. The reforms have not been adopted.

In the debate last year it was argued over and over again, "Pass this bill and we will adopt reforms in the coming year." As of the moment I speak, the policy of foreign aid is about the same as was the policy of foreign aid a year ago.

Ten days ago a very high official of the State Department said to me:

We have analyzed your minority views, and we find them very disturbing, because

we recognize that so much of what you said is correct. We want you to know, Senator, that between now and next year the criticisms that you have brought out in those minority views—and there are many of them that are unanswerable, in our opinion—will be answered by changes in policy that will be adopted.

To that high official of the State Department I said:

I have heard the same thing over and over again for the last 10 years, and you have not adopted reforms. What makes you think I should place confidence in your statement?

Mr. President, that is a sad statement to have to make, but the record is undeniable. Year after year the State Department, the Pentagon, and the AID officials have been brought up to a consideration of needed reforms only to urge upon the Congress that it pass the bill and let them work on reforms in the ensuing year. I mean not to be unkind, but I speak out of long experience with the executive branch of the Government. In my judgment, no reforms in foreign aid will be adopted, to any substantial degree, except when adopted by the Congress.

If Congress is looking for conversion among State Department, Pentagon, and foreign aid officials with respect to foreign aid and is expecting to have that conversion result in the necessary reforms essential to eliminating great abuses in foreign aid, the Members of Congress who so think are engaging, in my opinion, in wishful thinking. Neither the State Department, the Pentagon, nor the AID officials will carry out reforms on their own volition. Such reforms will be adopted only if Congress adopts them.

I shall make the record of the reasons for my opposition to the foreign aid program, because the people of this country are entitled to have that record made.

As I have said so many times, I would vote for more foreign aid than any administration in recent years has recommended. It is difficult for people to understand that one can oppose a specific foreign aid bill, as I have opposed the foreign aid bills of the past 10 years, including this year, and still be for foreign aid. But my own amendments have shown the kind of foreign aid I would support. I would vote for more than \$3,500 million of foreign aid, if it were a foreign aid program that protected the American taxpayers. It would be a foreign aid program that strengthened the American image abroad. It would not be a foreign aid program which the Comptroller General of the United States, in report after report, has pointed out results in shocking inefficiency, the waste of hundreds of millions of dollars, and much corruption in many countries of the world, particularly the underdeveloped areas.

In a broad brush stroke or two, let me say that I am a loan advocate in foreign aid. I am a project-to-project man in foreign aid. I would lend more money for needed economic projects around the world than would this administration, or the previous administration, or the administration previous to that one, has

been willing to recommend. But they would be loan programs, not grant programs.

They would not be deceptive loans, as are so many of the so-called loans today. The word "loan" should always be put in quotation marks when used by the AID officials downtown. So much of the loan program in this bill spells the word "deception," for they are not loans at all. The so-called loans are made at a cost of three-quarters of 1 percent, with a 10-year grace period, and then they are to be paid, not in American dollars, but in the soft currencies of the countries concerned. To use the word "loan" in that connection is a deception of the American taxpayer. This Senator will not be a party to that deception. The American people are entitled to receive from their Government protection of their money.

The "loan" program we have today is not only a grant program, but it is a giveaway program, based upon deceit.

That abuse in the foreign aid program must be eliminated before the Senator from Oregon will vote for foreign aid. I will vote for a foreign aid program involving more money than this bill calls for, or that the predecessor bill called for, or that the various Eisenhower bills called for, but it must be a program of loans based upon sound economic development projects that will do something to better the economic standard of living of the people of the underdeveloped areas that live within the shadows of their economic environments. They must not be so-called loans to governments.

Read what the Comptroller General of the United States has said. He is our watchdog. He is an agent of the Congress of the United States. His spot-check survey of foreign aid in recent years has brought out the facts. Before the debate is over this year I shall again pile on my desk the reports of the Comptroller General, some of which are marked "Secret." I have yet to read a single report of the Comptroller General that really is "secret." Every report of the Comptroller General that I have read contains material that should be made available to the taxpayers of the United States. If the taxpayers of the United States could read the shocking reports of the Comptroller General of the United States, they would demand a housecleaning in foreign aid, and quickly.

Mr. President, I am against so-called "loans" to governments, for too much of that money lines the pockets of corrupt politicians abroad. We ought to put our money in dams, in refineries, in industrial plants, in roads, in irrigation-reclamation projects. We ought to put our money in economic projects which a study shows will do something about the deplorable condition of the standard of living of people living in those sad areas of the world. Until we do it, all the money we pour down the ratholes of those countries will not save them from communism, but make Communists.

The State Department, the AID officials, and the Pentagon do not like to hear it said, but it is true. A great deal

of our foreign aid program has played into the hands of communism abroad, because the people in those areas of the world know that so little of it trickles down to the benefit of most of the people, and too much of it is absorbed by politicians who function as sponges, soaking up millions of dollars of American taxpayer money which have come to comprise the phony "loans" and grants, by the millions, of American taxpayer money.

I am also a line-of-credit man. I am not in favor of turning a great deal of money over to any group. To use a hypothetical instance, speaking as chairman of the Subcommittee on Latin American Affairs, I would vote much more money by way of development loans to Latin America, related to specific projects, than the bill calls for, or any administration has recommended, if the governments of Latin America showed they are ready to use it effectively.

However, I would insist that the money be loaned under a hard money policy, with an interest rate charged that will pay for the use of the money, which at the present time, according to the latest Treasury reports, would be in the neighborhood of 3 percent, not three-quarters of 1 percent. The money would be drawn upon as the dam went up segment by segment, or the refinery went up part by part, or the irrigation-reclamation projects proceeded segment by segment. What is wrong with that? That is a pretty good way to build in the United States. What is wrong with building that way in other countries, when we are using taxpayer dollars?

Whenever any of us wish to build a reclamation project in our State, or build a great dam in our State, or put up any other public works, what do we have to show? We must show a benefit-to-cost ratio favorable to the project. We should. That is not a requirement in foreign aid.

We get a great deal of lipservice from the AID officials. However, Congress has not written that check into foreign aid. I believe that there should be a congressional check on the expenditure of taxpayer dollars on individual projects, one by one. We require that kind of check in the United States.

It will be said that that would be offensive to the country in which the money would be used. My answer is that it is our money. If a country does not want the money under such reasonable checks, it does not have to ask for it. Senators will note that I said "ask for it." The history of foreign aid is that we often ram a great deal of foreign aid down the gullets of many countries which do not ask for it. That has given rise to many abuses.

I shall offer my amendment again, as I did last year, to bring to an end completely all foreign aid at the end of fiscal 1966. Last year I offered it to apply at the end of 1965.

Let us start all over. That is the way to bring about a foreign aid program free from abuses. Let us start all over. Let us limit foreign aid to a maximum of 50 countries. We will have a hard time

finding 50 countries in the world with which we can justify entering into foreign aid agreements. Let us limit it to 50 countries on their application. I say, on their application, Mr. President. Let us do that, instead of urging them to take the largess of the taxpayers of the United States, as is still being done to a great extent. Let them come forward and apply. Let them apply for projects which they think they can justify. Let them agree to meet conditions that sound administration of a foreign aid program dictates.

What is wrong with that?

I am still waiting to hear from the State Department, the AID officials, and the White House as to what is wrong with that philosophy.

Do they have good projects? If they do not have good projects that are self-liquidating—I am talking now about the loan projects—why should I vote to waste American taxpayer money on projects that are unsound? If they have projects that will pay out, and are unwilling to borrow money, they should not be allowed to get it.

Later in the week, I shall speak about another abuse. It refers to our pouring out millions of American taxpayer dollars at three-quarters of 1 percent interest, and a great deal of it in the form of out-and-out grants. Much of that money has been used by those governments to pay back some of our alleged allies, and some who are not allies even with the “alleged” as a prefix, with whom they have entered into loan arrangements at 5 percent and 6 percent interest. In that way the American taxpayer assumes the obligation.

No jury would approve of such a practice. I am making a plea in my speeches this week that the Members of the Senate at least carry out their duties as legislative jurors. If they carry out their duties as legislative jurors, they cannot underwrite the present loan program.

Many Americans like to stick their heads in the sand and engage in the psychologically comforting experience of wishfully thinking that it could not be that bad.

To the American people I address this question: “When are you going to get busy and make it perfectly clear to your Government that government by secrecy must end?” I say to the American people: “You will not remain free indefinitely if you permit administration after administration to deny you the facts, for you are entitled to know about the expenditure of your money under the label ‘Secret.’”

I repeat what I have said so many times in my 20 years in the Senate; 85 percent of the material marked “Secret” that has come before the Committee on Foreign Relations and that came before the Committee on Armed Services when I was a member of that committee never should have been marked that way in the first place. It is marked “Secret” primarily to keep the American people uninformed. But in a democracy, there is no substitute for a full public disclosure of the public’s business. One of the great reforms needed in the field of for-

eign aid is to lift the curtain of secrecy that veils it and to give the American people the facts.

I wish now to say a word about my position with regard to grants. It is a position I have taken for some time. I shall vote for grants. I shall not vote for grants in the amounts that the administrations, present and past, have sought and succeeded in getting. There are a good many nonloan programs that are as much needed abroad as are the loan programs. I shall vote for grant money for health programs, food programs, programs for the alleviation of starvation, programs for the meeting of disasters, and baby care programs. It has always been interesting to me to observe how the foreign aid advocates use those causes as a justification for carrying along other grants that cannot be justified to the tune of hundreds of millions of dollars.

Last year I stated in the debate that since 1946 the American people have contributed a little more than \$100 billion in foreign aid. The latest figures I have received show that the amount is greater than \$104 billion. That is a huge amount of money. I do not see how anyone can argue that on the basis of policies that continue to permeate the foreign aid bill, we will not weaken the economy of the country. The economy of the country is the greatest defense weapon we have.

The arguments I have made thus far in my speech are merely a recapitulation of the major arguments I made last year. I merely add the statement that there has been no change, in my judgment, in foreign aid policy that would not justify my making the same argument, point by point, that I made last year in opposition to foreign aid as it is now devised and administered. Therefore, I incorporate by reference the major arguments I made last year.

I turn now to my arguments and objections concerning the bill that is presented to the Senate this year.

PRESENTATION OF 1964 PROGRAM

This program is presented to Congress year after year under false pretenses. Economic development remains a secondary purpose, and not the primary purpose of foreign aid.

Every public presentation of foreign aid calls it an investment in the economic future of the struggling and impoverished nations. But that is not the purpose for which we spend most of the money. Until we do, foreign aid is not promoting the real interests of the American people.

The chairman of the Committee on Foreign Relations told the Senate on Saturday:

All that is markedly new about this year’s foreign aid bill is the amounts proposed to be authorized, which are greatly reduced below the levels of previous years.

What a sad commentary on the extensive recommendations by the majority of the committee last year for a revised and revamped foreign aid program. Senator FULBRIGHT is quite right. There is nothing new about the program this year except the amounts, but I am ashamed that

the Foreign Relations Committee would accept such a situation after the report it published last year calling for extensive changes. The Committee on Foreign Relations voted for the bill. Where are those changes?

The fact that the committee year in and year out gives nothing but lip service to reform in foreign aid is exactly why there never is anything markedly new in what the administration sends up. Aid administrators have learned that the committees having jurisdiction over the program are paper tigers, and that the committees are content to confine their misgivings to print, without doing anything about them.

I have long since come to the conclusion that only the Senate and the House of Representatives acting as a whole can make worthwhile changes in foreign aid. We have already made some.

Senator FULBRIGHT also bemoans what he regards as an undue examination of foreign aid by Congress relative to space and military programs. But our failures in those areas do not mean that we should fail, too, to give foreign aid the careful examination it needs. In all three areas, the responsible committees are too often the representatives of administration programs, rather than their critics and reformers.

If Congress ever is to give the study it should to international and foreign policy appropriations, it is going to have to start with foreign aid. I remind the committee chairman that a good third of this program—right off the top—is for exclusively military purposes. When are we, in the committee and in the Senate, going to delve into the purposes and administration of the military aid program? When are we going to give it the kind of examination the chairman thinks should be given to the space program and to Defense Department appropriations?

He knows that year after year the Foreign Relations Committee accepts in almost dead silence whatever the Defense Department tells it about military aid. We shove the critical reports of the Comptroller General under the table when the Secretary and Assistant Secretaries of Defense testify because we do not want to embarrass them with challenges to their decisions, even when the challenges come from the Comptroller General, and not even from ourselves.

We have yet so much as to question the basis of foreign aid, which is that military solutions are possible for economic problems. The chairman has questioned that assumption in the abstract, but I say it is time we questioned it in its specific, and the place to start is with the foreign aid program. I continue to hope that someday he will join me in this endeavor.

A good deal more of the foreign aid program is for political purposes. Again, I do not believe that political solutions—and they are closely tied to military objectives—are any answer for economic problems.

The United States has little or no control over the military forces of the nations receiving our military aid, and

it has little control over the political objectives to which other countries may put our aid. If we really believe that it is in economic development abroad that the interests of the United States really lie, then why are we so fearful, so timid, so reluctant to reexamine foreign aid and devote the bulk of it to economic development?

COMPARISONS WITH OTHERS

Much is made each year of the percentage of gross national product that other free and Communist nations spend on aid to less developed countries, relative to the United States.

This was one of the favorite arguments of the chairman of the committee in the committee sessions. It should be analyzed, because it is a propaganda argument which is being used to pull the wool over the eyes of millions of American taxpayers.

I have come to the conclusion that the percentage of gross national product is used because it is the only way that the foreign aid programs of other nations can be made to appear even reasonably close to that of the United States.

The Foreign Relations Committee went into this matter in our hearings. AID Administrator Bell furnished for the printed hearing record a lengthy memorandum concerning the aid programs of other nations.

I particularly invite attention to the table on page 335 of the hearings. It shows the 1962 bilateral aid commitments of all developed countries of the free world, and the percentage of such bilateral aid of the gross national product of each. It indicates that only France, with 1.6 percent and Portugal, with 2.21 percent, extended a larger percentage of their gross national products in aid to less developed countries than did the United States. Moreover, in the case of Portugal, this aid went to possessions in Africa which, according to Portuguese officials, are part of Portugal and by their sights should not be counted as foreign aid at all. In the case of France, a very large bulk of French aid still goes to former French colonies in Africa. As Mr. Bell stated, it takes the form of budget support to the new governments of these former colonies. In 1962, 86 percent of French bilateral aid was for these grants.

There is a "gimmick" even in this, because France is one of the worst offenders in the world in discriminating against the legitimate trade interests of the United States. The countries to which France is granting aid are still considered by her to be a part of its economic empire. Furthermore, she still exerts great influence upon them in regard to their trade practices.

I am not opposed to what France and these other countries are doing. But they are doing it to maintain the direct commercial and political ties with these countries or possessions that were built up over decades of colonialism.

It is a rather weak reed which the AID people in the State Department lean on to cite examples of Portuguese and French aid, in order to bring up the

average for all countries extending development assistance.

Interestingly enough, France and Portugal have been recipients of substantial aid from the United States since 1946.

The same table on page 335 indicates that in 1962 the United States committed 0.84 percent of its gross national product to bilateral aid to less developed countries, Germany 0.50 percent, Great Britain 0.70 percent, Japan 0.51 percent, Belgium 0.55 percent, and the others on down to 0.01 percent by Denmark.

The table for 1963 shows the commitments by these countries, but not as a percentage of gross national product for 1963. However, in several cases, the commitments are down from 1962. This is true of France, Great Britain, Portugal, and the Netherlands. The commitment by Norway is the same and that of Japan is up only to \$268 million from \$265 million the year before. Canada, Denmark, Belgium, Germany, and Italy increased their commitments. But all free world aid other than U.S. aid was up, in 1963, only \$263 million above the commitment for 1962. And in 1962, their aid as a percentage of their gross national products totaled 0.60 percent, as compared to 0.84 percent for the United States.

When we take into account the even more tremendous difference between the American effort for national defense and the defense effort of these same countries—and the U.S. effort was exactly double that of our industrially developed allies—it is evident that they will let Uncle Sam carry the international burden as long as we continue appropriating the money.

On that point, let me stress that our AID program does not begin to cover our foreign assistance program, because the AID program does not begin to cover the expenditures of our own forces abroad. Consider military aid. The military aid program that we make available—I do not care what part of the world is touched—does not include the expenses of maintaining our own military forces in that area, under whose canopy of defense all those areas live and have their security.

Later in my speech, I shall have something to say about my criticisms of military aid, but I wish to drive this point home now.

The expenditure for aid to South Vietnam now is somewhere between \$1½ million and \$2 million a day. It will go up and up in skyrocketing fashion if we continue our aggressive policies in southeast Asia, and continue to provoke attacks upon us in southeast Asia on a unilateral military basis.

But even as of now, our military aid program does not take into account the millions of dollars which are being spent on our own military operations in the area. When all is said and done, it is those operations which provide security and protection to the nations of southeast Asia. They all live under the canopy of American military might. It is our air armada, our 7th Fleet, and our thousands of boys who are distributed in that

area of the world, that provide them with their defenses.

If we got into a war with Russia tomorrow, in many instances their own military programs would be of no value to us whatsoever. They would become liabilities. We should not be using them, because we all know the kind of war that would be. That is one of the reasons—as I shall show later in this speech—why I shall be offering amendments on this question, in the course of the debate, to cut drastically American military aid because, by and large, it is a shocking waste of American taxpayers' dollars. That military aid does not strengthen one iota the defense of this Republic. The security of this Republic is dependent, after all, on the nuclear might of the United States, upon our air and naval armada.

Another table prepared by Mr. Bell shows the actual disbursements for bilateral and multilateral aid in 1962. Since the table did not show this total as a percentage of each country's gross national product, I asked the aid agency to calculate that percentage for me, and have added it to the table III which appears below.

It is this figure which shows the proportion of their gross national product that developed free world countries spent on aid to less developed countries in 1962, in both bilateral and multilateral aid programs. For France, the percentage was 1.39, for Germany 0.50, for Great Britain 0.53, for Japan 0.32, for Belgium 0.76, for Portugal 1.36. For the United States the percentage was 0.65 and for all other development assistance countries it averaged 0.58.

Aid commitments to the less-developed countries from development assistance countries other than the United States have risen only \$300 million from 1961 to 1963. Their grants as a percent of their total dropped from 55 to 48 percent, while ours dropped only from 66 to 60 percent.

If there are those who can find comfort in these figures, they are easily comforted.

Mr. President, I ask unanimous consent to have the AID memorandum printed at this point in the RECORD.

There being no objection, the AID memorandum was ordered to be printed in the RECORD, as follows:

TOTAL FREE WORLD AID

A decade ago the United States was the only important source of aid to the developing countries. Today 17 free world countries other than the United States—many of them former recipients of U.S. economic aid—conduct substantial assistance programs. Eleven of them—Belgium, Canada, Denmark, France, Germany, Italy, Japan, the Netherlands, Norway, Portugal, and the United Kingdom—are members of the DAC. They account for some 95 percent of the bilateral aid from all 17 countries. The other 5 percent comes from six nonmembers of the DAC: Australia, Austria, Kuwait, New Zealand, Sweden, and Switzerland.

International agencies such as the World Bank, the International Development Association, the European Development Fund, and the Inter-American Development Bank are also channeling large amounts of capital and technical assistance to the developing

world. Ten years ago the World Bank was the only multilateral source of capital for this purpose.

There has been a significant growth in the programs of these aid donors. The total volume of free world aid commitments to the less-developed countries increased from \$6.5 billion in 1960 to \$8.4 billion in 1962 (the last year for which complete commitment figures are available). This represented an increase in commitments from all three major aid sources: the United States, other donor countries, and international organizations.

Commitments from sources other than the United States increased at the greatest rate. Whereas U.S. bilateral commitments went up 20 percent between 1960 and 1962¹ commitments from multilateral agencies and other donors rose 64 percent and 34 percent, respectively. As a consequence, the U.S. share of the total aid bill declined. By 1960 some 40 percent—or \$2.6 billion—of aid commitments came either from multilateral agencies or from free world bilateral sources other than the United States. By 1962 this had risen to 44 percent, or \$3.7 billion.

It should be noted that some of the aid funds committed by the multilateral agencies are supplied by the United States. Those agencies finance their aid activities partly with Government funds and partly with funds derived from earnings, repayments, and private capital. In 1962, for example, the international agencies received a total of \$665 million in Government grants and subscription payments from the DAC countries. The U.S. share of this was 42 percent and the other DAC countries provided 58 percent. Therefore, it is clearly in our interest to have these multilateral agencies increase their aid programs so long as every dollar from the United States is matched by a significantly larger contribution from others.

In addition to support from U.S. and other DAC government subscriptions, the multilateral agencies also receive contributions from non-DAC governments, and obtain a substantial share of their financing from repayments and from private capital markets. In 1962, for example, \$307 million—more than half the World Bank's total financing that year—came from the sale of loans to the private sector.

One result of the growing volume of aid is that the United States is now bearing a smaller share of the aid burden. Another is that greatly increased resources are available to the developing countries, thereby quickening their prospects for growth and stability. Moreover, we are witnessing the emergence of more donor countries. Israel, the Republic of China on Taiwan, and Mexico now provide technical assistance to nations less developed than themselves. We hope this list will continue to grow as more countries approach economic self-reliance.

ARE OTHERS DOING ENOUGH?

The mere fact that other countries are contributing more aid each year does not answer the question of whether they are doing enough.

This is not an easy question to answer. There is no internationally agreed standard for evaluating aid performance, and there is even disagreement over what should be counted as aid. The attached table I shows some indications of aid performance for 1962.

This year's report by the President's Council of Economic Advisers suggested several

¹ The three main types of economic aid included in the U.S. aid figures used in this statement are: (1) Economic aid under the Foreign Assistance Act, (2) loans made by the Export-Import Bank to less-developed countries for terms of more than 5 years, and (3) provision of U.S. surplus agricultural commodities under Public Law 480.

measures of the ability and the interest of donors to sustain aid programs: their gross national product, the size of their defense burden, and their dependence on trade with the less-developed countries. These indicators produce this comparison for calendar year 1962:

"The 1962 bilateral aid commitments of the other DAC countries combined amounted to six-tenths of 1 percent of their GNP compared with slightly more than eight-tenths of 1 percent for the United States that year. France and Portugal committed a considerably larger share of GNP than did the United States: 1.26 percent for France, and more than 2 percent for Portugal. The average for the other DAC countries excluding France and Portugal was only four-and-one-half-tenths of 1 percent.

"The per capita GNP of the other DAC countries, however, is far smaller than ours. In 1962 per capita GNP averaged \$1,135 for other DAC countries. This is only about 40 percent of the \$2,974 per capita GNP for the United States that year.

"Other DAC countries are not spending as much for defense as the United States. Their defense expenditures in 1962 averaged 4.7 percent of GNP, compared to 9.4 percent for the United States.

"Other DAC countries have a greater relative stake in trade with the developing countries than we do. That is, a larger percentage of their GNP—7.5 percent on the average—depends on trade with the developing countries as compared with 2.4 percent for the United States. Despite this, they finance a smaller share of their trade with aid commitments than we do. Their aid financed 17.6 percent of their 1962 exports to developing countries, whereas in the same year nearly 65 percent of U.S. exports to developing countries were financed by aid. Only France, with 37.1 percent and Portugal, with 45.8 percent, approached the U.S. performance."

Weighed together, these comparisons suggest that DAC countries other than France and Portugal could reasonably be expected to increase their aid commitments. Some are doing so. Canada intends to raise its aid expenditures 50 percent in 1964, over a level already raised in 1963. Denmark and Norway say their target is an eventual aid level of 1 percent of GNP. The United Kingdom and Japan have announced their intention to increase the size of their assistance programs. But some others—notably Germany, which we believe could well afford it—show no signs of doing so.

TERMS OF AID

We are concerned not only with the volume of aid from other donors but with the financial terms on which it is given. The attached table II shows the terms of bilateral aid from 1961 to 1963.

In the aggregate the record of the other DAC countries on grant aid is good. In 1962 the 11 DAC aid givers provided 56 percent of their total bilateral aid, or more than \$1.3 billion per year, on a grant basis. The comparable U.S. figure for the same year was 65 percent, or \$3 billion. However, if \$1.7 million of Public Law 480 is excluded, 46 percent of our 1962 aid was on a grant basis.

Two-thirds of the grants of the other DAC countries in 1962 financed capital projects and commodity imports. The remaining one-third financed technical assistance.

"Some 26,000 students and trainees from less-developed countries were supported by the other DAC countries that year, compared to 10,388 financed by the United States.

"A total of 75,000 operational and advisory personnel financed by other DAC countries were helping to fill the human resources gap in less-developed countries that year, compared to about 8,500 from the United States."

The loan programs of the other DAC countries are all conducted on less favorable terms than ours. But the last few years

have seen marked changes for the better, and we anticipate further liberalization in the future. Take maturities, for example:

"In 1962, U.S. loans to less-developed countries carried an average maturity of 29.9 years.

"No German loans carried more than 5 years' maturity in 1959. By 1961 new German commitments averaged 14.5 years. By 1962 they averaged 17 years. Preliminary figures show the average climbed to 20.2 years in 1963.

"Britain announced a new policy last fall of offering loans up to 30 years' maturity.

"Canada has announced its intention to supplement its existing grant and hard loan programs with a new soft loan program on terms approximating those of the International Development Association: 50 years' maturity, three-fourths of 1 percent interest and 10 years' grace.

"In 1962 Italy made no loans for more than a 12-year repayment period. Since then, however, Italy has made one large loan with an 18-year maturity and another of 25 years' maturity."

Interest rates on the aid loans of other DAC countries have been high—often, in our judgment, much too high for those of the developing countries with serious balance-of-payments problems. In both 1961 and 1962 they averaged 5.1 percent as against 2.6 percent in 1962 for the United States. Our average will rise in the future because of the higher minimum interest rates on AID loans required by the Foreign Assistance Act of 1963. The interest rates of other aid givers, however, are coming down. For example:

"A new British policy provides for a waiver of interest payments for up to 7 years. This lowers the 6-percent-interest rate on a long-term loan to an effective rate of about 3 percent. Britain has already granted such a waiver for loans to India, Pakistan, and Turkey totaling \$115 million.

"Although the average German rate is 4.2 percent, Germany has been making an increasing number of low-interest loans. Last year, for example, Germany made a loan of \$13.2 million to Togo at 2-percent interest with a 30-year maturity.

"As I have already noted, Canada will begin lending on IDA terms—three-fourths of 1 percent interest, 50 years' maturity, and 10 years' grace."

The present softening of aid terms can be traced in large part to a policy agreement reached by the DAC in April 1963. All the DAC members agreed that loan terms should be consistent with the debt-servicing capacity of the recipient countries, that terms should be more nearly comparable among donors, and that these aims should be met by liberalizing the terms of the harder lenders.

GEOGRAPHIC DISTRIBUTION OF AID

A decade ago, the little aid provided by donors other than the United States took the form of assistance from European countries to their colonies. In 1962, about one-fourth of the aid of the other DAC countries went to dependent areas. Today, with only a handful of colonies remaining in the free world, indications are that this proportion has declined to about 10 percent.

Much French, British, Belgian, Dutch, and Italian aid does go to former colonies that are now independent states. The United States has a direct stake in the continuation of this support. It is very much in our interest—our political interest, our budgetary interest, and our balance-of-payments interest—to have Britain carry on sizable aid programs in Kenya and Uganda, to have France do so in French-speaking Africa, and to have Belgium do so in Rwanda and Burundi. Some two-thirds of all development assistance in Africa is now provided by the Western European nations.

European donors are, however, giving more and more aid outside their former colonial dependencies. Both Britain and France have stated their intention of doing so as a matter of policy. France, for example, has made sizable commitments (including soft loans) to Mexico and Greece while Britain is enlarging its technical assistance program in Latin America.

Three of the major DAC donors—Germany, Canada, and Japan—have no colonial connections. Germany has a worldwide program. In the last 3 years, Germany made loan pledges to 65 less-developed countries and provided technical assistance to 70. Canada's assistance ranges through the Commonwealth countries and Latin America. Japan aids much of Asia and Latin America.

The broadening of aid relations is exemplified by the aid expenditures of DAC countries other than the United States in Latin America. In 1960 these totaled less than \$50 million. In 1962 they reached \$110 million.

One factor that has helped draw European aid into new fields has been the formation of aid consortia. Belgium, Italy, France, Germany, and the Netherlands, for example, are members of the consortium for Pakistan, along with Canada, Japan, the United Kingdom, and the United States. These same countries plus Austria are also members of the aid consortium for India. The same countries minus Japan but including Sweden and Luxembourg are in the Turkish consortium. The attached table III shows DAC aid disbursed through multilateral and consortia type arrangements in 1962.

SINO-SOVIET AID TO LESS DEVELOPED COUNTRIES

Total extensions of long-term economic development credits by the Sino-Soviet bloc amounted to more than \$4.9 billion by the end of fiscal year 1963. Of this amount, the U.S.S.R. contributed \$3.4 billion, Communist countries of Eastern Europe contributed \$1.1 billion, and Communist China \$0.4 billion.

Since the beginning of calendar 1964, bloc countries have extended new economic aid totaling more than \$800 million. Major recipients include United Arab Republic, India, and several African countries. A significant proportion of this aid was from Communist China.

About 5 percent of bloc aid is extended in the form of grants. Bloc credits are generally repayable in local currency, with grace periods on principal extending 1 year beyond completion of projects. Interest rates are generally 2.5 percent repayable in 12 years. Some credits (particularly Chinese Communist credits) are extended interest free for up to 50 years.

The following table shows commitments and expenditures for 1961–63.

Sino-Soviet aid to less developed countries (excluded Cuba)

[In millions]

	1961	1962	1963	1964 (January to June)
Commitments....	\$1,000	\$325	\$310	\$800+
Expenditures....	275	390	475	-----

Soviet aid

Total extensions of long-term economic development credits by the Soviet bloc amounted to an estimated \$4.5 billion by the end of 1963, of which the U.S.S.R. contributed \$3.4 billion and the Communist countries of Eastern Europe about \$1.1 billion. Most of this aid has been extended for specific projects. The largest amounts have gone to Asia and the Middle East.

Drawings on Soviet bloc aid are almost one-third of the credits extended, amounting to about \$1.2 billion from the U.S.S.R. (about one-third of its extensions), and more than \$300 million from the Communist countries of Eastern Europe (nearly 30 percent of their extensions). Drawings on Soviet bloc aid amounted to almost \$450 million in 1963.

Extensions of long-term economic developmental credits by the bloc during 1963 amounted to more than \$220 million, most of which was extended by the U.S.S.R. The major commitments were by the U.S.S.R., \$100 million to Algeria and \$39 million to Iran.

There are about 12,000 economic technicians from the Soviet bloc in the less-developed countries, of which more than 8,800 were from the U.S.S.R. and more than 2,600 from Eastern Europe. Most of these technicians were assisting on Soviet-bloc aid projects.

The attached table IV shows Soviet bloc aid to underdeveloped free world countries from 1954 to 1963.

Chinese Communist aid

Total extensions of long-term economic development credits by Communist China amounted to \$446 million by the end of 1963. The largest amounts of this aid have gone to countries in southeast Asia and west Africa. Prior to 1962 a number of Chinese Communist aid extensions were grants, but more recently Chinese economic aid has consisted primarily of credits.

Drawings on Chinese aid amounted to about one-fourth of commitments by the end of 1963; i.e., a little more than \$100 million. Many recipients of Chinese aid have received few or no deliveries on their credit or grants.

Extensions of long-term economic developmental credits by the Chinese Communists during 1963 amounted to about \$89 million, all of which went to African countries.

In the latter half of 1963 there were an estimated 470 economic technicians from Communist China in the less-developed countries, of which a handful were in Yemen and the rest were in Africa and in Asia. Many of these technicians were assisting on Chinese aid projects in either a technical or manual capacity.

The attached table V shows Chinese Communist aid to underdeveloped free world countries from 1954 to 1963.

TABLE I.—1962 bilateral aid commitments¹ and various measures of donor capacity and interest

	Bilateral aid commitments	Bilateral aid commitments as percent of GNP ²	GNP per capita	Defense expenditures as percent of GNP	Bilateral commitments as percent of exports to LDC's	Bilateral commitments as percent of total trade with LDC's	Total LDC trade as percent of donor GNP		Bilateral aid commitments	Bilateral aid commitments as percent of GNP ²	GNP per capita	Defense expenditures as percent of GNP	Bilateral commitments as percent of exports to LDC's	Bilateral commitments as percent of total trade with LDC's	Total LDC trade as percent of donor GNP
	Millions								Millions						
Belgium ³	\$70	0.55	\$1,381	3.3	12.8	5.5	10.0	Portugal.....	\$60	2.21	\$294	7.4	45.8	20.3	10.9
Canada.....	58	.16	2,009	4.5	13.3	5.2	3.0	United Kingdom.....	556	.70	1,482	6.4	16.2	7.2	9.7
Denmark ⁴	1	.01	1,559	3.1	.6	.3	4.1	Total, other							
France ⁵	901	1.26	1,524	6.1	37.1	17.6	7.2	DAC.....	2,445	.60	1,135	4.7	17.6	8.1	7.5
Germany.....	428	.50	1,558	5.1	16.8	7.8	6.4	United States.....	4,656	.84	2,974	9.4	64.9	35.1	2.4
Italy.....	60	.15	788	3.5	5.6	2.3	6.7	Total, DAC.....	7,101	.74	1,766	7.4	33.8	16.3	4.5
Japan.....	265	.51	547	1.1	11.4	6.0	8.6								
Netherlands.....	42	.32	1,105	4.6	6.0	2.5	12.8								
Norway.....	4	.08	1,423	3.7	3.4	1.3	6.0								

¹ Grants and loans over 5 years.

² GNP at current market prices.

³ Bilateral gross expenditure figures.

⁴ 1961 figure.

⁵ Grant component is expenditure figure.

TABLE II(a).—1961 bilateral aid commitments: Grants, loans, and average loan terms

[Dollars in millions]

Country	Total bilateral aid commitments	Grants	Grants as percent of total	Loans over 5 years	Average maturity ¹	Average interest ¹	Country	Total bilateral aid commitments	Grants	Grants as percent of total	Loans over 5 years	Average maturity ¹	Average interest ¹
Belgium ²	\$71	\$71	100				Norway	\$1	\$1	100			
Canada	96	56	58	40	10.7	6.0	Portugal	58	3	5	55	22.9	4.6
Denmark	1	1	100				United Kingdom	402	150	37	252	22.9	6.0
France ³	977	787	81	190	23.9	3.3	Total, other DAC	2,419	1,338	55	1,081	17.8	5.1
Germany	401	125	31	276	14.5	4.7	United States	4,418	2,910	66	1,508	21.6	4.1
Italy	64	29	45	35	7.5	4.5	Total, DAC	6,837	4,248	62	2,589	19.9	4.5
Japan	308	81	26	227	12.2	6.4							
Netherlands	40	34	85	6	26.0	2.4							

¹ Data available lacks some precision or consistency; these average terms should be regarded as rough orders of magnitude.

² Expenditures.

³ Grants are expenditures; loans are commitments.

⁴ Includes country use portion of sales under Public Law 480, title I and commodity grants under Public Law 480, titles II and III.

⁵ Includes Foreign Assistance Act, Export-Import Bank, and Public Law 480, title IV commodity loans.

TABLE II(b).—1962 bilateral aid commitments: Grants, loans, and average loan terms

[Dollars in millions]

Country	Total bilateral aid commitments	Grants	Grants as percent of total	Loans over 5 years	Average maturity ¹	Average interest ¹	Country	Total bilateral aid commitments	Grants	Grants as percent of total	Loans over 5 years	Average maturity ¹	Average interest ¹
Belgium ²	\$70	\$66	94	4	7.5	5.5	Norway	\$4	\$4	100			
Canada	58	44	76	14	14.0	6.0	Portugal	60	3	5	57	22.4	4.6
Denmark	1	71	100				United Kingdom	556	158	28	398	26.3	5.6
France ³	901	772	86	129	23.3	4.4	Total, other DAC	2,445	1,336	55	1,109	19.8	5.1
Germany	428	154	36	274	17.0	4.2	United States	4,656	3,025	65	1,631	29.9	2.6
Italy	60	19	32	41	9.8	4.9	Total, DAC	7,101	4,361	61	2,740	25.8	3.6
Japan	265	104	39	161	8.1	6.1							
Netherlands	42	11	26	31	20.0	5.0							

¹ Data available lacks precision or consistency; these average terms should be regarded as rough orders of magnitude.

² Expenditures; interest rate is assumption.

³ Grants are expenditures; loans are commitments.

⁴ Includes country use portion of sales under Public Law 480, title I, and commodity grants under Public Law 480, titles II and III.

⁵ Includes Foreign Assistance Act, Export-Import Bank, and Public Law 480, title IV commodity loans.

TABLE II(c).—1963 bilateral aid commitments: Grants, loans, and average loan terms

[Dollars in millions]¹

Country	Total bilateral aid commitments	Grants	Grants as percent of total	Loans over 5 years	Average maturity ¹	Average interest ¹	Country	Total bilateral aid commitments	Grants	Grants as percent of total	Loans over 5 years	Average maturity ¹	Average interest ¹
Belgium	\$83	\$76	92	7	(2)	(2)	Norway	\$4	\$3	75	1	(2)	(2)
Canada	125	44	35	82	(2)	(2)	Portugal	54	9	17	45	(2)	(2)
Denmark	7	5	71	2	(2)	(2)	United Kingdom	458	219	48	239	(2)	(2)
France	877	697	80	180	(2)	(2)	Total, other DAC	2,708	1,311	48	1,399	(2)	(2)
Germany	665	155	23	510	(2)	(2)	United States	4,056	2,457	60	1,599	(2)	(2)
Italy	128	14	11	114	(2)	(2)	Total, DAC	6,764	3,768	55	2,988	(2)	(2)
Japan	268	80	30	188	(2)	(2)							
Netherlands	39	9	23	31	(2)	(2)							

¹ Preliminary DAC figures.

² Precise data on interest rates and maturities not yet available for 1963.

TABLE III.—1962 DAC multilateral aid and bilateral aid subject to coordination, and percentages, total official aid

[Dollars in millions]

	(1) Total net official aid disbursements	(2) Total multilateral aid contributions		(3) Total net bilateral aid subject to coordination ¹		(4) Total net multilateral aid and bilateral aid subject to coordination (2+3)		(5) Percent col. (1) is of gross national product
		Amount	Percent of net official aid	Amount	Percent of net official aid	Amount	Percent of net official aid	
Belgium	\$96.9	\$28.3	29.2	\$65.31	67.4	\$93.61	96.6	0.76
Canada	50.3	12.8	25.4	25.44	50.6	38.24	76.0	.13
Denmark	8.5	7.8	91.8			7.80	91.8	.11
France ²	995.9	116.7	11.7	19.90	2.0	136.60	13.7	.39
Germany	426.0	102.3	24.0	144.06	33.7	246.36	57.7	.50
Italy	66.4	31.5	47.4	19.90	30.0	51.40	77.4	.17
Japan	165.1	7.1	4.3	120.56	73.0	127.66	77.3	.32
Netherlands	85.7	43.7	51.0	.94		42.76	49.9	.66
Norway	1.4	.2	14.3	.40	28.6	.60	42.9	.04
Portugal	37.3	.1	.3			.10	.3	1.36
United Kingdom	416.7	39.5	9.5	192.63	46.2	232.13	55.7	.53
Total, other DAC	2,351.0	390.0	16.6	578.26	25.0	977.26	41.6	.58
United States	3,606.0	278.0	7.7	2,138.00	59.3	2,416.00	67.0	.65
Total, DAC	5,957.0	668.0	11.2	2,725.26	45.7	3,393.26	57.0	.62

¹ Disbursements of members of IBRD consortia for India and Pakistan, OECD consortia for Greece and Turkey, IBRD consultative groups for Colombia, Nigeria, and Tunisia, OECD/DAC coordinating groups for Thailand, Indonesia, East Africa (Kenya, Tanganyika, Uganda), and the Congo (Léopoldville), and DAC meetings on

South Vietnam, Philippines, South Korea, China (Taiwan), Argentina, Brazil, and Chile.

² French bilateral aid to coordinated efforts includes Laos and Cambodia, and estimate for Tunisia.

TABLE IV.—Estimated Soviet bloc credits and grants to the less-developed countries of the free world, 1954-63

[Million U.S. dollars]

Area and country:	Total
Total.....	4,453
Latin America.....	287
Argentina.....	104
Brazil.....	183
Middle East.....	1,237
Cyprus.....	1
Iran.....	45
Iraq.....	218
Syria.....	193
Turkey.....	17
Egypt.....	736
Yemen.....	27
Africa.....	718
Algeria.....	108
Ethiopia.....	114
Ghana.....	171
Guinea.....	97
Mali.....	78
Morocco.....	17
Somali Republic.....	63
Sudan.....	22
Tunisia.....	48
Asia.....	2,207
Afghanistan.....	507
Burma.....	15
Cambodia.....	26
Ceylon.....	40
India.....	982
Indonesia.....	594
Nepal.....	10
Pakistan.....	33
Europe.....	4
Iceland.....	4

TABLE V.—Estimated economic credits and grants extended by Communist China to non-Communist less-developed countries, 1954-63

[Millions U.S. dollars]

Area and country:	Amount
Total.....	446
Latin America.....	0
Middle East.....	37
Syria.....	16
United Arab Republic.....	5
Yemen.....	16
Africa.....	138
Algeria.....	50
Ghana.....	20
Guinea.....	25
Mali.....	20
Somali Republic.....	23
Asia.....	271
Burma.....	84
Cambodia.....	50
Ceylon.....	36
Indonesia.....	57
Nepal.....	44

COMPARISONS DO NOT TELL WHETHER U.S. AID IS SOUND

Mr. MORSE. Comparisons with other nations, free or Communist, do not tell us anything about whether the U.S. aid program is sound. If every other nation in the world is hellbent for bankruptcy, that would not be a reason for the United States to get there first. No doubt there are many nations that spend a big-

ger share of their gross national product on liquor, cigarettes, and gambling than we do, but that does not mean that we must embark on a national effort to outdo them.

France, which is the favorite example in this comparison, is not only spending a higher percentage of her gross national product on foreign aid than we are, but she is spending a higher percentage on development of her nuclear weapons systems. Surely this does not mean we must increase our outlay there, too. Yet that is the implication of the comparison.

The only important question for us is whether the money the United States does spend on aid is effective and worthwhile in promoting the economic betterment which we advertise as its purpose. I do not think it is, or at least not enough of it is to justify the sum requested for the fiscal year 1965.

FOREIGN AID AS A SLUSH FUND

Many advocates of aid think they are being sophisticated in recommending foreign aid as a slush fund to buy off other countries. They often say that every great nation has had to do the same thing, and that the United States should now undertake to carry the same burden, with the understanding that it is a waste of money and is spent only to prevent unfavorable things from happening.

Our experience shows that countries do not remain bought off. Pakistan did not remain bought off. Pakistan is entering into agreements with Red China. The Foreign Minister of Pakistan stood up in the Washington, D.C., Press Club not so many weeks ago and blatantly pointed out that they have no intention of being of any assistance to us in South Vietnam. Yet we poured millions and millions of dollars of aid into Pakistan. To build up what? To build up her military forces for a potential war with India over Kashmir. We poured many millions of dollars into India, for the same purpose.

The sad, shocking danger is that if Pakistan and India go to war over Kashmir, they will fight it almost entirely with American military equipment. Does that make friends for us in the world? It makes Communists.

Mr. President, it is just such unsound policy on foreign aid that is strengthening the drive for communism. I want to see it stopped. Our foreign aid program has been a colossal failure as a check upon communism; and I care not what part of the world we name.

Our own defense posture has held Russia in check—not the defense posture of Turkey, Greece, Pakistan, India, or any of the other countries whose military power we have developed. What I have said about Pakistan and India is equally applicable to Turkey and Greece. They would be worthless to us in the event of a war with Russia. Yet, there is a danger in the Mediterranean that Greece and Turkey might get into a war with each other—totally equipped on each side with American military equipment. Reconcile that with morality. It cannot be done. We cannot eliminate moral principles from American foreign aid

policy. Much of it cannot be squared with principles of morality.

Several things are wrong with the view of using foreign aid as a slush fund. First of all, it assumes that money (or military equipment) buys more than it does. To holders of this view, the giving of money is synonymous with the influencing of the recipient; but more often than not, recipients, in the manner of Sukarno, take the money and then do as they intended to anyway.

I wonder what America's foreign aid policy would be in Indonesia if there were not in the neighborhood of \$2 billion worth of oil investments there. I wonder if the explorations for oil in South Vietnam and the planned building of an oil refinery in South Vietnam by an American oil company might have some indirect influence upon foreign aid in South Vietnam.

The best way to make perfectly clear that it does not have any influence is to ask the United Nations to replace the United States in South Vietnam. I shall have more to say about that later this week.

Mr. President, the slush fund to Sukarno did not hold him in line. Slush funds by way of foreign aid have not kept the recipient countries in line. The principle upon which such an approach is based is not sound.

Second, handing out money and weapons with the idea that they will promote political stability, or keep friendly governments in power, or prop up a bloated military establishment in a foreign country are all efforts to impose a political order from the top down. The underlying causes of unrest or susceptibility to communism are ignored, and sometimes worsened.

These uses of foreign aid are justified with such phrases as "forward defense against communism," "vital to the interests of the United States," and "of strategic importance to the United States," concepts that now embrace virtually the entire globe.

It is semantic "hokum." The Department of State and the AID officials in the Pentagon have been trying to feed the American people semantic "hokum." But they are getting ready to regurgitate. They will not swallow it any longer.

Most of the countries receiving huge and largely unconditional aid on the ground that they border the Communist bloc are already protected by mutual defense treaties with us, and by our retaliatory capacity.

The real justification for "forward defense" aid is not that the recipient can use it against communism, because a nonindustrial country that cannot support a peacetime army cannot sustain a war effort against Russia or China. Once Europe and Japan were rebuilt and rearmed, military aid ceased to have much practical value for indigenous forces. What "forward defense" aid does buy is entree for American military and intelligence agencies close to Communist borders. For these privileges, we have paid since World War II a dozen times more than we need to have paid.

I shall say something about Turkey later. Turkey is one of the horrible ex-

amples. Turkey could not begin to support its military establishment with its economy. Turkey is not protected by its military establishment. Turkey is protected by the striking power of the United States. We have been pouring hundreds of millions of dollars into Turkey for the operation of government industry. Plant after plant in Turkey is government-owned. The evidence is perfectly clear—and the Comptroller General's report makes it clear too—that the government plants are used for the employment of a large percentage of the people over and above the need of the employer to operate an efficient plant.

It is a sort of government dole, handed out with American taxpayer dollars. It is a make-work program. Yet when we try to obtain needed assistance in our own country for some of our depressed areas, we see the trouble that we encounter. But not in Turkey. In my judgment, much of the economic aid, as well as much of the military aid to Turkey, is a shocking waste of the American taxpayers' dollars. I do not believe we ought to be supporting with an AID program these government-commercial monopolies in Turkey.

Many will say: "Anything that helps us against Russia and China is worth while." But our failure to insist on sound economic standards even for this aid has not helped us. It only means that we are still vulnerable to eviction from these countries without, in the meantime, having improved their economic prospects.

ECONOMIC FREEDOM SHOULD BE BASIC PURPOSE OF AID

In the long run, climates and attitudes sympathetic to the United States and compatible with American objectives will have to be created by the creation first of economic freedom in these countries. And economic freedom can only be advanced through the developmental part of the AID program.

But, sad to say, of the economic section of the program, not more than half is devoted to bona fide economic development. Supporting assistance, the contingency fund, and nonproject loans from the development loan fund are but political props and pay-offs to foreign governments. They do not develop; they merely patch over and perpetuate the lack of development.

Even the technical assistance program is being used for transportation and communication projects against the day when they may be of use to American forces, and to train small-time police states in emerging countries.

The words "economic freedom of choice," without which the security of this country will never be strengthened in this world, are being relegated to whatever is left over in the foreign aid pot. Education, sanitation, vocational training, capital projects, agricultural extension—the activities that our officials trot out to gain support for aid among the unknowing American people—these constitute at most only about 40 percent of the \$3.5 billion being requested.

Cutting the \$1 billion-plus military aid

expenditure in half and applying the unproductive economic aid to genuine economic development projects would do more to strengthen the longrun security of the United States than any other changes that could be made in the foreign aid program.

NO EVIDENCE OF CHANGE IN CURRENT PROGRAM

Since January, Congress and the American people have been told again and again that this year the program is being tightened, curtailed, and improved. But there is no hint in any of the material presented to the committee of where these changes are taking place. All that Congress is given in the annual presentation is a look at on-going programs, started in the current fiscal year or before.

Contrary to past efforts and directives from Congress, requested funds for supporting assistance have been increased over last year, even without the additional request for Vietnam. This grant economic aid has been a target for congressional criticism since adoption of the Mansfield amendment in 1959, calling for its eventual termination. The aid request for this category is a backward step from the Mansfield reform.

Unspecified loans called program loans abounded in fiscal 1964, and they apparently are to be used just as freely in fiscal 1965. Project loans finance the importing of commodities for specific projects whose soundness can be verified by AID officials; but program loans go to balance accounts and finance imports in general. In many countries these include imports that contribute nothing to local improvement and development. They only create a debt obligation to the United States whose chances of repayment are slim.

I warn the American people that, in my judgment, a large bulk—probably the larger bulk—of the 40-year loans at three-fourths of 1 percent interest, 10-year grace period in which no payments will be made, and then payment in soft currency, will never be repaid at all. It would be more direct and honest to designate them as outright grants.

Mr. President, they are not psychologically beneficial, either, because—and this is particularly true in Latin America—many of the people recognize the deception of this approach. We ought not to present that image of the United States to the world. We ought to make either loans or grants. We ought not to pretend that we are making a loan when we give the money on the basis of interest of three-fourths of 1 percent, with a 10-year grace period for no payment, and 40 to 50 years in which to repay, and then in many instances in soft currency. We would win more respect for ourselves if we did not engage in such deceitful semantics.

Moratoriums on debt obligations due us from Turkey and Brazil, and the prospect of renegotiation of Argentina's obligations, call for a much tighter control by Congress over this type of loan. In the case of Brazil and Turkey, we are making them new soft loans even as we give them moratoriums on repayment of old ones.

These loans, as with aid in general, are touted as creating a future market for American goods. Tommyrot. This theory is based on the advertising gimmick of giving away free samples. But their cost is absorbed by the American taxpayer, not the manufacturer. Yet testimony to this committee—not from administration sources but from U.S. commercial sources—brought out that in Colombia and Chile, U.S. exports declined as these countries received our goods under program loans and diverted the foreign exchange saving into new purchases from the European exporters, not U.S. exporters. Worst of all, the chances that the taxpayers will ever recover any of this subsidy to American business are not good.

It is no wonder that committees of U.S. businessmen are becoming the major tub thumpers for foreign aid.

So far as Latin America is concerned, the indications are that the aid standards are being loosened, not tightened. A \$50 million loan for no particular development purpose, but just to balance international payments, has been extended to Brazil. This is despite the suspension of loans, pending fulfillment of certain economic conditions by the Brazilian Government. There is as yet no more or better economic performance to justify a loan than there had been under the previous government. But once a new junta takes over in Latin America, we rush to curry favor with it, and in Brazil it is costing us already \$50 million.

In fact, the U.S. aid program in four other junta-ruled countries of Latin America where constitutional governments were pushed out, has been resumed. These are the Dominican Republic, Guatemala, Ecuador, and Honduras. This is a full turnback to the evil days of the 1950's when the United States gained a record level of ill will and ill repute among the people of Latin America who had to live under the brutal heel of U.S.-supported tyrants. The Alliance for Progress was supposed to have changed all that by financing economic reform within a framework of political freedom and democratic institutions. But today we are merely handing out more money for the same old purposes as before.

Having ignored ourselves the political conditions for aid under the Alliance, our partners feel free to ignore the self-help conditions as well. Why should they not when they get this money anyway?

Later I shall discuss the President's contingency fund. Why in the world we should go along with the proposal to give him \$150 million, to spend at his own discretion, I am at a loss to understand, particularly when we take note of how contingency funds have been spent in recent years. "Slugs" have been spent to help governments balance their budgets, to help them with payments, to help them pay debts. That is a misuse of the President's contingency fund. I protested it last year. I shall protest it this year.

The purpose of a President's contingency fund is to give a President of the United States overnight funds. That is all. It takes 20 minutes to get from the

White House to Congress for the President to come before the Congress in an emergency. Any time the President has an emergency to lay before the Congress, he can get the funds, if he shows there is an emergency.

It goes back to the point I made earlier about the danger of Government by secrecy. No President—I do not care who he is—should be allowed to have \$150 million to play with any way he wants to play with it in America's foreign affairs. It is a dangerous power. It is an unchecked power. It is in violation of the theory of our form of government. No President should be given an unchecked power. Fifty million dollars is ample for any overnight need of any President of the United States.

I say respectfully, but the record speaks for itself, that Presidential contingency funds have been abused in the past several years, in my judgment, and that abuse should be stopped.

FUNDS SHOULD NOT GO ABOVE FISCAL 1964

As reported by the Committee on Foreign Relations, the bill increases the program for fiscal year 1965 over the program for fiscal 1964. This has been done despite the overwhelming evidence that the American people are demanding long overdue reductions in the foreign aid burden, that the impact of the aid program is woefully smaller than its size, that U.S. Government funds are increasingly needed at home, and that our so-called allies are permitted to shirk their responsibilities because of our often reckless generosity.

Undoubtedly the administration sincerely believes its appropriation request for \$3,516,700,000 to be a barebones budget. However, the determining factor in shaping this request had to be the judgment of the Agency for International Development. And our past experience has made it painfully clear that—at a minimum—there is nothing sacrosanct about the AID judgment. The Congress, on the other hand, is not—or should not be—content merely to accept the arguments of stanch advocates, but takes into account a range of other sources of information. Foremost among the latter are the reports by the Comptroller General of the United States, which time after time have severely criticized in detail the planning, the programing, and the implementation of the aid program. On the basis of such information, as well as a full study of the AID presentation material, I can only conclude that there is a great deal of fat clinging to the barebones.

The appropriation last year, for fiscal 1964, was an even \$3 billion—a cut of almost \$2 billion from the original budget request. Judging by the cries of anguish and forecasts of catastrophe which rose from Foggy Bottom during that trimming process, one might have envisioned the United States and the rest of the free world sliding irretrievably toward disaster. Yet a year later the Republic still stands, and no one is able to point to any foreign policy reverse attributable to a lack of aid funds. Indeed, our setbacks appear to have come in the Mediterranean and in southeast Asia, areas

into which the United States has poured money most lavishly.

During this year's hearings and committee discussions no evidence was presented to justify an authorization for fiscal year 1965 of almost \$467 million more than the \$3 billion appropriated for fiscal 1964. It might be noted in this connection that a great deal of attention and lipservice was given last year to the so-called Clay Committee report. While I disagreed strongly with that report's inflated financial recommendations, it did contain the extremely valid proposition that there should be a gradual but steady reduction in the size of the aid program annually in the future. Our experience last year with a program scaled to \$3 billion in new funds certainly suggests that a cut even below that level could be safely made this year.

Because of a carryover from prior year appropriations, the final figure for the fiscal 1964 program was almost \$3.4 billion, rather than \$3 billion. The carryover this year supposedly is only to be about \$53 million. If true, and if the \$3 billion level of new money were maintained, the end result would be a reduction of about \$344 million under last year's figures. The word "supposedly" must be emphasized. For the administrators of the AID program are highly accomplished producers of rabbits from their hats, and there is good reason to believe that other funds may in time be brought out of hiding. Indeed, when such a wonderland category as "deobligations of prior year obligations" is counted, the understandably confused American man-in-the-street finds that the foreign aid program which he thought was \$3 billion last year turned out to be in excess of \$3.6 billion. The conclusion that \$3 billion in new money would not represent any real reduction from last year is shared by many Members of the House, who wrote in the minority views in the House Appropriations Committee report:

Further, it is impossible for the Appropriations Committee to ascertain with any degree of accuracy the amount of unobligated funds which are left at the end of the fiscal year. It has been stated that these figures for any fiscal year are not available until October of the following year.

FOREIGN ASSISTANCE ACT ONLY A PART OF TOTAL FOREIGN AID

This leads to another major objection to the character of the foreign aid program as it now stands. It is only the beginning figure for what we spend overseas on an annual basis. Many Members of the Congress, much less the American public, have only the haziest idea of how money is involved in our contributions to a large number of international financial and developmental organizations, and in our shipments of agricultural surpluses.

Moreover, executive branch requests for the same general purpose in successive years have a tendency to disappear from one bill or category and turn up in another. For example, \$135 million for Latin American development—through the Inter-American Bank's social progress trust fund—contained in the 1964 foreign aid appropriation bill does not recur this year. At first blush this might

appear as a reduction in our total aid. But no, the administration has just submitted a separate new request for \$750 million over a 3-year period for the same purpose with a slight change in terminology. There is no corresponding cut in this bill. Under these circumstances it is extraordinarily difficult to perceive the overall total of United States foreign aid, and to make intelligent judgments about the validity of its components, such as those contained in this bill.

EXCESSIVE NUMBER OF COUNTRIES CONTINUE TO RECEIVE BILATERAL AID

This confusion carries over into the question of how many countries are feeding at the American trough. If only aid under the Foreign Assistance Act is counted, then some 83 countries are scheduled to receive assistance in fiscal year 1965. But the total rises to over 90 countries and territories when all forms of assistance are counted. And indeed they should be counted. The administration can scarcely claim it is extending little aid to Nasser's Egypt, for instance, when Public Law 480 supplies are flooding that country.

Now it appears that the number of countries getting help under the Foreign Assistance Act has fallen by something like the figure of 10. It is noteworthy that there is no commensurate cut in the administration request for new funds. On the contrary, the AID officials point with pride to the growing concentration of effort in fewer "key" countries. By that standard, no matter how many nonessential applicants are cut off the AID payroll, the level of foreign assistance requests is likely to remain unchanged.

Anyone reading the majority committee report, supported by the majority of members who voted for this bill, will be struck by the absence of persuasive answers to the outstanding questions which have always surrounded the foreign aid program. It is said that it is unrealistic to expect agreement on the purposes and aims of the foreign aid program. This at least is refreshing candor, although there is little novelty in the observation. My own experience with AID officials has always been that when I make a valid criticism of an economic project, they say the objective in that case is not economic but political—and vice versa in other cases. In numerous instances those officials have accepted the validity of my criticisms "in principle" but have cited so-called special circumstances which prevent them from taking corrective action. It is no wonder that we have difficulty in justifying foreign aid expenditures to our constituents.

The committee report states that the total of U.S. bilateral aid is declining. Yet, as substantiation, it merely cites the difference between last year's administration request and the one this year. The fact is there is no hard evidence to cite which would back up that statement in terms of last year and this.

The majority report then goes on to note that "aid has been terminated in 17 countries." But it ignores the fact that some of these countries were cut

off several years ago, and have been trotted out each year since as happy examples. In any event, as stated above, a reduction in recipients means little without a consequent reduction in expenditures.

A table is inserted in the report which supposedly "should provide some reassurance" that our development loans will be repaid. The only conclusion I draw from that table is that the World Bank—whose record is not at issue—has done extremely well with its hard loans on stringent criteria. I join Senators MUNDT and LAUSCHE in their objections to the easy terms of most of our loans.

I call this an obvious fallacy in the misleading statement of the AID administration and I issue the challenge: "Do you want to adopt the World Bank procedures and policies for your loans? If you do, I am all for you."

But to cite the World Bank, which issues hard loans, which charges interest rates that ought to be charged, as an example or as an argument in support of the fallacious contention that AID loans will be repaid is pure deception.

Mr. President, I resent such an insult to my intelligence. But that is what we are up against when we deal with the AID administration. The AID administration ought to be swept clean. We ought to bring an end to the whole program and start all over again on the basis of conditions that Congress lays down, instead of always passing the buck to the executive branch of the Government to determine the conditions.

Finally, the majority report meets the criticism that our industrialized friends are failing to take a fair share of the foreign aid burden by stating:

This is a complicated question, for which there is no categorical answer.

It is about time that the majority of the Committee on Foreign Relations set about trying to find some of the answers, instead of passing the buck to the State Department, the AID officials, and the Pentagon. Read the report of the Committee on Foreign Relations of a year ago and compare it with the report of the Committee on Foreign Relations this year. It is almost unthinkable and unbelievable that it was written by the same members of the committee, but it was.

A year ago, the majority of the Committee on Foreign Relations tried to sell us an unsound report with the pleading, the rationalization, and the semantics in that report of a warning to the State Department and the AID officials, "If you do not do something in the intervening year, you will be in trouble; something will have to be done on the Hill."

What has been done? Let the chairman of the Committee on Foreign Relations take the floor of the Senate and give us a bill of particulars as to what has been done to carry out his report of a year ago. I charge now, as I charged a year ago, that what the committee did then, as it is doing now, was to pass the buck back to the administration.

When we raise the objections that I raise, we are told, "These are complicated

questions, for which there is no categorical answer." The American people are entitled to have some answers. It is about time the majority of the Committee on Foreign Relations started to supply the answers instead of writing the kind of report we have received again this year. Again, the statistical information contained in the report simply does not support an optimistic conclusion.

In the following sections I set forth my own specific conclusions and recommendations for cutbacks in funds, which latter are summarized at the end in tabular form.

DEVELOPMENT LOANS

Congress should reduce funds for development loans so long as these loans continue to be made for general purposes and not for specific projects. The House Foreign Affairs Committee report, in both its majority and minority views, was critical of the large sums in program loans during fiscal 1964. Yet Congress must be aware by now that mere criticism in a committee report makes no impact whatsoever on the foreign aid program.

I repeat what I said earlier this afternoon; Do not provide blanket funds; do not provide blanket authority in dealing with development loans. If money is wanted for development loans, the applicants should be required to submit specific projects to the committees and to Congress for specific approval, just as every Senator who seeks a project for his own State must submit a specific program showing that a cost-benefit-ratio formula is being met.

We cannot clean up foreign aid if we leave the policy decisions to Foggy Bottom. We will not clean up foreign aid until Congress does the job which is clearly its job as the caretaker of the public pursestrings, and passes its valued judgments upon specific requests for specific loans for specific projects.

I agree with the House committee. Congress must be aware by now that it will have to insist upon specific projects if foreign aid is ever to be cleaned up.

Said the majority report:

Nevertheless, the committee believes that countries which progress to the point where they qualify for large development loans should be encouraged to assume increasing responsibility for financing their imports, except imports related to projects for which loans are made. There is danger that dependence on the United States for such financing could result in levels of consumption higher than the recipient could normally sustain and could encourage unsound financial and monetary practices.

The minority report of the House committee showed program loans in fiscal 1964 as follows:

	Million
Tanganyika.....	\$1
Tunisia.....	10
India.....	275
Pakistan.....	100
Turkey.....	70
Chile.....	40
Colombia.....	15

This makes a total of \$511 million. Since then, Brazil has received a \$50 million program loan.

This means that about a third of all development loan funds available for fiscal 1964 have already been lent for general purposes unrelated to any specific development project.

Turkey again ranks as the No. 1 failure of the foreign aid program and among the No. 1 recipients of program loans. She is receiving over \$100 million in economic aid this fiscal year, and considerably more in fiscal 1965, most of it in "program" loans.

Both the Organization for European Cooperation and Development and the General Accounting Office of the United States have found Turkey's economic development to have stagnated despite the huge American aid program these since 1947. The OECD report of 1963 was prepared for a consortium of Western European countries that were supposed to join the United States in financing Turkey's development. AID presentations always refer to this consortium but do not mention that its total pledges amount to less than the American aid alone, and that the European members are not coming through on their pledges because Turkey has not carried out the reforms required.

Let us not forget the lesson of that precedent. If we follow the policy we have been following toward Turkey, we shall be confronted with the argument from many another country, "Well, you let Turkey do it; why not us?"

Either we shall operate the foreign aid program on a sound procedural basis, with fair conditions imposed and enforced, or we shall run into the kind of wasteful expenditure of taxpayers' money that has occurred in Turkey.

Mr. President, our aid program to Turkey, in my judgment, has involved the waste of many millions of taxpayers' dollars. We should stop it. Senators should not get the idea that they are supporting democracy in Turkey because there is no democracy in Turkey.

Although the United States has put \$1,670 million into Turkey's economy since 1947—let me repeat: the American taxpayers, through their Government, have poured into Turkey's economy since 1947, \$1,670 million—and given her combined military and economic aid of over \$4 billion, that country's economic condition is worsening. The population increase has almost entirely wiped out the increase in the gross national product.

If anyone wishes an example of the failure of the representation about foreign aid, while it is supposedly accomplishing so much, take a look at Turkey. Since 1947, we have poured more than \$4 billion into Turkey, and yet there is no democracy there. There is no strong private economy in Turkey. It is, by and large, a state monopoly economy. We are maintaining a military establishment there which Turkey could not possibly maintain.

It would be much better for us to follow the kind of aid program which I announced at the beginning of my speech I would gladly support, dealing with loans and hard money loans to specific economic projects, which will do something for the people of Turkey and

help their standard of living, then to engage in the kind of wasteful programs we have been engaging in there.

If there is any question about my position, read the reports of the Comptroller General. Senators can read them. So can the public read this one. I do not see how anyone can read the Comptroller General's reports on Turkey and go along with this bill.

Reform of the grossly wasteful state enterprises, and tax reform are the most urgent. The U.S. General Accounting Office reported a few weeks ago:

In the absence of a development plan and adequate information about the economy's resources and needs, the commodity import program (which has been the largest segment of United States economic dollar aid to Turkey) was an integrated part of the financing of Turkey's overall import programs and as such was not geared to specific long-range objectives. Moreover, substantial amounts of local currency generated under the commodity import program were allocated for the general support of investment budgets of state economic enterprises (those owned by the Turkish Government). Because neither the Turkish Government nor the mission exercised adequate control over commodity imports and the operations and investment programs of state enterprises, aid funds frequently were used to nonessential or low-priority purposes. State enterprises also received U.S. dollar aid to finance the foreign exchange cost of facilities which had been poorly utilized or not utilized at all. Assistance was freely provided some state enterprises notwithstanding their inefficient operations and uneconomical practices.

In a supplement to our prior report on the Turkey program, we pointed out that accomplishments in Turkey's economic development and support of the country's defense efforts had been accompanied by serious economic problems with consequent increases in the amount of aid required from the United States. The average level of U.S. aid for the 5 fiscal years (1958-62) covered by our recent examination increased significantly over the level for the preceding periods. Moreover, U.S. officials estimate that during the 5-year period which began March 1, 1963, Turkey will need more aid than heretofore from both the United States and others and that Turkey will not reach self-sustaining growth before 1975. Steps taken since the military coup of May 1960 offer promise that sound and necessary economic control measures may be forthcoming, but much remains to be done. As can be seen from the above there is a need for more effective action to improve operations and increase earnings of state economic enterprises and for more productive utilization of resources available to Turkey.

Some Senator speaking on the floor of the Senate in 1975, if we go through with this prognosis, will be saying, in my judgment, just about what the senior Senator from Oregon is saying today. The Turkish system will not bring about resulting economic freedom. I shall not vote to waste American taxpayers' dollars in that way. I shall not vote to sink American taxpayers' dollars in such bottomless pits as Turkey.

A continuation of a wasteful foreign aid program to Turkey cannot be justified. I shall not vote for a foreign aid bill that includes it.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. LAUSCHE. I listened to the reading of the report concerning aid that

has been given to Turkey. I believe it is stated in the report that there was waste and inefficiency in the governmental enterprises.

Mr. MORSE. It was shocking. Read the report of the Comptroller General on that point.

Mr. LAUSCHE. Does the senior Senator from Oregon object to the granting of aid to Turkey because of the governmental operations as distinguished from private operations, or is it on that ground and additional grounds?

Mr. MORSE. Oh, it is based on many additional grounds. I am not taking the position that we should not aid a country that may decide that it wants to conduct on a governmental, monopolistic basis, certain operations that are vested with the public interest. I do not like them. It happens to be their right. But I shall not vote the taxpayers' money to support grossly inefficient and wasteful industries, be they public or private. And I shall not vote the taxpayers' money to support state monopolies in the fields of what ought to be private enterprise.

Mr. LAUSCHE. I thank the Senator.

Mr. MORSE. I suppose I am odd about my position in regard to the use of aid. I have said over and over again that we must look at it from the standpoint of our self-interest. We must look at it from the standpoint of whether or not we can really try to export economic freedom.

The Senator has heard me say time and time again that there is no hope for political freedom anywhere in the world, in any country that we are trying to help, unless we first prepare the seedbeds of economic freedom. We cannot export political freedom. We have tried to do it. It has been a colossal mistake and failure for years. But we can export the institutions of economic freedom, and the interesting lesson of history is that we cannot cite in the history of mankind a people who were economically free who were not also politically free. We cannot cite that any people who were politically free lived under the kind of economic totalitarianism under which the Turks live.

Mr. LAUSCHE. Mr. President, do I correctly understand that the senior Senator from Oregon does not believe that the AID program should be discontinued, but does believe that it has been administered in many instances on policies that were wrong, and also administratively inefficient?

Mr. MORSE. Early this afternoon, I stated I would vote more money than this bill calls for if the AID program were reformed. It makes a great deal of difference to me whether they are asking for hundreds of millions of dollars for so-called loans which are deceptive. As I have stated over and over again, as an experienced teacher, I know the value of repetition in the learning process. I shall repeat, repeat, and repeat until the American people begin to understand what it is that we are driving at when we oppose the AID program.

I stated earlier this afternoon that I am against loans of three-fourths of 1 percent interest, 10 years' grace, 40 to 50 years to repay, and repayable in soft currency. That is plain deception.

The American people are fed semantic "hokum." But I would vote more money for hard loans and for loans that go to projects that we have checked. I am not going to leave it to the AID officials to take a total sum of money and spend it in their wisdom for a project.

It is time to put a control on that kind of program—the same kind of control that the Senator from Ohio [Mr. LAUSCHE], and the senior Senator from Oregon have to measure up to, and rightly so, when we seek to obtain loans or development grants for projects in our State.

Mr. LAUSCHE. Mr. President, will the Senator yield further?

Mr. MORSE. I yield.

Mr. LAUSCHE. I heard the Senator say that we have made loans most inadvisedly in areas where they would not be of any help to us. My philosophy has been that we cannot discontinue the AID program.

However, we can reform the policies under which the program has been administered. From my own standpoint, I have always felt that we never ought to deal with any country that wishes to auction off its fidelity to the highest bidder. There have been too many instances in which countries have said, "You will have to pay us more than Red Russia. Unless you do, we shall go to Red Russia."

To those nations I would say, "Go." They will come back quickly, and with the knowledge that what we do is intended sincerely to be of help and not to be a militaristic exploitation such as Red Russia is practicing upon them.

Mr. MORSE. The Senator from Ohio knows that in the Foreign Relations Committee, on which he and I have had the privilege of serving, I have supported him on that stand. When he has said "Go," I have added the phrase, "And Godspeed."

Mr. LAUSCHE. The Senator is correct. Too frequently we give aid to our enemies. We are giving aid to countries whose leaders have publicly declared their affection and support for Red Russia.

Mr. MORSE. Pakistan.

Mr. LAUSCHE. Zanzibar.

Mr. MORSE. Sukarno.

Mr. LAUSCHE. Sukarno; Bella in Algeria and Jagan in British New Guiana.

Mr. MORSE. And Nasser.

Mr. LAUSCHE. I do not believe that we are serving the interest of our country by giving aid to those who love our enemies and frequently reveal their distrust and hatred for us.

Mr. MORSE. What they love about us is our dollars.

Mr. LAUSCHE. Frequently we hear them say, when they are supposedly speaking without being heard and observed, "Beware of the capitalists of the West." They do not mention the United States, but that is the term of opprobrium that they apply to us, indicating their affection for our enemy and not for our country.

Mr. MORSE. I thank the Senator.

Mr. LAUSCHE. I thank the Senator from Oregon very much for yielding to me.

Mr. MORSE. Continuing the discussion of the Comptroller General's report on Turkey, we read that the Turkish Government operates about half of the country's industrial production, including enterprises in the fields of manufacturing, mining, trading, banking, transportation, and public utilities. They have steadily lost money due to "poor organization, inefficient operations, and poor pricing policies."

The report states:

Despite these basic management deficiencies, the United States continued to provide substantial sums of direct and indirect dollar aid and counterpart and U.S.-owned local currency to some state enterprises. This aid has contributed little toward improving operations of the enterprises, relieving their drain on the Turkish economy, and thereby reducing the need for outside aid.

Turkey's failure to correct the worst of these conditions has led the consortium to curtail its scheduled aid. But instead of doing the same, the AID presentation indicates that the United States is going to increase its aid substantially over last year.

The others who belong to the consortium have become so fed up with Turkey's failure to deliver that they have announced they will reduce their assistance, but not the United States. We are going to increase ours. When is this mulcting of the American taxpayer going to stop? I say to the American taxpayers, "It will stop when you, the taxpayers, begin to recognize that your most important business happens to be your own government. When you begin to exercise your responsibility of citizen-statesmanship, the politicians will stop it, and not until then."

That is why this Senator, difficult as it has been over the years to face the kind of opposition that following this minority role imposes upon him, has been willing to stand up and challenge administration after administration. To date no administration has been able to answer the facts that we have presented in opposition to the shocking, wasteful and inefficient foreign aid program that has come to characterize our whole foreign aid process.

DEBT DEFAULT BY TURKEY

Mr. President, the GAO report also found that Turkey was by 1957 in arrears on three loans, with the arrearages amounting to \$6.4 million. In May 1959, AID deferred for periods ranging from 28 to 31 years all principal and interest payments originally due between 1956 and 1965.

When they did it, they did it with American taxpayer dollars. I do not intend to continue to vest that kind of bureaucratic power in a group of little bureaucrats down in Foggy Bottom.

The Government of Turkey is to make the three interest and principal payments due between 1966 and the original maturity dates pursuant to the original repayment schedule, and make the deferred payments after the original maturity dates. But interest will not be charged on the principal and interest payments that were deferred, which represents another grant of \$31 million to Turkey.

The dreary details of American aid for importation of station wagons, for a meatpacking plant that is virtually unused, for modernization of the state-owned bituminous coal industry that continues to sink deeper into indebtedness, and for grain storage silos whose peak loads averaged less than 40 percent of capacity are included in this GAO report. It should be read by every citizen who still believes that the foreign aid program is designed to help the world's unfortunate.

Much of it helps the politicians, the in-crowd, the tyrants, the dictators that control these countries. It lines their pockets, and a little gets down to the mass of the people.

The report states:

The Agency (AID) advised us that it had encouraged Turkey to adopt necessary reform measures for management of its fiscal and economic affairs. However, although actions taken by the Government of Turkey were not satisfactory, the Agency decided to not insist on a greater measure of cooperation because of foreign policy considerations.

How do Senators like it? They know what he has said is true. AID gave the Turkish Government a slap on the wrist and said, "Now, you must do better. You ought to adopt some reforms." But when the reforms were not adopted, AID continued to pour the taxpayers' money in for what it considered to be foreign policy considerations.

What foreign policy considerations? There are no foreign policy considerations that can justify this kind of waste. It is Turkey that is dependent upon the United States, not the United States that is dependent upon Turkey. If war broke out between Russia and Turkey, we all know that our mutual security obligations would move this country in, and we know what kind of war it would be. It would be a nuclear war, and quickly. Turkey should be required to come in as an applicant for aid willing to meet reasonable conditions we impose for the granting of aid. I propose to give the Senate an opportunity, before the week is over, to vote on just such an amendment.

Primary in these considerations are the extensive intelligence and military installations operated in Turkey by thousands of American personnel. They largely explain why protests about Turkey's stagnating economy and misuse of aid funds are brushed aside with references to Turkey's being "vital to American security."

Our aid to Pakistan is in very much the same category, and we seem to be heading in the same direction with India. The "forward defense" policy of aid is not one of promoting economic freedom of choice at all.

What is happening now in Laos and Vietnam is typical of what would happen in each of these peripheral countries should it come under any pressure from within or without. The American aid that we send them now would be only a drop in the bucket of what it would take to prop them up under conditions of war or near war.

Program loans to these countries are

little better than outright grants and should be stopped.

TECHNICAL COOPERATION

For many years, this descendant of the point 4 program has been an almost untouchable segment of the foreign aid program. But a close examination of its current projects, and those in the comparable category in the Alliance for Progress, indicates that technical cooperation is moving far away from the original point 4. Today, a major function of technical cooperation is the training of local police forces in internal security matters. These programs are zealously pursued by American authorities even in countries like Panama and Indonesia, where their uses are more likely to be anti-American or anti-British instead of anti-Communist.

In short, these programs are being conducted in the countries where we have little or no control over the purposes to which they will be put. They include the recent military junta-ruled countries of the Dominican Republic, Honduras, Ecuador, and Guatemala. Just what we think we can teach the Dominican national police that they did not learn for themselves in Trujillo's day is hard to guess. But we are trying.

We are undertaking similar endeavors in Somalia, Chad, Tunisia, the Central African Republic, Dahomey, the Ivory Coast, the Malagasy Republic, Niger, Upper Volta, the Congo, and Ethiopia in Africa. The programs are equally widespread throughout Latin America and Asia.

In few of these countries is there the institutional framework that would make them a wise undertaking. All we are doing for most of them is making their police states a little more efficient—maybe. But we have not the slightest idea to what use this efficiency will be put, and whether it will advance any interest of the United States.

In many ways, this kind of technical assistance is the most dangerous aid program ever undertaken by the United States. Any reduction Congress makes in it will be a step in the right direction.

The aid presentation for technical assistance gives no real reason for the \$9 million increase it plans over fiscal 1964. AID declares that it is moving the capital projects that have been under technical cooperation into the development loan category. But if so, what does it plan to do with the money saved, plus the increase over last year? Research is the only explanation for this in the presentation.

If one ever had a semantic gimmick, if one ever had an escape hatch, if one ever saw a bureaucratic exit sign, it is the word "research." Whenever we go after them and ask them what they are going to do with the money they save, they say they are going to research something. When we cross-examine them as to what the research is to be, they hedge. It is difficult to get anything from them. They do not want to give up the money. They do not want to save money. They want to use it to build another wing in their bureaucratic building.

We shall never accomplish foreign aid reforms until the Congress does it. Based upon years of experience, I can say there is no such intention on their part. There is no basis for any assumption that we can rely upon the State Department or the AID officials or the Pentagon to save any money or to reform the waste and efficiency that characterize and honeycomb the foreign aid program.

Many of the other projects undertaken in the name of technical cooperation and assistance have a similar flavor of political and military intrigue. In the Near East and Asia, many of the transportation projects seem to be directed at military rather than commercial use. In Afghanistan, for example, we have a total program of \$10 million worth of continuing projects. One of them is to plan a highway to the Iranian border. Its justification is that it would give Afghanistan an outlet in the West. But we had already helped her build a highway to the Pakistani border for the same purpose; then there were troubles between Afghanistan and Pakistan, causing the border to be closed, off and on.

It seems a great hypocrisy to call this "technical cooperation," when it does not appear that Afghanistan is as much interested in having an outlet to the West as we are in insisting that she have one, no matter how much it costs the American taxpayers.

Cyprus is another question mark. Cyprus is down for many hundreds of thousands of continuing projects. What has happened to them during the civil war? No one will ever know from reading the presentation.

Turkey, of course, is the most shameful failure of all aid recipients, not only in the technical aid but in all categories of aid. In technical assistance, many of the programs we are maintaining in Turkey are designed to help Turkey run her state enterprises. Since it is these state enterprises that are largely responsible for the stagnation of her economy, and the responsibility for their continuation is a political rather than a technical problem, it is hard to see how the United States is helping to improve her economic situation by aiding in the perpetuation of these enterprises. Another way of putting it is that we are training Turks in socialism, and creating more bureaucrats who will have to be employed in these establishments already suffering from bloated payrolls.

As for Thailand, one cannot read the continuing projects there without concluding that they are laying the foundation for an American military operation in Thailand. The so-called transportation projects include a four-lane highway from the country's main international airport to Bangkok. From Bangkok, a two-lane highway is to continue to the northeast area where the border with Laos is threatened. Much the same picture is seen in the projects for aeronautical ground services which are "intended to make several airfields fit for military use, as well as civilian." It is hard to see where any civilian use in Thailand could justify "several" airfields of this nature.

In sum, showing people how to live

better is on its way to becoming only an adjunct to the technical cooperation program, as it is to the rest of foreign aid. It is the Peace Corps that is making the greatest contribution to this cause.

AMERICAN SCHOOLS AND HOSPITALS ABROAD

In my opinion, the funds authorized for this activity rank high among the most worthwhile expenditures made in the name of foreign aid. Mr. President, I shall vote for more money, not less money, for that program. That program aids people. Indeed, I have made a matter of record my willingness to support a larger sum for these purposes than the administration requested.

A number of my committee colleagues and I expressed great interest during the hearings in providing assistance to Mexico City College now renamed the University of the Americas. This eminent institution certainly seems to qualify for help under the aid category of American-sponsored schools. Unfortunately, the university had not submitted its detailed application by the time of committee action on the bill. I believe it likely that the majority of members would have voted to increase the authorization for this section had they been in receipt of data from the university which seemed to require such action.

However, the committee was assured by the Administrator and other AID officials that the university's application, when forthcoming, would be reviewed most sympathetically. We were also assured that the funds requested for this general purpose would be sufficient to permit assistance to be granted to the University of the Americas in fiscal 1965. I take this occasion to express my intention of seeing to it that this project is not lost in the bureaucratic shuffle.

THE ALLIANCE FOR PROGRESS

As chairman of the Subcommittee on American Republic Affairs, I yield to no one in my deep interest in the countries of Latin America and their progress with economic and social reforms in the context of democratic political institutions and practices. I would certainly subscribe to the words of the committee report:

Dramatic breakthroughs and economic takeoffs are unlikely in the absence of a basic social and political reorientation in most of Latin America.

But sadly inadequate emphasis has been given to the fact that U.S. policy, rather than American public money, is the instrument through which we can best help our Latin American friends to help themselves.

It is a truism that a change in the price of a basic Latin American export commodity, such as coffee, by a few pennies, or a reversal of capital flight from that area, would have many times the effect of all the financial aid which the United States could possibly make available. What is irreplaceable, on the other hand, is a U.S. policy which actively encourages democratic constitutional means of governing and of tackling the fearsome social and economic problems of the Latin American countries. Regretfully, one cannot avoid the conclusion that

such a policy still is not sufficiently in evidence in Latin America.

Time and again we have reacted to the military overthrow of a constitutional regime by temporarily withholding recognition and foreign aid funds, and then by granting them without any reliable assurances that the new rulers are moving to reestablish constitutional and popular government. It is not merely that such practices evoke justified criticism from all parties involved; they serve to undermine our entire overall policy toward Latin America. Until the United States unequivocally aligns itself with those democratic elements which are trying to bring about peaceful revolution in the social and economic spheres, the Alliance for Progress will be a pious exhortation rather than an instrument for dramatic change.

Our "aid as usual" policy toward the Dominican Republic, Guatemala, Honduras, and Ecuador is the greatest single threat today to the success of the Alliance.

At any time when the Dominican Republic, Guatemala, Honduras, and Ecuador wish to set up a constitutional system of government, at any time they wish to return to democratic processes, at any time they wish to announce specific election dates for the holding of democratic elections, the senior Senator from Oregon will start urging that we give some attention to development loans for those countries; but not until then.

Because it is clear that money alone is not the key to the Alliance for Progress, there is no reason why foreign aid requests for Latin America should not be scrutinized—and reduced when necessary—on the same basis as AID programs in other world areas. Last year's appropriations for the Alliance totaled \$455 million, but the administration has requested \$550 million under that heading for fiscal year 1965. Although the overall foreign aid appropriation should be gradually reduced each year, this should not involve a rigid approach which would inevitably cut each and every component of the act. Therefore, I am recommending \$465 million for the Alliance in the 1965 authorization, or an increase of \$10 million over last year. Of this total, \$80 million would be for grants—the same figure as in 1964—and \$385 million would be devoted to development lending.

I would be willing to add to this amount whatever millions of dollars Congress would be willing to strike from the military aid program to Latin America. A good many millions of dollars should be stricken from it. I would be willing to add to the development loan program the savings which Congress wishes to make on military aid payments or loans to Latin America.

My reasons for cutting \$5 million from the administration request for Alliance grants stem from a painstaking examination of the presentation material. On the basis of listing projects which seemed inadequately justified, unduly extended—often for 15 or 20 years—or otherwise of dubious value, I might have sought a precise cut of \$8,243,000 had I

not again preferred to err on the side of caution.

I would return that cut on the basis of the submission on the part of the AID officials of the type of hard money loans that I referred to earlier in my speech, related to specific projects, to be drawn upon as the projects are built.

In two major countries we make technical assistance grants to encourage the production of export items which are surplus in the United States. In a number of cases there are projects which involve the United States in paying local expenses which could be met by the Latin American country concerned. In other cases the United States is making grants of both heavy and light equipment which properly should be purchased by the local government with the proceeds of a development loan. The ill-advisability of training and equipping of police forces in totalitarian states is discussed in the section on technical cooperation. It is for these reasons that it seems correct to hold grants at last year's level while providing \$10 million more for lending.

There should be no confusion about my position regarding technical assistance for Latin America and other regions of the world. So long as this cooperation is extended in terms of working with fellow human beings through education and training in productive activities, it is of supreme value and it is self-justifying. But this fine program must be kept separate from the provision of capital equipment, other material, and commodities. Development loans obviously are required in order to make such provision, but we must also make it as certain as possible that loans are confined to those purposes, and not devoted to budgetary and balance-of-payments support. The comments made elsewhere in these individual views concerning the Development Loan Fund are equally valid in the Latin American context.

One further point about the Alliance for Progress. There is no activity in Latin America which is more important in terms of reaching the people than the construction of decent, low-cost housing. Yet all indications are that there has been too little movement in this sphere, despite the special authority in the Foreign Assistance Act. I strongly urge far greater attention to this subject by AID officials on an immediate basis.

SUPPORTING ASSISTANCE

It is inexcusable that the administration request for supporting assistance funds should be raised over the amount available last year, even before the special request for additional money for Vietnam was sent to Congress. The Mansfield amendment of 1959 called for an eventual phasing out of these financial grants. Yet \$335 million was initially requested, compared to \$330 million appropriated last year. On top of this, \$70 million more was later requested for Vietnam, bringing the total to \$405 million.

Congress has suffered in the past from the shifting by AID of supporting aid funds away from the purposes presented in the hearings into other uses. If past experience is any guide, it is more than likely that much of the supporting assist-

ance requested for Vietnam will be used elsewhere.

The \$30.3 million reduction in this category by the full Committee is not enough. Three countries in Latin America, for example, are scheduled to receive supporting assistance. One of them is Haiti. Although the program being supported is malaria eradication, our program is in addition to UNICEF and Pan American Health Organization programs in Haiti for the same purpose, to which we also contribute. The brutality of the Duvalier dictatorship in Haiti is not exceeded even in Castro's Cuba. There is no more reason for the United States to maintain a unilateral health program in Haiti than in Cuba, or for that matter, in Communist China.

Supporting assistance aid to Bolivia simply undercuts the requirements of the Alliance for Progress and underwrites the incredible mismanagement of the government-owned tin mines. As with Turkey, the excuse for this aid is the old reliable Communist bogeyman, and the result is the subsidizing by American taxpayers not only of Socialist enterprises but of outrageously inefficient Socialist enterprises. In the case of Bolivia, we have been supporting these tin mines with their grossly padded payrolls since 1954 and there is no end in sight so long as the word is out that there is more supporting assistance coming from the United States. Why should Bolivia change so long as she can scare money out of us?

Jordan and Yemen will account for another large chunk of supporting assistance. Despite the pretentious and glowing references to Jordan's "progressive" government in the presentation, there are no plans for loan aid to Jordan in this year's budget, and one of the three remaining capital projects under technical cooperation is also in Jordan. Nothing but grant money is planned for Jordan this year because with her present policies she is an economic impossibility. The presentation uses the phrase: "Eventual viability may be more securely rooted" in Jordan. That is the best outlook.

Much of Jordan's poor outlook is directly due to her expenditure of \$60 million for defense. Offense is probably the better word. Jordan's army is concerned with nothing in the world but Israel, and King Hussein has made it quite clear that he is ready to move against Israel if the Jordan River project goes through. If he does, it will be only because the United States has subsidized his military establishment since 1957 through supporting assistance grants.

Jordan is not of interest exclusively to the United States. If she needs subsidization to exist, in the same way the Congo does, she should become an international ward, supported by some kind of consortium. That might also reduce the military threat she poses to Israel. But so long as the United States furnishes her this wad of money as a military subsidy, this will never happen. The contributions to her budget from Britain are very small, compared to ours, and Jordan's other sources of aid are loans, not grants. At the rate we are going in Jor-

dan, it will be the American taxpayers who will repay these loans. The budget support to Jordan should be cut by several million this year, so a start can be made toward a longrun solution to Jordan's problems.

In Yemen, we are giving supporting assistance to a government that is little more than a creature of Nasser's, and that is still fighting against a royal government that is in turn backed by Britain.

Unilateral American aid to Yemen is in the same class with aid to Sukarno. Worse yet, a good half of it is for highway construction that is of far more military significance to Yemen now than commercial significance. This aid is nothing but an attempt at political intrigue. It should be stopped until the civil war there is over.

In the Far East, South Korea, Laos, Thailand, and South Vietnam are scheduled to receive large amounts of supporting assistance. Although much is claimed in the presentation for South Korea's economic prospects, no reason is given why supporting assistance to her is being increased over last year. It is all nonproject aid, and although the presentation indicates that it will be released only in increments as the South Korean Government makes good on its promises of economic reform, I see no reason why more should be provided than was provided last year.

Moreover, the only other non-American aid to Korea is taking the form of loans. As with Jordan, the United States will end up repaying these loans unless we develop a more effective program in Korea.

The optimistic note in the presentation book about Korea's future depends heavily upon its renewing aid and trade ties with Japan. The people of Korea, including the young people who rioted recently against this policy, should understand that the United States is not going to underwrite indefinitely their emotional aversion to Japan, however real it may be. We do underwrite it when we raise their budget support considerably over last year.

This large sum for Korea is also a result of the 600,000-man Korean Army we are supporting, in addition to the 50,000 American troops in Korea. This compares with figures I have seen that the North Korean Army is about 400,000. No good reason has ever been offered for maintaining this vast preponderance of military force in South Korea. The latter's army should be brought down at least to 500,000 and preferably to 400,000.

The levels of supporting assistance to Laos and South Vietnam are indicative of what we face in every other underdeveloped country where we are maintaining large military aid programs. The presentation books stress over and over again the meager economic resources of these countries and the high concentration of military activity. The result is that the United States finances a Western-style war effort, in feudal countries. It costs us a yearly average of about \$40 million in Laos, a country of 2.5 million people, exclusive of military aid. In South Vietnam, it has run about \$130 million for economic aid, with this year's

level much higher, in a country of 15 million. In both countries, much of this money goes for the enrichment of ruling classes and factions that we hire to fight communism.

Anyone who thinks the United States gains something by maintaining these indigenous armies in underdeveloped countries around the world should figure out first how much we would have to subsidize any one of them if it became involved in any kind of a war.

The figures for Korea, Laos, and Vietnam should be a lesson to us, because in addition to direct action by the U.S. Armed Forces, it would cost us billions of dollars to subsidize a war effort in such countries as Turkey, Greece, Iran, Taiwan, or any of the others whose military establishments are creatures of the United States.

CONTINGENCY FUND

Once again, the uses of the contingency fund were advertised as being for unforeseen emergencies. But one of the largest transfers out of contingency funds was \$50 million into development loans to make a "program loan" to Brazil. Other uses of the contingency fund have been \$38 million for Vietnam—in addition to its programmed funds and the special request of \$125 million—and a transfer of \$75 million into military assistance. All those obligations were entered into only in the 2 months before Congress acted on the foreign aid bill.

Use of the contingency fund for Brazil's balance-of-payments problem continues to typify the abuses of this fund. This is neither an unforeseen nor an emergency situation. The contingency fund only provides the loophole whereby Brazil evades the stipulations of the Alliance for Progress.

The use of the fund alone justifies a \$50 million cut.

MILITARY ASSISTANCE

There is no part of foreign aid on which the Congress has received a worse flimflam from the executive branch than on military assistance.

One of the major criticisms leveled by both the Clay Committee and the Senate Foreign Relations Committee last year was that we had too many token military aid programs that seemed to be designed merely to give the American military a presence in most countries outside the Communist bloc.

Figures prepared for the hearings at my request indicate that the total number of countries receiving military grant aid in fiscal 1965 will be 55, compared to 63 in fiscal 1964. However, the March 1964 publication from the Defense Department called "Military Assistance Facts" includes an estimate that 62 countries will receive grant military aid in fiscal 1965, and that 10 more countries will acquire American arms through direct or credit purchases.

If there is in fact any reduction planned in the total number of countries receiving grant military aid next year, it does not show up in the request for \$1,055 million. There is no explanation of why we are sending the same total aid to fewer countries, if that is in fact what we are doing.

On March 6 of this year, the General Accounting Office issued another of its periodic reports that have consistently found extensive waste in military aid. This one reported that the Defense Department has continued to maintain large military aid staffs in the countries of Western Europe even though military aid to them is being phased out.

The report also stated that these military aid missions continue to prepare military aid plans even though no more grant aid is supposed to go to these countries.

To quote from the GAO report:

We found that in 1962, when the value of grant aid deliveries to eight of the countries covered by our review was \$190 million, the Military Assistance Advisory Groups in these countries were staffed in total with approximately 345 U.S. personnel or 56 percent of the level maintained to administer programs during the peak year of 1953, when the value of grant aid deliveries was \$2.3 billion. * * *

The failure to eliminate or reduce the Military Assistance Advisory Groups' functions and to make appropriate reduction in the number of personnel assigned, as the military assistance programs were accomplished or reduced, has resulted in the unnecessary expenditure of millions of dollars overseas; the ineffective utilization of highly skilled, highly trained personnel; and the continued but unnecessary support overseas of the dependents of many Military Assistance Advisory Group personnel. * * * The Department of Defense furnished us with comments in response to our findings and proposals for corrective action by letter dated July 25, 1963, classified secret. The Department of Defense has informed us that a worldwide review is now being made of the missions and functions of Military Assistance Advisory Groups to determine the feasibility of reducing U.S. representation abroad. We believe that immediate personnel reductions can be made by eliminating or reducing functions now being performed by these groups. We intend to make a followup review at a later date, and at that time we will examine into the adequacy of the Department of Defense's action to reduce or eliminate the staffs of the Military Assistance Advisory Groups in the countries involved. * * *

Although virtually no additional grant aid is to be provided to the eight Western European countries, we were advised by the MAAG's that they are continuing to prepare military assistance plans. In France, the plans were being prepared in the same detail and on the same basis as though grant aid were to continue, whereas, in other countries the plans were being updated and revisions were being made as necessary.

Secretary McNamara, in his testimony to the Foreign Relations Committee, pointed out that only Denmark and Norway in Western Europe are receiving grant military aid in fiscal 1965, and that no new commitments are being made in Europe. Yet the military aid budget does not reflect any curtailment anywhere of small aid programs or of overseas missions.

A real deception of Congress took place in connection with Vietnam. The original 1965 budget reduced military aid to South Vietnam considerably below the level of fiscal 1964, and parcelled it out to other countries. Then the President sent a special message to Congress claiming that conditions in Vietnam were so critical that an additional \$55 million for military aid was needed to meet that emergency. The addition only brings

South Vietnam's military aid back to last year's level.

Those of us who have been through 15 years and more of that kind of shell game from various administrators can no longer take at face value anything about aid that is told us by either military or civilian officials. In the case of this "bare bones" request, the funds available for military aid this year include not only the \$1,055 million in new appropriations, but \$25 million which was unspent last year and for which re-appropriation is requested, \$135 million which is expected to be recouped from cancellations, price changes, and various slippages, plus a continuing standby authority to use \$300 million in Defense Department stocks when the President finds it "vital to the security of the United States." In recent weeks, \$75 million in contingency funds has also been used for military assistance.

This means there is really available not \$1,055 million but \$1,515 million for military assistance, plus the contingency funds. It is why an eventual cut of \$500 million in military aid would be one of the soundest steps that could be taken toward a sound and useful long-range foreign aid program.

It is becoming clear from the testimony Congress receives year in and year out that the Pentagon has come to consider military aid a permanent program. Each year, the requests are justified with accounts of Greece or Pakistan or some other country using obsolete equipment that must be replaced by the United States to keep it current with Bulgaria in the case of Greece, and to keep current with India, in the case of Pakistan.

It is about time that the Pentagon were required to produce some long-range plans for what it expects of military aid in the future. We should find out whether these countries are going to have their obsolete equipment replaced by us forever, and by whose standards it is obsolete. For example, a perennial favorite is the claim that countries in the Far East need new jet planes. But the only conceivable enemy against which we are arming them is Communist China, whose jet aircraft from the Soviet Union was cut off several years ago and who does not produce its own jets. Published estimates put the Chinese jets at the period of about 1956.

There is no reason for upgrading the level of any military forces in the Far East above that of Communist China, whose air, naval, and mobile capability is very low.

Future Pentagon estimates for military aid should also include an estimate of how much it would cost the United States to finance a war effort in each country receiving military assistance. We are told, for example, that Taiwan no longer receives huge sums of economic aid, but she continues to receive large quantities of military aid. All this means is that Taiwan still cannot support a large peacetime military establishment. How much would it cost the United States to underwrite a war waged by Taiwan?

It continues to be my opinion that any military aid given to a country in peacetime is only a small fraction of what it would cost the United States to support

that country in time of war, if indeed, we decided to support it at all. Such nations are not allies against communism; they are only dependencies. It is worst of all to continue giving large-scale, Western-style military aid to nations that have no prospect of being able to support a modern war out of their own economies in the foreseeable future.

It is not these indigenous forces that deter China or the Soviet Union; it is the likelihood of American response to an invasion of any one of them.

We are having a hard enough time trying to advise the South Vietnamese how to fight, after giving them the most modern equipment, without committing ourselves to the same undertaking with the several million foreign soldiers we keep under arms under the pretext that they are contributing to free world defenses.

The most astonishing testimony of all has been that this amount of the request is needed to upgrade the armed forces of Greece and Turkey. Why we should advertise that we can't do even more than we have in the past to prepare them to fight each other, I cannot imagine.

A 20-percent reduction in the military aid for both Greece and Turkey, and for Pakistan and India, would do more to end the quarrels over Cyprus and Kashmir than all the high level conferences held to date. The spectacle of stoking their war machines while we beg them to be peaceful is as much a reflection upon Congress as upon the executive branch.

CRITICAL REPORTS FROM GENERAL ACCOUNTING
OFFICE CONTINUE

Reports by the U.S. Comptroller General criticizing the aid program in Turkey and the size of military aid missions in Western Europe have already been cited. But there are other reports, too. They continue year in and year out to cite examples of wasted money in the foreign aid program. These reports are in no sense a comprehensive review of aid; they are only reports of practices uncovered in spot checks.

On March 5, 1964, the Comptroller General summarized as follows a report on "Certain Economic Development Projects for Assistance to Central Treaty Organization":

Because the availability of local resources was not adequately explored, grant and loan funds aggregating more than \$8 million were used for purposes other than those for which they were initially obligated and for financing imports which were not needed or could be produced in the recipient country. Furthermore, the economic feasibility of the three projects for which the funds were obligated was dubious and, as conditions existed at the time of our review, there was no assurance that two of the three projects involved would ever be completed.

In light of the foregoing findings, we suggested certain basic policy guides for consideration by the Agency. The Agency expressed agreement with the principles of our proposals but claimed that the origin and objectives of the projects were primarily political and that its decisions and actions in the implementation of the projects were concerned principally with the achievement of political success.

The annual program presentations to the Congress on three of the projects did not fully disclose the unusual circumstances and the problems which have attended the proj-

ects. Moreover, the presentations were incomplete and inaccurate and indicated that the aid provided to these projects was more effective than was actually the case. We are repeating our recommendation made in previous similar instances, that the Agency make more informative, clear, and accurate disclosure of significant data in annual program presentations.

On March 12, 1964, a report was sent to Congress on "Unnecessary or Premature Procurement of Sidewinder Missile Training Systems and Their Delivery to Foreign Countries Under the Military Assistance Program." It said in part:

Tow target systems costing in excess of \$1 million, designed for training pilots in the use of Sidewinder missiles, were unnecessarily or prematurely delivered to 11 foreign countries because responsible Department of Defense agencies had not given consideration to the countries' inability or unwillingness to use the systems. Six countries were unwilling to use the tow target systems for reasons of safety and cost, and five countries did not have the equipment, missiles, or test programs to enable them to use the tow targets at the time of delivery. An additional \$240,000 had been expended by the Air Force for tow targets for which no firm requirement existed and which were never delivered under the military assistance program. These targets were still in storage at the time of our review.

In commenting on our findings and proposals, the Department of the Air Force advised us that action had already been taken or was underway to recover the excess equipment in six countries and that no immediate action was proposed in five countries because utilization had been planned.

With regard to the procurement of unneeded tow targets that were never delivered to recipient countries and are now in storage, inasmuch as the Department of the Air Force failed to comment on our finding, we are recommending that the Secretary of Defense require that an appropriate inquiry be made to determine the reasons for the overprocurement and which persons were responsible so that appropriate corrective and disciplinary measures may be taken.

Our reports on the military assistance program over the past 7 years have shown that a basic deficiency in the administration of the program has been the failure of the Department of Defense to limit material deliveries in accordance with the capability of the recipient countries to maintain and utilize equipment even though this is required by the Department's own regulations. Accordingly, we have recommended to the Secretary of Defense that these regulations be strengthened by requiring that future deliveries of major end items included in approved military assistance programs be made only upon a written certification by the Chief of the Military Assistance Advisory Group based on a specific determination that the recipient country has the necessary capability to effectively absorb, maintain, and utilize the item to be delivered.

The Department of Defense has disagreed with our recommendations and has maintained that, under current directives, the Military Assistance Advisory Group Chiefs have the continuing responsibility for screening undelivered military assistance program materiel and for taking timely cancellation or deferral action where delivery of materiel is not consistent with host country capability to absorb, maintain, and utilize the equipment. The Department of Defense maintained also that certification by the Military Assistance Advisory Group Chief would serve no significant useful purpose.

We believe that such a certification requirement would encourage a current reappraisal of the need for the equipment and

the country's capability to maintain and utilize it before it is delivered and would help to prevent future deliveries of military assistance program materiel in excess of the country's capability to effectively absorb, maintain, and utilize the items delivered. Military assistance program materiel has continued to be delivered for a number of years to countries which cannot effectively absorb, maintain, or utilize the equipment and has been the subject of numerous reports to the Congress and the Secretary of Defense, even though during that time the Military Assistance Advisory Groups have been charged with the responsibility of preventing this from occurring. We therefore believe that affirmative action by the Military Assistance Advisory Group Chief before delivery should be required.

In view of the position of the Department of Defense with respect to this matter, the Congress may wish to consider the enactment of legislation requiring additional safeguards before delivery of military assistance program materiel. We shall be pleased to assist in drafting such legislation if desired.

Certainly the inclusion of legislation along this line must be considered at the next drafting of foreign aid legislation.

On June 17, 1964, a report was received on "Ineffective Administration of U.S. Assistance to Children's Hospital in Poland." It said in summary:

Our examination into the U.S. assistance to a children's hospital in Poland, for which about \$2.2 million in dollars and the equivalent of \$8.3 million in U.S.-owned Polish currency has been appropriated, disclosed an almost complete lack of U.S. Government surveillance of project activities. Consequently, U.S. officials were not aware of certain unfavorable financial and operational factors attending this project.

We found that cost estimates submitted to the Agency for International Development did not include supporting details and that the Agency had not made a proper review and evaluation of the estimates. We found also that (1) the Agency disbursed more funds to the private sponsor of the hospital than were provided for in the original grant agreement, (2) the sponsor had incurred costs in excess of the maximum amount provided for in the original grant agreement and in excess of the erroneous amount disbursed by the Agency, and (3) the sponsor continued to incur costs even though all available funds were exhausted. We found further that the hospital may not be adequately staffed for effective operation at the time of its completion. We believe that this loose administration was caused in good part by a failure to define Agency responsibility.

The Agency made a commitment in August 1961 to finance the local currency costs of constructing the hospital on the condition that the sponsor would attempt to raise from private contributions in the United States the dollar funds required for certain material and equipment not available in Poland. The Agency made this commitment in the face of overwhelming evidence at the time that the sponsor would not be able to raise the dollar funds and that U.S. Government dollar financing would ultimately be necessary to complete the hospital. As far as we could determine, the Agency did not present this matter for the consideration of the Congress prior to making the commitment.

At the time of our review, construction was well underway with Polish currency made available by the Agency but the sponsor had raised only a fraction of the dollar requirement and reported that no prospect existed for raising the dollars. Consequently, in order to complete the hospital, the Agency requested \$2.2 million in dollars for the hospital in its fiscal year 1964 budget presentation to the Congress. The request was made,

notwithstanding the then existing prohibition against giving dollar aid to Communist countries. The funds were appropriated in the Foreign Aid and Related Agencies Appropriation Act, 1964, approved January 6, 1964.

In requesting funds for the hospital in its budget presentations to the Congress for fiscal years 1963 and 1964, the Agency did not disclose the unusual circumstances and problems which have attended this project, as described in our report, and furnished incomplete and inaccurate information regarding some of the financial and operational aspects of the project. Also, because the dollars were not available when needed, completion of the hospital will undoubtedly be delayed considerably beyond its scheduled date.

The comments of the Agency for International Development, concurred in by the Department of State, reflected general disagreement with our findings and conclusions. After an analysis of these comments and further review of files and records, however, we concluded that the Agency had presented no information which would cause a significant change in our basic report with respect to our presentation of the facts or the conclusions drawn.

We believe that, in addition to the corrective actions cited in the report, it is incumbent on the Agency for International Development to take steps to assure that arrangements have been worked out for adequate staffing of the hospital. Also, we are again recommending that future annual foreign aid budget presentations to the Congress describe projects and other significant activities in such clarity and specifics as will facilitate a full and correct understanding by the Congress of their scope, status, and administration.

On June 29, Congress received a report on "Deficiencies in Administration of the Earthquake Reconstruction and Rehabilitation Program for Chile." It said in summary:

On the basis of our review of projects financed under the reconstruction and rehabilitation program in Chile following the earthquakes in May 1960, we believe that serious problems were encountered because the Agency for International Development did not adhere to accepted standards of programming and project planning for the large

number of projects included in such a vast program.

For the most part, no meaningful review was made of the Government of Chile's plans, specifications, and cost estimates for the projects undertaken. The Agency did not adjust the size and makeup of its mission staff to meet the tremendous expansion of assistance to Chile under the earthquake program. Also, appropriate consideration was not given to the abilities of the various agencies of the Government of Chile to carry out their part of the program. As a result, serious cost overruns and delays occurred in many projects and a number of projects had not been completed, or in some cases had not been started, some 3 years after the earthquakes and substantially after their estimated completion dates.

For a substantial part of calendar year 1962, the maximum rate of exchange was not obtained for dollars disbursed under the earthquake reconstruction program. The resulting loss to the earthquake program was estimated to be in excess of 26 million Chilean escudos, the equivalent of \$13.8 million on a most conservative basis. As a practical matter, it can be said that earthquake reconstruction funds were used for a period of time to subsidize and help maintain the Chilean escudo at a rate that was known to be overvalued in relation to the dollar.

Despite the disbursement of large sums in calendar year 1961 and 1962 under this program, Chilean imports from the United States declined in those years, both in dollar value and in relation to total imports. Also, we noted that several earthquake reconstruction projects were adversely affected because of Chile's shortage of foreign exchange, despite the fact that \$120 million we being supplied under the earthquake program, and the amount of foreign exchange required for earthquake projects was relatively minor. We are recommending that, in future agreements providing dollar financing for projects or programs consisting principally of local currency costs, adequate provision be made requiring the utilization of the dollars so provided for any direct foreign exchange costs of the specific projects or programs being financed.

To the extent deemed appropriate, the comments of the Agency on our findings have been included in this report. The Agency's comments on the exchange rate matter, together with our evaluation of such

comments, are contained in a supplementary report which has been classified as "confidential."

In May, two more reports were received. They concerned waste in the military aid programs to Indonesia and Ethiopia, and both were marked "classified."

This year's reports on foreign aid are only typical of those Congress receives every year. The answer always comes back: "Some waste must be expected in a program of this size." But I do not know of any Federal program of any size where so much known waste of money continues with so little action being taken to stop it. So long as these critical reports on foreign aid come in from the General Accounting Office, I shall continue seeking to reduce and tighten the program.

CONCLUSION

On the basis of the foregoing discussion and other information which cannot be made public, I am recommending cuts totalling \$466,700,000 less than the figures approved by the Committee on Foreign Relations. This would bring the overall foreign aid authorization to the \$3 billion level of new money which was appropriated last year.

If this is a barebones request, then at least not a dollar should be asked for above what was asked for last year.

Also, when we have received promises that we would move toward reducing, year by year, instead of increasing, we ought, at least, not to vote for more money than was made available last year. This is not a barebones program at all. The administration is asking for more money than it got last year. There is a great deal of fat hanging on the so-called skeleton of this year's program.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the table giving the statistical details of my proposal.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

	Appropriation, fiscal year 1964	Administration appropriation request, 1965	House appropriation bill	Senate Foreign Relations Committee	Reduction by Senate Com- mittee from administration request	Recommended further cuts	Recommended Senate authorization
Pt. I. Economic:							
Ch. 2. Development assistance:							
Title I: Development loans.....	\$687,300,000	\$922,200,000	\$782,200,000	(1)		\$140,000,000	\$782,200,000
Title II:							
Technical cooperation, develop- ment grants.....	155,000,000	224,600,000	204,600,000	\$215,000,000	\$9,600,000		215,000,000
American schools and hospitals.....	19,000,000	18,000,000	18,000,000	18,000,000			18,000,000
Title IV: Surveys of investment opportunities.....	(1)	2,100,000	2,100,000	2,000,000	100,000		2,000,000
Title VI:							
Alliance for Progress loans.....	375,000,000	465,000,000	425,000,000	(1)		80,000,000	385,000,000
Alliance for Progress grants.....	80,000,000	85,000,000	85,000,000	85,000,000		5,000,000	80,000,000
Ch. 3. International organizations.....	116,000,000	134,400,000	134,272,400	134,400,000			184,400,000
Ch. 4. Supporting assistance.....	330,000,000	405,000,000	405,000,000	374,700,000	30,300,000	11,700,000	363,000,000
Ch. 5. Contingency fund.....	50,000,000	150,000,000	150,000,000	150,000,000		50,000,000	100,000,000
Pt. II. Military.....	1,000,000,000	1,055,000,000	1,055,000,000	1,045,000,000	10,000,000	180,000,000	865,000,000
Pt. III. Administrative expenses:							
AID.....	50,000,000	52,500,000	52,500,000	52,500,000			52,500,000
State Department.....	2,700,000	2,900,000	2,900,000	(1)			2,900,000
Pt. IV. Other laws: Latin American development.....	135,000,000						
Total.....	3,000,000,000	3,516,700,000	3,316,572,400	2,076,600,000	50,000,000	466,700,000	3,000,000,000

¹ Previously authorized.

Mr. MORSE. It will be noted that in virtually every category but military assistance my recommended figures exceed the amounts appropriated for fiscal year 1964. The fact of this excess should counter the tortuous argument for increases based on carryovers, deobligations, and so forth—an argument which plagues and distorts our debates on the subject of foreign aid each and every year.

Needless to say, I am convinced that any authorization for a foreign aid program of more than \$3 billion is not in the national interest, and is actually inimical to the individual American taxpayer.

The foregoing explains the conclusion I set forth in my individual views on the bill as it came from the Foreign Relations Committee—that it has become one of the most stagnant, unproductive, and misrepresented of all Federal activities. It is stagnant because its objectives are till tied largely to American strategic interests of the 1950's; it is unproductive because much of it goes for uses that neither build nor develop; and it is misrepresented because in spite of all the official handwringing pleas that we help the underprivileged and deprived people of the world, not more than 40 percent of it goes for that purpose. Little of it actually ends by helping them.

The basis of my approach to foreign aid is that it must serve the interests of the United States. I believe in "strings" on aid. Congress may spend public money only for the general welfare of the United States, not for the general welfare of any other people, no matter how deserving they may be.

My difference with much of the program is over what really does serve the interests of the United States. I do not believe that aid extended for military reasons, security reasons, or for reasons of political intrigue serves our long-run interests, and this is a long-run program. Foreign aid should be primarily developmental and for specific developmental projects, with the short-run considerations very secondary, instead of the other way around.

Unless and until it is put on that basis, foreign aid will remain a dole, and its recipients will be either dependencies of the United States—like Vietnam—or they will take our military aid and then use it for their own national purposes which may be quite contrary to our own.

There is no longer any expectation that the administration will revamp foreign aid toward these ends. It is therefore up to Congress to do it.

Mr. President, when I say that it is up to Congress to do it, I mean it is up to the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs to assume major responsibility in bringing about changed policies in foreign aid. The committee report of last year promised it; the committee report of this year did not fulfill that promise. We cannot square the report of the Committee on Foreign Relations this year with the promises of last year. The committee has given us more of the same. The majority has passed the buck again. It will be from

downtown, and not on Capitol Hill, that any reform will come, so far as this year's report is concerned; but we shall wait in vain if we wait for any reform in policy concerning foreign aid from anywhere downtown.

I said earlier in my speech that this is a legislative responsibility under our system of checks and balances. I do not like to stand on the floor of the Senate, year after year, and criticize the body of which I am a Member; but I have been doing so for several years, and I shall continue to do so until the Senate starts to assume its responsibility for a reform of foreign aid as a matter of policy. The Senate did start the job last year; but the Foreign Relations Committee has not advanced the work. It is up to the Senate itself to continue the job.

To the American people, I say: "You have a responsibility, as individual citizens, of making a study of exactly what the foreign aid policy of your Government is. I know that many of the facts will be kept from you under the secret label; but enough has already been made public by those of us who in the past several years have made the record each year as to the shortcomings of foreign policy. It is for you, the people, to start to demand of your officeholders that if they want your continued support, they had better get on the job in reforming foreign aid as a matter of policy.

Before the week is out, I shall offer some policy amendments, at least for educational purposes. Sooner or later—and I hope this might be the year—some of the policy changes will be demanded by Congress by writing them into the bill.

Mr. President, that is my case. This is my first speech this week on the subject. I am pleased to rest on that case.

If it meets with the approval of the majority leader, I shall suggest the absence of a quorum.

Mr. MANSFIELD. Mr. President, will the Senator withhold that request?

Mr. MORSE. I withhold the request.

Mr. MANSFIELD. Has the Senator yielded the floor?

Mr. MORSE. I yield the floor.

AID FOR DEPENDENT CHILDREN OF UNEMPLOYED PARENTS IN THE DISTRICT OF COLUMBIA

During the delivery of Mr. MORSE's speech,

Mr. RIBICOFF. Mr. President, will the Senator from Oregon yield to me?

Mr. MORSE. Mr. President, I am glad to yield to the Senator from Connecticut [Mr. RIBICOFF], with the understanding that the interruption will appear elsewhere in the RECORD, and with the further understanding that it will not interfere with my rights to the floor.

The PRESIDING OFFICER (Mr. MCINTYRE in the chair). Without objection, the Senator from Connecticut is recognized.

Mr. RIBICOFF. I thank the Senator from Oregon for yielding to me.

Mr. President, last Friday, the Senate decided by seven votes not to include the

District of Columbia in the national program of aid to families with dependent children of unemployed parents. While I am disappointed, I am not discouraged by this outcome. The prospects for eventual victory have improved since last year.

This year, unlike last year, the House of Representatives approved the program.

Further, I note that while the issue was lost by seven votes, nine Senators who voted in favor of the program last year were absent or otherwise not recorded this year.

So, I am convinced that the fight must continue. The plight of these needy children will not disappear. The issue of helping them will not go away. I can assure the Senate that so long as I have the privilege of serving in the Senate, the effort to help these children will be made.

During the debate, the distinguished Senator from West Virginia [Mr. BYRD], who opposed the program, listed 21 arguments against including the District in the unemployed parent program.

For the benefit of the conferees who still must consider this issue, and for all those who will have to consider it next year if it is not agreed to in conference, I have prepared an analysis of those 21 arguments and an answer to each.

I ask unanimous consent to have this analysis printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

Argument No. 1: "The House turned down the request in fiscal year 1963, so that it cannot be said, as was said a few moments ago by the distinguished Senator from New Hampshire—who is now in the chair as the Presiding Officer—that the program has been denied by the Senate Appropriations Subcommittee on the District of Columbia.

"That is only partly true. The House turned down the request in fiscal year 1963. The Senate turned down the request in fiscal year 1964. The request last year was never presented to the House. The House acted on the A budget. This item was not in the A budget. This item last year was in the B budget which came to the Senate and it was denied by the Senate when it rejected the Ribicoff amendment. Of course, the Senate Appropriations Committee and the subcommittee last year had, prior to the action taken by the Senate, denied the request.

"This year, the House included the item. But I say to the Senate that only 12 questions were asked in the House subcommittee.

"This is not intended as any reflection on the House subcommittee, but the record will show that no more than 12 questions were asked: whereas in the Senate Appropriations Subcommittee this year, approximately 100 questions were asked concerning this one item alone, and last year approximately 225 questions were asked by the Senate subcommittee concerning this one item."

Answer No. 1: No matter what happened in fiscal year 1963, the undeniable fact remains that last year, and more importantly, this year, it is the action of the Senate that is keeping the District out of the AFDC-UP program. This year the House Appropriations Committee and the House of Representatives voted in favor of the program.

The number of questions asked in subcommittee is no measure of the need for a program. The Senate subcommittee did ask

more questions about the program than the House subcommittee, but it also received more answers showing the need for the program.

Argument No. 2: "The program is not justified in the District of Columbia because the unemployment rate is low comparatively speaking."

Answer No. 2: The size of the unemployment rate has no bearing on the need for this program. It provides aid for needy children of unemployed parents. Their needs are just as severe, whether the total number of unemployed parents is large or small. West Virginia uses the program for 11,000 families. Oklahoma uses it even though only 25 families are eligible.

Argument No. 3: "The general level of prosperity is high."

Answer No. 3: The high level of prosperity means nothing to the hungry children of parents who cannot find a job. If prosperity is generally high, then surely those who benefit from it would not mind spending a little tax money to help those who do not.

Argument No. 4: "The Department of Welfare has been unable to prevent a firm projection of cost estimates for the future operation of the program."

Answer No. 4: Neither the District of Columbia Department of Welfare, nor its counterpart in West Virginia, has a crystal ball. Neither can predict how many parents will be unemployed in the years ahead. But we do know that the unemployed rate in the District has been fairly constant and we also know there is a present need that is not being met.

Argument No. 5: "The man-in-the-house rule would be nullified, and the Federal Government would close its eyes to the presence of the paramour in the home, and he could be included in the benefit plan."

Answer No. 5: This is simply not so. The man-in-the-house rule would not be nullified. It would be modified only to the extent that the presence of a man in the home would not render the family ineligible if that man was the father of one or more of the children. But the man-in-the-house rule would continue to apply to every man who was not a father of any of the children in the home. A paramour would certainly not be included in the benefit plan.

Argument No. 6: "The ADC caseload, which has been reduced roughly 30 percent over the last 2½ years, would be increased 27½ percent in the first full year of operation of the program. Our work in reducing the caseload over the past 2½ years would virtually go for naught."

Answer No. 6: The caseload would increase only if there are needy and hungry children of unemployed parents. There is no virtue in keeping a caseload figure low by excluding hungry and needy children.

Argument No. 7: "Additional positions would be needed and additional policing would be required."

Answer No. 7: The need for personnel to run the program is no more an obstacle in the District than it is in any other of the 18 States that have the program.

Argument No. 8: "Administrative burdens would be increased."

Answer No. 8: The administrative burdens are no more an obstacle in the District than they are in any other of the 18 States that have the program.

Argument No. 9: "Additional opportunities for cheating would be presented."

Answer No. 9: Because a very small number of people cheat is no reason to deny benefits to the vast majority who do not. This, too, is no more an obstacle in the District than in the 18 other States.

Argument No. 10: "It has not been shown that a feasible and practicable work program in the District of Columbia can be established. States which presently partici-

pate in the AFDC-UP program have vast opportunities for employment of AFDC-UP recipients and can loan them to municipalities and county courts, and use them to clean up after floods, fight forest fires, remove brush along the highways, and so forth."

Answer No. 10: There are plenty of useful work opportunities here in the District. Let us make our streets and parks as clean as any European capital before concluding there is no work to be done.

Argument No. 11: "Work training programs already exist in the District of Columbia. Another work training program is not needed."

Answer No. 11: If existing work training programs can be adapted for the unemployed parents who would be eligible under the AFDC-UP program, then nothing new would be set up. In any event, this is no reason to deny assistance to the needy.

Argument No. 12: "The program is costly both to local and Federal Government. The first full year's total cost of the program would exceed \$2,577,000. What the cost will be beyond that, nobody knows."

Answer No. 12: The cost to the community is far less than meeting the need in other ways. The AFDC-UP payment per child is less than the foster home payment and far less than the cost of maintaining the child in Junior Village.

Argument No. 13: "If the program is initiated it will never be terminated until the Federal law is repealed or permitted to be terminated without renewal. The peculiar circumstances which obtain in this city and in the Congress with regard to the city simply rule out a stoppage of the program if it is once started—barring, as I have said, the repeal of the Federal authorizing statute or failure to extend its life beyond 1967."

Answer No. 13: The program requires funds from Congress each year. Congress can change or end the program any year it wants to.

Argument No. 14: "The District has a difficult financial problem now, and the AFDC-UP program would merely compound the problem."

Answer No. 14: The funds for this program were included in the District budget submitted by the President. In any event, the District's financial problem is nothing compared to the welfare and potential crime problems caused by failing to provide basic sustenance for these families.

Argument No. 15: "The AFDC-UP program would siphon off much needed moneys from other worthwhile programs dealing with education, and so forth."

Answer No. 15: There is no fixed ceiling on what Congress spends for the District. There is no need to siphon this money off from any other program.

Argument No. 16: "It could amount to a back-door appropriation approach, in that certain positions could be created without prior authorization."

Answer No. 16: The Appropriations Subcommittee is fully capable of making sure that no unauthorized positions are created.

Argument No. 17: "This is an unemployment compensation matter, not a welfare matter. Extend the period for unemployment compensation coverage, if you wish, but let us not start a new welfare program of such dimensions."

Answer No. 17: This is a popular misconception to which there are several answers:

(a) Most of the families in need of the AFDC-UP program are ineligible for unemployment compensation. Some have never worked in covered employment. For others the only jobs they can find even on a sporadic basis are with employers who fail to make contributions to the unemployment compensation fund.

(b) The unemployment compensation program is designed to help those regularly em-

ployed during comparatively brief intervals between jobs. Regardless of their personal assets, they are entitled to the insurance benefits which they and their employers have purchased. The AFDC-UP program is for those who are hopelessly unemployed and have no assets to fall back on.

(c) An unemployment compensation program does not negate the need for AFDC-UP in the District any more than it does in the 18 other States that have the program.

Argument No. 18: "Recipients would receive more, ordinarily, under this program, than would those persons who draw unemployment compensation."

Answer No. 18: First, most AFDC-UP recipients are ineligible for unemployment compensation and so the argument is not true as to them. Secondly, the two kinds of payment serve an entirely different purpose. The unemployment compensation payment is a modest payment to tide a family over where the wage earner is temporarily unemployed. The AFDC-UP payment is for a family that has no other means of surviving.

Argument No. 19: "Only 19 States have elected to participate and continue to participate was suspended over a year ago. The State of Kentucky has nine counties operating under a pilot program. The State of Arizona originally participated in the plan but it was suspended over a year ago. The State of North Carolina, from which the fine lady commissioner of welfare, Dr. Ellen Winston, comes, participated for awhile, but the legislature refused to continue participation as far back as 2 years ago. If the program is so desirable, why do the other 31 States not participate?"

Answer No. 19: The main reason the other 31 States do not participate is that most of them can make some provision for the chronically unemployed under their general assistance programs. But here in the District if a man or a woman is technically "employable," the family is ineligible for any welfare aid including general assistance regardless of how long the person has in fact been without work.

Argument No. 20: "The incentive of recipients to find other work would be impaired."

Answer No. 20: This is not so. Those receiving AFDC-UP payments would be required to report for available training and to accept available work opportunities. If they failed to do so, they would be disqualified for assistance.

Argument No. 21: "The program will attract to the District of Columbia more of the same element which now constitutes a burden on the taxpayers, which is driving taxpayers out of the city into adjacent areas, which contributes to increasing crime costs, to increasing welfare and health costs, and to decreasing property values and lower tax potential."

Answer No. 21: None of the 18 States with the AFDC-UP program has experienced an influx of people. West Virginia in fact continues to lose population. And if likelihood of crime is the worry, the answer is certainly not to keep unemployed people ineligible from funds that can mean the difference between life and death.

Mr. MORSE. Mr. President, let me say to the Senator from Connecticut that I shall continue to support the position he has taken with regard to the desirability of including the District of Columbia in the aid-for-dependent-children program.

Mr. RIBICOFF. I do not believe that the District has a more worthy champion of these children than the Senator from Oregon [Mr. MORSE], because of the position he has taken as a member of the District Committee and chairman of the

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE

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Administrative	Electrification.....27	Public Law 480.....36
conference.....27	Farm program.....5	Public works.....2
Administrative law.....15	Feed relief.....16	Reclamation.....2,14,25
Agricultural	Foreign agriculture.....32	Rice exports.....10
appropriations.....1,17	Foreign aid.....3,18	Riverways.....27
Alaska relief.....12,21	Housing.....27	Strip mining.....20
Appropriations... 1,2,23	Labeling.....27	Tariff.....26
Area redevelopment...13,28	Legislative program...27	Trade.....33
Beef exports.....19	Marketing.....8	Transportation.....7
Commissions.....34,35	Meat imports.....27,31	Wheat program.....30
Conservation.....6	Military construction...23	Wilderness.....11
Containers.....27,37	Personnel.....22	
Crop insurance.....4	Poverty.....9,24,29,34	

HIGHLIGHTS: Senate passed agricultural appropriation bill. House passed poverty bill. Senate passed public works appropriation bill. Senate debated foreign-aid authorization bill. Sen. Miller inserted editorial criticizing administration's farm program. Rep. Poage introduced Public Law 480 bill.

SENATE - August 7

1. AGRICULTURAL APPROPRIATION BILL, 1965. The Appropriations Committee reported with amendments this bill, H. R. 11202 (S. Rept. 1331). Attached to this Digest is the committee report, which includes a statement of committee actions. p. 17886
2. PUBLIC WORKS APPROPRIATION BILL, 1965. Passed with amendments this bill, H. R. 11579 (pp. 17895-936). Senate conferees were appointed (p. 17936). Rejected, 23-57, an amendment by Sen. Nelson to reduce reclamation work by \$1,500,000 (p. 17922).

3. FOREIGN AID. Continued debate on H. R. 11380, the foreign-aid authorization bill. pp. 17937-47
4. CROP INSURANCE. Both Houses received from this Department a proposed bill to amend the Federal Crop Insurance Act, including a provision to remove the ceiling on appropriations; to Senate Agriculture and Forestry Committee and House Agriculture Committee. pp. 17885, 18037
5. FARM PROGRAM. Sen. Miller inserted and commended an editorial by Dick Hanson criticizing the administration's farm program. p. 17949
6. CONSERVATION. Sen. Mansfield inserted an article stating that this Congress may be known as "The Conservation Congress." p. 17856
7. TRANSPORTATION. Sen. Cotton inserted and commended an article by Ben Kelley indicating a belief that the "freight-car shortage" is a myth. pp. 17888-9
8. MARKETING. Sen. McGee inserted a letter from the River Markets Group, Nebr., commending the work of Sen. McGovern in connection with the bill to establish the National Commission on Food Marketing. p. 17980

HOUSE - August 7

9. POVERTY. Concluded debate on H. R. 11377, the poverty bill. By a 228-190 vote, agreed to an amendment by Rep. Landrum to substitute the text of S. 2642, a similar bill, with several modifications. During consideration in Committee of the Whole, adopted a motion to strike out the enacting clause, by a 170-135 vote. Then reversed this action by a record vote of 197-225. pp. 17972-18025
10. RICE EXPORTS. Rep. Thompson, Tex., spoke against plans for the Common Market to impose a tariff on U. S. long-grain rice. p. 17953
11. WILDERNESS. House conferees were appointed on S. 4, to establish a National Wilderness Preservation System. Senate conferees have been appointed. p. 18025
12. ALASKA RELIEF. Agreed to the conference report on S. 2881, to provide assistance to Alaska for reconstruction of areas damaged by the recent earthquake. p. 18026
13. AREA REDEVELOPMENT. Rep. Talcott criticized administration of the ARA program and referred to a recent GAO report on this matter. p. 18029
The Rules Committee reported a resolution for consideration of S. 1163, to amend certain provisions of the Area Redevelopment Act. p. 18037
14. RECLAMATION. The Interior and Insular Affairs Committee reported with amendment H. R. 2337, to authorize construction of the Lower Teton division of the Teton Basin reclamation project, Idaho (H. Rept. 1715). p. 18037
15. ADMINISTRATIVE LAW. The Rules Committee reported a resolution for consideration of S. 1664, to provide for continuous improvement of the administrative procedure of Federal agencies by creating an Administrative Conference of the U. S. p. 18037
16. FEED RELIEF. The Agriculture Committee reported without amendment H. R. 1211, to fix penalties for misuse of feed made available for relieving distress for preservation of foundation herds (H. Rept. 1720). p. 18037

seen it accepted in conference. However, I recognize that sometimes if we wish to have any bill, we must make some undesirable concessions.

It could be argued that it would be better to have no bill. However, my feeling is that in the future it may be shown to be necessary to amend the law in order to make provision for full time public defenders in some districts. At least it is a great step forward to have a law on the books, even though it is inadequate and not entirely what we would like to have. The matter has been pressed by several Attorneys General in the past. This will at least be a step in the right direction. Many forward-looking people believe that defense counsel should be provided for an accused who is not able to pay for his own defense.

I congratulate the distinguished Senator from Nebraska and the distinguished Senator from North Carolina [Mr. ERVIN] on their great achievement in bringing the bill to this point.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. ERVIN. Mr. President, I am delighted that this legislation is about to be enacted into law. In company with the able and distinguished Senator from Nebraska and the able and distinguished junior Senator from New York, I have been very much interested in the legislation. The stage at which we find the legislation at the present time is due in large measure to the distinguished junior Senator from New York [Mr. KEATING] and the distinguished Senator from Nebraska. The able and distinguished Senator from Nebraska is more responsible than any other man for the completion of the work on the bill. The legislation represents not only a fine forward step in the administration of criminal justice, but it represents also a willingness on the part of Congress to implement the ruling of the U.S. Supreme Court with reference to the furnishing of counsel to those who cannot engage counsel of their choosing.

The Senator from Nebraska has the thanks of all who believe in the administration of criminal justice in a fair way for what he has done in this connection.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. JAVITS. Mr. President, for a long time I, too, have been interested in providing adequate legal counsel to indigent defendants charged with Federal crimes. I have worked with bar associations and have introduced bills to bring about what was contemplated by the Senate-passed bill.

I appreciate very much the desire of my colleagues to make the bill as good as it could humanly be made. The Senator from Nebraska is quite right in his concern about the omission from the bill of the so-called public defender provision, which would have authorized a full-time public defender where needed.

I feel that the Senator from Nebraska, my colleague, the Senator from New

York, and the Senator from North Carolina are entitled to the thanks of the whole country, especially the thanks of the families of accused persons, who, wandering around in a labyrinth of law, feel that the law is blind or unjust. This law is a milestone and a landmark in the solicitude and care of lawyers for the accused under our system of justice, and a blessing to the families of the accused who must confront the whole majesty of the law and in doing so are absolutely lost and confused and bewildered. Our colleagues have rendered a signal service, and I congratulate them from the bottom of my heart. I know that thousands of families will bless them.

This bill is a beginning. We hope that all the bar associations and legal aid societies who provide these services will measure up to what is expected of them, because what will happen in connection with this law, and how well the law will be administered will in a large measure be up to the organized bar, at whose door it is laid. We hope they will take this mandate from Congress and treat it as a sacred trust and see to it that every dollar that is spent will produce the devotion that is contemplated. Thousands of families will be grateful to them.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of Calendar No. 1123, H.R. 11380.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. CARLSON. Mr. President, I call up my amendment No. 1124 and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 13, beginning with line 24, strike out all through line 2 on page 15.

On page 15, line 3, strike out "(4)" and "(k)" and insert in lieu thereof "(2)" and "(j)", respectively.

On page 15, line 4, strike out "(k)" and insert in lieu thereof "(j)".

Mr. MANSFIELD. Mr. President, will the Senator from Kansas yield, without losing his right to the floor?

Mr. CARLSON. I yield.

Mr. MANSFIELD. Mr. President, I had hoped it would be possible to reach a vote on this amendment shortly. The Senator from Kansas has said he would ask for the yeas and nays on the amendment. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARLSON. Mr. President, on my amendment I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CARLSON. Mr. President, the amendment I am offering, which is co-sponsored by the chairman of the Committee on Post Office and Civil Service, the distinguished Senator from South Carolina [Mr. JOHNSTON], and the distinguished Senator from Maryland [Mr. BEALL], would strike from the bill subsection 302(a) (2) and (3).

I ask unanimous consent that the language we proposed to strike be printed at this point in the RECORD. It appears on page 13, lines 24 and 25, all of page 14, and through line 2, page 15.

There being no objection, the language was ordered to be printed in the RECORD, as follows:

(2) Subsection (e) is amended to read as follows:

"(e) The President is authorized to prescribe by regulation standards or other criteria for maintaining adequate performance levels for personnel employed or assigned to perform duties pursuant to this Act and may, notwithstanding any other provision of this or any other law, but subject to an appropriate administrative appeal, separate personnel who fail to meet such standards or other criteria, other than personnel employed under section 624(d), 625(b), 625(k), 626(a) or 631 of this Act, and also may grant personnel separated hereunder severance benefits of one month's salary for each year's service, but not to exceed one year's salary at the then current salary rate of such personnel."

(3) Add the following new subsection (j):

"(j) The President is authorized, at any time during the two-year period commencing on the effective date of the Foreign Assistance Act of 1964, to separate, notwithstanding any other provision of this or any other law, any person employed or assigned to perform duties pursuant to this Act. The authority contained in this subsection shall not apply to persons with General Schedule appointments of grade 12 or below, Foreign Service Reserve appointments of class 5 or below, or Foreign Service Staff appointments of class 3 or below, or to persons employed under section 624(d) of this Act. The aggregate number of persons separated under this subsection shall not exceed one hundred in any twelve-month period."

Mr. CARLSON. Mr. President, these sections would extend to the head of the Agency for International Development—AID—authority, not limited by the present law, to fire certain employees and also to eliminate others, apparently in any grade level, through a process popularly referred to as "selection out."

Mr. President, here is another attempt by a Federal agency to bypass the Veterans Preference Act and the civil service merit system, which were successfully merged in 1883. This to me is purely a political move and must be resisted by every friend of the civil service system.

I realize there are administrative and personnel problems in the AID program. It occurs to me that management may

be partly responsible for this. The record is not good.

Since 1956 AID and its predecessor agencies have had, according to my information, five administrators, six directors of personnel—five of these since 1961—and eight directors of management. Would it not be reasonable to suggest that the problem is fluctuating policies rather than incompetence of employees.

It is indeed paradoxical that AID now seeks to dismiss 200 employees during the next 2 years, as well as to dispose of an unknown number of others through a selection-out process over an indefinite period of time.

This request for summary firing authority and selection-out authority must be viewed in the total context of the Agency's personnel situation. It has been stressed that these new authorities are necessary to enable the Administrator to improve the quality of his staff, and at the same time reduce its total size by a net 1,200 employees by the end of fiscal year 1965.

These two authorities will not improve the quality of the AID staff, but will in fact do just the opposite, and if approved will eventually downgrade the entire Federal personnel system. The AID Administrator has testified to the Congress that these two authorities are not expected to reduce the total size of the AID staff by more than an estimated 300 employees by June of 1965. How then will the necessary reduction of 1,200 be accomplished and how can the quality of the AID staff be improved?

Once the authority is granted to AID to select-out its civil service employees, how long do you think it will be before State, USTA, and then other agency managements demand the same easy out from their supervisory responsibilities?

I invite attention to the fact that these are civil service employees. For years, there has been in the Foreign Service a process of selection-out of Foreign Service personnel; but they are not civil service personnel. It seems to me that the question then is, Is the career civil servant thus to be denied his rights to written charges, to appeal to the CSC, to job retention based on seniority and veterans' preference, and a "satisfactory" performance standard by the Congress which developed these career features over the years by passage of the Lloyd-La Follette, Veterans' Preference, and Civil Service Acts? Is this injustice to be done so an inept beurocracy, victim of its own internal politics as well as outside pressures for continuing change, can remain faceless when stigmatizing a man and separating him from his livelihood?

These two authorizations deny to the employees of AID the due process of the laws passed in behalf of all Federal workers; namely, Lloyd-La Follette, Veterans' Preference, Civil Service, and Foreign Service Acts—involving the right to written charges, appeals to the CSC, seniority and veterans' retention rights, and career job protection.

These unwarranted innovations to the civil service and Foreign Service merit systems constitute a precedent dangerous to the integrity of the career govern-

mental service and opens the door to discrimination by voiding the laws protecting the competitive service employee from arbitrary and capricious dismissal.

Our American tradition of checks and balances is superior in the long run to a system where all power is vested in one man. Our personnel system is basically one of laws. Willfully abusing these laws is an inexcusable breach of faith with the career employees employed by AID with the understanding that their status was protected.

The executive branch has expediently confused this issue by burying these two personnel authorities in a \$3½ billion foreign aid authorization bill and Congress has avoided an informal review by the committees who usually have jurisdiction over such basic innovations to our Federal personnel system.

This proposal should have been considered and studied, and hearings should have been held by the Civil Service Committee of which the distinguished chairman is the Senator from South Carolina [Mr. JOHNSTON].

Mr. President, I hold in my hand a statement by the Senator from South Carolina [Mr. JOHNSTON] who is absent today on official business and a cosponsor of this amendment.

I ask unanimous consent to have the statement printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CARLSON. Mr. President, whatever reduction in staff is necessary can be effectively handled by attrition, voluntary retirements and existing reduction-in-force procedures. Whatever upgrading of staff is required can be achieved by selective recruitment, and probationary dismissals.

In my opinion, these amendments should be deleted.

I hold in my hand a letter from the American Legion stating their great concern about the proposal in the bill. They state that they cannot stand by and let this amendment be approved without expressing their complete opposition to it in total disregard of the civil service and veterans' preference procedures.

I ask unanimous consent to have this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE AMERICAN LEGION,
WASHINGTON OFFICE OF THE
NATIONAL COMMANDER,
Washington, D.C., July 16, 1964.

Hon. FRANK CARLSON,
U.S. Senate, Senate Office Building,
Washington, D.C.

DEAR SENATOR CARLSON: Consonant with long-established policy of the American Legion concerning veterans' preference, I must express complete disapproval of the action taken by the Senate Foreign Relations Committee in restoring certain personnel administrative provisions to H.R. 11380, the Foreign Assistance Act of 1964. Specifically, I refer to subsections 302(a) (2) and (3) which had previously been rejected by the House Foreign Affairs Committee by a 16-to-6 vote. These provisions would authorize the Administrator to separate Agency for In-

ternational Development (AID) employees without regard to civil service and veterans' preference laws and regulations.

Representatives of the American Legion appeared before both the House and Senate committees concerned and vigorously protested inclusion of the above provisions.

As you know, AID and its predecessor agencies have previously had and exercised similar special authority to that now requested. It is interesting to note that in the past year all but 1 of 1,400 classified AID employees were awarded in-grade pay increases for satisfactory service which is no longer automatic and must be earned. This demonstrates rather clearly that civil service and veterans' preference in no sense impede the work of this agency.

The American Legion cannot stand by and permit the proposed disregard of civil service and veterans' preference procedures. Present law provides for the separation of incompetent or otherwise undesirable employees.

I sincerely urge that you support proposals to strike subsections 302(a) (2) and (3) from H.R. 11380 that will be offered when the legislation is considered by the Senate.

With personal regards and good wishes, I am

Sincerely yours,

DANIEL F. FOLEY,
National Commander.

Mr. CARLSON. I also have a letter from the Veterans of Foreign Wars, who are also greatly concerned about the action being taken, and they ask that this section be stricken and deleted.

I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL HEADQUARTERS,
VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Kansas City, Mo., July 20, 1964.

Hon. FRANK CARLSON,
Member, Foreign Relations Committee,
U.S. Senate, Washington, D.C.

DEAR SENATOR CARLSON: It has been a considerable shock to the Veterans of Foreign Wars to learn that the Foreign Relations Committee, in reporting the Foreign Assistance Act of 1964, has reinserted a provision in the bill which in effect would eliminate veterans' preference for many veterans employed in AID.

This provision was thoroughly considered in open hearings by the House Committee on Foreign Affairs and after hearing all sides of the question the committee voted to strike this provision from the bill. One of the objections raised by members of the Foreign Affairs Committee was that such a sweeping provision should be referred to the Committee on Post Office and Civil Service, which committee deals with civil service legislation on a day-to-day basis.

May I suggest, therefore, that before the drastic and final action of repealing a veterans' right, a thorough hearing with an opportunity for veterans' organizations and other interested parties to present our side of the question would have been a minimum consideration. It seems unfortunate that this issue which is almost totally unrelated to the controversial program of foreign assistance should be made a part of this legislation.

This is to request, therefore, that section (j) of section 302, chapter 2, of this bill, H.R. 11380, as found on page 14 starting at line 14 be struck or deleted. It is further requested that the allegations made in the report of this bill on page 26 that "AID labors under unique difficulties and needs this type of authority," be thoroughly reviewed before the

Civil Service and Post Office Committee with an opportunity for the Veterans of Foreign Wars and other interested organizations to present the views of veterans who will be adversely affected thereby.

Hoping that favorable consideration will be given to these views and recommendations and with best wishes, I am,

Sincerely,

FRANCIS W. STOVER,

Director, National Legislative Service.

Mr. CARLSON. Mr. President, I also have a telegram I received from George Meany, president of the AFL-CIO, and I wish to read it into the RECORD:

Since the Senate will soon consider H.R. 11380, the Foreign Assistance Act of 1964, I should like to call your attention to sections 302(a)(2) and 302(a)(3). These sections provide "selection-out" procedures for separation of personnel of AID who fail to maintain "adequate performance levels" and further authorize the President to separate up to 100 employees above grade 12 without regard to the civil service laws. These provisions would seriously undermine employee rights and tenure acquired over many years and existing standards and procedures under the civil service laws insofar as AID employees are concerned. They would also set a dangerous precedent which could spread rapidly to other departments and agencies. In my view existing civil service procedures are fully adequate to deal with any serious deficiencies in employee performance which may exist. I strongly urge that sections 302(a)(2) and 302(a)(3) be stricken from H.R. 11380 before this bill is passed by the Senate.

GEORGE MEANY,

President, AFL-CIO.

Mr. President, I sincerely hope that this provision will be deleted.

EXHIBIT 1

STATEMENT BY SENATOR JOHNSTON

As chairman of the Post Office and Civil Service Committee, I urge the approval of this amendment of which I am a sponsor to delete from the Foreign Assistance Act the two provisions exempting the Agency for International Development from certain provisions of law in its firing procedures.

In my opinion, these two provisions strike at the very heart of the merit system and seriously threaten some of the basic concepts of the career Federal service.

The first provision would extend to the AID Administration authority to "select out" employees of the Agency who have not, in the opinion of the Agency, maintained a high level of performance. The Agency proposes to institute a performance-evaluation system by which employees to be selected out would be earmarked for removal. Surely such a procedure would be ruinous to employee morale and obviously unfair, since the counterparts of these employees in other departments and agencies would be subjected to no such extraordinary scrutiny. All Federal employees under current law are given performance ratings, followed by an orderly process by which improvement is sought in the case of the low percentage of marginal employees. Furthermore, all Federal employees must perform at an acceptable level of competence if they are to be awarded their periodic within-grade salary step increases. This means that current law already provides for close monitoring of the efficiency of Federal employees on every level. AID employees who do not meet the requirements of the performance-rating system can be fired, as can any other Federal employee, for unsatisfactory work. As for the acceptable-level-of-competence requirement, I am advised that only one AID employee within the last year out of its 1,400 classified Federal employees in Washington was denied a within-grade increase.

It is my strong views that any process of selecting out career civil service employees breaks faith with the employees involved and does violence to agreed-upon civil service procedures. In the Foreign Service and the military services, officers begin their careers with the clear understanding that they must move up the ladder of promotion or be selected out of the service. They are trained to deal with increasing degrees of responsibility so that they can meet the standards expected of them. No such system, however, exists in the career service. Promotion to positions of increasing responsibility naturally occurs in the case of many employees, but no agreement is made with the employee that unless he progresses up the ladder of promotion, he will be fired. It is manifestly unjust to change the rules of the game by imposing the military and Foreign Service selection-out procedures upon employees who entered the Federal service with the understanding that their positions would be reasonably secure.

Furthermore, the selection-out authority sought overrides the Lloyd-La Follette Act, the Civil Service Act, and the Veterans Preference Act, all bulwarks of the merit system. Thus, under the requested authority, the employee would have no recourse of appeal outside of the agency. Established would be a situation which many of us concerned with Federal civil service legislation have long vigorously opposed—the situation in which the employing agency is both judge and jury, obviously an inequitable arrangement.

The second proposal would permit the Administrator of AID to fire summarily, not withstanding any other provision of law, a maximum of 200 employees, 100 a year, for a period of 2 years.

It would apply to employees in grade 13 and above, FSR-4 and above, and FSS-2 and above. The Agency states that this authority would permit the reduction of staff in a manner which will enable retention of the best qualified. They are requesting a blank check from the Congress so that they can set up an arrangement which they say is "more suitable to its purposes than the standard reduction-in-force procedure because the reduction-in-force procedure does not permit retention of the best qualified persons."

It is my view that the Agency in this assertion ignores the fact that reduction-in-force procedures have been worked out over a long period of time to take into account the employee's years of service and his veterans' preference rights. I do not maintain that the reduction-in-force process is perfect, but I do know that it represents a time-tested procedure designed to serve the needs of the Federal service and to protect the rights of the career employee at the same time.

The Agency for International Development and its predecessor agencies have twice in the recent past requested and received extraordinary firing authority, with the result that that Agency's reputation as a fair and equitable employer is certainly not among the best. Employee morale is low; out of fear, employees tend to seek the safe pathway of timid conformity; and promising young recruits seek employment elsewhere. Perhaps the ineffectiveness of AID's massive giveaway program can be traced to its personnel policies and practices.

If this Agency is to take its place among the other departments and agencies of the Federal Government, let it follow the personnel procedures to which its sister agencies adhere. I see no reason whatever for making exceptions every few years in the case of this Agency, which seems to have developed the habit of dumping its personnel problems in the lap of the Congress when the going gets rough.

I strongly urge the deletion of these two provisions and I recommend to AID that it try harder to live by the rules.

Mr. FULBRIGHT. Mr. President (Mr. SALINGER in the chair), I sympathize with some of the things the Senator from Kansas has said but I do not believe they are applicable to this particular Agency. It is no secret that this Agency has been subjected to more criticism than almost any other agency in government that I have ever been acquainted with.

I believe everyone feels that the Administrator is trying to do a good job. He asks for some authority to improve the quality of his administration. Much criticism has been leveled at the quality of the administration. It is directed to that, so that this is not some devious political scheme to operate capriciously.

I was particularly impressed with the letter from the Civil Service Commission itself. The Civil Service Commission certainly is not intended to destroy the civil service.

In reply to my routine inquiry as to the attitude of the Civil Service Commission, I received a letter dated July 27, 1964, written by Chairman Macy of the Civil Service Commission. I shall not read it all, but I ask unanimous consent that a copy of this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. CIVIL SERVICE COMMISSION,

Washington, D.C., July 27, 1964.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request of July 25, 1964, for the views of the Civil Service Commission on H.R. 11380, a bill to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

The Commission endorses section 302(a)(2) of the bill. It does not object to section 302(a)(3) of the bill. It also endorses section 302(b)(1). The Commission has no views to offer with respect to the other provisions of this bill.

Section 302(a)(2) establishes permanent authority to separate personnel whose performance does not meet adequate standards. The authority sought is that commonly referred to as "selection-out" authority. Its exercise will require some performance evaluation method and a systematic plan to identify marginal employees. The proposed authority would have two purposes:

1. Weeding out on a continuing basis those who "just get by."
2. Eliminating the least competent as the agency carries out a necessary shrinkage in its staff.

The Civil Service Commission feels that the Agency for International Development is completely unique among Government agencies. The long history of changes in name and organization of the agencies to which it is the successor is well known. Through the whole period there has been an atmosphere of emergency, temporary programs, hasty staffing plans for the purposes of the moment and sudden and drastic separation programs. There has been a reluctance on the part of all concerned to regard foreign assistance undertakings as a permanent part of our Federal responsibility. Consequently, it has been difficult at times to recruit and retain an adequate number of ideally qualified people. The problem, we believe, has

been particularly acute with respect to the higher grade positions.

The oversea aid programs are peculiarly complex, each one tends to be highly specialized so that readily interchangeable staff members would not be expected as a regular thing. The programs are also changeable and uncertain. It is difficult to find people equipped to handle them at any stage and even more difficult to find people who can adapt to continually changing program requirements. The Commission is persuaded that the difficulties of these oversea program operations carry over to central office administration. Thus, it seems appropriate to put the Agency's oversea and domestic employees on a comparable tenure basis. This is not a matter of geography, organization, domestic or foreign assignment. It is peculiar to the program and mission of the Agency.

Thus, it is possible to distinguish between selection-out as applied to the departmental office of such an Agency and the balance of the competitive service. Selection-out here would not necessarily be a precedent, therefore, for wholesale application to domestic employees.

It is our understanding that it is the present plan of the Agency for International Development to limit selection-out of departmental employees to those in the higher grades. It is in these positions that the policies are formulated and the major programs administered. It is among these people that the problems of skills and specialization becoming outmoded because of changing programs are especially concentrated. The inescapable hardship would be alleviated to some degree by up to a full year's severance pay. We think this is a helpful and important provision.

Finally, with respect to selection out, we are persuaded that continuing authority of this type would eliminate the need for future special separation programs such as would be authorized by section 302(a)(3).

Section 302(a)(3) authorizes a special program to separate a maximum of 100 people in each of the next 2 years. It permits avoidance of civil service reduction-in-force procedures. The authority would be exercised without regard to the Veterans' Preference Act or the Lloyd-LaFollette Act. No appeal would be provided by the law but it is our understanding that the Agency for International Development plans to set up a system of administrative checks and an administrative appeal. We are sure the committee will be given details about this by Agency representatives.

There are several other reasons why the Commission does not object to one more exercise by a foreign assistance organization of the broad removal authority contained in this provision. The authority is strictly limited to the higher level policymaking and policy-controlling positions mentioned in connection with the need for selection out.

It is not a scheme for wholesale arbitrary removals. Procedures are being established at the same time which should avoid a recurrence of need for this authority. The spacing provided for the exercise of this authority and the 2-year limitation on it strike a good balance between the need for some prompt action and for deliberate prudent use of the power. Some of the difficulties attendant upon the use of somewhat comparable authority when the Agency for International Development was founded might be attributed to the fact that all actions had to be completed within 60 days of the grant of the authority.

All of the circumstances of the bill give us confidence that the Agency for International Development will exercise the authorities it seeks in careful accordance with its intention to treat its people fairly.

Finally, the Commission endorses section 302(b)(1) which would authorize a maximum payment of \$100 a day for experts and consultants rather than the present \$75. This is consistent with the authority now held by a large number of other agencies.

The Bureau of the Budget advises that from the standpoint of the administration's program there is no objection to the submission of this report.

By direction of the Commission:

Sincerely yours,

JOHN W. MACY, JR.,
Chairman.

Mr. FULBRIGHT. Mr. President, I should like to quote some significant passages.

He writes:

The Civil Service Commission feels that the Agency for International Development is completely unique among Government agencies. The long history of changes in name and organization of the agencies to which it is the successor is well known. * * *

There has been a reluctance on the part of all concerned to regard foreign assistance undertakings as a permanent part of our Federal responsibility. Consequently, it has been difficult at times to recruit and retain an adequate number of ideally qualified people. The problem, we believe, has been particularly acute with respect to the higher grade positions.

The record cited by the Senator from Kansas about the great turnover, not only in the administrators but also in the directors of personnel, reinforces the point that they have been confronted with an impossible task, not only because of the mission given to the Agency, but also because of its inability to improve the quality of its administration.

This is really a very modest request so far as separation of only a hundred a year for 2 years is concerned. This is an effort to improve the quality of the managerial staff.

Mr. AIKEN. Mr. President, will the Senator from Arkansas yield for a question?

Mr. FULBRIGHT. I yield.

Mr. AIKEN. Am I correct in interpreting this section to mean that this provision applies to employees above grade 12 and below grade 15? As I recall, the appointments in grades 15 to 18 are political appointments—subject to removal.

Mr. FULBRIGHT. Grades 16 to 18.

Mr. AIKEN. Grades 16 to 18.

Mr. FULBRIGHT. I believe that is correct.

Mr. AIKEN. The provision which was written into the bill by the committee does not apply to persons in grade 12 or below?

Mr. FULBRIGHT. The Senator is correct.

On page 14—

Mr. AIKEN. It would apply only to grades 13, 14, and 15—three grades—is that correct?

Mr. FULBRIGHT. That is the way I read it. I believe that is correct.

Mr. AIKEN. What type of employees would we be likely to find in grades 13, 14, and 15?

Mr. FULBRIGHT. I am not sufficiently acquainted with the facts to know the type of persons in those particular grades. I confess that I am not

an expert on personnel practices of the agency. That is why I place a great deal of credence in the recommendations of the Civil Service Commission itself.

Mr. AIKEN. Perhaps the Senator from Kansas could tell us what type of employees would be likely to be found in grades 13, 14, and 15?

Mr. CARLSON. It is a difficult problem. The aid program has for some years been given to "selection-out," if we wish to use those words—that is, as applied to Foreign Service employees. There has never been any question about Foreign Service employees.

Mr. FULBRIGHT. The Senator means those serving abroad?

Mr. CARLSON. They work in the Foreign Service. They are political appointees. They are selected. They are not career employees. They can be educators or people we send overseas in the various types of aid programs. The question is, Are we going to go so far as to make the same provisions with respect to typists, communication clerks, motor pool service supervisors, and many other types? Another question might be: How far do we wish to go in dealing with the civil service? A Foreign Service officer is one thing, but this would be the first time we have given the agency authority to "selection-out" without question, without veterans' preference, without all these protections to which civil service employees are entitled.

Mr. FULBRIGHT. The Senator will admit that they perform the same type of work as Foreign Service people. What the Agency is asking for is precisely what it now has with regard to "selection-out" applicable to Foreign Service officers.

Mr. AIKEN. I do not understand that employees in grades 13, 14, and 15 are political appointees. In grades 16, 17, and 18 they certainly are.

Mr. CARLSON. They would be Foreign Service officers. To get back to grade 12—

Mr. AIKEN. Grades 13, 14, and 15 would not be political appointees.

Mr. CARLSON. They are civil service employees that the AID people have moved from one agency to another agency, and they have been requested to come from one agency of Government into the AID program.

Now they want to have authority to throw those people out. I think it would be a mistake to do it. I am opposed to it for that very reason. When we are dealing with civil service, we must be very careful and cautious about protecting our civil service employees and protecting their rights. If we do it for this program, why do we not do it for other agencies?

Mr. FULBRIGHT. For the reason that Mr. Macy gives. The program administered by AID is unlike any other program. That is the main reason. This Agency is of such a type that I believe it justifies a procedure which is different from the usual agency.

Mr. AIKEN. Mr. President, I can understand the fears of those who feel that if this provision is approved it might be used in an election year to eliminate Republicans from holding jobs in AID. But

when the Senator from Kansas read George Meany's letter protesting this provision in the bill, I could not reconcile his protest with the fears of those who would protect the good Republicans. I could not conceive of George Meany going to that length to keep jobs for Republicans.

If the Senator from Kansas [Mr. CARLSON] had not read that letter, I would have understood the situation a little better. I am supposed to understand it, as a member of the committee. There is a severe contradiction somewhere.

Mr. FULBRIGHT. As a general proposition, it seems to me that this Agency has conditions quite different from those of the ordinary Government agency, operating domestically.

Mr. AIKEN. Why should there be a difference of three grades?

Mr. FULBRIGHT. The staff calls my attention to the fact that this is the separation authority which is mentioned on page 14:

The authority contained in this subsection shall not apply to persons with general schedule appointments of grade 12 or below, Foreign Service reserve appointments of class 5 or below, or Foreign Service staff appointments of class 3 or below.

This is the separation authority. It is for merely 2 years, at the rate of 100 persons a year. It is a very limited time and amount.

The testimony, as I recall, is that they are interested primarily in improving, or upgrading, the caliber of employees in what we call the managerial grades. They are interested in trying to improve the administration of the Service. The separation authority is for only 2 years.

Mr. AIKEN. They have been subjected to rather severe criticism for having incompetent employees.

Mr. FULBRIGHT. They have been subjected to severe criticism every time the bill has come up. I know of no agency that has received such severe criticism for maladministration. Then, when they say, "Give us the tools to improve management," we say, "No, you must operate just as the other agencies."

The morale in the Agency has been very bad because of the criticism by Congress. The criticism usually takes the form of saying that they are no good as administrators, and that the Agency has been poorly administered.

Therefore, I believe that the employees do not want to stay there. We have had great difficulty in employing the Administrator. The present one, for whom I have great respect, was drafted out of the Budget Bureau. President Kennedy drafted him to go over there.

The record will show that when asked: "Did you apply for this job?" he stated, "By no means. I did not apply for it. I was told to go over there. And, as a good soldier, I went."

We have had every indication that there is something wrong with the Agency's personnel system. They suggest that they be given some limited authority on separation. There is a great outcry about it. The Civil Service Commission itself said this is not necessarily a precedent for any other domestic

agency. It is consistent only with the practices in the Foreign Service.

I must confess, with all due respect for the concern expressed, that we ought to allow the Agency to improve itself and, in some way, defend itself against the unrestricted severe criticism to which it is subjected every year. There has been more investigation and more complaint about this Agency than any other six agencies in the whole Government. I believe the Senator from Kansas [Mr. CARLSON] will agree to that.

Mr. CARLSON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. CARLSON. I am not insensitive to the problems of AID employees. Dealing with the program and its personnel, I wonder who these people are. I well remember when the Kennedy administration first came into power.

Mr. FULBRIGHT. According to my understanding, they were inherited from the old ECA and other predecessor agencies. They have gone on and on. I do not know who hired them. I do not know the individuals concerned.

Mr. CARLSON. The Senator does know this. In our committee, the Senator will remember how we discussed the presence in this Agency of a man who was recognized as one of the outstanding personnel experts in the country, Roger Jones. The RECORD will show the speeches made on the floor of the Senate about Roger Jones. He was a good personnel man. He did not last long. What did he do? He went over to the Justice Department.

Mr. FULBRIGHT. He was in the State Department. He was not in AID.

Mr. CARLSON. He came to the State Department. But he went into AID. I know of the program. I discussed it with him. They went to the Justice Department and got a personnel man there, and sent him over to AID. He was not a good personnel man. Then one wonders where they get some of these people, when they discharge some of them who are under civil service, who have been requested from other agencies. He went over there to help them. I cannot agree to going along with this proposal.

Mr. FULBRIGHT. The Senator is in error about the personnel director. He was in the State Department. AID has its own personnel director. It is not under the State Department personnel director. This is a big agency.

Mr. CARLSON. I will let the RECORD stand on that matter. I will let anyone go back to the CONGRESSIONAL RECORD of 1960 and read the statements by the Senator from Kansas and others about what a great improvement there would be in the AID program. I know Roger Jones. I have visited with him.

Mr. FULBRIGHT. Is it not true that he was in the State Department?

Mr. CARLSON. But he had charge of personnel—or he thought he did—in AID. He went over there with that thought.

Mr. FULBRIGHT. Does not AID have its own personnel department?

Mr. CARLSON. They do now.

Mr. FULBRIGHT. That is what I meant.

With regard to the 1,200 that the Senator mentioned in the reduction in force, is it not true that half of those are not Americans? They are chauffeurs and other personnel of that sort. They are foreigners, and they account for half of the proposed decrease in personnel.

What the Agency is trying to do is to adopt itself first to the reduction in its size which has been brought about by Congress and the administration. They must shrink. Naturally, in this process, they would like to have authority to keep their best people. Under the provisions of civil service, they would have to get rid of their better ones, in many cases, and keep those who are senior, who are barely able to qualify, but are not quality people. This is limited to the separation of 100 people a year for 2 years. That does not seem like a very drastic measure.

Mr. CARLSON. The Senator has stated that it is desired to eliminate 100 people.

Mr. FULBRIGHT. One hundred employees a year for 2 years.

Mr. CARLSON. So does every other agency. There is no agency in the Government that would not like to move out a few employees. But the civil service protects the employees. It cannot be done in this way.

Mr. FULBRIGHT. I do not know of any other agency that has been subjected to the criticism that this Agency has received, particularly on administration.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MANSFIELD. Mr. President, for a good many years, and perhaps even still, the employees of AID have seldom if ever seen the United States. They make a profession of working for AID, the ECA, the Marshall plan, or whatever agency is involved. I recall that on trips to Europe, year after year, I would see some of the same people. I asked some of them when they had been back to the United States. Some of them had not been back for 10 years.

I recall when Fowler Hamilton came into the organization. He was supposed to be given some authority to clean out the deadwood at the top. The first I knew people were coming around to practically every Senator asking us to intercede for them. I admit that one or two persons from Montana came to see me. I do not know what happened in respect to the intercession. But I believe that there is an opportunity to clean out a great deal of deadwood which has been with this agency for too many years.

Mr. FULBRIGHT. That is all the agency is trying to do. I think it is quite inconsistent of us to criticize the AID administration as severely as we do every year. The request that has been made is the first such request that I recall seeing in recent years. Then we say, "No, you cannot do it. You must abide by the rigid civil service laws."

Above all, the Civil Service Commission itself has said very positively that the proposal is a good thing and that it approves. If anyone should be con-

cerned about the integrity of the civil service, it is the Commission.

The Commissioner approves of it. He recognizes the problem. AID is a unique agency. It would not be a precedent for other similar agencies. AID ought to be given this limited authority.

Mr. President, I hope that the Senate will allow the provision to go to conference at least. It is not in the House bill. We can put it in the bill and let it go to conference. It may be that some further limitation by way of administrative procedure, such as a panel for evaluation, which has been discussed, can be worked out. It would be much better that the provision go to conference, and that we try to work it out in conference. I have an open mind about a panel which would include a public member for the evaluation of the people involved, if that is of interest. But the principle of allowing the agency to have the right seems to me to be very much deserved by Mr. Bell. I believe everyone agrees that he is trying to do a good job in the struggle which he has. It is a difficult and thankless job.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. SPARKMAN. The Senator will recall that when the subject was first brought up in the hearings, I raised some question about it.

Mr. FULBRIGHT. I remember.

Mr. SPARKMAN. The Senator from Kansas did also. The Senator will recall that when Mr. Bell and his associates testified before the committee—unfortunately the Senator from Kansas [Mr. CARLSON] could not be present at that time—I went quite thoroughly into the question as to protections to be thrown around employees, in order to make certain that they would not be railroaded. The Senator will recall that we were assured that employees would be given notice, the right to appeal, and pretty much the same procedures as are followed under the civil service. Veterans' rights were to be respected as they are in other agencies. I am not sure that I told the Senator from Kansas about that after he came back, but I felt quite reassured by the testimony that we had from Mr. Bell regarding the protection of the employees, to make certain that there would not be a severe and ruthless cutting off of personnel.

I believe there is a great deal of merit in what the chairman has suggested. Perhaps we have not arrived at perfection in language, but in the conference committee that could be worked out, as the chairman points out. There is no such provision in the House bill, so it would be a wide-open provision.

Mr. FULBRIGHT. Yes; it would be a wide-open conference on that point. I would be openminded, if the House wished written into the bill some language along the line proposed by the Senator. Mr. Bell stated to us what they proposed to do.

Mr. SPARKMAN. Yes.

Mr. FULBRIGHT. I think it is proper to bring the provision before the Senate and for the Senate to decide whether or not on principle it is willing

to adopt the provision. Undoubtedly we shall have to make some compromise with the House anyway.

Mr. CARLSON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. CARLSON. With regard to the question of how much authority we would be giving the President, I point out that what we are discussing is what may happen in the future. The bill provides:

(j) The President is authorized, at any time during the two-year period commencing on the effective date of the Foreign Assistance Act of 1964, to separate, notwithstanding any other provision of this or any other law, any person employed or assigned to perform duties pursuant to this Act.

Mr. FULBRIGHT. That is not all of it. There are qualifications.

Mr. CARLSON. I shall read the remainder of the provision:

The authority contained in this subsection shall not apply to persons with General Schedule appointments of grade 12 or below, Foreign Service Reserve appointments of class 5 or below, or Foreign Service Staff appointments of class 3 or below, or to persons employed under section 624(d) of this Act. The aggregate number of persons separated under this subsection shall not exceed one hundred in any twelve-month period.

Mr. FULBRIGHT. That is the language I wished the Senator to read. The President would not be called upon to fire everyone. The provision is limited, and it is intended to allow him to upgrade the quality of his top people. It is as simple as that. I do not know what more I can say. The principle involved is clear. I am ready to vote.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MORSE. Mr. President, I have a few questions that I should like to ask the Senator from Kansas. I do not think the provision should go to conference, if I correctly understand it. There are some pretty basic principles that ought to be taken under very careful study on a much broader plane between now and next year, and we should continue the procedure that presently prevails. But so that I may be absolutely sure in my understanding of the amendment of the Senator from Kansas, I should like to ask him the following questions: Am I correct in my understanding that the Director of AID seeks authority to separate over a 2-year period a total number of 200 Federal employees now working for AID?

Mr. CARLSON. That is correct.

Mr. MORSE. Am I correct in my understanding that if the bill in its present form in the Senate passes, he would have that authority to separate such employees, even though some or all of them might be civil service employees?

Mr. CARLSON. He would have authority to separate any of the 200 employees without regard to any existing laws. The language that my amendment seeks to strike is plain.

Mr. MORSE. It includes the civil service laws.

Mr. CARLSON. And veterans preference laws.

Mr. MORSE. That means that the Director would have the authority to separate employees appointed in the first place in part on the basis of their veterans preference qualifications?

Mr. CARLSON. That is absolutely correct.

Mr. MORSE. Fourth, he is seeking to have authority to separate employees who, if they were civil service employees, would have certain rights without being required to follow the procedures that the civil service employees are entitled to have followed before separation, and irrespective of their civil service rights.

Mr. CARLSON. These two authorizations, if approved, would deny to the employees of the AID program the due process of laws provisions or rights possessed by all Federal workers; namely, the Lloyd-La Follette Act, the Veterans Preference Act, and the Civil Service and Foreign Service Acts, which would involve also the right to written charges, appeals to the CSC, seniority or veterans retention rights and for career job protection. That is how far this proposal goes.

Mr. MORSE. The language which the Senator from Kansas has read means that the Director of AID, in respect to up to 200 employees, wants authority to ignore the legal procedural protections that civil service employees are now entitled to?

Mr. CARLSON. That is one of the reasons I am concerned about it. That is the reason I am opposing it. That is the reason I offered my amendment.

Mr. MORSE. Does the Senator from Kansas agree with the Senator from Oregon, in reply to the argument that we have heard expressed on the floor of the Senate that only a maximum of 200 employees would be involved, that if A happens to be one of the 200, that is pretty vital to A?

Mr. CARLSON. Of course. I think it goes further than merely the authority to discharge employees in the AID program. It would set a pattern for the first time which would permit the head of an agency, the employer, to make application again for the same privileges in the agency.

It is a dangerous thing for the civil service system of the Nation.

Mr. MORSE. I shall come to that point in a moment.

It involves only 200. Will the Senator agree with me that that is a very unacceptable argument to give consideration to if we are looking to do justice to each individual we have taken into the civil service? Each one was told, when he was taken into the civil service, that we would give him certain procedural protections with regard to separation from the service; and that the separation would be based on cause as shown through applicable procedures of separation.

Mr. CARLSON. Every one of our Federal workers feels that he has such protection. They do have it. I hope it will always be preserved.

Mr. MORSE. Was not a commitment of the Federal Government made to those employees when the Government hired them?

Mr. CARLSON. There is no question about it.

Mr. MORSE. And we seek to take that guarantee and commitment away from them now by the proposed legislation?

Mr. CARLSON. If we approve this section, we do.

Mr. MORSE. Am I correct in my understanding that Mr. Bell seeks to soften the blow by saying, in effect, that the procedures of separation that will be followed if this provision of the bill which the Senator from Kansas is seeking to amend is allowed to remain in the bill, are procedures that prevail with regard to the separation of Foreign Service officers?

Mr. CARLSON. We gave such authority in years gone by. But these are civil service employees. The others are Foreign Service officers. There is a distinction between the two. Now the same authority is asked with respect to civil service employees.

Mr. MORSE. Let me see if I understand. In effect, Mr. Bell is seeking to apply the same procedures for separation to the present civil service employees that now prevail in regard to the separation of Foreign Service officers.

Mr. CARLSON. That is correct.

Mr. MORSE. My next question is, Is it true that the Foreign Service officer separation procedures are not considered by Federal employees on civil service to be as protective of their interests and rights as the procedures with respect to civil service employees?

Mr. CARLSON. We have been working for years to write civil service procedures, with regard to civil service employees, that will give them the right of hearing and appeal, and other procedures that would protect them.

Mr. MORSE. Next, in order to emphasize in the RECORD the position of the Senator from Kansas, as I understand it—and I wholeheartedly agree with him—if Congress approves of the language in the bill and permits this precedent to be established, it will, in effect, be undermining the whole civil service structure as it now exists.

Mr. CARLSON. I think it would have grave effect on the morale of Federal employees if we should approve this bill as written.

Mr. MORSE. If we do it in this case, in the next bill which comes before us we can do it for another segment of civil service employees, and another and another. That will be the hue and cry, will it not?

Mr. CARLSON. That is my contention, as I pointed out in my presentation. This is the first step in giving the departments the right to remove civil service employees without regard to all the provisions we have written to protect them.

Mr. MORSE. Is it the opinion of the Senator from Kansas, as it is mine, that the major reason for the strenuous objections on the part of Mr. Meany, representing labor, and on the part of civil service organizations, and other defenders of the civil service system, is that they fear the very point the Senator from Kansas makes—that it is the beginning

of the undermining of the civil service system?

Mr. CARLSON. Not only have the organizations the Senator has mentioned so expressed themselves, but so have the American Legion and the Veterans of Foreign Wars. I placed their letters in the RECORD.

Mr. MORSE. Lastly, does the Senator from Kansas agree with the Senator from Oregon that the raising of this issue has been beneficial at least to the extent that it shows the desirability, in the next session of Congress, not only of having Congress deal with this problem, in connection with foreign aid, but perhaps emphasizes the need to look at the civil service law and the problems involved from the standpoint of its totality, and not merely from the standpoint of giving the director of this agency discretionary power that is not available to any other agency that has civil service employees on its payroll?

Mr. CARLSON. That is correct.

Mr. MORSE. The question ought to be postponed until next year and be considered, not in connection with foreign aid, but in connection with general legislation.

Mr. CARLSON. Mr. President, this is a matter that should have been before the Committee on Post Office and Civil Service. It is a problem that belongs in that committee, instead of in the Foreign Relations Committee.

I have every reason to believe that had it been presented to the distinguished chairman of the Committee on Post Office and Civil Service, the Senator from South Carolina [Mr. JOHNSTON], some changes and recommendations would have been proposed. I have before me his statement supporting the elimination of this amendment. I received permission to put the statement of the Senator in the RECORD.

Mr. SPARKMAN. Mr. President, I shall take a very few moments. I made reference to my questioning of Mr. Bell with reference to this proposal, a proposal I frowned upon or had my doubts about. I call attention to the questioning of Mr. Bell, beginning on page 360 of the hearings. It was on page 363 that I asked him particularly about these procedures.

We were given assurance that every aspect of the Veterans Preference Act would be protected and observed and that the same thing was true with reference to procedures and notice and rights of persons to know of the reports that were given to them in their efficiency reports—whatever one might call them—and also to appear and be heard.

That testimony is all set out in these few pages.

Then Mr. Bell, at our request, submitted the proposed regulations. They are the regulations that affect the Foreign Service Reserve officers. As the Senator from Kansas pointed out, the bulk of the employees come from that category. There are regulations covering procedures for the Foreign Service Reserve officers. These regulations are found commencing at page 364. They

are the same regulations that will cover these employees.

With reference to this question being referred to the Committee on Post Office and Civil Service, the Senator from Kansas knows that in the past we have dealt with problems of this kind in connection with foreign aid. We have dealt with it in the Foreign Relations Committee. I recall that several years ago we had a rather knotty problem, and we referred it specifically to the Committee on Post Office and Civil Service. We asked the committee's advice on that particular procedure. In this instance the committee was quite well pleased with the testimony given by Mr. Bell that every protection would be thrown around the employees. Therefore the provision was left in the bill. We would be perfectly safe in taking it to conference. Perhaps the Senator from Kansas, along with some of his colleagues on the Committee on Post Office and Civil Service, would be able to deal with the question after he has studied the hearings.

Mr. McNAMARA. Mr. President, it seems to me that we have been going up and down the hill. We receive assurances from the distinguished Senator from Alabama that all possible protections will be thrown around these people. If that is the case, why do we need it? It seems to me, there is no indication as to who is to be discharged. I understand that under the civil service law the Government can get rid of employees who are not performing satisfactorily in their jobs, who are violating their orders, or neglecting their work, or who are repeatedly doing what they are not supposed to do. The Civil Service Commission does not keep such persons. I do not know why the Civil Service Commission needs any more authority.

Perhaps these people are trying to get rid of some employees who are not in the category of employees who are discharged for the reasons that they are discharged.

We have assurances from the Committee on Foreign Relations that all civil service protections will be thrown around these people.

We are back where we started. The Government can get rid of incompetent people, and people who are not able to do the job to which they have been assigned. If they are not qualified to do the work, they can be discharged.

It seems to me we are going up and down the hill. I might say that I am just as much confused as I was before the debate started, if not more so.

Mr. CHURCH. Mr. President, it is not often that I find myself in disagreement with the distinguished Senator from Michigan. However, I wish to state briefly why I oppose the amendment.

Two years ago I was in Seoul, South Korea, where the administration of the foreign aid program had become something of a scandal. So large was the number of personnel involved, so inefficient had the operation become, that it was pointed out as a horrible example of administrative incompetence, to the degree that the AID people sent their prin-

cial trouble shooter to Korea to try to correct the situation.

I met that man. He was being lauded to the skies when I was there, because he had had the courage to cut the personnel 50 percent. Everyone was applauding his action. The comment was general that efficiency had increased significantly with this drastic cut-back in personnel.

I came back to this country and sang the praises of this trouble shooter, who had the gumption to cut the staff in Korea in half.

I remember telling that story in Washington to some of the administrators of the AID program. When I was finished, they replied, "Yes, it is true he cut the staff 50 percent. It is true that the program in Korea is better handled than it had ever been before. However, all the personnel that we cut from the rolls over there are in Washington today, and we are trying to find a pigeon hole for them, trying to find make-work for them in the AID in Washington."

That is an example of why the present system is not working. We have cut back the AID program from \$4.5 billion to \$3.4 billion. It is obvious that there must be a curtailment in personnel if we are to realize full economy. We must use the funds remaining for the most expeditious purpose. I believe that the AID administration is greatly in need of the selecting-out procedure. Such a procedure obtains in the Foreign Service. Such a procedure has worked well there. I believe that we only contribute to the padding of personnel in AID if we fail to adopt the provision the committee has found warranted for this bill.

The AID itself has given fine justification for including this particular provision.

I ask unanimous consent that a memorandum in justification for the selecting-out provision in the bill be included in the RECORD at this point in my remarks.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

FACTS ON SELECTION OUT

The Agency for International Development is essentially a foreign operations agency with a wide variety of programs underway in some 75 countries around the world. By its very nature, its operations are diverse and its requirements for skilled personnel both in Washington and the field vary greatly over relatively short time periods. If AID is to meet its needs for skilled and specialized staff to carry out its foreign operations, it is essential that the management of AID be given the same flexible authority for selecting out less qualified personnel on its Washington headquarters staff as it now has for its foreign service personnel.

Selection out has been in the Foreign Assistance Act since its inception. A similar system has been in effect for many years with respect to career Foreign Service officers of the State Department.

Authority to select out employees whose performance is marginal would thus permit AID to apply the same high standards of performance to its career-classified employees as it now does with respect to its Foreign Service employees.

NORMAL PROCEDURES INADEQUATE TO MEET PROBLEM

Present procedures are not adequate to accomplish the selection out process needed by the Agency, because they do not apply to marginal employees. A marginal employee is one whose performance does not measure up to the high standards which the complexities and sensitivities of the foreign aid program demand. His performance is considered inadequate but is not at such a level that he could be rated as unsatisfactory under normal procedures prescribed by civil service regulations.

Similarly, reduction in force regulations also are inadequate to accomplish the desired objective, because they frequently do not permit retention of the best qualified personnel. Normal RIF procedures operate for the most part on a seniority basis, i.e., employees with the least service, despite their level of performance, are the first to be separated. Because of the changing needs of the AID program, there are situations in which some employees with little or no seniority are actually better suited than others with greater seniority. Because of the bumping rights of the latter group, many desirable employees of the former group would have to be separated, unless AID is permitted selection out authority.

SELECTION OUT IS NO NEW AUTHORITY

The selection out process is no innovation. AID has had this authority with respect to its Foreign Service personnel since November 3, 1961. It has been used by the military services and the State Department's Foreign Service for many years. Within AID it has been administered cautiously and to the satisfaction of the Agency and employees alike. It has provided a means for separating employees whose performance is marginal but is not so deficient as to warrant their separation for cause.

What is now being requested is simply an extension of the present selection out authority to all departmental employees of the Agency. Such authority will thus place both departmental service and Foreign Service employees of AID on a comparable basis with respect to maintenance of high standards of performance. Departmental service employees who are selected out will be entitled to the same severance benefits to which Foreign Service employees are entitled, and essentially the same procedures to safeguard the interest of AID and the employees affected will apply, including provisions for administrative appeals.

WHAT SAFEGUARDS WILL EMPLOYEES HAVE UNDER SELECTION OUT?

The selection out program will be administered with great care and equity, utilizing essentially the same procedures as presently apply to selection out of Foreign Service personnel. All separations under it will be fully documented. Regulations which will be issued for administering the authority will include provisions for:

1. Recommendations by key administrative officials as to which employees under their direction should be separated, together with specific reasons in support of their recommendations.
2. Central agency review of each proposal to separate, to assure that it is adequately documented and is appropriate under the special separation authority.
3. Notification to the employee of the proposal to separate him and the reasons why the action is proposed.
4. An opportunity for the employee to respond to the proposed separation and to obtain a review of his response.
5. A central-independent agency review of the employee's response and a final agency decision regarding the proposed separation based on this review.

WILL SELECTION OUT ESTABLISH A PRECEDENT FOR OTHER AGENCIES?

The authority requested will not constitute a precedent for application to other civil service agencies. This is so because AID is a unique agency whose employees are concerned with a program that for any one country or program is basically temporary and in a constant state of transition.

Mr. John W. Macy, Jr., Chairman, U.S. Civil Service Commission, in a letter of April 14, 1964, to Chairman THOMAS E. MORGAN, House Committee on Foreign Affairs, indicating Commission approval of selection out for AID, stated:

"The Civil Service Commission feels that the Agency for International Development is completely unique among Government agencies * * *. The overseas aid programs are peculiarly complex, each one tends to be highly specialized so that readily interchangeable staff members would not be expected as a regular thing. The programs are also changeable and uncertain. It is difficult to find people equipped to handle them at any stage and even more difficult to find people who can adapt to continually changing program requirements. The Commission is persuaded that the difficulties of these overseas program operations carry over to central office administration. Thus, it seems appropriate to put the Agency's overseas and domestic employees on a comparable tenure basis. This is not a matter of geography, organization, domestic or foreign assignment. It is peculiar to the program and mission of the Agency.

"Thus, it is possible to distinguish between selection-out as applied to the departmental office of such an agency and the balance of the competitive service. Selection-out here would not necessarily be a precedent, therefore, for wholesale application to domestic employees.

"There are several other reasons why the Commission does not object * * * to the broad removal authority contained in this provision. The authority is strictly limited to the higher level policymaking and policy-controlling positions mentioned in connection with the need for selection-out. It is not a scheme for wholesale arbitrary removals."

Assurance that selection-out authority will not be used arbitrarily has also repeatedly been given by AID Administrator David Bell. In discussing his request for this authority before the Senate Committee on Foreign Relations on June 19, 1964, Mr. Bell stated:

"Careful consideration will be given at the highest levels of the Agency to the circumstances in which these authorities are used. All actions will be fully documented and justified and employees affected will have appropriate Agency appeal rights. We expect it could affect but two percent of our American employees.

"This is a small number and reflects my strong feeling that the vast majority of AID employees are capable, devoted, and hard working."

Mr. MORSE. Mr. President, I believe the Senator from Idaho has given a convincing argument as to why the whole matter ought to be gone into by the committee headed by the Senator from South Carolina [Mr. JOHNSTON], instead of having the Committee on Foreign Relations seeking to trespass upon the jurisdiction of the Committee on Post Office and Civil Service. If what the Senator from Idaho says is true, we had better examine into the whole matter through the Committee on Post Office and Civil Service, and not through the Committee on Foreign Relations.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kansas [Mr. CARLSON]. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BREWSTER (when his name was called). On this vote I have a live pair with the Senator from Georgia [Mr. RUSSELL]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I therefore withhold my vote.

Mr. METCALF (after having voted in the negative). On this vote I have a pair with the Senator from South Carolina [Mr. JOHNSTON]. If he were present, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Arizona [Mr. HAYDEN], the Senator from Alabama [Mr. HILL], the Senator from Washington [Mr. JACKSON], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Ohio [Mr. LAUSCHE], the Senator from Louisiana [Mr. LONG], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], the Senator from Georgia [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], the Senator from Georgia [Mr. TALMADGE], the Senator from Tennessee [Mr. WALTERS], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I further announce that the Senator from Massachusetts [Mr. KENNEDY] and the Senator from New Mexico [Mr. ANDERSON] are absent because of illness.

I further announce that the Senator from Virginia [Mr. BYRD] is absent because of illness in the family.

I further announce that the Senator from Pennsylvania [Mr. CLARK], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Missouri [Mr. SYMINGTON], the Senator from Texas [Mr. YARBOROUGH], and the Senator from Nevada [Mr. CANNON] are necessarily absent.

On this vote, the Senator from Pennsylvania [Mr. SCOTT] is paired with the Senator from Virginia [Mr. BYRD]. If present and voting, the Senator from

Pennsylvania would vote "yea" and the Senator from Virginia would vote "nay."

I further announce that, if present and voting, the Senator from Washington [Mr. JACKSON], the Senator from Louisiana [Mr. LONG], the Senator from West Virginia [Mr. RANDOLPH] and the Senator from Ohio [Mr. YOUNG] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER], the Senator from Kansas [Mr. PEARSON], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Colorado [Mr. DOMINICK] is detained on official business.

If present and voting, the Senator from Kansas [Mr. PEARSON] and the Senator from Texas [Mr. TOWER] would each vote "yea."

On this vote, the Senator from Pennsylvania [Mr. SCOTT] is paired with the Senator from Virginia [Mr. BYRD]. If present and voting, the Senator from Pennsylvania would vote "yea" and the Senator from Virginia would vote "nay."

The result was announced—yeas 27, nays 44, as follows:

[No. 522 Leg.]

YEAS—27

Allott	Hart	Monroney
Beall	Hruska	Morse
Bennett	Javits	Mundt
Boggs	Keating	Pell
Carlson	Kuchel	Prouty
Cotton	McCarthy	Proxmire
Curtis	McGee	Saltonstall
Dirksen	McNamara	Smith
Fong	Miller	Williams, Del.

NAYS—44

Aiken	Gore	Mecham
Bartlett	Gruening	Morton
Bayh	Hartke	Nelson
Bible	Hickenlooper	Neuberger
Burdick	Holland	Pastore
Byrd, W. Va.	Humphrey	Ribicoff
Case	Inouye	Robertson
Church	Jordan, N.C.	Salinger
Cooper	Jordan, Idaho	Simpson
Dodd	Long, Mo.	Sparkman
Douglas	Magnuson	Stennis
Eastland	Mansfield	Thurmond
Ellender	McClellan	Williams, N.J.
Ervin	McGovern	Young, N. Dak.
Fulbright	McIntyre	

NOT VOTING—29

Anderson	Dominick	Jackson
Brewster	Edmondson	Johnston
Byrd, Va.	Goldwater	Kennedy
Cannon	Hayden	Lausche
Clark	Hill	Long, La.

Metcalf
Moss
Muskie
Pearson
Randolph

Russell
Scott
Smathers
Symington
Talmadge

Tower
Walters
Yarborough
Young, Ohio

So Mr. CARLSON's amendment was rejected.

Mr. FULBRIGHT. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. SPARKMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

USE OF ALLIANCE FOR PROGRESS

Mr. PELL. Mr. President, for the past 2 years, I have taken the occasion of the debate over foreign aid authorization to call attention to the manner in which our foreign aid funds are spent, particularly under the Alliance for Progress.

Specifically, I have sought each year to report on the degree to which foreign aid moneys have been used for the long range developmental purposes which lie at the heart of the Alliance for Progress program—as opposed to what I regard as the misuse of such funds for every day, stopgap purposes such as direct budget support and balance-of-payments assistance.

Last year, I was able to report encouraging progress. Balance-of-payments assistance, which had risen to a level of 33 percent of all Alliance aid in fiscal 1962, dropped to 12 percent in fiscal 1963. And direct budget support dropped from 4 percent to 2 during the same period.

I am happy to report today that the trend continues. Balance of payments assistance under the Alliance program dropped from \$70.8 million in fiscal 1963 to \$50.3 million in fiscal 1964. In percentage terms, this represents a drop of 4 points from 12 percent of the total Alliance program in fiscal 1963 to 8 percent in fiscal 1964. Direct budget support dropped from \$17.4 million, or 3 percent of the total program in fiscal 1963, to \$10.1 million, or 2 percent of the total program in fiscal 1964.

I ask unanimous consent that a chart prepared by AID, which reflects this encouraging progress, be inserted in the CONGRESSIONAL RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

AID assistance to Latin America by function, fiscal year 1959 to fiscal year 1964

[Dollars in millions]

	Fiscal year 1959		Fiscal year 1960		Fiscal year 1961		Fiscal year 1962		Fiscal year 1963		Fiscal year 1964	
	Amount	Percent of total	Amount	Percent of total	Amount	Percent of total	Amount	Percent of total	Amount	Percent of total	Amount	Percent of total
Development project assistance.....	\$103.5	84	\$87.2	83	\$210.6	83	¹ \$300.0	63	¹ \$383.0	68	\$465.8	72
Development program assistance—Loans under long-range plans.....	7.3	6	8.4	8	11.6	5	154.7	33	² 95.0	17	³ 115.0	18
Balance of payments assistance.....	12.2	10	9.5	9	31.5	12	19.5	4	⁴ 70.8	12	50.3	8
Direct budget support.....									17.4	3	10.1	2
Total.....	123.0	100	105.1	100	253.7	100	474.2	100	566.2	100	661.2	100

¹ Includes Alliance for Progress funds for nonregional projects directly benefiting Latin American countries.

² \$60 million to Colombia and \$35 million to Chile.

³ \$60 million to Colombia and \$55 million to Chile.

⁴ Including \$23.75 million grant to Dominican Republic.

Mr. PELL. Mr. President, my comment on these figures would not be complete without acknowledgement of the fact that the continued progress during the last fiscal year was made in spite of very special circumstances which demanded a temporary departure from the preferred emphasis on long-term development projects.

The special circumstances, as we all know, occurred in Brazil, after the new government of President Castelo Branco came to power in April. The accession of power by this new government, favorably disposed toward the goals of the Alliance, called for fast action. The Goulart government had left the nation in a state of fiscal distress and the new government needed immediate assistance if it was to survive and succeed.

Because of these special circumstances, the United States on June 23 extended a \$50 million contingency fund loan for balance-of-payments financing to the new Brazilian Government. The AID assures me that this loan satisfied criteria for supporting assistance in view of the stabilization and reform efforts of the Castelo Branco government during its first weeks in power. The loan will enable the government to formulate a comprehensive development program, and its local currency counterpart can be used to finance such purposes as low-cost housing, working capital for industries and expanded agricultural credit.

Mr. President, I believe our AID program should be flexible enough so that we can step in on short notice with the kind of assistance which was offered in Brazil. For a short-term, one-shot loan, it was perfectly justifiable and acceptable. I would only emphasize that we can be free to have this flexibility only as long as our basic program is in order and not unduly weighted toward nondevelopmental support.

I congratulate the Alliance for Progress for holding the line during the past fiscal year and keeping budget support and balance-of-payments financing to a minimum so that, even with the special short-notice loan which had to be extended to Brazil, the overall record of expenditures for the year shows continued progress toward predominately long-range development spending. I trust this good trend continues.

Mr. SPARKMAN. Mr. President, I call up my amendment No. 1151 and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 2, line 24, immediately after "enterprises" insert the following: "or acquired through normal channels of trade."

Mr. DIRKSEN. Mr. President, will the Senator from Alabama yield?

Mr. SPARKMAN. I yield.

Mr. DIRKSEN. Mr. President, I should like to ask the majority leader, "What gives" for the rest of the day?

Mr. MANSFIELD. There will be no further yea-and-nay votes tonight on amendments. I understand that the amendment offered by the Senator from Alabama may be acceptable to the chairman of the committee and to the committee.

If any other amendments are offered, I assure Senators that there will be no yea-and-nay votes on them tonight. If record votes are demanded, I am sure Senators would agree that they ought to go over until tomorrow.

Mr. DIRKSEN. Mr. President, I wish to report to the distinguished majority leader that my prayerful exploration in the field of limitation of debate on amendments to the foreign aid bill has been anything but fruitful.

Mr. MANSFIELD. May I say I am not in the least surprised.

Mr. THURMOND. Mr. President, will the Senator from Alabama yield?

Mr. SPARKMAN. I yield.

Mr. THURMOND. Earlier in the day, I understood the majority leader to say that my amendment would follow the amendment of the distinguished Senator from Kansas; so I planned to call it up. It would require only 12 minutes.

Mr. MANSFIELD. The Senator from South Carolina indicated that he was willing to offer his amendment, but I do not believe the majority leader gave assurance that there would be action on the amendment tonight.

He can call it up and can talk about it, but I am quite sure that his amendment will not be disposed of in 12 minutes. If, however, a rollcall is demanded, the request will not be granted tonight.

Mr. THURMOND. I do not expect to ask for a rollcall, and I shall not need 12 minutes.

Am I to understand that there will be no more rollcalls tonight definitely?

Mr. MANSFIELD. The Senator is correct.

Mr. THURMOND. In view of that, I shall wait until tomorrow to call up my amendment.

Mr. MANSFIELD. Perhaps some other Senator will offer an amendment. I hope so because I should like to see an amendment at the desk.

Mr. THURMOND. I should like to expedite the matter. I understood that was what the Senator from Montana wished to do.

Mr. MORSE. Mr. President, I will offer an amendment but if the Senator from South Carolina [Mr. THURMOND] will offer his amendment and have it made the pending question that will be all right with me. I shall do my best to persuade the Senate, if I offer an amendment, that I should have a rollcall.

Mr. MANSFIELD. The Senators can settle this issue between themselves.

Mr. SPARKMAN. Mr. President, I assure Senators that I shall take only a minute or so.

My amendment has to do with section 101(e) of the bill as reported by the Senate Foreign Relations Committee. This section authorizes the President to have made a study to determine the feasibility of establishing programs for furnishing to underdeveloped countries used tools, machinery and equipment.

This section was added to the bill in committee. It was proposed to the committee by the distinguished senior Senator from Connecticut [Mr. Dodd].

As presently written, the section limits the scope of the study which it proposes

to programs utilizing only such used tools, machinery and equipment as may be donated by private enterprise. The purpose of my amendment is to broaden the scope of this study so that it will include consideration of programs utilizing used tools, machinery and equipment which may be acquired through normal channels of trade.

I believe that my amendment is desirable for several reasons. First of all, the allegation has been made to the Senate Small Business Committee that a program of the kind contemplated by this section of the bill will greatly diminish the supply of these articles in the United States. The effect of this shortage would be to force up the prices of used tools, machinery and equipment. Small businesses, which traditionally purchase used equipment, may not be able to afford these higher prices. It is further contended that such a shortage would adversely affect those small machinery dealers engaged in the business of purchasing, rebuilding and reselling used machinery.

If my amendment is adopted, the scope of the proposed study will be broad enough so that, should it be determined that a program utilizing donated equipment is not feasible—whether because of its adverse effect upon existing businesses or for other reasons—then programs utilizing used equipment purchased through normal trade channels can be considered and studied.

Mr. President, I want to commend the senior Senator from Connecticut [Mr. Dodd] for his sponsorship of this section of the bill. The possible utilization of used machinery and equipment in our aid programs should be explored by the type of study which his amendment authorizes. If the scope of the study is broadened, as I have suggested, I know that it will be useful to those charged with the responsibility of administering our aid programs in the years to come.

Mr. FULBRIGHT. Mr. President, I see no objection to the amendment. It authorizes a study of the feasibility and utilization of this machinery, and I am perfectly willing to accept it.

Mr. MILLER. Mr. President, will the Senator from Alabama yield for a question?

Mr. SPARKMAN. I yield.

Mr. MILLER. I believe that the main thrust of the provision in the bill, as it was pointed out, would be to develop areas of utilization of our used machinery, the idea being that many people in the developing nations cannot afford new items. The fact that these are used items would, nonetheless, give them a stakehold with the tools to work with, and the disposal of usable machinery to these people would provide a better market price for our new machinery in this country.

I wonder whether the fact that the amendment provides for a study of the feasibility of distributing or giving away new items of machinery might not clash with the objectives of this amendment.

Mr. SPARKMAN. These are not new items to which I referred in my brief statement. I made reference to numerous companies in this country that pur-

chase old machinery and used equipment, rebuild it and then resell it. It is that kind of material we are talking about.

Mr. MILLER. In other words, the amendment relates to the distribution of these items of used machinery.

Mr. SPARKMAN. The Senator is correct.

Mr. MILLER. Not only through private eleemosynary institutions but also through normal channels of trade.

Mr. FULBRIGHT. This is only a study.

Mr. MILLER. I understand that. Second, it relates only to used items.

Mr. SPARKMAN. The Senator is correct.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama.

The amendment was agreed to.

AUTHORIZATION FOR THE PRESIDENT PRO TEMPORE OR ACTING PRESIDENT PRO TEMPORE TO SIGN BILLS DURING ADJOURNMENT OF THE SENATE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President pro tempore or the Acting President pro tempore be authorized to sign bills during the adjournment of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. THURMOND. Mr. President, I call up my amendment No. 1164 and ask that it be made the pending question.

The PRESIDING OFFICER. The amendment of the Senator from South Carolina will be stated for the information of the Senate.

Mr. THURMOND. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD at this point.

The amendment (No. 1164) submitted by Mr. THURMOND, is as follows:

TITLE V—NONDISCRIMINATION IN UNITED STATES ASSISTED COUNTRIES AND PROGRAMS

SEC. 501. No person in any recipient country shall, on the ground of race, color, religion, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving any form of the United States financial assistance.

SEC. 502. The Agency for International Development and any other department or agency which is empowered, or may in the future be empowered, to extend United States financial assistance to any program or activity in any country, by way of grant, loan, contract, or other, is directed to effectuate the provisions of section 501 with respect to such program or activity by issuing rules, regulations, or orders of general appli-

cability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President. Compliance with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found, or (2) by any other means authorized by law: *Provided, however,* That no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means. In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to this section, the head of the department or agency shall file with the Foreign Affairs Committee of the House of Representatives and the Foreign Relations Committee of the Senate, a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report.

Mr. THURMOND. Mr. President, as I understand, this amendment is now the pending business.

The PRESIDING OFFICER. The Senator is correct. The pending business is the amendment of the Senator from South Carolina, amendment No. 1164.

Mr. THURMOND. Mr. President, I thank the Chair.

THE PROBLEM OF THE NONVOTER

Mr. KEATING. Mr. President, in the coming months, more than 100 million Americans will be asked to cast their ballots for the future leaders of this Nation. These elections will determine the future policies and development of our country. I find it particularly distressing that a nation which has sacrificed thousands of its men to preserve the democratic system can bring only 64 percent of its voters to the polls.

The right to vote is denied to three-quarters of the world's adults. It is not only a privilege but also an obligation upon which rests the future direction of this country at home and abroad. I am hopeful that 1964 will mark a decided increase in the percentage of Americans who will fulfill this responsibility of citizenship.

I heartily commend the efforts of the American Legion in their present "Get-Out-the-Vote" drive. I ask unanimous consent that the forthright statement of their national commander, Daniel Foley, which is published in the current issue of the American Legion magazine, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

FOR YOUR INFORMATION: THE PROBLEM OF THE NONVOTER

(By National Commander Daniel L. Foley)

Beneath the noise and color and excitement of current political campaigning consider this:

In the next 3 months more than 100 million Americans will be asked to decide with their ballots the future course and leadership of the Nation.

If the 1960 pattern is repeated, more than one-third of the electorate will take no part in the decision.

Recent national elections have produced voter turnouts of 90 percent in Italy, 85 percent in West Germany, and about 80 percent in Great Britain, France, Israel, and the Scandinavian countries. The U.S. score in 1960 was 64 percent, the highest in our history.

A comparable showing in 1964 won't be nearly good enough. To insure a sound base for responsible government at home and strong leadership abroad, we need an overwhelming turnout at the polls on November 3. I urge every American Legionnaire to join now in a sustained drive, through education and persuasion and personal example, to impress upon all our citizens the responsibility to vote.

As a first step, each of us should make certain that our own path to the polls is clear. Responsible exercise of the right to vote requires that we (1) qualify as voters by registering under the laws of our State, (2) size up the issues and candidates in the light of the best information we can get, and (3) vote on election day.

The right to vote, like the other fundamental rights, is not self-perpetuating. To keep it, we must use it—intelligently and faithfully. Either we vote and thereby support our free, representative system; or we fail to vote and thereby weaken the system.

Any American Legionnaire who might be inclined to forego voting on November 3 ought to consider these facts:

Three-fourths of the world's adults today are denied the privilege of expressing their preference at the polls. They live under systems where freedom of choice is outlawed or where educational and economic levels are too low to sustain popular government.

Thousands of young Americans who fought at our sides to preserve the right of suffrage never got a chance to exercise it. They gave their lives before reaching voting age.

Does one vote count? Every vote counts, yours just as much as any other. To believe otherwise is to disbelieve the doctrines which undergird our free society. Your vote counts whether you cast it or not; for when you don't vote, you double the influence of a voter who disagrees with your view of what is good and necessary for the country.

In the 1960 presidential election, a switch of less than 1 percent of the ballots in eight States would have changed the election's result. The 1962 gubernatorial election in Minnesota was decided by a margin of 91 votes out of a million and a quarter cast.

But it isn't a question of voting your choice. Public indifference at the polls breeds government indifference. He who shirks his vote is poorly equipped to protest if those elected shirk theirs thereafter.

A 64-percent sampling of American voters in 1964 doesn't meet America's needs in the 1960's. Nations around the globe, many of them new and groping for a political philosophy, look to the United States for lessons in the functioning of a free society. Rightly or wrongly, they will question an elective process in which four people out of ten do not vote, and only 1 in 10 involves himself in political combat.

Simply increasing the number of voters will not necessarily improve the quality of our voting. We also need more voters who are informed, alert, and perceptive. We need more men and women who make it their business to discriminate between candidates and issues at the local and State levels as well as the national. For instance, nominees for the board of education rarely pack the promotional or emotional appeal of presidential candidates. But how and whom we choose to serve on that board may do more to determine future progress in a community than our choice of President.

According to students of American voting habits, people stay away from the polls chiefly for three reasons: they aren't interested, they can't make up their minds, or they don't want to get mixed up with politics. For the dedicated American Legionnaire, the first two are unacceptable and the third just doesn't make sense.

Politics and good government are not only compatible—they are inseparable. Political organizations and loyalties furnish the fuel that makes the government go. If you want a better grade of political performance than you're getting, there's only one effective way to go at it—from the inside, as a working, contributing member of your party.

Plato stated the alternative a good many centuries ago, "The punishment of wise men who refuse to take part in the affairs of government is to live under the government of unwise men."

A major American Legion "get-out-the-vote" drive already has been mounted by our national organization and many departments and posts. Every working Legionnaire has a stake and place in it. If your post hasn't taken action, stir up some. Stress the obligation of every citizen to "get involved" in government. Add your name and prestige to community "get-out-the-vote" movements. Remind your neighbors and friends that voting is one concrete answer to the question, "What can I do for my country?" Look for new ways, beyond baby-sitting and transportation services, to make it easy for people to stop at the polling place.

In free America, that's where effective citizenship and good government start.

PEACE CORPS WORKER RELATES HER EXPERIENCES IN BOLIVIA

Mr. MILLER. Mr. President, thousands of Americans, in recent years, have ventured out into unknown fields to lend a hand in uplifting the lot of the poor in other lands.

These Americans have returned with mixed emotions as to the value of their experience; most feel that they have gained more than they have lost by giving a few years of their lives to improve the lives of others.

Such a person is Priscilla Buaguess, 26-year-old nurse from Muscatine, Iowa.

Relating her experience as a Peace Corps worker in Bolivia in the August 2 issue of the Des Moines, Iowa, Sunday Register "Picture" magazine, Miss Buaguess viewed her purpose in these words:

All we can really do is try to help them and let them know somebody really cares about them.

Although she admits to disappointments and frustration, she hasn't regretted going into Bolivia. As she puts it:

This has been a tremendous experience. I've changed—not so much as a nurse but as a person. My values have changed, because I realize now how much I have and how

little others have. We haven't sacrificed anything by coming here. We are the ones who have gained. It's just that we have gained in a different way.

This is a fitting testimonial to others who have done the same.

I ask unanimous consent to have the article, entitled "Iowa Peace Corps Nurse Tells of Work in Bolivia," printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IOWA PEACE CORPS NURSE TELLS OF WORK IN BOLIVIA

(One of the Iowans serving humanity in the Peace Corps is Priscilla Buaguess, a 26-year-old nurse from Muscatine who is in Bolivia. This story of her experiences was written from Coroico, Bolivia, by another Peace Corps worker, Paul Conklin.)

"I feel as if I have accomplished more in the few months I have been here than in all the time I was a nurse at home."

The morning's last patient was gone and the small clinic with its earthen floor was empty. Priscilla Buaguess locked up her meager supply of drugs and looked around to make sure everything else was in place. Before lunch she had one house call to make. She stepped outside into the dazzling morning sunlight and disappeared up the street. Priscilla is a 26-year-old Muscatine nurse who has been working in the Bolivian Andes for the past 15 months as a Peace Corps volunteer.

SOMETIMES SHE TRAVELS BY CANOE AND BY MULE

Bolivia is an enormous landlocked country of mountains, jungle and high, arid plateau, nearly eight times the size of Iowa. Seven out of ten Bolivians are campesinos who earn their livelihood from the soil. Priscilla is 1 of 138 Peace Corps volunteers engaged in nursing, teaching and agricultural extension work in Bolivia.

Before arriving in the mountain town of Coroico, Priscilla helped stem a yellow fever epidemic in eastern Bolivia. In two weeks the redheaded nurse inoculated from 3,000 to 4,000 people as she rode a mule from village to village along slippery, muddy roads. At one point her transportation was a balsam canoe on a jungle river.

"I'd never ridden a mule before, and the first time I got on I went right over its head and fell into a puddle," she recalls.

NOBODY TO LOOK AFTER THEM

In Coroico, an Indian market center of 1,500 people, Priscilla runs a public health program with Blanche Lonski, a 26-year-old nurse from Kensal, N. Dak. There is nobody in Coroico, or in the surrounding countryside, other than the two young Americans, who is qualified to give medical care to the campesinos and their families.

"These people have nobody to look after them," Priscilla says.

Six days a week the volunteers take their jeep to surrounding villages where they hold clinics. One night a week they hold a rural clinic. People stream in from miles around, and it is late before the nurses get back to Coroico. Usually they return with a chicken, eggs, and fruit that grateful patients have given them. The clinic in Coroico occupies the back of a church. It is rudely furnished and the nurses have virtually no equipment with which to work.

Intestinal parasites and tuberculosis are the diseases the nurses encounter most frequently in their rounds. They do their best to persuade mothers that their children should drink boiled water and wear shoes, and sleep in separate beds if they are tubercular.

"The results of our work, if there are any, will come years from now," Priscilla ex-

plains. "You can't really cure the sick here because you can't control their environment. Who can blame them for not taking everything we say seriously? If I were a campesino, I would think you were crazy if you told me there were dangerous bugs in a clear looking glass of water. All we can really do is try to help them and let them know somebody really cares about them."

Despite the disappointment, frustration, and loneliness that inevitably are part of a volunteer's life, Priscilla has no regrets about the decision that brought her to Bolivia. "This has been a tremendous experience," she says. "I've changed—not so much as a nurse but as a person. My values have changed, because I realize now how much I have and how little others have. We haven't sacrificed anything by coming here. We are the ones who have gained. It's just that we have gained in a different way."

A 1956 graduate of Muscatine High School, Priscilla attended Augustana College, Rock Island, 2 years, and earned her R.N. from Moline Public Hospital School of Nursing, where she was a staff nurse before entering the Peace Corps.

BLIND VISITORS ENJOY IOWA FARM

Mr. MILLER. Mr. President, a very heart-warming article by the Associated Press was published in the Fort Dodge, Iowa, Messenger, on July 30.

I think it merits reading by all Senators, because it tells how blindness is not considered a handicap by those who are blind. In doing so, the article emphasizes the pioneering work of the Iowa Commission for the Blind, an agency which is known around the world.

Kenneth Jernigan, commission director, believes strongly that—

The real problem of blindness is not blindness itself. It's the attitude toward it on the part of the blind and the sighted.

He feels that those who are blind can be as useful members of society as those who are not so handicapped.

An educator from Pakistan said in the article:

Sight is not in the eyes. It is in the brain—the real sight.

We could take a few lessons from this attitude.

I ask unanimous consent to have the article, entitled "Though Blind, Visitors Enjoy First Look at Iowa Farm," printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THOUGH BLIND, VISITORS ENJOY FIRST LOOK AT IOWA FARM

BLAIRSBURG.—An educator from Ceylon and a doctor from Pakistan have had their first look at an Iowa farm. But they didn't use their eyes.

The visitors, Dr. Fatima Shah of Karachi, Pakistan, and Rlenzi Alagiyawanna, of Mahawewa, Ceylon, are blind.

Both are leaders in movements for the blind in their countries. They visited the Iowa Commission for the Blind before traveling to New York for a meeting of the World Federation for the Blind.

Their farm host, Elwyn Henken, was uniquely qualified to show his visitors around his 80 acres two and a half miles south of Blairsburg. He too is blind.

Rlenzi (he goes by his first name while in Iowa because Americans find his last name virtually unpronounceable) was fascinated

SENATE - August 8

17. AGRICULTURAL APPROPRIATION BILL, 1965. Passed as reported this bill, H. R. 11202. Conferees were appointed. pp. 18090-114
18. FOREIGN AID. Continued debate on H. R. 11380, the foreign-aid authorization bill. Rejected, 25 to 34, an amendment by Sen. Thurmond that would have banned discrimination in U.S. aid programs. pp. 18115-23
19. BEEF EXPORTS. Sen. McGee inserted an editorial praising USDA efforts to increase beef exports and an article including data on USDA beef purchases during the first week of July. pp. 18080-1
20. STRIP MINING. Sen. Lausche called for a study of "the adverse impact that surface strip mining has on wildlife, fish, life, vegetation, the general water supply, and the general economy of the communities which are plagued with this problem. p. 18077
21. ALASKA. Agreed to the conference report on S. 2881, the Alaska relief bill. This bill will now be sent to the President. p. 18114
22. PERSONNEL. Concurred in the House amendments to S. 1833, to authorize Government agencies to provide quarters, household furniture, and equipment, utilities, subsistence, and laundry service to U. S. civilian officers and employees. This bill will now be sent to the President. p. 18080
23. MILITARY CONSTRUCTION APPROPRIATION BILL, 1965. Passed as reported, 64 to 0, this bill, H. R. 11369. pp. 18082-90

HOUSE - August 8

24. POVERTY. Passed S. 2642 after substituting the language of H. R. 11377, previously passed by a 226-184 vote. pp. 18039-63
25. RECLAMATION. The Interior and Insular Affairs Committee reported with amendment H. R. 3279, to authorize the Secretary of the Interior to construct, operate, and maintain the Dixie project, Utah (H. Rept. 1725). p. 18074
26. TARIFF. The Ways and Means Committee reported without amendment H. R. 12253, to correct certain errors in the U. S. tariff schedules (H. Rept. 1728). p. 18074
27. LEGISLATIVE PROGRAM. Rep. Albert announced that on Mon. the House will consider sending H. R. 1839, meat import bill, to conference; and that on Tues. and the balance of the week, the House will consider sending S. 1007, the Pacific Northwest electric consumer guarantee, to conference; H. R. 5673, steel container labeling; H. R. 1803, Ozark National Scenic Riverways, Mo.; H. R. 12175, the housing bill; S. 1664, establishing an Administrative Conference of the U.S., will be considered. pp. 18064-5

ITEMS IN APPENDIX

28. AREA REDEVELOPMENT. Extension of remarks of Rep. Blatnik inserting ARA's answer to GAO's report that it overstated its estimate of the number of jobs that would be created under the accelerated public works program. p. A4171

29. POVERTY. Extension of remarks of Rep. Foreman criticizing the poverty bill.
p. A4173
Extension of remarks of Rep. Toll favoring the poverty bill. pp. A4192-3
30. WHEAT PROGRAM. Extension of remarks of Rep. Nelsen inserting a letter from a farmer complaining about the price he received for his wheat when he sold it on the free market, and an analysis of the recently announced program for 1965. pp. A4182-3
31. MEAT IMPORTS. Extension of remarks of Rep. Teague, Tex., inserting an Australian newspaper article on the beef import situation which was sent to one of his constituents by a rancher in Australia who stated, "Freeman was working for us, not for the country he represents." p. A4192
32. FOREIGN AGRICULTURE. Extension of remarks of Rep. Powell paying tribute to the Ivory Coast on the fourth anniversary of its independence mentioning its agricultural achievements. p. A4191

BILLS INTRODUCED

33. TRADE. H. R. 12286, by Rep. Barrett, to amend the Trade Expansion Act of 1962; to Ways and Means Committee.
34. POVERTY. H. R. 12288, by Rep. Glenn, to establish a National Human Resources Development Commission; to Education and Labor Committee
35. ROADS AND TRAILS. H. R. 12289, by Rep. Jensen, and H. R. 12290, by Rep. Kyl, to establish the Lewis and Clark Trail Commission; to Interior and Insular Affairs Committee.
36. PUBLIC LAW 480. H. R. 12298, by Rep. Poage, to extend the Agricultural Trade Development and Assistance Act of 1954; to Agriculture Committee.

BILL APPROVED BY THE PRESIDENT

37. CONTAINERS. H. R. 6413, to permit the sale in D. C. of milk and ice cream and other frozen dairy products in smaller containers than now permitted. Approved August 7, 1964 (Public Law 88-405).

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COMMITTEE HEARING AUG. 10:

Public Law 480 amendments, H. Agriculture (exec).

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On page 7, after line 15, to insert:

"FOREST SERVICE

"FOREST PROTECTION AND UTILIZATION

"For an additional amount for "Forest protection and utilization", for Forest research, \$2,750,000, of which \$900,000 for Forest research construction shall remain available until expended.

On page 7, line 25, after the word "research", to insert "for basic scientific research, and for facilities,"; on page 8, at the beginning of line 2, to strike out "\$40,863,000" and insert "\$46,113,000"; in line 6, after the word "Agriculture", to strike out "\$1,000,000" and insert "\$1,550,000"; in line 8, after "(16 U.S.C. 582a-582a-7)", to insert a semicolon and "\$2,000,000 in addition to funds otherwise available for grants for support of basic scientific research under the Act approved September 6, 1958 (42 U.S.C. 1891-1893; \$3,242,000 for grants for facilities under the Act approved July 22, 1963 (77 Stat. 90)", and in line 21, after the word "all", to strike out "\$42,440,000" and insert "\$52,482,000".

On page 9, line 8, after "(7 U.S.C. 341-349)", to strike out "\$65,725,000" and insert "\$70,530,000"; and in line 11, after the word "all", to strike out "\$67,295,000" and insert "\$72,100,000".

On page 9, line 21, after the word "employees", to strike out "\$7,410,000" and insert "\$7,510,000".

On page 10, line 10, after the word "possession", to strike out "\$2,451,000" and insert "\$2,551,000".

On page 10, line 17, after "(7 U.S.C. 1621-1627)", to strike out "\$1,082,000" and insert "\$1,102,000".

On page 12, after line 6, to strike out:

"WATERSHED PLANNING

"For necessary expenses for small watershed investigations and planning, \$5,524,000, to remain available until expended."

On page 12, after line 10, to strike out:

"WATERSHED PROTECTION

"For necessary expenses to conduct river basin surveys and investigations, and research and to carry out preventive measures, including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act, approved August 4, 1954, as amended (16 U.S.C. 1001, 1008), and the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), to remain available until expended, \$60,324,000, with which shall be merged the unexpended balances of funds heretofore appropriated or transferred to the Department for watershed protection purposes: *Provided*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (5 U.S.C. 574), and not to exceed \$100,000 shall be available for employment under section 15 of the Act of August 2, 1946 (5 U.S.C. 55a): *Provided further*, That not to exceed \$4,000,000, together with the unobligated balance of funds previously appropriated for loans and related expense, shall be available for such purposes."

On page 13, after line 7, to insert:

"WATERSHED PROTECTION

"For necessary expenses to conduct surveys, investigations, and research and to carry out preventive measures, including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act, approved August 4, 1954, as amended (16 U.S.C. 1001-1008) and the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), to remain available until expended, \$65,848,000, with which shall be

merged the unexpended balances of funds heretofore appropriated or transferred to the Department for watershed protection purposes: *Provided*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (5 U.S.C. 574), and not to exceed \$100,000 shall be available for employment under section 15 of the Act of August 2, 1946 (5 U.S.C. 55a): *Provided further*, That not to exceed \$5,000,000 together with the unobligated balance of funds previously appropriated for loans and related expense, shall be available for such purposes."

On page 14, at the beginning of line 15, to strike out "\$25,423,000" and insert "\$22,656,000".

On page 15, line 6, after "(16 U.S.C. 590p)", to strike out "\$14,176,000" and insert "\$14,744,000".

On page 15, at the beginning of line 15, to strike out "\$1,496,000" and insert "\$2,044,000".

On page 16, line 18, after the word "products", to strike out "\$9,476,000" and insert "\$10,576,000".

On page 17, line 15, after the word "laws", to strike out "\$11,431,000" and insert "\$11,832,000".

On page 18, line 12, after the numeral "1946", to strike out "\$39,389,000" and insert "\$39,590,125".

On page 18, line 21, after "(7 U.S.C. 1446, note)", to strike out "\$99,831,000" and insert "\$106,000,000", and in the same line, after the amendment just above stated, to strike out the comma and "to be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612)".

On page 20, line 1, after the word "than", to strike out "\$45,000,000" and insert "\$35,000,000"; in line 3, after the word "of", to strike out "\$23,000,000" and insert "\$11,000,000," and in line 7, after the numerals "1964", to strike out the comma and "of which amount \$2,000,000 shall remain available until expended for construction, alteration and modification of research facilities".

On page 20, line 20, after "(7 U.S.C. 1768)", to strike out "18,790,000" and insert "\$20,488,000".

On page 21, line 10, after "(7 U.S.C. 1-17a)", to strike out "\$1,100,000" and insert "\$1,115,000".

On page 22, line 9, after the word "appropriation", to insert a colon and "*Provided further*, That no part of the funds appropriated or made available under this Act shall be used, (1) to influence the vote in any referendum; (2) to influence agricultural legislation, except as permitted in 18 U.S.C. 1913; or (3) for salaries or other expenses of members of county and community committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, for engaging in any activities other than advisory and supervisory duties and delegated program functions prescribed in administrative regulations."

On page 22, at the beginning of line 23, to strike out "\$86,400,000" and insert "\$92,300,000".

On page 26, line 17, after the word "amended", to strike out "\$7,200,000" and insert "\$20,000,000".

On page 26, after line 18, to insert:

"EMERGENCY CONSERVATION MEASURES

"For emergency conservation measures, to be used for the same purposes and subject to the same conditions as funds appropriated under this head in the Third Supplemental Appropriation Act, 1957, to remain available until expended, \$4,000,000, with which shall be merged the unexpended balances of funds heretofore appropriated for emergency conservation measures."

On page 28, line 5, after the word "service", to strike out "\$3,784,000" and insert "\$3,853,000".

On page 29, line 9, after the word "Library", to strike out "\$1,347,000" and insert "\$1,547,000".

On page 30, line 4, after the word "Agriculture", to strike out "\$3,530,000" and insert "\$3,314,000".

On page 31, line 15, after "(5 U.S.C. 55a)", to strike out "\$11,641,000" and insert "\$11,428,000".

On page 32, line 14, after the word "loans", to strike out "\$3,500,000" and insert "\$5,000,000".

On page 33, line 2, after "(40 U.S.C. 440-444)", to strike out "\$39,544,000" and insert "\$39,794,000"; in line 3, after the word "than", to strike out "\$2,000,000" and insert "\$2,250,000", and in line 7, after the word "amended" to strike out the colon and "*Provided*, That, in addition, not to exceed \$500,000 of the funds available for the various programs administered by this Agency may be transferred to this appropriation for temporary field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (5 U.S.C. 574) to meet unusual or heavy workload increases".

On page 34, line 14, after "(15 U.S.C. 713a-11, 713a-12)", to strike out "\$1,724,000,000" and insert "\$1,574,000,000".

On page 35, line 12, after the word "hereof", to insert a colon and "*Provided further*, That no part of the administrative funds authorized under this head or of the capital funds of the Commodity Credit Corporation shall be available to formulate or administer a cotton loan program during fiscal year 1965 which requires that micronaire readings shall be mandatory as a part of the cotton classing in connection with cotton loans."

On page 36, line 2, after the word "Act", to strike out "\$1,612,000,000" and insert "\$1,737,000,000", and in line 6, to strike out "\$55,000,000" and insert "\$35,000,000".

On page 36, line 19, after "(7 U.S.C. 1856)", to strike out "\$82,860,000" and insert "\$102,860,000".

On page 37, line 6, after the word "and", to strike out "seventy-two" and insert "seventy-four".

On page 38, after line 10, to insert a new section, as follows:

"Sec. 507. No part of any increase provided in this Act above the 1964 appropriation for any project or activity shall be used to build up such project or activity to an annual rate greater than the level provided in this Act."

Mr. HOLLAND. Mr. President, if there are no amendments to be offered, I ask that the bill be read the third time.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 11202) was passed.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HOLLAND. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLAND. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House of Representatives thereon and that the Chair appoint the conferees on the part of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Florida.

The motion was agreed to; and the Chair appointed Mr. HOLLAND, Mr. RUSSELL, Mr. ELLENDER, Mr. YOUNG of North Dakota, and Mr. MURDT conferees on the part of the Senate.

Mr. STENNIS. Mr. President, will the Senator from Florida yield to me?

Mr. HOLLAND. I yield.

Mr. STENNIS. I am familiar enough with the bill and the work which the Senator from Florida has done so that I can testify to the work as outstanding. The Senator is to be highly commended as well as thanked by the Senate for his very fine services.

Mr. HOLLAND. Mr. President, I appreciate those gracious words. I accept them on behalf of the entire subcommittee and the full committee, of which the Senator from Mississippi is one of the most useful members.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. JORDAN of North Carolina. I should like to add a word to what the Senator from Mississippi has so ably said. Not only the chairman of the subcommittee and the members of the subcommittee, but also the entire staff have rendered distinguished service. This is a tremendous job, requiring days and nights of work. The chairman has worked diligently at it, and has come forth with a bill which the Senate has passed.

I have spent a great deal of time talking about tobacco. But I also commend the committee chairman on his treatment of all agriculture products. Cotton received a great deal of attention by the committee, as did peanuts and other commodities. It was an excellent job. I wish the Senator to know that we appreciate it very much.

Mr. HOLLAND. I thank the Senator.

Mr. BARTLETT. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. BARTLETT. I desire to join in the expressions which have just been made. Additionally, I wish to say that when the full committee met to mark up the bill, I marveled at the ability of the Senator from Florida to handle the intricate technical questions concerning it—and it is a large and detailed bill—without reference to a single note. He did an excellent piece of work.

Mr. HOLLAND. Mr. President, I thank the Senator. I pass on much of that compliment to my excellent staff on both sides of the aisle.

Mr. President, I yield the floor.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its

reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 1057. An act to promote the cause of criminal justice by providing for the representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the court of the United States;

S. 1642. An act to amend the Securities Act of 1933, as amended, and the Securities Exchange Act of 1934, as amended, to extend disclosure requirements to the issuers of additional publicly traded securities, to provide for improved qualifications and disciplinary procedures for registered brokers and dealers, and for other purposes; and

S. 1991. An act to charter by act of Congress the Pacific Tropical Botanical Garden.

TRUST STATUS OF CERTAIN LANDS ON ROSEBUD SIOUX RESERVATION, S. DAK.

Mr. CHURCH. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 136, a bill to place in trust certain lands on the Rosebud Sioux Reservation in South Dakota.

The PRESIDING OFFICER (Mr. BREWSTER in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 136) to place in trust status certain lands on the Rosebud Sioux Reservation in South Dakota, which was, on page 4, after line 2, strike out "\$1,075.01" and insert "1,375.01".

Mr. CHURCH. Mr. President, the Senate passed this measure on October 22, 1963. At the time the bill was reprinted, the figure in section 2 showing the total acreage covered by that section was misprinted. The House has amended S. 136 to make the necessary correction. It is simply a technical amendment that does not change the bill at all. The total acreage was printed as 1075.01, whereas it should be 1375.01.

Therefore, Mr. President, I move that the Senate concur in the amendment of the House to S. 136.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Idaho.

The motion was agreed to.

AMENDMENT OF ALASKA OMNIBUS ACT—CONFERENCE REPORT

Mr. BIBLE. Mr. President, on behalf of the distinguished junior Senator from Washington [Mr. JACKSON], who is absent on official business, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2881) to amend the Alaska Omnibus Act to provide assistance to the State of Alaska for the reconstruction of areas damaged by the earthquake of March 1964 and subsequent seismic waves, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of August 6, 1964, pp. 17747-17748).

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. BIBLE. Mr. President, the conference report was unanimously agreed to by the conferees on behalf of the Senate and the conferees on behalf of the House of Representatives.

Mr. President, I ask unanimous consent to include in the body of today's RECORD an August 2, 1964, telegram from Gov. William A. Egan to Senator JACKSON expressing his support for the conference version of this, the major Alaska earthquake relief bill.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

JUNEAU, ALASKA,
August 2, 1964.

HON. HENRY M. JACKSON,
Senate Office Building,
Washington, D.C.

DEAR HENRY: I fully support your Alaska omnibus bill amendment as adopted by House and Senate conferees providing for joint Federal and Alaska State governments financial support designed to alleviate effect of mortgages that existed on homes destroyed or severely damaged in Alaska as result of earthquake and seismic sea waves of March 27, 1964. Alaska Department of Law has cleared State constitutionality for State participation. Please accept my appreciation.

Kindest regards.

WILLIAM A. EGAN,
Governor of Alaska.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. MANSFIELD. Mr. President, what is the pending question?

The PRESIDING OFFICER. The question is on the amendment of the Senator from South Carolina [Mr. THURMOND].

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for a quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, what is the pending question?

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1164, offered by the Senator from South Carolina [Mr. THURMOND].

Mr. MANSFIELD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for a quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, I ask unanimous consent that I may speak from the desk of the senior Senator from Arkansas [Mr. McCLELLAN].

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HICKENLOOPER. Mr. President, will the Senator yield?

Mr. THURMOND. I am pleased to yield to the distinguished Senator from Iowa.

Mr. HICKENLOOPER. I wish to congratulate the Senator from South Carolina for strictly adhering to the rules of the Senate, which are too often noted by their avoidance than observance. I congratulate the Senator on his meticulous adherence to the rules.

Mr. THURMOND. I thank the able Senator from Iowa.

The purpose of this amendment can be very simply stated. The first section of this amendment insures that there will be no discrimination on the basis of race, color, religion, or national origin in any U.S. aid program. The second section of this amendment directs the Agency for International Development, and any other department or agency providing foreign aid funds, to issue rules, regulations, and orders of general applicability assuring the achievement of the objectives stated in the first section of the amendment.

This amendment was drawn to conform, as nearly as practicable, to the provisions of title VI of the recently enacted civil rights bill.

Mr. President, on July 10, 1963, Secretary of State Dean Rusk testified before the Senate Commerce Committee in support of S. 1732, the separately introduced so-called public accommodations provision. In his statement to the committee, Secretary Rusk laid particular stress upon the foreign policy implications of discrimination on the basis of race, color, religion, or national origin. He emphasized with particularity the position which such discrimination in this country placed the United States in the eyes of the entire world. However, he, at the same time, made note of the fact that discrimination on the basis of race, color, religion, or national origin was not limited to the United States when he said "discrimination on account of race, color, religion, national or tribal origin may be found in other countries."

In this same prepared statement, Secretary Rusk stated:

We must try to eliminate discrimination due to race, color, religion, not to make others think better of us, but because it is incompatible with the great ideals to which our democratic society is dedicated.

In saying this, I assume that Secretary Rusk meant that the United States should exert its considerable influence, through every means possible, with other countries of the world toward the end of abolishing such discrimination wherever it may exist.

A majority of the Congress of the United States has now determined that such a system of withholding Federal funds from certain segments of their own people is in our best interest. Will there be anyone who will say that even if it is good for the United States, it is not good for a foreign country which receives money taken from a U.S. citizen?

At the conclusion of Mr. Rusk's testimony, I questioned him concerning this matter. Secretary Rusk expressed his support for the entire package of so-called civil rights proposals which were then pending before the Congress, including the fund withholding provision, title VI, of the bill. I then asked him the following question:

I suppose, then, since you support this provision as to areas of your own country, you would support a similar provision in the foreign aid legislation to withhold funds from countries which practice discrimination?

Secretary Rusk's answer is at some length, and I ask unanimous consent that it be printed in the RECORD at this point in my remarks.

There being no objection, the answer was ordered to be printed in the RECORD, as follows:

Mr. Rusk. Not necessarily, Senator, because here we are talking about a constitutional system in which we have control over our own affairs. When we are dealing with the rest of the world we are dealing with a world which we can influence, but cannot control. It is not our constitutional responsibility to do so.

In the rest of the world we are waging a struggle for freedom, from which we cannot withdraw by the type of abandonment which is suggested to me in your question. We must stay with that struggle, use our influence to the best of our ability to sustain and strengthen the cause of freedom; and that would mean we would work at it, use our influence, even though we can't necessarily control the result.

Our influence in these situations can be very strong. I think there are differences between situations where governmental laws and constitutional practices are responsible for the discrimination, and where you run into discriminatory situations simply because of the existence of religious or racial groups next to each other, with the social problems that have historically been associated with those situations.

Our influence has been in the direction of removing these discriminations abroad as well as at home.

I think our advice in this respect would be more powerful if we could move forward at home more rapidly.

But I do not think we should abandon the great struggle for freedom throughout the world by such a restrictive interpretation of our role abroad.

Mr. THURMOND. Mr. President, briefly stated, he responded that he would not necessarily support such a provision, but he did not say that he would oppose such a provision either. I am sure that now that such a provision has been enacted into law as to our own people and Secretary Rusk has had an opportunity to think over this problem at greater length, he would now support my amendment. In further answer to my question, Secretary Rusk said:

I think there is a big difference in what we can do within our limits of constitutional ability here at home and what we cannot do, through lack of authority and responsibility, abroad.

Mr. President, I would agree that the United States has no authority or responsibility to meddle into the internal affairs of another country. However, I do believe that the United States has both the authority and responsibility to dictate the terms under which our money can be spent in any foreign country. Since Congress has the responsibility both to authorize and to appropriate money, the primary obligation in this field falls upon the Members of Congress. Simply stated, it is my belief that, while the United States cannot control other nations, we have both the authority and obligation to control the money which we are entrusted to spend.

Mr. President, I believe there is little doubt of the fact that forms of discrimination on the basis of race, color, religion, and national origin exist in all of the countries of the world.

In this connection, one statement made by Secretary Rusk to the Senate Commerce Committee is significant. He said:

I think there have been tensions where different groups that are different in any important respect live side by side. I think that has been a general experience of mankind.

One of the most comprehensive articles which I have seen on this subject appeared in the July 1, 1963, edition of U.S. News & World Report. I ask unanimous consent that this article in its entirety be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. THURMOND. Mr. President, in this article, it is pointed out that in Britain, Negroes are discriminated against; in Africa, whites are discriminated against; in Asia, the different nationalities discriminate against one another, depending upon which is in the majority; in Peru and other Latin American countries, Indians are discriminated against; in British Guiana, the Indians and Negroes discriminate against each other. Perhaps the most blatantly unjustified discrimination in the world exists in India, where the infamous caste system still thrives, dooming millions of people to second and lower class citizenship.

Mr. President, several newspapers have published articles discussing worldwide patterns of discrimination. Two

which have come to my attention are from the Wall Street Journal of August 15, 1963, and the Washington Sunday Star of June 23, 1963. I ask unanimous consent that these two articles be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. THURMOND. Mr. President, the Tulsa Tribune, of Tulsa, Okla., for July 11, 1963, contains a most perceptive editorial entitled "The Blacker Pots." This editorial discusses some of the more obvious examples of worldwide discrimination. I ask unanimous consent that it also be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. THURMOND. Mr. President, there is little need to continue citing proof of this worldwide discrimination, for I know that every Member of the Senate is well aware of and willing to admit its existence. The question now remains: What are we in the Senate—what is Congress—going to do to correct it on a worldwide basis now that a start has been made in our own country?

The Congress and the executive branch of the Government, in their infinite wisdom, have declared that one way to prevent this form of discrimination which is said to be so detrimental to the United States, is to provide a system whereby Federal funds will be withheld from any program in which such discrimination is found. This way, we are told, the United States of America will not be placed in the untenable position of subsidizing discriminatory practices. This is said to be good and beneficial for our own people, who, after all, provide a part of the funds which may subsequently be withheld from them or from programs from which they are entitled to benefit. These are the same people whose tax money provides the funds which we are now authorizing to be spent in foreign countries. Unless the Congress performs equal justice by adopting an amendment such as I have offered to this bill, it will seem to many that we have set a double standard: One for our own people, and another for people of foreign countries.

If it is untenable for the United States to subsidize discrimination in our own country, it is equally untenable for the United States to subsidize discrimination in any foreign country. Perhaps there will be those who are sincerely worried lest we appear to be seeking to control the internal affairs of a foreign country. I believe that they need have no fear in this regard concerning my amendment. By adopting this amendment, we are not seeking to control the foreign affairs of any country; we are merely seeking to control the expenditure of U.S. money. I want to emphasize that Congress not only has the authority to do this, but it has the clear responsibility to do so.

EXHIBIT 1

[From U.S. News & World Report, July 1, 1963]

RACE TROUBLE—IS IT THE SAME THE WORLD OVER?

(Race conflicts in the United States are drawing a wave of criticism from abroad. White treatment of Negroes is widely denounced as a horrible example to mankind.)

(But is this primarily an American problem? A check around the world shows that oppression, segregation, color bars are common in most countries. In many, racial antagonism is far worse than anything in America—and it's still growing.)

Look the world over and you quickly discover that race is a problem in almost every place where color differences exist.

Africa's blacks have the whites on the run in the Congo and Kenya—at a time of outcry against white rule in South Africa and Portuguese Angola.

Chinese are seeking to rally colored races of the world to their side in their battle with Russia for leadership of the world Communist movement.

Russia, on her part, is holding down the yellow races in her population. Negro students from Africa have been attacked by whites in the Soviet bloc.

Great Britain, after race riots, has cut down drastically on immigration of black and brown people.

Mulattoes, the propertied people of Haiti, are being oppressed by a Negro-supported dictatorship. In British Guiana, British troops are trying to prevent civil war between Negroes and persons whose ancestors came from India.

India, itself, is deeply divided by caste in which differing color often plays a role.

Many countries practice discrimination on other grounds besides race.

Ceylon has denied citizenship to hundreds of thousands of persons whose ancestors came from India within the last century. Christians, in Egypt, find themselves at a disadvantage in getting jobs. Arabs, in Israel, feel left out.

Yet the world, moralizing, tends whenever possible to point the finger of blame at the United States and its race problem.

To find whether other nations, too, have trouble in integrating, U.S. News & World Report asked its correspondents abroad for on-the-ground reports.

BRITAIN: RACE FEELING RUNS HIGH

London

The British are using Commonwealth segregation to avert explosive race problems.

Race riots in British cities caused Parliament to end free entry of people from other Commonwealth countries.

What had become a flood of black people from the Caribbean is reduced to a trickle. Negroes who had been coming in at the rate of 5,000 a month are permitted to enter now at a rate below 500.

Only 50 Pakistanis are coming monthly, compared with more than 4,000 before the gates were closed. Immigration from India is down from 3,000 a month to about 600.

In Britain, the ratio of colored to white is about 1 in 100—compared with 1 in 9 in the United States. In all of Britain there are about 500,000 Negroes. Yet race feelings run high.

Negroes are discriminated against in housing, jobs, restaurants, and in pubs. Upper class Negroes making hotel reservations often find no rooms available when they show up. Newspaper advertisements offering apartments frequently stipulate "Europeans only" or "no coloreds."

Mixed marriages are increasing, though. White girls with black men are a fairly com-

mon sight in London. Racial mixing, socially, is widespread in universities and does not seem to be frowned upon. There is no segregation in state-run schools, where the Negro proportion usually is not large.

Segregation, however, is extensive in industry.

Government-operated employment exchanges frequently are instructed by employers to send "no coloreds, Irish or Jews." In factories that do not ban colored workers, there is usually an unofficial "quota" for nonwhites. A majority of colored persons take the jobs that whites don't want.

Legislation to outlaw racial discrimination—similar to that President Kennedy is submitting to Congress—has been introduced in Parliament in each of the past 5 years but has been defeated repeatedly.

AFRICA: INTENSE HATRED OF WHITES

Leopoldville

Race feeling is strong here in the Congo and elsewhere in black Africa where hatred of whites is intense.

As a result, the white man's future on this continent appears to be anything but promising.

Travel through many of the newly independent countries of Africa and you find that, where the African once was treated as inferior to the white "colonialist," the situation to day is reversed. It is the black man who is becoming entitled to jobs and property, to the exclusion of the white man. Furthermore, one tribe discriminates against another—in fact, slavery is not unknown.

Kenya offers an example of the new twist to the race problem in Africa.

Kenya is to achieve full independence at the end of this year. Among the 7 million Africans is a white minority of 60,000—largely landowners—and an Indian minority of 165,000.

Kenya's black leaders say there will be no discrimination on the basis of race. Yet discrimination actually has begun. A white civil servant, who may have been born in Kenya and spent his entire life there, is likely as not to find his job taken over by an African of black skin. Idea is to "Africanize" the Government.

Thousands of white settlers, fearing what lies ahead, already have left. Value of rich farms, built up by whites, has been in a drastic decline.

Indians in Kenya live completely apart from both whites and blacks. There is little, if any, social mixing.

There is, moreover, little mixing among Kenya's 50 or more black tribes. Many fear domination by the Kikuyu tribe with its 1.5 million members. One tribe, the Masai, is of Nilo-Hamitic origin rather than Negro. It completely disdains association with other tribes and believes races should be kept completely separate. The Somalis of northern Kenya want to secede and join their brethren in Somalia.

The Sudan, biggest country in Africa, practices both religious and racial segregation. The African tribes of the southern Sudan, many of them Christian or pagan, are regarded as inferior by Arabs, who are Moslem. Few blacks, especially if they are Christians, can get jobs in the civil service. Inter-marriage is infrequent.

In the Congo, the Lulua and Baluba Tribes wage continual war. Around Leopoldville, the Bakongo Tribe dreams of setting up a Bakongo nation. Many whites, since the end of Belgian rule, have been subjected to abuse, injury, and even death by armed blacks.

The haughty desert tribe of Nigeria called the Fulani will not mix with the Hausas, who are of different stock. Fulanis consider themselves a superior race who ought naturally to be served by others.

Even in Liberia, discrimination is prevalent. "Americo-Liberians," descendants of U.S. slaves, run the country and do not mix easily with backward tribesmen.

"Integration" is not something that gets any real attention in black Africa.

ASIA: "GHETTOS" AND "UNTOUCHABLES"

Tokyo

Nowhere in the great arc of east Asia, from Japan to India, is there a country free of racial antagonism or of discrimination against minorities.

Segregation is not sanctioned by law in any area. Yet "separateness" of minorities is enforced by popular attitudes far more severe than segregation in the United States.

In Japan, for instance, Koreans who have spent all their lives in Japan live in "ghettos" because of economic and social pressures. They are scorned by the Japanese and are "second-class citizens" by any definition.

Another skeleton in Japan's closet consists of the Eta, the "untouchables" of Japan, who number an estimated 3 million. They are descendants of executioners, butchers, leatherworkers, potters, undertakers, and umbrella makers.

In feudal times they could go outside their own villages only between sundown and sunrise. The class and segregated villages were abolished in 1871. Yet today there are at least 6,000 Japanese communities that are almost exclusively Eta, among the poorest in Japan.

Many firms unofficially discriminate against workers of Eta birth. Even now it is almost impossible for an Eta to marry outside the class. Each year, young couples commit suicide because one is Eta and parents refuse permission to marry. Vast increases in spending by the Government to upgrade the Eta have not changed popular attitudes.

Discrimination confronts Chinese living in practically every country of southeast Asia.

In Indonesia, a presidential decree in 1959 prohibited alien traders—almost exclusively Chinese—from trading outside the main towns. An estimated 300,000 village shops closed their doors. Forty thousand Chinese, "encouraged" by the Government and unwilling to become Indonesian citizens, left the country for Red China.

Indonesia's remaining Chinese are subjected to periodic rioting by Indonesian students. Chinese homes and shops in many towns have been burned and looted recently.

Thailand, in the 1940's, declared 10 provinces and four urban areas "out of bounds" to Chinese. Twenty-seven occupations previously dominated by Chinese were reserved for Thai nationals. Chinese were forbidden to own land. The nationality law was amended in 1953 to provide that children born of Chinese mothers should not become Thai citizens.

South Vietnam, in 1956, ordered 500,000 locally born Chinese males to adopt Vietnamese names, pay taxes and register for military service. All other Chinese males were automatically classified as foreigners, barred from 11 trades and lines of business in which most were engaged at the time.

The Philippines, in 1954, forbade Chinese to start new retail enterprises or to pass along retail businesses to their heirs. Since then, the number of Chinese trade outlets in the Philippines has declined from 18,000 to 12,000. Last year, Chinese were banned from rice and corn processing industries. They cannot own agricultural land.

Even in Malaya, where Chinese make up 43 percent of the population, they are heavily discriminated against. State constitutions make certain types and areas of land available only to Malaysians. Quotas maintain a 4-to-1 ratio of Malaysians in government service and the armed forces. University scholarships generally go to Malaysians.

Red China, in its foreign propaganda, calls

upon Africans and Asians to throw off "the white man's yoke." Recently, in its quarrel with the Soviet leadership over Red doctrine, it has claimed to speak for the colored races—and has identified Moscow, more and more, with the white race.

At home, however, China's Reds are intent on wiping out the identity of minorities in the thinly populated plains of Mongolia and the mountains of Tibet and southwest China.

Inner Mongolia was given "autonomy," but the area was expanded to include large chunks of territory inhabited by Chinese. In Tibet and Sinkiang, Chinese settlers were brought in from the outside. Chinese got most of the government posts and Chinese was made a compulsory second language in the schools. Land reform and a succession of purges stripped minorities of jobs, animals, and land.

Racial, tribal, and religious hostilities abound in Asia. Indonesia's Javanese majority has troubles with the Sumatrans, and South Vietnam's Catholic-dominated Government takes time off from its war of survival against the Reds to crack down on Buddhist priests representing the religious views of a large majority of the people. In Laos, as well as South Vietnam, discrimination is practiced against mountain tribesmen.

Yet everywhere in Asia, one hears biting criticism of racial discrimination in the United States. Nowhere is that criticism stronger than in India—itsself plagued by the world's most spectacular example of segregation.

This segregation is based on caste, an integral part of orthodox Hinduism. It divides Hindus into four main castes ranging downward from Brahmans, who provide the core of Indian cultural and political leadership.

Each caste, in turn, has hundreds of sub-castes based on clan, religion, or occupation. Outside the caste system are perhaps 60 million untouchables.

From ancient times on, untouchables have been condemned to menial tasks such as cleaning latrines. They were forbidden use of certain temples, and could use only a special entrance of their own into the house of a caste Hindu where they were employed. In some extreme instances they could not let their shadow fall across a Brahman.

Race plays a role in the caste system. History indicates that caste was imposed by light-skinned Aryan invaders against dark-skinned inhabitants of India thousands of years ago. Color lines, since, have blurred. Even today, however, a light-skinned Brahman from the north is considered socially above a dark-skinned Brahman of southern India.

Modern India has abolished untouchability by law. Prime Minister Jawaharlal Nehru and others decry segregation by caste. But thousands of untouchable villages still exist in India near villages reserved for caste. Hindus. In the Gujarat area near Bombay, a survey not long ago showed 1,732 villages where untouchables still could not draw water from public wells.

Despite some breakdown of caste barriers among educated Hindus, marriage advertisements still specify caste in most cases—and often mention a fair complexion.

Even Christians and Moslems of "untouchable" ancestry still find themselves cleaning latrines of caste Hindus. Some Christian churches in south India seat persons according to caste origins. It will be generations, informed Indians admit, before the world's harshest segregation is abolished in fact as well as law.

LATIN AMERICA: INDIANS ARE "CATTLE"

Mexico City

Latin America, in the past, often has been pictured as having little racial trouble. But Latin Americans, more and more, are becoming aware of race.

Bitter racial conflict is developing in British Guiana, on the northeast corner of South America. Guiana shows that it doesn't take a white man to make a race problem.

There, whites account for only 13,000 out of 560,000, as the country approaches independence. Negroes, and descendants of laborers brought from India, are almost equal in numbers—and racial trouble centers on them.

East Indians dominate the ruling party, and an East Indian, Cheddi Jagan, is Prime Minister. Since he came to power in 1961, however, there have been two serious riots involving Government and Negro-dominated labor unions.

A general strike, which began in late April, has heightened ill feeling between the two races and the situation now is considered explosive.

Elsewhere, it is the American Indian who often is discriminated against. In Peru, for example, millions of Indians are almost serfs and referred to by whites as "cattle."

Mexico and Brazil are held up as examples of countries where racial tolerance is the rule. Yet even in those countries, persons of lighter skins tend to dominate the ruling classes. In El Salvador, the social secretary of the country's leading hotel was fired when she allowed her skin to become too suntanned. Costa Rica, where 85 to 90 percent of the population is white, looks dubiously on integration with other Central American countries which are predominantly Indian and of mixed blood.

In Haiti, the story is somewhat different. There, mulatto aristocrats who once were the country's coffee dealers and merchants have been imprisoned and killed, and their property has been stolen. President François Duvalier bases his power on the country's 90-percent Negro majority, and employs street gangs and militia with a black-racist ideology.

RUSSIA: NEGROES BEATEN UP

Vienna

In the Soviet Empire, segregation is not officially practiced. Communist doctrine preaches brotherhood of races and condemns racism as a capitalist product.

The actual picture, however, is rather different.

Largest nonwhite group in Russia is that of yellow-skinned Moslems, constituting 10 percent of the total population. They are found in Soviet central Asia and along the Volga River. Large numbers of Russians have been brought into those areas to reduce the predominance of Moslems. Most important positions in government, business, and the armed forces are held by Russians.

Since 1957, there has not been a Jew on the Communist Party's ruling Presidium. Only one Jew is found in a leading Government post.

Friction between white and black now is developing.

Negro students from Africa have complained that they were beaten up by Russian youths after dancing with Russian girls. Africans also complain of harassment on trolley cars, on streets and elsewhere.

Similar trouble is developing in satellite nations.

Last February, most of the 350 African students in Bulgaria decided to leave the country when authorities banned the Pan-African Students Union. Bulgarian students, the Africans said, "were not even willing to sit next to us, and they called us 'black apes'."

In Czechoslovakia, reports told of a spring-time brawl in Prague during which a crowd of 300 young Czechs beat an African student for 15 minutes. That evening, two African students were beaten up, and an African diplomat found all four of the tires slashed on his automobile.

These and similar stories are disillusioning to Africans who once saw the promise of racial equality under communism.

CANADA: "INTOLERANCE IS WIDESPREAD"

Ottawa

In Canada, the "wrong" color, race or religion can be a severe handicap. By law there is no discrimination based upon either race or color. But a leading newspaper in Toronto recently noted that "intolerance is already widespread in Canada—directed not only at the Jews but at many other racial and religious groups."

French Canadians complain bitterly that they are "second-class citizens" dominated by Canadians of English background.

In Quebec Province, French Canadians have unleashed a campaign of terror to back up demands for secession from the other nine provinces.

Rigid quotas limit immigration of colored races from the West Indies and Asia. Canada's 32,000 Negroes often encounter discrimination in seeking jobs, meals in restaurants, or living accommodations.

A Negro couple in Halifax answered 60 advertisements of apartments without success. Negro tourists from the United States are sometimes turned away from resorts despite advance reservations and deposits.

Officially, Canada's 210,000 Indians are equal in every respect to other Canadians. Unofficially, they are often treated as pariahs, avoided whenever possible, and stereotyped as "dirty, drunken, shiftless Indians."

For example, an attempt to establish an Indian hostel in Winnipeg sparked emotional protests—even though the site was in a slum area.

In another Manitoba city, a survey revealed almost two-thirds of the residents were prejudiced against Indians and half-breeds.

Three out of four Canadian Indians still live on reservations—unable or unwilling to overcome prejudice and compete for jobs, housing and social acceptance on the "outside." One angry chief complained his band was suffering from lack of education, drastic unemployment, no medical care, unfair labor practices and indifferent federal officials. Here, as in the United States, the problem of Indians—who once owned the country—tends to be overshadowed by that of Negroes and other minority groups.

Eskimos, numbering only a few thousand and seldom seen in urban centers, stir more curiosity than hostility. Even so, a Canadian white recently lost his job because he married an airline stewardess who is an Eskimo.

What turns up in Canada is just another version of the same story to be found in any part of the world which has differing races.

Mass murder on the scale practiced by Adolf Hitler in Germany against the Jews in the 1930's and 1940's is not countenanced by any government in the world today. But segregation or discrimination on a wide variety of grounds is being practiced wherever large minorities exist.

Even in countries where racial minorities are relatively small, you learn, there is racial antagonism. Often that antagonism is most violent in those countries which now profess horror at America's handling of its racial problem.

EXHIBIT 2

[From the Wall Street Journal, Aug. 15, 1963]

PREJUDICE ABROAD: DISCRIMINATION GROWS IN A EUROPE CRITICAL OF U.S. RACE RELATIONS—"NO COLORED" ADS ABOUND IN BRITAIN; FRENCH BOYS CALL NEGRO PLAYMATE "CHOCOLAT"—BIAS IN ANOTHER BIRMINGHAM

(By Robert E. Dallos)

BIRMINGHAM, England.—Dr. C. J. K. Pilliso of this city took care to book a room before

he set out on a recent jaunt to the seaside resort of Bournemouth. Nevertheless he spent the first night of his vacation sleeping in his car. The inn at which he planned to stay refused to honor his reservation because he is a Negro.

Now Dr. Pilliso fumes: "I'd rather live in the Deep South of the United States than here in Britain. At least an American Negro knows exactly where he can go and where he won't be admitted. In this country there is constant color discrimination, but the Negro never knows where or when he'll meet humiliation and rejection."

The doctor's experience points up a strong international irony. Americans have often been stung by loud European criticism of race discrimination in the United States, and this summer's American race crisis is giving the critics much new ammunition. But at the same time, a growing number of nonwhites living in Europe complain they're being discriminated against, too.

In some ways this discrimination is milder than in the United States. Unlike many American Negroes, colored Europeans usually attend school with whites. Proportionately more of them have white neighbors, too.

BRITAIN'S BIRMINGHAM

But in other ways discrimination in Britain gets quite blatant at times. Readers of the London Weekly Advertiser see dozens of ads like this: "Manor Road, two unfurnished flats, ground floor, three rooms and kitchen. No colored." In Birmingham, England, as in Birmingham, Ala., several large manufacturing firms maintain separate toilet facilities for white and colored employees. Indeed a recent survey of companies which employ about 30 percent of the labor force in Britain's Birmingham—England's second largest city and center of the auto industry—turned up only 318 companies that will hire colored help at all, against 365 that won't.

On the continent, discrimination rarely takes such an overt form—perhaps because the nonwhite percentage of the population is much smaller than in England. But in various subtle ways bias exists there, too.

In France a reputation for tolerance has drawn some American Negro intellectuals, such as the late novelist Richard Wright, to seek bias-free homes in Paris. But Ezekiel Mphahlele, an African now living in the French metropolis, says his 10-year-old son recently lost a white playmate when the white boy's father ordered him "not to play with black boys." Other white children, says Mr. Mphahlele, call his own "chocolat." Even in West Germany, where nonwhites make up an extremely small proportion of the population, the national government admits African students have trouble renting rooms.

LESSON FOR UNITED STATES?

To some sociologists, all this suggests a melancholy lesson for the United States: Overcoming race prejudice may be much harder than some integration leaders now anticipate. In no European country, these students point out, does the nonwhite proportion of the population come anywhere near America's 10 percent; even in Britain it's only about 1 percent. So, these sociologists say, the existence of discrimination in places where there are so few nonwhites to discriminate against indicates the tendency to bias among whites is extremely deep seated.

But bias does seem to rise with the number of nonwhites around. In Britain, nonwhites and discrimination alike were rare 10 years ago. But then immigrants—mostly nonwhites—dissatisfied with economic conditions in other British Commonwealth countries began to pour in; the annual immigration rose from 42,700 in 1955 to 136,400 in 1961, and the cumulative total from 1955 through the first half of 1962 reached 450,000. These immigrants, who included West Indian Negroes and dark-skinned Indians and Pakis-

tanis, make up the bulk of Britain's current nonwhite population of about 500,000.

The bias the immigrants encountered is not a legal problem. Britain has no laws compelling segregation. But its laws don't forbid discrimination either, so whites can subject colored Britons to a variety of private pressures.

FACTORY BIAS

One such pressure is described by L. G. Wilson, a Jamaican who supervises 30 white and 10 colored linotype operators in a London print shop. "Recently my company has been receiving complaints from white workers who say they don't want to work for a Negro," he claims. "Their complaints have turned to resignations, and now my bosses are trying to push me out by making me work all sorts of unfair and odd hours. I'm going back to Jamaica soon." In other factories, white unionists have struck to prevent the hiring of nonwhites who would work alongside them.

Social barriers are common, too. In the Birmingham suburb of Smethwick, a white barber cries "no colored hair cut here" as an Indian worker approaches his shop. And a white touring Smethwick pubs with three well-dressed colored friends finds his party admitted only to the shirt-sleeved workingmen's section and banned from the more formal lounge of the Soho Tavern. "I hate to do this," said the bartender "but I'm only the vacation employee and the owner left strict orders not to admit colored folk in the lounge."

These restrictions now are inspiring the beginnings of a U.S.-style protest movement among colored Britons. Last month a group of Indians began staging sit-downs on the sidewalk before the Bermuda Tavern in Wolhampton, an industrial town near Birmingham. Leaders of the demonstration vow to sit on the pavement every Saturday night until the pub owner agrees to serve them, and colored spokesmen promise similar demonstrations elsewhere soon.

Bias is also causing political controversy in Britain as in the United States. Last year the Conservative Party government pushed through legislation restricting immigration from the Commonwealth. In the 10 months through April 30, the new law cut the flow of immigrants to about 20,000, from 94,900 in the last 6 months before it went into effect.

Though the law does not mention race as such, Conservatives say it was necessary because "uncontrolled immigration" was contributing to racial tension. But Shirley Fossick, campaign secretary of the Coordinating Committee Against Racial Discrimination in Birmingham, says the law has "increased discrimination in Britain." She says it "influenced the person who had no feelings one way or the other (to think) that colored people are not suitable citizens of this country."

LABORITES' VIEWS

Some Labor Party leaders now are promising to repeal the immigration law if their party wins the next general election. And Laborite Fenner Brockway has eight times introduced legislation in Parliament to ban some acts of bias; it has been defeated each time by legislators who cherish the tradition that British laws do not recognize that race exists. The Brockway bill is somewhat similar to the civil rights bill now before the U.S. Congress; it would outlaw discrimination in ads, such as those for apartments, and in public places such as dancehalls, movie houses, and pubs.

Finally, Patrick Gordon Walker, Labor's chief spokesman on foreign affairs, charged in a recent speech that some local Conservative parties in recent local elections "attempted, with deliberate calculation, to stir up racial strife in an effort to obtain votes."

In some districts, he says, children were organized to parade round the streets, singing: "If you want a nigger neighbor, vote Labor."

In France, where 100,000 Negroes make up two-tenths of 1 percent of the population, open bias is rare. Indeed many voters want a Negro to succeed General de Gaulle as President. In a recent poll to see whom Frenchmen would favor if the general does not run for reelection Gaston Monnerville, Negro head of the French Senate, led all others, being the choice of 28 percent of those polled.

Still French Negroes complain that taxi drivers often ignore them, and clerks in small shops wait on them only after whites are served. Jean-Pierre N'Diaye, a Senegalese sociologist, says some French professors are reluctant to give good grades to African university students. And 13 percent of the Frenchmen queried in a recent poll were opposed to having daily professional relationships with Negroes.

BLUNTER BIAS

Blunter bias pops up sometimes, too. Last month police were called when a Negro from Martinique objected to his expulsion from the New York City Bar in Lyon; they beat the Negro so severely that he required hospitalization. The Paris newspaper *Le Monde* then surveyed the bars in Lyon and found that 11 refused to serve Negroes.

Unhappily and perhaps unjustly, some French bias is blamed on the influence of visiting Americans. Albert Levy, secretary of an antidiscrimination group, says his organization has investigated several complaints that Negroes were refused rooms in Paris hotels. "The hotel owners told us they were forced to bar Negroes because they had a large American clientele which objected to them," Mr. Levy reports.

Negroes charge a somewhat similar situation exists in Germany. The Negro magazine *Flamingo*, published in London, recently described the city of Mainz as "Germany's Little Rock"; it said American Negro and white GI's frequent different off-base bars there and African students might have trouble being served in the white's favorite bars. This "prejudice did not come from the burghers of Mainz," the magazine claims. "Most of the blame can be put at the feet of American servicemen in the town."

[From the Washington (D.C.) Sunday Star, June 23, 1963]

DISCRIMINATION IN SOME FORM IS WORLDWIDE

With the exception of Antarctica, where there are no people, few large areas of the world have been immune to the virus of prejudice.

Thus, discrimination, racial or religious, ethnic or economic, leaves little room for self-righteousness in most of the globe's heavily populated regions. It varies in kind and degree around the earth. But one striking fact that emerges from an Associated Press survey is that neither the age nor the type nor the background nor the intention of a given government makes it necessarily immune.

As far as can be determined, only one country practices internal segregation as a matter of national policy or law. That is the Union of South Africa. Few countries enforce or justify it by law on any level and one of the few, of course, is the United States, where segregation is still a matter of State statute in parts of the South.

WRAPPED IN IRONY

But it occurs in many other places around the world even where it is forbidden by law and wrapped in irony.

Thus, India found that the mere process of independence from the white man did not cleanse it of discrimination by Indians.

Thus, England, whose intellectuals used to criticize American race relations while the British had no minority problem of their own at home, now finds its own people not immune to the ugly sores of racial stress.

The emerging black man in Equatorial Africa and the emerging Arab in North Africa begin to rule themselves under constitutions proclaiming racial freedom for all. Meanwhile, they practice some discrimination against whites and Asians in an effort to redress old imbalances in government and trade. And only time will prove once the imbalance is balanced, whether such discrimination can be ended.

None of this is to say that discrimination, as Americans understand it, occurs everywhere or in major proportions in most places. It is relatively rare, for example, in Scandinavia, New Zealand, Australia and, from most points of view, France.

AS A STATE OF MIND

But discrimination is also a state of mind, sometimes lost in semantics, frequently difficult to label as such. In France, for example, the President of the Senate is a Negro. Negroes and persons of North African origin who can afford it circulate freely in hotels, restaurants and night clubs. But most of the 500,000 Algerians in France are uneducated and unskilled and hold the lowest paying jobs.

Is this discrimination or a simple fact of economic life? The free and easy Australians, who show an enlightened attitude toward their one small minority, the aborigines, enforce an immigration policy which keeps colored races out. This is done in the hope of building a homogeneous, frictionless society. Is this effort to avert racial strife discriminatory? In many places in South America, Indians make up the most depressed classes, poor and uneducated. Is this discrimination or another raw fact of economics?

In India and other parts of Asia, where America has often been concerned about its own image, neither semantics nor rationalization can hide the fact of discrimination.

In a total population of 461 million, nearly 100 million in India are listed by the census as untouchables. The untouchables rank below the Hindu caste system, which has four main castes and more than 3,000 local subcastes. Many Indians who are now Moslems and Christians are descendants of untouchables who were converted to escape the Hindu caste system. But even among the Moslems and Christians distinctions frequently remain between high and low castes.

CONDITIONS IN CEYLON

In Ceylon it is the Hindu who complains of discrimination although here, too, there are constitutional provisions against it. The ruling majority group are the Buddhists whose tongue, singhalese, is now the official state language. The 1 million Tamil speaking Hindus complain the language barrier and their difficulty in getting government jobs has forced them into second-class citizenship.

The Catholics, too, say they are targets of discrimination in public service appointments. Thus, a situation is reversed. Under British rule, which ended in 1956, the singhalese complained the Christians and Tamils were favored.

In 1958 an estimated 1,000 Tamils were killed in widespread rioting led by the singhalese.

While they complain of discrimination at the hands of the majority, the Tamils themselves discriminate against each other. The Vellala or high class Tamils do not allow low caste people to drink at public wells except in segregated areas. Low caste women are not permitted to cover their upper body or sit on chairs in the presence of the higher caste.

MOSLEM PAKISTAN

In Moslem Pakistan, where the Hindus are a 12-percent minority, no non-Moslem could ever become president, according to the constitution. Otherwise, there are no legal bars but in fact no Hindu occupies any high government job, none get into the military services, few get governmental jobs of any kind, and many have difficulty getting private jobs.

In southeast Asia, where many Chinese have migrated over the years and won commanding positions in trade and finance, antagonism toward them is common. It is particularly strong in Indonesia, where President Sukarno's government has tried to limit Chinese activity in business.

Still, the 3 million people of Chinese descent in a total population of 100 million control a great deal of Indonesia's economic life. Indonesia recognizes the Peking government but that did not stop recent rioting and destruction of Chinese property in the wake of a visit by the President of Communist China.

RUSSIAN DISCRIMINATION

On the other side of the world, in Moscow, where Russian propaganda factories rarely miss a chance to exploit America's racial troubles, the picture is difficult to delineate. The Russian constitution espouses protection for all classes and forbids discrimination. The Government denies there is any discrimination against Russian Jews or visiting African students.

But the Jews claim they suffer unequal difficulty in getting important jobs or getting into universities. A disproportionate number of Jews have been executed for economic crimes, which the Soviets say indicates no discrimination.

But Western observers point out that the presence of so many Jews in illegal business may be explained by their difficulty in getting jobs in normal areas. And the Jews themselves point out that of all national or racial groups in the Soviet Union they alone are required to have the word "Jew" printed on their passports.

There is, of course, active discrimination against Christians, whose belief in God makes them ideologically unacceptable for posts of importance in the Soviet Union.

Elsewhere behind the Iron Curtain, there are legal prohibitions against discrimination but visiting correspondents hear murmurs. In Hungary, for example, they hear traditional anti-Semitic and anti-Gypsy sentiments.

PREJUDICE AGAINST STUDENTS

In Czechoslovakia and Bulgaria there is clearly a growing popular feeling against visiting colored students. In Czechoslovakia, many people blamed the depressed economy on large-scale exports to Africa and Asia during the Communist political offensive there.

In Poland, where Hitler left fewer than 50,000 Jews out of a prewar population of 3½ million, discrimination is illegal. Jews appear to have no problem in housing, education, or employment except that there is an undercurrent of resentment over the number of posts they occupy in government, party, publishing, news media, literature, and finance.

In turbulent Africa, where the complexion of power is changing rapidly, it is still too early to tell whether the black man or the dusky-skinned man will prove less discriminatory than the white man who ruled before him.

The new rulers endorse laws which seek to outlaw prejudicial treatment of any one group. But they also, understandably, seek to increase the affluence and influence denied many of their people under former white masters.

In Kenya, where the African has begun to rule himself, the government openly gives

wide preference to African applicants for civil service jobs. European and Asian civil servants are being prematurely retired. Most Europeans forced out this way receive generous financial allowances. The Asians do less well and are complaining.

NEGRO MILLIONS IN KENYA

Africans or Negroes total 8 million in Kenya as compared to 180,000 Asians, 66,000 Europeans, and 39,000 Arabs. Small though their group is, most of the country's commerce is still controlled by Asians. This may prove temporary.

While they have not suffered as badly as their compatriots in Uganda from trade boycotts imposed by African nationalists many Asian shopkeepers in Kenya fear the future. They say they will return to India if, after complete independence, their shops are boycotted or the government imposes high discriminatory taxes on them and Europeans.

The three independent Moslem states in formerly French north Africa—Tunisia, Algeria, and Morocco—officially do not sanction discrimination. Yet it occurs in some forms, mainly against the remaining European settlers and Jews.

ARABS IN ISRAEL

Ten percent of Israel's 2½ million people are Arabs. Are they targets of discrimination? The tangible evidence indicates they are not, but still many Arabs feel an unease, a psychological disadvantage. Probably this feeling will never be erased while Israel is surrounded by hostile Arab nations.

But within the country, the Israeli Arabs are protected by laws against unequal treatment of any group. They get equal pay for equal work in industry, most of their farmers own their own land, they enjoy the same benefits of government road building and irrigation projects, they can and do enter any public place, and they vote. The parliament has seven Arab deputies.

The one legal difference between Arabs and Jews is that the Arabs are not subject to compulsory military training.

Elsewhere in the Middle East, in Lebanon, Syria, and Iraq, for example, the Moslems predominate but the remaining Jews appear to have few complaints. Hatred of Jews is confined to Israelis or Zionists. Jews there who engage in no pro-Israel activity are free to worship and work peacefully. The Jewish community in Lebanon retains considerable financial influence.

The Sudan, however, has its racial and religious troubles. Negro pagan and Christian tribes in the south are kept under strict controls by the Arab Moslems of the north. Rioting was reported in 1962 to protest the enforced "Arabization" of the Negro south.

South Africa, of course, remains the world's clearest example of racial separation and discrimination, the only country where it is national policy imposed by law and enforced rigorously in everyday life.

ENVISIONS SEPARATE CAREER

The government, in pursuing its policy of apartheid, speaks of the day when whites and blacks will live in separate areas, each governing themselves, in some kind of national federation.

Meanwhile, though, the 3 million whites rule themselves and the 11 million blacks, and there is no doubt in anyone's mind which complexion runs the country. The black man has no vote, no political rights, little freedom of movement, and is segregated in virtually every phase of his life—living quarters, transportation, churches, post offices, movies, libraries, restaurants, and separate counters in all government offices.

Much of Western Europe appears free of discrimination. Overt anti-Semitism is now rare in West Germany and Austria, where Hitler's massacres probably left those countries acutely self-conscious about the subject for years to come.

HIDDEN ANTI-SEMITISM

Some observers, however, feel that hidden anti-Semitism is still very strong in Germany, particularly among middle-aged and older people. But authorities treat the surviving German Jews (20,000 out of 500,000) with such consideration that some see the danger of a new anti-Semitism resulting from the current self-conscious pro-Semitism.

Italy has no legal discrimination. However, the German-speaking residents of the south Tyrol and the Slav groups in Trieste complain of unequal treatment in jobs and housing. The feeling has erupted into bombings and other violence which Italian authorities attribute to nationalist groups.

England has about 500,000 nonwhites, roughly 1 percent of the population. Most of these are West Indians who came looking for work. The rest are Indians, Pakistanis, and Africans.

So far in 1963, the country has escaped major race conflict for the first time in 10 years. The penalties for street rioting, such as the violence which lasted a week in London's Notting Hill district in 1958, are now more severe. Immigration of nonwhites has been sharply curtailed. Still, police and social workers believe more eruptions are inevitable.

The conclusions one can draw from this word survey of discrimination are few. For a broad variety of reasons, economic, social, political, religious or physical, historic or new, real or imagined, men feel and exhibit mutual hate, which may be the other side of mutual fear. Discrimination occurs in many places, the mere fact of which justifies it no place.

EXHIBIT 3

[From the Tulsa (Okla.) Tribune, July 11, 1963]

THE BLACKER POTS

Secretary of State Dean Rusk told Congress Wednesday that unless it promptly enacts legislation that would permit a Washington bureau to supervise the renting of Mrs. Murphy's spare bedroom and the hiring of a fry cook in a hamburger stand the world will "question the real convictions of the American people."

The argument that we must vastly extend the power of the Federal Government in order to prove to foreigners that we are fair-minded is a favorite of the "liberals." Maybe it's time we looked at some of the foreigners.

Last fall the Government of Saudi Arabia finally got around to freeing the slaves. That is, it agreed to pay a compensation of \$700 for every male slave set free and \$1,000 for every female. But the deadline for claiming the compensations ended last week with few takers. Slaves, it seems, are worth twice as much as the government offered for their freedom.

So let's not worry too much about what Saudi Arabians think of the situation in Mississippi.

President Gamal Abdel Nasser of Egypt has said a lot of scornful things about America's race problems. The average Egyptian rural laborer makes about \$10 a month. He works and sleeps in the same nightshirt. He is no longer legally bound to the land, but if he leaves his landlord there is no work for him. Must we keep cocking an ear for Mr. Nasser's latest lecture on the "submerged masses of America?"

In northern Japan there live the Ainus, a hairy race more akin to Eskimos than Japanese. An Ainu on the streets of Tokyo is followed by small boys, jeering and shouting "Dog." Ainus are not considered the equal of even the lowest true Japanese. What was the latest in "Asahi" or "Mainichi" about American race prejudice?

The Russian Government has made much of the slow pace of the school integration

drive in America. In Asiatic Russia separate schools continue to be maintained for children of White Russian and Ukrainian officials, while the native Kazakhs, Kirghiz, and Tadzhiks go to their own schools, such as they are.

In India, long the loudest critic of America on race matters, dark-skinned Dravidians from the south have a terrible time getting jobs in India's northern Caucasian cities.

No Australian hires a Bushman for anything except sheepherding. The hill Igorotes of the Philippines are not socially acceptable in Manila. London, which contains fewer Negroes than any large American city, has recently had serious race disturbances. And down in Kenya whites are fleeing their neat farmsteads by the thousands as young Kikuyus grin and talk openly of a "night of the long knives" after Kenya gains its independence this fall when they hope to solve Kenya's race problem once and forever.

Now it is proposed that we rush into Federal legislation that would set up autocratic or unenforceable fair employment practices and that would put every American business, however small and local, under Federal regulation in order to stop the world's criticism of America.

Why don't we ask ourselves what is fair, practical and attainable, and let the rest of the world explain itself to us?

Mr. GRUENING. Mr. President, will the Senator yield for a question?

Mr. THURMOND. I am glad to yield to the able Senator from Alaska.

Mr. GRUENING. Does the distinguished Senator from South Carolina know of any example in which there has been discrimination under the foreign assistance program on the ground of race, religion, color, or national origin?

Mr. THURMOND. I was speaking about discrimination in the countries to which we furnish foreign aid. I have just cited various countries, including India and Great Britain.

Mr. GRUENING. Do I correctly understand that the Senator does not propose to alter the policies of those countries, but merely to make certain that our foreign aid and its administration do not succumb to discrimination against individuals on the ground of race, color, religion, or national origin?

Mr. THURMOND. The amendment on that point is fairly clear. Section 501 provides:

No person in any recipient country shall, on the ground of race, color, religion, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving any form of the United States financial assistance.

Section 502 reads, in part:

Sec. 502. The Agency for International Development and any other department or agency or which is empowered, or may in the future be empowered, to extend United States financial assistance to any program or activity in any country, by way of grant, loan, contract, or other, is directed to effectuate the provisions of section 501 with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President.

As I have pointed out, and in reply to the distinguished Senator, we are not

trying to control the policy of any country; but if we have a national policy of no discrimination and have given this Government the power to withhold funds in our own country in cases where alleged discrimination exists, it would seem to be in order not to subsidize discrimination in foreign countries.

Mr. GRUENING. I believe that the objective of this amendment is laudable, but I wonder whether it is necessary, and whether such discrimination has, in the past, taken place—and if so, where?

Mr. THURMOND. If it is not necessary, there could be no harm in adopting the amendment.

Mr. GRUENING. The Senator would not interpret the amendment as going so far as to deny aid to a country which as a matter of policy discriminated against American citizens on the ground of race or religion? I believe the Senator knows of certain Arab countries where American citizens of the Jewish race are not permitted to enter. Would he apply his amendment to those countries?

Mr. THURMOND. Again, of course, we would come down to the construction of the amendment. In the civil rights bill, that is left up to the heads of the administering agencies concerned as to its construction. The same would be the case with this amendment. As the able Senator well remembers, the civil rights bill did not define "discrimination," but left it to the head of the agency or department concerned.

Mr. GRUENING. As I read the amendment, I believe that it is highly desirable, but I wonder whether we could not hear from the distinguished chairman of the Foreign Relations Committee, as to whether he believes that the amendment is essential to prevent the kind of abuses the distinguished Senator from South Carolina is seeking to prevent?

The PRESIDING OFFICER. Does the Senator from South Carolina yield the floor?

Mr. THURMOND. Mr. President, I yield the floor.

I believe that the Senator from Alaska wishes to put a question to the chairman of the Foreign Relations Committee, the Senator from Arkansas [Mr. FULBRIGHT].

Mr. GRUENING. As I read the amendment, its objective seems to me to be desirable and praiseworthy; but I wonder whether the chairman of the Foreign Relations Committee would answer my question as to whether there is any need for the amendment, whether the abuses which the amendment aims to prevent have taken place, and whether they are really taking place.

Mr. FULBRIGHT. A simple answer to the Senator's question is that I am opposed to the amendment of the Senator from South Carolina. Merely because we have a similar objective in the United States, I am not going to turn around and vote for the same kind of measure to be imposed on other people. We have enough of a burden trying to put the foreign aid program into effect without including this amendment.

As to an answer on the subject of discrimination in other countries, generally speaking, as stated by the Senator from South Carolina, there is discrimination. As it directly affects this program, I am not aware of any complaints or instances in which it has been practiced.

I point to the Export-Import Bank as being one of the most effective and efficient organizations in this field we have ever developed, but I believe it would be a great burden upon that institution if we tried to inject this kind of requirement into its administration. I believe that applying the objective of this amendment would be extremely difficult.

Does that answer the Senator's question?

Mr. GRUENING. Yes. I thank the Senator.

Mr. FULBRIGHT. There are already statements of principle in the act regarding discrimination, but not in this form, as a condition.

Mr. GRUENING. I assume that the administration, which has just supported legislation, which I supported, and which the distinguished Senator from Arkansas feels is not the right way to do it, would try to carry out those policies to the extent practicable in foreign affairs. My question is whether this was really a necessary amendment, and whether it adds anything except a declaration of principle.

Mr. FULBRIGHT. I do not believe it is necessary. I am opposed to it.

Mr. GRUENING. I assume that the objective of the amendment is in sympathy with the views expressed by the chairman, who objected to proposing these methods in this country. I take it that the junior Senator from South Carolina is likewise opposed to them.

Mr. THURMOND. The Senator is correct.

Mr. GRUENING. He proposes, therefore, to impose on the foreign aid program a similar procedure to the objective at home?

Mr. THURMOND. I objected to imposing that procedure on our own people, but if the United States is going to impose it on its own people, I see no reason why we cannot provide for the control of these funds to foreign countries to which we give aid in one form or another.

Mr. GRUENING. I thank the Senator from South Carolina.

Mr. THURMOND. In other words, the foreign aid program now, under the national policy of this country, would violate the national policy of this country and would subsidize discrimination. I do not see how any Senator who voted for the civil rights bill can now take another position on the pending amendment and be consistent.

Mr. GRUENING. I thank the Senator from South Carolina.

Mr. MORSE. Mr. President, I shall support the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina.

On this question the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Indiana [Mr. BAYH], the Senator from Michigan [Mr. HART], the Senator from Arizona [Mr. HAYDEN], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Washington [Mr. JACKSON], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Ohio [Mr. LAUSCHE], the Senator from Missouri [Mr. LONG], and the Senator from Washington [Mr. MAGNUSON] are absent on official business.

I also announce that the Senator from Maine [Mr. MUSKIE], the Senator from Rhode Island [Mr. PASTORE], the Senator from Rhode Island [Mr. PELL], the Senator from Georgia [Mr. RUSSELL], and the Senator from Florida [Mr. SMATHERS] are absent on official business.

I further announce that the Senator from New Mexico [Mr. ANDERSON], and the Senator from Massachusetts [Mr. KENNEDY] are absent because of illness.

I further announce that the Senator from West Virginia [Mr. BYRD], the Senator from Nevada [Mr. CANNON], the Senator from Pennsylvania [Mr. CLARK], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Tennessee [Mr. GORE], the Senator from Louisiana [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Utah [Mr. MOSS], and the Senator from Missouri [Mr. SYMINGTON], are absent on official business.

I also announce that the Senator from Georgia [Mr. TALMADGE], the Senator from New Jersey [Mr. WILLIAMS], the Senator from Texas [Mr. YARBOROUGH], and the Senator from West Virginia [Mr. RANDOLPH], are necessarily absent.

I further announce that the Senator from Virginia [Mr. BYRD] is absent because of illness in the family.

I further announce that, if present and voting, the Senator from Virginia [Mr. BYRD], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Rhode Island [Mr. PASTORE], the Senator from Rhode Island [Mr. PELL], and the Senator from New Jersey [Mr. WILLIAMS], would each vote "nay."

On this vote, the Senator from Ohio [Mr. LAUSCHE] is paired with the Senator from Washington [Mr. JACKSON].

If present and voting, the Senator from Washington would vote "nay" and the Senator from Ohio would vote "yea."

On this vote, the Senator from West Virginia [Mr. RANDOLPH] is paired with the Senator from Louisiana [Mr. LONG].

If present and voting, the Senator from Louisiana would vote "yea" and the Senator from West Virginia would vote "nay."

Mr. KUCHEL. I announce that the Senator from Nebraska [Mr. CURTIS], the Senator from Illinois [Mr. DIRKSEN], the Senator from Arizona [Mr. GOLDWATER], the Senator from Idaho [Mr. JORDAN], the Senator from Kansas [Mr. PEARSON], the Senator from Pennsylvania [Mr. SCOTT], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Texas [Mr. TOWER], are necessarily absent.

The Senator from Maryland [Mr. BEALL], the Senator from Massachusetts [Mr. SALTONSTALL], and the Senator from

North Dakota [Mr. Young], are detained on official business.

On this vote, the Senator from Nebraska [Mr. CURTIS] is paired with the Senator from Kansas [Mr. PEARSON]. If present and voting, the Senator from Nebraska would vote "yea" and the Senator from Kansas would vote "nay."

On this vote, the Senator from Wyoming [Mr. SIMPSON] is paired with the Senator from Massachusetts [Mr. SALTONSTALL]. If present and voting, the Senator from Wyoming would vote "yea" and the Senator from Massachusetts would vote "nay."

On this vote, the Senator from Texas [Mr. TOWER] is paired with the Senator from Pennsylvania [Mr. SCOTT]. If present and voting, the Senator from Texas would vote "yea" and the Senator from Pennsylvania would vote "nay."

The result was announced—yeas 25, nays 34, as follows:

[No. 524 Leg.]

YEAS—25

Bartlett	Hickenlooper	Neuberger
Bennett	Hruska	Proxmire
Boggs	McClellan	Ribicoff
Burdick	Mechem	Sallinger
Douglas	Metcalf	Thurmond
Ellender	Miller	Walters
Fong	Morse	Williams, Del.
Gruening	Mundt	
Hartke	Nelson	

NAYS—34

Alken	Ervin	McIntyre
Allott	Fulbright	McNamara
Bible	Hill	Monroney
Brewster	Holland	Morton
Carlson	Inouye	Prouty
Case	Javits	Robertson
Church	Jordan, N.C.	Smith
Cooper	Keating	Sparkman
Cotton	Kuchel	Stennis
Dodd	Mansfield	Young, Ohio
Dominick	McGee	
Eastland	McGovern	

NOT VOTING—41

Anderson	Humphrey	Pell
Bayh	Jackson	Randolph
Beall	Johnston	Russell
Byrd, Va.	Jordan, Idaho	Saltonstall
Byrd, W. Va.	Kennedy	Scott
Cannon	Lausche	Simpson
Clark	Long, Mo.	Smathers
Curtis	Long, La.	Symington
Dirksen	Magnuson	Talmadge
Edmondson	McCarthy	Tower
Goldwater	Moss	Williams, N.J.
Gore	Muskie	Yarborough
Hart	Pastore	Young, N. Dak.
Hayden	Pearson	

So Mr. THURMOND's amendment was rejected.

Mr. FULBRIGHT. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. KUCHEL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, during the fight on the civil rights bill the point was made time and again that the image of the United States was being hurt because of discrimination in this country. As I pointed out in my talk a few moments ago on the amendment, Britain discriminates against Negroes; Africa discriminates against whites; in Asia one nationality discriminates against another, depending upon which is in the majority.

In Peru, and other Latin American countries, there is discrimination against Indians. In British New Guinea there

is discrimination; Indians and Negroes discriminate against each other, whichever is in the majority. In India—and a great deal of our aid goes to India—the infamous caste system still thrives, and discrimination is practiced.

I merely wished to show the futility of the argument that America's image is being hurt, because it was left to each State to determine whether there would be integration or segregation, which some call discrimination. In practically every country there is what some people call discrimination, and yet we must change our whole pattern of life. We must conform to a certain ideal in order not to be castigated by the other nations of the world, all of which discriminate under one standard or another.

Mr. President, I really did not expect the amendment to be adopted.

I have in my hand a statement taken from the Associated Press ticker. It states—

Administration leaders said they would fight THURMOND's proposal, contending it might jeopardize the AID program, which the South Carolinian opposes.

I knew that since the administration was opposed to the amendment it would not be adopted. But I wished to show the hypocrisy that exists. I wished to show that although other countries of the world practice discrimination, yet we are required to change our pattern in this country, in order to eliminate so-called discrimination, by passing the greatest grab for power—which we did when we passed the so-called civil rights bill—that this country has ever seen. There is no question that the so-called civil rights bill did more to centralize power in the Central Government in Washington than any other piece of proposed legislation that has ever been passed. Yet we are being forced to change our form of government, so to speak, the delicate system of checks and balances between the States and the National Government, on the pretense that we are being held up to the world as discriminating, when we are not discriminating any more than are other countries throughout the world. So I hope that the American people will wake up and take note of the propaganda that has been used in respect to the so-called civil rights legislation, and which will be used in forwarding other pieces of proposed legislation which will be offered in the future on one pretense or another to bring about a greater centralization of power in the Government of the United States.

Of course, those who subject to the so-called discrimination in foreign nations cannot vote in our elections, and therefore a legislative bar to discrimination against them has less appeal.

It is conceivable, also, that were my amendment to have been adopted, it would have prevented the expenditure of millions, and possibly billions of dollars of tax funds for foreign aid.

Mr. President, the history of mankind has been a history of the suffering of people. People have suffered where there has been too much power at any one level of the government. Those who wrote the Constitution tried to bring about a dif-

fusion of power. They tried not to put too much power at any one level of the government or at any one place in government. But now we are allowing some people in America to change our structure of government on the pretense that we must do so in order not to be criticized by other countries of the world.

I predict that next year and in years to come we shall be confronted with other proposed legislation by those whose main purpose it is to socialize this country and to centralize more power in Washington. They will use the same form of propaganda and the same pretense, that we must enact a certain piece of proposed legislation from humanitarian standpoints so that we shall not be criticized by other countries of the world.

I hope that the American people will study the amendment which the Senate has just rejected. I hope that they will look back and recall the vote on the so-called civil rights bill, and see how the American people and the Congress, because of public opinion, are forced to pass such proposed legislation that centralizes great power in our Government, and in the end will result in taking away the rights and privileges of individual citizens.

Mr. JAVITS. Mr. President, I should like to have the attention of the Senator from Arkansas, if I may. I should like to propound a question to him.

I would like to ask the chairman of the committee a question regarding section 301(a) of the bill, H.R. 11380. I note that the bill proposes to extend through June 30, 1965, the life of the Advisory Committee on Private Enterprise. Establishment of the Advisory Committee was required by an amendment to last year's foreign aid bill which I was pleased to introduce. While it took some months to form the Advisory Committee, this has now been done under the chairmanship of Mr. Thomas J. Watson, Jr. It is a very distinguished committee and should make a major contribution toward more effective use of our great private enterprise community in the foreign aid program. For this reason I wholeheartedly endorse the proposal of the Foreign Relations Committee to extend the life of the Advisory Committee on Private Enterprise. At the same time, however, I notice that the Committee on Foreign Relations proposes to strike out the provision in the House bill which would increase from \$50,000 to \$100,000 the amount of funds which may be used to meet the expenses of the committee. As a lawyer I would not read the action of the Foreign Relations Committee as in any way curtailing the ability of the Advisory Committee to effectively carry out its mandate, but I would request confirmation of my view from the chairman of the Foreign Relations Committee. The language which the Foreign Relations Committee struck from the House bill is, and I quote:

\$100,000 for all costs necessary to the committee's operations.

At present the statute refers only to the "expenses of the committee."

This difference in the language indicates to me that under the present law

not every item of expense incurred by the Agency for International Development in backstopping the operations of the Advisory Committee must be charged to the ceiling. Rather, it is only the direct costs of the Committee that must be so charged. In my judgment, this analysis of the language could not be questioned if it was also clear that the Foreign Relations Committee had no intention of inhibiting the Advisory Committee in carrying out its mandate. So I ask the chairman of the Foreign Relations Committee whether it was the intention of the committee in striking out the language in the House bill to curtail the operations of the Advisory Committee in any respect.

Mr. FULBRIGHT. It was not the intent of the committee to curtail the operations of the Advisory Committee on Private Enterprise. Rather, it was the view of the Foreign Relations Committee that only certain items of cost were to be charged to the ceiling and that on this basis the \$50,000 was wholly adequate. That is why it was stricken out.

Mr. JAVITS. I thank the Senator very much. That reply will be very helpful, so that that important committee may do its work.

I should like to address one additional question to the Senator which perhaps he or one of his associates will answer. I call attention to the amendment adopted by the committee at page 3, lines 12 to 15, of the bill, which provides:

Strike out "fraud or misconduct" in the second proviso and insert in lieu thereof "fraud, misconduct, or action not meeting the standard of reasonable business prudence."

That language relates to the guarantees of private investment in underdeveloped countries and would insert a new basis, "the standard of reasonable business prudence," for not honoring claims based upon such guarantees.

I am advised by representative members of the banking community in New York that the inclusion of this vague new standard will very materially cut down the amount of investments under the so-called all-risk guarantees, which are primarily in housing. Some of the largest banks and leading brokerage firms in New York, which have already made housing loans in Latin America, particularly in Colombia and Peru, and are making further investment plans there, including Venezuela and Argentina, advise me that the guarantee in this form would be unacceptable, and that they would not take the risk under such a guarantee because it could be avoided by the Government if it wanted to.

Since the words "not meeting a standard of reasonable business prudence" are as wide open as anybody could make them, I ask the chairman of the committee to tell us why that language was inserted and whether he would consider accepting an amendment to strike it out.

Mr. FULBRIGHT. This amendment was a result of an amendment by the Senator from Ohio to insert the word "negligence." The members of the committee, including myself, were opposed to it. After extended debate about the

word "negligence," this particular language was offered as a compromise in the belief it would not prejudice the guarantees in the same way the word "negligence" would.

It may well be the Senator is correct. I was not in favor of the insertion of either. This particular language was the result of a compromise in the committee over the word "negligence," which it was sought to impose, and which I opposed. I did not feel strongly about it. I did not think, speaking for myself, this language would make it easier to satisfy private participants than the word "negligence" would.

Mr. JAVITS. The word "negligence" was placed in this section by amendment once before, and it was stricken out in conference for this very reason. After all, what is the use of having a guarantee provision in the legislation if the very people we wish to induce to invest will not do so under such language? These are multimillion-dollar projects.

Mr. FULBRIGHT. If the Senator feels strongly about it, I suggest he offer an amendment relative to the point.

Mr. JAVITS. In this instance, I would not wish to prejudice the case by offering an amendment which would be turned down.

Mr. FULBRIGHT. Personally, I did not think that language was necessary. However, as I have stated, after extended debate on the matter, this was the best we could do. I did not think it was necessary to have either the language "negligence" or this language, but the committee felt otherwise. I went along with the compromise in order to bring the bill out of committee, which we often have to do. Since that time, I have had letters, as the Senator has, that raise a question as to whether it is a workable phrase.

Mr. JAVITS. What troubles me is that the objections come not from people who merely do not like the idea; they come from the very people who are putting up millions and millions of dollars for the very projects we wish to encourage.

Mr. FULBRIGHT. I may remind the Senator that this matter will be in conference, because it was not contained in the bill as it came from the House.

Mr. JAVITS. I place on the record a strong condemnation of its acceptability. I would not want to prejudice what might happen in conference. I would rather leave the record at this point by stating categorically that those we expect to encourage to invest money in this way, and who have already invested very substantially, object to the language. I have reference particularly to the Chase Manhattan Bank, which has already signed a first investment guarantee contract for Peru and has several other projects pending in an advanced stage of negotiation.

When those we are trying to encourage tell us themselves that this language is discouraging and inadvisable, and that it has a real tendency to cause them not to enter into such transactions, I think we had better take heed. Such language would surely cause a lawyer,

to advise his client not to underwrite a project under such terms, if he was worthy of any fee at all. We had better take heed of the result, and I hope the committee will take heed.

MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY IN SOUTH-EAST ASIA

Mr. MORSE. Mr. President, I ask unanimous consent that there be printed in the RECORD an article appearing in last night's Washington Star by Richard Fryklund entitled "Minor Incident Led to Reds' PT Attack."

I also ask unanimous consent to insert in the RECORD an article on the same subject printed in this morning's Washington Post written by Murrey Marder.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Evening Star]
TINY SPARK, BIG FIRE: MINOR INCIDENT LED TO REDS' PT ATTACK

(By Richard Fryklund)

The whole Tonkin Gulf incident which precipitated the crisis in southeast Asia, might never have occurred except for confusion—on both the American and Communist sides—over a little-noted incident last Saturday.

The story centers on a South Vietnamese raid on a North Vietnamese island.

Here's what happened, according to Pentagon sources:

Units of the South Vietnamese Navy took a raiding party to the island of Hon Me, about 10 miles off the coast of North Vietnam on Saturday. Guerrilla forces were put ashore for dynamiting raids.

FLEET PATROLS

The American 7th Fleet was not told about the operation, even though American advisers in Saigon were kept informed.

South Vietnam has a fair little navy of its own—some destroyer escorts and patrol craft—and does not need American Navy help. It coordinates its raids (on what it considers to be the Communist-occupied part of its homeland) with American advisers in Saigon.

The 7th Fleet conducts regular patrols by sea and air close to the entire sea rim of the Communist world.

Specifically, American destroyers, with aircraft nearby, cruised up into the Gulf of Tonkin looking for signs of Red Chinese and North Vietnamese activity—surface shipping, military ships, aircraft, etc.

The destroyed *Maddox* was on such a mission.

She had left Formosa July 28 specifically to see if the new talk in North and South Vietnam about expanding the war had resulted in increased Communist operations.

She sailed north past the Red Chinese island of Hainan, looped up no closer than 12 miles from the Red Chinese mainland and then started southward, well out from the North Vietnamese coast, on Sunday.

As she sailed past Hon Me Island—which is about 30 miles south of the PT boat base of Loc Chao, which was destroyed by U.S. planes on Tuesday—she detected on her radar a concentration of junks, which the North Vietnamese Navy uses for coastal patrol craft, and four PT boats.

SHIP TURNS TO AVOID THEM

Maddox officers did not know it, but these ships were picking up the pieces after the South Vietnamese raid.

The *Maddox* turned slightly aside to avoid them, and sailed on unconcerned.

The North Vietnamese American officials now believe, probably thought the *Maddox* had been shelling the island or at least had escorted the raiders.

So four furious PT boats tore out at 50 knots to slay the dragon.

Their tactics were poor and all they did was lose one boat, take damage on three others and arouse Uncle Sam.

U.S. officials, including the President, played the incident down in public on the assumption that it could have been an honest mistake on the part of the North Vietnamese.

They took the precaution, however, of warning North Vietnam that further assaults on innocent American destroyers would be punished. They also took the precaution to improve coordination between 7th Fleet ships and Saigon.

The *Maddox*, then accompanied by the destroyer *C. Turner Joy*, continued the placid patrol.

Then to the astonishment of the Americans, North Vietnam ignored the warnings and sent a half dozen PT boats after the destroyers Monday night.

The rest is history.

[From the Washington (D.C.) Post]

"MADDOX" INCIDENT REEXAMINED; MISCALCULATION THEORY WEIGHED IN VIET CRISIS

(By Murrey Marder)

U.S. officials last night expressed doubt that the torpedo attacks in the Gulf of Tonkin signaled a major Communist offensive, but cautioned against ruling that out entirely.

As hours and days pass without sign of any military buildup to retaliate for the U.S. air pounding of Communist torpedo boat bases in North Vietnam on Wednesday, American estimates of the crisis are being reexamined. So are U.S. assumptions about the causes of the crisis.

Officials are now giving greater weight to the possibility that the Sunday and Tuesday attacks on U.S. destroyers off North Vietnam may not have been an elaborate plot by that nation and Communist China to change the nature of the southeast Asian crisis.

More attention is now being centered on the possibility that the torpedo boat attacks could have been the result of confusion and miscalculation by North Vietnam, instead of a deliberate plot joined in by Red China.

New information yesterday from American sources tends to support the theory of Communist muddling, rather than plotting. But American officials at the same time emphasize their lack of knowledge, and inability to determine, which of these premises is correct.

From a security standpoint, officials stress, the United States must prepare for the worst, even though there are no present signs of a great Communist offensive in the offing.

At least an increase in Communist Vietcong activity in South Vietnam is anticipated. But that would be considerably different from any major expansion of the Vietnamese conflict that the United States has been obliged to brace itself to resist, since its retaliatory strike at the North Vietnam PT boat bases.

American officials are now much readier to concede than they were in the tense days earlier this week, however, that what the United States branded and still regards as a "deliberate" attempt to challenge this Nation on the high seas, may not have been regarded in that light by those who ordered the attacks.

A missing element in public knowledge of the Gulf of Tonkin action explains why the North Vietnamese attacks perhaps were not part of any long-range plan.

It is this: North Vietnam could not have known long in advance that the destroyer U.S.S. *Maddox*, the target of the first attack

on Sunday was going to be in the Gulf of Tonkin. The *Maddox* reached the scene only on Friday, July 31. Moreover, it had been weeks since the *Maddox* or any similar vessel patrolled the same zone, officials said.

Previous information from American sources about the nature of U.S. patrol duty had created the public impression that the patrolling vessels were on station in the gulf almost continually, for nearly 2 years.

Instead, American sources said last night, the patrols were conducted at irregular intervals.

The timing significance of the presence of the *Maddox* on July 31, is that on July 30, South Vietnamese naval forces did raid the Hon Me (and Hon Ngu the North Vietnamese also claim), islands in the area near where the *Maddox* later appeared.

Without officially acknowledging that South Vietnamese raid, American sources say that neither the *Maddox* nor any other American vessel was involved in such raids, and the attack on the *Maddox* therefore was unprovoked.

U.S. officials, concede, however, that the North Vietnamese may have been confused about the *Maddox*, which fired warning shots at the PT boats when they approached her in what the United States called "attack" formation. For that reason, the United States regarded the Sunday attack on the *Maddox* as a possible isolated incident.

But Tuesday's attack, 65 miles at sea, on the *Maddox* and the U.S.S. *C. Turner Joy*, sent to reinforce her, could not possibly have been accidental, American officials were and are firmly convinced.

However, officials here do now concede that the second attack on the destroyers *Maddox* and *Joy* may have resulted from a determination to salvage North Vietnam prestige, bruised when the first attack ended with one Communist PT boat sunk, two damaged, and the *Maddox* unharmed.

That second attack, under cover of darkness, it is now said, could have been ordered by the North Vietnamese Defense Ministry or other officials without full understanding of the international consequences.

The United States regarded that attack as a grievous challenge to its historic, legal rights on the high seas, demanding prompt retaliation.

But North Vietnam may have seen the situation in a different light. Defense Secretary Robert S. McNamara said on Thursday that the South Vietnamese Navy includes 500 armed junks built at U.S. expense and often used to halt and inspect North Vietnamese junks in coastal waters. McNamara acknowledged that "in some cases" South Vietnamese junks, "I think have moved beyond" the 17th Parallel that divides North and South Vietnam.

In summary, U.S. officials are diminishing none of their charges and justification for the action that this Nation took against North Vietnam. But they acknowledge that North Vietnam, in effect, may have been shooting from the hip, without any inspiration from Red China to provoke the United States into widening the war.

That might account for Vietnam's admission of the first attack on the *Maddox*, while denying that the second attack ever took place.

The Vietnamese would have a better chance of arguing their first attack before the world than the second.

American officials regard the daily rising North Vietnamese claims of damage inflicted on the American planes that struck the torpedo boat bases as a new attempt by North Vietnam to save face.

What is causing indignation to American officials, however, are suggestions being made by diplomats of several non-Communist countries at the United Nations and elsewhere, that Communist denials of any second attack are true.

The idea that the United States concocted the story of the second torpedo attack by several Communist boats in order to justify its air assault on the North Vietnam boat base, U.S. officials said, is utterly fantastic.

It is absolutely inconceivable, they said indignantly, for anyone to suspect that the United States could or would pledge all the men of the 7th Fleet who participated in that second attack, and the Johnson administration, to join in such a plot is falsehoods.

While the United States cannot provide photographic evidence of the night attack, there is considerable courtroom evidence, they said.

Officials disclosed that a searchlight on one of the U.S. destroyers was knocked out by small arms fire in Tuesday's night attack on the *Maddox* and *Joy*, that one of the destroyers attempted unsuccessfully to ram an attacking torpedo boat, and that a torpedo passed within 300 feet of one destroyer.

Mr. MORSE. Mr. President, both of these articles bear out the very points that I have made in several of my speeches in the Senate in opposition to the U.S. warmaking policy in southeast Asia. These articles point out that it is quite possible that the bombardment of the two North Vietnamese islands by South Vietnamese patrol boats and the subsequent observing by the North Vietnamese of U.S. destroyers patrolling in Tonkin Bay caused the North Vietnamese to draw the false conclusion that the U.S. destroyers were connected with the bombardment of the North Vietnamese islands.

The fact that the U.S. destroyer *Maddox* was probably 30 miles off the North Vietnamese coast when the bombing of the islands took place undoubtedly had a provocative effect. At least North Vietnamese PT boats took out after her as she changed her course and took out to sea. We have been told in our briefings that the *Maddox* was some 60 to 65 miles off North Vietnam when the North Vietnamese torpedo attack was attempted.

As I have said before, I do not think there is any question about the fact that the very presence of American destroyers in Tonkin Bay, even as close as 60 to 65 miles off the mainland of North Vietnam at the time of the bombardment of the two North Vietnamese islands, to say nothing about 30 miles, was bound to be a provocation.

I made the point in a speech the other day that if Castro used his Communist patrol boats to bombard Key West and we observed Russian warships or submarines even as far as 60 miles from Key West, we not only would look upon the incident as a Russian provocation, but we would fire upon them if they did not immediately surrender.

I just do not know who the Pentagon Building thinks it is kidding if it thinks the world is going to accept its alibi that the United States was not guilty of any provocation in Tonkin Bay by having its naval ships patrolling as close to the mainland of North Vietnam as they were patrolling when the South Vietnamese armed vessels bombarded two North Vietnamese islands.

I am satisfied that the commander of the *Maddox* had not been informed of the bombardment. However, it is not a material fact because our naval ships

Digest of CONGRESSIONAL PROCEEDINGS

OFFICE OF
BUDGET AND FINANCE

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CONTENTS

Appropriations.....8	Meat imports.....4	Public Law 480.....1
Conservation.....12	National parks.....3,14	Recreation.....7
Electrification.....6	Opinion poll.....13	Research.....2
Foreign aid.....10	Patents.....15	Rural development.....9
Legislative program.....4	Poverty.....5	Water resources.....11

HIGHLIGHTS: House committee voted to report Public Law 480 bill. Senate debated foreign-aid authorization bill. Senate agreed to one hour debate limitation on House amendment to poverty bill. Senate committee reported land-water conservation fund bill. Senate committee reported bill restricting FPC jurisdiction over electric cooperatives.

HOUSE

1. PUBLIC LAW 480. The Agriculture Committee voted to report (but did not actually report) H. R. 12298, to extend the Agricultural Trade Development and Assistance Act of 1954. p. D666
2. RESEARCH. Rep. Elliott presented and discussed the second report of the Select Committee on Government Research on administration of research and development grants (H. Rep. 1729). pp. 18266, A4206-7
3. NATIONAL PARKS. A subcommittee of the Interior and Insular Affairs Committee voted to report to the full committee H. R. 12289, amended, to establish the Lewis and Clark Trail Commission; and H. R. 6925, amended, to provide for the establishment of the Canyonlands National Park, Utah. p. D666
4. LEGISLATIVE PROGRAM. The "Daily Digest" states that on Tues. action will be taken on the resolution providing for sending to conference H. R. 1839, the meat-import and wild birds and animals bill. p. D666

SENATE

5. **POVERTY.** Agreed to limit debate to 1 hour on agreeing to the House amendment to S. 2642, the poverty bill. p. 18243
6. **ELECTRIFICATION.** The Commerce Committee reported with amendments S. 2028, to amend the Federal Power Act regarding jurisdiction of the Federal Power Commission over nonprofit cooperatives (S. Rept. 1363). p. 18164
7. **RECREATION.** The Interior and Insular Affairs Committee reported H. R. 3846, to establish a land and water conservation fund (S. Rept. 1364) and, with amendments, S. 2249, to establish the Indiana Dunes National Lakeshore (S. Rept. 1362). pp. 18257, 18164
8. **STATE, JUSTICE, COMMERCE, JUDICIARY APPROPRIATION BILL, 1965.** A Subcommittee of the Appropriations Committee approved for full committee consideration this bill, H. R. 11134. p. D664
9. **RURAL DEVELOPMENT.** Sen. Numphrey inserted a speech by David E. Bell discussing the problems of rural development in underdeveloped areas. pp. 18188-90
10. **FOREIGN AID.** Continued debate on H. R. 11380, the foreign-aid authorization bill. pp. 18211-47

ITEMS IN APPENDIX

11. **WATER RESOURCES.** Sen. Holland inserted the annual report of the National Rivers and Harbors Congress. pp. A4201-2
12. **CONSERVATION.** Extension of remarks of Sen. Hartke inserting an article, "A Few More Acts, and 88th Will Be 'The Conservation Congress.'" pp. A4202-3
13. **OPINION POLL.** Extension of remarks of Rep. Broyhill, N. C., inserting the results of an opinion poll, including items of interest to this Department. pp. A4204-5
14. **NATIONAL PARKS.** Extension of remarks of Rep. Morris inserting Interior Secretary Udall's memorandum which "has clearly spelled out the management principles to be followed" in the management of the national parks. pp. A4208-10
15. **PATENTS.** Extension of remarks of Rep. Mathias stating that there is need for a revision of patent laws, and inserting three articles on this subject. pp. A4217-8

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COMMITTEE HEARINGS AUG. 11:

Food stamp bill, H. Rules

Housing bill, H. Rules

Independent offices appropriations, conferees (exec).

oOo

not recognize democracy if they met it on the streets of Saigon, for they have never been allowed to enjoy it in either North or South Vietnam.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

A NEW LOOK AT FOREIGN AID

Mr. HUMPHREY. Mr. President, we are nearing both the halfway point in the decade of development, and the end of the current term of the incumbent administration. This is an opportune time for taking a new look at foreign aid so that we may intelligently chart our course for the years ahead.

For the foreign aid program, these have been an eventful 4 years. Since 1960, support for foreign aid has substantially increased in the United States, and the tempo of foreign aid activity has been stepped up around the world. Today, few question the need for a strong, effective foreign aid program.

Both of our political parties have continued to support foreign aid, despite disagreements about its size and content. The 1964 Republican Party platform, while suggesting revisions, recognizes that foreign aid is a vital national program, as, indeed, will the Democratic Party platform.

Public support for foreign aid has continued. The polls show that an increasing number of Americans consider foreign aid essential. Support among business leaders continues to increase, reflecting the growing awareness of American businessmen of the importance of foreign aid in developing a community of free and prosperous nations.

INCREASED INTERNATIONAL COOPERATION IN FOREIGN AID

Following our example, other countries have begun to play a more significant role in foreign aid. We can be proud of our leadership in launching the great international development effort now underway. Today, foreign aid is not just an American program, or even a program of the developed nations. It is an international program, supported by nations large and small, rich or poor.

A dramatic example of the kind of international cooperation now taking place in foreign aid is the development of the Mekong River Basin in southeast Asia, in which the United States, Canada, the Philippines, Australia, the United Kingdom, New Zealand, Japan, India, France, Pakistan, Iran, the Republic of China, and Israel all are participating. Topographic maps are being prepared by the Americans and Canadians. The Canadians and Filipinos are preparing dams and irrigation plans. Geological studies for the dams are being conducted by the Australians.

U.S. engineers are studying rainfall and stream flow. Navigational work is being carried out by the United Kingdom and New Zealand. Japanese and Amer-

ican engineers are preparing engineering studies for dam construction. French scientists are investigating the effects of proposed dams on sedimentation and fisheries. Japanese, French and United States engineers are preparing reconnaissance surveys on irrigation and power development. Pakistan is planning an irrigation distribution system for one dam. Israel is assisting with irrigation design at another. Israel, the Republic of China and Iran have donated materials. Various international organizations also are participating, including the U.N. Special Fund, which is supporting a hydrographic survey; the world meteorological organization, which is assisting with rainfall and streamflow surveys; UNESCO, which is studying water volume and density; and the U.N. Food and Agriculture Organization, which is setting up experimental farms. Other technical assistance is being provided by the International Labor Organization and the International Atomic Energy Agency.

FOREIGN AID OBJECTIVES RECONSIDERED

Despite increased acceptance, foreign aid is still plagued by questions about its objectives and doubts about its effectiveness.

The major question about objectives is whether foreign aid should be primarily a political or an economic program. Those making the political argument contend that foreign aid should be used to support the foreign policy objectives and security needs of the United States, and that economic development should be a secondary consideration. Those who argue for the economic point of view say that lasting economic and political benefits can be achieved from foreign aid only if it is used for long-range economic development.

The fact that foreign aid has attempted to serve both of these objectives has led some to argue that the program lacks clearcut purpose and direction. Some have even sought to devise ways of separating the long-term economic from the short-term political, only to realize the difficulties of separating political from economic factors.

Earlier this year a presidential commission found that it would be difficult to improve upon the present form and organization of foreign aid. Implicit in this decision was the recognition that the program serves a dual political and economic purpose, which in turn is best served by the present structure and functions of the foreign aid agency. Perhaps as a result of this decision, it will now be possible to arrive at a consensus that foreign aid is both a political and an economic program, and that these two purposes are interrelated and inseparable.

Foreign aid is an economic program. It seeks to increase the economic strength and vitality of nations struggling to free themselves from the trap of poverty. But foreign aid is also a political program. It seeks to promote the freedom and democratic growth of less-developed countries and the creation of a

community of free and prosperous nations.

Within each developing country, economic and political development are part of a circular process in which self-government depends upon economic survival, which in turn depends upon a framework of law and administration conducive to economic activity. In order for a country to develop, political as well as economic factors therefore must be taken jointly into account in providing assistance.

Some critics of the foreign aid program insist that it directs resources from domestic consumption. This argument is misleading in that it implies that the foreign aid program is unique in this respect. In reality all the principle instruments of our foreign policy divert resources—our military forces, our diplomatic community, our space program—as well as the aid program. But if one understands the true function of foreign aid, as one essential instrument of our foreign policy, then one will accept it as a normal tool which the United States must use in exercising its role as defender of the free world.

APPRAISAL OF THE EFFECTIVENESS OF FOREIGN AID

Questions about the effectiveness of foreign aid as an instrument of foreign policy are to be expected. How effective has it been? The results of the Marshall plan, both economic and military, are apparent. The results of assistance to the less-developed countries, on the other hand, are more difficult to assess, largely because they are inconclusive. In foreign aid as in politics it pays to wait until the results are in.

This takes time and patience. Only after 10 years were we able to evaluate the Marshall plan. Decades will be required before the effectiveness of assistance to the less-developed countries, which lack an industrial base and financial resources, can be adequately assessed—either the actual development of these countries, or the political benefits to be gained from providing assistance.

After investing about \$105 billion in foreign aid since 1946, how can we reckon its results in the less developed world, which has received about \$55 billion, while Europe and Japan received about \$50 billion? Of the \$55 billion, about \$3 billion was for UNRRA and other postwar rehabilitation, while another \$6 billion was food for peace; \$15 billion was for military assistance as such, while another \$21 billion was for related economic aid under what is now called "supporting assistance." The remaining \$13 billion was long-term assistance, primarily economic in character. Of this, technical assistance, which originated in the Point 4 program, was about \$2 billion. Export-Import Bank loans were another \$5 billion.

EVALUATION OF SECURITY ASSISTANCE

Security assistance, which includes military assistance together with related economic aid, has consumed two-thirds of all aid funds, counting food for peace, invested in the less developed countries since 1950. How can the results of this

assistance be measured? One measure is the success of particular countries in resisting the Communists. In Korea, the Communists were fought to a standstill and half the country remains free of Communist rule. Taiwan has been enabled to reach economic self-sufficiency partly by virtue of its military readiness. The tenuous independence of Laos has been supported by arming non-Communist forces. India was able to fight back after Red Chinese aggression and now is better prepared to meet future attack. In Latin America, we have assisted Venezuela in combating internal Communist subversion through various programs of military and paramilitary assistance.

Another measure of the effectiveness of military assistance is the increased military assistance is the extent to which sulting from increased military capability in the less developed countries.

A third measure of the effectiveness of military assistance is the extent to which local forces have relieved the United States from having to station its own troops abroad. This has had an incalculably good effect on the development of our own country, and this in turn has helped strengthen America's position in world affairs.

EVALUATION OF DEVELOPMENT ASSISTANCE

Counting food for peace, one-third of all aid funds invested in the less-developed countries since 1950 has been devoted to nonmilitary development assistance. This includes development loans and grants, technical assistance and related activities. By contrast with security assistance, the purpose of which is to maintain order and territorial integrity, the purpose of development assistance is, as the word conveys, to help with long-term political and economic development, together with related areas of development such as education.

The first fact to recognize when evaluating the effectiveness of development assistance is that only in more recent years has this type of assistance become the major emphasis of our aid to less developed countries. During most of the decade following the Korean war the foreign aid program was primarily directed toward maintaining the security of less developed countries against Communist aggression. In 1953, for example, about 90 percent of all foreign aid to the less developed countries was for the purpose of security, and only 10 percent for development. In 1956, 75 percent of all aid was still being used for security. By 1960, 50 percent was still being used for security. At the present time, security assistance comprises less than one-third of the total.

When we consider the question "What has foreign aid accomplished?", it is important, therefore to begin by understanding what we mean, as far as the less developed countries are concerned, by "foreign aid." What we are really talking about is a total of \$13 billion, or \$19 billion if food for peace is included, in development assistance spent mostly over the last 5 to 7 years. The remainder was emergency aid for security purposes following the Korean war.

What has been accomplished by this amount of development assistance? Overall, some 14 less developed countries have become sufficiently self-supporting that aid can be terminated in the near future. Two other countries, India and Pakistan, which together have been receiving almost half of all development assistance, are making substantial progress toward self-sustaining growth. India, for example, has been making remarkable progress, despite conditions of extreme poverty and harassment from the Chinese. In recent years, India's production of basic industrial products has increased rapidly, largely as a result of foreign aid.

During the last year of reported figures, industrial production increased 8 percent. Production of aluminum increased from 20,000 tons to 43,000 tons, in just 1 year. The output of machine tools, so essential for industrial development, expanded by more than 50 percent during the year. The production of nitrogenous fertilizers, so essential for greater agricultural productivity increased by 40 percent.

Malaria, which affected 100 million people a year in 1947, has almost been wiped out in India. Besides helping to increase life expectancy from 27 to 42 years, this dramatic achievement has helped substantially in increasing agricultural and industrial production.

In education, India, which had a literacy rate of only 19 percent in 1947, now has 60 percent of its children under 12 in school.

The results of all of these advances will become fully apparent only in the years ahead. Children now in school will have to mature and assume the responsibilities of adults before education will pay off in development. In industry and agriculture, basic work now underway will be felt only as dams are completed, highways are built, improved crops are raised. But the foundations are being laid, and foreign aid has been effective in helping India take these beginning steps toward development.

ACCOMPLISHMENTS OF THE ALLIANCE FOR PROGRESS

In Latin America, where major development assistance began only after the Alliance for Progress was established in 1961, encouraging progress is being made. Despite the great difficulties encountered in transforming the societies of Latin America, 11 countries have initiated significant tax reforms, 10 countries have passed land reform legislation, and 3 others have legislation pending. Ten countries have exceeded the goal of a 2.5 percent annual growth rate called for by the Alliance. The total value of Latin American exports increased 7 percent in 1962, the last year for which figures were available, and trade within the region rose by 12 percent. Equally important, between 1957 and 1962, U.S. manufacturing affiliates in Latin America increased their sales by 70 percent.

By June 1965, more than 300,000 new homes, some 36,000 classrooms, more than 2,000 water systems and some 600 hospital and health units will have been

built in Latin America with our help. Three hundred thousand farm credit loans will have been built in Latin America with our bulk. Three hundred thousand farm credit loans will have been issued. Eleven million textbooks will have been printed.

Most of the Alliance countries have improved their tax administration capacities. In a number of these—such as Chile, Colombia, Ecuador, Peru, Argentina, El Salvador, Mexico and Bolivia—these administrative changes promise to be, sweeping. U.S. Internal Revenue Service teams have been assisting tax reform efforts in 10 countries and will soon be helping in 4 others.

Progress in basic agrarian reform has been slow, but there has been some encouraging movement particularly in Venezuela and now in Peru. Cooperatives and credit unions are growing. For example, rural electric cooperative activity has begun in a dozen countries. Colonization and land settlement programs are active in half a dozen countries. Progress continues in the introduction of new legislation and in issuing regulations for the administration of existing laws. Twelve countries have already introduced agrarian reform legislation. The agrarian reform institutes, or land reform agencies in these 12 countries, have greatly strengthened their technical resources and show encouraging progress in conducting basic surveys and project development. AID is assisting in this rural development effort through the cooperation of the land-grant colleges.

Fifteen countries have self-help housing programs. Savings and loan legislation has been adopted by nine countries: Chile, Dominican Republic, Ecuador, Peru, Venezuela, Argentina, El Salvador, Guatemala, and Panama. The first five of these countries now have operating systems—a total of nearly 70 savings and loan associations with 100,000 depositors who have accumulated deposits equivalent to more than \$35 million. These associations provide savings badly needed for productive investment.

The building of new institutions to channel savings into investment is clearly seen in the establishment of development banks, or other intermediate credit institutions, in most of the Latin American countries. Since the inception of the Alliance, private or public development banks have been set up or are in the process of creation in eight countries: Bolivia, Brazil, Colombia, Costa Rica, El Salvador, Guatemala, Honduras, and Panama. In addition, the Central American Bank for Economic Integration—CABEI—has been established and is promoting private sector development in member countries.

These are but a few of the developments which have occurred during the past 3 years in the area described by President Kennedy as "the most critical area in the world." I do not pretend that all the problems have been solved, that all the needs of the Latin American people have been met. What is important is that we recognize that progress has been made, that attempts have been initiated to accomplish the structural economic and social reforms needed, if the

objectives of the Alliance for Progress are to be achieved.

MAJOR PROBLEMS

These are a few examples of the accomplishments of development assistance to the less developed countries. Although it is too early to give a full evaluation of the effectiveness of such assistance in producing self-sustaining economic growth, and in strengthening democratic institutions, there is general agreement that foreign aid has been a success and that it should continue.

Since 1960, a number of the more conspicuous weaknesses in foreign aid have been corrected, and others are being corrected under the able leadership of David Bell—I might add, respectfully, under the continuous prodding of the Senate Foreign Relations Committee and certain Senators who have spent a good deal of time seeking to improve the foreign aid structure.

MORE EMPHASIS ON EDUCATION

Of the major remaining problems, one of the more vexing is what is sometimes referred to as the lack of "human resources" or the "institutional framework" for development. Long a stumbling block in our aid program to the less developed countries, this continues to be a basic weakness in our whole aid effort. Three years ago, when the Foreign Assistance Act of 1961 was being considered by the Senate, I held some conferences with aid officials, in which I urged greater attention to educational assistance in the aid program. Although there have been some improvements in this respect, much more needs to be done. We should be considering, in cooperation with other donor nations and the World Bank, a much larger program of educational assistance, from grade school through the university.

THE NEED FOR POLITICAL DEVELOPMENT

Clearly, much more attention must also be given in fields related to political development. Progress has been made in these areas, especially in tax administration, but considerably more work needs to be done. Assistance of this nature is usually referred to under the broad category of "public administration," which includes such occupational groups as tax experts, budget and fiscal specialists, auditors and accountants, personnel and management specialists, procurement officers, and the like. Over 6,000 persons in these and other categories of public administration have been trained in the United States under the foreign aid program. We have also assisted with the establishment of public administration institutes in about 30 less developed countries. This is a significant record, but in view of the woeful lack of adequate administration in the less developed countries, I believe that a far larger effort needs to be made in this vital field.

There has been some talk, largely in academic circles and among the policy planners in the State Department, about the need for more emphasis on "political development" in the foreign aid program. Besides increasing our public administration activities, which certainly are directly related to political development,

I believe that we need to launch some new programs for the purpose of assisting with the political development of less developed countries. The aim of these would be to bring present and potential leaders into direct contact with democracy in action, as well as to enable them to study the history and principles of democracy. Many of our training programs do this indirectly. I believe that we need to design new programs whose direct aim will be to provide such training and experience, strengthening our present programs in this respect.

One of the primary difficulties with our aid program to the less-developed countries has been the lack of attention to political development. We have tended to assume that economic development was good per se. Some even seem to believe that democratic political development will automatically result from economic development. To a certain extent this is probably true, but the one does not necessarily follow the other. Economic development can and often does have a disruptive effect politically. This can lead to political instability, which, in turn, can result in an authoritarian political system.

Political development and economic development must, therefore, be carried out jointly. In order for countries to develop along democratic lines politically, programs of democratic political training should become a vital part of our aid program.

A related field of great importance is that of labor training and organization, and the development of cooperatives. The trade union movement and the cooperative movement have historically been basic forces in building a strong democratic society. Some progress has been made in providing assistance of this type, especially in the development of cooperatives in Latin America, but considerably more needs to be done.

Related to this is the need for increased attention to the development of entrepreneurship, or private business enterprise, in the less-developed countries. Economic and political development requires an attitude of local enterprise, and the assumption of personal responsibility. People must want to get ahead in order for lasting progress to occur. Private initiative is the key to economic growth and to a healthy, competitive political system in less-developed countries just as it is in the United States. Transferring these attitudes, of course, to other nations is difficult but not impossible. Again, some progress has been made, but much remains to be done.

I am gratified by the work being done by American universities in this field under AID auspices. Such projects as Harvard's business administration program in Central America, and the work of the University of Minnesota in higher education in economics in Colombia are examples of one approach to the problem. These and other efforts for encouraging private enterprise and private initiative should be encouraged and expanded.

Along with educational assistance, political development programs, and labor and cooperative work, training in entre-

preneurship should be a cardinal part of our aid effort.

THE IMPORTANCE OF CONTINUED AMERICAN LEADERSHIP

As the leader of the free world, the United States must continue to play the leading role in providing assistance to the less-developed countries. The need is greater than ever, but so are the opportunities for achieving significant progress toward development.

I believe that the time has come to recognize we are in this game to stay and to win. To call it quits, or to shirk our responsibilities would be to forfeit one of the most important chances a nation ever had to make a lasting contribution to mankind. All of our humanitarian instincts tell us that what we are doing is right, and must be continued. Our sense of history and our awareness of the interests of all freemen in the creation of a community of free nations tell us to press on.

America is the most powerful democratic nation in human history. What we do with our enormous power—how we use our vast resources—will determine the course of history and the future of the human race. Whether by destiny or not, the responsibility of world leadership has brought us to use our power for maintaining international peace and stability, and for helping less fortunate countries as they struggle to improve their lot.

Now, having successfully revived Europe, and prevented Communist aggression, we are at the dawn of development. There is a great day ahead for those who, with our help, can marshal their own resources and work toward improving their conditions of life.

Patience and determination will be required. Change is slow and often painful. Setbacks are to be expected. Mistakes have been made, and will be made. But progress is seldom made along a straight line, and we must be as patient with others and their development as we are with ourselves and our own development. If we should be concerned about the time it takes countries to reform their tax systems, for example, we would do well to remember that only 50 years ago, after a bitter struggle, was the progressive income tax finally established in the United States.

It is wrong to expect too much too soon. Funds are limited. Expectations must also be limited. We cannot be all things to all men. We can and must continue to help those who want to help themselves, and to achieve for themselves and their posterity the blessings of life, liberty, and the pursuit of happiness.

The foreign aid program then is an effective instrument of American policy. But it is more than that and I hope the day will never come when Americans are reluctant to admit it. In a sense it is a manifestation of one of the most generous and unique aspects of contemporary civilization—that well described by Arnold Toynbee when he said:

My own guess is that our age will be remembered chiefly neither for its horrifying crimes nor for its astonishing inventions, but for its having been the first age since

the dawn of civilization some 5,000 or 6,000 years back, in which people dared to think it practicable to make the benefits of civilization available for the whole human race.

That is a lofty goal. But it is one that ought to motivate us.

As I conclude these remarks, I once again encourage the AID administration to concentrate its resources and its attention upon the development of human resources, upon the development of agricultural programs in the less developed areas, and upon the improvement of the political structure in those areas so that the administration of the program may be more sound and more effective. It seems to me that unless we do this much, our military assistance and our economic assistance will be wasted and will be anything but helpful and effective.

It is in this spirit of encouraging the improvement of the administration that I support the extension of foreign aid assistance. It is my intention to support the bill before the Senate in the hope that it may contribute toward a more peaceful and progressive world.

Mr. MORSE. Mr. President, I was very glad to hear the speech of the Senator from Minnesota [Mr. HUMPHREY]. I thought that his speech in favor of the administration's point of view was entitled to a larger audience than the two Senators and the Presiding Officer who listened to the speech.

I do not expect to read in the newspapers from the kept press, whose representatives sit above the clock, any negative criticism of the Senator from Minnesota [Mr. HUMPHREY] that because he had such a small audience, he did not have any influence in the Senate. We all know that the Senator from Minnesota is a man of great influence. But this is not the first time that I have heard the Senator from Minnesota [Mr. HUMPHREY], the Senator from Arkansas [Mr. FULBRIGHT], the majority leader [Mr. MANSFIELD], and many other Senators speak at various times of the day with only two or three other Senators present in the Chamber. But the AP and the UP, one can be sure—as is typical of their journalistic tactics—will make sure that if any Senator speaks against the administration's point of view, it becomes known that only two or three Senators were present in the Chamber at the time. That is true of most of the newspaper representatives who sit above the clock.

Mr. President, the senior Senator from Oregon does not give one whit or care whether closed minds sit in the Senate Chamber and listen to him or not. I shall continue to speak to the American people, which is my trust at this desk. I shall speak to the American people about the unsoundness of the foreign aid bill, which was just defended by the Senator from Minnesota [Mr. HUMPHREY]. We heard not one word from the Senator from Minnesota about specific criticism of foreign aid. I join the Senator from Minnesota in supporting a continuance of foreign aid. We merely disagree as to how it should be continued.

Approximately \$105 billion is a great deal of money. We have not received re-

turns for the \$105 billion expended for foreign aid since 1946. The time has come to put some checks on the extravagance of this program. The senior Senator from Oregon has been trying to put some checks on this extravagant and unsound program. We have available to us—and I have quoted from them in my individual views—a stack of reports from the Comptroller General of the United States, setting forth criticism after criticism, and his findings in spot surveys of the administration of foreign aid since 1946.

The senior Senator from Oregon will continue to plead for some reform in the foreign aid program.

I shall plead for the adoption of an amendment—which I shall offer before the week is over—seeking to bring to an end the foreign aid program at the close of fiscal 1966, and start it over again.

I want to continue foreign aid, but a new type of foreign aid. I want to continue foreign aid on the basis of establishing terms and conditions that applying countries will agree to accept before they receive their money. What is wrong with that? Of course, that means that we shall stop the kind of foreign aid, under the program that I suggest, by means of which we ram it down the economic gullets of countries that in many instances have not asked for the specific aid that we have given. We have done much persuading since 1946 to induce countries to take foreign aid. I believe that is wrong. We ought to have a foreign aid program that seeks to do exactly what the Senator from Minnesota [Mr. HUMPHREY] approved of—namely, to be of assistance to people. Unless foreign aid is of assistance to people, and to the mass of people in the underdeveloped countries of the world, it will not stop communism. It will be an aid to communism.

Foreign aid that has aided the continuation of dictatorship governments in various parts of the world since 1946 has been expended on the part of American taxpayers, through their Government, to strengthen communism and totalitarianism around the world.

There is a basic principle of policy involved in foreign aid. The senior Senator from Oregon is seeking only to try to reform the policies, not to destroy foreign aid. But a continuation of the present foreign aid policies in many respects would continue to defeat the very purpose of foreign aid.

The Senator from Minnesota, as has always been done by a spokesman for the administration, talked about the malaria program, the health program, the farmers' cooperative, and so on. I am all for it. But those are only minor features of American foreign aid. The Senator from Minnesota has not addressed himself at all to the bulk of the aid program.

Take into account the billions of dollars of American taxpayers' money that we have sent down the ratholes around the world under the illusion that we were supporting and building up military defense against communism. We then get some idea of what waste there has been. We are getting a little taste of it in the Mediterranean today.

We made the military power strong in Turkey. Before the week is over, I shall give Senators an opportunity—I know what the vote will be—to vote to bring to an end the terrific building up of military war machines of both Greece and Turkey.

It started on the assumption that it would be of help to the United States, and would be directed against Russia.

As I said on Saturday, in Greece, Turkey, Pakistan, India, South Korea, Formosa, and other areas people continue to live under the canopy of American nuclear power.

That is where their security is to be found and not in the terrific military aid program that we have been handing out to them all these years. I wish to help the people of Turkey. I wish to help the people of Greece. I wish to help the people of India. I wish to help the people of Pakistan. I wish to help the people in all underdeveloped areas. But pouring that kind of aid by the hundreds of millions of dollars into their governments has not helped the people. In many instances it has weakened the cause of freedom.

Mr. President, I yield to no other Senator in my desire to make the Alliance for Progress program work. The Senator from Minnesota need yield to no other Senator for the great contributions which has made to the Alliance for Progress program. I do not find myself happy in a disagreement with the Senator from Minnesota over many aspects of the foreign aid program. I would rather be with him than against him. But so long as he is with the administration's foreign aid program with no more modifications of it than I have heard enunciated in his speech today or at any other time, I cannot be with him on certain features of the foreign aid program. I hope that eventually we shall be back together on foreign aid, but we must reform foreign aid to have a sound foreign aid program.

I wish to help develop loan programs. I wish to repeat a statement I have made. I am sure it has probably reached the point of boredom in the Senate, but it is not at the point of boredom in the country, because more and more people are only beginning to understand the facts about foreign aid and the need for reform of foreign aid. I say again that the major premise of foreign aid ought to be devoted to individual projects, economic in nature, if we are to help raise the standard of living of the mass of people, in that given area who will live within the economic environment of those projects. That ought to be our objective.

My first amendment, which is now pending, and on which the Senate will vote shortly, is an amendment in which I have asked to write into the foreign aid bill that principle of policy, a principle which in effect states that we shall lay major emphasis on economic development. When we have a country which is maintaining a military machine greater than its own economy should support or could support, we should take away from that country foreign aid until it is willing to adjust its military estab-

ishment to a size which its economic ability can support; then I am for aiding the economic development of that country. In the amendment I am saying, as I shall say in other forums and in other amendments before the week is over, that we ought to cut down and cut back on military aid, because it has been puffed up into a balloon of gross overemphasis and misrepresentation as to its effectiveness.

Too much American military aid is more likely to be causative of war than peace around the world. As various little dictatorships or large dictatorships or military oligarchies in various countries come into power, they will not use it for peaceful purposes. We could not have a better example of that than Turkey. We have poured hundreds of millions of dollars of aid into Turkey since 1946. We have built up there a terrific military oligarchy. There is no freedom in Turkey. When the American people have listened to speeches for the administration, they would be led to think that we are supporting freedom by foreign aid. In many parts of the world our foreign aid program is supporting the continuation of dictatorships. There is no better example of it than South Vietnam, which is a complete military dictatorship by an American military puppet.

Mr. President, let us have a foreign aid program, but let us have a reformed foreign aid program. Let us have a foreign aid program that is primarily adjusted to meet the needs of people. That means that we should develop a foreign aid program that would deal with individual projects primarily. That does not mean the elimination of all grant money for great humanitarian purposes, such as malaria control, which the administration always trots out in support of a foreign aid program which includes billions of dollars for entirely different purposes.

Malaria control is but a small and insignificant part of the foreign aid program, but an important part, and one of the justifiable parts of the foreign aid program.

Let us continue with the humanitarian grant money programs in connection with our health programs and baby-care programs. Let us continue those grant programs about which there will be no dispute on clear and justifiable moral grounds. I am pleading for morality in the administration of our foreign aid program. But let us stop using our foreign aid program, or misusing it, as we are in many particulars, in building up military dynasties and dictatorships. Let us recognize that the American taxpayer at long last has the right to be protected so far as his interests are concerned in the foreign aid program.

Why does the administration continuously claim—and it was cited by the Senator from Minnesota today—that the foreign aid program has increasing support among American businessmen? At least it is so alleged. Let us grant it. I doubt it, but let us grant the correctness of the statement. It is not the small businessmen on the main streets of this country who support it. They are becoming increasingly skeptical about the foreign aid program.

Powerful American business interests are very much interested in the argument of bribery which has been involved in the foreign aid program for years, for the administration continues to point out that about 80 percent of foreign aid is really spent in the United States, and that therefore it is in our national economic interest to continue the foreign aid program.

Mr. President, is this a make-work program? Is this some kind of indirect dole system that we are advocating? If this administration wants some make-work programs, I will give them one, but I will give it a make-work program that will meet some of the crying needs of our domestic problems. It will be a program to do something to bring about the end of slums which have brought so many to discontent in this critical domestic hour in the history of our country. If the administration wants a make-work program, I will advocate one to do something about the impoverished condition of American education and the crying need for new classrooms. If it wants a make-work program, I call attention to the unattended needs of public works programs about which we can do something, rather than the kind of dole system involved in the foreign aid program.

I am speaking about the need for bringing about long-needed reforms in the foreign aid program. The first batch of amendments which I shall offer today and tomorrow will deal primarily with policy reforms in foreign aid. After they are disposed of, I shall move to the money amendments, in which I seek to reduce the amounts at various points in the program.

Before I take my seat, I want to comment once more, as I have over and over again, about the argument that some other countries are doing something by way of foreign aid on their own part. They have been long delayed. We have had to push them into it by diplomatic representation after diplomatic representation.

We have been representing to them, through American diplomats, that they will have more and more trouble in foreign aid with the Government of the United States and with the people of the United States unless a better showing of participation is made on the part of countries that we have aided, such as France, West Germany, Italy, Portugal, the low countries, and the Scandinavian countries.

They are participating somewhat in foreign aid. Very little grant money is provided, for the most part, with few exceptions. Their loan programs are a far cry from the U.S. loan programs. They are a far cry from the alleged loan programs we make, which consist of the bulk of our loan programs; namely, interest of three-quarters of 1 percent, with a period of 10 years to pay nothing, and a repayment period of 40 to 50 years, if they ever do pay back. In my judgment, most of them never will. A large percentage of the amount to be paid back is to be paid not in American dollars, but in soft currency.

Do not talk to me about a comparison of the foreign aid that Great Britain, France, Germany, and the other coun-

tries make. They have more sense than to treat their own taxpayers as we do, by and large. One of the most disturbing things about the foreign aid program is that sometimes we make a loan at an interest rate of three-quarters of 1 percent, with a 10-year grace period, in which nothing is to be paid, and 40 to 50 years to pay the loan back, to be paid in soft currency, only to find that after getting a loan the government has thereafter paid back a British or a Russian or a French loan, on which it had been paying interest of 5 or 6 percent.

My colleagues may not wish to hear me say it, but I do not think that is fair treatment of the American taxpayers.

There is talk about programs of aid by other countries. It is interesting to find to what extent this aid is going to former colonies. That is typical of the French and Great Britain foreign aid, as well as that of Belgium and the Netherlands. They still exercise economic dominance over the recipient countries. They still exercise economic control over countries which, to all intents and purposes, are closely tied economically to the former mother country. It is to their economic advantage to make the kind of economic loans that they are making to their former colonies. All of Portugal's aid goes to countries that she claims are really her "provinces."

It is quite different from the type of loan we make, because we have no colonies—thank God. We do not operate on that principle, and we must not come to operate on it, even indirectly.

The undeniable fact is that no country in the world has come anywhere near supporting a foreign aid program such as the United States has, and never will. The people of no country in the world would let their government leaders foist upon them a foreign aid program that is so wrong, in so many respects, in connection with matters of policy.

I seek a change. But, say the gentlemen of the press, and others, "Now, you really do not hope, do you, in this election year, to have very many of your amendments, if any, adopted?" I have said, "No; I do not"; but that does not justify my not making the effort to give Senators the opportunity to reform foreign aid.

It is just as important to reform foreign aid in an election year as it is in any nonelection year, because I see no connection between our responsibilities and an election. We have the duty of voting on the question on the basis of the merits, independent of politics and political considerations. There are many things we could do to reform foreign aid, rather than rubberstamping it, for it is not a "barebones" program. It is a program that calls for more in money than the administration received last year. The request of this administration is not for what it received last year, but for an amount in excess of it by \$500 million.

It has been represented for years that the administration is going to taper off in foreign aid and let the recipient countries do more for themselves; that we are going to urge greater foreign investments. A substantial portion of foreign aid now paid for out of the American taxpayers'

dollars ought to be paid for by way of investments by American investors in Latin America. But, of course, they could not get loans at three-fourths of 1 percent interest, with 10 years in which to pay nothing, and 40 to 50 years to pay back with soft currencies.

So long as we follow that policy, we shall continue to do great damage to the development of economic freedom in large areas of the world.

I believe that economic freedom, as represented by the private enterprise system, as represented by our private economy, determines whether political freedom will remain for us, and whether political freedom will be implanted in any of the underdeveloped areas of the world.

No one seems to wish to meet me on that truism. It is unanswerable. Unless we build up the economic system in Turkey, Greece, South Vietnam, Peru, or anywhere else in the world, and bottom it upon a foundation of economic freedom, as represented by a private enterprise system, there is no hope of those people becoming politically free.

The senior Senator from Oregon is not a radical on this issue. The advocates of perpetuating the present foreign aid system are the radicals. They are the ones who are keeping us from strengthening and developing economic freedom in the foreign aid recipient countries.

I wish to bring American business into the scene as partners and cooperators abroad, not as subsidized businesses here in the United States, reaping profits from foreign aid and expenditures in the United States.

As chairman of the Subcommittee on Latin American Affairs, in respect to the Alliance for Progress programs, I have pleaded, and will continue to plead, for the development of industries in the countries where they are needed in all of Latin America.

If we establish a pattern of economic freedom through private enterprise throughout Latin America, we shall not only make the Alliance for Progress work, but in the long term we shall sell in Latin America several times the amount of goods now exported to Latin America, because we shall, by this establishment of economic freedom, build up purchasing power on the part of the masses of Latin America. That is the hope for political freedom in Latin America.

We cannot do it by giving support to a foreign aid program which amounts, in fact, to general purpose loans and grants. That whole program should be directed to specific projects on which we are willing to come in and help, and in respect to which a good many American private enterprisers would be willing to help.

That is why, in the Foreign Relations Committee, Senators have found me a strong supporter of various proposals for reasonable and equitable loan guarantees or investment guarantees on the part of American companies in underdeveloped areas of the world.

One of the hottest spots is in Haiti. People are astounded to find that the senior Senator from Oregon is advocating and perfectly willing to support a program in which several American com-

panies have interested themselves for development of some economic projects in Haiti. All they need is a little encouragement from the Government and a fair and equitable loan and development guarantee program.

Why not? I would be in favor of taking the risk. It would be much better than to try to accomplish anything on a government-to-government basis.

I close by saying that I am glad we have had the presentation of the administration's position by the Senator from Minnesota [Mr. HUMPHREY], even though only two Senators were present most of the time. He ought to have had a much larger attendance.

I reject the presentation as to most of the points, as I have been rejecting that presentation in the Foreign Relations Committee.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oregon [Mr. MORSE].

Mr. FULBRIGHT. Mr. President, I overlooked making this request. I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill be considered as original text for purpose of amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The question is on agreeing to the amendment offered by the Senator from Oregon [Mr. MORSE]. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the negative). On this vote, I have a live pair with the senior Senator from Indiana [Mr. HARTKE]. If he were present, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. HUMPHREY. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Tennessee [Mr. GORE], the Senator from Michigan [Mr. HART], the Senator from Washington [Mr. JACKSON], the Senator from Louisiana [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from New Hampshire [Mr. MCINTYRE], the Senator from Utah [Mr. MOSS], and the Senator from Ohio [Mr. YOUNG], are absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON], and the Senator from Massachusetts [Mr. KENNEDY], are absent because of illness.

I further announce that the Senator from Nevada [Mr. CANNON], the Senator from Pennsylvania [Mr. CLARK], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from New Jersey [Mr. WILLIAMS], and the Senator from Indiana [Mr. HARTKE], are necessarily absent.

On this vote, the Senator from Louisiana [Mr. LONG] is paired with the Senator from New Jersey [Mr. WILLIAMS].

If present and voting, the Senator from New Jersey would vote "nay" and the Senator from Louisiana would vote "yea."

I further announce that, if present and voting, the Senator from New Mex-

ico [Mr. ANDERSON], the Senator from Ohio [Mr. YOUNG], the Senator from North Dakota [Mr. BURDICK], the Senator from Washington [Mr. JACKSON], and the Senator from New Hampshire [Mr. MCINTYRE] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Kansas [Mr. PEARSON], the Senator from Texas [Mr. TOWER], and the Senator from Pennsylvania [Mr. SCOTT] are necessarily absent.

The Senator from New York [Mr. JAVITS] is absent on official business.

The Senator from Kentucky [Mr. COOPER], the Senator from Arizona [Mr. GOLDWATER], and the Senator from New Hampshire [Mr. COTTON] are detained on official business.

If present and voting, the Senator from Kansas [Mr. PEARSON], the Senator from New Hampshire [Mr. COTTON], the Senator from Arizona [Mr. GOLDWATER], the Senator from New York [Mr. JAVITS], and the Senator from Texas [Mr. TOWER] would each vote "nay."

On this vote, the Senator from Kentucky [Mr. COOPER] is paired with the Senator from Pennsylvania [Mr. SCOTT]. If present and voting, the Senator from Kentucky would vote "yea" and the Senator from Pennsylvania would vote "nay."

The result was announced—yeas 17, nays 59, as follows:

[No. 525 Leg.]

YEAS—17

Bayh	Gruening	Pell
Bible	Johnston	Proxmire
Byrd, Va.	McGovern	Randolph
Church	Metcalf	Robertson
Douglas	Morse	Russell
Ellender	Nelson	

NAYS—59

Alken	Hill	Muskie
Allott	Holland	Neuberger
Bartlett	Hruska	Pastore
Beall	Humphrey	Prouty
Bennett	Inouye	Ribicoff
Boggs	Jordan, N.C.	Salinger
Brewster	Jordan, Idaho	Saltonstall
Eyrd, W. Va.	Keating	Simpson
Carlson	Kuchel	Smathers
Case	Lausche	Smith
Curtis	Long, Mo.	Sparkman
Dirksen	McCarthy	Stennis
Dodd	McClellan	Symington
Dominick	McGee	Talmadge
Eastland	McNamara	Thurmond
Ervin	Mecham	Walters
Fong	Miller	Williams, Del.
Fulbright	Monroney	Yarborough
Hayden	Morton	Young, N. Dak.
Hickenlooper	Mundt	

NOT VOTING—24

Anderson	Gore	Mansfield
Burdick	Hart	McIntyre
Cannon	Hartke	Moss
Clark	Jackson	Pearson
Cooper	Javits	Scott
Cotton	Kennedy	Tower
Edmondson	Long, La.	Williams, N.J.
Goldwater	Magnuson	Young, Ohio

So Mr. MORSE's amendment (No. 1180) was rejected.

Mr. MORSE. Mr. President, I call up my amendment No. 1179 and ask that it be stated.

The PRESIDING OFFICER (Mr. INOUE in the chair). The amendment of the Senator from Oregon will be stated.

The CHIEF CLERK. The Senator from Oregon proposes that:

"TITLE I—DEVELOPMENT LOAN FUND

"SEC. 101. Title I of chapter 2 of part I of the Foreign Assistance Act of 1961, as amended, is hereby amended by striking out section 205 thereof, which relates to the use of the facilities of the International Development Association."

Renumber the succeeding sections of part I, accordingly.

Mr. MORSE. Mr. President, I ask for the yeas and nays.

Mr. FULBRIGHT. Mr. President, will the Senator from Oregon yield before he does that?

Mr. MORSE. I am glad to yield.

Mr. FULBRIGHT. The Appropriation Act carries a similar prohibition against the lending of any money from the Development Loan Fund to the IDA; therefore, the adoption of the Senator's amendment would not change what is now the restriction in the appropriation act.

It would remove the possibility in the future of authority to do this but, in the interest of saving time, I am quite prepared to accept the amendment. I am quite sure that there will be no problem.

EXPLANATION OF AMENDMENT REPEALING
SECTION 205

Mr. MORSE. Mr. President, this amendment is a simple one which needs little explanation. It would repeal section 205 of the Foreign Assistance Act of 1961, as amended, which authorizes the President to lend up to 10 percent of the Development Loan Fund money available under title I to the International Development Association, commonly known as the IDA. We understand that no use has as yet been made of this authority, and there doubtless will be those who will say that this is an inoffensive provision which might well be left untouched. My position, on the other hand, is that this authority is a potentially dangerous one—no more to be ignored than the so-called "lonesome end" on a football field. I warn my colleagues that this section is a real "sleeper" which could come to life with startling rapidity.

Just on the face of it, this authority to transfer money to the IDA seems wholly unnecessary. At the very beginning of this Congress a new replenishment of IDA funds was approved by the narrowest of margins. My colleagues surely will remember that only about half a dozen votes spelled the difference between approval and defeat in the Senate. Even more significantly they should remember with some chagrin that the proposal to make an additional \$312 million available to the IDA was first rejected by the House of Representatives and then passed by a very slim margin after one of the most vigorous exercises in arm twisting and blandishment ever performed by the executive branch of our Government. And so the IDA is amply furnished with American taxpayers' money for the next 3 years of its existence.

But this is not all. The World Bank, which has accumulated reserves amounting to almost a \$900 million figure by making loans on a sound business basis, has recently decided to make some of its future surplus available to its affiliate,

the IDA. It is understood that something on the order of \$50 million a year may well be transferred to the so-called lending association to support activities which may best be described as barely disguised grants. In this connection, it might be noted that, while the IDA theoretically assists all the less developed countries, the great majority of the funds made available to the Association have gone to India and Pakistan.

By normal standards, it would thus seem that the available funds are spilling out of this overstuffed cornucopia. However, we must never underestimate the peculiar appeal of the "South Asia Aid Society," especially to those supposedly sophisticated geopoliticians who have woven an elaborate theoretical argument designed to prove that the battle against communism will be won or lost south of the Himalayas. It seems to make little or no difference to these theoreticians that the actual behavior of Pakistan and India over the last several years does nothing but refute the validity of this elaborate doctrine. I for one see no end to the process of pouring hard money into this extremely soft area.

Now we will have the argument that, since so much money is readily available to the IDA over the next several years, section 205 of the Foreign Assistance Act surely will not be used and can therefore do no damage if left in the legislation. I would accept half this argument—for it is quite true that more than adequate funds are available to the IDA. The second part of the argument I reject as nothing more than a Trojan horse. In my opinion, there is a very real danger that this supposedly moribund authority could spring to life in the context of our efforts to place our own development lending on a sounder basis. To the degree that we succeed in tightening the lending terms to govern operations under title I of the act, we are likely to find the AID people seeking to circumvent the harder terms by making some of the loan money available to the IDA, which operates on the softest basis of all international lending agencies.

Of course, it will be stated with great emphasis and sincerity on the part of the executive branch that they would not dream of seeking to try an end run around the will of Congress. But the only valid argument that can be made in support of this assurance is that section 205 is basically meaningless and will not be invoked. If this is so, then it can do no harm whatsoever to our aid program if the authority in question is repealed. Frankly, all our experience with the aid program supports my contention that there is great danger in exposing the executive branch to temptation and to expect it not to succumb.

Mr. President, I believe that we will be doing our constituents and the national interest a great favor by removing this temptation through deletion of section 205 from the Foreign Assistance Act.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MORSE. Mr. President, I call up my next amendment, No. 1182, and ask that it be stated.

The PRESIDING OFFICER. The amendment of the Senator from Oregon will be stated.

The CHIEF CLERK. On page 9, between lines 8 and 9, it is proposed to insert the following new subsection:

(g) Add the following new section at the end thereof:

"SEC. 513. CERTIFICATION OF RECIPIENT'S CAPABILITY.—(a) Except as provided in subsection (b) of this section, no defense articles shall hereafter be furnished to any country or international organization under the authority of this Act (except under the authority of section 507) unless the chief of the appropriate military assistance advisory group representing the United States with respect to defense articles used by such country or international organization or the head of any other group representing the United States with respect to defense articles used by such country or international organization has certified in writing within six months prior to delivery that the country or international organization has the capability to utilize effectively such articles in carrying out the purposes of this part.

"(b) Defense articles included in approved military assistance programs may be furnished to any country or international organization for which the certification required by subsection (a) of this section cannot be made when determined necessary and specifically approved in advance by the Secretary of State (or, upon appropriate delegation of authority by an Under Secretary or Assistant Secretary of State) and the Secretary of Defense (or, upon appropriate delegation of authority by the Deputy Secretary or an Assistant Secretary of Defense). The Secretary of State, or his delegate, shall make a complete report to the Speaker of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate of each such determination and approval and the reasons therefor."

Mr. MORSE. Mr. President, I ask for the yeas and nays.

Mr. FULBRIGHT. Mr. President, will the Senator from Oregon yield before he does that?

Mr. MORSE. I am glad to yield.

Mr. FULBRIGHT. I believe that this is a good amendment. In the administration of the military assistance program, it requires certification of the capability of a country to utilize effectively the assistance to be furnished. I believe that it is a good amendment. Personally, I am in favor of it. The administration objected to it mainly because it was felt to be in derogation of the dignity and rights of the Secretary of Defense. But this is one area in which there has been substantial maladministration under the military program, and I am willing to accept the amendment, of which I approve.

Mr. MORSE. I appreciate that very much, but I should like to explain the amendment.

EXPLANATION OF AMENDMENT REQUIRING
CERTIFICATION BY MAAG CHIEF

Mr. President, the source of this amendment is the General Accounting Office. I have already read excerpts from the GAO report on "Unnecessary

or Premature Procurement of Sidewinder Missile Training Systems and Their Delivery to Foreign Countries Under the Military Assistance Program."

It concluded:

We have recommended to the Secretary of Defense that these regulations be strengthened by requiring that future deliveries of major end items included in approved military assistance programs be made only upon a written certification by the chief of the Military Assistance Advisory Group based on a specific determination that the recipient country has the necessary capability to effectively absorb, maintain, and utilize the item to be delivered.

We believe that such a certification requirement would encourage a current reappraisal of the need for the equipment and the country's capability to maintain and utilize it before it is delivered and would help to prevent future deliveries of military assistance program material in excess of the country's capability to effectively absorb, maintain, and utilize the items delivered. Military assistance program material has continued to be delivered for a number of years to countries which cannot effectively absorb, maintain, or utilize the equipment and has been the subject of numerous reports to the Congress and the Secretary of Defense, even though during that time the Military Assistance Advisory Groups have been charged with the responsibility of preventing this from occurring. We therefore believe that affirmative action by the Military Assistance Advisory Group chief before delivery should be required. In view of the position of the Department of Defense with respect to this matter, the Congress may wish to consider the enactment of legislation requiring additional safeguards before delivery of military assistance program material. We shall be pleased to assist in drafting such legislation if desired.

The General Accounting Office not only volunteered its help in preparing this legislative requirement, but last fall it sent a further memorandum on the subject to the Senate Foreign Relations Committee. This memorandum is the only speech I shall need to support the case. It reads as follows:

INEFFECTIVE MAINTENANCE AND UTILIZATION OF EQUIPMENT FURNISHED TO FOREIGN COUNTRIES UNDER THE MILITARY ASSISTANCE PROGRAM

Our reviews have disclosed numerous instances where material amounts of military equipment have been provided to foreign countries which is not being effectively maintained and utilized. We have identified the major contributing factors to this deficiency to be (1) programing and delivery of equipment by the United States primarily for political considerations, to recipient countries which did not have the capabilities to effectively maintain and utilize it, and (2) delivery of equipment without adequate consideration of the recipient countries' capabilities to effectively maintain and utilize it. Following are a few examples of these deficiencies which have been included in our reports.

PROGRAMING AND DELIVERY OF EQUIPMENT PRIMARILY FOR POLITICAL CONSIDERATIONS

1. A recent review in a European country disclosed that aircraft, aircraft missiles and related equipment valued at over \$8 million had been programed and substantially delivered although the necessary capability to maintain and utilize the equipment did not exist. At the time of our review, two-thirds of the F-86F aircraft delivered were inoperable due to the absence of proper maintenance and trained pilots were available for only half of the aircraft delivered. In this case the Department of Defense told us that

political considerations involving base rights became the overriding consideration leading to the programing and delivery actions.

2. In one Far East country, our reviews disclosed that the annual military assistance programs did not appear always to have motivated by military considerations and had been developed without adequate knowledge of the forces being supported, the needs of these forces, or the military supplies already delivered. Substantial amounts of equipment were delivered to this country which could not be utilized by the country forces. The Department of Defense informed us that, so long as the country remained basically non-Communist, military aid should be continued in spite of the numerous difficulties involved and that, while the underlying basis for all aid to this country was admittedly political, the maintenance of internal security, which was the primary mission of the army, is fundamentally a military task and the justification of the military assistance program in this instance was made on that basis.

3. Equipment valued in excess of \$400 million has been delivered to a European country although there are no agreed roles or missions for the country forces. Our reviews of the military assistance program in this country have continually disclosed ineffective maintenance and utilization of substantial quantities of military items. Following are a few of the examples disclosed in our reports.

(a) Aircraft values at \$9 million were delivered, although the country was unable to effectively utilize the aircraft previously delivered.

(b) Tactical air navigation (TACAN) equipment valued at about \$2 million was delivered, although the country could not use the equipment, because, first, the necessary ground-based equipment for its operation was not available; second, the country lacked funds for installing the equipment; and third, airborne installation kits essential to the use of TACAN were not available from U.S. Air Force stock.

(c) Equipment for a low-frequency transmitter system, valued at about \$180,000, was delivered, although the country air force had not decided how or where it would use the system.

(d) Equipment valued at about \$1.2 million had been programed or recommended for programing for army schools although similar equipment had been programed for units of the military forces.

The programing and delivery of equipment to this country under the military assistance program was directly related to base rights commitments, and military items were delivered at the request of the country, although the capability of the country to effectively maintain and utilize the equipment did not exist.

DELIVERY OF EQUIPMENT IN EXCESS OF COUNTRIES' CAPABILITIES TO EFFECTIVELY MAINTAIN AND UTILIZE IT

1. Missile system equipment valued at approximately \$25 million was delivered to European countries and was not in use or was in use but had a limited readiness. The equipment had been on hand as much as 13 months more than the period of time normally required for emplacement and check-out after delivery. Our review disclosed that the ineffective utilization of the equipment resulted because at the time the United States delivered this equipment (a) permanent launching sites were not available, (b) related equipment at NATO installations required to attain the full operational capabilities of the equipment delivered by the United States was lacking, and (c) a sufficient number of support personnel had not been provided by the recipient country.

2. Our reviews of the maintenance and supply support of Army equipment fur-

nished to Far East countries disclosed that in one country almost one-fifth of the tanks delivered under MAP were unserviceable or deadlined, one-third of the 1,100 vehicles in two divisions were considered to be unserviceable and in no condition for a planned field maneuver, and that 38 percent of the radio communication equipment in one country had an effective range of only one-third to two-thirds of that for which it was designed.

3. In one Near East country, we found that at the time of our review more than 2,000 of about 6,900 combat and combat-support vehicles were inoperable, about 50 percent of the jet aircraft in one of the two Air Force fighter wings were out of commission for lack of parts and had been grounded over an 8-month period, and shortages of gasoline had precluded full utilization of equipment.

4. In one country our review disclosed that Air Force radio sets valued at about \$3.3 million had been programed and that a large portion of this equipment which had been delivered was not being used because the necessary installation and ancillary equipment had not been delivered. In this same country, we found that \$2.2 million worth of ammunition had been on hand for over 18 months although the related weapon had been deleted from the program and never delivered.

5. In four Western European countries we found that about \$4.4 million worth of missile system mobility equipment had been delivered which could not be used because related equipment required to achieve a mobile capability for the missile systems had not been furnished. In these same countries we identified about \$900,000 worth of airborne electronic equipment on hand which could not be installed because related modification kits and other equipment was not available.

6. Our review of delivery and utilization of tactical air navigation—TACAN—equipment disclosed that \$12 million worth of this equipment had been delivered to foreign countries although the equipment could not be used by the recipient countries because the related installation kits were not provided.

7. Millions of dollars worth of equipment and spare parts had been unnecessarily delivered to foreign countries under the military assistance program. The major causes of this inefficient and uneconomical use of funds available for the military assistance program are the failure of the Department of Defense to (a) establish the validity of requirements, and (b) take timely action to cancel or suspend delivery of equipment or spare parts which become excess due to changes in requirements. Following are a few of the numerous examples contained in our reports which have been issued to the Congress.

Excess equipment and supplies, valued at over \$5.5 million, delivered because outstanding orders which were either excess to revised requirements or likely to be excess due to anticipated changes in requirements were not canceled or suspended.

About \$60 million worth of Air Force support equipment programed or delivered although a firm and reliable basis for determining the country needs for such equipment had not been established.

United States committed as much as \$9 million in excess of amounts necessary to furnish spare parts and modification kits for advanced weapons for the mutually agreed-upon period of time.

Mr. President, I am ready for the vote. The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MORSE. Mr. President, I call up my amendment No. 1181 and ask that it be stated.

The PRESIDING OFFICER. The amendment of the Senator from Oregon will be stated.

The CHIEF CLERK. It is proposed by Mr. MORSE on page 1, between lines 6 and 7, to insert the following:

TITLE I—DEVELOPMENT LOAN FUND

SEC. 101. Section 201 of the Foreign Assistance Act of 1961, as amended, which relates to the Development Loan Fund, is amended by adding at the end thereof the following new subsection:

"(g) Not to exceed 25 per centum of the funds available for any fiscal year for making loans under this title may be used during any such fiscal year for loans for any purpose other than for specific developmental projects."

Renumber the succeeding sections under part I, accordingly.

On page 4, lines 5, 6, and 7, strike out "Section 252 of the Foreign Assistance Act of 1961, as amended, which relates to the Alliance for Progress, is amended" and insert in lieu thereof the following: "Title VI of chapter 2 of part I of the Foreign Assistance Act of 1961, as amended, which relates to the Alliance for Progress, is amended as follows:

"(a) Amend section 251, which relates to general authority, by adding at the end thereof the following new subsection:

"(h) Not to exceed 10 per centum of the funds available for any fiscal year for making loans under this title may be used during any such fiscal year for loans for any purpose other than for specific developmental projects.

"(b) Amend section 252, which relates to authorization."

Mr. MORSE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

**EXPLANATION OF AMENDMENT RESTRICTING
NON-PROJECT LOANS**

Mr. MORSE. Mr. President, last year I offered an amendment that sought to curb the use of Alliance for Progress funds for balance-of-payment loans and budget support in Latin America. That amendment failed to pass, but it did receive 31 votes. Since this was the first time that a vote was taken in the Senate on the practice of making general-purpose loans as opposed to specific project loans, I would have thought that so large a number as 31 Senators voting for the restriction would have been a warning signal to the Agency for International Development.

But it seems to have made no impression whatsoever.

This year, the House Foreign Affairs Committee, in both the majority and minority reports on the foreign aid bill, again warned AID against the use of loan funds for unspecified purposes.

The majority report states:

In general, the committee recognizes that whenever the administrators of the aid program are convinced that the financing of commodity imports is essential, it is better to finance such imports with loans rather than grants.

Nevertheless, the committee believes that countries which progress to the point where they qualify for large development loans should be encouraged to assume increasing responsibility for financing their imports,

except imports related to projects for which loans are made.

There is a danger that dependence on the United States for such financing could result in levels of consumption higher than the recipient could normally sustain and could encourage unsound financial and monetary practices.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. AIKEN. Is this amendment what is popularly known as the antijuggling amendment?

Mr. MORSE. Some call it antijuggling. I call it anticorruption.

Mr. AIKEN. Antimonkey business, perhaps?

Mr. MORSE. That would be a good description. It is a little softer than mine.

Mr. AIKEN. It seems to be a reasonable amendment, unless someone can explain why it would not be so.

Mr. MORSE. Mr. President, That is the language of the majority of the House Foreign Affairs Committee. The minority had much more to say on the matter. It listed "program" loans as having been made to Tanganyika in the amount of \$1 million, Tunisia \$10 million, India \$275 million, Pakistan \$100 million, Turkey \$70 million, Chile \$40 million, and Colombia \$15 million up to the date of the report. That is a total of \$511 million. Since the report was published, at least one more large "program" loan has been made to Brazil in the amount of \$50 million.

The minority views continue:

These loans do not require the same degree of study for feasibility—technical, financial, or economic—that are required for a project loan to get the necessary approval under section 611 of the act. This section requires cost estimates, engineering surveys, and financial and other plans before loan funds can be obligated.

Further, the United States does not receive credit or become identified with assistance under program loans because they are made to the government which, in turn, allocates the dollar exchange to importers for commodity import requirements.

In summary, every effort should be made to curtail program loans because (a) they require less detailed justification than project loans and, therefore, can be used to absorb loan funds when carefully worked out projects are not forthcoming; (b) there is no visible way to identify the United States with assistance provided through program loans; (c) a country receiving a program loan can divert similar amounts of its foreign exchange to luxury-type import items or for lower priority needs; and (d) although imports with these loans are required to be from the United States, the level of American imports do not increase comparatively, which indicates that some of the countries merely divert imports with equal amounts of foreign exchange of other sources.

At the time of this report, \$456 million had been lent out of the Development Loan Fund for program loans, and \$55 million out of Alliance for Progress loan funds, plus \$50 million out of the contingency fund, which went to Brazil.

Two-thirds of all money appropriated last year for development loans had been lent for unspecified, general commodity

financing. About 15 percent of Alliance for Progress loan funds went for the same purpose. But in the case of Latin America, budget support and balance of payment help comes more from non-Alliance funds, primarily the contingency fund and supporting assistance.

As I stated, in the past several years, all supporting assistance is, after all is said and done, really indirect military aid.

As the House committee minority makes so clear, this assistance in no way is identified with the United States; this assistance cannot be related to any project or program by the people of the receiving country. How much good have we done the United States among the people of Brazil with our \$50 million loan to its Government? None. The money will never show up in the way of life of the ordinary Brazilian.

What we did with that \$50 million was to buy a little political favor from its current political leaders. That is what these program loans are for. It bails them out a while longer. It postpones the day when critical and sometimes painful decisions have to be taken on their home front. It delays the time when they must go before their own voters and lay down the facts of life. No politician likes to do that. So they come to the U.S. Treasury instead. That way we hope to create a little obligation on their part to favor the United States in international matters.

That is why in my individual views I said that program loans do no more than patch over and perpetuate the lack of economic development.

Brazil and Turkey have already defaulted, in effect, on loans by obtaining moratoriums even as we extend them new soft loans. There is every prospect that debt renegotiation with Argentina will begin soon, if it has not already begun.

Yet we go on and on making new easy credit available to them.

The prevalence of this kind of loan makes a mockery of the advertisements AID and the State Department make about foreign aid helping farmers to grow better crops and laborers to build better homes.

At the time the recent Brazilian loan was announced, it was also announced that the \$50 million was in addition to; "understandings now being reached for the financing of various specific projects designed to promote the economic development and social progress of the Brazilian people."

This \$50 million loan is at 2 percent interest for 40 years. We have been encouraging Brazil for years and years. We have been urging upon Brazil to do something about its inflation. We have been urging Brazil to come forward with a plan, which she is obliged to do under the action at Punta del Este, as to what she will do with respect to internal reforms and internal programs. Alliance for Progress funds are supposed to contribute to the fulfillment of the country plan.

Mr. President, Brazil still has not submitted a satisfactory plan. She has made gestures, but she has submitted no all-encompassing plan. We ought to stop this type of loan. We ought to say, "Come forward now with an economic project that is sound, one that will be of help to your people, and we shall help you with that and release your own money for use in connection with your own fiscal problems at a governmental level."

So I say that this loan was made not as a result of the steps Brazil had taken to curb inflation and to live within her means, but to encourage Brazil to take those steps. A month later, on July 26, the New York Times reported that the Brazilian Central Government's statistics showed the cost of living rose more than 40 percent in the first 6 months of this year, and that the Branco regime had an operating deficit in its national budget of nearly \$600 million. I ask unanimous consent to have these two articles from the New York Times dated June 25, 1964, and July 26, 1964, printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, June 25, 1964]

U.S. GRANTS \$50 MILLION LOAN

WASHINGTON, June 24.—The United States granted Brazil a \$50 million loan today to support the reform programs of the new government.

This was the first major loan given to the regime of President Castelo Branco. It demonstrates the faith of President Johnson's administration in Brazil's determination and capacity to combat inflation, rebuild her shattered finances, and institute rational economic policies.

In announcing the loan, concluded under the Alliance for Progress program, the administration noted that "the Brazilian Government is formulating a comprehensive program of development, stabilization, and reform which can serve as a basis for later discussions with international institutions and the Government of the United States and other friendly countries of Brazilian needs for external assistance."

The announcement emphasized that the loan, for a 40-year period at the unusually low interest of 2 percent, is in addition to "understandings now being reached for the financing of various specific projects designed to promote the economic development and social progress of the Brazilian people."

The loan marked the resumption of general U.S. lending to Brazil after a pause of almost a year. Around the middle of 1963 the United States became convinced that the regime of President Goulart could not properly utilize financial assistance because of its refusal to take adequate anti-inflationary and other stabilization measures.

Today's loan was announced as Carlos Lacerda, Governor of Guanabara State and one of the principal leaders of the April revolution, appealed for U.S. understanding of the revolutionary situation in his country.

Speaking at the National Press Club here, he said the new government had been trying to find competent, honest people to administer its affairs after the chaos of the Goulart regime.

[From the New York Times, July 26, 1964]

REGIME IN BRAZIL SCORED ON PRICES—LACERDA SAYS CONFIDENCE IS UNDERMINED BY INFLATION

(By Juan de Onis)

RIO DE JANEIRO, July 25.—President Humberto Castelo Branco embarked today on his

newly extended term of office under heavy political fire because of rising prices.

The main criticism of the Government came from Gov. Carlos Lacerda of Guanabara State, one of the leaders of the April 1 revolution that overthrew President João Goulart and brought Gen. Castelo Branco, then the army chief of staff, to the Presidency.

Mr. Lacerda said a survey of prices in his state showed that they had shot upward since the revolt. "As a consequence, confidence in the revolution has been profoundly eroded in 3 months," he said.

Rising unemployment in Belo Horizonte, capital of Minas Gerais State, and in São Paulo was also reported. The iron and steel industry was showing signs of a recession, with cutbacks in production. Automobile output also was down and household appliance manufacturers reported large unsold stocks.

The Central Government's statistics show that the cost of living rose more than 40 percent in the first 6 months of this year on the momentum of an inflation that raised prices more than 80 percent last year.

Halting inflation is the principal preoccupation of the Castelo Branco regime and efforts are being made to reduce the Government's operating deficit, regarded as the main cause of the inflation. This year's deficit is estimated at nearly \$600 million.

Partly to give the Government more time to cope with the problem, the congress this week added 14 months to Mr. Castelo Branco's original period in office. Originally it was to have completed Mr. Goulart's term ending January 31, 1966.

Mr. Castelo Branco will now remain in power until March 15, 1967, and the election originally scheduled for October 1965 will be postponed to December 1966. This decision was taken by the congress over Mr. Castelo Branco's opposition, but with the support of Brazil's military leaders.

Mr. Lacerda, noted for his opposition to Mr. Goulart's leftist government, was bitterly disappointed by Congress' decision. He had hoped to run for President in the election scheduled for next year, and he lashed out at the Congress.

It is widely accepted that Mr. Lacerda is trying to bring down the present cabinet and install a government aligned with his views. Prices constitute the most vulnerable area for this cabinet, whose economic and financial policies are largely determined by the Planning Minister, Roberto Campos.

Steel executives advised the Labor Ministry this week that they would not fulfill a contract signed with 50,000 workers in Minas Gerais and São Paulo during the Goulart regime. This provided for quarterly adjustments that would now require the industries to pay a minimum wage of 70,000 cruzeiros (\$55) a month. The regional minimum wage is 40,000 cruzeiros (\$32).

The executives said the contract could be met only through increases in iron and steel prices.

Roman Catholic priests active in union organization in Pernambuco, the sugar region of Brazil's northeast, warned sugar-mill operators that there would be a strike unless a minimum wage set by the former government was respected.

On another front, representatives of Brazilian university students elected new officers today for the National Union of Students, which the Education Minister had threatened to dissolve.

The delegates also resolved to reconstruct the union, which had been controlled by militant leftists. This indicated limited support of the uprising that ousted Mr. Goulart.

The students met in defiance of the Education Minister, Suplicy de Lacerda, who had proposed that the autonomous student organization be replaced by a student council under control of the ministry.

Virtually all the delegates, who came from 12 States, were opposed to the former leadership of the national union, which they contend was antidemocratic and alienated from the mass of students.

Mr. MORSE. Mr. President, at the present time we are using two-thirds of the development loan money for intergovernmental loans to finance commodity imports of a general nature. I wish to repeat that sentence, because I want to show Senators that in my judgment this is one of the most serious problems in the whole AID program calling for policy reform. I ask Senators to listen to the sentence again:

At the present time we are using two-thirds of the development loan money for intergovernmental loans to finance commodity imports of a general nature.

They do not provide people-to-people aid.

They do not coincide with what Senators have heard me plead for for several years—a project-to-project approach to foreign aid instead of a government-to-government approach.

I wish to see the American taxpayers' dollars invested in dams, refineries, plants, and other economic projects that will help to create jobs in parts of the world that are characterized by unemployment, or employment at wages that cannot maintain a family in health and decency. I wish to do something for people.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. DOUGLAS. The Senator from Oregon has made a startling statement. As I understand, he said that last year approximately \$560 million was loaned by us to foreign governments for unspecified purposes.

Mr. MORSE. That is correct.

Mr. DOUGLAS. About \$50 million of that was to meet the deficit of the Brazilian Government. Can the Senator from Oregon throw any light on the question of the purposes for which the other \$510 million was loaned?

Mr. MORSE. No.

Mr. DOUGLAS. The Senator from Oregon is a member of the Committee on Foreign Relations, is he not?

Mr. MORSE. Yes.

Mr. DOUGLAS. Did the administrator of AID, or any of his assistants, itemize how the \$510 million was distributed and for what purposes?

Mr. MORSE. There may be some itemization in the three thick books that were presented to us for study. But I gave the Senator an honest answer. I do not know what the itemization might be. If it is available, perhaps the chairman of the committee might respond.

Mr. DOUGLAS. I wonder if the chairman of the Committee on Foreign Relations could answer the question. For what purposes were the \$510 million loaned to the governments of foreign countries? Is my impression correct that this is primarily related to Latin America?

Mr. MORSE. No; most of it was lent elsewhere. India received \$275 million, Pakistan \$100 million, and Turkey \$70 million in fiscal year 1964. Tunisia and Tanganyika also received smaller pro-

gram loans. In Latin America, Chile received \$40 million, Colombia \$15 million, and Brazil \$50 million this last fiscal year. The presentation for fiscal year 1965 tells very little about the purposes of these loans that will be made in fiscal 1965.

Mr. FULBRIGHT. The major purpose of the Alliance for Progress program was to support overall plans for the economic development of the countries of Latin America. It was intended that those countries should bring about certain reforms within their economies. It was called a self-help program. We make the program loans available only when there is a commitment by the respective countries to engage in certain kinds of reforms within their countries.

As the Senator has heard, in some cases those reforms are in the nature of tax reforms, in some cases they are in the nature of land reforms, and so on. Program loans were the major tool that we had for encouraging the respective countries to bring about reforms. The agency does not make the program loans without any conditions as to how the money shall be used. When a loan is negotiated, the purpose for which it is to be used is well understood.

Mr. DOUGLAS. Has that purpose been stated to the Committee on Foreign Relations?

Mr. FULBRIGHT. Certainly.

Mr. DOUGLAS. What are the purposes?

Mr. FULBRIGHT. I do not have in mind the particular purpose of all loans, if that is what the Senator means. But that is obtainable in full. We have at hand the general statements about the nature of the loans. Some are often informally called balance-of-payments loans. In a sense that is what they are. They provide the basis for the development of private industry in most of the countries involved. They are intended to finance the purchase of spare parts, machinery, equipment, and so on, from this country through private enterprise.

The project loans which were mentioned by the Senator from Oregon are usually provided for a dam, a railroad, a dock, or something of that kind, and they usually are of a governmental nature. Year after year the committee and the Congress have urged private enterprise to come into the picture. That is accomplished primarily through program loans, which make available to private enterprises in each of the countries the resources to enable them to purchase needed commodities. There is agreement as to which areas of the economy the loans are to be used for, but they are not intended to be used for the building of a dam or any specific tangible project.

Mr. DOUGLAS. Mr. President, will the Senator from Oregon permit me to comment on that statement?

Mr. MORSE. Certainly.

Mr. DOUGLAS. I have always thought that the Alliance for Progress included primarily, amongst the reforms, the development of education, the building of schools, the building of houses, the carrying on of health work, and the purchase of large estates for distribution into small holdings. It seems to me that

projects of that nature could be made very specific, and that it would not be necessary to make a general loan for such purposes. The loan could specify the purposes for which it was to be made. The Government could act as the intermediary, but we would know for what purpose the money was being spent. But the facts seem to be that of the loan funds devoted to Latin America in fiscal year 1964—a total of approximately \$425 million, of which \$50 million came from contingency funds—\$105 million, or about one-quarter, was assigned to general Government loans with no specific conditions attached that the money must be spent for better schools and the other fundamental reforms.

Mr. MORSE. That is what I am asking for. I see one of my teachers on the Foreign Relations Committee, the Senator from Vermont [Mr. AIKEN], smiling as he listens to the present debate. The Senator from Vermont has exercised a great deal of influence on me, whether he knows it or not, with regard to the position he has taken from time to time in respect to the Alliance for Progress program. I am endeavoring merely to carry out a percentage restriction which I believe would reduce the amount of money available for general loans government-to-government. I would provide a better opportunity for obtaining money the expenditure of which would be specified for specific projects. As the Senator from Illinois knows, the problem that we have as Senators is that when we seek to obtain loans and grants for public works developments in our own States—and I am all for the procedure—we must show a benefit-cost ratio—and we should have to show it. We have to show that the project is desirable, because we are dealing, we say, with taxpayers' money. We certainly are. But AID is dealing with taxpayers' money. By this policy amendment—and I am offering my policy amendments today in order to have some votes on policy first before coming to specific money amendments—I am seeking to place some checks on AID as well as on Brazil, Argentina, and some of the other countries.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. MORSE. I yield to the Senator from Vermont.

Mr. AIKEN. If the Senator could get the details of the situation accurately, he would find that the borrowing nation will use the money borrowed from the United States for purposes for which it would ordinarily use its own money, and that, in turn, releases its own money to pay off creditors, some of which may be in the United States, some in Europe, some here, there, and everywhere. That is what I meant when I asked the Senator if this was the "antijuggling amendment."

Mr. MORSE. There is no question about it.

Mr. AIKEN. I am sure, if the Senator would get to the bottom of this, he would find that that is what happens.

Mr. MORSE. The Senator will recall that in the past few years we had a discussion about this type of loan that was made to Argentina. When we dug into

the matter, I very well remember some of the comments of the Senator from Vermont. When we dug into it we found that the money of U.S. taxpayers that went into Argentina, under an unchecked procedure for a loan, was used to pay off American creditors.

Mr. DOUGLAS. Mr. President, if I may interject, what is that?

Mr. MORSE. Just what I said.

Mr. DOUGLAS. Does the Senator mean that we loaned money to Argentina which was not used for the benefit of the people of Argentina?

Mr. MORSE. It might be said that it was for their benefit. It enabled them to pay American creditors for goods imported in the past. I am talking now about a policy that does not provide for adequate checks. I do not believe there should be allowed the use of money out of the President's contingency fund or some other source to make this kind of loan to a government, with which the government in turn uses the money to pay off creditors. In that case, it was America creditors. Sometimes it is to pay European creditors.

Mr. AIKEN. Mr. President, if the Senator will yield further, I have great hopes for Brazil. It is a coming nation. It is a friendly nation. It is making progress. The value of its currency has improved in the past 6 months. But the Government of Brazil has done something else. It has abandoned the subsidy which it paid previously for the use of petroleum products. It subsidized the use of gasoline. It has eliminated that. A few years ago Bolivia subsidized the use of petroleum products. It, too, has stopped it. Nevertheless, Brazil still has to buy great amounts of petroleum and it has to be paid for.

Mr. MORSE. I have great hopes for Brazil, too. My amendment would afford her more hope. The amendment would provide that the government must ask for loans for specific projects. If they are sound, the committee, on which the Senator from Vermont also serves, will support it. I do not like unchecked power anywhere. I do not like the making of loans in a pig-in-a-poke manner, when we do not know what the purposes of the loans are, when we are expected to offer the money to them and let them spend it as they desire.

Mr. AIKEN. The Senator knows pretty well what it is used for. When we lend money for the purpose of improving the lot of the people, we are entitled to know that it is used for that purpose, and not used to pay off American or European creditors.

Mr. DOUGLAS. Mr. President, the Senators from Oregon and Vermont excite the curiosity of those of us who are not members of the Foreign Relations Committee. They speak of mysterious information that one or the other knows about the purposes for which the \$500 million has been loaned to foreign governments for undetermined; unspecified purposes. The Senator from Vermont implies that a major portion of this amount has been used not to improve the condition of the people, but to improve the credit standing of the country with foreign or external creditors.

I have always supported the Alliance for Progress, but I thought the money went specifically to help the people of Latin America. I suppose, since the Senator from Oregon states—and the Senator from Vermont does not contradict—that a major portion of the money goes for general purposes, it is difficult to know where it goes, but it is generally believed that large parts of the money go to pay off debts previously incurred.

Mr. MORSE. We are talking about the evil system with respect to a part of that money. This is not the total part of the Alliance for Progress money. I plead for the Senator from Illinois to continue to have faith, as the Senator from Vermont and I have overall faith, in the Alliance for Progress. This amendment would eliminate a policy that is unwise.

I criticize the use of the President's contingency fund for this purpose. That is why I am advocating a cut of \$50 million in the President's contingency fund. The contingency fund should be used only to meet an immediate, overnight emergency affecting the United States. It should not be used by the President to engage in international relations on his part. This money should not be used for balance of payments, credit payments, and what not, because the head of some other government says he is in an emergency, because the President of the Argentine or Brazil is in an emergency, for example. Let them come before us in the open and ask for a loan for a specific purpose, and let us pass judgment on the soundness of the loan for that purpose.

Mr. DOUGLAS. Mr. President, will the Senator forgive me for another question?

Mr. MORSE. I am glad to yield.

Mr. DOUGLAS. I understand that a loan of \$50 million was made to Brazil primarily to meet a deficit in the government budget, or possibly to redress an unfavorable balance of payments.

Mr. MORSE. Yes. That came from the President's emergency fund.

Mr. DOUGLAS. Not from the specific Latin American fund, but from the President's emergency fund.

Mr. MORSE. The President's emergency fund.

Mr. DOUGLAS. What about the loan to the Argentine?

Mr. MORSE. That was to pay off American creditors who had put the "heat" on the President of Argentina.

Mr. DOUGLAS. What kind of creditors?

Mr. MORSE. Oil creditors, shipping creditors. There is a long list of them. I do not recall all of them at the present time. There was quite a "hassle" about it at the time. Those of us protesting it were left in the minority.

Mr. DOUGLAS. Could the Senator insert in the Record the group which obtained the subsidy?

Mr. MORSE. I shall try to obtain it for the Record before we are finished with the bill. The member of the staff from the Foreign Relations Committee assisting me will proceed to obtain it.

Mr. DOUGLAS. Chile has been operating both under inflation and big

government deficits, I believe. Have such loans been made to Chile?

Mr. MORSE. Chile received a \$40 program loan a few months ago.

Mr. DOUGLAS. The Senator from Illinois has visited two Central American republics and two of the northern South American republics, and he thought the Alliance for Progress was working very well in all four of those countries. Like the Senator from Oregon, I am a supporter of the general program, but I was somewhat startled by the statement of the Senator from Oregon, which does not seem to be controverted in any way, that \$105 million, one-quarter of the loan funds devoted to AID last year, has been loaned for purposes which none of us thought were originally included in the program of the Alliance for Progress.

Mr. MORSE. That happens to be a fact. I have been urging my proposals. I have made them in the committee, too.

Mr. DOUGLAS. What was the decision in the committee?

Mr. MORSE. There was not very much discussion of them. I made my statement, and they were voted down.

Mr. DOUGLAS. The Senator from Oregon has made a grave statement.

Mr. TALMADGE and Mr. LAUSCHE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Oregon yield, and, if so, to whom?

Mr. MORSE. I yield first to the Senator from Georgia.

Mr. TALMADGE. Is it the purpose of the Senator's amendment to the Development Loan Fund that the project for which the money is to be used must be specified and, that the money may be used for that particular project, and no other?

Mr. MORSE. That is the purpose of the amendment. It requires that 75 percent of the money be used for specific projects.

I believe that is where the bad policy develops. It discourages them from reforming their own economy, so long as they can think they can go along and call on Uncle Sam for help. It is pretty hard for politicians to put the economic screws on, instead of letting inflation continue, and not applying drastic limitations, especially limitations that are necessary to stop inflation, so long as they have a good hunch that Uncle Sam will bail them out. We are discouraging them from adopting procedures to bring about their own reforms.

I wish to stop the general import loans. I wish to see our taxpayer money spent for projects that we know have at least some chance of helping the people themselves.

Mr. TALMADGE. Does the Senator's amendment provide that the country receiving the money must put up a portion of its own funds for each particular project?

Mr. MORSE. No; this amendment does not provide for that specifically. Such a provision is not necessary to what I am trying to accomplish in this amendment.

Mr. TALMADGE. I thank the Senator. I think his amendment is a good amendment.

Mr. MORSE. I thank the Senator from Georgia.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. LAUSCHE. Without trying to pass on the merits of the amendment of the Senator from Oregon, I am obliged to say that the testimony shows that when a program is approved, it is done only after there is provided a complete description of what the program involves. Also required is supervision of what is being done under the program. I do not wish to remain silent and by doing approve the statement that loans are made without any previous knowledge of the purpose for which they are to be used.

Mr. MORSE. Will the Senator from Ohio tell the Senate what supervision there was of the \$50 million program loan from the President's contingency fund?

Mr. LAUSCHE. There may be greater strength to the Senator's argument with respect to the contingency fund. However, the fact is that with respect to program loans, a plan must be submitted. The plan is analyzed. Before any payments are made under it, it must be approved. After it is approved the AID supervises and watches the program to see that it proceeds as contemplated. Moreover, the Alliance for Progress watches what is being done in the economic development of each of the nations.

Mr. MORSE. The Senator from Ohio may have that point of view about the checks. I believe that the checks are not effective, and that they have not been protecting our interests. The loan should be made, in the first instance, for a specific project. That is what I am pleading for. We should prevent so much of the money going for general loans. All I am doing is cutting down a provision percentage-wise.

Mr. LAUSCHE. If the Senator states that he wishes to correct the specifics, that is one thing. Stating that there is a complete absence of specifics as to what is being done, is something else.

Mr. MORSE. I am saying that the specifics that are called for are not sufficiently restrictive to protect the American taxpayer. I hope the Senator will note what I am advocating:

(g) Not to exceed 25 per centum of the funds available for any fiscal year for making loans under this title may be used during any such fiscal year for loans for any purpose other than for specific developmental projects.

What is wrong with that? They can go up to 25 percent. What is wrong with limiting them to 25 percent?

On page 2 of my amendment I provide:

(h) Not to exceed 10 per centum of the funds available for any fiscal year for making loans under this title may be used during any such fiscal year for loans for any purpose other than for specific developmental projects.

What is wrong with that? Will the Senator tell me what is wrong with that kind of check? We must put that kind of check in the bill, so that the countries will know that the sky is not the limit when coming to the United States and asking for additional loans. They must

do something for themselves. If they do not bring about inflation control, if they do not bring about fiscal improvement, they will continue to go along thinking that all they need to do is to come to Uncle Sam.

If we place a ceiling in effect, we will help them. We must be much more stringent on the AID people and on the State Department than we have been in the past. I know there will be some negative connotations from what I am about to say. We must be more insistent upon policing them so far as the interests of the American taxpayers are concerned.

The precise description of expected aid to each country comes marked "Confidential" and hence it cannot be inserted directly into the RECORD.

But I can give Senators an idea of the kind of information we have about these program loans, as compared with project loans.

In one country, for example, which receives large amounts of U.S. aid we are told:

It is likely that AID project loans will be made in fiscal year 1965 for power installations, mineral processing, and manufacturing industries. Program loans will finance imports of raw materials and semifinished commodities to help maintain production and the pace of investment.

In another country we find that—U.S. loans will again be made to help finance the raw materials, equipment and spare parts which are an integral part of the development plan. Moreover, the bulk of U.S. nonproject imports goes to the private sector and is an important element in maintaining the pace of private investment activity. With an acceleration of the development program, and completion of feasibility studies for roads, power, and water resources, an increasing number of project loan requests are expected for fiscal 1965.

Senators may say that AID officials know what part the U.S. loan will play in a country's general economy; but the point I am making is that these program loans are not and cannot be identified with any given project. They simply go to finance general imports.

Mr. President, at the present time we are using two-thirds of the development loan money for general intergovernmental loans. They do not provide people-to-people aid. They are purely government-to-government, and they seek to influence and improve the well-being, not of the people of the recipient country, but of its ruling class.

My amendment is both a refinement and an expansion of the amendment which last year gained the support of 31 Senators. This time it is not confined to the Alliance for Progress. For the Development Loan Fund it sets a ceiling of 25 percent on loan funds that can be used for nonproject aid. It sets a ceiling of 10 percent on Alliance for Progress loans for nonproject aid. Even that is very generous. It is more than I would like to see lent for general balancing of accounts. But it would make a start. It would tighten the legislative guidelines. It would restrict the amount of "lobbying" that foreign governments could do among American aid and diplomatic officials for untied loans.

Senators will recall that when we passed the Hickenlooper amendments cutting off aid to any country that expropriated American investments without compensation that we were accused of "tying the hands of the administration."

But we did tie them. And the next year the AID and State Department people found themselves quite pleased with the result.

It was interesting and pleasing to find the State Department officials, including the Secretary of State, and Mr. Bell, Director of AID, visiting with us in the Committee on Foreign Relations and expressing their pleasure with the way the program had worked. The year before, however, they had fought it. I believe that my amendment would perform a great service for Mr. Rusk and Mr. Bell. I believe that a year from now Mr. Rusk and Mr. Bell will be thanking us again.

Someone must make the fight. We should give the proposal a trial. If after a year it can be shown that what I say did not work, the present provision can be restored. Certainly things have been going well the way we have been operating. This proposal ought to be tried.

The congressional directive on expropriation left no room for quibbling with foreign governments. It removed from the realm of administration discretion the decision whether to reduce or to end aid to such countries. It simply said, "This is it." My amendment provides that 25 percent and 10 percent are to be the ceiling limitations, just as in the Hickenlooper amendment we had a rule of finality. Foreign countries could go to the ambassador or to the AID officials or come to Washington to see the Secretary of State, but they can always say, "There is nothing we can do about it. It is the law." I wish to put the Secretary of State in that position with respect to this problem.

The main foreign aid failures have resulted from the failure of Congress to make more legislative directives of the same nature. Here is an area where they are sorely needed, and my amendment would be a start toward correcting one of the worst abuses of foreign aid.

Mr. DOUGLAS. Mr. President, will the Senator from Oregon yield.

Mr. MORSE. I yield to the Senator from Illinois.

Mr. DOUGLAS. It is sometimes said that these are loans which will ultimately be repaid and that, therefore, there will be no wasting of any money, assuming the amounts will be repaid. Is it true that the current interest terms are three-quarters of 1 percent interest during the first 10 years and 2 percent thereafter? I notice the compilation in a table on pages 42 and 43 of the report.

Mr. MORSE. Will the Senator please restate his question?

Mr. DOUGLAS. Is it true that the rate of interest on the Alliance for Progress loans is three-quarters of 1 percent during the first 10 years and 2 percent thereafter?

Mr. MORSE. That is the rule.

Mr. DOUGLAS. And that the average rate of interest on development and Alliance for Progress loans is 1.7 percent?

Mr. MORSE. It is about 2 percent.

Mr. DOUGLAS. A little under 2 percent?

Mr. MORSE. Yes.

Mr. DOUGLAS. Is it true that the average rate of interest charged by other members of the free world alliance is 5.1 percent?

Mr. MORSE. Not completely, but in most instances. Some countries are now beginning to negotiate lower interest rates.

Mr. DOUGLAS. So, on the whole, their interest rates are—

Mr. MORSE. Much higher.

Mr. DOUGLAS. About three times what the average rate is for Alliance for Progress loans?

Mr. MORSE. Much higher. That is why I am supporting the amendment of the Senator from Ohio [Mr. LAUSCHE] and the Senator from South Dakota [Mr. MUNDT] to bring interest rates up. I think they are too low.

Mr. DOUGLAS. Is it true that our loans run for 40 years?

Mr. MORSE. That is correct; in some instances, 50 years.

Mr. DOUGLAS. Is it true that the weighted average of Belgian loans is 7 years, and French loans 17 years?

Mr. MORSE. On the average, they are for a shorter period than ours.

Mr. DOUGLAS. So we are making very favorable terms?

Mr. MORSE. Oh, yes.

Mr. DOUGLAS. Frankly, I do not object to favorable terms. I am however concerned about the purposes for which the loans are spent. I am shaken, to tell the truth, by the material which the Senator from Oregon has cited, and which has not been contradicted.

Mr. MORSE. As the Senator knows, I also want fair terms to be imposed, but terms that are fair to the American taxpayers, too. In my opinion, the interest rate of three-quarters of 1 percent really does not cover the cost of administering the loans.

Mr. DOUGLAS. The Senator from Oregon would like to have the rate made 2 percent for the initial period of 10 years?

Mr. MORSE. At least that much.

Mr. DOUGLAS. Similar to the rate of interest on REA loans?

Mr. MORSE. At least that much.

Mr. DOUGLAS. Mr. President, I simply say that the Senator from Oregon has thrown down a startling and convincing challenge on this subject.

Mr. MORSE. Mr. President, I yield the floor.

Mr. FULBRIGHT. Mr. President, I hope the Senate will not accept the amendment. I may say, partly by way of background, that my comments have nothing to do with the merits of the amendment. To the best of my recollection, the amendment was not offered in the committee. However, the subject with which it deals was discussed at length in the committee with the administrator, Mr. Bell.

Mr. Bell stated, and I think most persuasively, that such program loans are highly essential to the development of a country, particularly loans under the Alliance for Progress, and for countries like India. A big part of the aid to India

has been in the form of program loans. That does not mean that specific uses were not provided; but the loans are made to the country to be used by it largely in the private sector. One of the major parts of the lending program is the lending of money to a government which will agree to relend it and make it available to private industry to import raw materials, machinery, and supplies for the industries of the country. That is in accordance with the overall development plan. It has been successful, according to the administration. The administration believes that this pending amendment would result in a degree of inflexibility which would greatly hamper the effectiveness of the overall program. In my opinion, the administration makes a good case.

The distinction between a loan to be used to pay a debt and a loan to build a bridge or a school is a slippery concept. For example, if a school is built directly with loan money, it relieves the Government directly from using its own money. If it uses the loan to pay off a debt, what is the difference as compared with paying it directly, assuming it is a recognized, legitimate need of the country under the specific conditions of that time?

If a program of development is undertaken in one of the countries, it is then up to the judgment of our people, working with the country concerned, as to where to put the emphasis. If a factory or a refinery is needed—let us suppose a fertilizer factory is needed—the efficient way to proceed is to make the money available to the government, which in turn can relend the money, under conditions specified by our AID program for that purpose; for example, the importation of a fertilizer plant or any other kind of equipment. Incidentally, time after time, the committee and Congress have included policy declarations to encourage the development of the private industrial sectors of the underdeveloped countries.

The loan to Brazil, which has been under discussion, did not come under this part of the program. In no way would it have been affected by the amendment. That money came out of a different category. Even if the amendment of the Senator from Oregon had been in effect, that loan would not have been affected by the amendment. It was a loan made, we all admit, under special circumstances, for the benefit of a new regime, a loan which we hoped would help to enable the new government to survive a difficult period. It would be used for the essentials of government.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement entitled "Program and Project Loans Under the Development Loan Fund and the Alliance for Progress."

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PROGRAM AND PROJECT LOANS UNDER THE DEVELOPMENT LOAN FUND AND THE ALLIANCE FOR PROGRESS

The amendment provides that no more than 25 percent of the funds available in any fiscal year for DLF loans and no more

than 10 percent of the funds available in any fiscal year for the Alliance for Progress loans may be used for any purpose other than for specific developmental projects, which is to say, they can not be used for general country program loans.

In addition to injecting a general requirement of extreme inflexibility into the aid program, the amendment would be detrimental to the encouragement of self-help programs and internal reform. A project loan involves the donor only in a specific enterprise without permitting him to exert leverage for related projects, however vital they may be to the success of the enterprise for which the loan has been made. It is far easier to exert leverage for tax or land reform, for example, if aid is being provided for a unified program consisting of a number of specific projects than if the aid is being provided only for one project.

The purpose of our aid program is far more to encourage economic development by recipient countries themselves than to achieve it for them. Project assistance tends far more toward the latter.

However useful the project may be, it is unlikely to serve the legitimate interests of both the recipient and the donor unless it stimulates related projects. Program assistance, on the other hand, seeks to encourage unified growth and to encourage those measures of internal reform and self-help which will have an economic multiplier effect.

Mr. FULBRIGHT. Mr. President, I hope the Senate will not accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Virginia [Mr. BYRD], the Senator from Tennessee [Mr. GORE], the Senator from Washington [Mr. JACKSON], the Senator from Louisiana [Mr. LONG], the Senator from Utah [Mr. MOSS], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON] and the Senator from Massachusetts [Mr. KENNEDY] are absent because of illness.

I further announce that the Senator from Nevada [Mr. CANNON], the Senator from Pennsylvania [Mr. CLARK], the Senator from Oklahoma [Mr. EDMONDSON], and the Senator from New Jersey [Mr. WILLIAMS] are necessarily absent.

I further announce that, if present and voting, the Senator from Ohio [Mr. YOUNG] and the Senator from Pennsylvania [Mr. CLARK] would each vote "nay."

On this vote, the Senator from New Jersey [Mr. WILLIAMS] is paired with the Senator from Virginia [Mr. BYRD]. If present and voting, the Senator from Virginia would vote "yea" and the Senator from New Jersey would vote "nay."

On this vote, the Senator from Washington [Mr. JACKSON] is paired with the Senator from Louisiana [Mr. LONG]. If present and voting, the Senator from Louisiana would vote "yea" and the Senator from Washington would vote "nay."

Mr. KUCHEL. I announce that the Senator from Kansas [Mr. PEARSON] and

the Senator from Pennsylvania [Mr. SCOTT] are necessarily absent.

The Senator from New York [Mr. JAVITS] is absent on official business.

The Senator from Kentucky [Mr. COOPER] and the Senator from Arizona [Mr. GOLDWATER] are detained on official business.

On this vote, the Senator from Arizona [Mr. GOLDWATER] is paired with the Senator from New York [Mr. JAVITS]. If present and voting, the Senator from Arizona would vote "yea," and the Senator from New York would vote "nay."

On this vote, the Senator from Kansas [Mr. PEARSON] is paired with the Senator from Pennsylvania [Mr. SCOTT]. If present and voting, the Senator from Kansas would vote "yea," and the Senator from Pennsylvania would vote "nay."

If present and voting, the Senator from Kentucky would vote "nay."

The result was announced—yeas 40, nays 42, as follows:

[No. 526 Leg.]

YEAS—40

Alken	Ervin	Proxmire
Allott	Gruening	Randolph
Bayh	Holland	Robertson
Beall	Hruska	Russell
Bennett	Johnston	Simpson
Bible	Jordan, N.C.	Talmadge
Boggs	Jordan, Idaho	Thurmond
Carlson	Lausche	Tower
Cotton	McClellan	Walters
Curtis	Mechem	Williams, Del.
Dominick	Morse	Yarborough
Douglas	Mundt	Young, N. Dak.
Eastland	Nelson	
Ellender	Prouty	

NAYS—42

Bartlett	Humphrey	Monroney
Brewster	Inouye	Morton
Byrd, W. Va.	Keating	Muskie
Case	Kuchel	Neuberger
Church	Long, Mo.	Pastore
Dirksen	Magnuson	Pell
Dodd	Mansfield	Ribicoff
Fong	McCarthy	Salinger
Fulbright	McGee	Saltonstall
Hart	McGovern	Smathers
Hartke	McIntyre	Smith
Hayden	McNamara	Sparkman
Hickenlooper	Metcalfe	Stennis
Hill	Miller	Symington

NOT VOTING—18

Anderson	Edmondson	Long, La.
Burdick	Goldwater	Moss
Byrd, Va.	Gore	Pearson
Cannon	Jackson	Scott
Clark	Javits	Williams, N.J.
Cooper	Kennedy	Young, Ohio

So Mr. MORSE's amendment was rejected.

Mr. FULBRIGHT. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. HUMPHREY. Mr. President, I move that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Minnesota to lay on the table the motion of the Senator from Arkansas to reconsider the vote by which the amendment was rejected.

Mr. MORSE. Mr. President, on this question, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Tennessee [Mr. GORE], the Senator from Washing-

ton [Mr. JACKSON], the Senator from Louisiana [Mr. LONG], the Senator from Utah [Mr. MOSS], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON] and the Senator Massachusetts [Mr. KENNEDY] are absent because of illness.

I further announce that the Senator from Nevada [Mr. CANNON], the Senator from Pennsylvania [Mr. CLARK], the Senator from Oklahoma [Mr. EDMONDSON], and the Senator from New Jersey [Mr. WILLIAMS] are necessary absent.

I further announce that, if present and voting, the Senator from Ohio [Mr. YOUNG], the Senator from New Jersey [Mr. WILLIAMS], and the Senator from Pennsylvania [Mr. CLARK] would each vote "yea."

On this vote, the Senator from Washington [Mr. JACKSON] is paired with the Senator from Louisiana [Mr. LONG]. If present and voting, the Senator from Washington would vote "yea," and the Senator from Louisiana would vote "nay."

Mr. KUCHEL. I announce that the Senator from Kansas [Mr. PEARSON] and the Senator from Pennsylvania [Mr. SCOTT] are necessarily absent.

The Senator from New York [Mr. JAVITS] is absent on official business.

The Senator from Kentucky [Mr. COOPER] and the Senator from Arizona [Mr. GOLDWATER] are detained on official business.

If present and voting, the Senator from Kentucky [Mr. COOPER] would vote "yea."

On this vote, the Senator from New York [Mr. JAVITS] is paired with the Senator from Arizona [Mr. GOLDWATER]. If present and voting, the Senator from New York would vote "yea," and the Senator from Arizona would vote "nay."

On this vote, the Senator from Pennsylvania [Mr. SCOTT] is paired with the Senator from Kansas [Mr. PEARSON]. If present and voting, the Senator from Pennsylvania would vote "yea," and the Senator from Kansas would vote "nay."

The result was announced—yeas 42, nays 41, as follows:

[No. 527 Leg.]

YEAS—42

Bartlett	Hill	Miller
Bayh	Humphrey	Monroney
Brewster	Inouye	Morton
Byrd, W. Va.	Keating	Muskie
Case	Kuchel	Nelson
Church	Long, Mo.	Pastore
Dirksen	Magnuson	Pell
Dodd	Mansfield	Ribicoff
Fong	McCarthy	Salinger
Fulbright	McGee	Saltonstall
Hart	McGovern	Smathers
Hartke	McIntyre	Smith
Hayden	McNamara	Sparkman
Hickenlooper	Metcalfe	Symington

NAYS—41

Aiken	Ervin	Proxmire
Allott	Gruening	Randolph
Beall	Holland	Robertson
Bennett	Hruska	Russell
Bible	Johnston	Simpson
Boggs	Jordan, N.C.	Stennis
Byrd, Va.	Jordan, Idaho	Talmadge
Carlson	Lausche	Thurmond
Cotton	McClellan	Tower
Curtis	Mechem	Walters
Dominick	Morse	Williams, Del.
Douglas	Mundt	Yarborough
Eastland	Neuberger	Young, N. Dak.
Ellender	Prouty	

NOT VOTING—17

Anderson	Goldwater	Moss
Burdick	Gore	Pearson
Cannon	Jackson	Scott
Clark	Javits	Williams, N.J.
Cooper	Kennedy	Young, Ohio
Edmondson	Long, La.	

So the motion to lay on the table was agreed to.

Mr. HART. Mr. President, I call up my amendment No. 1190.

The PRESIDING OFFICER. The amendment of the Senator from Michigan will be stated.

The Chief Clerk proceed to read the amendment.

Mr. HART. Mr. President, I ask unanimous consent that the reading of the amendment be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be printed in the RECORD.

The amendment is as follows:

On page 16, between lines 17 and 18, insert the following:

"CHAPTER 3—MISCELLANEOUS PROVISIONS

"SEC. 303. Chapter 3 of part III of the Foreign Assistance Act of 1961, as amended, which relates to miscellaneous provisions, is amended by adding at the end thereof the following new section:

"SEC. 648. SPECIAL AUTHORIZATION FOR USE OF FOREIGN CURRENCIES.—Subject to the provisions of section 1415 of the Supplemental Appropriation Act, 1953, the President is authorized, as a demonstration of good will on the part of the people of the United States for the Polish and Italian people, to use foreign currencies accruing to the United States Government under this or any other Act, for assistance on such terms and conditions as he may specify, in the repair, rehabilitation, improvement, and maintenance of cemeteries in Italy serving as the burial place of members of the armed forces of Poland who died in combat in Italy during World War II."

Mr. HART. Mr. President, before proceeding, I ask unanimous consent that the names of the distinguished Senator from Nebraska [Mr. HRUSKA] and the distinguished Senator from Minnesota [Mr. MCCARTHY] be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, the amendment would authorize the President to use foreign currencies accruing to this Government to rehabilitate and to maintain the cemeteries in Italy which contain the graves of Poles who fell in the allied offensive at Monte Cassino in 1944.

The language which I suggest by the amendment we should add to the bill was contained in the bill as it came to us from the other body.

I am advised that the Director of AID would not object to the amendment. I do not state, and it would be improper to state, that he supports the amendment.

The facts, briefly, are as follows: Between 4,000 and 4,100 Poles fought and fell in the 2d Polish Army. These men very largely had escaped through the Mediterranean basin to the west after the Germans moved into Russia. History records many dramatic engagements in World War II, but I submit that history will always underscore the action in front of Monte Cassino at the

Rapido River as one of the very key days in the allied offensive. Those men were fighting with us and for the cause which we held dear. The Polish Government in Warsaw today is completely indifferent to the graves of these men. The Polish Government in exile in London in those days no longer exists.

It would seem to those of us who offer the amendment that we could very dramatically portray to the people of Poland our continuing concern and respect for Polish men who fell in defense of freedom's cause.

I very much hope that the Senate will return to the bill the language that came to us from the House. That would be the effect of the amendment.

For those who are interested in a brief sketch of the history of the cemeteries, I suggest that they reread an article which was contained in the CONGRESSIONAL RECORD of August 5, 1964, at page 17484. It is a description by a GI who returned to the great battle scene, and it is a heartbreaking story of the disrepair of the cemetery in Italy which contains the places of honored rest of brave men, the maintenance of which places America very prudently could authorize the President to undertake.

Mr. HRUSKA. Mr. President, will the Senator from Michigan yield?

Mr. HART. I yield.

Mr. HRUSKA. I thank the distinguished Senator from Michigan for extending to me the privilege of being a cosponsor of his amendment. I subscribe to the thoughts which he has expressed and the reasons that he thinks the amendment should be adopted. The world thrilled to the very bitter and strategic battle which occurred in Monte Cassino, approximately 20 years ago. But it was tragic in many of its aspects.

There has been the task of rebuilding the village. There has been a job of rehabilitating and, in fact, reconstructing the abbey itself. But the cemetery which is the last resting place of 4,085 members of the Polish contingency that fought on the side of the allies on that occasion lies quite abandoned and neglected. A memorial has been constructed at the site, but it is in a sad state of disrepair. It does not reflect any great credit upon the feeling of appreciation for the sacrificial acts that were performed there.

Obviously the present Government of Poland will have no part of it and will do nothing in the circumstances. There is no longer a Polish Government in exile in London; and if anything is to be done, it will have to be done by a method something like that which has been proposed by the Senator from Michigan in the amendment, and which the Senator from Nebraska supports. As I understand, the amendment would merely authorize the appropriation of funds. It would employ the use of counterpart funds wherever they are available and any such unexpended balance that there may be for this purpose. I urge Senators to adopt the amendment.

Mr. HART. Mr. President, I appreciate the support of the Senator from Nebraska.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. COOPER. I did not hear the explanation of the Senator from Michigan. Will he repeat his explanation?

Mr. HART. Very briefly, the amendment would authorize the President, when counterpart funds are available—and it would require a specific further appropriation action—to rehabilitate and thereafter maintain the cemetery in Italy in which are buried about 4,000 Polish soldiers who fought with the 2d Polish Army at Monte Cassino. Today, tragically, the cemetery is in terrible disrepair. It affronts anyone sensitive to the values that persuaded those men to make that sacrifice.

We in America could here make a significant gesture to the people of Poland and elsewhere in Eastern Europe, demonstrating our continuing realization that the aspirations which were theirs then and which we shared then continue to be shared. We think this is a tangible method to demonstrate that concern.

Mr. COOPER. I thought the Senator might have also been referring to the cemetery at Arnhiem, where lie a number of Polish paratroopers who also gave their lives in their devotion to the allied cause.

Mr. HART. Mr. President, I yield to the Senator from Maine [Mr. MUSKIE], but first I ask unanimous consent that his name be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, I thought it might be appropriate at this point to give the Senate some description of the Polish graves in Italy as contained in Mr. Deutschman's article. I quote as follows:

A few hundreds yards below the abbey is a small sign saying: Polish Cemetery." The Free Poles were the ones who finally stormed and captured the remains of the abbey, and you walk for about a half mile past a jangly-belled donkey, two cows feeding in the bushes, and two gypsylike peasant women who hardly glance at you, to what is undoubtedly the most heartbreaking sight of your trip.

A graveled path leads up to a simple stone pillar with a cross on top. A growth of mimosa trees forms an impressive cross of greenery beside an altar, flanked by two Polish eagles, with 10 coats of arms on its front. Below is a plot of perhaps 500 graves.

But there is no caretaker here, and the altar has sightseers' names scratched on it (happily, no American ones). The graves are literally falling away into the earth. The crosses and flat stones are of inferior marble, and some in half; others have been eaten away by the weather so that you can barely make out the names engraved on them. Most of the men, you notice, died on May 12, 1944. Two of the crosses have faded bits of colored ribbon hanging from them, undoubtedly signifying medals. The gate has a pair of brave stone eagles on either flank, but they are corroded with holes. Underneath, there is a flame—like the Eternal Flame at Arlington or under the Arch of Triumph in Paris—but it is unlit, and there are three weatherworn wreaths alongside. You cannot help but contrast this Polish memorial with all others you have seen—and realize that there is inequality even in death.

I should like to point out, as the Senator from Michigan has so well pointed

out, that these are graves of men who fought for freedom in World War II, the men we cheered from the sidelines in America, for long months and years. They did not achieve their goal, but they died for it, and it seems to me we owe an obligation to honor them at the place where they fought and where they lie dead on Italian soil.

Mr. HART. I echo the eloquent plea made by the Senator from Maine.

Mr. President, I also ask unanimous consent to add as an additional cosponsor the name of the Senator from Wisconsin [Mr. PROXMIER].

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, I am also delighted to ask unanimous consent that the Senator presiding in the chair at the moment, the Senator from Hawaii [Mr. INOUYE], may be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, will the Senator yield?

Mr. HART. I yield to the Senator from Rhode Island.

Mr. PELL. It is my recollection that the Poles who were fighting at Monte Casino were under British command. Have the British, under whose command the Poles were fighting, been contacted with respect to the responsibility of looking after the graves?

Mr. MUSKIE. It is true, as the Senator has said, that the British Army was in command and that the Poles took their general field direction from them.

As to the specific question addressed to me, I must confess I have no knowledge of it. I do not know whether the British Government would care to cooperate in the undertaking or not. I would feel that we clearly could rehabilitate these graves, and not condition our action upon the participation by any other people, although it would be surely welcome if the British Government expressed a similar desire.

Mr. PELL. Mr. President, will the Senator yield further?

Mr. MUSKIE. I yield.

Mr. PELL. Does the Senator have knowledge of any other graves honoring allies or co-belligerents of ours that we currently take care of now?

Mr. MUSKIE. I do not know whether there is a comparable cemetery or not.

Mr. PELL. Otherwise, would it not be establishing a precedent as to future wars and in connection with past wars?

Mr. MUSKIE. If this is indeed a precedent, I think the compelling reasons for doing this as a first step are sufficient unto themselves and would indeed persuade us to act similarly in the future—pray God we shall not have another war—for those who fought and died for us and who were dishonored in that place of rest. I would pray that in the future there will be no similar need. We all hope there will be no such necessity. Indeed, we are told, if there is a war on a massive scale there will not be enough people left to dig graves for the dead.

Mr. PELL. I think it will be found that in the Far East and Eastern Europe

there are many graves of those who fought for our cause or our side of the war which are in bad condition indeed.

Mr. MUSKIE. If that is the case, I would suggest that our own Battle Monuments Commission inventory and report on them. I for one would feel very uncomfortable if this situation were found to exist, and would indeed urge that it be corrected.

Mr. BEALL. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. BEALL. Is it the Senator's intention to ask for the yeas and nays on this amendment?

Mr. MUSKIE. No; we are content to accept the sound judgment of Senators present on the floor.

Mr. BEALL. Mr. President, I wonder if the Senator would allow me to become a cosponsor?

Mr. MUSKIE. I would be delighted.

Mr. BEALL. I ask to join the amendment as a cosponsor, and I also ask that same permission in behalf of the Senator from Pennsylvania [Mr. SCOTT].

Mr. HART. Mr. President, I ask unanimous consent that the names of the Senator from Maryland [Mr. BEALL] and Pennsylvania [Mr. SCOTT] be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUSCHE. Mr. President, I desire to offer my support of the amendment offered by the Senator from Michigan, and I ask unanimous consent to have my name added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUSCHE. Mr. President, I cannot help recalling that when Poland fell 200,000 Poles left Poland as the remnants of the government of that nation. Most of them went to England and there awaited assignment to the various battlefields of the world. As the war continued we found the Poles fighting not only in Africa, Italy, and France, but everywhere where the cause of freedom was being defended. The Poles were friends of the West. They were not Communists. They, in a measure, subsequently became the victims of the perfidy of Red Russia when, through the air waves, Red Russia called upon the Poles to revolt under Nazi domination in the belief that Red Russia would come to its aid.

Today, Poland is ruled by Communists. The friends of the West are not loved by the Communist government. The Polish people, however, are on our side. I venture to say that in behalf of the 4,000 Poles who lie asleep at the cemetery near Monte Cassino the bells of Poland do not toll in memory. Prayer in public cannot be said in their behalf. Wreaths of flowers cannot be placed upon the graves of those patriots by the Polish people. Prayers and the ritual of mass cannot be said in their memory in Poland. If there is to be an honoring of these patriots of the West, it will not come through the words of the Communist government. It may come some day when freedom is restored in Poland.

While we await that day, knowing what these volunteers of Poland did, it is only proper that our government honor these graves. Those heroes did not run. They stood fast, ready to be assigned wherever the West would send them. The consequence is that the lives of the Poles were given in practically every important battle in which we were engaged. It is nothing more than a tender token of the sympathy of the American people to honor those graves and to let the Polish people know that while the Communist government of Poland will not do the job, we of the United States will.

I commend the Senator from Michigan.

Mr. HART. I appreciate what the Senator has said. I hope the Senate will adopt the amendment.

Mr. FULBRIGHT. Mr. President, the provision was contained in the House version. The Senate committee struck it out, because in our opinion, there was no testimony to justify such a provision. These Poles were not members of the United States Armed Forces. They were primarily members of the British forces. They were not American soldiers, in other words.

I also point out that no excess lire are available. It would be necessary to appropriate the money from the Treasury to implement this provision. As much sympathy as I have for the Poles, soldiers of many nationalities fought in our armies, in the British Army, and in other foreign armies of the West in various wars, for whom we could do the same thing that is suggested we do for the Poles.

This would be an unprecedented action. I can think of no case in which we have made an appropriation of Federal funds to care for cemeteries of nationals of other countries who have been engaged in battles in which we had an interest.

I presume we could find, if we looked over the world, many instances in which nationals of other countries have fallen in battles in which we were interested; but in no case, to my knowledge, would we find our Government undertaking either to build or care for or maintain cemeteries for nationals of other countries.

Finally, the question will be in conference with the House, and it could be more amply discussed and perhaps resolved at that time. For the moment, the committee voted to eliminate the provision. I hope the Senate will support the committee in this respect.

Mr. KEATING. Mr. President, I wish to express my commendation for our colleague from Michigan [Mr. HART] for raising this important issue, and to tell him that I support the amendment completely. With his permission, I should be delighted to be a cosponsor of the amendment.

Mr. HART. I ask unanimous consent that the Senator's name may be added to the amendment as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEATING. While I realize that the matter will be in conference even if

we do not take action here, my experience with this kind of proposal for conference committee consideration has not been a happy one. I remember several instances when amendments were accepted and taken to conference, and that was the last we ever heard of them.

Without in any way challenging the good faith of the distinguished chairman of the Foreign Relations Committee, or his statement that the question would be considered in conference, as I understand, all that is involved is the use of foreign currencies that accrue to our Government. While the currencies may not be available in Italy, they are available in a number of other countries and possibly could be transferred.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. KEATING. I yield.

Mr. FULBRIGHT. That is not relevant. It is not possible to use rupees in Italy for example.

Mr. KEATING. But it is possible to use rupees if the authorization to use rupees is there.

Mr. FULBRIGHT. In Italy?

Mr. KEATING. Members of Congress traveling abroad are given counterpart funds. Through an arrangement with the State Department, the Department makes available counterpart funds for use by Members of Congress in countries that do not have counterpart funds. I believe that the Polish soldiers who fought side by side with us are just as worthy of consideration in the use of these counterpart funds as is any Member of Congress.

Mr. FULBRIGHT. I do not argue against the Senator's feeling in the matter. He may be right. However, the so-called counterpart funds are not counterpart in the sense that they were originally intended to be. When the Senator goes to Italy and is given lire that is exactly the same as giving him dollars. It costs the same amount. The Government has to buy lire. It is not possible to use rupees.

Mr. KEATING. The amendment would only authorize the use of foreign currencies for assistance in Italy.

Mr. FULBRIGHT. But it must be lire.

Mr. KEATING. Of course, it must be lire that are spent. My point is that if it is a worthy purpose, it should be done. It may be that lire will develop in the future before we need to use this fund, through sales of surplus foods, for instance. I recognize they are not there today. In the case of traveling Members of Congress, an arrangement is made whereby the currency of a country which has no counterpart funds is made available to a traveling Member of Congress through an arrangement made with some country which has counterpart funds. This is as worthy a case as that of any Member of Congress traveling in Europe.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. KEATING. I yield.

Mr. FULBRIGHT. The administration does not do what the Senator says it does out of the goodness of its heart.

Congress requires it to do so. If the Senator wishes to sponsor an amendment to the effect that no Member of Congress may have the use of these counterpart funds, I might support him. The administration does it because Congress says it must do it, because Congress requires the administration to do it.

Mr. KEATING. I recognize that it is authorized to be done, just as this action would be authorized to be done, if the amendment were adopted. My point is that this is as worthy a cause as that of a traveling Member of Congress.

Mr. FULBRIGHT. That might be.

Mr. KEATING. The amendment is in line with a legislative proposal which I have made, for veterans benefits to be paid to veterans of the Free Polish Army and other armies which fought side by side with us during World War II for the same objective. They, too, deserve veterans benefits to help them and their families pay for medical bills or other expenses which derive directly or indirectly from their years of fighting for the cause of freedom.

The amount involved is not large. It would serve as a tribute to the heroes of Polish ancestry who died, as our boys died, in Italy during World War II. The relatives of many of them now live in this country.

The very least we can do is to provide a suitable burial place for members of the Polish Army who died in the battles of Monte Cassino and the Allied landings in Italy. If our own soldiers were here to speak today, they would welcome this meritorious amendment.

Again, I commend the distinguished Senator from Michigan for bringing it to our attention. I believe it should have overwhelming support.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan [Mr. HART].

Mr. MANSFIELD. Mr. President, on this amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Tennessee [Mr. GORE], the Senator from Washington [Mr. JACKSON], the Senator from Louisiana [Mr. LONG], the Senator from Utah [Mr. MOSS], the Senator from Ohio [Mr. YOUNG], the Senator from Virginia [Mr. BYRD], and the Senator from Virginia [Mr. ROBERTSON] are absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON] and the Senator from Massachusetts [Mr. KENNEDY] are absent because of illness.

I further announce that the Senator from Nevada [Mr. CANNON], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Pennsylvania [Mr. CLARK], and the Senator from New Jersey [Mr. WILLIAMS] are necessarily absent.

I further announce that, is present and voting, the Senator from New Jersey [Mr. WILLIAMS], the Senator from Ohio [Mr.

YOUNG], and the Senator from Pennsylvania [Mr. CLARK] would each vote "yea."

On this vote, the Senator from Washington [Mr. JACKSON] is paired with the Senator from Louisiana [Mr. LONG].

If present and voting, the Senator from Louisiana would vote "nay" and the Senator from Washington would vote "yea."

Mr. CARLSON. I announce that the Senator from Kansas [Mr. PEARSON] and the Senator from Pennsylvania [Mr. SCOTT] are necessarily absent.

The Senator from New York [Mr. JAVITS] is absent on official business.

The Senator from Arizona [Mr. GOLDWATER] is detained on official business.

If present and voting, the Senator from Arizona [Mr. GOLDWATER], the Senator from New York [Mr. JAVITS], the Senator from Kansas [Mr. PEARSON], and the Senator from Pennsylvania [Mr. SCOTT] would each vote "yea."

The Senator from Illinois [Mr. DIRKSEN], the Senator from Iowa [Mr. HICKENLOOPER], the Senator from California [Mr. KUCHEL], and the Senator from Massachusetts [Mr. SALTONSTALL] are detained on official business at the White House.

The result was announced—yeas 60, nays 18, as follows:

[No. 528 Leg.]

YEAS—60

Allott	Gruening	Morton
Bartlett	Hart	Mundt
Bayh	Hartke	Muskie
Beall	Holland	Nelson
Bennett	Hruska	Neuberger
Bible	Humphrey	Pastore
Boggs	Inouye	Prouty
Brewster	Jordan, Idaho	Proxmire
Byrd, W. Va.	Keating	Randolph
Carlson	Lausche	Ribicoff
Case	Long, Mo.	Sallinger
Church	McCarthy	Stennis
Cooper	McGee	Symington
Cotton	McGovern	Talmadge
Curtis	McIntyre	Thurmond
Dodd	McNamara	Tower
Dominick	Mechem	Walters
Douglas	Metcalf	Williams, Del.
Eastland	Miller	Yarborough
Fong	Monroney	Young, N. Dak.

NAYS—18

Alken	Johnston	Pell
Ellender	Jordan, N.C.	Russell
Ervin	Magnuson	Simpson
Fulbright	Mansfield	Smathers
Hayden	McClellan	Smith
Hill	Morse	Sparkman

NOT VOTING—22

Anderson	Gore	Pearson
Burdick	Hickenlooper	Robertson
Byrd, Va.	Jackson	Saltonstall
Cannon	Javits	Scott
Clark	Kennedy	Williams, N.J.
Dirksen	Kuchel	Young, Ohio
Edmondson	Long, La.	
Goldwater	Moss	

So Mr. HART's amendment was agreed to.

Mr. HART. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. KEATING. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. MORSE. Mr. President, I wish to make a statement in explanation of my vote against the Hart amendment,

which amendment was just adopted by the Senate. I was called from the Chamber when the chairman of the Foreign Relations Committee [Mr. FULBRIGHT] made his statement in regard to this particular amendment.

I had planned to vote for the amendment. I believe that we should do what we can to provide appropriate care for the graves of Polish veterans of World War II in Italy.

Inasmuch as I was absent from the Chamber, and did not get back until the vote had started, I therefore could not ask any questions.

I was advised that the chairman of the Foreign Relations Committee had said that there are no excess funds in Italy.

I hold his statement in my hand, in which he states, in part:

First, no testimony was presented during the hearing phase which would have clarified the arguments for this proposal and its further implications; second, the foreign currencies referred to obviously would be Italian lire, which are not in "excess" supply. In connection with the second point, a successful effort to implement this authority could take place only if dollars were appropriated with which to buy lire.

While the vote was being taken, I asked certain questions of my colleagues on the Committee on Foreign Relations. They said there are not any excess Italian funds, that we do not have a storage supply of Italian so-called counterpart funds, as we have with so many other countries of the world. Therefore I decided that I could not vote for what I considered to be an empty gesture.

It is my own personal opinion that my constituents are entitled to know my reasons for the vote. I could not vote for an amendment, although I am for the purpose of the amendment, when at the time of the vote I was voting funds which were nonexistent.

I believe that raises false hopes. If they state in the bill that they wish to make an appropriation to pay for perpetual care for Polish graves in a cemetery in Italy, I believe I would support that bill.

I voted against this because in my judgment I thought it was asking me to vote for something when, in fact, the funds that are supposed to be used to accomplish the purpose are nonexistent. The Senator from Oregon does not hold for that kind of legislation.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, communicated to the Senate the intelligence of the death of Hon. JOHN B. BENNETT, late a Representative from the State of Michigan, and transmitted the resolutions of the House thereon.

DEATH OF JOHN B. BENNETT, A REPRESENTATIVE FROM THE STATE OF MICHIGAN

Mr. HART. Mr. President, we have just been advised of the death of the senior member of the Michigan delega-

tion, Representative JOHN B. BENNETT. I am sure that there will be time for those of us who knew him well to express more fully and adequately our deep regret at his passing.

While I am in the Chamber, I assure the family of Representative BENNETT of the great sense of loss that each Senator feels. Whatever political differences there may have been, in everything that Representative BENNETT did, he always sought to do that which would advance the best interests of his country.

The PRESIDING OFFICER. The Chair lays before the Senate a resolution from the House of Representatives, which the clerk will read.

The Chief Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of the Honorable JOHN B. BENNETT, a Representative from the State of Michigan.

Resolved, That a committee of fifty-four Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect, the House do now adjourn.

Mr. HART. Mr. President, I send to the desk a resolution and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the resolution submitted by the Senator from Michigan.

The Chief Clerk read the resolution (S. Res. 349) submitted for himself and Mr. McNAMARA, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. JOHN B. BENNETT, late a Representative from the State of Michigan.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

The resolution was considered by unanimous consent, and unanimously agreed to.

The PRESIDING OFFICER. The Chair appoints the two Senators from Michigan [Mr. McNAMARA and Mr. HART] to accompany the committee from the House to attend the funeral of the late Representative BENNETT.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. PROXMIRE. Mr. President, I call up my amendment No. 1207 and ask unanimous consent that the amendment

be not read, but printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I have modified my amendment on page 2, line 2, following the word "affiliates," deleting the remaining of the language on line 2.

The PRESIDING OFFICER. The Senator has the right to modify his amendment.

The amendment, as modified, was ordered to be printed in the RECORD, as follows:

On page 10, between lines 12 and 13, insert the following:

"(b) Amend section 604(b), which relates to maximum prices for commodities procured under the Act, by inserting '(1)' after the word 'than' and by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: 'or (2) in the case of petroleum or petroleum products, the price generally charged by the supplier in comparable export sales from the source country at the time of purchase. Clause (2) of the foregoing sentence shall not apply to the purchase price in sales under formal competitive bid procedures. The term "comparable export sales" as used in such clause shall not include sales to affiliates.'"

"(b) Amend section 604, which relates to procurement, by adding the following new subsection (e):

"(e) None of the funds made available under this Act shall be used to pay any barter agent's commission or other servicing charges or disposal fees in any case in which commodities or defense articles furnished to a recipient country are procured through the barter of other commodities or articles, and any such commission, charge, or fee shall be paid by the supplier of the commodities or defense articles so furnished or the recipient country."

Redesignate subsections (b) to (f) as (c) to (g), respectively.

Mr. PROXMIRE. Mr. President, AID is consistently paying prices for oil which is far in excess of existing market prices. My amendment would require AID or recipient countries using AID funds to purchase oil at competitive market prices rather than artificially higher prices.

NO QUESTION OF BUY AMERICA

These amendments do not involve the so-called buy America policy. The question of where products are purchased, or the ownership of the companies from which products are purchased, is not raised. The only purpose of my amendments are to see that, wherever or from whomever are bought, we receive the maximum value for the expenditure.

What's wrong with that? Who can object to insuring that we get value received for our money? Certainly not the countries receiving aid, since they will receive the same amount of final goods whether high prices or low prices are paid.

The purpose of foreign aid is not to provide dollars but to provide physical goods that can be actually used in the recipient country.

In effect, they provide AID with more real assistance at no cost to the taxpayer since the Agency will be able to

purchase more products with the same amount of funds. The first part of my amendment, moreover, is based verbatim on a proposed regulation issued by the Agency. The reason I am proposing my amendment is simply that AID has not seen fit to issue the regulation in final form and I believe a matter of this importance should be in law rather than in regulation.

THE PRICES PAID BY AID

For the past decade, AID petroleum procurements have amounted to over \$100 million a year. Virtually all of these purchases, incidentally, have been from overseas sources and over 50 percent from foreign-owned companies. Thus, there has been a major drain on our balance of payments from these purchases alone.

Now, at what prices was this oil purchased? About 2 percent of the purchases were for lubes and greases. These were purchased from U.S. firms, from independent producers, and at competitive prices. All the rest—98 percent or more than \$100 million—was purchased from seven international companies and all was purchased at posted prices which are 20 to 35 percent over world prices. That means a \$20 to \$35 million of American taxpayers' money spent wastefully.

How can such artificial prices be established? The seven international companies have affiliated operations throughout the world. The companies can set virtually any prices they wish on the in-the-house transactions among their own affiliates. Their normal policy is to establish artificially high prices in the producing countries so that profits can be retained in these countries where taxes are low.

To make that as clear as I can, where taxes are low in a producing country of one of the seven companies, the company sets artificially high prices—20, 30, or even 40 percent higher than competitive market prices. No one except AID and the affiliates of the company will pay those prices. The affiliate pays the price because the profit would go into the same overall holding company. And if taxes are lower in the producing country the overall taxes of the corporation would be less and profits higher. It makes sense for the corporation to handle its bookkeeping in this profitmaking way. But it makes no sense for AID to pay a price that is higher and in most cases much higher than the world price.

Aside from affiliates, virtually no one pays these posted prices except AID or countries receiving AID funds. In these cases, AID essentially insists upon purchases at posted prices. The result of this policy is either that countries which we judge require oil obtain 20 to 30 percent less than they need or the U.S. taxpayers pay 20 to 30 percent more than is necessary so that seven international oil companies can benefit.

What is the justification given by AID for such a policy? The only answer is that these are the "normal channels of trade." Yet they obviously are not. What private firm would pay a high price for a product when it can be obtained at

a lower price? Competitive world prices exist and are used by private buyers. Our own Defense Department also consistently pays competitive world prices and refuses to pay posted prices at present and it works effectively. Clearly, AID should indicate to countries receiving aid that they should buy at the lowest prices available. This procedure is exactly what my first amendment would require.

BROKER COSTS PAID BY AID

There are other examples of how AID purchases at excessively high prices. One of the ways in which petroleum products are purchased by foreign countries with AID funds is through barter. Thus, funds are provided which are used to purchase agricultural surpluses which are in turn exchanged for other commodities, such as oil and gas. These transactions still involve posted prices and therefore a loss to the American taxpayer. In one case alone, in 6 months, barter arrangements with the Government of Tunisia cost an additional \$4 million because posted prices rather than competitive prices were used.

But even more is involved. According to rules issued in connection with these barter arrangements, "No barter agent's commission may be paid by the suppliers of petroleum products." This is an incredible provision for the benefit of one industry. Suppliers of all products customarily pay the servicing charges and disposal fees associated with their sales. These are normal costs to a seller of selling his products. Why should the normal business procedures be completely overturned by a Government order leading to additional Federal expenditures for the benefit of one industry?

From July 1, 1949, through March 31, 1963, over \$1½ billion of barter transactions were consummated all without the Commodity Credit Corporation subsidizing the barter contractor in the form of a "disposal fee" payment.

It was not until August of 1963 that procedures of this type were set up within the framework of the barter regulations, and the general recommendations from Agriculture at that time indicated that these subsidies should be paid only if absolutely necessary.

There have only been about \$200 million worth of barter contracts from August 1963 until now that could have been incorporated under these new regulations.

When AID finances barter transactions involving oil, AID insists the oil suppliers should not pay brokerage or selling cost ranging from 2½ percent to 3 percent gross. This means the taxpayer pays the broker's fee.

PAYMENTS OF COSTS IN EXTREME CASES

For example, a foreign country such as Turkey obtains AID funds for the purchase of agricultural products. Turkey trades these agricultural goods with a foreign-owned oil company such as Royal Dutch Shell and AID will pay the brokerage fees. This has actually happened on several occasions.

This peculiar treatment has obviously set a precedent. Other producers will

now be coming to AID and asking for the same type of "service" that the Agency is providing to oil companies. If we do not stop this practice now, the first thing we know AID may pay other operating costs of companies—domestic and foreign—which sell products to foreign governments. Do we really want such a policy? I think not, the other part of my amendment simply requires that AID not pay these business costs.

A July 1963 article in *Petroleum Intelligence Weekly* report that:

Whatever price "stability or rigidity" may have existed in international oil is a thing of the past.

As a result of rapidly changing conditions in the last 5 years, says Howard W. Page, Standard Oil of New Jersey director and vice president.

Page made this comment in challenging a university professor's description of the international oil industry as an oligopoly. Their remarks were made at a meeting of the Princeton University conference, the proceedings of which were made public by Princeton this week-end.

Page cited these examples of competition today: "Actual" sales prices for Persian Gulf crude have fallen 45 cents a barrel for the heaviest grades to "as much as 65 cents" for the lightest crudes since the 1957-58 peak. Page observed:

In considering crude oil prices, it is important to distinguish clearly between posted prices and actual prices. Posted prices are used to determine government revenue in middle Europe. There is sometimes a tendency to equate posted prices with the actual market. Unfortunately, this is no longer the case, and rigidity in posted prices should not be taken to imply rigidity in actual prices for crude oil and in realization from the ultimate sale of products.

In a December 1963 article in *Petroleum Intelligence*, it is reported that:

The indicated discount (i.e., from posted to actual) on the Texaco sale (to the Tunisian Government); an eye-opening discount of 37 to 42 cents a barrel. (At the approximate time, the posted price was \$1.80.) And also that a discount to Morocco by Texaco of 47 cents a barrel, when the posted price was \$2.17.

In these cases the buyers were other governments. They were not using AID funds. What did they pay? Not posted prices, but competitive prices.

SUMMARY

Mr. President, I wish in conclusion to indicate exactly the types of abuses that I am concerned about in our AID program and the types of changes that will be made by my amendments.

First. AID is paying rigged prices for oil that are far above, sometimes 20 to 35 percent above, the prices that any business would pay for the same products. This is because AID, and it alone, is willing to pay prices that are set by companies simply for their own in-the-house transactions that have no relationship to the marketplace.

Second. The first part of my amendment would simply require AID to buy oil at market prices established in com-

petitive markets. Such competitive procedures would permit independent producers to bid on these sales and obtain the type of competitive markets for which the United States should be known. This first amendment follows the line of a proposed regulation by AID which the agency has never seen fit to make final.

Third. In some cases, AID is obligating our Government to pay broker's fees for oil which sellers normally pay and which have already included in the prices charged to AID.

Fourth. The second part of my amendment simply makes it clear that our Government should not pay these brokerage fees. In this way, we will eliminate a precedent by which all sellers to AID could insist upon payment of some of their costs. At present, we are even paying these costs in some cases where the United States is not even a participant in the transactions.

Fifth. Mr. President, the United States has been known for its freely competitive marketplace. For the one agency that deals most with foreign nations, it would seem sensible that, as my amendments provide, our Government operates as a prudent trader in the marketplace and pays only prices established by competitive practices.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. SPARKMAN. Mr. President, this amendment has been discussed with the Senator from Wisconsin [Mr. PROXMIRE], and with the chairman of the committee [Mr. FULBRIGHT]. It is my understanding that the Senator from Arkansas expressed a willingness to accept the amendment.

Mr. PROXMIRE. Mr. President, I thank the distinguished Senator. I press my amendment to a vote.

The PRESIDING OFFICER (Mr. WALTERS in the chair). The question is on agreeing to the amendment, as modified, offered by the Senator from Wisconsin [Mr. PROXMIRE].

The amendment, as modified, was, agreed to.

Mr. SPARKMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MILLER. Mr. President, I call up my amendment No. 1183 and ask that it be stated.

The PRESIDING OFFICER. The amendment of the Senator from Iowa will be stated.

The CHIEF CLERK. On page 12, line 23, it is proposed to add the following new subsection:

(g) In order to encourage preservation of the financial solvency of the United Nations which is being threatened by the failure of some member nations to pay currently their

assessments and/or contributions to the United Nations, no assistance shall be furnished under the provisions of this Act, to the government of any nation which is more than one year in arrears in its payment of any assessment by the United Nations for its regular budget or for peace and security operations, unless a report is first furnished by the President to the Committee on Foreign Relations of the Senate and to the Speaker of the House of Representatives setting forth his determination that such assistance should nevertheless be furnished, accompanied by the reasons for such determination, including the assurance, if any, given by the government concerned of paying (independently of such assistance) all such arrearages and placing its payments of such assessments on a current basis, or an explanation of the unusual and exceptional circumstances which make it economically incapable of giving such assurance.

Mr. MILLER. Mr. President, the cold war demands on the world make it imperative that we reorient our foreign aid policies. It should be impressed upon various countries that they must do their share in making this world a better place in which to live.

The United Nations, a world organization designed to bring the peoples of the world closer together, has actually in some ways, drawn us farther apart.

One reason for this is that some nations treat the organization as merely a global forum to air their interests. They want that forum, in fact, need that forum, but they do not concern themselves with maintaining it. They have adopted as their motto—"let Uncle Sam do it." But they are the first to spring to the forefront in theatrical breast-beating if the United States does something which displeases them.

The United States must be put on record that it is displeased with the attitude of those nations which derive the benefits but ignore their share of the costs of operating the United Nations.

This is the purpose of my amendment. It would deny to those nations more than 1 year in arrears on their U.N. dues and assessments the opportunity to receive our foreign aid. We would be saying to them, "Either do your fair share to support the United Nations or that share of our taxpayer's dollar which was scheduled for you will go elsewhere to those nations which are concerned with the welfare of the world, as expressed through their support the United Nations."

My amendment would encourage the preservation of the financial solvency of the United Nations. Its very existence is being threatened by the failure of many nations to pay their just dues and assessments—all scaled, I might add, on the basis of relative ability.

Efforts have been and are being made to submerge the degree and extent of irresponsibility of these delinquent countries. Such is the result, if not the purpose, behind the recent change by the U.N. Secretariat in its method of reporting on arrearages. Instead of listing delinquencies on a year-by-year basis, they are now being lumped together. So, unless one is willing to make a detailed examination of previous reports—De-

cember 31, 1963, and before—it is difficult to ascertain how long and how much each country is in arrears for particular years. Not too many newsmen have the time to make a country-by-country analysis of the arrearages.

One State Department official said, when queried as to the reasons behind this change, "It is a face-saving device, making it difficult to find out who pays precisely what."

But the financial crisis of the United Nations cannot be hidden. One cannot ignore the fact that total United Nations arrearages, as of June 30, 1964, came to a staggering total of \$123 million.

And 51 nations which received assistance, in one form or another, from the United States in fiscal year 1963 cannot avoid their responsibility for creating this situation. Some are delinquent for the year 1963 only, but 41 nations have dues and assessments outstanding not only for 1963 but for 1962, and in many cases, before.

These 41 are the countries which would be, and should be, affected by my amendment.

These are the countries which received more than \$1,600 million in aid from the United States in fiscal year 1963.

These are the countries which are behind close to \$48 million in United Nations dues and assessments for all years.

These are the countries which owe close to \$38 million in unpaid dues for the years 1962 and before.

These are the nations whose receipts from our foreign aid in 1 year alone totaled many times the amount of their delinquencies in the United Nations.

My amendment provides that no assistance shall be furnished under the provisions of this act to the government of any nation which is more than 1 year in arrears in its payment of any assessment of the United Nations for its regular budget or for peacekeeping and security operations.

However, the President is given authority to make exceptions.

If he provides a report to the Committee on Foreign Relations of the Senate and to the Speaker of the House of Representatives, setting forth his determination that such foreign aid should nevertheless be furnished—accompanied by specific reasons—the delinquent nation can receive our aid.

The President's report must also indicate what assurances have been given by the recipient government of paying all its arrearages and placing its payments on a current basis, or set forth a statement of the unusual and exceptional circumstances which make its economically incapable of giving such assurance.

I believe my amendment, if included as a part of this bill, would result in many countries becoming more aware of the necessity for preserving the financial integrity of the United Nations.

If it is necessary to give these nations some shock treatment, it must be done. It is only fair to our taxpayers, who are paying for foreign aid, to do so. And if we do not do it, we may awaken one

day and find that the peace of the world, as reflected in the United Nations, is no more, because the United Nations has gone out of existence due to financial bankruptcy.

On each Senator's desk are some statistics which I believe have a timely bearing on this amendment. The first table lists 52 countries to which we have furnished assistance from fiscal year 1946 through fiscal year 1963, which are delinquent in one or more other assessments by the United Nations.

Of these 52 countries, 51 actually received some type of assistance from the United States in fiscal year 1963. Moreover, of these 51, 41 would be affected by my amendment, inasmuch as the 41 countries are more than 1 year delinquent.

The sources set forth are from the United Nations Secretariat.

On the next chart is a breakdown of the types of delinquency that exist in the United Nations. For example, 26 nations are delinquent in their regular dues. Of those 26, 25 are currently receiving assistance from the United States.

I point out that, of the 26, only Cuba, which is delinquent in its dues account, is not receiving financial assistance from the United States.

Then there is the group that is delinquent in its assessments with respect to the emergency budget. There are 44 of those countries. Of those 44, 43—Cuba being the only exception—are still receiving assistance under our foreign aid programs.

Then there is the Congo ad hoc assessment account. All 52 of the delinquent nations have received assistance from the United States since 1946; 51 are still receiving such assistance, here again Cuba being the only one which is not.

Now for some examples of the delinquencies shown on the next chart. For example, during 1963, Argentina received foreign aid from the United States totaling \$156,500,000. Nevertheless, Argentina could not bring itself to pay \$2,482,878 in back dues and assessments to the United Nations.

I have set forth the delinquencies by the year, not only in the regular budget, but in the emergency force.

It may be noted that the delinquency of Argentina with reference to the emergency force goes back to 1957. I have not attempted to show how much foreign aid has been received from this country during all those years. I merely point out what Argentina received during fiscal 1963 to show the grotesque amount of foreign aid—\$156,500,000—compared to the relatively small amount of the arrearages of \$2,482,878.

One wonders why Argentina could not bring itself to pay these arrearages, particularly in light of the great amount of our foreign aid to her in 1 year alone.

Yugoslavia is another example. During 1963 Yugoslavia received \$113,500,000 in foreign aid from the United States. Its total arrearages came to only \$301,453. Still, Yugoslavia cannot bring

itself to pay its back dues and assessments to the United Nations.

There are other examples.

For example, Poland, during fiscal year 1963, received \$10,800,000 in foreign aid from the United States. Her total arrearages to the United Nations were \$3,665,000.

France is another example. During 1963 France received over \$30 million in foreign aid from the United States. Its total arrearages were \$16,143,000.

In fiscal year 1963, Costa Rica received \$15,500,000 in foreign aid from the United States. Its total arrearages, which it refuses to pay, amount to almost \$29,000—a small fraction of the total amount of foreign aid.

The Dominican Republic is another. In fiscal year 1963 she received in foreign aid \$51,700,000. Yet its total arrearages of \$99,000 could not be paid—or, at least, I should say, would not be paid.

There are others—Bolivia, Chile, Jordan, Somalia.

All these are examples of countries which receive a great amount of foreign aid from the United States in 1 year alone, compared with the relatively small amount of U.N. dues and assessments. They have received assistance from the United States since 1946. Nevertheless, they refuse to pay dues and assessments.

There are some examples of nations which have been receiving our foreign aid, and which, at the same time, are practicing fiscal integrity so far as the United States is concerned.

For example, Colombia in fiscal year 1963 received \$134,900,000 from the United States, and it is current in its payment of dues and assessments.

Israel received \$78,900,000. It, also, is current in its payments of dues and assessments. One wonders what Israel's reaction is to the fact that Chile received \$99 million in foreign aid, as against Israel's \$78 million, but that Israel is current in its payments and Chile is considerably behind in its payments, when Chile's arrearages amount to only a fraction of the total of \$6 billion aid that it has received from this country.

Liberia, Nigeria, Tunisia, and the Ivory Coast are other outstanding examples of nations which have been receiving our foreign aid and at the same time have been practicing fiscal responsibility by paying their dues and assessments on time to the United Nations.

Mr. President, I ask unanimous consent that the various charts and statistics to which I have been referring be placed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Fifty-two countries to which we have furnished assistance from fiscal year 1946 through fiscal year 1963 are delinquent in one or more of their assessments by the United Nations.

Of these 52 countries, 51 received some type of assistance in fiscal year 1963 from the United States; and of these 51, there are 41 which would be affected by the Miller amendment, inasmuch as these countries are more than 1 calendar year delinquent:

Countries which would be affected by Miller amendment

Country	Total U.S. aid, fiscal year 1963	U.N. total arrears for all years	Arrearages for calendar year 1962 and prior ¹	Country	Total U.S. aid, fiscal year 1963	U.N. total arrears for all years	Arrearages for calendar year 1962 and prior ¹
Afghanistan.....	\$19,200,000	\$76,228.00	\$65,161.00	Mexico.....	\$50,900,000	\$1,293,009.00	\$1,129,359.00
Argentina.....	156,500,000	2,482,878.97	2,042,328.97	Morocco.....	75,000,000	148,784.00	117,823.00
Belgium.....	28,100,000	3,271,651.00	2,876,284.00	Nicaragua.....	9,000,000	62,661.50	26,205.00
Bolivia.....	69,900,000	118,990.40	80,019.40	Niger.....	1,400,000	29,214.50	20,369.50
Brazil.....	172,300,000	930,749.50	327,996.50	Panama.....	10,000,000	43,335.50	34,490.50
Chad.....	1,100,000	9,516.23	777.00	Paraguay.....	10,200,000	126,490.50	85,680.50
Chile.....	99,200,000	510,303.00	252,049.00	Peru.....	31,000,000	195,752.50	158,745.50
China.....	212,600,000	14,426,448.00	9,791,580.03	Poland.....	10,800,000	3,665,051.00	3,121,919.00
Costa Rica.....	15,500,000	28,950.59	20,105.59	Portugal.....	18,900,000	188,277.00	161,919.00
Dominican Republic.....	51,700,000	99,624.25	52,354.00	Saudi Arabia.....	(²)	122,885.00	107,404.00
El Salvador.....	23,100,000	15,927.00	7,082.00	Senegal.....	5,200,000	30,014.00	8,965.00
France.....	30,600,000	16,143,083.00	14,186,016.00	Somali.....	9,200,000	28,583.32	7,507.07
Guatemala.....	15,400,000	119,909.00	69,332.00	Spain.....	61,000,000	1,828,833.00	1,638,647.00
Guinea.....	16,000,000	17,064.00	8,219.00	Syria.....	400,000	91,501.00	38,622.00
Haiti.....	6,200,000	125,227.50	85,581.50	Togo.....	1,300,000	34,810.50	20,369.00
Honduras.....	14,400,000	66,179.50	32,385.50	United Arab Republic.....	198,700,000	354,716.37	284,742.00
Iraq.....	1,000,000	172,246.00	152,342.00	Upper Volta.....	1,000,000	47,541.00	12,952.00
Jordan.....	63,600,000	82,617.00	67,772.00	Uruguay.....	24,600,000	263,259.00	155,970.00
Lebanon.....	300,000	23,434.02	12,691.00	Yemen.....	4,000,000	135,467.50	94,657.50
Mauritania.....	200,000	62,230.26	21,314.26	Yugoslavia.....	113,500,000	301,453.00	238,853.00
Mali.....	4,600,000	18,208.86	11,619.86				

¹ Under Miller amendment, withholding of economic assistance would only occur in the case of those nations over 1 year delinquent.

² Military data classified.

Sources: United Nations Secretariat, "Statement on the Collection of Contributions as at Dec. 31, 1963, and June 30, 1964"; "U.S. Aid to Foreign Assistance Act Countries, By Region and Country, Obligations and Loan Authorizations, Fiscal Year 1963"—Preliminary, Statistics and Reports Division, Agency for International Development.

United Nations arrearages as of June 30, 1964

Total.....	\$123,120,345.08
Regular budget.....	10,032,567.73
Emergency force.....	29,687,477.22
Congo ad hoc.....	82,948,912.13
Summary of payments due United Nations and number of countries in each category	
REGULAR BUDGET	
Calendar year 1963 (26 countries).....	\$8,705,582.76
Calendar year 1962 (8 countries).....	1,107,867.00
Calendar year 1961 (5 countries).....	219,117.97

All of the following countries delinquent in their regular budget dues have received assistance from the United States and 25 are still receiving assistance: Argentina, Bolivia, Brazil, Chile, China, Colombia, Cuba,¹ Dominican Republic, Ecuador, Guatemala, Haiti, Honduras, Jordan, Laos, Mauritania, Nicaragua, Paraguay, Peru, Senegal, Somalia, Syria, Togo, United Arab Republic, Upper Volta, Uruguay, and Yemen.

EMERGENCY BUDGET

Calendar year 1963 (44 countries).....	\$2,759,045.88
Calendar year 1962 (35 countries).....	2,251,824.00
Calendar year 1961 (31 countries).....	4,741,805.25
Calendar year 1960 (27 countries).....	4,678,493.09
Calendar year 1959 (20 countries).....	4,289,511.00
Calendar year 1958 (17 countries).....	7,148,481.00
Calendar year 1957 (14 countries).....	3,818,317.00

Forty-four of the following countries delinquent in their emergency fund accounts have received assistance from the United States since 1946 and 43 are still receiving assistance: Afghanistan, Argentina, Bolivia, Chad, Chile, China, Congo (Brazzaville), Costa Rica, Cuba,¹ Dominican Republic, Ecuador, El Salvador, Ethiopia, Guatemala, Guinea, Haiti, Honduras, Iraq, Italy, Jordan, Lebanon, Mexico, Morocco, Nepal, Nicaragua, Niger, Panama, Paraguay, Peru, Poland, Saudi Arabia, Senegal, Somalia, Spain, Sudan, Syria, Thailand, Togo, Tunisia, United Arab Republic, Upper Volta, Uruguay, Yemen, and Mauritania.

¹ Not currently receiving assistance.

Summary of payments due United Nations and number of countries in each category—Continued

CONGO AD HOC	
Calendar year 1963 (52 countries).....	\$12,138,474.30
Calendar year 1962 (38 countries).....	24,065,432.00
Calendar year 1961 (37 countries).....	29,563,877.93
Calendar year 1960 (29 countries).....	16,181,127.90

Source: United Nations Secretariat. Statement on the Collection of Contributions as of Dec. 31, 1963, and June 30, 1964, AID.

All 52 of the countries delinquent in this account have received assistance from the United States since 1946 and 51 are still receiving assistance: Afghanistan, Argentina, Belgium, Bolivia, Brazil, Central African Republic, Chad, Chile, China, Colombia, Congo (Brazzaville), Costa Rica, Cuba,¹ Dominican Republic, Ecuador, El Salvador, Ethiopia, France, Guatemala, Guinea, Haiti, Honduras, Iraq, Italy, Jordan, Lebanon, Mali, Mauritania, Mexico, Morocco, Nepal, Nicaragua, Niger, Pakistan, Panama, Paraguay, Peru, Poland, Portugal, Saudi Arabia, Senegal, Somali, Spain, Syria, Thailand, Togo, Tunisia, Upper Volta, Uruguay, Yemen, Yugoslavia, and United Arab Republic.

Examples of delinquencies

ARGENTINA

Fiscal year 1963 aid.....	\$156,500,000.00
Fiscal year 1946-63.....	773,000,000.00
Total arrearages.....	2,482,878.97

Regular budget:	
Calendar year 1963.....	782,949.00
Calendar year 1962.....	611,362.00
Calendar year 1961.....	175,217.97
Emergency force:	
Calendar year 1963.....	56,974.00
Calendar year 1962.....	18,442.00
Calendar year 1961.....	103,291.00
Calendar year 1960.....	109,594.00
Calendar year 1959.....	168,180.00
Calendar year 1958.....	285,000.00
Calendar year 1957.....	171,869.00
Congo ad hoc:	
Calendar year 1963.....	166,384.00
Calendar year 1962.....	160,664.00
Calendar year 1961.....	219,911.00
Calendar year 1960.....	18,797.00

¹ Not currently receiving assistance.

Examples of delinquencies—Continued

YUGOSLAVIA

Fiscal year 1963 aid.....	\$113,500,000.00
Fiscal year 1946-63.....	2,510,000,000.00
Total arrearages.....	301,453.00

Congo ad hoc:	
Calendar year 1963.....	62,600.00
Calendar year 1962.....	60,505.00
Calendar year 1961.....	69,341.00
Calendar year 1960.....	109,007.00

CHINA

Fiscal year 1963 aid.....	212,600,000.00
Fiscal year 1946-63.....	4,524,000,000.00
Total arrearages.....	14,426,448.00

Regular budget:	
Calendar year 1963.....	3,624,229.00
Emergency force:	
Calendar year 1963.....	257,793.00
Calendar year 1962.....	217,133.00
Calendar year 1961.....	466,207.50
Calendar year 1960.....	989,797.00
Calendar year 1959.....	739,151.00
Calendar year 1958.....	1,252,500.00
Calendar year 1957.....	405,048.00
Congo ad hoc:	
Calendar year 1963.....	752,846.00
Calendar year 1962.....	1,823,774.00
Calendar year 1961.....	2,481,426.00
Calendar year 1960.....	1,396,543.50

POLAND

Fiscal year 1963 aid.....	10,800,000.00
Fiscal year 1946-63.....	533,000,000.00
Total arrearages.....	3,665,000.00

Emergency force:	
Calendar year 1963.....	121,406.00
Calendar year 1962.....	60,854.00
Calendar year 1961.....	256,343.00
Calendar year 1960.....	135,134.00
Calendar year 1959.....	207,514.00
Calendar year 1958.....	380,000.00
Calendar year 1957.....	229,159.00
Congo ad hoc:	
Calendar year 1963.....	421,726.00
Calendar year 1962.....	510,845.00
Calendar year 1961.....	678,553.00
Calendar year 1960.....	663,517.00

FRANCE

Fiscal year 1963 aid.....	30,600,000.00
Fiscal year 1946-63.....	9,445,000,000.00
Total arrearages.....	16,143,083.00

Examples of delinquencies—Continued

Congo ad hoc:	
Calendar year 1963-----	\$1,957,068.00
Calendar year 1962-----	4,746,601.00
Calendar year 1961-----	6,339,772.00
Calendar year 1960-----	2,823,432.00

COSTA RICA

Fiscal year 1963 aid-----	15,500,000.00
Fiscal year 1946-63-----	105,000,000.00

Total arrearages----- 28,950.59

Emergency force:

Calendar year 1963-----	2,256.00
Calendar year 1962-----	735.00
Calendar year 1961-----	3,722.00
Calendar year 1960-----	3,171.09

Congo ad hoc:

Calendar year 1963-----	6,589.00
Calendar year 1962-----	6,366.00
Calendar year 1961-----	7,611.50

DOMINICAN REPUBLIC

Fiscal year 1963 aid-----	51,700,000.00
Fiscal year 1946-63-----	100,000,000.00

Total arrearages----- 99,624.25

Regular budget:

Calendar year 1963-----	36,211.25
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Emergency force:

Calendar year 1963-----	2,821.00
Calendar year 1962-----	919.00
Calendar year 1961-----	9,356.00

Congo ad hoc:

Calendar year 1963-----	8,238.00
Calendar year 1962-----	7,958.00
Calendar year 1961-----	9,905.00
Calendar year 1960-----	24,216.00

BOLIVIA

Fiscal year 1963 aid-----	69,900,000.00
Fiscal year 1946-63-----	334,000,000.00

Total arrearages----- 118,990.40

Regular budget:

Calendar year 1963-----	30,126.00
Calendar year 1962-----	24,274.00
Calendar year 1961-----	136.00

Emergency force:

Calendar year 1963-----	2,256.00
Calendar year 1962-----	735.00
Calendar year 1961-----	7,484.00
Calendar year 1960-----	3,939.00
Calendar year 1959-----	6,056.00
Calendar year 1958-----	12,500.00

Congo ad hoc:

Calendar year 1963-----	6,584.00
Calendar year 1962-----	6,366.00
Calendar year 1961-----	7,925.00
Calendar year 1960-----	10,604.00

CHILE

Fiscal year 1963 aid-----	99,200,000.00
Fiscal year 1946-63-----	840,000,000.00

Total arrearages----- 510,303.00

Regular budget:

Calendar year 1963-----	200,759.00
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Emergency force:

Calendar year 1963-----	14,667.00
Calendar year 1962-----	4,765.00
Calendar year 1961-----	25,125.00
Calendar year 1960-----	26,643.00
Calendar year 1959-----	35,269.00

Congo ad hoc:

Calendar year 1963-----	42,831.00
Calendar year 1962-----	41,372.00
Calendar year 1961-----	53,492.00
Calendar year 1960-----	65,383.00

JORDAN

Fiscal year 1963 aid-----	63,600,000.00
Fiscal year 1946-63-----	414,000,000.00

Total arrearages----- 82,617.00

Examples of delinquencies—Continued

Regular budget:	
Calendar year 1963-----	\$6,000.00
Emergency force:	
Calendar year 1963-----	2,256.00
Calendar year 1962-----	735.00
Calendar year 1961-----	7,484.00
Calendar year 1960-----	3,951.00
Calendar year 1959-----	6,062.00
Calendar year 1958-----	10,000.00
Calendar year 1957-----	5,876.00

Congo ad hoc:

Calendar year 1963-----	6,589.00
Calendar year 1962-----	6,366.00
Calendar year 1961-----	7,925.00
Calendar year 1960-----	19,373.00

SOMALI

Fiscal year 1963 aid-----	9,200,000.00
Fiscal year 1946-63-----	38,000,000.00

Total arrearages----- 28,583.32

Regular budget:

Calendar year 1963-----	2,231.00
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Emergency force:

Calendar year 1963-----	2,256.00
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Congo ad hoc:

Calendar year 1963-----	6,589.00
Calendar year 1962-----	6,396.00
Calendar year 1961-----	1,111.07

Examples of nations not in arrears

Country	Fiscal year 1963 aid	Fiscal year 1946-63 aid
Colombia-----	\$134,900,000	\$547,000,000
Israel-----	78,900,000	962,000,000
Liberia-----	50,800,000	179,000,000
Nigeria-----	36,600,000	81,000,000
Tunisia-----	71,900,000	364,000,000
Ivory Coast-----	7,900,000	13,000,000

U.S.S.R. ARREARAGES, AS OF JUNE 30, 1964

Regular budget-----	\$2,145,051.30
Emergency force-----	15,638,166.00
Congo ad hoc-----	36,984,971.00

Total----- 54,768,188.30

Source: U.N. Secretariat, Statement on the Collection of Contributions, as at June 30, 1964.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. LAUSCHE. Under the column entitled "Total U.S. Aid, Fiscal Year 1963" I note the listing of Belgium. The Senator shows that Belgium received from the United States in foreign aid \$28,100,000. What items does the listing embrace. Does it cover Public Law 480 sales, or does it cover only what we genuinely know as foreign aid?

Mr. MILLER. It would cover any type of foreign aid—Public Law 480, Development Loans, Development Grants, and Military Assistance. The idea behind these figures is to show the total amount of foreign aid, whether it comes from one source or another, which that country received, as compared with the relatively small amount which it cannot quite bring itself to pay to the United Nations to keep it current, as the result of which the United Nations is facing bankruptcy.

Mr. LAUSCHE. U.S. aid means direct U.S. aid to these nations, and not aid which is received from international associations, made up of many countries. Is that correct?

Mr. MILLER. The Senator is correct. I appreciate the Senator's bringing out

that point. I should have done it before. The point is that, quite apart from the amounts shown here of our foreign aid to these countries, some of these countries are recipients of other types of aid through United Nations subsidiary organizations and through international organizations, such as the Inter-American Development Loan Fund. Of course such amounts could be added to the total of worldwide assistance which these countries receive.

Mr. LAUSCHE. I thank the Senator.

Mr. MILLER. I point out that to the argument that some of these nations cannot afford to pay their back dues and assessments, there are two answers. The first answer is that the dues and assessments are scaled by a committee in the United Nations, composed of representatives of various countries, both large and small, both relatively well off and relatively poor. These countries have scaled dues and assessments, with an eye to the relative ability to pay their dues. If adverse economic developments make it impossible for these nations to pay their back dues and assessments to the United Nations, the President of the United States may report that fact in his determination that they should nevertheless receive such foreign aid, and make that report to the Speaker of the House of Representatives and to the Senate Committee on Foreign Relations.

I believe that under these circumstances my amendment is very fair. I recognize that we have gone through this before. Since I became a member of the Senate, starting in 1961, each year I have offered an amendment somewhat along these lines. What prompted me to do so was the first inkling, back in 1961, when I came to the Senate, that the United Nations was facing a financial crisis. We were warned in 1961 that the day of reckoning was not far away. That day of reckoning became so serious in the fall of 1961, or certainly early in 1962, that Congress was presented with a request by the President to help stave off the day of reckoning by approving a United Nations bond issue, which we were supposed to support to the extent of one-half. Necessary appropriations were made by Congress to this end.

However, I regret to say that the payment of back dues and assessments by various member nations has not done much to end the deficiencies of the U.N. and, as a result, notwithstanding the U.N. bond issue, we are told that the day of reckoning will be at the next General Session of the United Nations, this fall.

There is a provision in the United Nations Charter that any nation which is more than 2 years in arrears in its assessments and dues shall lose its right to vote in the General Assembly of the United Nations. This subject was presented to the World Court, and the World Court found that the dues and assessments, regardless of whether they were for the regular budget or for emergency peacekeeping activities, were part and parcel of the dues for purposes of interpretation of the United Nations Charter; therefore, the Soviet Union and several other nations which have been deliberately refusing to pay their

dues can properly be challenged at the next meeting of the United Nations when it comes their turn to vote.

I am pleased to say that the decision of our representatives in the United Nations is firmly to the effect that the provision of the charter is supported by the interpretation of the World Court and should be put into full effect at the next meeting.

But there seems to be some question as to whether the presiding officer, the Secretary General, will ignore it, because he could state that such a ruling would be unprecedented and, since he feels he should not rule on it, the membership should rule on the question. That would be not unlike the manner in which we in the Senate decide some parliamentary procedures.

One wonders what the ruling might be if the membership had to decide whether those who are more than 2 years in arrears should be passed over on a roll-call, when more than half the members of the United Nations are delinquent.

Be that as it may, I find it impossible to understand why we should not gear our foreign aid program to the support of the United Nations. Our country's policy, under both Democratic and Republican administrations, has been to support wholeheartedly the principles of the United Nations. This does not mean that we agree with some of the abuses and mistakes of the United Nations, but we do support the United Nations in its objectives of world peace.

I venture to say that most of us do not wish to see the United Nations go out of existence as a result of bankruptcy. We are told that if the United Nations does not receive some of the assessments and dues that are in arrears, it will indeed be faced with bankruptcy.

The Soviet Union is the biggest debtor of any member of the United Nations. The Soviet Union does not receive any foreign aid from the United States, so we cannot very well use our foreign aid program in a manner that would have a salutary effect upon the Soviet Union's fiscal integrity before the United Nations.

But many nations receive our foreign aid, and it seems to me that when they refuse to pay their commitments to the United Nations, while having the ability to pay, the least we might do, if we really mean what we say, when we say that we support the United Nations, is to say to them, "You had better 'get right' with the United Nations; otherwise, do not ask the taxpayers of the United States to furnish you with foreign aid." That could be very harsh in certain circumstances, and that is precisely why I have worded my amendment so as to provide that the President can, nevertheless, upon certain conditions, determine that certain nations should receive our foreign aid. But when he makes such a determination, he ought to come before the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs and state why the aid should be furnished. He should also state that assurances have been given by those countries that they will pay their back dues and assessments and put their payments on a current basis. If such as-

surances cannot be given, the President also should state what are the economic conditions which make it impossible for the countries in arrears to give such assurances.

I believe that in this respect the amendment is in a better form than the amendment which was presented last year. It provides for a reasonable escape hatch; nevertheless, an escape hatch that will provide a certain amount of information to Congress for control. I would envision that some of the countries which are not paying their back dues and assessments would, nevertheless, be furnished foreign aid when the President made a determination that they should receive such aid. He would make such a determination only after he had received assurance from the representatives of those governments that they would button down and clear their books. That would have a salutary influence on those countries.

If this is not done, just as surely as we are sitting in the Senate, the day will not be too far off when the United Nations will go out of existence because of financial bankruptcy. Before that happens, I would venture the guess that there might be a further request that the taxpayers of the United States support another bond issue of the United Nations. Whether such a request would be acted on favorably, no one can say. However, I see no reason why we should come to that position. We have it within our ability to gear our foreign aid program to a policy of support of the United Nations.

I have heard the arguments against this proposal before. People have said that we are not dues collectors for the United Nations. This is a rather superficial approach, because nobody is saying, either in my amendment or anywhere else, that we ought to pick up the dues from those countries. Still, it seems to me that the least we can say to such countries is that if they want our foreign aid, they must pay their dues and assessments to the United Nations.

Some may say that my amendment has no place in the foreign aid program; that the problem should be handled through our representatives at the United Nations. Perhaps it should be; but it has not been, and I see nothing to indicate that it will be. If our representatives at the United Nations had been able to handle this problem, my amendment would not be before the Senate today.

This situation has continued, and it will go on and on, if all we say is, "Let our representatives at the United Nations handle the problem."

By my amendment, we have an opportunity to say to the rest of the world that we want to help those who cannot help themselves. We want those who can do so to help themselves, and we are willing to help them.

We support the United Nations. The United Nations affords the world its foremost opportunity for peace. But we should say that we will not furnish our foreign aid to nations which refuse, year after year, to pay their dues and assessments to the United Nations, unless they can somehow show to our President that

they do not have the economic ability to pay their dues and assessments, which, as I have said, are scaled by their brother member nations, large and small, wealthy and poor.

I observe in the Chamber the distinguished chairman of the Committee on Foreign Relations. I invite his attention to the fact that my amendment is cast somewhat differently from the amendment that was considered last year. I would hope that he might take my amendment to conference. I shall welcome any comments he has on it. I have tried to cover this proposal rather fully.

I yield the floor.

Mr. FULBRIGHT. Mr. President, I appreciate the Senator's invitation to comment. I cannot accept the amendment. The main reason is that it would not accomplish the purpose which the Senator from Iowa intends that it should accomplish.

This amendment was brought up and defeated in connection with last year's foreign aid legislation, and the executive branch continues its strong opposition to the proposal.

In effect, the amendment tries to make the United States become a collection agency for the United Nations. It would do so on the basis of regulations far more severe than the U.N. itself imposes on its membership. The amendment would cut off aid to a country whose debt to the U.N. is not sufficient to subject it to the United Nations own sanctions. Article 19 of the U.N. Charter denies voting rights in the General Assembly to any member whose total arrearages exceed U.N. assessments over the previous 2 years. This amendment, however, would apply to any country in arrears for more than 1 year. The United States would be in a peculiar position if it tried to impose its own sanctions on countries which were not even subject to the sanctions of the U.N. Charter.

In any case, the amendment would not accomplish its intended purpose—which is "to encourage preservation of the financial solvency of the United Nations." By far the largest fiscal problem facing the United Nations is the delinquencies of the Soviet bloc countries, which collectively amount to about \$74 million in terms of the provisions of article 19 of the charter. This must be compared with arrearages of less than \$19 million by this standard on the part of all countries which receive foreign aid from the United States. Furthermore, almost three-quarters of this amount is owed by Nationalist China. In short, even if this amendment were changed to conform to the U.N.'s own definition of delinquency, it would only be directed against a very minor aspect of the problem; insofar as it did so, it would be an amendment directed against the Nationalist Chinese.

It should also be stressed that the aid-recipient countries owing the remainder of the \$19 million referred to above have all given assurances that they will pay the amounts necessary to avoid the sanctions of article 19 of the U.N. Charter before the next session of the General Assembly. Unless the United States sets up entirely new standards,

by imposing unilateral conditions on U.N. members through acceptance of this amendment, most of our friends in default will have repaired their positions before November.

Perhaps the most important objection to this amendment on an immediate basis derives from the forthcoming struggle to make article 19 apply to the Soviet bloc countries at the next General Assembly. In order to make this sanction effective, the United States will have to conduct a continuous diplomatic offensive designed to marshal support for its position among all the free world members of the United Nations. If the provisions of this amendment were enacted the result inevitably would be to create strong resentment among friendly countries. This resentment almost certainly would destroy our diplomatic initiative against the Soviet bloc countries.

So I hope that the amendment of the Senator from Iowa will not be accepted.

MR. MILLER. Mr. President, I ask unanimous consent to have printed in the RECORD two articles and one editorial, the first an article entitled "U.N. Sources Say K. Threatens Bolt Over Dues," published in the Washington Post of Sunday, August 2, 1964; an article written by Thomas J. Hamilton entitled "Plan in U.N. Would Allow Some in Arrears To Vote," and published in the New York Times July 6, 1964; and an editorial entitled "To Save the U.N." published in the New York Times on August 3, 1964.

There being no objection, the articles and the editorial were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 2, 1964]

U.N. SOURCES SAY K. THREATENS BOLT OVER DUES

UNITED NATIONS, N.Y., August 1.—Top sources reported today that Premier Khrushchev told Secretary General U Thant that the Soviet Union will walk out of the General Assembly and perhaps quit the United Nations altogether if its vote is taken away for nonpayment of bills.

These sources said Thant will fly to Washington Thursday to discuss this threatened breakup of the world organization with President Johnson.

Thant has just returned from a trip to Moscow where he appealed to the Kremlin there to pay its arrears on U.N. peacekeeping bills. He told newsmen there, after a long talk with Khrushchev, that he saw no change in the Soviet stand.

The U.N. Charter says that any country 2 years behind in U.N. dues "shall have no vote" in the Assembly.

The Soviet Union has refused to pay its assessments for Congo and Middle East peacekeeping costs and, if these are counted along with its regular budget assessments, it is 2 years behind.

The United States has said these peacekeeping costs must be counted because they are binding on all members. The Russians say they are not because they were not assessed by the Security Council.

The Soviet Union walked out of the Security Council in 1950 to protest the continued representation of Nationalist China there. The absence of the Kremlin's veto-wielding delegate permitted the U.N. to set up its Korean operation which would otherwise have been stopped. The Soviet Union later returned to the Council.

The United States, the next year, pushed through a "uniting for peace" resolution

which enabled the General Assembly to act in cases of breaches of the peace when the Security Council did not do so.

It was under this provision that the Congo and Middle East operations were set up and the Soviet Union has refused to acknowledge their legality. The World Court in the Hague has ruled that they are legitimate.

A U.S. delegation source said today that the U.S. view is unchanged—the Soviet Union must pay up or lose its vote.

The Soviet Union is only one of 16 countries that stand to lose their votes for failure to pay toward the U.N. Congo or Middle East forces or both.

[From the New York Times, July 6, 1964]

PLAN IN U.N. WOULD ALLOW SOME IN ARREARS TO VOTE

(By Thomas J. Hamilton)

UNITED NATIONS, N.Y., July 5.—A group of Latin-American delegates has suggested a new approach to solution of the United Nations financial crisis under which members genuinely unable to pay all their assessments would be allowed to retain their votes in the General Assembly.

Under the plan, the Assembly's Standing Committee on Contributions would divide countries more than 2 years behind on their assessments into 2 categories:

1. Those that plead inability to pay and are certified by the committee as unable to do so. Article 19 of the Charter provides that members owing the equivalent of 2 years' contributions "shall have not vote" in the Assembly. However, it authorizes the Assembly to waive enforcement "if it is satisfied that the failure to pay is due to conditions beyond the control of the member."

2. All other members subject to article 19 who have not executed what some delegates say would be a "pauper's oath."

The plan has been submitted to the United States and other Western delegations. A U.S. spokesman said he had no comment on it.

THE SOVIET POSITION

Reliable sources said one aim of the Latin Americans was to isolate the Soviet Union, which would be subject to article 19 when the Assembly opens its 1964 session in November, from underdeveloped countries, that also face loss of their votes in the Assembly.

The Soviet Union owes \$36,984,971 on the United Nations Congo force and \$15,638,166 on the force in the Middle East, which are financed from special accounts, not from the regular United Nations budget.

The Soviet Union has hardened its position and has also withheld \$2,145,051 due under the regular 1963 United Nations budget for appropriations that it terms illegal. These include payments of interest and principal on bonds issued by the United Nations to help pay the costs of the Congo and Middle East forces.

FRENCH PAYMENT DUE IN 1965

Moscow would have to pay between \$8 million and \$9 million to avoid possible loss of its Assembly votes.

Under the Latin Americans' plan France, which will become subject to article 19 at the 1965 session unless she pays part of the \$16,143,083 she owes on the Congo force, also would be separated from those unable to pay.

The Soviet Union and France base their refusal to pay on the ground that the Security Council, not the General Assembly, has the right to impose assessments for peacekeeping forces. Total arrears on assessments for the Congo and Middle East forces are \$123,623,742.

Some delegates believe that, following last Thursday's withdrawal of the Congo force, both the Soviet Union and France will pay

the United Nations enough this year to avoid application of article 10.

[From the New York Times, Aug. 3, 1964]

TO SAVE THE U.N.

Premier Khrushchev has again refused to pay Russia's debt to the United Nations and Secretary General Thant has returned from his dunning trip to Moscow empty handed. As a result, this world organization, now more than \$122 million in the red, not only continues to flounder in a financial crisis that has brought it close to bankruptcy but also faces a showdown on whether Russia's refusal to pay shall deprive her of her vote in the General Assembly.

The Soviet Premier now says that Russia may walk out of the United Nations as well as the General Assembly if her right to vote is withdrawn. France, which is delinquent to a total of \$16 million for her share of the U.N. Congo force, is showing no signs of yielding, either. Meanwhile, the United States continues to push hard for strict compliance with article 19 of the Charter, which penalizes members when their arrears reach a certain level.

It is beginning to look like a game of brinkmanship, with the brink coming in November when the Assembly meets. If one starts from the premise that the United Nations cannot be allowed to fall apart or be seriously weakened, nor can it abandon its efforts to maintain peacekeeping forces, the problem becomes one of finding "a formula."

The United Nations is an immensely valuable forum and power fulcrum for Moscow, President de Gaulle may have nothing but contempt for the world organization, but this is not a feeling widely shared by his French compatriots. The United States is deeply committed to the strengthening, as well as the maintenance of the U.N.

Therefore, some time between now and November a way must be sought to bridge the contradictory positions. The idea of getting Moscow and Paris to make token payments seems doomed since the principle, not the amounts due, is the real issue. The point to be saved—along with the structure of the United Nations, of course—is that the U.N. can and will continue to utilize and build up peace-keeping forces to prevent war and suppress aggression. It is not enough to keep the Security Council and General Assembly simply as debating forums.

Basic contradictory positions between nations are normally solved by compromises. The two important considerations are that the United Nations be held together and that there be no impairment—but rather a strengthening—of its effectiveness as a policeman of peace.

An exercise in ingenuity could save the day. Perhaps when U Thant sees President Johnson some new ideas will be forthcoming.

MR. MILLER. Mr. President, I intend to ask for the yeas and nays on my amendment, but first I should like to suggest the absence of a quorum for the purpose of alerting Senators to that fact.

THE PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

MR. MILLER. Mr. President, I ask unanimous consent that the order for the quorum call may be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

MR. MILLER. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

MR. MILLER. Mr. President, I should like to respond briefly to the statements

made by the distinguished chairman of the Foreign Relations Committee, the Senator from Arkansas [Mr. FULBRIGHT].

My amendment provides that if a nation is more than 1 year in arrears, the payments on foreign aid shall halt.

I deliberately made it for 1 year instead of for 2 years, the period provided in the United Nations Charter for determining whether a nation shall lose its vote, for the reason that we do not want this process to go to the point where a nation will lose its vote in the United Nations before we decide to put a limitation on foreign aid. In other words, it seems to me that after 1 year—and this is 1 calendar year, those in arrears for 1962 and back—a nation might well be on notice that we do not want it to get into the category of a nonvoting member of the United Nations. We want it to pay its dues and assessments; and we wish to let it know that our taxpayers who are paying the bill on foreign aid do not wish it to go any further in its delinquencies. We want it to be current.

There are some who might think that this amendment might well provide that nations which are not current in their payment of assessments and dues in the United Nations should not receive our foreign aid, instead of being allowed to get a year behind.

I do not believe my amendment is particularly harsh in this respect. I believe that it would be most unfortunate to provide a 2-year period and then let a Nation become a nonvoting member of the United Nations, before we start to try to exercise a salutary effect on that Nation through withholding foreign aid.

The point was made about China being a large debtor. I am not unmindful of that. I am quite sure that the Senator from Arkansas [Mr. FULBRIGHT] is just as fully aware as I am of why that is so. We know that the government of Nationalist China is still operating under an assessment scale with respect to the assumption that it controls all of China, both the mainland and Taiwan. This is most unrealistic. This would be a perfect example of what I provide for in amendment, which would give the President of the United States an opportunity to make a determination whether aid should be granted in situations in which there are economic conditions that make a country unable to pay its dues and assessments.

The point was made that the Communist bloc nations would be responsible for the United Nations going bankrupt, rather than the 41 nations which have been receiving our foreign aid. Perhaps yes; perhaps no. I suggest that if there were merely 8 or nations in the United Nations General Assembly—and those all Communist bloc nations—which were delinquent, world opinion coming from all of the other nations which are current in their dues and assessments would be something to be considered by the Communist bloc nations. It would be something to be considered, particularly when the time arrives for a vote on whether nations which are more than 2 years delinquent, including the Soviet Union, shall lose their right to vote.

I would feel much more comfortable about that vote being put to the membership of the United Nations General Assembly if only the Communist bloc nations were delinquent, than I would be if the vote were put now, with the present unfortunate situation of arrears in assessments and dues by more than half the membership.

I believe there is a point to be said in favor of persuading the free countries and the independent countries which are members of the United Nations to practice fiscal integrity before this organization. I would guess that it could result in bring other pressure to bear on the Soviet Union and the other Communist bloc nations to pay up and remain voting members of the United Nations, and not confront us with the problem that might arise if those nations should withdraw from the UN. The membership, if I properly interpret the United Nations Charter and the World Court opinion, would deprive themselves of their right to vote.

Mr. President, I hope my amendment will prevail.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa [Mr. MILLER].

The yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Maryland [Mr. BREWSTER], the Senator from North Dakota [Mr. BURDICK], the Senator from Tennessee [Mr. GORE], the Senator from Washington [Mr. JACKSON], the Senator from Louisiana [Mr. LONG], the Senator from Utah [Mr. MOSS], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Georgia [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], and the Senator from Mississippi [Mr. STENNIS], are absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON] and the Senator from Massachusetts [Mr. KENNEDY] are absent because of illness.

I further announce that the Senator from Nevada [Mr. CANNON], the Senator from Pennsylvania [Mr. CLARK], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Indiana [Mr. HARTKE], and the Senator from New Jersey [Mr. WILLIAMS] are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico [Mr. ANDERSON], the Senator from Pennsylvania [Mr. CLARK], the Senator from Washington [Mr. JACKSON], the Senator from Louisiana [Mr. LONG], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Florida [Mr. SMATHERS], and the Senator from New Jersey [Mr. WILLIAMS], would each vote "nay."

On this vote, the Senator from Maryland [Mr. BREWSTER] is paired with the Senator from Georgia [Mr. RUSSELL].

If present and voting, the Senator from Georgia would vote "yea" and the Senator from Maryland would vote "nay."

Mr. KUCHEL. I announce that the Senator from Nebraska [Mr. HRUSKA], the Senator from Kansas [Mr. PEARSON],

and the Senator from Pennsylvania [Mr. SCOTT] are necessarily absent.

The Senator from New York [Mr. JAVITS] is absent on official business.

The Senator from Arizona [Mr. GOLDWATER] and the Senator from Iowa [Mr. HICKENLOOPER] are detained on official business.

If present and voting, the Senator from New York [Mr. JAVITS], and the Senator from Kansas [Mr. PEARSON] would each vote "nay."

On this vote, the Senator from Nebraska [Mr. HRUSKA] is paired with the Senator from Pennsylvania [Mr. SCOTT]. If present and voting, the Senator from Nebraska would vote "yea" and the Senator from Pennsylvania would vote "nay."

The result was announced—yeas 25, nays 52, as follows:

[No. 529 Leg.]

YEAS—25

Beall	Gruening	Simpson
Bennett	Johnston	Symington
Boggs	Jordan, Idaho	Talmadge
Byrd, Va.	Mechem	Thurmond
Cooper	Miller	Tower
Cotton	Morse	Williams, Del.
Curtis	Mundt	Young, N. Dak.
Dirksen	Robertson	
Dominick	Saltonstall	

NAYS—52

Aiken	Hill	Monroney
Allott	Holland	Morton
Bartlett	Humphrey	Muskie
Bayh	Inouye	Nelson
Bible	Jordan, N.C.	Neuberger
Byrd, W. Va.	Keating	Pastore
Carlson	Kuchel	Pell
Case	Lausche	Prouty
Church	Long, Mo.	Proxmire
Dodd	Magnuson	Randolph
Douglas	Mansfield	Salinger
Eastland	McCarthy	Smith
Ellender	McClellan	Sparkman
Ervin	McGee	Walters
Fong	McGovern	Yarborough
Fulbright	McIntyre	Young, Ohio
Hart	McNamara	
Hayden	Metcalf	

NOT VOTING—23

Anderson	Hartke	Pearson
Brewster	Hickenlooper	Ribicoff
Burdick	Hruska	Russell
Cannon	Jackson	Scott
Clark	Javits	Smathers
Edmondson	Kennedy	Stennis
Goldwater	Long, La.	Williams, N.J.
Gore	Moss	

So Mr. MILLER's amendment was rejected.

Mr. FULBRIGHT. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. KUCHEL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MORSE. Mr. President, in keeping with the assurance I gave to the majority leader, that I would move as rapidly as possible consistent with expeditious handling of my amendments, I now call up my amendment No. 1184.

The PRESIDING OFFICER (Mr. SALINGER in the chair). The amendment will be stated.

The Chief Clerk read the amendment, as follows:

On page 12, between lines 22 and 23, insert the following:

(g) Add the following new section at the end thereof:

"SEC. 620A. (a) PROHIBITION ON FURNISHING OF ASSISTANCE SUBSEQUENT TO JUNE 30, 1966.—Notwithstanding any other provision

of this Act, no assistance shall be furnished pursuant to this Act to any country or area (or enterprise therein) subsequent to June 30, 1966 unless—

"(1) Such country or area has requested such assistance and can show that it is pursuing the following economic, political, and military policies:

"(A) That it (i) is seriously and continuously engaged in measures of self-help, (ii) has taken appropriate steps to assure that its own private capital resources will be utilized within its own country or area, (iii) will encourage the development of the private enterprise sector of its own economy, (iv) has taken adequate steps, where appropriate and necessary, to bring about reforms in such fields as land distribution and taxation to enable its people fairly to share in the products of its development, and to assure that the project or program for which economic aid is requested will contribute to the economic or social development of the country;

"(B) That it is promoting the maximum amount of individual freedom and is encouraging its people freely to choose their own government; and

"(C) That it seeks to establish and maintain only such military force as may be adequate to prevent the internal overthrow of an elected government or to deter threatened external Communist attack;

"(2) The furnishing of such assistance is required by an irrevocable commitment made, or contractual obligation incurred, prior to the date of enactment of this section; or

"(3) In case of any such assistance extended in the form of loans, the interest rate thereon is not less than the average rate payable on obligations of the United States of comparable maturities.

"(b) The total number of countries or areas receiving assistance under this Act subsequent to June 30, 1966, shall not exceed fifty."

Mr. MORSE. Mr. President, I ask for the yeas and nays on my amendment. The yeas and nays were ordered.

Mr. MORSE. Mr. President, I consider this amendment a basic policy reform amendment. I shall discuss the amendment in regard to the specific conditions that it would impose.

There is much talk about the need for major changes in the foreign aid program. There has been much talk for several years to the effect that we must bring about reforms in foreign aid. There has been a great deal of congressional buck passing to the State Department and the AID authorities in regard to foreign aid.

I offer an amendment that would not jeopardize sound foreign aid, but is designed to guarantee sound foreign aid.

It should be supported by those who really believe foreign aid needs an overhauling; and that there is need for reform in regard to policy, procedure, and substance.

I would have Senators, in the next few moments, go, with me, through the proposed amendment, condition by condition, as I propose it. Starting with line 3, it reads:

Notwithstanding any other provision of this Act, no assistance shall be furnished pursuant to this Act to any country or area * * * subsequent to June 30, 1966, unless—

That fixes a terminal date. It gives every country in the world due notice that the United States will completely revise its foreign aid program.

Mr. President, that would be very salutary. It would answer the question, once and for all, as to whether or not all the talk in the United States in recent years about meaning to revise the foreign aid program is merely talk, or is meant.

I cannot think of anything that would be better for the development of a sound foreign aid program, or better for the internal welfare of the recipient countries, than to serve such notice.

If we say to such a country, "This is the last time we are going to pass a foreign aid program based upon past practice. We want you to know that we will continue foreign aid, but it will be a different foreign aid program. You are not going to receive any foreign aid on the basis of the past pattern, because we are fed up with it."

It is my judgment, that this is the kind of reform the American people want.

I am satisfied that the majority of the American people are willing to continue foreign aid, but I am also satisfied that the overwhelming majority of the American people do not want to continue foreign aid as it has been practiced up until this hour. They believe the time has come for a change in the whole foreign aid pattern.

Mr. President, this is the way to do it. We say, "We are going to end the program, as it is now, at the end of fiscal 1965. We will start all over. You can have more foreign aid, provided you meet certain qualifications."

Note that the new program I propose is based upon application. In other words, the recipient must come in and make his own case.

We do not find banks trying to force loans on us. If we want a loan, we must go to the lending agency and show good cause why we would be a good risk for the loan. We do not hear people argue, when they go to a bank and conditions are imposed necessary to protect the lender, that such conditions are an interference with their individual rights. It happens to be the banker's money. If one does not want the money as a borrower, that is up to him, but if a borrower wants the money he must meet the conditions laid down by the bank.

Mr. President, we are not dealing here with money that belongs to the Senate of the United States. We are not dealing with money that belongs to any Senator, except to the extent that he has a pro rata interest in it, as one citizen of 180 million. We are dealing with money that belongs to all the people of the United States. In my judgment, we are guilty of gross negligence in the handling of that money in respect to the present policies we are following in foreign aid.

As I said earlier when I made comments expressing disagreement with the Senator from Minnesota [Mr. HUMPHREY] when he, earlier today, made a speech following the administration's line on foreign aid—which we have had given to us now for some years. All one has to do is examine the critical analyses by the Comptroller General of foreign aid as it has been administered in the past. As Senators, we know that

it is our duty to bring about reforms that will eliminate the mismanagement, the inefficiency, and miscalculations that have characterized foreign aid for a number of years past.

So we say to the applicant, "We will consider some foreign aid for you, provided you meet certain conditions:"

1. Such country or area has requested such assistance and can show that it is pursuing the following economic, political, and military policies.

One of the sad things in our record on foreign aid in years gone by is that we have rammed foreign aid down the gullets of a good many nations. We have had the idea that if we could only persuade them to take it we would somehow obtain a commitment from them, and that we could rely on them; and that if we could get them obligated to us morally and otherwise, we could count on them to do our bidding.

It has not worked that way. Take Pakistan, for example. We have urged Pakistan to take millions of dollars from us, only to find that Pakistan in many respects has left us. Pakistan is entering into arrangements with Red China. Pakistan, through its Foreign Minister, has announced that she will not help us in accordance with her obligations under SEATO.

Mr. President, we cannot buy friends. We cannot buy support, either. That is why I have said in my minority views that to a degree our foreign aid policy in the past has been built upon the idea that we could buy support. The trouble is that such countries do not "stay bought."

Mr. MILLER. Mr. President, will the Senator yield?

Mr. MORSE. If it is in their national interest to go to Red China, they will go to Red China. If they think it is in their national interest to use our military support to make war against a neighbor, they will do so. We need only to look to Turkey, Greece, Pakistan, and India to prove that point.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. MILLER. I should like to ask the Senator from Oregon about his paragraph "C."

Mr. MORSE. I wonder if the Senator will wait until I reach that point. I wish to go through these points ad seriatim. If he will wait, I shall be glad to answer the Senator's question. I have decided to make this speech by explaining the amendment point by point, in order that I may make my position clear on each point. I shall reach that section shortly. I hope the Senator will ask me that question when I get to it.

Mr. MILLER. Without asking the question, I should like to express the hope the Senator will point out how he would solve the problem relating to a recipient's contribution to a military force and how that might be affected by the Senator's amendment.

Mr. MORSE. I shall come to that point. Continuing with my present point, this provision would stop us—and we ought to be stopped as a country—from seeking to force foreign aid on a

country, instead of making that country come in and voluntarily ask for it, and prove that it is entitled to it.

I say that a country must request aid. A country must show that it is following certain economic, political, and military policies:

(A) That it (i) is seriously and continuously engaged in measures of self-help.

Mr. President, we cannot do the job for other countries in developing them. They must do something for themselves. They must stop following the line that all they have to do is to come, hat in hand, to Uncle Sam and ask for funds, or say to Uncle Sam, "If you do not give it to us, we will get it from Russia."

Every time a country has taken that course of action—and there have been many such instances in the past—we should have told that country to get to Moscow as fast as it could get there for help.

We should have called its bluff. In my judgment, we have yielded to that kind of international blackmail time and time again. We never should have loaned or granted so much as a dollar under the foreign aid program on the basis of the argument that if we did not give it to them, Russia would. They should have been told that if that was the unethical principle on which they approached us, they should be on their way to Moscow, and fast.

We have not served the interests of the American taxpayer by yielding to that kind of unethical argument.

So my first condition is that they must come in and show what they propose to do to meet some of the economic, social, and political problems which confront their country. That is what is needed in so many parts of the world on the part of those countries. That would be a proper use of our foreign aid in cooperating with them to help them bring about the objectives of such self-help programs.

I have pleaded for it. We have been making remarkable progress in connection with it in the Alliance for Progress program. We have done better in regard to this program in Latin America than anywhere else in the world in connection with our foreign aid program. I wish to extend it.

Then the country must show that it—

(ii) has taken appropriate steps to assure that its own private capital resources will be utilized within its own country or area.

This point involves the problem, for example, of the flight of capital. In some places in the world we have been pouring a great many American dollars into a country while its own wealthy have been flying their money out of their country and investing it in New York and Swiss banks.

We still have a very serious problem in connection with this point in Latin America. That is one aspect of our Alliance for Progress which has not worked out too well. There has been some change of attitude on the part of wealthy oligarchs in Latin America, but not enough. Some of them have begun to recognize, as President Kennedy had

warned them shortly after the Alliance for Progress program went into effect that they need to recognize their responsibility to see to it that they are willing to invest in their own future, if they are to have a future, and that if they followed the course of action of taking their money out of their country, to the great detriment of the mass of people, they might lose all.

That is what I have in mind in connection with this condition. We owe the duty to the American people to stop pouring millions of dollars into a country when the record shows that the wealthy of the country do not have enough confidence in the country's future to invest their wealth in developing the economic freedom of that country, but invest it in Swiss banks and elsewhere. I do not believe we should aid a country if it follows that course of action.

Furthermore, we need to have some assurance from the applicant that it is making a record of the use of private capital by way of an investment to develop their own economic freedom. I am so convinced of the essentiality of this as the foundation of political freedom that I believe the time has come to say to certain countries, "We will not give you millions of dollars while you continue with a sort of economic fascism in your country where the wealthy take the mass and the poor get the dribbles."

We seek to defeat communism anywhere in the world where it is a threat; and it is a threat in every underdeveloped country. It is a threat where people have an exceedingly low standard of living. It is a threat where the average longevity is from 30 to 36 years—and that includes many millions of human beings on the face of the earth. It is a threat in countries where poverty and disease are rampant and where infant mortality from 25 percent to 85 percent is the record of a given country or of large segments of a given country. In such countries our foreign aid is being poured into the drain, unless the ruling class, the government of that country, and the wealthy of that country are willing to do their share by way of self-help in improving the living conditions of the masses, whose present living conditions create the danger and threat of a Communist takeover.

The only way to defeat communism in any of those countries is to do something about raising the standard of living of the people. It will not be done by a foreign aid program that does not establish as a condition before the fact, requirements by way of capital investment on the part of the wealthy of that country in its own economic future. It will not be done unless we make as a condition before the fact of receiving American foreign aid, proof submitted by the applicant country that it is really taking steps to encourage the investment of its own private capital to develop a system of free enterprise.

I shall repeat over and over in this debate that there cannot be political freedom for people anywhere unless the people of the country have a system of economic freedom represented by a free enterprise system. In the last analysis,

that is what our own political freedom has depended on. I do not know why liberals everywhere in our country do not recognize that. I do not know why conservatives are not recognizing it more in respect to the foreign aid bill. I do not think the conservatives in the Senate can justify casting the votes that some of them are casting for the kind of foreign aid program they have been supporting.

What we have been supporting in many parts of the world is economic totalitarianism, state industry, and the development of a state monopoly. As I shall show before I finish offering my amendments, that is true of Turkey, which is one of the outstanding state economic totalitarian societies on the face of the earth, built up by hundreds of millions of dollars of American taxpayers' money. The amount has already reached several billions of dollars since the start of the foreign aid program.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. MORSE. I yield to the Senator from Nebraska.

Mr. CURTIS. The Senator from Nebraska is much interested in many of the points which the Senator from Oregon has discussed. For the purpose of information, I should like to have the Senator elaborate a little on the legislative intent of his amendment and the language to institute reforms in such fields as land use and taxation, particularly land distribution.

Mr. MORSE. I shall come to that subject next, if the Senator will allow me to finish this point. As I said to the Senator from Iowa, I am discussing my amendment point by point. However, I shall shortly discuss the point the Senator from Nebraska has asked about. I am finishing my discussion of item No. 2, which relates to the condition to which the applicant must submit. I close my discussion of that point by saying that I believe it is desirable to require the applicant to consult with the representatives of the United States who pass judgment on the application, and to give proof as to what their country is doing and what its program is concerning the conditions I propose under item 1(a) of the amendment.

I stress that that is quite consistent with the Act of Punta del Este and in accordance with the Alliance for Progress upon which the Act of Punta del Este is based. Together with the Senator from Nebraska [Mr. HICKENLOOPER] I was one of the delegates to that conference, just as we were the Senate delegates to the Bogotá conference under the able leadership of the present Secretary of the Treasury Dillon. We presented what we were satisfied was a program of self-help.

We said to the countries at both Bogotá and Punta del Este that we would help them if they would help themselves; but that unless they came forward and showed that they were willing to conduct a reasonable program of self-help, the time was coming when the American taxpayers would rise up and say to their own Government, "Stop this wasteful

giveaway program into which foreign aid is rapidly turning itself."

Now I come to the third point, the point which I think the Senator from Nebraska had in mind.

The next condition that an applicant country would have to meet would be to encourage the development of the private enterprise sector of its own economy. As I said 2 or 3 minutes ago, we want to know whether we are dealing with an economically free state or a socialist state, to use a broad descriptive term. We want to know whether we are dealing with a state that directs the economy of the state; whether we are dealing with a state in which the people live as servants, not as masters of the state, so far as the economy is concerned. If they are the servants, not the masters of the state, in respect to the economy of that country, they never can be the masters of the country politically. Whenever a government can control and direct the economy of a country, that country cannot possibly be free; it is bound to be a country of economic fascism or communism. It is bound to be an economic police state. No one can show me in all history a country that was an economic police state and at the same time a politically free state.

Mr. LAUSCHE. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. LAUSCHE. I express my concurrence in the statement made by the Senator from Oregon with respect to the need to grant aid to countries that believe in our system of private enterprise. In my opinion, we have erred gravely by practically encouraging governmental operations of all types of business in a manner that is in complete conflict with our concept of how freedom can be developed.

Place industry within the control of government, and eventually the liberties of the people will be shackled.

I express deep concurrence in all that the Senator from Oregon has said on this subject. We have erred unpardonably in what we have done in the development of sound enterprise in the countries which we have aided. Eventually, out of socialism they will pass into communism, where all will be owned and controlled by the State, including soul, the thinking, and the property of the individual. Nothing will remain as the individual domain of the citizen in such a state.

Mr. MORSE. I thank the Senator from Ohio. This is not the first time the Senator from Ohio has supported the Senator from Oregon on this issue.

The Senator from Ohio and I have stood together in the Foreign Relations Committee in connection with many issues which underlie the principle of economic freedom and the dependency of political freedom upon it.

Mr. LAUSCHE. The last instance of this was the plant in India, where the United States was to set up a steel plant to be operated by the Indian Government in competition with the private steel plants within India. We did not accept the arguments advanced by the admin-

istration that it would be sound, and we opposed it. I am glad that we stopped it.

Mr. MORSE. We had a hard time stopping it, but we finally stopped it. There are many more countries where we should stop it, and Turkey and Bolivia are two of them. But we will never stop it by leaving it up to AID officials any more than we stopped it that way in India.

The State Department and AID argument on this issue is completely fallacious.

It adds up to the fact that we have no right to interfere in the sovereignty of another country.

Who seeks to interfere with the sovereignty of another country?

If another country wishes to go Socialist, if another country wishes to adopt a system of economic fascism, that is its business. But it happens to be our business to determine whether we are going to give them any money to help build up that kind of program.

This is the taxpayers' money. We are the trustees of the taxpayers. In my judgment, we cannot justify using American taxpayers' dollars for the development of economic fascism, or economic statism, or an economic police-type of government anywhere in the world, whether it be Turkey, Pakistan, or any one of the junta governments in Latin America—about which I shall have something to say later today, or tomorrow, in connection with another amendment.

The point I wish to make now is that we should have a condition for the granting of a single dollar of aid to any country, that we are not going to grant the money unless that country can show that it will encourage the development of private enterprise in the private enterprise sector of the economy, but that this does not mean that we are not going to give consideration to any program which may be based upon some regulation, or even some ownership of certain natural resources which it is felt should be kept under government ownership.

Even in our own country we have a strong regulatory policy in connection with industries that are vested with the public interest. We also recognize that in certain sectors of the economy, such as, for example, power—some government ownership is desirable.

The point is perfectly clear that when an applicant is unable to show that it is encouraging the development of the private enterprise sector of the economy, we should say, "Go elsewhere for your money."

This is a condition which under this situation—as the banker—we have a right to impose. If they do not wish our money, under that condition, let them try to get it elsewhere.

The fourth condition under the item is if the country—

has taken adequate steps, where appropriate and necessary, to bring about reforms in such fields as land distribution and taxation to enable its people fairly to share in the products of its development, and to assure that the project or program for which economic aid is requested will contribute to the

economic or social development of the country—

This is the point raised by the Senator from Nebraska a few moments ago.

Let me cover it quickly in this way: In many places in the world, the avoidance of taxation is a national pastime. In many places in the world, we find that those who should pay taxes consider taxes negotiable, both on top and beneath the table. A strange psychology exists in some countries that if one really pays fair taxes, he is a fool. That has been one of the great problems we have encountered in Latin America.

Last year in debate, I told the true story about an experience I had in Mexico City when I was down there on one occasion at a luncheon that was given for me, and there was a considerable amount of talk about a wonderful huge retail outlet establishment that Sears, Roebuck had developed in Mexico City. I felt a little coolness to the subject on the part of some Mexican businessmen who were at the luncheon. I wondered whether it was due to the competition which Sears, Roebuck was giving them in the retail trade.

So, I politely and respectfully directed the luncheon conversation toward that phase of the subject. I soon discovered that they were not worried about Sears, Roebuck competition in regard to the goods involved. They were not bothered about that one bit. Finally, I got to what was bothering them. One of the businessmen finally said to me, "Senator, I wish to tell you what we are concerned about. Do you know what Sears, Roebuck has done? Sears, Roebuck has paid its taxes in full."

That was the unpardonable sin. That is what they did not like.

Mexico is not the only place in which there has existed a historic pattern of evasion of taxes in one way or another, or trying, in one way or another, to get out of paying a fair share of taxes.

We took the position in the Alliance for Progress in the beginning, at Bogotá, at Punta del Este, and in many conferences that have been held with the leaders of Latin American countries, that they should impose fair and equitable taxes on the wealthy. That idea has been hard to sell. But I believe that we can justify it morally and ethically.

I am one of those politicians who say frankly to their constituents, "You should be happy that you can pay taxes." The question is whether we are keeping those taxes fair and equitable, and whether it is fair to discriminate on the basis of ability to pay. But if the tax is based on ability to pay, and it is fair, reasonable, and equitable, I am very frank to say to my constituents, "You should be pleased to pay taxes, because, although the price of freedom comes high, it is worth the price. You would not change your position with that of any other taxpayer in the world if, by changing your position with any other taxpayer in the world, you had to live under the same circumstances."

It is not fair to the American taxpayer to apply the sound doctrine of American taxation to the American taxpayer and

raise millions of dollars of money to be spent on a foreign aid program when citizens of the recipient countries are not taxed on the basis of ability to pay, where tax escaping is the order of the day, where the wealthy who have the ability to pay do not pay a fair tax.

This is a condition that I would impose in the amendment. The applicant must show that it is trying to do something about reforming its tax program. That is needed in many parts of the world. It is easy for Americans, and, it appears, for American legislators, to overlook this point. We are inclined to brush this one under the rug.

What does one think about the tax program in Turkey? Does one think that the wealthy Turks are taxed in accordance with their ability to pay? Nonsense. What does one think about the tax program in Pakistan? If it is thought that it is based upon a fair application of the formula that taxes ought to be levied in accordance with the ability to pay, that is nonsense.

One can go on down the line, naming country after country. We have the right, in keeping with the acts of Bogotá and Punta del Este, to prove that in those two acts the self-help provisions are not merely so much verbiage. We meant it.

If we are going to insist on tax reform as a condition precedent to the granting of a loan, at least we must prove that a truly good faith attempt is being made at the time in the parliaments of the recipient countries. I know that we cannot bring about tax reform overnight. We have had a good many examples of that, not too far in the past, in the U.S. Senate. There are still many tax disjunctions that we ought to improve upon. We have not a perfect system. It is pretty hard to get tax reforms through in our own body.

But we ought to insist that good faith attempts at tax reform can be shown by the responsible leaders of the government asking for the aid. We ought to also insist upon a document which sets forth that they will do everything they can to carry out their side of the commitment.

I mention specifically the case of land distribution. Using it as an example, I wish to make it perfectly clear that this part of the amendment is not all inclusive. I am seeking to make clear that any foreign aid program that would be initiated under this particular amendment would put the burden upon the applicant to show that it is trying to develop a system of economic freedom for the individual in the respective countries. If that can be done, we do not have to worry about subsequent political freedom for the individual.

Let me make perfectly clear that the senior Senator from Oregon does not stand for land confiscation. The Senator from Oregon stands in connection with that problem as he would stand for fair compensation for any land in our own country that the Government decides must be distributed in order to strengthen the cause of development in a society based upon economic freedom, so that political freedom can take seed and grow in that seed bed.

I told a story of a former President of Colombia, President Lleras. I was down in Colombia a few years ago and met at luncheon, all afternoon, with the President and his cabinet. In the course of that conference, when I asked the President for the one thing—if I were limited to one recommendation to my country—that he would have me recommend, the President said:

Senator, can you go back and change the position of your Government in respect to land reform? Your Government has never made available to Colombia a single dollar of credit for land reform. Apparently you have the idea in the United States that we are advocating land confiscation. We are not. We are advocating compensation for the land that, as a matter of public policy, we find needs to be redistributed so that we can check communism in those areas of Colombia in which the people are serfs to the soil.

And they are massive.

Mr. President, all the aid in the world will not check communism. All the aid in the world that we can make available under the foreign aid bill will not check communism in any underdeveloped area of the world unless the people cease to be serfs to the soil.

We cannot have economic and political freedom if we have a feudal system of land tenure. And some of our Latin American friends shudder a little when we put it that bluntly, but that is the truth. In much of Latin America, many people are really, in effect—if they are working in the field of agriculture—nothing but serfs to the soil.

There is no substitute for ownership of land, or a family-sized farm that makes it possible for the head of that family to support his family in health and decency.

The President of Colombia told me on that occasion:

Your military aid could not possibly beat down communism in Colombia with the best military weapons you sent us if a Communist revolt takes place in the rural areas. And that is where Communist revolts usually take place. Then they spread to the metropolitan area. They do not start there in the usual pattern. They start out where the people are hopeless, suffering from despair. They see no future, for all they are are serfs to the soil.

He said:

If a revolt should start and they flee into the mountains, you could not put down that revolt with your military aid. But you give me some help in establishing a land ownership system based upon family farm ownership and communism will not survive.

We did change the policy of the United States. But many of these countries have yet to come forward with a realistic land reform program.

My amendment says "Come in and show us, if you wish to apply for foreign aid, what you are doing by way of taking adequate steps, where appropriate and necessary, to bring about reforms in such fields—but not limited to such fields as land distribution and taxation to enable its people fairly to share in the products of its development, and to assure that the project or program for which economic aid is requested will contribute to the economic or social development of the country."

Reforms in a good many other fields are necessary. What are they doing about developing democratic processes? What are they doing in connection with employment? What are they doing to stop economic discrimination?

The fields in which we would have the right to ask for at least a good showing before we grant aid are numerous. But if we wish to use the aid program really to help the people become economically and politically free and to stem the threat of communism in all parts of the world where applications for loans are sought, we really ought to ask for those conditions as a minimum.

I come now to part (B). An applicant would be required under that paragraph of the amendment to show—

That it is promoting the maximum amount of individual freedom and is encouraging its people freely to choose their own government; and

That statement causes a great deal of trouble in the State Department. They are great ones down there to talk about freedom. They are great ones to talk about how we are trying to defend freedom around the world. But if the slightest suggestion is made that the foreign aid program ought to have attached to it, to any degree whatsoever, a condition that the country seeking the funds must pay some attention to the rights of the individual—and that is what freedom is all about—they throw up their hands, because such a condition would mean that we would have to stop aiding certain totalitarian governments. We would have to stop aiding certain dictators. We would have to stop aiding some of the most tyrannical governments that exist in the world outside the Communist bloc.

Why should we not stop it? I do not know how we are going to get support for the image of the United States that we are trying to create when we continue to support regimes that stamp out freedom of the individual. That is why in all my years in the Senate I have been protesting the support that we have been giving to totalitarian regimes around the world. Does any Senator believe that such a policy is going to help to defeat communism? Such countries would leave us overnight if they decided that it would be in their national self-interest to do so. They would take our money. They would call for the country's businesses. Then they would do what Pakistan did. They would enter into deals with Red China or any other totalitarian country—that they might think could serve their purpose in respect to some problem.

The American people are entitled to know that their tax dollars are not being used to stamp out individual freedom anywhere in the world where our foreign aid program is developing. So far as the State Department and the Pentagon are concerned, they should be repudiated on this score.

The Pentagon takes exactly the same position in regard to military aid.

Paragraph (C) provides—

(C) That it seeks to establish and maintain only such military force as may be

adequate to prevent the internal overthrow of an elected government or to deter threatened external Communist attack;

That suggestion causes the shudders to run up and down the spines of the officials at the Pentagon and causes the representatives of the State Department almost to take to bed. I have never been able to understand, and I have never heard an argument in all the briefing, as to why the United States should be supporting a great military establishment in another country far beyond what the domestic economy of that particular country itself could support because, as I have said so many times, each of those countries lives, exists, and has its being under the canopy of American military protection anyway. Much better that the great manpower that they pour into their military establishments should be used to develop their own economies rather than to develop the type of military oligarchies that our foreign aid money in respect of the military establishment is developing around the world, for those oligarchies are not supporting freedom. I do not believe that our foreign aid program should go into a country that has an overbalanced, inflated military program. I am for helping them with military aid to the extent necessary to maintain internal order, but we have gone far beyond that in many countries.

One of my criticisms of our military aid program to Latin America is that we are pouring too much into too many Latin American countries which in turn are using that military aid to maintain military oligarchies for the most part composed, so far as their leadership is concerned, of the sons of the rich. That means that we must stop supporting military juntas around the world, such as those in the Dominican Republic and Honduras. If we are to take the position that we stand for freedom, we cannot very well support with millions of dollars of foreign aid governments that overthrow an elected government selected by the people.

Many disagree with me about this, but I am not going to vote for foreign aid that supports military juntas, that supports dictators, that supports regimes that overthrow self-governments, or that prevents the establishment of a system of self-government.

So long as we do that, so long as we accept those juntas, we encourage more juntas. And then the Communists take advantage of the general unrest. Take a look at the pattern.

In my judgment, today there is no less danger of overthrow of governments by military cliques that have received a great amount of military aid than there was 10 years ago. That is a very sad account of the failure of American military aid, or foreign aid generally, for that matter.

Next, my amendment makes an exception of irrevocable commitments.

We have some irrevocable commitments. One should not expect the senior Senator from Oregon to advocate abrogating the obligation of contracts solemnly entered into. No doubt, some

of those contracts should not have been entered into in the first place. But one of the unjustifiable arguments made by the State Department is to spread the rumor around the precincts of the Senate Chamber that "The Morse amendment would be an amendment calling upon us to act in bad faith." "We have made commitments," says the State Department. We certainly have. I am for keeping those commitments, bad as some of them are.

I have clearly written into the amendment—as clearly as I know how to use the English language—the assurance that the assistance is not going to be affected by irrevocable commitments that this country has already entered into.

Subparagraph (3) of my amendment reads:

In case of any such assistance extended in the form of loans, the interest rate thereon is not less than the average rate payable on obligations of the United States of comparable maturities.

What is wrong with that? We cannot continue these interest rates of three-quarters of 1 percent. We cannot continue the 10-year grace period, in which no money is to be paid at all. We cannot continue a provision for 40 to 50 years for repayment, and then, in many instances, in soft currencies.

The American people are becoming more and more fed up with that kind of shakedown. That policy is a shakedown of the American taxpayer, and an unconscionable one. Because a few of us have dared to discuss it, openly, frankly, and bluntly, in the past 2 or 3 years, millions more of the American people are becoming wise to it.

I know the kind of criticism that the apologists for this shakedown make against those of us who have dared to speak out against it. They try to castigate us with the false charge that we are only a group of beginners; that we are "go-it-aloners"; that we are not team-workers.

All those name-calling tactics make no dent on me, for I know that on the facts the State Department cannot justify the present interest charges of the AID program. The American people are entitled to better protection of their tax dollars than we are giving them under this program.

So the amendment provides that, if they want to apply, they may come in with applications for loans on projects, on which loans they are willing to pay interest at a rate not less than the average rate payable on obligations of the United States of comparable maturities.

That is really a great service to each individual country. It means that the people of the country will develop sound economic projects for which they will ask money, and not boondoggle programs; and that money they want for political purposes, money they want for a good many uses for which we have no right to give them a red cent if we are to be the trustees of the American taxpayers' dollars, will have to come out of their own resources.

I am not talking about grants. I am not talking about money available for

humanitarian causes. This provision has nothing to do with such uses. It has to do with loan money.

Reading from the last paragraph of my amendment:

The total number of countries or areas receiving assistance under this Act subsequent to June 30, 1966, shall not exceed fifty.

Mr. President, what in the world is wrong with that? Anyone would have a pretty hard time listing more than 50 countries that are entitled to foreign aid. We must cut back. We cannot continue to pour millions of dollars into 80 or more countries. If one reads the record of the Foreign Relations Committee hearings, he will have a hard time knowing just how many countries we are aiding. It all depends on what definition one accepts, by way of major premise, to start with.

I close my discussion of the amendment by calling attention to the comments which appear on page 5 of my minority views dealing with this subject matter. I say:

This leads to another major objection to the character of the foreign aid program as it now stands. It is only the beginning figure for what we spend overseas on an annual basis. Many Members of the Congress, much less the American public, have only the haziest idea of how money is involved in our contributions to a large number of international financial and developmental organizations, and in our shipments of agricultural surpluses.

Moreover, executive branch requests for the same general purpose in successive years have a tendency to disappear from one bill or category and turn up in another. For example, \$135 million for Latin American development (through the Inter-American Bank's Social Progress Trust Fund) contained in the 1964 foreign aid appropriation bill does not recur this year. At first blush this might appear as a reduction in our total aid. But no, the administration has just submitted a separate new request for \$750 million over a 3-year period for the same purpose with a slight change in terminology. There is no corresponding cut in this bill. Under these circumstances it is extraordinarily difficult to perceive the overall total of U.S. foreign aid, and to make intelligent judgments about the validity of its components, such as those contained in this bill.

EXCESSIVE NUMBER OF COUNTRIES CONTINUE TO RECEIVE BILATERAL AID

This confusion carries over into the question of how many countries are feeding at the American trough. If only aid under the Foreign Assistance Act is counted, then some 83 countries are scheduled to receive assistance in fiscal year 1965. But the total rises to over 90 countries and territories when all forms of assistance are counted. And indeed they should be counted. The administration can scarcely claim it is extending little aid to Nasser's Egypt, for instance, when Public Law 480 supplies are flooding that country.

Now it appears that the number of countries getting help under the Foreign Assistance Act has fallen by something like the figure of 10. It is noteworthy that there is no commensurate cut in the administration request for new funds. On the contrary, the AID officials point with pride to the growing concentration of effort in fewer "key" countries. By that standard, no matter how many nonessential applicants are cut off the aid payroll, the level of foreign assistance requests is likely to remain unchanged.

We must bring the foreign aid program to a complete end with respect to any country which is capable of going it alone. When we have poured out the largesse of our American taxpayers to the extent of more than \$100 billion since 1946, we must start tapering off. We must start tapering off the amounts, and we must start tapering off the number of countries we are aiding.

If we were to lay down the terms and conditions that I suggest in the amendment, we would find that my requirement of 50 countries is ample. We ought to serve notice now that we will take applications from up to 50 countries which can show that they are entitled to loans, or, in some limited respects, grants from us. Then we could say quite frankly, "This is all we can take care of. Countries that did not qualify within the 50 could go to Great Britain, France, Belgium, Holland, West Germany, Norway, Portugal, or Italy, countries into whose economies we have poured a total of more than \$100 billion, to obtain loans.

The State Department continually tells us that other countries have come to the conclusion that they must help more. I wish to induce them to help more. We should limit our aid to the 50 most needy countries in the world, which at the same time can meet the terms and conditions of the amendment.

Mr. FULBRIGHT. Mr. President, an amendment virtually identical to this amendment was offered last year, calling for stopping the program in 1965. It was defeated. Many of the provisions in the amendment, which the Senator from Oregon would like the administration to adopt, already are the policy of the administration, but they are not put in mandatory form, as a condition precedent. In many instances the administration seeks to follow most of the policy statements that the Senator sets forth. The main distinction is that they are not made absolute preconditions.

The amendment proposes to terminate the aid program on June 30, 1966, except for countries which meet specified criteria of self-help, use of their own private capital resources, encouragement of private enterprise, and reforms in such fields as land distribution and taxation, promotion of freedom, and confinement of military forces to the minimum level necessary to security. The amendment further provides that interest rates on loans will be no less than the average rate payable on obligations of the United States of comparable maturities. The amendment further provides that the total number of countries receiving aid shall not exceed 50.

Most, if not all, of the criteria spelled out in the amendment are already in the act and are already accepted by the administering agency as working principles. Spelling out of these criteria, therefore, is not a new contribution but merely a substantial repetition of the act as it stands. To this extent, the amendment is redundant and unnecessary.

While the act already sets forth most of the criteria listed in this amendment, it does not set them forth in such a way that they must always and fully be met before assistance can be provided. The

amendment suggests that no aid will be provided until the recipient has solved basic problems of self-help, internal reform, and utilization of private capital. The amendment would thus bar the United States from extending predevelopment assistance to underdeveloped countries. Predevelopment programs, now being carried out in Africa and other parts of the world, are quite inexpensive but extremely useful. Their objective is to prepare countries for development, that is to say, to prepare them to fulfill precisely the criteria set forth in this amendment. The effect of this amendment would be to make it impossible to assist countries until they had gone through the most difficult stage of economic growth, which is to say, the preparation for economic development.

The amendment's requirement of an interest rate "no less than the average rate payable on obligations of the United States of comparable maturities" is inconsistent with the basic purposes of the aid program. Our aid is provided for the express purpose of making funds available where financing from other sources on reasonable terms is not available. Countries capable of paying the interest rate proposed by the amendment are normally capable of meeting their debt capital requirements from other sources.

Heavy emphasis has been placed on selectivity in the aid programs in recent years, but the designation of a maximum of 50 countries is arbitrary. Our economic and military assistance is in fact highly concentrated. Two-thirds of all development lending funds in fiscal year 1965 will go to seven countries which have demonstrated their ability to make effective use of development capital: Chile, Colombia, Nigeria, Turkey, Pakistan, India, and Tunisia. Two-thirds of all military assistance will go to 11 countries along the periphery of the Soviet Union and Communist China.

To designate an arbitrary maximum of 50 recipients is to reduce the flexibility of the program to the point of largely eliminating its usefulness as an instrument of American foreign policy. It may be in the years ahead that our national interest will require us to provide aid to more than 50 countries; it is equally possible that we will be able to confine our aid programs to many fewer than 50 countries. It makes no more sense to designate an arbitrary maximum of 50 aid recipients than it would to designate an arbitrary maximum of 50 embassies or 50 USIA missions abroad.

I hope the Senate will not accept the amendment. The foreign aid program is the best that the Government is able to do. In spite of all the criticisms that are heaped upon the Administrator, I believe that Mr. Bell is an outstanding man. He was drafted to perform this task. The Administrator is doing the best he can. The program is difficult. It is easy to criticize. It is easy to criticize practically all parts of our Government, but it still remains the best system that can be constructed.

Therefore I hope the Senate will not accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oregon [Mr. MORSE]. On this question the

yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Tennessee [Mr. GORE], the Senator from Arizona [Mr. HAYDEN], the Senator from Georgia [Mr. RUSSELL], the Senator from Washington [Mr. JACKSON], the Senator from Utah [Mr. MOSS], and the Senator from Louisiana [Mr. LONG] are absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON] and the Senator from Massachusetts [Mr. KENNEDY] are absent because of illness.

I further announce that the Senator from Nevada [Mr. CANNON], the Senator from Pennsylvania [Mr. CLARK], the Senator from Oklahoma [Mr. EDMONDSON], and the Senator from New Jersey [Mr. WILLIAMS] are necessarily absent.

On this vote, the Senator from Virginia [Mr. BYRD] is paired with the Senator from Washington [Mr. JACKSON].

If present and voting, the Senator from Virginia would vote "yea" and the Senator from Washington would vote "nay."

On this vote, the Senator from Louisiana [Mr. LONG] is paired with the Senator from Pennsylvania [Mr. CLARK].

If present and voting, the Senator from Louisiana would vote "yea" and the Senator from Pennsylvania would vote "nay."

On this vote, the Senator from Georgia [Mr. RUSSELL] is paired with the Senator from New Jersey [Mr. WILLIAMS].

If present and voting, the Senator from Georgia would vote "yea" and the Senator from New Jersey would vote "nay."

Mr. KUCHEL. I announce that the Senator from Nebraska [Mr. HRUSKA], the Senator from Kansas [Mr. PEARSON], and the Senator from Pennsylvania [Mr. SCOTT] are necessarily absent.

The Senator from New York [Mr. JAVITS] is absent on official business.

The Senator from Arizona [Mr. GOLDWATER] is detained on official business.

If present and voting the Senator from Kansas [Mr. PEARSON] would vote "nay."

On this vote, the Senator from Nebraska [Mr. HRUSKA] is paired with the Senator from Pennsylvania [Mr. SCOTT]. If present and voting, the Senator from Nebraska would vote "yea" and the Senator from Pennsylvania would vote "nay."

The result was announced—yeas 29, nays 53, as follows:

[No. 530 Leg.]

YEAS—29

Beall	Gruening	Mundt
Bible	Hart	Robertson
Burdick	Johnston	Simpson
Cooper	Jordan, N.C.	Talmadge
Cotton	Jordan, Idaho	Thurmond
Curtis	McClellan	Tower
Dodd	Mechem	Williams, Del.
Dominick	Miller	Young, N. Dak.
Ellender	Morse	Young, Ohio
Ervin	Morton	

NAYS—53

Aiken	Church	Humphrey
Allott	Dirksen	Inouye
Bartlett	Douglas	Keating
Bayh	Eastland	Kuchel
Bennett	Fong	Lausche
Boggs	Fulbright	Long, Mo.
Brewster	Hartke	Magnuson
Byrd, W. Va.	Hickenlooper	Mansfield
Carlson	Hill	McCarthy
Case	Holland	McGee

McGovern	Pastore	Smathers
McIntyre	Pell	Smith
McNamara	Prouty	Sparkman
Metcalf	Proxmire	Stennis
Monroney	Randolph	Symington
Muskie	Ribicoff	Walters
Nelson	Salinger	Yarborough
Neuberger	Saltonstall	

NOT VOTING—18

Anderson	Gore	Long, La.
Byrd, Va.	Hayden	Moss
Cannon	Hruska	Pearson
Clark	Jackson	Russell
Edmondson	Javits	Scott
Goldwater	Kennedy	Williams, N.J.

So Mr. MORSE's amendment was rejected.

Mr. FULBRIGHT. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. MANSFIELD. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, I should like to ask the majority leader about the program for the remainder of the day and, insofar as he knows, what the program will be for tomorrow and when he proposes to convene the Senate.

Mr. MANSFIELD. It is my understanding that the distinguished senior Senator from Oregon, who has been most cooperative in offering amendments, will offer one more amendment this evening.

It is my further understanding that the yeas and nays may well be requested.

If there are other amendments following that—and I would hope that there would be—though I doubt it very much—the Senate would remain in session to consider them in the interest of expediting the measure now before it.

There is already an order for the Senate to meet at 10 o'clock tomorrow morning.

ECONOMIC OPPORTUNITY ACT OF 1964—UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, at this time, after conferring with the distinguished minority leader and other interested individuals, I ask unanimous consent that on the question of agreeing to the House amendment, without amendment, to Senate 2642, the so-called antipoverty bill, debate beginning at 10:15 o'clock tomorrow morning be limited to 1 hour, to be equally divided between the proponents and the opponents, with the time to be controlled by the majority and minority leaders.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That effective on Tuesday, August 11, 1964, beginning at 10:15 a.m., the

Senate proceed to the consideration of the House amendment, without amendment, to S. 2642, the so-called antipoverty bill, with all debate thereon limited to one hour, to be equally divided between the proponents and opponents and controlled by the majority and minority leaders, respectively.

AUTHORIZATIONS FOR COMMITTEES OF THE SENATE TO MEET UNTIL 12 O'CLOCK MERIDIAN TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that committees of the Senate may be permitted to meet up until 12 o'clock meridian tomorrow.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS—MODIFICATION OF UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, when the Senate meets tomorrow it will discuss the House amendment to the antipoverty bill (S. 2642) which is really the Economic Opportunity Act of 1964. It will then return to the foreign aid bill. I would hope that the Senate will show as much expedition tomorrow as it has shown today.

Mr. TOWER. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. TOWER. It was my understanding that the Committee on Labor and Public Welfare was meeting tomorrow only to consider nominations, but I have since been informed that it will also consider proposed legislation as well.

Since the members of that committee will be in the Chamber debating the House amendment to the antipoverty bill, it seems inappropriate that the Committee on Labor and Public Welfare should meet later than 10:15 a.m., tomorrow.

Accordingly, inasmuch as unanimous consent has already been propounded and agreed upon, would the Senator from Montana agree to change his request in regard to that committee?

Mr. MANSFIELD. The nurses training bill is due to be reported tomorrow, which is a matter of prime importance. It is a bill to which I know of no opposition. In view of the generosity of the Senator from Texas, I agree to rescind my previous request in regard to the Committee on Labor and Public Welfare.

Mr. TOWER. The only point I should like to make to the majority leader is that, of course, the antipoverty bill is also of prime concern to the Committee on Labor and Public Welfare, and members of that committee would be in the Chamber; therefore, I believe it should not meet at the time specified by the Senator from Montana.

Mr. MANSFIELD. Would it be agreeable to ask permission for the Committee on Labor and Public Welfare—if it so desires—to meet from 11:15 a.m. tomorrow until 12:30 p.m.?

Mr. TOWER. I would not object to that request.

Mr. MANSFIELD. Mr. President, I therefore make the request that the Committee on Labor and Public Welfare be permitted to meet from 11:15 a.m. tomorrow until 12:30 p.m.

Mr. TOWER. Could that request not be made so as to take effect after the vote on the antipoverty bill?

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare be permitted to meet from 11:30 a.m. to 12:30 p.m.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

COMMITTEE MEETING DURING REMAINDER OF 2D SESSION OF 88TH CONGRESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Appropriations be authorized to meet during the sessions of the Senate for the remainder of the 2d session of the 88th Congress.

Mr. TOWER. Mr. President, reserving the right to object, I should like to inquire of the Senator from Montana whether this authorization applies only to the Appropriations Committee?

Mr. MANSFIELD. This is only for the Appropriations Committee.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. MORSE. Mr. President, I call up my amendment No. 1188, and ask that it be stated.

The PRESIDING OFFICER. The amendment of the Senator from Oregon will be stated.

Mr. MORSE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD at this point.

The amendment (No. 1188) submitted by Mr. MORSE is as follows:

On page 4, line 5, after "SEC. 104." insert "(a)".

On page 4, between lines 13 and 14 insert the following:

"(b) Title VI of chapter 2 of part I is amended by adding at the end thereof the following new section:

"SEC. 254. RESTRICTIONS ON ASSISTANCE.—(a) None of the funds made available under authority of this Act may be used to furnish assistance to any country covered by this title in which the government has come to power through the forcible overthrow of a prior government which has been chosen in free and democratic elections.

"(b) The provisions of this section shall not require the withholding of assistance to

any country if, following a determination by the President that the withholding of such assistance would be contrary to the national interest, the two Houses of Congress adopt a concurrent resolution approving the continuance of such assistance."

Mr. MORSE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DIRKSEN. Mr. President, I should like to inquire of the Senator from Oregon whether he proposes to offer any more amendments tonight after the yeas and nays votes on the one the Senator now has pending?

Mr. MORSE. I do not plan to offer any more amendments tonight.

I shall offer more if Senators wish to stay and vote.

Mr. DIRKSEN. Mr. President, if it offers no offense to Senators, I wonder if we can obtain some indication of how many amendments still remain to be offered on both sides of the aisle.

Mr. MANSFIELD. Mr. President, if the Senator from Oregon will yield for me to make a point on that, I have a rough figure. As I check around, it appears that there will be approximately 20 amendments to be offered—including the one now pending—on the part of all Senators.

I should say that the Senator is making very good progress today, and I am highly pleased.

Mr. MORSE. Mr. President, while so many Senators are present, I ask unanimous consent—and I am sure it will be drafted for insertion before the Senate takes a recess tonight—to have printed in the RECORD a blanket amendment that would cut the authorization to not more than \$3 billion. That calls for a good many technical changes in the bill. I have legislative counsel working this afternoon on this amendment.

I ask unanimous consent that I may send that amendment to the desk, that it be printed so as to be available to Senators tomorrow, and that it lie on the desk.

The PRESIDING OFFICER. Without objection, the amendment will be received and printed, and will lie on the desk as requested.

Mr. MORSE. Mr. President, I shall read from the pending amendment and comment on it as I proceed. The amendment provides:

On page 4, line 5, after "Sec. 104." insert "(a)".

On page 4, between lines 13 and 14 insert the following:

"(b) Title VI of chapter 2 of part I is amended by adding at the end thereof the following new section:

"SEC. 254. RESTRICTIONS ON ASSISTANCE.—
(a) None of the funds made available under authority of this Act may be used to furnish assistance to any country covered by this title in which the government has come to power through the forcible overthrow of a prior government which has been chosen in free and democratic elections.

"(b) The provisions of this section shall not require the withholding of assistance to any country if, following a determination by the President that the withholding of such assistance would be contrary to the national interest, the two Houses of Congress adopt a concurrent resolution approving the continuance of such assistance."

I tried to place every possible safeguard in the amendment to protect our national security. This is a position that the senior Senator from Oregon, as chairman of the Subcommittee on Latin American Affairs, has taken for the past several years—not alone, either. Although we have a little difficulty getting the votes on the floor of the Senate for assistance, I will say that on the basis of my conferences in the past several years with my associates on the Committee on Foreign Relations, a considerable number of them say, "You are right." And I think I am right.

Taking a hypothetical country. The amendment provides that if a country has a government that has been democratically elected—or, as we speak of it, a constitutional form of government—and that government is overthrown by force, be it a Communist force, a military force, or a military junta—we stop the aid.

The amendment does not read "until it restores the government it overthrew." It does not require this, although one would hope that the facts in a given situation would justify that. It does provide that we will not give them aid if they overthrow a democratic form of government. It means that they must return to constitutionalism. We ought to square our practices with our representations about trying to support freedom around the world. We ought to stop encouraging outlaws and military juntas around the world from destroying constitutional government, believing that if they do it, they have nothing to lose. They believe that after a little while the United States will come along, pour millions of dollars into their country, and help them entrench themselves in a position of domination over their people and thus keep down freedom.

I am perfectly willing to talk about specific cases. If my amendment had been the law of the land at the time of the junta in the Dominican Republic, under the Bosch regime, we would not only have stopped aid—and we stopped it for awhile—but we would have stopped it until constitutionalism was returned to the Dominican Republic.

My amendment would not require the reinstatement of Mr. Bosch. After the junta, he left the country. It is true that he was taken out of the country. He went to Puerto Rico. But, Mr. President, the country had a constitution. The constitution called for succession. The constitution called for the exercise of rights and prerogative on the part of the parliament. The constitution called for self-government on the part of the people. That was what was destroyed. The junta not only overthrew a president by force, but destroyed constitutionalism in the Dominican Republic. Do not be fooled by the facade they set up. They set up a so-called civilian council or commission under the complete domination and control of the military.

I hold no brief for Bosch. I am not qualified to pass judgment on whether he was a good President or a bad President. That is an internal governmental problem for the people of the Dominican Republic who live under an alleged sys-

tem of self-government. I do hold a brief for our supporting the application of the constitutional system, and opposing the overthrow of a constitutional system.

Their constitutional system was like ours. It provides for various checks, various rights in the people to determine what their own form of government should be. That was destroyed. People became victimized by a junta.

The facade that was set up, the so-called civilian council not having U.S. recognition, continued to cause embarrassment. It produced an interesting set of facts prior to final recognition by the United States of the military junta.

We were told in the Cabinet Room by the then Acting Secretary of State, Mr. Ball—and there are men that are within the sound of my voice who heard it—that the State Department had decided that we ought to recognize the tyrannical military junta of the Dominican Republic, because that junta was about to stage a second coup and was going to stage the second coup out of resentment over the fact that the civilian council had not been able to deliver U.S. recognition, and that the second coup would be bloodier than the first.

I was shocked. In my judgment, we should have continued to refuse to recognize the military junta of the Dominican Republic until it established constitutionalism in the Dominican Republic. By recognizing it we have given encouragement to outlaw forces in Latin America that will not forget that precedent.

At the time I received some criticism when I made the statement to the effect that recognition of the Dominican Republic means that when the chips are down the United States cannot be counted upon to support freedom in Latin America. So we cannot. Our record shows time and time again that we cannot be counted upon.

Mr. President, in my judgment the record of the United States in Latin America on this point is deplorable, and to our shame. We ought to take the position, and stand by it, that if a military junta overthrows a freely elected constitutional government, we will not support that military junta.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. MORSE. I am delighted.

Mr. LAUSCHE. If the amendment of the Senator from Oregon were adopted, would it deny us the right to give aid to Brazil, which threw out Goulart because of the suspicion and the supporting evidence, that he was tolerating the suggestion and was likely to convert the Brazilian Government into a Communist form of government?

Mr. MORSE. The answer is "No"; and I shall cover Brazil before I finish my remarks.

Mr. LAUSCHE. However, the amendment would cover the Dominican Republic, where Bosch was eliminated?

Mr. MORSE. If the Senator will permit me to finish my statement, I shall cover both the Dominican Republic and Honduras.

Mr. LAUSCHE. And Ecuador?

Mr. MORSE. The amendment would have covered Ecuador at the time, but the amendment would not be retroactive. I wish we could make it such, but I do not think it would be fair and proper to make it retroactive. The amendment would establish the policy from now on.

Mr. LAUSCHE. That policy would be such that although the incumbent government might have all of the attributes of wanting to align itself with Red Russia and against the United States, if a military coup were achieved which would change the course of that government, we would not give aid to the substituted government.

Mr. MORSE. I still believe in the rights of the people. I believe in the rights of the people. That is for the people to determine under constitutional government. There is nothing in my amendment that requires us to give aid to a constitutional government just because it is constitutional. The best way to deal with the type of problem which the Senator from Ohio has in mind is to stop supporting military dictatorships. Communism makes more progress under those regimes than it does under constitutional regimes, as we should have learned from Cuba.

I believe that we made a great mistake in the Dominican Republic. But I wish to stress the fact that my amendment would not be retroactive.

We have recognized the Dominican Republic. I hope that democratic forces in the Dominican Republic will be able to persuade that junta that in the long pull, it is in the interest of the Dominican Republic to have elections and to return to a constitutional form of government.

Some may be surprised to hear me make this statement. There are a few leaders in the Dominican Republic who have been caught up in this mess, leaders who would that they were out of it, but feel that their best service to the Dominican Republic is to continue to do what they can to bring about a day when constitutionalism can be reestablished. These men are democrats at heart, men who believe in self-government, men who are willing to make great sacrifices and did make great sacrifices economically, and were willing to sacrifice their lives, if necessary, to overthrow Trujillo. I have great admiration for them. They are working within the junta government now. I have great hopes that in the not too distant future—2 or 3 years from now, and I hope sooner—through their influence and that of many others in the Dominican Republic there would be a return to constitutionalism in the Dominican Republic. But I could not say tonight that there is any reason to have assurance of it or any reason to finance the junta in the meantime.

The hands of those men would have been greatly strengthened if my amendment had been the law of the land at the time of the revolt, for I know what they say privately. Bosch never would have been returned. The Senate did not find the Senator from Oregon taking the position that he should be returned. The Senate found the Senator from Oregon

taking the position that the next in line under that Constitution should be vested with the powers of the President to move on from them. I took the position that it was up to the people of the Dominican Republic to determine whether or not he should be returned.

An attempt was made at the time to get me to take the position that Bosch must be returned. I said constitutionalism should be returned. And so it should. I do not believe we should have been a party to giving support to the junta.

In the Dominican Republic the issue was that the military in that country should be brought under the control of the civilian government. What is so bad about that? We like to say that that is one of the safeguards of American freedom. We like to tell the world that in the United States the civilian government is in control of the military, and the military takes its orders from the civilian government. Bosch was proposing a policy of the Dominican Government whereby the military government would be brought under control of the executive and the congress. The military saw the handwriting on the wall. I am not saying on the floor of the Senate tonight that that was the only issue, but I would say that it was one of the most dominant issues that led to the overthrow of constitutionalism in the Dominican Republic.

The military would have none of it. Rather than have any of it, they tore down the citadel of constitutionalism and desecrated self-government in the Dominican Republic. And we supported it with subsequent recognition, and now with a resumption of aid. That is it. All we can do now is wait for the people of the Dominican Republic ultimately to make the final decision. I hope it can be done peacefully. I hope it can be done by recognition on the part of all, including the type of leaders I have referred to, who were caught up in this situation, who found themselves very much in opposition to some of the executive policies of Bosch, of the need to reestablish constitutionalism and self-government there.

Now a word about Honduras. The amendment would apply to countries in the future that made the same type of mistake in overthrowing constitutionalism as in Honduras. Of course, it would not be retroactive. The Honduras situation, I think, is to our national shame, so far as recognition is concerned. It was only a short time before a presidential election in Honduras. The campaign was on.

The briefing before my committee—and I know of no one who challenges this statement—was to the effect that there was a rather close race for the Presidency. The candidate for the Presidency, who, it was taken for granted, was going to win, also took the position that the military should be subject to the control of the civilian government, and favored a constitutional amendment to that effect. That was unacceptable to the military, and it overthrew the Government, and we recognized it. We recognized it the same day we recognized the

Dominican Republic. It shocked many of our friends in Latin America. We ought to stop this.

The same would have applied years ago to Ecuador. It would have applied to Peru, although, in fact, we did not resume aid to Peru until the junta restored the country to constitutionalism. It would have applied to every area where constitutional government was overthrown by military force.

Now let us take the situation of Brazil, to which the Senator from Ohio [Mr. LAUSCHE] referred. The constitutional processes were followed in Brazil. Many people miss this point. There was agitation against Goulart. The Governor at São Paulo and the Governors in some other States were calling for great changes in their form of government. They became convinced, as I was convinced, that Goulart was really an ally of the Communists. A revolt took place, but constitutional processes were never abandoned in Brazil. Do not forget that when Goulart fled the country, he abdicated the Presidency, as provided by Brazilian law, for he had no consent to flee the country. In Brazil, like other Latin American countries—Mexico being another, I recall offhand—if a President leaves the country without the approval of the country's Parliament, he has abdicated his office, and he is no longer President.

What happened after Goulart abdicated? The Vice President was the next in line, under the Constitution, to take office. The Constitution provides, in a situation such as that, for the successor.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. LAUSCHE. How close to the tail of Goulart was the army when he fled?

Mr. MORSE. There is no question that a revolution was in process, but that revolution did not mean that the constitutional processes were going to come to an end. The Senator is jumping to the conclusion that the Brazilian situation would have been the same as the Dominican Republic situation. Not at all. The head of the army was not for overthrowing the Constitution. The head of the army was pointing out, supported by the Governors of the several states, and the Parliament, that it had a constitutional government, and that the processes under the Constitution were used to take care of the situation.

Mr. LAUSCHE. Mr. President, will the Senator yield further?

Mr. MORSE. Certainly.

Mr. LAUSCHE. The Senator from Oregon astonishes me with the depth of his knowledge in these different situations. He has discussed the Dominican Republic, Honduras, Brazil, Ecuador, and Peru. I compliment him for his knowledge.

Mr. MORSE. I thank the Senator, but I have no depth of knowledge at all.

Mr. LAUSCHE. But I do not agree with the principle he enunciates.

Mr. MORSE. I thank the Senator for the compliment, but I am saddened by his last statement, because of the brilliant mind the Senator from Ohio has. Being the thinker he is, he ought to know

that we cannot justify, before the eyes of the world, supporting tyranny by overthrowing constitutional government. I do not believe that is really the true thought of the Senator from Ohio, and I believe that if he took the time to sit down and contemplate the premise on which he has based his conclusion, he would agree. He is one of the soundest constitutionalists in this body. I do not know why he is walking out on his own philosophy.

Mr. LAUSCHE. Nor do I subscribe to the proposition that we should reject governments that overthrow Communist governments that are oriented to Moscow and that are favorable to us.

Mr. MORSE. The Senator does not have any faith in the people of those countries. He assumes that all the people are for those governments. Give them an opportunity to work their will under their constitutions.

Mr. LAUSCHE. If we reject their acts in overthrowing governments that are oriented toward Moscow, we in effect tell those people that we are not in agreement with what they have done. That is the aspect that causes me to disagree most vigorously with the Senator from Oregon.

Mr. MORSE. The Senator may disagree, but he should stop rejecting the will of the people and should give the people of the country involved an opportunity to work their will under their constitution, and should not let the military supplant the will of the people or not give the people an opportunity to work their will. That is what the Senator is proposing.

The Brazil situation is interesting because in Brazil there was the application of the popular will within the framework of the constitution.

Mr. LAUSCHE. Except that Goulart fled because, as we know, the military were following him so closely that he did not dare stay in Brazil. Otherwise, what would have happened to him?

Mr. MORSE. He would clearly have been put under impeachment and been put away by the Congress of that country. Read the power of the Parliament of Brazil with regard to what we would call in this country impeachment. He would have been put out of office. He should have been put out of office. When he left the country and abdicated, the next man in line to succeed in the Presidency was put in office, until the next constitutional step could be worked out. What happened in Brazil is no precedent for the very unsound doctrine the Senator has expressed on the floor in support of militarism against the exercise of the will of the people because there was one bad actor who was a Communist.

Mr. LAUSCHE. That is not what I said.

Mr. MORSE. That is what it adds up to.

Mr. LAUSCHE. The fact is that when the Communists take control, the rights of the people the Senator from Oregon has described never are given execution or application. Goulart and his followers in Brazil would never have given those who argued with them the ability to state their views.

Mr. MORSE. That is an unsupportable conclusion on the part of the Senator from Ohio, because the Congress never had a chance to work. Goulart himself, after the revolution started, did it. He would have been subject to what under our constitutional procedures is called impeachment. I do not think there is any question about it.

Mr. LAUSCHE. Will the Senator point out to me one instance in the history of the past 20 years in which what the Senator optimistically describes would have happened?

Mr. MORSE. Mexico.

Mr. LAUSCHE. That is one. What about the other Nations? What about Cuba? What about the other Nations in which revolutions have taken place?

Mr. MORSE. Let me say about Cuba that if we had not supported a Fascist dictatorship for years in Cuba I do not believe Castro would have come to power.

Mr. LAUSCHE. Our weakness was that when Castro came to power we recognized him, knowing that he was a Communist.

Mr. MORSE. I did not do so. I raised a lone voice against Castro, when many Senators were trying to tell the country what a great democrat he was. Let Senators read the RECORD. It was perfectly obvious to me from the beginning that we were dealing with another type of dictator, who should not have had any support from us. Castro received a great deal of support in the United States that he never should have had.

Mr. LAUSCHE. I knew that we were dealing with a dictator when he decided to hold a circus trial in a hippodrome and put to death 500 people. I recall that the Senator from Oregon voiced those thoughts at that time.

Mr. MORSE. I have been completely consistent in my position on this issue. I shall be consistent now.

We should not follow a course of action that gives support to the overthrow of the will of the people. We should make perfectly clear that our foreign aid will go to countries which support lawful governments, and that if a self-governing country has been overthrown, irrespective of the fact that a bad actor got into the Presidency, if the Constitution covers that situation, we should make clear that he must be gotten rid of by constitutional processes, and that we will not support a military dictatorship which is the result of the overthrow of self-government.

That is the burden of my argument.

I wish to finish what I started to say about Brazil. In Brazil, the constitutional processes were followed. If I were a Brazilian, I would hold no brief for the mistakes that were made internally in carrying out their policies since they elected their new President. However, that is their right. Tonight no Senator can cite Brazil as an example of a military dictatorship, because it is not. Self-government on the part of the Brazilian people continues to proceed. If anyone thinks not, let him look at what is happening in Brazil with respect to an exchange of points of view in Parliament, in the press, and in many sources and forces of public opinion.

My amendment is one of the great protectors that can be offered to our democratic friends in Latin America.

If Senators will talk with the leaders of that Government, they will find that they are enthusiastic for the position that I have taken. I am somewhat embarrassed to make this personal reference, but when the recent conference of Latin American foreign ministers was held in the Pan American Building, the foreign ministers of six countries talked with me about the proposal which I am making tonight. They told me this was the most important thing I could do to strengthen and support the objective of the Alliance for Progress.

Their interest and encouragement is the reason I am offering this amendment. They know that too much of the American interest in Latin American aid stems from fear of communism and not from support of freedom. That knowledge throughout Latin America is one of the great weaknesses of the program.

The amendment would teach a great lesson throughout the Western Hemisphere, and would give great strength to the cause of freedom and constitutional government in Latin America. It would certainly be a discouragement to potential military juntas, if it were made a part of the foreign aid law.

Mr. FULBRIGHT. Mr. President, I hope the Senate will not accept the pending amendment. It was voted on last year and rejected by the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oregon.

The yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Nevada [Mr. BIBLE], the Senator from Virginia [Mr. BYRD], the Senator from Idaho [Mr. CHURCH], the Senator from Mississippi [Mr. EASTLAND], the Senator from Tennessee [Mr. GORE], the Senator from Arizona [Mr. HAYDEN], the Senator from Alabama [Mr. HILL], the Senator from Washington [Mr. JACKSON], the Senator from Louisiana [Mr. LONG], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], the Senator from Wisconsin [Mr. NELSON], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Virginia [Mr. ROBERTSON], and the Senator from Mississippi [Mr. STENNIS] are absent on official business.

I also announce that the Senator from Nevada [Mr. CANNON], the Senator from Pennsylvania [Mr. CLARK], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from South Dakota [Mr. McGOVERN], and the Senator from New Jersey [Mr. WILLIAMS] are necessarily absent.

I further announce that the Senator from New Mexico [Mr. ANDERSON] and the Senator from Massachusetts [Mr. KENNEDY] are absent because of illness.

On this vote, the Senator from Virginia [Mr. BYRD] is paired with the Senator from Louisiana [Mr. LONG].

If present and voting, the Senator from Virginia would vote "yea" and the Senator from Louisiana would vote "nay."

On this vote the Senator from Virginia [Mr. ROBERTSON] is paired with the Senator from Washington [Mr. JACKSON].

If present and voting, the Senator from Virginia would vote "yea" and the Senator from Washington would vote "nay."

I further announce that, if present and voting, the Senator from Pennsylvania [Mr. CLARK] and the Senator from New Jersey [Mr. WILLIAMS] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Nebraska [Mr. HRUSKA], the Senator from Kansas [Mr. PEARSON], and the Senator from Pennsylvania [Mr. SCOTT] are necessarily absent.

The Senator from New York [Mr. JAVITS] is absent on official business.

The Senator from Arizona [Mr. GOLDWATER], the Senator from Iowa [Mr. HICKENLOOPER], and the Senator from Massachusetts [Mr. SALTONSTALL] are detained on official business.

If present and voting, the Senator from Nebraska [Mr. HRUSKA], the Senator from Massachusetts [Mr. SALTONSTALL], and the Senator from Pennsylvania [Mr. SCOTT] would each vote "nay."

The result was announced—yeas 12, nays 59, as follows:

[No. 531 Leg.]

YEAS—12

Allott	Ervin	Morse
Bartlett	Gruening	Proxmire
Carlson	Johnston	Simpson
Cotton	Jordan, N.C.	Young, Ohio

NAYS—59

Aiken	Holland	Mundt
Bayh	Humphrey	Pastore
Beall	Inouye	Pell
Bennett	Jordan, Idaho	Prouty
Boggs	Keating	Randolph
Brewster	Kuchel	Ribicoff
Burdick	Lausche	Russell
Byrd, W. Va.	Long, Mo.	Salinger
Case	Magnuson	Smathers
Cooper	Mansfield	Smith
Curtis	McCarthy	Sparkman
Dirksen	McClellan	Symington
Dodd	McGee	Talmadge
Dominick	McIntyre	Thurmond
Douglas	McNamara	Tower
Ellender	Mechem	Walters
Fong	Metcalf	Williams, Del.
Fulbright	Miller	Yarborough
Hart	Monroney	Young, N. Dak.
Hartke	Morton	

NOT VOTING—29

Anderson	Hayden	Muskie
Bible	Hickenlooper	Nelson
Byrd, Va.	Hill	Neuberger
Cannon	Hruska	Pearson
Church	Jackson	Robertson
Clark	Javits	Saltonstall
Eastland	Kennedy	Scott
Edmondson	Long, La.	Stennis
Goldwater	McGovern	Williams, N.J.
Gore	Moss	

So Mr. MORSE's amendment was rejected.

Mr. GRUENING. Mr. President, after consultation with the majority leader, I call up my amendments Nos. 1175 and 1138 and ask that they be made the pending business when debate is resumed on the foreign aid bill tomorrow morning, after the antipoverty legislation has been disposed of.

The PRESIDING OFFICER. Does the Senator wish to have them considered en bloc?

Mr. GRUENING. I have only two of them, amendments Nos. 1175 and 1138.

The PRESIDING OFFICER. The amendments of the Senator from Alaska

will be stated for the information of the Senate.

Mr. GRUENING. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendments will be printed in the RECORD at this point.

The amendments submitted by Mr. GRUENING are as follows:

AMENDMENT No. 1175

On page 1, between lines 6 and 7, insert the following:

"TITLE I—DEVELOPMENT LOAN FUND

"SEC. 101. Section 201(d) of the Foreign Assistance Act of 1961, as amended, which relates to the Development Loan Fund, is amended to read as follows:

"(d) Funds made available for this title shall not be loaned or reloaned at rates of interest excessive or unreasonable for the borrower and in no event shall such funds (except funds loaned under section 205 and funds which, prior to the date of enactment of the Foreign Assistance Act of 1964, were authorized or committed to be loaned upon terms which do not meet the minimum terms set forth herein) be loaned at a rate of interest of less than the rate arrived at by adding one-quarter of 1 per centum per annum to the rate which the Secretary of the Treasury determines to be equal to the average annual interest rate on all interest-bearing obligations of the United States then forming a part of the public debt as computed at the end of the fiscal year next preceding the date the application for the loan is approved and by adjusting the result so obtained to the nearest one-eighth of 1 per centum."

Redesignate the succeeding sections under part I, accordingly.

AMENDMENT No. 1138

TITLE VIII—ACCELERATED PUBLIC WORKS

Sec. 801. Section 3(d) of the Public Works Acceleration Act (Public Law 87-658; 76 Stat. 542) is hereby amended to read as follows:

"(d) There is hereby authorized to be appropriated not to exceed \$2,400,000,000 to be allocated by the President in accordance with subsection (b) of this section, except that not less than \$800,000,000 shall be allocated for public works projects in areas designated by the Secretary of Commerce as redevelopment areas under subsection (b) of section 5 of the Area Redevelopment Act. Appropriations made pursuant to this authorization after the date of enactment of this sentence shall remain available until expended."

TRIBUTE TO MRS. CLAIR ENGLE

Mr. YOUNG of Ohio. Mr. President, last year, on August 14, in Doctors Hospital in Washington, Mrs. Clair Engle, my wife, and I were in attendance on our late, great colleague, Senator Clair Engle.

He was one of the bravest and finest men I ever knew.

He was a great athlete, an active, vigorous young man of 52.

That night of August 14 last year, he was wheeled into the operating room accompanied by his wife Lucretia on one side and myself on the other, where he underwent the first of two operations for brain surgery.

Throughout the period following that time, I met with his wife Lucretia on many occasions at Doctors Hospital, and again at the Naval Hospital in Bethesda.

The Engle home is located near Cap-

itol Hill, and on her way home from the hospital in Bethesda late at night, Mrs. Engle would frequently stop at my home. My wife and I would insist on her remaining with us rather than continuing alone to Capitol Hill.

Mr. President, Mrs. Engle is a very great lady.

In today's Washington Evening Star there is published an article written by William S. White, entitled "A Tribute to Mrs. Clair Engle."

I have personal knowledge that the statements made by this respected and nationally known columnist are factually correct—as everyone knows.

I have personal knowledge of the fact that my colleague and friend Clair Engle, with whom I vacationed over the Christmas weekend in 1962 and New Year's weekend of 1963, was a great athlete, a man of the utmost vigor, who could run for 9 miles in the sand, when I would give out at the end of a third that distance.

Yet he was stricken fatally—we who loved him knew; but he felt that he was going to recover. He had confidence that he would recover and would be able to run for reelection as a Senator from the State of California.

While Clair Engle was in the hospital, many people misunderstood the situation. This tribute to Mrs. Clair Engle written by William S. White is factually correct, because I can attest to every word in every line of it from my personal knowledge and I hope it will clear up some misunderstanding.

Mr. President, I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A TRIBUTE TO MRS. CLAIR ENGLE

(By William S. White)

The feeling that politicians are not really people and that they can in no circumstance deserve pity is so deeply embedded as perhaps never to be dislodged by a more humane view.

The general attitude is an oversimplification of Harry Truman's wry observation: "If you can't stand the heat, get out of the kitchen." Mr. Truman did not mean that politicians did not bleed like other men when wounded. He only meant that those who dish it out should be ready to take it. He did not intend to promote the idea—though he has done it—that in politics anything should go; anything at all.

Even so American folklore has commonly exempted the women and children from the more pitiless forms of political combat; just as we still don't believe that girls should serve in the infantry. Not so in the case of Mrs. Lucretia Engle, widow of Senator Clair Engle, of California. Since nobody is suddenly so friendless as a man out of power—or a widow bereft of a man who had lost power before he died—this column is meant to put the case for Lucretia Engle.

For many weeks her husband, Clair Engle, lay ill in a hospital of a brain tumor and for many months thereafter he could only hobble about his home, barely able to speak, before death came at last to end his agony. For all those weeks and months he was sustained most of all by Lucretia Engle. She remembered that line—" * * * in sickness and in health." She was the only "night nurse" he had in all that hopeless span of time. She was, in the very nature of things,

the only "political associate" with whom he could be always in touch and upon whom he could rely day and night and in between.

Now all during this time until at length he withdrew himself from all politics, the position was specially sensitive. Since he was up for reelection in California and since carrying California was the legitimate concern of the Democratic Party and its leaders, special problems were created. And all these special problems fell on the already desperately tired shoulders of Lucretia Engle.

That some politicians in California pushed her without too much sensitivity to get Clair Engle out of the race quickly was understandable; for much was at stake. But that in doing so they made no secret of their cool belief that he was of course going to die at any moment anyhow was something less than understandable even in the hard, tough trade of politics. And that they believed, and said, that it was only the "ambitions" in Lucretia Engle which kept him from conveniently withdrawing early was too much altogether.

For while the eventual inheritor of Clair Engle's nomination for the Senate, PIERRE SALINGER, dealt in unflinching gentleness and gallantry with Lucretia Engle, other men were quite unable to show here either. They misled much of the press into honestly supposing that Lucretia Engle was some sort of female Svengali to Clair Engle's Trilby; that she was moving him about for her own pride and ends.

The simple truth was piteously different. Lucretia Engle was at every step of the way doing what she thought Clair Engle wanted her to do—and only that. There is, moreover, this strongly suggestive evidence: If Lucretia Engle was pushing Clair Engle about without his knowledge, why did she welcome and encourage others to call and talk to him, rather than the reverse?

Her ambition was in fact the ambition to keep Clair Engle alive and to keep burning in him some small flame of hope for a recovery and a continued career. Hope, surely, is an allowable human motive, even in a man who is gravely ill.

Of course, Lucretia Engle had her doubts all along that Clair Engle could attempt another campaign. But, after all, she could hardly say to him—with that wonderful objectivity which is so much easier to maintain by those who do not love a sick man than by those who do: "Look here, Clair. You will never recover; so give up these, your empty dreams of returning to the Senate. Too much is involved for you to hang onto the possibility of making a race you cannot run."

To recall all this is too late to do much good for Lucretia Engle. Yet it is worth putting into the record for two reasons: To salute the decent humanity of PIERRE SALINGER, whatever his shortcomings otherwise may be. And to make us all think a bit upon the proposition that maybe even politicians—and politicians' wives—are people, too.

ESTES KEFAUVER

Mr. MCINTYRE. Mr. President, as we come to the close of this day, I would just like to say that 1 year ago today, with the death of Estes Kefauver, the world suffered the loss of an accomplished statesman. The people of this Nation lost a crusading and compassionate champion. This body lost one of its most distinguished and able Members. And I lost a friend.

The things Estes Kefauver wanted most were the things he fought hardest for—peace, the dignity of man, a fair deal for the consumer, and an end to

special privilege and lawlessness. The quality that distinguished Estes Kefauver from other men whose motives were perhaps just as noble was heart. He not only believed, but he felt. He not only felt, but he acted.

Such considerations as whether he was in the majority seldom, if ever, occurred to him. The strength of his own convictions was enough to sustain him, even when he stood alone.

The world is peopled with but a small number of leaders at any one time, and I believe our hope for survival lies in recognizing and paying heed to them. Estes Kefauver was one of these.

His attitude was sectional only so far as his great love for his State of Tennessee and his desire to make it a better place to live. Beyond that, he truly belonged to all the people.

Were it not for Estes Kefauver, I would not be a Member of this body today. He instilled in me the meaning and importance of serving. All the political advice he gave me over the years, boiled down to something like this: "Get to know the people, Tom. Find out what they want and need and think is right. That way you'll never go far wrong."

In these few thoughts about Estes, I am joined by his colleague, Senator ALBERT GORE, who was unable to be here today.

As a country lawyer from a small city in New Hampshire, many unexpected honors have come my way, not the least of which has been to serve my State and Nation in this distinguished body. And if good fortune continues to look my way, perhaps additional honors shall come to me in the future. But never shall I hope to match the privilege and pure joy of having known Estes Kefauver, and having called him friend.

TRIBUTE TO HERBERT HOOVER ON HIS 90TH BIRTHDAY ANNIVERSARY

Mr. CURTIS. Mr. President, today is the 90th anniversary of the birth of former President Herbert Clark Hoover. Today he is 90 years old.

I believe that it is fitting that the RECORD should pay tribute and show the respect all Senators feel for this great man.

He is admired around the world.

He is a man who brought help and assistance and many blessing not merely to a few people, but to millions of people.

He has had an illustrious record in our Government.

When Herbert Hoover was appointed Secretary of Commerce, it was with the understanding that he would be able to participate in the formulation of all important economic policy, whether that policy concerned business, labor, agriculture, finance or foreign relations. It was later said of him that he was "Secretary of Commerce and Under Secretary of all other departments."

Foreign trade was one of his major interests as Secretary of Commerce. His Department enthusiastically promoted sales of American goods abroad. He expanded research in trade problems,

and he supported the first adequate studies of balance-of-payments problems.

In domestic affairs, he sought to encourage trade associations, to simplify and standardize machines and production specifications, and in general to mobilize the business community against waste and unfair trade practices.

Mr. President, today America enjoys free radio and television. Our broadcasting system is one of private enterprise. It is neither a burden upon the Federal Government nor upon the viewers. It is free in the sense that it is not censored. The Government does not determine the content of the program. That was started back at the time that the Federal Government first entered the field of radio regulation.

Herbert Clark Hoover was the man who piloted those first governmental actions which gave the finest broadcasting system in the world to the United States. As President, Mr. Hoover was called upon to serve in a time of worldwide depression. His acts, his statements, and his recommendations stand out not only as clear thinking, but sound and successful.

At the end of his term of office, another President took his place. New programs and new proposals were put into effect. They did not cure the depression. They did not prove that the positions of Mr. Hoover were incorrect.

Mr. Hoover was very active in the field of conservation. In August 1929, he proposed that unreserved public land, as well as all new reclamation projects, and related irrigation matters, be withdrawn from national control—not national participation, but withdrawn from national control. The States, he believed, were "more competent to manage much of these affairs than the Federal Government. He held the same beliefs concerning the regulation of utilities.

In December of 1930, he said:

For the Government to finance by bond issues, deprives industry and agriculture of that much capital for its own use and for employment. Prosperity cannot be restored by raids upon the public Treasury.

In November 1931, he stated:

Nothing will contribute more to the return of prosperity than to maintain the sound fiscal position of the Federal Government.

Those statements have not proved to be wrong. We are all aware of the unjust criticism that was leveled at this great man, who believed that every moment during the terrible crisis of the depression that he was fighting for the survival of American institutions. He worked incredible hours. When one of his aids remarked to him about the dearth of small talk in the White House, he said sternly, "I have other things to do when a nation is on fire."

Time has made a kinder judgment of Herbert Hoover. All Americans now join in the praise of this great man. In recent years Herbert Hoover's name has become synonymous with studies leading to reorganization of the Federal Government. He headed two famous Hoover Commissions, whose work produced leg-

Aug. 11, 1964

15. MILITARY CONSTRUCTION APPROPRIATION BILL, 1965. House conferees were appointed on this bill, H. R. 11363. Senate conferees have already been appointed. p. 18273
16. TAXATION. House and Senate conferees were appointed on H. R. 4649, to amend the Internal Revenue Code to authorize use of certain volatile fruit-flavor concentrates in the cellar treatment of wine. p. 18273
17. COFFEE IMPORTS. House and Senate conferees were appointed on H. R. 8864, to carry out U. S. obligations under the International Coffee Agreement. p. 18273
18. BROOM IMPORTS. Passed as reported H. R. 5986, to increase the tariff on broom imports. pp. 18274-5
19. RECREATION. Passed with amendment S. 16, to provide for establishment of the Ozark National Scenic Riverways, Mo., in lieu of H. R. 1803. pp. 18351-9
20. FARM LABOR. Rep. Rosenthal criticized the Mexican farm labor program and spoke against current efforts to continue the program. pp. 18360-2
21. FOOD ADDITIVES. The Interstate and Foreign Commerce Committee voted to report (but did not actually report) H. R. 12033, to further amend the transitional provisions of the act of 1958 prohibiting the use of food additives which have not been adequately tested to establish their safety. p. D674

SENATE

22. POVERTY. Concurred in the House amendment to S. 2642, the poverty bill. This bill will now be sent to the President. pp. 18409-24
23. FOREIGN AID. Continued debate on H. R. 11380, the foreign-aid authorization bill (pp. 18426-44, 18452, 18454-62, 18464-5). Agreed, 50 to 35, to an amendment by Sen. Morse to limit to \$3,250,000,000 (Senate committee figure was \$3,466,700,000) the authorization of funds for furnishing assistance and for administrative expenses after rejecting, 37 to 52, a similar amendment by Sen. Morse with a \$3 billion limitation (pp. 18441-4, 18452, 18454-5).
24. HOUSING LOANS. Sen. McGovern praised Farmers' Home Administration for "making a major contribution to the struggle against liquidation of farm homes and farm operations" and inserted a summary of its activities in S. Dak. pp. 18466-8
25. RECREATION. Sen. Hart urged the allocation to heavily populated States of funds in the land and water conservation fund bill. pp. 18408-9
26. LANDS; RECREATION. A subcommittee of the Interior and Insular Affairs Committee approved for full committee consideration H. R. 8135, to provide for the establishment and administration of public recreational facilities at the Sanford Reservoir area, Canadian River project, Tex. p. D670
27. THE COMMERCE COMMITTEE ordered favorably reported (but did not actually report) S. 2315, to authorize the Weather Bureau to make reimbursement between appropriations made available to the Weather Bureau; H. R. 1341, requiring Government passenger-carrying motor vehicles to meet certain passenger safety standards; and H. R. 9334, to permit the use of additional standard containers for fruits and vegetables. p. D670

ITEMS IN APPENDIX

28. CONSUMERS. Extension of remarks of Rep. Sullivan urging legislation to amend the Federal Food, Drug, and Cosmetic Act for greater consumer protection, and inserting an article, "GOP Platform Attacks FDA." pp. A4229-30
29. FOREIGN AID. Rep. Gross inserted the testimony of Dr. Lewis E. Lloyd, on behalf of the Citizens Foreign Aid Committee, before the Senate Appropriations Committee, critical of the foreign aid program. pp. A4230-3
30. RECREATION. Extension of remarks of Rep. Jensen commending the development of income-producing recreation enterprises on farms and other rural lands and inserting several articles from the August issue of the Rural Areas Development Newsletter describing some of these projects. pp. A4237-8
31. PEANUTS; RESEARCH. Extension of remarks of Rep. Forrester inserting a letter written by Secretary Freeman endorsing the establishment of a National Peanut Marketing Research Laboratory. pp. A4241
32. POVERTY. Extension of remarks of Reps. Pepper and Dulski commending the poverty program. pp. A4243, A4251
Rep. Whitener inserted an editorial, "Purpose of the Antipoverty Bill," which "sets forth the aims of the legislation." p. A4248
33. OPINION POLL. Rep. Corbett inserted the results of an opinion poll including subjects of interest to this Department. p. A4260

BILLS INTRODUCED

34. DISASTER RELIEF. S. 3112, by Sen. McCarthy, to provide additional drought disaster relief to farmers and stockmen in connection with the transportation of hay; to Agriculture and Forestry Committee. Remarks of author, pp. 18395-6
H. R. 12311, by Rep. Long, Md., to indemnify farmers for certain hay losses; to Agriculture Committee
35. WATER RESOURCES. S. 3104, by Sen. Kuchel, to authorize investigations and reports on the water resources and requirements of the Colorado River Basin, and to protect existing economies in the course of development of such resources; to Interior and Insular Affairs Committee
H. R. 12320 through H. R. 12335, and H. R. 12338, by seventeen representatives, to authorize investigations and reports on the water resources and requirements of the Colorado River Basin, and to protect existing economies in the course of development of such resources; to Interior and Insular Affairs Committee. Remarks of Rep. Roosevelt, pp. 18364-5
36. CENSUS. H. R. 12309, by Rep. Friedel, to provide for a mid-decade census of population in 1965 for the purpose of reapportioning the House of Representatives in compliance with recent Supreme Court decisions; to Judiciary Committee.
37. FARM LABOR. H. R. 12312, by Rep. Martin, Calif., to provide for, phase out, and to extend the use of Mexican agricultural workers under title V of the Agricultural Act of 1949, as amended; to Agriculture Committee.

representative of the Fire Fighters Association of the District of Columbia, Local 36, IAFF. Likewise testifying in favor of the bill was Mr. Samuel Humes, executive secretary of the Metropolitan Washington Council of Governments, representing Prince Georges County in Maryland; the cities of Rockville, Takoma Park, and College Park in Maryland; Fairfax, Arlington, Prince William, and Loudoun Counties in Virginia; and the cities of Alexandria, Falls Church, and Fairfax in Virginia.

The committee has been advised that the Bureau of the Budget has no objection to the proposed legislation.

REGULATION OF PRACTICE OF DENTISTRY IN THE DISTRICT OF COLUMBIA

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1303, H.R. 6350.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 6350) to amend the act entitled "An act for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people from empiricism in relation thereto," approved June 6, 1892, as amended.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which was ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1367), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of this bill is to authorize the District of Columbia Board of Dental Examiners to waive any theoretical examination of an applicant for a license as a dental hygienist if he holds a certificate from the National Board of Dental Examiners.

At the present time an applicant for a dental hygienist license in the District of Columbia must pass both a practical and a theoretical examination, and this is the case even though the applicant has already passed the theoretical examination given by the National Board of Dental Examiners. Such examination is acknowledged by the District of Columbia Board of Dental Examiners to be at least as comprehensive as their own examination.

For this reason, the District of Columbia Board of Dental Examiners feels that this requirement for theoretical examination on the part of those applicants who have qualified in the national examination is a needless duplication and an unnecessary expense to the District of Columbia. Moreover, such a requirement imposes a definite hardship upon the older applicants who may have been out of school for some years and yet are completely qualified from a professional standpoint. In order to remedy this problem, the District of Columbia Board of Dental Examiners has requested this legislation, through the District of Columbia Commissioners, which will authorize them to waive the theoretical examination for licensure as dental hygienists in the case of applicants who hold certificates from the National

Board of Dental Examiners, providing such applicants can successfully pass the practical examination administered by the District of Columbia Board.

The enactment of this legislation will bring the licensing law for dental hygienists into conformity with that relating to the practice of dentistry, as the law already permits the local Board to waive the theoretical examination in the case of applicants for licensure to practice dentistry in the District when the applicant holds certification from the National Board of Dental Examiners.

The bill will provide a safeguard against the possibility that in some cases the national board's theoretical examination may not have been as comprehensive and exhaustive as that conducted by the District Board in that the District of Columbia Board will have complete freedom in interpreting the national board grades and in supplementing the national board examination with any other examination which they may deem necessary to assure compliance with District standards.

On August 3, 1964, the Subcommittee on Public Health, Education, Welfare, and Safety held hearings on H.R. 6350. A representative of the Commissioners for the District of Columbia appeared at the hearing and supported enactment of the bill. The committee was advised that the District government anticipates no increased cost to the District as the result of the enactment of the bill.

The committee has been informed that the following States now recognize the dental hygienists' theoretical examination administered by the National Board of Dental Examiners: Alaska, Arizona, Colorado, Connecticut, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Hampshire, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, and West Virginia.

REMOVAL OF DANGEROUS OR UNSAFE BUILDINGS IN THE DISTRICT OF COLUMBIA

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1304, H.R. 7441.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 7441) to amend the act entitled "An act to authorize the Commissioners of the District of Columbia to remove dangerous or unsafe buildings and parts thereof, and for other purposes," approved March 1, 1899, as amended.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which was ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1368), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of this bill, which was requested by the Board of Commissioners of

the District of Columbia, is to amend the act authorizing the removal of dangerous and unsafe buildings, or parts thereof, in the District of Columbia, as follows:

(1) Provide for a uniform method of assessment of costs incurred by the District in connection with work done in making repairs to unsafe structures, either when the urgency of the situation necessitates immediate repairs by the District, or when the District finds it necessary to make such repairs because the owner has failed to comply, within a period of 10 days, with a notice ordering the repairs made.

(2) Include dead, dangerous, or diseased trees among the nuisances which the Commissioners may abate under the act.

(3) Provide new sections to the act relating to notice to owners and evacuation of unsafe buildings.

(4) Modernize the act by striking out the obsolete title "inspector of buildings," wherever it occurs and substituting the word "Commissioners." There has been no inspection of buildings in the District for many years, and the function at one time performed by this officer was transferred to the District of Columbia Commissioners by Reorganization Plan No. 5, in 1952.

Under present law, when any structure in the District is found to be unsafe and the public safety necessitates immediate corrective action, the District of Columbia Commissioners are authorized to make such repairs or take such corrective steps as may be necessary. Where immediate action is not necessary and the owner of the building does not initiate repairs by noon of the day following the serving of a notice by the Commissioners, the Commissioners are authorized to order a survey, the report of which is served upon the owner. If the owner fails to comply with any order included in this notice within a period of 10 days, then the District is authorized to do the work required to make the building safe. In either case, the expense incurred by the District may be assessed against the property. The owner then has 90 days in which he may pay the amount assessed without interest; after that time, any unpaid amount bears interest at the rate of 10 percent per year and can be collected in the same manner as general District of Columbia taxes. However, there is presently no provision in the act of a definite time by which the assessment must eventually be paid. H.R. 7441 would remove this weakness in the present act, by adding a new section limiting to 60 days the period during which the assessment may be paid without interest, and providing for interest at the rate of one-half of 1 percent per month or portion thereof, on any part of the assessment remaining unpaid at the expiration of such period of 60 days. This tax would be payable in three equal installments, with interest, and if any part remains unpaid at the end of 2 years after the assessment is made, then the property would be subject to tax sale.

There is also a provision in H.R. 7441 which would authorize the Commissioners to impose a fine of \$50 per day for each day in which the owner of a property fails to comply with a notice requiring correction of unsafe conditions. The committee is informed that the intent of this provision is to encourage owners to make their own repairs of relatively minor unsafe conditions, thus eliminating the need for District action in such cases.

The present law provides also for the abatement by the District of nuisances such as dangerous holes or excavations, abandoned vehicles, and debris of any kind, as they may affect the public health, comfort, safety, and welfare which are present on any lot or parcel of land in the District, when the owner of such property fails to abate the nuisance within a period of 5 days after

being served a notice to do so. A fine of \$50 per day for such failure to comply is provided here also, upon conviction of the owner in court. The principal change which H.R. 7441 would incorporate in this section of the present law is to add dead, dangerous, or diseased trees to the list of nuisances coming under its purview.

The District of Columbia Board of Commissioners has informed this committee that such dead, dangerous, or diseased trees pose a safety hazard in the District, for which reason their being listed as abatable nuisances is justified. This view has been supported by the District of Columbia Department of Licenses and Inspections, and the District of Columbia Department of Public Health.

For some years, under the authority of an agreement between the U.S. Department of Agriculture, the National Park Service, and the District of Columbia Department of Highways and Traffic, District employees have removed trees afflicted with Dutch elm disease from private property in the city when the owners have failed to remove them. In these instances, the District employees have been acting as agents of the Federal Government. However, the city has never had any authority to remove trees from private property for any reason other than the presence of Dutch elm disease.

This provision of H.R. 7441, which would grant this removal authority, specifies that a "dead" tree is one of which no part is living; a "dangerous" tree must constitute a danger to persons or property on public space, and a "diseased" tree must be one which is infested with a major pathogenic disease which causes it to be a threat to the health of any other tree. Also, it is stipulated that the authority to remove a dangerous or diseased tree shall be exercised by the Commissioners only after every reasonable effort has been made to abate the condition by other means.

The Chief of Quarantines and Hearings, Plant Quarantine Division, U.S. Department of Agriculture, and the Superintendent of National Capital Parks have expressed their endorsement of the Commissioner's request for this authority with respect to diseased trees.

As in the case of unsafe structural conditions, it is proposed in H.R. 7441 that costs to the District incurred when the city is obliged to abate these nuisances will be assessed as taxes against the properties, and collected in the same manner.

The present act specifies methods of serving the notices referred to above, and established an order of precedence for the use of these methods. This bill seeks to amend this section by eliminating this order of precedence so as to provide greater flexibility in the choice of methods of serving notice. Further, this bill provides that whenever any method other than personal service is utilized, a copy of the notice shall also be sent to the owner by mail.

H.R. 7441 will also provide the Commissioners with authority to order an unsafe building vacated, by serving of proper notice, when in their judgment the condition is imminently dangerous to the occupants. Failure of any occupant to obey such an order would be punishable by a fine not to exceed \$300, or imprisonment for not more than 30 days.

On August 3, 1964, public hearings were conducted with regard to H.R. 7441 by the Subcommittee on Public Health, Education, Welfare, and Safety. A representative of the District Commissioners appeared and testified in support of the bill's enactment. No one appeared in opposition to the bill.

Legislation identical with this bill except for the tree provision set forth above, was approved by the Senate in the 86th and 87th Congresses.

No additional cost to the District government is anticipated by this bill because property owners will be assessed costs involved.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

The ACTING PRESIDENT pro tempore. The pending question is on agreeing to amendment No. 1175, offered by the Senator from Alaska [Mr. GRUENING].

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll.

[No. 532 Leg.]

Aiken	Hayden	Muskie
Allott	Hickenlooper	Nelson
Bartlett	Hill	Neuberger
Bayh	Holland	Pastore
Beall	Humphrey	Pearson
Bennett	Inouye	Pell
Bible	Jackson	Prouty
Boggs	Javits	Proxmire
Brewster	Johnston	Randolph
Burdick	Jordan, N.C.	Ribicoff
Byrd, Va.	Jordan, Idaho	Robertson
Byrd, W. Va.	Keating	Russell
Carlson	Kuchel	Saling
Case	Lausche	Saltonstall
Church	Long, Mo.	Scott
Cooper	Magnuson	Simpson
Cotton	Mansfield	Smathers
Curtis	McCarthy	Smith
Dirksen	McClellan	Sparkman
Dodd	McGee	Stennis
Dominick	McGovern	Symington
Douglas	McIntyre	Talmadge
Eastland	McNamara	Thurmond
Ellender	Mechem	Tower
Ervin	Metcalf	Walters
Fong	Miller	Williams, N.J.
Fulbright	Monroney	Williams, Del.
Goldwater	Morse	Yarborough
Gruening	Morton	Young, N. Dak.
Hart	Moss	Young, Ohio
Hartke	Mundt	

Mr. HUMPHREY. I announce that the Senator from Tennessee [Mr. GORE], and the Senator from Louisiana [Mr. LONG] are absent on official business.

I also announce that the Senator from Nevada [Mr. CANNON], the Senator from Pennsylvania [Mr. CLARK], and the Senator from Oklahoma [Mr. EDMONDSON] are necessarily absent.

I further announce that the Senator from New Mexico [Mr. ANDERSON] and the Senator from Massachusetts [Mr. KENNEDY] are absent because of illness.

Mr. KUCHEL. I announce that the Senator from Nebraska [Mr. HRUSKA] is necessarily absent.

The PRESIDING OFFICER. [Mr. SALINGER in the chair]. A quorum is present.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to Senate amend-

ment No. 1175 proposed by the Senator from Alaska [Mr. GRUENING].

Mr. GRUENING. Mr. President, I speak on my amendment No. 1175, which aims to reform the existing Foreign Assistance Act in regard to interest rates on development loans. Such loans are being made now at no interest whatever, although there is a nominal three-quarters-of-1 percent service charge.

I submitted this amendment last year, with a number of cosponsors, and it was defeated by a vote of 44 to 30.

The administration, of course, opposed this change.

What our AID administrators are doing is concealing grants which should not be concealed. This bill might have a subtitle, which I borrow from a piece of legislation the "truth in lending" bill long sponsored by the distinguished Senator from Illinois [Mr. DOUGLAS], and so my amendment might be called the truth in foreign aid lending amendment.

About 3 years ago there was a movement in the Congress against the idea of giving grants in our foreign aid programs. It was said, "Let us make loans instead." So we started making so-called loans.

These transactions are not really loans at all. They are called loans, but they are concealed grants as well as loans.

In the first 2 years of this policy, we loaned \$1,315,775,000; and the cost of servicing that amount was not far from another \$1 billion. The concealed grants were in the neighborhood of \$900 million. So actually it was costing Uncle Sam more than \$2 billion to make these loans, but with a showing of only \$1,315 million.

In the years 1961 and 1962, the average was \$657 million, if we divide the total amount of the loans in 1961 and 1962 by two.

That amount has now increased substantially.

One the desk of each Senator will be found a list of the loans of this character that were made in 1963. It will be found that they amounted to \$1,057,925,000.

If Senators will go over this list and see what the projects are, it will be clear that little or no discretion is being exercised as to whether they are for self-liquidating projects such as powerplants or industries, or for other projects which are not self-liquidating, such as schools or roads.

There was a striking example of that last year. I was in Cairo a year ago last February and was present at the signing of a \$30 million loan to Egypt's dictator, Nasser, to build a powerplant for west Cairo. A powerplant is a revenue-producing project. Revenues start as soon as the plant is completed and the current is turned on. In that particular case, being a dictator, Nasser could charge whatever he wanted to charge, and the consumers would have to pay it.

What were the terms of that loan? There was to be no repayment of principal for 10 years. During that period we shall be borrowing money at an interest rate of roughly 4 percent, to be paid by the American people. So we are out about \$12 million before the payments

even begin. Then we are out the difference between three-quarters of 1 percent, which is not really an interest charge but a service charge, and 4 percent. So at the end of 40 years, which is the time given to repay this loan of \$30 million, there is another \$23 or \$24 million concealed.

On another occasion—a recent occasion—the Bureau of the Budget was shocked at the idea of making loans that concealed grants. It happened in connection with the amended Alaska omnibus bill. One of its provisions was to have the Federal Government loan some money to the State of Alaska to tide it over because of the great loss of revenue caused by the earthquake with the interest rate fixed at 3½ percent. I offered an amendment to make the interest rate for loans to a State that had suffered unparalleled damage three-quarters of 1 percent, the rate applied to a \$100 million loan to Chile after an earthquake there. The Bureau of the Budget opposed my amendment declaring in writing that the amendment would provide a subsidy of \$14.2 million, if the full \$25 billion were borrowed. Thus, the effect on the Federal Government would be a cost of \$14.2 billion grant plus \$10.5 billion interest. In other words, the Bureau of the Budget declared itself in opposition when it was proposed to lend to the State of Alaska, after this unparalleled disaster, some \$14 billion in grants, but it is not at all shocked when we lend \$1.057 billion to 35 foreign countries in the last fiscal year, at the terms they opposed for our own citizens. It should be noted that our development loans carry this three-fourths of 1 percent service charge even when there has been no disaster.

The countries that have received such loans are Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Honduras, Jamaica—Jamaica even got in there while she was still a colony—Nicaragua, Panama, Peru, Uruguay, Venezuela, Korea, Afghanistan, India, Nepal, Pakistan, Turkey, Egypt, Cameroon, Ethiopia, Ivory Coast, Liberia, Mali, Niger, Nigeria, Somalia, Sudan, Tanganyika, Tunisia, and Uganda.

Hope was expressed in the previous debate, when I sponsored a similar amendment, that the AID administration would show some discretion in making these loans; that where a project was self-liquidating, as in the case of a power-plant, the terms of a true loan at businesslike interest rates showing some concern for the American taxpayer would prevail, but apparently there was no discretion.

The impressive list which is on every Senator's desk indicates the extent to which the U.S. administrators have been prodigal, spendthrift, and wanton in spending the American taxpayers' dollar.

I think it is all wrong. We have no right to pretend that these are loans when they are both loans and grants. This is one of the many concealments that take place in our foreign aid program.

I am in favor of foreign aid. I voted for it. But I am extremely critical of many abuses in our foreign aid pro-

grams of the numerous concealed spigots that pour out the money, directly and indirectly.

The coffee agreement which the Senate recently voted for is another concealed spigot. It will be a great subsidy to a number of coffee-producing countries, 14 of them in the Western Hemisphere, and some in Africa. I voted for it. I voted for it with some of the misgivings that the Senator from Illinois [Mr. DOUGLAS] voiced, and the burden that I feared it would place on the American consumer. Yet I felt it was desirable to assist some of those countries and help stabilize their economies. But there does not seem to be enough concern about the multiplicity of spigots through which American dollars are ladled out abroad. I am sure many of our colleagues are not even aware of them.

We were told by the administration that this \$3.4 billion program was a bare-bones program, and that for that reason it should not be cut or amended, but should be accepted as it is.

However, there was a very interesting colloquy between the Senator from Missouri [Mr. SYMINGTON] and Mr. David Bell, AID Administrator, during the hearings on this bill. I read that colloquy:

Senator SYMINGTON. You come out with a figure of \$3.4 billion. I turn that over to somebody trying to be objective and say, "Give me what the true figure is." He then gives me a figure of \$6 billion as actually the foreign aid we are going to give or loan this year. That includes incidentally over \$2 billion of Public Law 480 money. * * * The AID program is not a \$3.4 billion program. It is a \$6 billion program. Right?

Mr. BELL. (Hon. David E. Bell, Administrator, Agency for International Development). Somewhere between five and six; yes, sir.

Mr. President, I could develop this point at some length. I believe we should stop making these "soft" loans. They are not loans at all. It would be much better to go back to outright grants. Egypt's Nasser was boasting that he was paying back our loans and that those transactions were loans, not grants. He knows perfectly well that it was a grant and our administrators should be frank enough to admit it. He was included in another such loan the following year. The one I referred to occurred the previous year.

I hope my amendment will be accepted. It would put an element of truth in the foreign aid program. It would save a great deal of money. At the rate we are going, with loans of this kind of over \$1 billion a year and concealed grants of \$800 million, with this amendment we would have much more money to use on legitimate aspects of foreign aid.

Mr. LAUSCHE. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. WALTERS in the chair). Does the Senator from Alaska yield to the Senator from Ohio?

Mr. GRUENING. I yield with pleasure to my friend from Ohio.

Mr. LAUSCHE. The probability is that the Senator from Alaska knows that an amendment has been submitted, sponsored by Senators MUNDT, MORSE,

and myself, which fixes one rate of interest on commercial loans and another rate of interest on noncommercial loans. On commercial loans, which are loans made for the development of productive enterprises or facilities directly used in the operation of productive enterprises, the rate of interest shall be equal to the average rate which the Treasury must pay in borrowing the money; the second half of the amendment provides that on noncommercial loans the rate of interest shall not be less than 2½ percent.

Mr. GRUENING. I should say that is a very desirable amendment. If the pending amendment fails, I shall support the Senator's amendment. It is certainly a step in the right direction. I still think, however, that we are perpetuating a fraud on the American people when we are making loans at a rate lower than what it costs the American people to get the money.

Mr. LAUSCHE. Do I correctly understand that the Senator's amendment fixes the rate of interest equal to what the Treasury is paying on all loans, whether commercial or noncommercial?

Mr. GRUENING. The Senator is correct.

Mr. LAUSCHE. In that respect the two amendments differ. Is that correct?

Mr. GRUENING. They do differ. I believe the amendment sponsored by the Senator from Ohio is more moderate. It does not go as far as my amendment goes. I shall be glad to support it if my amendment fails. In any event, I believe that we should stop fooling the American people. If some of these countries are too poor to pay back loans, let us make grants to them. Many of the loans will not be repaid anyway. I may sound like a cynic, but that, I am convinced, will inevitably happen. Ten years from now, when the first payments become due, those who arranged them will no longer be here. They will have gone elsewhere. Then, instead of it being called a default, what will happen will be called a refunding or refinancing operation; or some other euphemistic term will be applied. Then, when the second due date arrives 20 years hence those who had the refunding arrangements will be gone. Their successors will be able to absolve themselves of past follies.

Therefore, Mr. President, we are in large part actually giving the money away. There is no question about that in my mind. I hope the amendment will prevail.

I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. SALINGER in the chair). Is the request sufficiently seconded?

The yeas and nays were ordered.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. GRUENING. I am glad to yield to the Senator from Illinois.

Mr. DOUGLAS. I assume that the very informative table which the Senator has prepared will be made a part of the RECORD.

Mr. GRUENING. Yes; it will be made a part of the RECORD.

Mr. DOUGLAS. The table shows the interest rate to be three-quarters of 1

percent. Is that interest rate to be applied throughout the 40-year period, or does it serve as the rate for the first 10 years; and will the interest rate after the first 10 years be 2 percent?

Mr. GRUENING. I believe an amendment was adopted last year which raised the interest rate after a certain period of time.

Mr. DOUGLAS. After 10 years.

Mr. GRUENING. Yes. I am not positive whether that will remain in this bill or not. In any event, there will be a considerable period of time in which we shall be making concealed grants,

whether the interest rate is three-quarters percent or 2 percent.

Mr. DOUGLAS. In the report, at page 42, in the statement of individual views by the Senator from Oregon, the Senator from Ohio, and the Senator from South Dakota, it is stated, in the third paragraph:

In 1963, the Congress amended the law to require a minimum interest rate of 2 percent after the 10-year grace period during which the interest may still be (and usually is) as low as three-fourths percent.

I take it, so far as the law is concerned, that after 10 years the minimum interest rate is presumed to go up to 2 percent.

Mr. GRUENING. The Senator is correct. However, we still incur a substantial loss in that we are borrowing the money at 4 percent or 3¾ percent. So a lesser interest rate abroad is still a grant, although it may be a less generous grant. We should make a grant if a country is too poor to pay back a loan. But we should not deceive the American people by calling such transactions loans.

I ask unanimous consent that the table showing the loans made at this rate be included in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

*Loans made by the Agency for International Development to foreign countries during calendar year 1963 at ¾ of 1 percent for 40 years*¹

[Repayable in dollars]

Country	Borrower purpose	Date of loan agreement	Number years repayment	Interest rate	Amount of loan
LATIN AMERICA					
Argentina	Government of Argentina:	1963			
	Central Housing Bank	June 3	40	¾	\$12,500,000
	Route 12 road project	Jan. 21	40	¾	6,700,000
	Road program loan	Mar. 18	40	¾	30,500,000
	Feasibilities studies	June 3	40	¾	3,000,000
	Grain storage facilities	Oct. 10	40	¾	21,700,000
Bolivia	Government of Bolivia:				
	Access roads	Aug. 1	40	¾	7,200,000
	La Paz-El Alto Highway	Aug. 17	40	¾	3,400,000
	El Alto Customs Center	do	40	¾	2,200,000
	Banco Industrial, S.A., assist in financing subloans	do	40	¾	2,400,000
	Agricultural Bank	do	40	¾	3,700,000
Brazil	Government of Brazil:				
	Credito E Financiamento, S.A. Development Bank	Mar. 6	40	¾	4,000,000
	CIA de Carbonos Coloidais Carbon Black Plant	Mar. 11	40	¾	2,000,000
	Emergency stopgap assistance	Apr. 24	40	¾	25,500,000
	Super Desenvolvimento, N.E. emergency electric power	Oct. 29	40	¾	2,400,000
Chile	Government of Chile: Development program	Jan. 31	40	¾	35,000,000
Colombia	Government of Colombia:				
	Feasibility studies	June 26	40	¾	4,000,000
	National Housing Institute of Colombia, self-help housing	do	40	¾	7,500,000
	Colombia Institute of Agrarian Reform, supervised agrarian credit	do	40	¾	10,000,000
	Mineral Resources Survey	Sept. 18	40	¾	2,000,000
Costa Rica	Banco Nacional de Costa Rica:				
	Agricultural development	July 23	40	¾	5,000,000
	Slum replacement housing	do	40	¾	2,000,000
	Cachi hydroelectric project	do	40	¾	1,500,000
	Metro emergency water supply	do	40	¾	1,400,000
	IBRC/AIC highway program	do	40	¾	2,100,000
	CO FISA: Financing subloans	Dec. 23	40	¾	5,000,000
Dominican Republic	National Housing Bank Savings & Loan Association	Jan. 2	40	¾	2,100,000
Ecuador	Government of Ecuador:				
	Quito, Quevede Road	Sept. 1	40	¾	2,700,000
	Economic and engineering studies	Sept. 4	40	¾	2,000,000
	Administrative and fiscal reform	Sept. 2	40	¾	1,600,000
El Salvador	Republic of El Salvador:				
	Primary school construction	Sept. 18	40	¾	2,400,000
	Agricultural loan program	do	40	¾	8,900,000
	INSAFI	do	40	¾	4,500,000
Honduras	Government of Honduras small water systems	Aug. 22	40	¾	1,050,000
Jamaica	Government of Jamaica project assistance	Nov. 29	40	¾	1,500,000
Nicaragua	Government of Nicaragua: Las Mercedes Airport	July 25	40	¾	1,000,000
Panama	Instuto de Acueductos water supply and sewerage system	Feb. 6	40	¾	6,000,000
Peru	Government of Peru:				
	Lima water sewerage	Mar. 15	40	¾	8,600,000
	Feasibility studies	do	40	¾	3,000,000
Uruguay	Banco Hipotecario del Uruguay: Home construction	Feb. 28	40	¾	6,000,000
Venezuela	C.A. Bank for Economic Integration: Feasibility studies	Nov. 29	40	¾	2,500,000
	C.A. Bank for Economic Integration: Home loan department	do	40	¾	10,000,000
FAR EAST					
Korea	Government of Korea: Changsong Coal Mine District	Dec. 7	40	¾	9,500,000
NEAR EAST AND SOUTH ASIA					
Afghanistan	Government of Afghanistan:				
	Ariana Afghan Airlines	Mar. 23	40	¾	2,625,000
	Transport equipment	Dec. 3	40	¾	2,000,000
India	Government of India:				
	Ramagundam thermal power	May 21	40	¾	8,400,000
	Delhi C thermal power	Mar. 8	40	¾	16,000,000
	Satpura thermal power	do	40	¾	25,100,000
	Central Ropeway F project	Oct. 21	40	¾	7,700,000
	Nonproject imports	Feb. 25	40	¾	240,000,000
	Chandrapura thermal, stage II	Oct. 21	40	¾	16,000,000
	5th railway loan	do	40	¾	15,850,000
	Tarapur nuclear power	Dec. 7	40	¾	80,000,000
	Cuega coal washery plant	Nov. 29	40	¾	5,100,000

Loans made by the Agency for International Development to foreign countries during calendar year 1963 at $\frac{1}{4}$ of 1 percent for 40 years¹—Con.

[Repayable in dollars]

Country	Borrower purpose	Date of loan agreement	Number years repayment	Interest rate	Amount of loan
NEAR EAST AND SOUTH ASIA—CON.					
		1963			
Nepal.....	Government of Nepal: Nepal Industrial Development Corp.....	Dec. 8	40	$\frac{1}{4}$	\$1,000,000
Pakistan.....	Government of Pakistan:				
	Sawmill and timber extraction.....	Oct. 23	40	$\frac{1}{4}$	2,200,000
	Malaria eradication program.....	Feb. 28	40	$\frac{1}{4}$	3,800,000
	Airport and airways equipment.....	Mar. 22	40	$\frac{1}{4}$	2,100,000
	Salin conservation and reclamation project No. 2.....	do	40	$\frac{1}{4}$	10,800,000
	General commodities 2d.....	Mar. 27	40	$\frac{1}{4}$	30,000,000
	Chalna anchorage project.....	Mar. 22	40	$\frac{1}{4}$	3,600,000
	Feasibility studies.....	Mar. 27	40	$\frac{1}{4}$	2,000,000
	CPS and Maini, Rechna DCAB project.....	Aug. 15	40	$\frac{1}{4}$	750,000
	Coastal embankment project.....	do	40	$\frac{1}{4}$	6,500,000
	General consultants.....	Aug. 15	40	$\frac{1}{4}$	4,400,000
	Third commodity loan.....	Sept. 28	40	$\frac{1}{4}$	70,500,000
	General service in public health.....	Dec. 9	40	$\frac{1}{4}$	1,500,000
	Investigative services.....	Nov. 20	40	$\frac{1}{4}$	5,600,000
	5th railway loan.....	do	40	$\frac{1}{4}$	14,500,000
	Telecommunication expansion.....	Oct. 23	40	$\frac{1}{4}$	4,700,000
	Machinery pool organization, WAPCA.....	Dec. 9	40	$\frac{1}{4}$	5,000,000
	Mechanical equipment.....	Nov. 20	40	$\frac{1}{4}$	1,500,000
Turkey.....	Government of Turkey:				
	Keban and Ciceröz feasibility studies.....	July 15	40	$\frac{1}{4}$	350,000
	Feasibility studies.....	Oct. 15	40	$\frac{1}{4}$	3,000,000
	General commodities.....	Sept. 11	40	$\frac{1}{4}$	35,000,000
United Arab Republic (Egypt).....	Government of United Arab Republic:				
	Cairo west power project.....	Feb. 20	40	$\frac{1}{4}$	30,600,000
	Cardboard project.....	Nov. 12	40	$\frac{1}{4}$	5,700,000
AFRICA					
Cameroon.....	Government of Cameroon: Extension of railway system.....	Aug. 27	40	$\frac{1}{4}$	9,200,000
Ethiopia.....	Government of Ethiopia: 3d highway program.....	Dec. 2	40	$\frac{1}{4}$	4,000,000
Ivory Coast.....	Government of Ivory Coast: Highway equipment.....	Nov. 29	40	$\frac{1}{4}$	1,700,000
Liberia.....	Government of Liberia: National Medical Center.....	Dec. 5	40	$\frac{1}{4}$	5,300,000
	Monrovia Power Authority: MT coffee hydroelectric project.....	Sept. 26	40	$\frac{1}{4}$	24,300,000
	Government of Liberia: Monrovia junior-senior high school.....	Oct. 23	40	$\frac{1}{4}$	1,700,000
Mali.....	Government of Mali:				
	Teachers training college.....	Dec. 4	40	$\frac{1}{4}$	2,100,000
	Central Veterinary Laboratory at Bamako.....	do	40	$\frac{1}{4}$	1,100,000
Niger.....	Government of Niger: Development bank.....	Dec. 14	40	$\frac{1}{4}$	500,000
Nigeria.....	Government of Nigeria:				
	Ibadan water supply.....	Dec. 4	40	$\frac{1}{4}$	12,100,000
	Calabar-IKCM Rd.....	do	40	$\frac{1}{4}$	8,600,000
Somalia.....	Government of Somalia: Chisimaic port.....	do	40	$\frac{1}{4}$	3,600,000
Sudan.....	Government of Sudan:				
	Industrial development bank.....	July 14	40	$\frac{1}{4}$	2,000,000
	Khartoum sewerage.....	Dec. 7	40	$\frac{1}{4}$	3,800,000
Tanganyika.....	Government of Tanganyika:				
	Dar es Salaam water supply system.....	May 20	40	$\frac{1}{4}$	2,200,000
	Urban water supplies.....	Dec. 4	40	$\frac{1}{4}$	1,300,000
	University college.....	Oct. 9	40	$\frac{1}{4}$	800,000
	Teacher training college.....	Dec. 4	40	$\frac{1}{4}$	800,000
	Commodity development training center.....	do	40	$\frac{1}{4}$	250,000
	Agricultural college.....	do	40	$\frac{1}{4}$	1,250,000
	Program loan.....	Dec. 6	40	$\frac{1}{4}$	1,000,000
	Electrical equipment.....	do	40	$\frac{1}{4}$	300,000
Tunisia.....	Government of Tunisia:				
	Water and irrigation projects.....	Feb. 15	40	$\frac{1}{4}$	2,400,000
	Commodity assistance.....	June 20	40	$\frac{1}{4}$	15,000,000
	Construction of university.....	Oct. 31	40	$\frac{1}{4}$	1,800,000
	Agricultural equipment.....	do	40	$\frac{1}{4}$	6,500,000
Uganda.....	Government of Uganda:				
	Development bank.....	Oct. 4	40	$\frac{1}{4}$	2,000,000
	Secondary schools.....	Oct. 11	40	$\frac{1}{4}$	2,400,000
Grand total for all countries.....					1,057,925,000

RECAPITULATION

Country	Total amount	Country	Total amount	Country	Total amount
Argentina.....	\$74,400,000	Peru.....	\$11,600,000	Liberia.....	\$31,300,000
Bolivia.....	18,900,000	Uruguay.....	6,000,000	Mali.....	3,200,000
Brazil.....	33,900,000	Venezuela.....	12,500,000	Niger.....	500,000
Chile.....	35,000,000	Korea.....	9,500,000	Nigeria.....	20,700,000
Colombia.....	23,500,000	Afghanistan.....	4,625,000	Somalia.....	3,600,000
Costa Rica.....	17,000,000	India.....	414,150,000	Sudan.....	5,800,000
Dominican Republic.....	2,100,000	Nepal.....	1,000,000	Tanganyika.....	7,900,000
Ecuador.....	6,300,000	Pakistan.....	169,450,000	Tunisia.....	25,700,000
El Salvador.....	15,800,000	Turkey.....	38,350,000	Uganda.....	4,400,000
Honduras.....	1,050,000	United Arab Republic (Egypt).....	36,300,000		
Jamaica.....	1,500,000	Cameroon.....	9,200,000		
Nicaragua.....	1,000,000	Ethiopia.....	4,000,000		
Panama.....	6,000,000	Ivory Coast.....	1,700,000		
				Total.....	1,057,925,000

¹ Source: "Status of Loan Agreements" (W-224), Agency for International Development, as of Mar. 31, 1964, Office of the Controller, AID.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Alaska [Mr. GRUENING].

Mr. MORSE. Mr. President, first I wish to extend my high compliment to the Senator from Alaska for offering his amendment.

As the Senator knows, he and I have been criticizing the three-quarters of 1 percent loans, with a 10-year grace period in which no money needs to be paid, and a 40-year period in which to pay back the loans.

I believe it will be found, if the RECORD is checked—I shall do so and correct the

RECORD if what I say is not correct—that some of the loans in the past have been for periods longer than 40 years. I have no doubt that the battle which some of us have put up on the floor of the Senate in recent years for reforms of foreign aid has produced some changes; certainly

not enough, but what has been done is better than nothing at all.

One of the changes has been at least a little shift of position on the part of those downtown in respect to the interest rate problem.

Although we are still making loans at three-quarters of 1 percent for the first 10 years, the amendment which was adopted last year provides that the loans, after 10 years shall bear a minimum of 2 percent interest. About \$2½ billion in hard loans was lent at less than 2 percent and \$745,600,000 in soft loans also carried a rate of less than 2 percent before Congress amended the law.

In fairness to the AID Administrators, it must be mentioned that some loans are being negotiated at rates somewhat above 2 percent. We do not have the figures as to the amount of such loans. If I can obtain the figures before the day is over, I ask unanimous consent that they may be inserted in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

AID advises that between 1948 and 1952 five loans were made for 45 years each. All are repayable in dollars.

AID advises that in fiscal 1964, five loans were negotiated carrying interest rates in excess of 2 percent. In amount, they totaled \$23,300,000. Four were at 3½ percent, and one was at 5¼ percent. Under the Alliance for Progress program, four loans were made at interest rates above 2 percent. Three were at 5½ percent and one was at 5¾ percent. In amount, they totaled \$9,500,000.

Mr. MORSE. The RECORD should also be clarified in regard to another matter. I have been a critic of the policy of soft loans. Since 1961 we have not been making many soft loans, although we have a considerable amount of outstanding soft loans made previously.

I ask unanimous consent that if I can obtain the exact figures during the day, as to outstanding soft loans, those figures be inserted at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The outstanding balance on June 30, 1964, of loans made by AID and predecessor agencies which are repayable in local currencies totals \$1,879,400,000.

The outstanding balance on June 30, 1944, of loans made under Public Law 480 including so-called Cooley loans and repayable in local currencies is \$2,368,120,000. Cooley loans account for \$104,022,000 of this figure.

Mr. MORSE. However, we are still making a great many soft loans under Public Law 480 arrangements. Of course, those loans represent as much American taxpayer money and American taxpayer interest as any other kind of loan.

I am just as critical of soft loans in connection with Public Law 480 funds as I am in connection with any other funds.

The Senator from Alaska must not despair, nor give up hope. The going is tortuous; the road is long; but we are making a little progress. We are hoping that between now and the time the next foreign aid bill comes before the Senate, the American people will catch up. When the American people catch up, they will bring this administration

to an accounting concerning the inefficient, wasteful, unsound foreign aid bill which Congress continues to shackle as a yoke upon the economic necks of the American people.

We shall continue to make progress. During the past 2 weeks officials at the State Department level have expressed their great concern about my minority views this year. I quote them directly and accurately when I say that they said to me:

Your minority views give us much concern, because we have no answers to them.

They have no answers to them because the criticisms I make in my views cannot be answered, and the State Department knows it. So they have proposed a 2-day conference with me in December. I have said that they can have such a conference only on condition that my colleagues on the Committee on Foreign Relations who may wish to attend may participate, because I am satisfied that any members of the committee who wish to take part in a conference with representatives of the State Department for 2 days will be in agreement that drastic changes will be needed in the foreign aid bill that will come before the Senate next year.

One of our difficulties has been that policy changes and policy reforms have not been agreed upon before the bill has come here. I have been in the Senate long enough—20 years, now—to know the handicap we are under in having policy changes made by members of the same party in Congress after an administration position has been announced. If policy changes are desired, there is a stronger hope of getting them if some such arrangements as State Department officials have suggested to me twice in the past 2 weeks can be made.

I replied that I would attend such a conference with enthusiasm. The Department realizes that next year it must bring to us a bill that will meet some of the major criticisms in my minority views. They appreciate that they will be headed for increasing trouble on foreign aid. Why? Because, at long last, it is sinking through the heads of the State Department and the AID administration that there is a rising revolt on the part of the taxpayers of this country against the foreign aid program—and there should be.

The State Department fully recognizes that if it does not do something to improve the foreign aid situation next year, that revolt will begin to express itself at the ballot box. Some of it will express itself at the ballot box in November 1964—and it should. I hope the American people will express their dissatisfaction with the foreign aid program. I have said many times that the only test of a politician is his voting record, not his talk. Some of the voting records in Congress on foreign aid will result in an accounting by the American people in November 1964.

We all know that this bill will pass the Senate today or tomorrow without substantial changes. But it will pass, in my judgment, to the everlasting discredit of Congress.

The Senator from Alaska has offered an amendment that represents sound reform, and I shall vote for it. We shall make our record. We shall call it to the attention of Members of the Senate next year if, at the December conference which the State Department has told me it is planning, it does not make this proposal as one of its policy changes.

I congratulate the Senator from Alaska. I am proud to support his amendment.

Mr. GRUENING. I thank the Senator from Oregon.

When this proposal was debated a year ago, the distinguished Senator from North Carolina [Mr. ERVIN] placed in the RECORD an article published in a daily newspaper of San Jose, Costa Rica. The article described the activities of that country's Foreign Minister, who had come here to tap our Treasury. He described how Costa Rica was receiving a \$45 million loan, but he said, "What we are getting from you is considered a gift." He made it very clear that it was a gift. One interesting thing that was developed in the article was that a part of the loan was to be used to pay Costa Rica's share of Central America's one-third contribution to the construction of the Inter-American Highway.

Some 20 years ago, a treaty was entered into with the Central American countries in which it was agreed that Uncle Sam would pay two-thirds of the cost of construction of the highway, and that the beneficiaries—six Central American countries—would pay one-third. When I was in Central America 2 years ago, representing the Committee on Public Works, I found that with one exception all of the Central American countries were paying their share out of U.S. foreign aid funds. In other words, they were using our money to pay us back. That is typical of the many loose practices that prevail in our foreign aid program. They are practices which should be tightened up.

Mr. LAUSCHE. Mr. President, as I stated a moment ago, in the Committee on Foreign Relations the distinguished Senator from South Dakota [Mr. MUNDT], the distinguished Senator from Oregon [Mr. MORSE], and I offered an amendment which is in substance identical with the amendment offered by the distinguished Senator from Alaska, but actually is somewhat milder. The Senator from Alaska contemplates that an interest rate shall be charged which is equal to the average interest that the Treasury pays on all money that it borrows.

The amendment offered by the Senator from South Dakota, the Senator from Oregon, and me is divided into two parts. Commercial loans would bear a rate of interest equaling the average rate that the Treasury pays in borrowing money to make the loans. The second part deals with what are known as noncommercial loans. In that category would be embraced loans for the building of schools, dock facilities, highways, waterworks, sanitation installations, and the like. Our amendment provides that on noncommercial loans the interest rate shall be not less than 2½ percent.

The comparison, therefore, would be that the rate of interest under the amendment of the Senator from Alaska would in all instances be about 4 percent. Under the amendment offered by the Senator from South Dakota, the Senator from Oregon, and me, the rate of interest would be 4 percent on commercial loans and not less than 2½ percent on noncommercial loans.

I am sure that the Department of State objects to the amendment of the Senator from Alaska and, of course, does not look favorably upon the approach that the Senator from South Dakota, the Senator from Oregon, and I have to the program. The State Department has contended that it has been in the process of begging other nations—our allies, which make loans—to reduce the rate of interest which they charge. It was argued that the World Bank is making loans at a very low rate of interest, and that inasmuch as the World Bank is making loans to the underdeveloped countries out of a certain fund at a low rate of interest, our Government should not depart from that practice.

In answer to that argument, I point out to the Senate that, in effect, we fixed the rate of interest in the World Bank. We hold a 30-percent interest, if not more; thus, we are the ones who established the rate of interest that the World Bank charges on the loans it makes to underdeveloped countries. I know that on the basis of the facts, it does not sound reasonable that we should be charging a low rate of interest when our allies are generally charging a rate of interest much higher.

Mr. MORSE. Mr. President, will the Senator from Ohio yield?

Mr. LAUSCHE. I yield.

Mr. MORSE. I congratulate the Senator from Ohio and the Senator from South Dakota for the magnificent work they did in the Foreign Relations Committee in the interest fight. The Senator is correct. The argument of the State Department was that because the World Bank charges a lower rate of interest than the Senator from Ohio, the Senator from South Dakota and I were asking for, we should not be charging a higher rate. As the Senator has just pointed out, we put up at least 30 percent of the World Bank money. It is a rather strange argument that because we participate in a joint enterprise under the World Bank for aid to underdeveloped countries for projects which are sorely needed in those countries at a low rate of interest, we should soak the American people a second time with an interest rate below the cost of use of the money for direct loans from the United States.

If we are to invest in the projects at all, they should be economically sound, so that they can pay out. If they cannot pay out, we should not waste American taxpayers' money on such projects. We should stop talking about the fact that we are really doing something for these countries, if we are not investing our money in sound projects.

The time has come for the foreign aid authorities to be required by Congress to save the taxpayers' money when there

is a direct loan between the United States to another country in projects which will pay out. If they will not pay out, we should save the American taxpayers' money. If they do pay out, they will pay back a very small percentage in any event. It is the old "gimmick" of re-funding, renegotiating, and reloaning; and it will continue interminably. Finally, the whole transaction will be recognized as a bad debt, and will be written off the books.

Mr. GRUENING. Mr. President, will the Senator from Ohio yield?

Mr. LAUSCHE. I yield.

Mr. GRUENING. Can the Senator from Ohio or the Senator from Oregon tell me whether there has been any discussion in the sessions of the Foreign Relations Committee on the reloaning of this money, which we lend at virtually no interest rate, by the recipient government at much higher rates?

Mr. LAUSCHE. I anticipate that the Senator from South Dakota [Mr. MUNDT] will be in the Chamber before this discussion is concluded. It is my understanding that the Senator from South Dakota has a letter or information to the effect that there is one country—and I shall not identify the country, although I know the name of it—to which we once loaned money at an interest rate of three-quarters of 1 percent before the 1961 law was passed. That country loaned the money to a private enterprise to build a manufacturing plant and the lender to the private enterprise was collecting a rate of interest far in excess of the interest which the country had to pay to the United States, which loaned the money in the first place.

That is the only instance I know of.

A country in the Middle East borrowed from us at three-fourths of 1 percent interest. It took that money and loaned it to its own citizens and was collecting a higher rate of interest by far than it was paying to the United States.

Mr. MORSE. Mr. President, will the Senator from Ohio yield?

Mr. LAUSCHE. I yield.

Mr. MORSE. Let me say to the Senator from Alaska that if he will take the repayment of loans of countries A, B, C, D, E, F, on through the alphabet, in the past 10 years, to any one foreign power, we do not have to be hit on the head with a baseball bat to know "how come."

It is difficult to show that we made a loan and the recipient used the money to pay off a debt to some other country. Let me put it this way: If we take a list of any payments which have been made by countries A, B, and C to any foreign power which previously loaned them money at a higher interest rate, the conclusion is perfectly obvious that there is a relationship between their repayments and the loan they received from the United States. They have been playing the United States for a sucker in that kind of interest-rate shell game.

The time has come to invest our money by way of loans only in repayable projects. If countries do not wish to borrow our money on those terms, let them go somewhere else to get it.

It is about time for the U.S. Govern-

ment to start telling other countries that they are trying to blackmail and black-jack us into giving them a loan on the basis of threats, and that if they do not like it, to go somewhere else fast.

Mr. GRUENING. Mr. President, will the Senator from Ohio yield?

Mr. LAUSCHE. I yield.

Mr. GRUENING. Two years ago, in order to stop the extreme abuses involved in this relending situation, which sometimes involved usurious amounts of interest—16, 18, and 20 percent—I sponsored an amendment that the recipient country would not be permitted to reloan the money at more than 5 percent higher than the interest rate. In other words, on a three-quarters-of-1-percent loan, they would not be permitted to reloan it at more than 5¾ percent. This was, of course, violently opposed by the administration. Nevertheless, by some miracle it passed the Senate by a vote of 74 to 16.

The State Department representatives told the conferees that this reasonable reform would ruin the foreign aid program. If we stopped these usurious practices, they said, the program would be wrecked; that one could not change the established customs of other countries. So, the amendment was deleted. And the abuses it sought to correct, continue.

This is an evidence of how vigilant some are, not in behalf of the American taxpayers but on behalf of the interests of those in foreign countries who utilize all kinds of improper and usurious practices.

If the money which we lend at three-quarters of 1 percent for 40 years is then reloaned at 6, 8, 10, or 15 percent compounded, or even more, the recipient countries make profits from our philanthropy running into many millions of dollars.

Mr. LAUSCHE. Mr. President, I should like to read what was placed in the report by the Senator from South Dakota [Mr. MUNDT], the Senator from Oregon, and myself:

The administration opposes harder U.S. loan terms primarily on two grounds: First, that the movement of U.S. policy in this direction would interfere with the administration's efforts to induce other developed countries to soften their terms; and second, that it would aggravate the balance-of-payments problems of the borrowing nations. Neither argument is persuasive.

It is my understanding that we made some progress with Canada in inducing it to make some small loans at a low rate of interest. Otherwise, our efforts have not been successful.

I read further from the report:

With respect to the first argument, the administration lays great stress on the fact that loan terms of other developed countries have become softer in recent years. Nevertheless, with the exception of a portion of the Canadian loans, the softest of these loans still carry shorter maturities and interest twice as high as the softest U.S. loans.

To the extent that foreign borrowing aggravates an underdeveloped country's balance-of-payments problem, aggravation is certainly caused more by borrowing from Europe than from the United States.

Certainly, they pay much higher interest than they pay the European nations. I continue to read:

So long as the Congress tolerates a situation in which U.S. money is available for half the cost of European money, the United States will continue to be faced with requests for easy help on balance-of-payments problems which are partially due to European credits. Thus, to some degree, we are helping to make it possible for underdeveloped debtors to pay their European creditors.

Mr. MORSE. And, I add, they were made at higher interest rates.

Mr. LAUSCHE. Mr. President, I believe that is the point that the Senator from Oregon makes. We loan at a low and soft interest rate. And while our money probably is not used directly to pay a high interest rate to some other creditor country, indirectly it is so used.

Those are the reasons why the three Senators whose names I have mentioned filed a dissenting opinion and have an amendment pending before the Senate.

Mr. MORSE. Read it further.

Mr. LAUSCHE. We contemplate calling it up as a substitute at a later hour in the event the amendment of the Senator from Alaska [Mr. GRUENING] is rejected.

The Senator from Oregon [Mr. MORSE] requested that I read further from the dissenting views. I read further:

A hardening of U.S. loan terms would correct this situation. It would also serve notice on the Europeans that we do not intend indefinitely to make soft loans while they made hard ones. Instead of interfering with efforts to persuade the Europeans to soften their loans terms, it might well contribute to those efforts.

A hardening of U.S. loan terms will also have the salutary effect of imposing better habits of fiscal discipline and responsibility on the borrowing countries by requiring them to plan their affairs more carefully and to exercise greater self-restraint.

Mr. MORSE. Mr. President, will the Senator yield for 30 seconds, or less?

Mr. LAUSCHE. I yield.

Mr. MORSE. Of course, if the Senate agrees to either the amendment of the Senator from Alaska [Mr. GRUENING], or the amendment which the Senator from Ohio [Mr. LAUSCHE], the Senator from South Dakota [Mr. MUNDT], and I have proposed, we would still be substantially below their usual interest rate. They could still soften their interest rates down to the interest rate called for by either of those amendments and still not be below the interest rate of the United States. If we could get them down to the interest rate we are proposing of 4 percent for commercial loans and 2 or 2½ percent for other loans—which is in our amendment—it would still be a softening process on their part so far as the fixing of interest rates is concerned.

Mr. LAUSCHE. Mr. President, I regret that the table which is set forth on page 43 of the report does not show how much money has been loaned by other countries, at what is supposed to be a low interest rate.

I am quite sure that the facts will show that the loans made by other countries have been at high interest rates. The table shows that Canada's high interest rate is as high as 6 or 7 percent. France's interest rate is 7 percent and up. Germany's interest rate is 6 to 7 percent and up. In Italy, the lowest rate charged is 3 to 4 percent, and the highest is 7 percent or more. The Netherlands on some few loans have made a low interest-rate charge, but their high interest rate is 3 to 4 percent. In Portugal, the high interest rate is 7 percent and up.

I repeat that if all the facts were shown, they would disclose that the amount of loans made at the low interest rate is negligible, and that the loans made at high interest rates are substantial. They come to us because of our low interest rate.

Mr. MORSE. Mr. President, will the Senator yield further?

Mr. LAUSCHE. I yield.

Mr. MORSE. Mr. President, I again compliment the Senator from Ohio for the demolition which he is doing. He is demolishing the weak case of the State Department and the AID representatives in regard to the interest rate. As I pointed out in my speech yesterday, when one starts to analyze the list of countries to which other countries are making the loans, he will be surprised at the large percentage of such loans made to their former political colonies—still their economic colonies. There are still areas that France, Great Britain, Belgium, and the Dutch dominate economically. The loans which they make to their former territorial colonies—which are still their economic colonies—involve a high degree of self-interest. They are still charging those colonies an interest rate that is on the average far above our own interest rate.

Mr. LAUSCHE. Mr. President, until a few years ago we were charging three-fourths of 1 percent. That was charged, I believe, 2 years ago. We are now charging 2 percent, with 10 years of grace during which the interest rate is three-fourths of 1 percent and the maturity date is 40 years. During the grace period of 10 years no payments on the principal amount are required. At the 11th year the interest rate becomes 2 percent.

In my judgment, we are not moving in the right direction. We are not in fact helping those to whom we are lending money. We are causing them to be

neglectful. We are allowing them to cast aside all discipline and sound management.

Moreover, we are not acting justly with the taxpayers of the United States. In addition, we have created a situation in which all the applicants are coming to our country for loans because of the low interest rates which we charge. And they will continue to come unless we harden the terms.

I favor the hardening of the terms under which we make the loans.

I ask unanimous consent that there be made a part of my statement in the RECORD the individual views contained in the report as set forth on pages 42, 43, and 44, and signed by the Senator from South Dakota [Mr. MUNDT], the Senator from Ohio [Mr. LAUSCHE], and the Senator from Oregon [Mr. MORSE].

There being no objection, the individual views were ordered to be printed in the RECORD, as follows:

INDIVIDUAL VIEWS

We strongly believe that this bill should contain provisions hardening the terms of development loans and loans under the Alliance for Progress. An amendment to this effect was rejected by the committee by a vote of 8-7, a decision which we shall urge the Senate to overturn.

Historically, the foreign aid program has gradually moved from a program which was almost all on a grant basis to a program which (excluding military assistance) is composed of roughly 60 percent loans and 40 percent grants. This progress is welcome. It has been, we think, too slow; but we are here concerned not so much with increasing the loan component as with the nature of the loans which comprise that component.

Until the Congress took a small step last year toward hardening loan terms, the common administration policy was to make loans at three-fourths of 1 percent interest and a maturity of 40 years including a 10-year grace period on repayment of principal. In 1963, the Congress amended the law to require a minimum interest rate of 2 percent after the 10-year grace period during which the interest may still be (and usually is) as low as three-fourths percent.

To call a transaction of this nature a "loan" is to be something less than candid. Loans on such soft terms contain an element of grants and a concealed subsidy in the interest rate. We are deceiving ourselves and the American people if we pretend that this is a loan program. The three-fourths percent interest during the grace period barely covers the cost of administering the loan. Even the 2 percent interest charged after the grace period is far below the cost of the money to the U.S. Treasury, which is now paying 3½ percent.

Under the current requirements of the Foreign Assistance Act, the average interest on development and Alliance for Progress loans is 1.7 percent.

This is far below what most other developed countries are charging, as shown in the following table:

DAC donor countries bilateral terms of aid, 1962—Commitments

	Interest rates			Maturities			Grace period (most liberal)
	Lowest	Highest	Weighted average (percent)	Longest	Shortest	Weighted average (years)	
Belgium	Nonavailable	Nonavailable	5.5	5 to 10 years	5 to 10 years	7.5	Not available.
Canada	$\frac{1}{4}$ of 1 percent	6 to 7 percent	(¹)	50 years	do.	(¹)	
Denmark							
France	1 to 3 percent	7 percent and up	4.4	40 years and up	1 to 5 years	23.3	3 years.
Germany	do.	6 to 7 percent	4.2	20 to 30 years	do.	17.0	7 years.
Italy	3 to 4 percent	7 percent and up	4.9	10 to 20 years	do.	9.8	
Japan	5 to 6 percent	do.	6.1	do.	do.	8.1	5 years.
Netherlands	0 to 1 percent	3 to 4 percent	5.0	40 years and up	20 to 30 years	20.0	85 percent, 10 years.
Norway							
Portugal	0 to 1 percent	7 percent and up	4.6	20 to 30 years	1 to 5 years	22.4	3 years.
United Kingdom	do.	6 to 7 percent	5.6	40 years and up	do.	26.3	7 years.
Total, other DAC			5.1			19.8	
United States	0 to 1 percent	6 to 7 percent	2.6	40 years and up	1 to 5 years	29.9	10 years.
Total, DAC			3.6			25.8	

¹ Not available.

NOTE.—Data available lack precision or consistency; these average terms should be regarded as rough orders of magnitude.

The administration opposes harder U.S. loan terms primarily on two grounds: First, that the movement of U.S. policy in this direction would interfere with the administration's efforts to induce other developed countries to soften their terms; and second, that it would aggravate the balance-of-payments problems of the borrowing nations. Neither argument is persuasive.

With respect to the first argument, the administration lays great stress on the fact that loan terms of other developed countries have become softer in recent years. Nevertheless, with the exception of a portion of the Canadian loans, the softest of these loans still carry shorter maturities and interest twice as high as the softest U.S. loans.

To the extent that foreign borrowing aggravates an underdeveloped country's balance-of-payments problem, aggravation is certainly caused more by borrowing from Europe than from the United States. So long as the Congress tolerates a situation in which U.S. money is available for half the cost of European money, the United States will continue to be faced with requests for easy help on balance-of-payments problems which are partially due to European credits. Thus, to some degree, we are helping to make it possible for underdeveloped debtors to pay their European creditors.

A hardening of U.S. loan terms would correct this situation. It would also serve notice on the Europeans that we do not intend indefinitely to make soft loans while they make hard ones. Instead of interfering with efforts to persuade the Europeans to soften their loans terms, it might well contribute to those efforts.

A hardening of U.S. loan terms will also have the salutary effect of imposing better habits of fiscal discipline and responsibility on the borrowing countries by requiring them to plan their affairs more carefully and to exercise greater self-restraint. A grace period of 10 years provides a considerable incentive to postpone the day of planning to meet regular payments. With respect to politically unstable countries, a 10-year grace period increases the risk that a change in government might lead to default of the loan.

For all of these reasons, we urge the Senate to support an amendment which we intend to offer and which will make the lending part of the foreign aid program loans in fact as well as in name. Under the existing law, the so-called loans are in reality little more than grants. If the U.S. Government is going to make grants to foreign countries—and in some instances there may be a case for doing so—we should at least be honest with ourselves and with the American people and call them grants. We

cannot justify making grants and calling them loans.

KARL E. MUNDT.
FRANK J. LAUSCHE.
WAYNE MORSE.

Mr. LAUSCHE. Mr. President, I now suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON in the chair). The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. GRUENING. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. LAUSCHE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to call the roll.

The legislative clerk resumed the calling of the roll.

Mr. LAUSCHE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Alaska [Mr. GRUENING].

Mr. FULBRIGHT. Mr. President, the amendment is one of the most drastic of all amendments that are being offered to change the character of this program. The Administrator, Mr. Bell, has summed up the arguments on the amendment very succinctly.

I ask unanimous consent that his letter be printed in the RECORD at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE, AGENCY
FOR INTERNATIONAL DEVELOPMENT,

Washington, D.C., August 6, 1964.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I understand several amendments concerning interest rates and amortization schedules have been proposed to H.R. 11380, the Foreign Assistance Act of 1964. The purpose of these amendments would be to raise the present minimum interest rate of 2 percent (with a three-fourths of 1 percent rate during the grace period), limit

or eliminate the present 10-year grace period, and shorten the present 40-year maturity on dollar-repayable development loans.

These amendments are a cause of deep concern for they threaten the effectiveness of the development loan program, the central feature of foreign assistance. Congress recognized, in passing the Foreign Assistance Act of 1961, that by shifting to dollar-repayable loans from grants or local currency repayable loans, a much greater burden was being placed on the less-developed countries receiving U.S. assistance. Consequently, minimum repayment terms for development loans were set to meet the capacity of the borrower to repay. Last year the terms were modified by raising the minimum interest rate to 2 percent after the expiration of the grace period. Further hardening of these minimum terms would work against the very goals of economic development and stability the U.S. mutual assistance program tries to achieve.

In the case of one proposed amendment, the interest rate would be increased to $2\frac{1}{2}$ percent, the grace period on principal reduced to 2 years, and maturity date shortened to 30 years. A second proposed amendment would set the interest rate by adding one-fourth of 1 percent to average interest rate on the U.S. debt, which, for example, in 1964 would be approximately $3\frac{3}{8}$ percent. A third proposed amendment tries to create a distinction between "commercial" and "non-commercial" loans; for the former, the interest rate would be the same as proposed in the second proposed amendment, for the latter, the interest rate would be set at $2\frac{1}{2}$ percent. This amendment would, in addition, require principal repayment on "commercial loans" within 25 years after the commencement of operation of the facility financed and, in the case of "noncommercial loans," within 25 years.

I believe all three amendments should be defeated because they do not reflect the reality of international economic development. First, terms on loans for economic development must be fitted to the capacity of the recipient to service its foreign debt. The World Bank has estimated the total outstanding foreign debt of 74 developing countries had risen $21\frac{1}{2}$ times from 1955 to 1962; service payments have tripled in the last 7 years. In the case of some countries, the present debt-service payments are 25 percent or more of their export earnings. It is vital that the structure of this debt be stretched out so the bulk of it falls due at a time when the process of development has brought about the growth needed to finance the debt. To do otherwise would encourage irresponsible debt practices such as postponement or default, divert badly needed resources

from development to debt-service and thus prolong the need for external assistance and increase the need for new funds from the United States.

Second, the adoption of these amendments would frustrate and undermine the efforts of the United States to obtain more realistic terms from other developed countries. The U.S. effort has been increasingly successful; the fact that U.S. terms are better than most DAC members is the strongest incentive for other developed countries to increase the amount and improve the terms of their assistance. It must always be kept in mind that the purpose of U.S. foreign assistance is not to compete with other donors but to help the less-developed countries. It serves no useful purpose to increase dangerously the debt-service of less-developed countries merely for the sake of comparability with other developed countries at harder, unrealistic terms. The most likely result of across-the-board hardening of U.S. development loan terms would be to reverse the present trend in other donors' terms and to push them to harder terms, thereby further accelerating the debt problem of less-developed countries. Let me assure you that the United States will continue its strenuous efforts to encourage other developed countries to increase the amount of their assistance and to move more rapidly to terms comparable to those of the United States.

Third, AID will continue to set interest rates and repayment terms to fit the borrower's capacity to repay. In a number of cases these terms have been significantly harder than the present statutory minimum of 2 percent (three-quarters of 1 percent in the grace period). I would expect the number of loans at medium terms to increase as development proceeds. Moreover, average interest rates on overall U.S. lending to key less-developed countries are close to the cost of the Treasury because Export-Import Bank loans are on commercial terms. Adoption of these amendments would thus raise the overall average terms in some countries above the terms of other donors and beyond the point of prudent fiscal policy.

Let me close by reemphasizing that all development loans authorized by the Foreign Assistance Act are repayable in dollars. In addition, any development loans to private enterprises, whether directly or through the recipient government, are on prevailing commercial terms.

For these reasons, and because it is in the best interest of the United States, I hope these amendments will not be adopted.

Sincerely yours,

DAVID E. BELL.

Mr. FULBRIGHT. Mr. President, for emphasis, I wish to read a few paragraphs for the information of the Senate at this time. There are several amendments, of course, of a somewhat similar nature, as has already been stated by the Senator from Ohio:

These amendments are a cause of deep concern for they threaten the effectiveness of the development loan program, the central feature of foreign assistance. Congress recognized, in passing the Foreign Assistance Act of 1961, that by shifting to dollar-repayable loans from grants or local currency-repayable loans, a much greater burden was being placed on the less developed countries receiving U.S. assistance. Consequently, minimum repayment terms for development loans were set to meet the capacity of the borrower to repay. Last year the terms were modified by raising the minimum interest rate to 2 percent after the expiration of the grace period.

I remind the Senate particularly that, in 1961, for example, three-quarters of 1 percent was the interest rate during

the whole period of many loans. Today it is 2 percent. That was the rate last year.

I continue to read:

Further hardening of these minimum terms would work against the very goals of economic development and stability the U.S. mutual assistance program tries to achieve.

I believe all three amendments should be defeated—

He is referring to three different variations, but all of them have the same objective and are quite simple—

because they do not reflect the reality of international economic development. First, terms on loans for economic development must be fitted to the capacity of the recipient to service its foreign debt. The World Bank has estimated the total outstanding foreign debt of 74 developing countries had risen 2½ times from 1955 to 1962; service payments have tripled in the last 7 years. In the case of some countries, the present debt service payments are 25 percent or more of their export earnings. It is vital that the structure of this debt be stretched out so the bulk of it falls due at a time when the process of development has brought about the growth needed to finance the debt. To do otherwise would encourage irresponsible debt practices such as postponement or default, divert badly needed resources from development to debt service and thus prolong the need for external assistance and increase the need for new funds from the United States.

Second, the adoption of these amendments would frustrate and undermine the efforts of the United States to obtain more realistic terms from other developed countries. The U.S. effort has been increasingly successful; the fact that U.S. terms are better than most DAC members is the strongest incentive for other developed countries to increase the amount and improve the terms of their assistance. It must always be kept in mind that the purpose of U.S. foreign assistance is not to compete with other donors but to help the less-developed countries. It serves no useful purpose to increase dangerously the debt service of less-developed countries merely for the sake of comparability with other developed countries at harder, unrealistic terms. The most likely result of across-the-board hardening of U.S. development loan terms would be to reverse the present trend in other donors' terms and to push them to harder terms, thereby further accelerating the debt problem of less-developed countries.

Third, AID will continue to set interest rates and repayment terms to fit the borrower's capacity to repay. In a number of cases these terms have been significantly harder than the present statutory minimum of 2 percent (three-fourth of 1 percent in the grace period). I would expect the number of loans at medium terms to increase as development proceeds. Moreover, average interest rates on overall U.S. lending to key less-developed countries are close to the cost to the Treasury because Export-Import Bank loans are on commercial terms. Adoption of these amendments would thus raise the overall average terms in some countries above the terms of other donors and beyond the point of prudent fiscal policy.

Let me close by reemphasizing that all development loans authorized by the Foreign Assistance Act are repayable in dollars. In addition, any development loans to private enterprises, whether directly or through the recipient government, are on prevailing commercial terms.

I have read from a part of the letter in which the very able Administrator of

the program protests this amendment most vigorously. He has told me that this amendment is probably the most serious one he knows of to be offered, as concerns the terms of the policy of the Foreign Assistance Act.

Also, I have a very interesting report from Paris relative to these loans. I refer to an article by a special foreign correspondent, Bernard Nossiter, of the Washington Post. I shall read a portion of the article. It refers to the effort to increase the rates in accordance with the pending amendment:

The provision would double the minimum interest rate that the United States may charge for development loans.

If the Senate adopts this proposal—and it has strong support—officials fear that it would seriously undermine their long campaign to persuade other nations to liberalize their aid terms.

The whole subject is particularly sensitive at this moment. The leading Western Powers and Japan meet in Paris on Thursday and Friday—

The article was published in the Washington Post of July 22—

for their yearly review of aid programs and policies.

The struggle to make aid terms easier is based on a widespread belief that many important nations receiving help already have saddled themselves with outsized repayment burdens. Among others, the World Bank has joined the fight for easier terms.

A little later the article states:

A year ago, the committee under U.S. prodding, resolved that aid terms should be easier. Ironically, the United States is winning this battle. Between 1961 and 1963, the proportion of aid loans made by development committee members with a charge of less than 3 percent more than doubled.

Canada now is seeking legislation permitting 50-year loans at three-quarters of 1 percent. West Germany, regarded as the most tight-fisted aid giver, reported that the average length of its outstanding loans to poor nations in 1963 was 19 years. This was an increase of more than a third since 1961.

Mr. President, I ask unanimous consent that the entire article be included in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. OFFICIALS WORRIED BY MOVE TO BOOST FOREIGN AID LOAN RATES

(By Bernard D. Nossiter)

PARIS, July 21.—U.S. officials here are deeply worried over a little-noticed sleeper amendment that has been proposed to the foreign aid bill.

The provision would double the minimum interest rate that the United States may charge for development loans.

If the Senate adopts this proposal—and it has strong support—officials fear that it would seriously undermine their long campaign to persuade other nations to liberalize their aid terms.

The whole subject is particularly sensitive at this moment. The leading Western Powers and Japan meet in Paris on Thursday and Friday for their yearly review of aid programs and policies.

HEAVY BURDENS CITED

The struggle to make aid terms easier is based on a widespread belief that many important nations receiving help already have saddled themselves with outsized repayment burdens. Among others, the World Bank has joined the fight for easier terms.

The amendment that officials say is embarrassing has been offered by Senators KARL MUNDT, Republican, of South Dakota, and FRANK LAUSCHE, Democrat, of Ohio. It would require the aid agency to charge recipients the same interest cost paid by the U.S. Treasury.

The minimum aid charge now is 2 percent and the current yield on long-term Treasury bonds is a little more than 4 percent. The difference may not sound like much, but it would add \$6 million in interest charges on a \$10 million loan running 30 years.

NARROWLY DEFEATED

The Mundt-Lausche amendment was beaten in the Senate Foreign Relations Committee by only an 8-to-7 vote. The prevailing congressional colliness toward aid, perhaps reinforced by Senator BARRY GOLDWATER's attacks, could, it is feared, create a climate that would enable the amendment to pass.

Aid experts say that countries like India, Pakistan, Brazil, and Argentina are already laboring under too heavy a load of repayments. Turkey gives up about half of its foreign aid for charges on previous debts.

The recent United Nations trade conference took note of this problem, and urged aid-givers to offer softer terms. This meeting of poor and rich nations has had a surprisingly strong effect on the thinking of authorities in several leading European countries.

TO REVIEW POLICIES

The non-Communist world's aid policies will be reviewed at the end of the week here in a meeting of the Development Assistance Committee. The Committee includes the United States and 11 other principal aid donors. It was set up to measure aid contributions and make policies more consistent.

A year ago, the committee, under U.S. prodding, resolved that aid terms should be easier. Ironically, the United States is winning this battle. Between 1961 and 1963, the proportion of aid loans made by development committee members with a charge of less than 3 percent more than doubled.

Canada now is seeking legislation permitting 50-year loans at three-quarters of 1 percent. West Germany, regarded as the most tight-fisted aidgiver, reported that the average length of its outstanding loans to poor nations in 1963 was 19 years. This was an increase of more than a third since 1961.

The U.S. delegation to the development group's meeting will be led by William Gaud, deputy aid administrator, and former Congressman Frank Coffin, Democrat, of Maine, the permanent U.S. delegate to the committee.

Mr. FULBRIGHT. Mr. President, to sum up, increasing the interest rates to the figure provided in the amendment would hamstring the administration of the program. Many countries are unable to service loans at those interest rates. This proposal fixes a rate that can almost be obtained in some of the international agencies, such as the International Bank. It is somewhat lower than the International Bank or Export-Import Bank rate, but adoption of these rates would take the aid program out of the lending business.

It seems to me more logical, if the Senate wishes, to stop the program rather than to pretend to have the program and hold out the hope that there is an aid program, while making the terms so severe that an underdeveloped country struggling to get on its feet could not obtain a loan. One of two

things would happen—either it would not get the loan or else it would not be able to service it. That would cause a great setback to the effort we are making in the international field. That would be worse than not making the loan at all. This is a very important amendment, and it should be voted down; or, if not, the Senate should stop the program and should go out of the development assistance business.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. SALTONSTALL. Mr. President, is not the purpose of the development loans to make it possible for countries to grow and produce economically so that they can hope to do more business with us in the days to come? To make the interest rate too high would mean that they could not get started in that development.

Mr. FULBRIGHT. The Senator is quite correct. The purpose is to do what the Senator says. If it is a worthy and sensible purpose, we should make the money available on reasonable terms. It should be noted that since 1961 these loans have been made repayable in dollars at the minimum rate, although some are higher than that.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. DOUGLAS. First, let me say that it is my intention to support the position of the Senator from Arkansas. However, I believe that, in the interest of truth, certain facts should be made clear, so that we in the United States will not have a guilt complex in connection with this program.

First, is it not correct to say that the interest rates charged by the World Bank, the Export-Import Bank, foreign governments, and private parties are very much in excess of the interest rates which we charge?

Mr. FULBRIGHT. It is certainly true of the Export-Import Bank and the World Bank.

Mr. DOUGLAS. Is it not also true so far as foreign government loans are concerned?

Mr. FULBRIGHT. It has been true. However, there has been a marked tendency within the past 2 years for countries, particularly members of the Development Assistance Committee of OECD to reduce their terms. I have just read the information with respect to what Canada is seeking to do, namely, to provide a 50-year term at three-fourths of 1 percent interest. That is a completely new approach on the part of Canada.

At page 43 of the committee report Senators will find the interest rates. All I can say is that they have been much higher, but that now they are beginning to come down, due to our prodding, primarily. We have been doing our best to persuade the members of OECD to soften their terms. That is the hopeful part of it. Not only has this been true in the area of foreign lending, but the Senator also knows that in their domestic lending nearly all these countries traditionally have maintained a higher

interest rate than we employ in our domestic lending. For example, that is true of Germany and France. Of course all this is more or less relative.

Mr. DOUGLAS. I invite attention to the fact that the weighted average of the Belgium loans is 5.5 percent; on French loans, it is 4.4 percent; on German loans, it is 4.2 percent; Italy, 4.9 percent; Japan, 6.1 percent; Netherlands, 5 percent; Portugal, 4.6 percent; United Kingdom, 5.6 percent. The U.S. average is 2.6 percent. On this particular type of loan, the interest rate is $\frac{3}{4}$ percent.

There may have been some improvement—and I am glad that there has been—but certainly the existing disparity is great.

Mr. FULBRIGHT. The Senator is quite correct. It was worse than it is now. I invite the Senator's attention to the fact that while the situation in other donor countries is not as favorable from the standpoint of absolute amounts, a better case can be made with regard to levels of aid as related to the gross national products of these countries. The grant assistance of these countries has been a higher percentage of the total aid than is the case with us. I have before me a comparative study of the grants, shown as a percentage of the total aid of a particular country.

In the case of a country like Belgium, it is 94 percent. In the case of Canada, it is 76 percent. In the case of France, it is 86 percent. Grants represent a substantially higher percentage of total aid.

Mr. DOUGLAS. May I comment on that?

Mr. FULBRIGHT. One reason for it is that this aid is confined largely to former colonial areas.

Mr. DOUGLAS. That is correct. The Senator from Arkansas has now touched a crucial point. Loans by France are made almost exclusively to her former colonial possessions in Africa, with which France has very intimate economic relationships. France has obtained, for these possessions, duty free entrance for their raw materials to the Common Market. It is obvious that France intends to retain virtual economic control over these developing nations in Africa. I imagine that the same thing is true so far as Belgium is concerned. The Portuguese money goes largely to what we used to call Portuguese East Africa and Portuguese West Africa, one of which is now called Angola.

The Senator has mentioned the fact that this money represents a larger proportion of the gross national product of those countries than is the case with the United States. This is true. That fact is played up by AID as an indication that European nations are more generous than we in providing foreign aid. But what AID does not mention is that the loans are made at extraordinarily high rates of interest. Many advocates of foreign aid—and I am a supporter, and always have been—do not tell the whole story. They present the side of the case most favorable to them, and they suppress the fact that, instead of making grants to nations outside the economic alliances, European countries

lend to their colonial possessions or former colonial possessions and that we lend to countries over which we have very little or no control.

I shall vote against the amendment offered by my good friend from Alaska [Mr. GRUENING], with great reluctance. My comments are meant to dispel any inferiority complex in the United States which is being inculcated. The fact is that we are more generous in making contributions to nations outside our economic control than are European countries. We are more generous in connection with interest terms. That fact should be frankly faced. I am ready to face it.

I believe that in the case of Latin America, the people are so poor that specially favorable terms should be made to them. But I do not believe anything is gained by concealing the fact that European nations, while they may be improving, still are not bearing their fair share.

Mr. GRUENING. Mr. President, will the Senator yield?

Mr. DOUGLAS. I do not have the floor.

Mr. FULBRIGHT. I agree with what the Senator has said about interest rates. All I can say is that formerly much of our development aid was on a grant basis and we are proceeding to make the program somewhat more realistic than before. At the same time, there is a gradual increase in the participation by Europeans at more lenient terms and conditions. Traditionally, the interest rate structure has been lower in this country. That is why we have had to have the tax equalization bill, because even in the commercial markets the interest rates charged in this country were substantially lower, on the whole.

Mr. DOUGLAS. The disparity between the rates which the European nations charge to countries abroad and their own domestic rates is also much less than the disparity in the United States.

We have an interest rate on long-time Government loans of 3½ percent. We have an interest rate on certain foreign loans of three-fourths of 1 percent, a rate which is only about one-fifth of what it is internally. We do not find France or even Great Britain lending to her colonial possessions at a rate one-fifth of what is charged at home.

Although I shall not support the amendment of the Senator from Alaska, his attitude is correct. But I hope the advocates of foreign aid—and I am one of them—will not get an inferiority complex and think that we are not as kind and generous as are the European nations. The truth is that we are more so.

Mr. GRUENING. Mr. President, far from having an inferiority complex because we are not generous enough, the fact is that in some ways and for some recipients we have been too generous. The remarks of the Senator from Illinois indicate that the AID administration does not always "level" with Congress; it does not tell us the whole story. We have to dig these errors out and discover them painfully.

If the Senator will look at the list of more than \$1 billion worth of loans we have made at a negligible interest rate, with a 10-year moratorium on the payment of principal, he will find that, indiscriminately, the list includes both enterprises that can and cannot make a profit. If we wish to assist in the building of a school or a road, if the recipient country is deemed too poor to repay a loan, perhaps we should make grants for that purpose. But that is entirely different from a profitmaking enterprise, that will begin to earn money the minute it is completed. It is in that category that we ought to improve the foreign aid loan program.

I, too, favor foreign aid; but I have opposed and continue to oppose the many abuses I have discovered since I began to study the program. It is difficult to have amendments agreed to because past administrations have resisted efforts at reform and have taken the position that everything in the program is nearly perfect and that no improvements are desired. That is why this amendment is desirable. It would be a step in the right direction. Even when such amendments have been adopted by the Senate, they have been taken out in conference at the behest of the State Department and AID Administrators.

Three years ago I offered an amendment which provided that countries to which we lent money could not relend it at more than 5 percent above the rate at which we lent it. In other words, if we lent the money at a rate of three-quarters of 1 percent, the recipient country could not lend it at a rate of more than 5¾ percent. Over the opposition of the administration, this amendment was adopted by the Senate by a vote of 74 to 16. But the AID representatives rushed up to the conference and said that the amendment would wreck the program. So these usurious practices still continue. The recipient countries continue to take our money, relend it at high interest rates, make a bonanza, for the few, while the people for whom Americans are making this sacrifice bear the costs.

Mr. MORSE. Mr. President, I offer the Bell letter, read by the chairman of the committee, to prove exactly the opposite of the conclusion reached by the chairman of the committee. If ever one wanted an exhibit that supports the amendment of the Senator from Alaska or supports the amendment offered by the Senator from South Dakota [Mr. MUNDT], the Senator from Ohio [Mr. LAUSCHE], and the Senator from Oregon, let him reread the Bell letter. If ever there was received from the AID administration or the State Department an epistle that expressed any concern about the American taxpayer, I think I would drop dead of a heart attack. If ever there was a place in which the American taxpayer received no consideration to any degree, it is at the State Department and the AID administration in connection with the foreign aid program.

If ever there was a time for Congress to make a great contribution both toward strengthening the foreign aid program and protecting the American taxpayer,

and at the same time perform a service to the recipient countries, now is the time to do it, through the Gruening amendment. I cannot think of anything that we could do by way of reforming our foreign aid program that would result in greater long-time benefits to the borrowing countries than the Gruening amendment, because this amendment would have a strong effect on changing the nature of the projects or the uses to which American money is put. We would find the recipient countries putting their economic houses in order. We would find them investing the money that they seek to borrow from us in projects that would pay out.

Comment has been made about the situation in Latin America. The interest rate problem is one of the great problems in Latin America. Do not overlook the fact that the legal interest rate in country after country in Latin America runs all the way from 12 percent to 30 percent. How can there ever be economic reform in Latin America with the legal interest rates running between 12 percent and 30 percent, if the United States makes loans to Latin America with American taxpayers' money at a rate of three-quarters of 1 percent, with 10 years in which to pay nothing, and after 10 years paying a minimum of 2 percent interest? If we want to perform a service for the mass of people in Latin America, I say, most respectfully, that we should adopt the Gruening amendment or the Mundt-Lausche-Morse amendment. It is necessary to have interest-rate reform in Latin America; otherwise the Alliance for Progress will not have the chance of a snowball in a hot oven.

How can homes be built in Latin America to be owned by the poverty-stricken people of Latin America, when legal interest rates from 12 to 30 percent, compounded? I do not know what we are thinking of when we continue this travesty in regard to interest rates.

Let us turn to Europe, where we have so many alleged allies who are making a sordid and sorry record of putting their nationalistic interests ahead of service to humanity in respect to so-called foreign aid on their part. We do not find anything about them in the Bell letter. It would be necessary to probe with a more powerful magnet than I have ever seen to drag out of the AID administration such facts as we are entitled to have in connection with this issue. We are not told how much money those countries are lending.

The AID administration is careful, in a letter like this, not to tell us to whom they are lending. The Senator from Alaska and the Senator from Oregon today, and in many other speeches, have brought out this point; but we are indebted to the Senator from Illinois [Mr. DOUGLAS] for pointing out that most of the loans of our alleged allies are going to their economic vassals. They are going to countries in which, for decades, they exercised control. They were their territorial colonies, and they are still their economic colonies. They have huge national investments in those countries. Go to any of them that are dominated by Portugal, the Netherlands, Great Britain,

Belgium or France. There we find the nationalistic economic empires of the dominating country. But we do not learn that from the Bell letter. We cannot drag it out of the State Department. We must take a militant position, as I have so frequently done, in regard to the State Department and the AID administration.

In my judgment, the AID administration and the State Department have been for years exploiting the American taxpayers with this shocking foreign aid program. It is about time to reform. This is one reform that ought to be adopted. I will tell Senators what our allies are doing in their dominated economic colonies. They are also making economic arrangements with those colonies to discriminate against the United States in connection with foreign trade. If Senators do not think so, let them talk to some of our agricultural exporters, who are trying to ship American agricultural products into those countries. Talk to some of our industrial exporters. Those former colonies are being persuaded to execute discriminating agreements against the United States in the field of foreign trade, because they are going to continue to do what they can to keep us out to the maximum extent possible, and let us in only to the minimum extent they are required by law to do so.

All we have to do is turn to the table in the separate views filed on the question of interest rates. The table is found on page 43 of the report. Let us see what the interest rates are. Take the column that deals with weighted average:

Belgium 5.5 percent. Canada—not available—although the next column gives the highest at 6 to 7 percent, and the lowest at three-fourths of 1 percent.

Again I ask the controlling question: How much? What is the total amount of the loan? It is a drop in the bucket compared to what the United States is doing.

In the column entitled "Weighted average," France is given at 4.4 percent; Germany 4.2 percent; Italy 4.9 percent; Japan 6.1 percent; the Netherlands 5 percent; Portugal 4.6 percent; and the United Kingdom 5.6 percent.

The weighted average for all countries is 5.1 percent. The weighted average for the United States is 2.6 percent.

What more do we need to know about how we are being played for suckers in this loan arrangement?

I heard Mr. Bell make his statement before the committee. He now makes an evasive reply in the letter which has just been read to the Senate. I say "evasive," because it does not tell the American people all the facts they should be told about this issue.

What the Senator from Alaska is asking for in his amendment still allows plenty of room for them to soften the interest policy still more without being as generous as we would be under the amendment.

It is Mr. Bell's argument that we should not insist that they bring the interest down even with that of our own. If they did, and the Gruening amendment were accepted, they would still

have great advantages in their trade arrangements with their economic vassals. We would still find great difficulty getting through their trade barriers.

France is not the only bad actor in this connection, although she is one of the worst. But she is not the only one. We do not find Great Britain, Belgium, the Netherlands, or any of the other countries listed doing any favors for the United States in this field. They will continue to discriminate against American farmers.

I say to the farmers of America, "Watch what AID is up to. Watch what the State Department is up to." The interest rate exploitation by the State Department and the AID people is an exploitation of the American farmer. In the last analysis, the policy will work to the discriminatory disadvantage of the farmer in regard to the export of American farm products.

I say to the businessmen of America, too, "Get your heads out of the sand. They are still working on you. They will kick you out as fast as they can build up their economic power in order to do it."

Mr. President, I close by asking: Who is going to think of the American taxpayer?

What is wrong with protecting the American taxpayers with an interest rate proposal that they pay for the cost of the use of the money, and pay what the American Government has to pay out of the Treasury for the use of the money. If they have any project which is not sufficiently self-liquidating in its purposes so that it can pay out an interest rate to cover the cost of the use of the money, we should not lend it.

In connection with the statement that certain countries have a higher percentage of grants than does the United States, there are two points I wish to have borne in mind: Look at the total amount of their loans and grants. It is a far cry from what we have done—since 1946, almost \$105 billion.

Is there no end to this?

What objection is there to putting such transactions on a sound business basis, so that the American taxpayer will not be fleeced and rooked to the tune of hundreds of millions of dollars each year?

I have such faith in the American people that I am satisfied that eventually they will catch up with the politicians. When they do, they will empty some seats in the Senate—and the sooner the better.

In my judgment, we cannot continue to support a foreign aid program that works the kind of economic injustice upon the American taxpayer that this program has been working.

Some of us have been trying to reform it. I said earlier in the day that the State Department at long last recognizes that it must be reformed. After the election and before the Department comes forward with the bill next year it wishes to have at least a 2-day conference at the State Department, which I have been invited to attend. It was suggested that the conference be with me, and I said, "Oh, no, I wish the members of the Foreign Relations Committee to have the benefit of the great enlighten-

ment that would result from that kind of conference."

State Department officials are scared. I really believe that they are worried. They know that they are going to get a majority of the Congress to go along with them this time, because an election is coming up, although they have no justification for continuing a program which should be reformed. If it should be reformed in December preparatory to next year, it should be reformed in August before the bill is enacted.

I am greatly disappointed. I have not thrown any bouquets at Mr. Bell or Mr. Rusk with regard to foreign aid, because in my opinion, they do not even deserve a boutonniere to say nothing of a bouquet. Mr. Rusk and Mr. Bell should have reformed the foreign aid program this year.

The Foreign Relations Committee should have reformed it, too, because it is a far cry from what the Foreign Relations Committee promised in last year's report.

In last year's report, great promises were made by the majority of the Foreign Relations Committee, warning the State Department that it had better do something about it or it would be in trouble this year.

It was forgotten, of course, that the great warning would be weakened by political expediency in 1964, because there is an election this year.

It is extremely difficult to bring about reforms during an election year.

The majority on the Foreign Relations Committee bring in a report this year which is very interesting to read in comparison with last year's foreign aid report.

Now is the time to start to reform.

Now is the time to keep faith with the American taxpayers.

Now is the time to serve notice on our alleged allies that we will not continue to pay through the nose when they make profits from our loans to them.

I said earlier in the day, in colloquy with the Senator from Ohio [Mr. LAUSCHE], that it is difficult to show that loan No. 1 to country X was used by country X to pay back a loan to some other country at a much higher interest rate.

If we consider repayments over the past 10 years to other countries for loans made at higher interest rates, compared with the amount of loans from the United States at a very low interest rate, one does not have to be much of an economist or expert in the field of interest rates to know that the borrowers were put in a position to pay their loans at high interest rates because of the low interest rate loans that they received from the United States. This particular gimmick—there is no mention of it by Mr. Bell—in the foreign aid bill ought to be torn by its roots.

What would we accomplish by this amendment from the standpoint of strengthening the interest of the mass of the people in the recipient countries? A great deal. We would force those countries to take a long look at their borrowings. We would force those countries to ask for money relating to proj-

ects that are economically sound instead of using the money to pay off loans from other countries at high interest rates. Proper use of the loans means jobs. It means employment. It means purchasing power. If we put our money into such projects, we will perform a great service for the mass of the people in those countries.

Reluctantly I have come to the conclusion that too much of the money that we are lending is not used for the kind of projects in which it ought to be used. Furthermore, I believe the time has come for us to serve notice on the people in every potential recipient country that the Treasury of the United States has a floor.

It is not a bottomless pit out of which we can dredge up more and more dollars in an unending supply. I believe that they ought to be told also that there is an awakening among the American taxpayers with respect to the entire policy of foreign aid. And more and more taxpayers are saying to the politicians, "Enough is enough." I believe that an increasing number of American taxpayers are saying, "We have already been taken for too much."

Mr. President, I strongly support the Gruening amendment. If it is defeated, I shall strongly support the Mundt-Lausche-Morse amendment.

I yield to the Senator from Illinois.

Mr. DOUGLAS. Mr. President, I thank the Senator.

On page 335 of the hearings, there is a very important table on comparative contributions by various countries in foreign aid and bilateral aid commitments. The second column gives the percentage of gross national product which each country has contributed.

In 1962, the United States contributed eighty-four-hundredths of 1 percent of its gross national product to foreign aid. This is sometimes compared with the contribution of France, which amounted to 1.26 percent. It is said that we are less generous than France. Of course, the French interest rate is much more than that which we charge. Furthermore, the money goes into the former French colonies of Africa—of which the Senator from Illinois and the Senator from Oregon spoke—which are tied by close trade provisions to the former imperialist country.

Mr. MORSE. That is correct.

Mr. DOUGLAS. At times even Portugal is cited as being more generous than the United States. It contributed 2.21 percent of its gross national product. That is almost three times the share of the gross national product which we contributed. But Portugal contributed only \$60 million. The interest rate, as we have shown, is very much higher, amounting on an average to 4.6 percent, and running for only 22 years, with a grace period of 3 years.

Mr. MORSE. Mr. President, let us face one of the ugly realities of international relations as to the 2.21 percent of the bilateral commitments of Portugal in such countries as Angola and Mozambique. I believe the amounts can be described as amounting in one way to the payment of tribute. Let us face it.

The Portuguese are going to be kicked out of Angola and Mozambique in the near future anyway. This process is an economic clipping by Portugal and Angola and Mozambique.

When one thinks of the human tyranny that Portugal has imposed upon the several millions in Mozambique and Angola, and we have Bell in the AID department trying to cite Portugal to the American people for the purpose of keeping down the interest rate, it is to his everlasting discredit. He should not even whisper anything about Portugal. I sat in the United Nations as a delegate of this country in 1960. I listened to a description of the sordid acts of Portugal in Angola and Mozambique. Portugal even opposed having a United Nations team go in to make an inspection. They knew that what would be seen would be to the everlasting discredit of Portugal. Yet Portugal is cited in this debate as an example for the United States to follow. I believe that we should not be making a single dollar of the American taxpayers' money available to Portugal until she gets out of Angola and Mozambique. Yet we give her military aid under this bill while she lends to her African colonies at high interest rates. If ever a population was shockingly discriminated against, abused, and exploited, it is the people of Angola and Mozambique. The 2.21 percent figure of Portugal is cited as an argument on the part of AID, for us to keep our interest rate down to 0.75 percent the first 10 years, and then raise it to a minimum of 2 percent after 10 years, with no payment on principal the first 10 years.

I do not know how we are going to get these facts across to the American people. But I would put them before any jury in America. I will state the case against Bell and Rusk to any jury in America; and they would not get a verdict once the American taxpayer obtained the facts.

I yield to the Senator from Illinois.

Mr. DOUGLAS. Mr. President, let me say first that I do not associate myself necessarily with the comments about the Secretary of State and the Director of the AID program.

Mr. MORSE. I understand that. No guilt by association should be attributed to the Senator from Illinois [Mr. DOUGLAS].

Mr. DOUGLAS. I thank the Senator.

Mr. MORSE. Before the Senator proceeds, I point out that the interesting thing about the loans of Portugal to Mozambique and Angola is that she does not even consider them colonies. She considers them as oversea parts of Portugal. By way of analogy they are considered to be Portugal states in Africa. That is mere nonsense.

Mr. DOUGLAS. The Senator from Arkansas pointed to the improvement of Canada, in the lowering of its interest rates.

Of course, we welcome this. But I believe it should be noted that in 1962 Canada committed only \$58 million for foreign aid, or sixteen-one hundredths of 1 percent of its gross national product, which is less than one-fifth of the proportionate aid given by the United States. And while we welcome this im-

provement on the part of Canada so far as interest rates are concerned, we also hope that the improvement will continue with respect to the volume of the loans as well.

Mr. MORSE. The Senator is correct.

The Bell letter very carefully avoids telling the American people about the total amount.

Mr. DOUGLAS. Let us consider Denmark and Norway. Denmark gave the magnificent sum of \$1 million, which amounted to 0.01 percent of the gross national product of that country; whereas our contribution amounted to 0.84. So they contributed proportionately one eighty-fourth as much as we did.

If we consider Norway, we find that Norway gave \$4 million or 0.08 percent of the gross national product, which is less than one-tenth of what we gave. Belgium contributed 0.55 percent of the gross national product. That was in 1962. It would be interesting to note if that went to the Congo, which I believe was then a Belgium possession, and where the Union Miniere controls the mineral resources of that area.

Mr. MORSE. And which is of vital concern to the economy of Belgium.

Mr. DOUGLAS. Very much so. Italy contributed 0.15 percent, or about one-sixth as much as we did. Italy is a much poorer country and should not be expected to contribute as large a proportion. But there is quite a disparity there.

Japan contributed 0.5 percent. The Netherlands contributed 0.32 percent of its gross national product, which is a little over one-third of what we contribute.

In short, while I believe it is true that around the conference table, Secretary Rusk and Mr. Bell have tried to get the foreign countries to contribute more and to lower their interest rates in the interest of international amity, they soft pedal these arguments so far as the people of the United States are concerned.

While I am not going to be able to vote with the Senator from Alaska [Mr. GRUENING], and may not be able to vote with the Senator from Oregon [Mr. MORSE], they are performing a very valuable function in showing that the public is getting somewhat fed up with the continued leniency toward foreign governments and their continuing treatment of the United States as somehow being less charitable and less humane than we are. We can be proud of our record and there should be no adverse comments from abroad. On the contrary they are the ones who should reform.

Mr. MORSE. I thank the Senator from Illinois very much. He has made a very cogent and brilliant contribution to the debate. It has been of great help to the Senator from Alaska and the Senator from Oregon in substantiating the position that we have taken.

I realize that there are other reasons why the Senator from Illinois is still willing to go along with this arrangement. He is a much more ardent advocate of the objectives of foreign aid than is the Senator from Oregon. I am an ardent advocate of foreign aid, but, as the Senator knows, I think foreign aid

should be drastically reformed before it is continued. That is why I offered yesterday my amendment which would end it in 1966, and start it all over again on the basis of policies that I believe are sound and would result in reforms that ought to be adopted.

Mr. President, I ask unanimous consent to have printed at this point in the

RECORD the table appearing on page 335 of the hearings, together with certain other substantive explanatory material that goes along with the table, which the Senator from Illinois has so brilliantly discussed.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE I.—1962 bilateral aid commitments¹ and various measures of donor capacity and interest

	Bilateral aid commitments	Bilateral aid commitments as percent of GNP ²	GNP per capita	Defense expenditures as percent of GNP	Bilateral commitments as percent of exports to LDC's	Bilateral commitments as percent of total trade with LDC's	Total LDC trade as percent of donor GNP
	Millions						
Belgium ³	\$70	0.55	\$1,381	3.3	12.8	5.5	10.0
Canada.....	58	.16	2,009	4.5	13.3	5.2	3.0
Denmark ⁴	1	.01	1,559	3.1	.6	.3	4.1
France ⁵	901	1.26	1,524	6.1	37.1	17.6	7.2
Germany.....	428	.50	1,558	5.1	16.8	7.8	6.4
Italy.....	60	.15	788	3.5	5.6	2.3	6.7
Japan.....	265	.51	547	1.1	11.4	6.0	8.6
Netherlands.....	42	.32	1,105	4.6	6.0	2.5	12.8
Norway.....	4	.08	1,423	3.7	3.4	1.3	6.0
Portugal.....	60	2.21	294	7.4	45.8	20.3	10.9
United Kingdom.....	556	.70	1,482	6.4	16.2	7.2	9.7
Total, other DAC.....	2,445	.60	1,135	4.7	17.6	8.1	7.5
United States.....	4,656	.84	2,974	9.4	64.9	35.1	2.4
Total, DAC.....	7,101	.74	1,766	7.4	33.8	16.3	4.5

¹ Grants and loans over 5 years.

² GNP at current market prices.

³ Bilateral gross expenditure figures.

⁴ 1961 figure.

⁵ Grant component is expenditure figure.

Mr. MORSE. Mr. President, I close by saying that in my judgment I would characterize the amendment of the Senator from Alaska—to be followed, if it is not agreed to, later this afternoon by the Mundt-Lausche-Morse amendment—as an American taxpayers' amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Alaska. On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Louisiana [Mr. LONG] is absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON] and the Senator from Massachusetts [Mr. KENNEDY] are absent because of illness.

I further announce that the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Nevada [Mr. CANNON], and the Senator from Pennsylvania [Mr. CLARK] are necessarily absent.

I further announce that, if present and voting, the Senator from Louisiana [Mr. LONG], and the Senator from Pennsylvania [Mr. CLARK] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Nebraska [Mr. HRUSKA] is necessarily absent and, if present and voting, would vote "yea."

The Senator from Arizona [Mr. GOLDWATER] is detained on official business.

The result was announced—yeas 44, nays 48, as follows:

[No. 533 Leg.]

YEAS—44

Allott	Bible	Byrd, W. Va.
Bartlett	Boggs	Cotton
Beall	Burdick	Curtis
Bennett	Byrd, Va.	Dirksen

Dominick
Eastland
Ellender
Ervin
Fong
Gore
Gruening
Hill
Johnston
Jordan, N.C.
Jordan, Idaho

Lausche
McClellan
Mecham
Morse
Moss
Mundt
Pearson
Proxmire
Ribicoff
Robertson
Russell

Simpson
Stennis
Symington
Talmadge
Thurmond
Tower
Walters
Williams, Del.
Yarborough
Young, N. Dak.

NAYS—48

Aiken
Bayh
Brewster
Carlson
Case
Church
Cooper
Dodd
Douglas
Fulbright
Hart
Hartke
Hayden
Hickenlooper
Holland
Humphrey

Inouye
Jackson
Javits
Keating
Kuchel
Long, Mo.
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
McNamara
Metcalfe
Miller
Monroney

Morton
Muskie
Nelson
Neuberger
Pastore
Pell
Prouty
Randolph
Salinger
Saltonstall
Scott
Smathers
Smith
Sparkman
Williams, N.J.
Young, Ohio

NOT VOTING—8

Anderson
Cannon
Clark

Edmondson
Goldwater
Hruska

Kennedy
Long, La.

So Mr. GRUENING'S amendment was rejected.

Mr. HUMPHREY. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. SPARKMAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ELLENDER. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The chief clerk stated the amendment as follows:

On page 6, beginning with line 12, strike out through line 3 on page 7, as follows:

"(a) Amend section 503, which relates to general authority, as follows:

"(1) In subsection (c) strike out 'and' at the end thereof and in subsection (d) strike out the period at the end thereof and substitute 'and'.

"(2) Add the following new subsection (e):

"(e) guarantying, insuring, coinsuring, and reinsuring any individual, corporation, partnership, or other association doing business in the United States against political and credit risks of nonpayment arising in connection with credit sales financed by such individual, corporation, partnership or other association for defense articles and defense services procured in the United States by such friendly country or international organization."

On page 7, line 4, strike out "(b)" and insert "(a)".

On page 7, line 15, strike out "(c)" and insert "(b)".

On page 8, beginning with line 3, strike out through line 2 on page 9, as follows:

"(d) Amend section 509, which relates to exchanges, as follows:

"(1) The section heading is amended to read as follows: 'EXCHANGES AND GUARANTIES'.

"(2) After the section heading insert '(a)'.

"(3) Add the following new subsection (b):

"(b) In issuing guaranties, insurance, coinsurance, and reinsurance, the President may enter into contracts with exporters, insurance companies, financial institutions, or others, or groups thereof, and where appropriate may employ any of the same to act as agent in the issuance and servicing of such guaranties, insurance, coinsurance, and reinsurance, and the adjustment of claims arising thereunder. Fees and premiums shall be charged in connection with contracts of guaranty, insurance, coinsurance, and reinsurance. Obligations shall be recorded against the funds available for credit sales under this part in an amount not less than 25 per centum of the contractual liability related to any guaranty, insurance, coinsurance, and reinsurance issued pursuant to this part and the funds so obligated together with fees and premiums shall constitute a single reserve for the payment of claims under such contracts. Any guaranties, insurance, coinsurance, and reinsurance issued pursuant to this part shall be considered contingent obligations backed by the full faith and credit of the United States of America."

On page 9, line 3, strike out "(e)" and insert "(c)".

On page 9, line 6, strike out "(f)" and insert "(d)".

Mr. KUCHEL. Mr. President, may we have order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. ELLENDER. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. ELLENDER. Mr. President, I wish to state that a conference will be held, beginning at 2 o'clock, on the independent offices appropriation bill and I am one of the conferees. So if Senators will remain in the Chamber for just a short while, I believe we can easily dispose of my amendment within 15 or 20 minutes.

My amendment will simply delete from the bill the new language that has been included therein to provide for guaranties of credit sales of military equipment. Specifically it deletes the language that has been added under section 503 and section 509 of the act. Sec-

tion 503, which is concerned with the general authority, includes language under subsection e which authorizes the President to issue guarantees against both political and credit risks of non-payment in connection with sales of military equipment to eligible foreign and international organizations.

Section 509 of the Foreign Assistance Act of 1961 has been further amended by the addition of a new subsection which authorizes the President to enter into contracts with exporters, insurance companies, financial institutions, and so forth, whereby such groups can be employed to act as agents in the servicing of the aforementioned guaranty contracts. The additional language in this subsection provides that fees and premiums are to be charged for the guaranties; that a reserve of 25 percent is to be established for the contingent liability, and that the guaranty is backed by the full faith and credit of the United States.

Mr. President, there are countless reasons for deleting the military sales guaranty program from the bill.

Among those reasons, it would appear to be a direct contravention of existing American policy toward the granting of military aid to the countries of Africa and Latin America.

As will be recalled, last year's act put a \$25 million ceiling on military grant aid to African countries, and a \$55 million ceiling on the granting of military aid to Latin American countries. Under the language now in the bill foreign countries in dire economic circumstances could purchase military hardware from our American military industrial complex and have these purchases guaranteed by the full faith and credit of our Government. Naturally this would tend to encourage military arms buildup in Latin American and African countries, while at the same time encouraging American production of these armaments.

Furthermore, on page 20 of the Senate Foreign Relations Committee report in reference to the guarantee provisions, it is stated:

A number of countries are now capable of purchasing the military equipment that heretofore they have received under the military aid program, but commercial sources of credit are unwilling to extend credit to many of them owing to underlying political instability and uncertainty.

I submit, Mr. President, that we have no business encouraging a further buildup of arms in countries to which this definition applies.

The language in the bill is so broad it would appear that false fronts could be established by foreign governments, perhaps aided and abetted by our own manufacturing concerns, to buy military goods and hardware. Once these were established they could then buy the companies' output with the sales being guaranteed by our Government. This is no doubt open to abuse. In other words, why should Fairchild, Douglas, General Motors or the other large suppliers to our arsenal be allowed to encourage the sales of hardware to foreign nations on their own terms, and with a full guarantee of the U.S. Government?

Needless to say, Mr. President, it is discriminatory against business in general to extend subsidies to our armament manufacturers, which is what would be the case if this guarantee by the Federal Government of privately financed sale of military equipment is permitted to remain in this bill.

In justifying the inclusion of the guaranty provision in the bill, the Senate Foreign Relations Committee pointed out that it is also consistent with efforts to reduce the deficit in the U.S. balance of payments. It is submitted that while the objective of reducing the deficit in our balance of payments is most desirable, it certainly is not necessary for our country to use such a means as is proposed here to obtain this laudable goal. The reduction of the deficit in our balance of payments through the sale of armaments of war, which necessarily amounts to nothing but waste and a depletion of the economic resources of our country, is no way to obtain a better balance-of-payments position.

While there is much concern expressed over obtaining a worldwide disarmament and while in this very connection the Congress has appropriated in the past few years almost \$25 million to finance the disarmament agency, it is indeed contradictory to set up in this bill an agency that would further the military industrial complex in our country. There is no question but that if the military industrial complex is permitted to expand thusly, world disarmament will be taken that much further from our grasp.

I believe that we should think a long time before doing such a thing. In the past we have limited the amount of military equipment and hardware that is to be given to the countries of Latin America and Africa. But here we are opening the door wide to permit the military industrial complex to sell military hardware to anyone the President may select.

I believe this is a step in the wrong direction. In the past we have gotten into a great deal of trouble because we gave certain countries military assistance. We are suffering from that in many areas of the world. If the military sales guaranty provisions remain in this bill, I can foresee a great deal of military equipment being sold to Israel and to certain Arab countries, which will no doubt create a situation, whereby we may be called in to try to stop a war.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. AIKEN. I merely wish to say that I did not raise any objection when the bill was reported to the Senate, although, like other members of the committee, I reserved the right to vote for any amendments which might be offered to it.

I am very apprehensive about this new section in the bill, which authorizes the President to guarantee payment for sales made by munitions makers to foreign countries. I believe if we guarantee gun-running, or whatever it may be called, or sales of munitions, or the means of making war by other countries, we will likely find some people encouraging con-

flicts between countries, possibly between friendly countries, in order to make large sales of munitions and; with this guarantee by the U.S. Government, we can possibly see them working countries like Turkey and Greece to the limit to increase their sales.

Mr. ELLENDER. The Senator is exactly correct.

Mr. AIKEN. This provision of the bill would guarantee them against loss.

Mr. ELLENDER. That is exactly correct. That was a point I failed to emphasize, but I wish all Senators would take note of it.

Mr. AIKEN. I shall support the Senator's amendment.

Mr. ELLENDER. I hope not only that the Senator from Vermont will support it, but that every Senator will support it.

Mr. AIKEN. We cannot go into the business of guaranteeing people who stir up wars against any loss if some of their equipment becomes lost or destroyed on the way to delivery, or if their customer winds up on the short end of the conflict.

Mr. ELLENDER. The language is so broad that the hardware could be sold to almost any country in Latin America, for example, and then resold to other countries within that area of the world. It could also be done in Africa and in other areas of the world. I say, as the Senator from Vermont has just said, that we should not permit our Government to be an agent of the munitions companies in the movement and sale of their military equipment and hardware. I urge the adoption of my amendment.

Mr. SPARKMAN. Mr. President, I shall speak briefly on the amendment. I am sorry that the Senator from Vermont [Mr. AIKEN] has left the Chamber. I do not believe he has given the proper interpretation to the proposal that is contained in the bill. It is not to assist private gunrunners; it is a part of our regular military assistance program. In other words, these contracts would be let just as they would be let whether there was a guarantee or not, but only to the countries to which we are extending military assistance. Then, when the contract was let, let us say, to an airplane manufacturer to sell airplanes of a certain type to a certain country, under this plan, the Government would guarantee the payment of the contract. Without this plan being written into the law, the Government would pay the company cash. This arrangement would permit more flexibility in the handling of the funds. In my opinion, it is good business.

I am disturbed by the statement of the Senator as to the broadness of the language. The chairman of the committee is away from the Chamber now, but if the Senator from Louisiana will withdraw his request for the yeas and nays, I shall be glad to accept the amendment and take it to conference. I remind him that the language which he proposes to strike out is contained in the House bill and will be in conference regardless. But, at least, it will give us an opportunity to explore the situation more and perhaps agree upon different language.

In that event, we should be glad to have suggestions from the Senator from

Louisiana, to help us work out a good business arrangement, for that is what the intent of the language really is. This arrangement is to be used in only certain countries. We have been given a list of the countries in which it is proposed to be used, together with the amount of money that will be allocated to each country. There are only seven: Argentina, Peru, India, Iran, Iraq, Israel, and Saudi Arabia.

Mr. ELLENDER. Some of those are countries that I had named when I spoke on my amendment. The Senator from Alabama knows very well what could happen.

Mr. SPARKMAN. I heard the Senator's remarks. I realize the truth of what he says. But I believe it would be well for us to have in the RECORD a statement of the intent.

It is not a case of saying to gunrunners, "If you sell to this country, that country, or some other country, the United States will guarantee your sales." It is not a gunrunning program. It is a program, first of all, that would have to be authorized under the military assistance program. Second, export licenses would have to be issued by the government. It could not be a gunrunning program, by any means.

I am willing to let the language be stricken and to go to conference with the situation as it would then be.

Mr. ELLENDER. My purpose in presenting the amendment to the Senate is to have that language stricken.

Mr. SPARKMAN. We cannot strike it finally; the Senator understands that, does he not?

Mr. ELLENDER. I understand that; but I wish, at least, to strike the language from the Senate bill. That is my purpose.

Mr. SPARKMAN. I am willing to do that.

Mr. ELLENDER. Mr. President, under those conditions, I ask unanimous consent that the order for the yeas and nays on this amendment may be rescinded and that the Senate may be permitted to vote. In that event, I shall ask for the approval of the amendment.

The PRESIDING OFFICER. Without objection, the order for the yeas and nays is rescinded. The question is on agreeing to the amendment of the Senator from Louisiana.

The amendment was agreed to.

Mr. ELLENDER. Mr. President, I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. MORSE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 7301) to amend section 341 of the Internal Revenue Code of 1954.

The message also announced that the House had agreed to the amendment of

the Senate to the bill (H.R. 9653) to extend the authority of the Postmaster General to enter into leases of real property for periods not exceeding 30 years, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 1839) to amend the Tariff Act of 1930 to provide for the free importation of wild animals and wild birds which are intended for exhibition in the United States; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MILLS, Mr. KING of California, Mr. BOGGS, Mr. BYRNES of Wisconsin, and Mr. CURTIS were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 4649) to amend the Internal Revenue Code of 1954 to authorize the use of certain volatile fruit-flavor concentrates in the celer treatment of wine; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MILLS, Mr. KING of California, Mr. BOGGS, Mr. BYRNES of Wisconsin, and Mr. CURTIS were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 8000) to amend the Internal Revenue Code of 1954 to impose a tax on acquisitions of certain foreign securities in order to equalize costs of longer-term financing in the United States and in markets abroad, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MILLS, Mr. KING of California, Mr. BOGGS, Mr. BYRNES of Wisconsin, and Mr. CURTIS were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 8864) to carry out the obligations of the United States under the International Coffee Agreement, 1962, signed at New York on September 28, 1962, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses, and that Mr. MILLS, Mr. KING of California, Mr. BOGGS, Mr. BYRNES of Wisconsin, and Mr. CURTIS were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H.R. 10222) to strengthen the agricultural economy; to help to achieve a fuller and more effective use of food abundances; to provide for improved levels of nutrition among economically needy households through a cooperative Federal-State program of food assistance to be operated through normal channels of trade; and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 11296) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and

offices for the fiscal year ending June 30, 1965, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. THOMAS, Mr. EVINS, Mr. MAHON, Mr. OSTERTAG, and Mr. JONAS were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 11369) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1965, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SHEPPARD, Mr. SIKES, Mr. MAHON, Mr. JONAS, and Mr. CEDERBERG were appointed managers on the part of the House at the conference.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. MORSE. Mr. President, I call up my amendment No. 1211 and ask that it be read.

The PRESIDING OFFICER (Mr. RIBICOFF in the chair). The amendment will be stated.

The Chief Clerk read as follows:

On page 13, between lines 13 and 14, insert the following new subsection:

"(g) At the end thereof add the following new section:

"SEC. 621. LIMITATION ON AGGREGATE AUTHORIZATION FOR USE IN FISCAL YEAR 1965.—Notwithstanding any other provision of this Act, the aggregate of the total amounts authorized to be appropriated for use during the fiscal year 1965 for furnishing assistance and for administrative expenses under this Act shall not exceed \$3,000,000,000."

Mr. MORSE. Mr. President, before I ask for the yeas and nays, I wish to make a unanimous-consent request. Legislative counsel has informed me that a technical change should be made in the amendment. "Section 621" should read, instead, "Section 620(A)." I ask unanimous consent that the technical change be made.

The PRESIDING OFFICER. The Senator from Oregon has a right to modify his amendment.

Mr. MORSE. Mr. President, I should like to have the attention of the distinguished majority leader for a moment. It will make a great deal of difference in the presentation of my amendment if I may have a yeas-and-nays vote on the amendment. I should like to have a sufficient number of Senators in the Cham-

ber so that I may ask for a yea-and-nay vote.

Mr. President, on my amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MORSE. Mr. President, I do not intend to speak at length. Each Member of this body knows whether or not he agrees with the advocates of the amendment that the bill should be limited to a total authorization of \$3 billion. That is what my amendment provides.

We have been told for many years that a policy of our Government is to reduce the amount of foreign aid. The policy of our Government is to get more and more of the private segment of the economy to take over the investment program and to increase the amount of the foreign aid program that now involves the taxpayers' dollars instead of private dollars.

Mr. President, the bill the administration has offered is called a "bare-bones" bill, but it forgets to tell us that a skeleton can carry lots of fat. There is still a lot of fat in this bill. The bill calls for more money than was appropriated last year by half a billion dollars plus.

My amendment only asks for an authorization of the amount of money appropriated last year, which is not in keeping with the promises made in the past several years, that each year the amount would be less.

The sum of \$3 billion is too much money. I believe that we should have an authorization bill of \$2.5 billion maximum. However, I try to be a stark realist in my job; therefore, I propose an amendment which can be characterized as an understatement. It is too much, but at least the Senate should vote for a limitation of \$3 billion, the amount of money which was appropriated last year.

Mr. President, one argument was used in the Foreign Relations Committee that had no place in the committee. It is an argument which never should have been made, and it came from the White House, that if the administration did not get its \$3.5 billion, it wished the Congress to know that it would ask for a supplemental appropriation. I resented it, and rightly so. It is the obligation, let me once again inform the executive branch of the Government under our system of checks and balances, for the Congress to decide what the authorization should be. Then the Executive has the duty to act in good faith to try to carry out the program within that authorization, in the absence of an emergency.

I consider it to be quite improper for the administration to threaten in advance, "Give me \$3½ billion or I shall be up for a supplemental appropriation."

That is a misuse of Executive power. I believe that if there were no other reasons for giving them \$3 billion, that would be enough—although there are other reasons.

Congress should never yield to the threat of the executive branch that we either give them what they demand or they will come up with a supplemental appropriation.

We have a supplemental appropriation procedure, and we have a supple-

mentary procedure to take care of emergencies, to take care of unforeseen conditions which may develop after an authorization and an appropriation; but that is the only basis upon which a President has any justification for ever asking for a supplemental appropriation.

In my 20 years of service in the Senate, I have never known a President before to threaten the Congress with a request for a supplemental appropriation, before the Congress had even passed an authorization or an appropriation bill. The administration should learn that that approach to Congress is not going to be supported.

We should not be voting more than \$3 billion, if we are going to keep faith with the promises which have been made to the people of this country, that we are going to reduce foreign aid year by year, and that we are going to encourage the private segment of the economy to take over more and more of the investment problem.

The sum of \$3 billion is a terrific amount of money. But \$3 billion does not involve all the millions of dollars which the American people are paying out in foreign assistance.

We have to watch the semantics of the State Department and the AID people.

Foreign assistance is one thing. Foreign aid is something substantially different.

Foreign aid is the smaller amount, the lesser program which is involved in the bill. But we have a whole variety of other expenditures of the Federal Government which add up to foreign assistance.

Do not forget that the bill does not cover the expenses and the costs of military American establishments abroad. They amount to huge sums of money.

They are of vital concern to the security and the protection of many countries around the world. In fact, it happens to be those military expenditures, and not the military aid aspect of the bill, which give to the countries their security, their protection, and their defense.

Does anyone really believe that the military aid we give to India, Pakistan, Afghanistan, Turkey, Greece, Taiwan, and South Vietnam amounts to anything with respect to the defense of our country? Of course it does not.

It is being used, by and large, for these countries to build up their military forces to carry on wars against each other.

We are living through an hour of it in the Mediterranean now.

If ever there was need for proof of the position I have been taking for some years past in regard to the waste of American taxpayers' money in military aid for Greece and Turkey, we are getting proof of it now.

Building up the military power of Greece and Turkey has not strengthened the security of the United States, it has increased the danger of war in the Mediterranean.

Building up the military power of Pakistan and India has not increased the security of the United States. It has increased the danger of war in that part of the world over Kashmir.

If anyone believes that Formosa is of any military assistance to the United States, they could not be more wrong, for the security of Formosa is dependent upon the presence of the Seventh Fleet, the American air armada, and the thousands of American boys distributed throughout the Pacific.

I shall inform the Senate in a moment of the kind of military aid I shall continue to support, although much of it is excess baggage; but instead of pouring American taxpayers' dollars into many parts of the world to support excesses in military aid, it would be much better for the welfare of those countries if the same amount of money were to go into economic development, into preparing the seedbeds of economic freedom so that political freedom can take root and grow, because in most of these countries political freedom is nonexistent.

They have a form of political freedom in India. It is not working too well. But, by and large, the countries into which we are pouring millions of American taxpayers' dollars for military aid are not politically free nations at all.

Turkey is a thoroughly totalitarian military dictatorship. We are not only supporting that dictatorship with our military aid and increasing the threat of war in the Mediterranean, but we are also, by and large, supporting an almost out-and-out socialist state in Turkey.

A large percentage of the major industries, operated by the Government as Government monopolies, is used as a form of employment doles, paid for in large measure by the American taxpayers. When are we going to stop it? Mr. President, we must put a ceiling on the foreign aid program. My \$3 billion proposal would do just that.

This amendment is the basic amendment to the money-cutting amendments, the specific items that will follow. I offer the amendment because I think Congress and the Senate ought to go on record and say, "\$3 billion is all you get this year."

I am perfectly willing to leave a considerable amount of discretion to AID and to the State Department to cut their cloth to meet the \$3 billion pattern.

I am not suggesting that we dictate to them in every aspect where the cuts should come. But we have a clear duty to carry out our checking obligation by saying, "It is \$3 billion—no more."

AID will have no difficulty in coming forth with a better foreign aid program by requiring the reallocation, reevaluation, and shifting of funds in the bill. This is another way—in this instance an indirect way—to force some reform of the policy of foreign aid in the State Department.

I started with my policy changes. I have offered my policy changes. To the extent that they were rejected, the amounts spent should be reduced. I shall now discuss the military aid issue and why I believe considerable reduction in it should be made.

I am willing to support military aid that is essential to helping a government to maintain internal order and protect

itself from internal revolution—particularly Communist revolution.

The type of aid that we are giving to India, Pakistan, Turkey, and Greece, is not the type of aid that they need to protect themselves from internal disorder. They certainly do not need jet fighters. They certainly do not at all need submarines. They certainly do not need naval craft of the armored type in the various classifications. They certainly do not need Sherman tanks. They certainly do not need heavy American equipment.

The sad thing is that that kind of equipment has also been used time and time again to suppress freedom. We have seen some shocking examples of it in the years gone by in Latin America, for example. We can cut heavily into American military aid and not weaken one iota the security of the countries involved, or the defenses of the United States. Every one of those countries is living under the canopy of American military air, naval, and nuclear power—and principally the last.

It is also recognized that if we get into war with Russia we shall be in a nuclear war, not a conventional one. The kind of military assistance that we make available to these countries will be of no help whatsoever in their defense.

This is one place where we can cut deeply into our foreign aid program. And we can cut deeply into supporting assistance. Supporting assistance is nothing but a semantic label for more military aid. The supporting assistance is merely the pouring of millions of American taxpayer dollars into countries to which we are giving military aid far in excess of what their own economy can support. Does anyone believe that Turkey's economy would support its military machine? Of course not. Neither could the economy of Greece, Pakistan, India, Formosa, or any of the other countries into which we pour heavy contributions for military assistance.

I have urged the cut of supporting assistance in the committee. I am urging it in the Senate Chamber. I have an amendment I may offer later which deals definitely with some drastic cuts in supporting assistance.

If I could persuade the administration to agree to transfer these military funds into an economic loan program for specific wealth-creating projects that would benefit the mass of the people living in a given country, raise their standard of living, and increase their purchasing power so that they can be economically free men and women, I would vote for more foreign aid than this administration, or preceding administrations, have asked for.

The senior Senator from Oregon is not opposed to foreign aid. I am unalterably opposed to a foreign aid program that in my opinion can be spelled out as being more or less a shakedown of the American people, a waste of the American people's resources, a weakening of our economy, and a foreign aid program that has led to a great threat to the peace in some parts of the world.

The type of foreign aid program that assists in a development of economic freedom in these countries is the only way in which we can bring political freedom to them. We cannot impose political freedom from the top down. People who are economically free will quickly become politically free.

It is a historic truism that is irrefutable. History has taught that lesson over and over again. No people of any country are ever politically free until they are first economically free.

I am a strong advocate of a foreign aid program based upon an emphasis of economic loans, project by project. More and more people in the country are beginning to grasp it. And more and more people are beginning to serve notice on their politicians that they had better grasp it.

The American people will support a foreign aid program on the basis of an economic loan program project by project. But they will not much longer support a foreign aid program that turns millions of dollars over on the basis of a government-to-government deal. Too much of that money gets in the pockets of politicians abroad.

It is too bad that the American people cannot have the facts made available to them. It is a shameful thing any of the facts and findings of the Comptroller General of the United States are marked confidential and secret. I have been pleading for the past several years to have the label "confidential and secret" lifted from the facts and findings, allowing the American people to know about the people's business. There is not a thing in any of those reports that does not constitute the people's business.

In a democracy there can never be a substitute for a full disclosure of the people's business. And the people are entitled to the facts. Would that I could give them to them, and would that I could speak of the conclusions in these reports without violating any rule of secrecy.

The Comptroller General of the United States has devastated the position of the State Department and the AID officials in regard to their foreign aid program in respect to waste, inefficiency, corruption, and mismanagement around the world in the administration of the foreign aid program. I have been pleading for a reform to meet the objections of the Comptroller General of the United States. All we get from the State Department are statements to the effect that, "We recognize this and we are trying to do something about it."

Mr. President, it is about time that they did something about it—not merely try to do something about it, but in fact make a substantial effort to do something about it.

Mr. President, if we really wish to strengthen the cause of political freedom around the world, we must strengthen the cause of economic freedom around the world. So I hope that next year, after we are through with the proffered conference in December and before the next foreign aid bill is prepared, they will sit down with some of us up here on the

Hill who have been dealing with foreign aid in the Foreign Relations Committee and try to see if we can reach a meeting of the minds with regard to some of the reforms which the State Department admits in its conferences with me ought to be adopted, but does not feel that this is the time to adopt them.

Last year we heard the statement that that was not the time either. But I believe at long last it is getting through the skulls of those in the State Department and the AID administration that the time has come when they must adopt some policy reforms if they are to continue to have majority support in the Congress. So I shall go into these conferences in December with the State Department people with only one objective in mind, and that is to try to work cooperatively with them to bring about some of the proposed policy reforms that will give us next year an aid bill that will not be subject to the criticisms set out in the minority views which I have filed with the Senate this year.

It is important that we try to reach a meeting of the minds before a bill is submitted, because I have found from experience that once an administration sends up a bill it is difficult for sincere Members of the Congress to go against the administration. On that point I disagree.

There is always a feeling of partisan party loyalty which causes many to say, "We think we ought to resolve all doubts in favor of the administration." So they become go-alongers. In view of that political reality, every effort ought to be made by all of us—those who criticize the bill and those who are supporting the bill—to try next December in good faith to see if we cannot reach an agreement for some major changes in policy in the foreign aid program so that we can have the unity that I would welcome. I would much prefer to be with the majority on foreign aid. But once again I cannot be with the majority this year, because in my judgment the majority has not carried out its obligations to reform foreign aid. The majority has walked away from last year's report of the committee. Read that report and read the report submitted this year. Senators will find that the committee has done nothing which it implied would be accomplished in the way of reforming foreign aid after the report was filed last year. We shall have a repetition of that evasion again next year until we first try informally to reach some understandings about policy changes in foreign aid before the bill is ever sent to the Senate. I shall look forward to that.

I shall continue for the rest of the debate to make the record against the bill. I am still waiting for the answers to the criticisms in the minority views.

If Senators will read the RECORD of the present debate up to the very moment I now speak, they will observe that the majority has not come to grips with the facts brought out in the minority views and the criticisms of existing policy. Why? Since an election is coming along in November, apparently there is a desire to get the subject behind

us as fast as possible, with as little debate as possible.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. MORSE. I yield to the Senator from West Virginia.

Mr. RANDOLPH. I commend the distinguished Senator from Oregon for repeatedly making such cogent arguments and directing our attention to what he believes to be the shortcomings of the pending Foreign Assistance Act. I have not supported him except in the two instances in which I voted for amendments that he offered in this forum during the debate. But I desire the RECORD to reflect the fact that I have considered very carefully the arguments which have been presented by our colleague on all of his proposals. I wish further to state that I sense increasing uneasiness in the State of West Virginia on the part of the constituency which I have the responsibility to represent in regard to the amounts of money which are sent to other countries and the manner in which those funds are used.

The current debate, in which the Senator from Oregon has spearheaded the opposition, is a wholesome exchange of views and convictions. It is a debate which is constructive and it focuses attention on the necessity of weighing most carefully the continuation, on this massive scale, of financial support to countries of the earth. We can, Mr. President, be profligate. We must not overextend the resources of our people and our Republic in this area of aid to other peoples and countries lest we weaken our own land and wear thin the cooperative effort of our citizenry.

The Senator from Oregon has spoken bluntly many times during these days. I have wondered if, perhaps he did not speak too bluntly. But I know it is due to the zealotry with which he attaches concern to the overall problem. Those of us who disagree with him, at least in part, can well understand that the RECORD now being made is something that not only the Senate can well be apprised of in respect to the issue itself, but the discussion itself, especially the arguments of the Senator from Oregon, could well be required reading for many Americans who have not yet been brought face to face with the challenge of a world in conflict.

Mr. MORSE. I appreciate very much the kind remarks of the Senator from West Virginia. I cherish his friendship very highly. He and I take a completely impersonal and professional attitude toward our responsibilities in the Senate. He and I are both lawmakers. He and I know that we have an obligation to present our cases impersonally and professionally; and the differences in form of our respective views on the merits of the issues have nothing whatsoever to do with our personal relationship.

As the evidence is presented from time to time, I shall never give up hope that the Senator from West Virginia may share my views on these issues more often than he has this year. I am highly appreciative of the support that he has given me in instances in which he has

been able to vote with me. I wish the RECORD to note that I know of no more impartial, fair-minded Member of the Senate than the Senator from West Virginia. I respect his sincerity and his beliefs. I am sure that he appreciates the fact that I have the same obligation as he to carry out my trust to the people of my State to present the facts as I know them, and to advocate the policy changes that I believe would be in the best interests of the taxpayers.

Mr. President, I close my argument by labeling the amendment, as I did the amendment of the Senator from Alaska [Mr. GRUENING] on interest rates, as a taxpayer's amendment. This is an amendment in behalf of the American taxpayers. This is an amendment that declares that the American taxpayers have a right to have the Congress authorize not more than \$3 billion for foreign aid this year, which is the amount that was appropriated last year.

Adoption of the amendment will take the bill into conference. We know that the House has already authorized a higher figure. The best we can hope for is a compromise between the House and the Senate figure I am proposing. The resulting amount will still be too much. But we should go into conference with this amount of difference between the House and Senate so we can reach a compromise. Even though the amount arrived at will be more than was appropriated last year, it will not be the amount asked for by the President of the United States, which is, at a minimum, half a billion dollars too much.

I yield the floor.

EQUAL TIME PROVISIONS OF THE LAW RELATING TO PRESIDENTIAL AND VICE-PRESIDENTIAL CANDIDATES

Mr. COTTON. Mr. President, I deem it necessary to refer to a highly privileged matter before the Senate. For this reference, and for such colloquy as may ensue, the distinguished Senator from Washington, chairman of the Commerce Committee [Mr. MAGNUSON], the distinguished Senator from Rhode Island [Mr. PASTORE], chairman of its Subcommittee on Communications, and the distinguished majority leader [Mr. MANSFIELD], who have been notified, desire to be present.

Mr. MUNDT. Mr. President, will the Senator yield so that I may suggest the absence of a quorum?

Mr. COTTON. I intend to do so.

Therefore, Mr. President, I ask unanimous consent to suggest the absence of a quorum, to enable Senators to reach the Chamber.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COTTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COTTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COTTON. Mr. President, 4 years ago, prior to the presidential campaign, the Committee on Commerce, of which the Senator from New Hampshire is a member, under the leadership of the distinguished Senator from Rhode Island [Mr. PASTORE], who was and is chairman of its Subcommittee on Communications, which, as the Senate knows, has jurisdiction over matters pertaining to television and radio broadcasting, reported a resolution which temporarily suspended the requirements of the law as to the duty of television stations and networks to give equal time to all potential candidates when time is given to one.

That suspension applied only to candidates for President and Vice President of the United States. It was advocated because it seemed to the Whole Committee, as was well presented by the able Senator from Rhode Island and others, that in this day and age, with television the great medium of knowledge throughout the country, that the people of the country should not be deprived of or limited in their opportunity to see and hear their major candidates for President and Vice President. The resolution provided that should time be given to the major parties, the Democrat and Republican Parties, equal time did not have to be given to candidates of splinter parties, no matter how small or remote.

The joint resolution was passed. I believe it was reported unanimously by the committee, and I believe it was adopted unanimously by the Senate. It was concurred in by the House of Representatives, and took effect.

While, as a Republican, I am not sure that I am in a mood to jubilate over the results of that action, because there is some testimony to the effect that the resulting joint appearance of then candidate Kennedy and candidate Nixon was not to our advantage, I believe we all agree that it is an important and healthy matter, and something that the people of the country have a right to expect, the opportunity of observing the candidates for President and Vice President of the United States.

As the 1964 presidential campaign was approaching, House Joint Resolution 247 was presented. Again it received the unanimous approval of the Committee on Commerce, even though I believe one member of the committee wished to extend its provisions to officials other than President and Vice President.

I invite the attention of Senators to what has occurred, and to the chronological history of this legislation. House Joint Resolution 247, to suspend the equal-time requirements in the case of presidential and vice-presidential candidates, passed the House of Representatives on June 19, 1963, a year ago last June. It passed the Senate, after being recommended by our committee, on October 2, 1963. That was last October. On February 18, 1964, the House disagreed to minor Senate amendments and named conferees. Senate conferees were named 2 days later, on February 20. The conferees met on May 7 and quickly

both feared and coveted from the beginning. It was unrealistically assumed that the new medium could sell the public a nonentity. A photogenic candidate, it was imagined, skillfully presented over TV, would sweep the country and result in a kind of "government by Nielsen rating."

What we now know about television and elections is infinitely less sensational but far more encouraging. Surveys during the 1950's showed that television was becoming an important source of information to the voter, as the medium developed in terms of both set ownership and news production facilities. By 1960, according to a University of Michigan Survey Research Center team, 60 percent of American voters got most of their information on national elections from television. At the same time, research into the behavioral patterns of voters influenced by radio and television dispelled fears that the new medium could sell candidates like soap.

First, it showed that there was an extremely high tuneout—even of the party faithful—during paid political broadcasts, and that there was a point beyond which candidates occupied the airwaves at their own risk. Adlai Stevenson recognized this in 1952 when, after preempting prime evening time, he received a telegram saying: "I like Ike and I love Lucy. Drop dead."

Second, research indicated that a massive, one-sided political advertising campaign can alienate viewers and actually prove a liability to the candidate it means to promote. British researchers investigating the impact of television in their 1959 election found respondents disliking "the absence of the other party to answer back."

Finally, it was found that one-sided election propaganda rarely converts. Rather, it merely strengthens opinions already held. Moreover, it is the interested and the decided voter who most exposes himself to campaign oratory—probably primarily to confirm his own preformed opinions.

Instinctively sensing such a situation, from the beginning of television, political managers have experimented with new techniques for inviting and holding audience interest. In the 1950 New York gubernatorial campaign, Thomas E. Dewey pioneered the television "talkathon" as a form of paid political advertising. Questions were phoned in to Mr. Dewey, who answered them on the spot. At first glance, the innovation seemed impressive. The columnist John Crosby commented that "a man thinking on his feet is likely to blurt out the truth rather than the well-rounded, wind-filled phrase * * * the old-fashioned campaign speech is a dead form of oratory on television."

This interment of the political monolog was slightly premature. The talkathon was indeed an imaginative, attention-getting device. But in subsequent applications it developed that there was frequently less to it than met the eye. Not always as spontaneous as it seems to be, it could be staged and even rehearsed. Carefully phrased questions, the answers to which could be worked out in committee long before broadcast time, were often the major substance of such programs, rather than genuine questions actually phoned in by the audience.

Such dangers are implicit in any broadcast which is arranged and controlled by a political organization, with a skilled staff determined to "protect" its candidate and to present only a predetermined "image." It is for this reason that the cameras need the freedom, during campaigns, to play their important—and perhaps even crucial—role as objective reporters on political figures and institutions, and should not be limited to service as hired-out facilities to partisan groups.

Network television cameras were able to bring the nominating conventions into the home, and fully reveal the sometimes im-

pressive and sometimes ludicrous proceedings of these vitally important institutions, because they were free to show everything happening on the floor as well as in committee rooms, adjacent corridors and even surrounding hotels. The viewer knew more of what went on, in many cases, than those at the scene.

Of the 1952 Democratic national convention, Philip Hamburger wrote in *The New Yorker*:

"In a sense, television coverage of a national convention turns the entire Nation into a huge town meeting." He called the proceedings "a manifestation of the right of every delegate—and by extension, every citizen—to take a direct part in the choosing of his President."

Conversely, television dealt a fatal blow to nomination by cabal. The television camera pushed open the door of the smoke-filled room with such finality that it is unlikely ever again to take the main event away from the convention floor.

Throughout the presidential campaigns of the 1950's, however, television was severely handicapped by the famous equal-time law. This law prohibits broadcasters from granting free time, or selling paid time, to the Democratic and Republican candidates unless an equal amount of time is offered on the same terms to all minority candidates, who in some elections have numbered as many as 20.

The original intent of the law was simply to prevent broadcasters from giving unfair advantage to one candidate over another. But its practical effect has been to bar debates and other special broadcasts presenting the major candidates, because the cost of providing equal time for all the minor candidates would be prohibitive.

Only a temporary suspension of this law, insofar as it applied to the Presidency, made possible the debates between John F. Kennedy and Richard M. Nixon 4 years ago. Otherwise, television would have had to make equal time available to such candidates as those of the prohibition party, independent American, industrial government, vegetarian, and all the other parties that can meet the very liberal legal requirements, varying from State to State, for appearing on the ballot. It does not require a computer to figure out what an unbearable burden this would place on the broadcaster, not to mention the ordeal it would inflict on the public.

During the first session of the present Congress, both houses passed bills—with minor differences still to be resolved—allowing broadcasters almost the same freedom in 1964 to cover the presidential election campaign as they were given in 1960. Whether this action will result in debates or other broadcasts in which the candidates confront each other in face-to-face discussions, or whether TV will be limited to other ways of revealing the candidates and their views, is of course not certain in view of the death of President Kennedy (he had said on no fewer than three occasions that he would debate his opponent in 1964). It is certain that debates should not be casually dismissed.

True, the 1960 "debates"—or, more properly, joint appearances—were criticized by some on the basis of their format. There is no doubt that the format was far from perfect. In fact, the networks originally suggested a simpler format, which would have engaged the candidates in direct discussion without the interposition of a panel of newsmen.

The candidates, however, preferred a more cautious approach. At the time, we were dealing not with what might be the ideal thing to do, but with a practical situation. We were trying to bring about the most significant innovation in presidential campaigns since popular elections began. Re-

member that these were not only the first broadcast debates between major presidential candidates; they were also the first face-to-face discussions of any kind between presidential candidates in the history of the Republic. (Many forget that Lincoln and Douglas were running not for the Presidency but for the Senate at the time of their famous debates.)

The networks in 1960 were understandably flexible. Indeed, we would have been less than responsible if we had insisted on doing it our way or not at all. Our clear duty was to exercise the opportunities which we sought from the Congress—to bring to the American people, in the language of the Senate Subcommittee on Communications, "the living image of the presidential candidate—how he looks, what he believes, what is his idea of America's future and its place in the world, and how he will exercise the power of the Presidency."

Despite imperfections of timing and format, every one of these objectives was advanced by both the substance and the manner of the joint appearances.

There were some astonishing criticisms of the debates. A magazine editor wrote that "the very fact of arousing the interest of the millions further lowers the level of campaign oratory." Beneath the surface of this charge is the conviction that the electorate is a great mob incapable of listening intelligently to a debate on government. It seems to me this is nothing more than a declaration of the bankruptcy of democracy, and I think it is both premature and fraudulent.

Surely it is better for the candidates to be judged within the sight and hearing of all the voters than to be peddled as myths constructed out of the political mumbo jumbo which has so often in the past reduced the Presidential Office to passiveness and inaction.

A prominent historian criticized the debates on the ground that some of the great Presidents of the past might not have fared so well as their opponents—a rather useless parlor game, especially since the historian did not mention the nonentities, scarcely known to the electorate, who did get into office. Nor did he mention the pressures under which a modern President works.

For example, while Lincoln had months to ponder the secession issue, from his election until the attack on Fort Sumter, Kennedy had little more than days to ponder the Russian missiles in Cuba. Presidents must stand far more demanding pressures of time today, and campaigns, to be revealing of how a man responds to pressures, should be attuned to them.

I hope that the candidates this year will see their way clear to participating in direct dialogs without the interposition of a panel of newsmen to ask the questions. Since the political history of this country has always focused on a few fundamental issues, I believe that it would be most desirable to have some debates on single issues. Such discussions, in depth and at length, could be the single most powerful force in educating our citizens during the campaign, and much of the effect would hold over long after the election.

Additionally, I believe that the vice-presidential candidates should also engage in broadcast debates. CBS has offered the major parties time for such broadcasts as well as for Presidential confrontations.

In letters to the chairmen of the Democratic and Republican National Committees—sent, it turned out unhappily, on the day before President Kennedy's assassination—I noted that "it has been truly said that the Vice President is but a heartbeat away from the Presidency." The tragic events of the following day bore somber witness to the ever-present relevancy of the Vice President's qualifications.

It is reasonable to assume that the Republican candidate for the Presidency, under present circumstances, would want to debate his opponent. It is equally reasonable to believe that President Johnson's decision, assuming his candidacy, will be much more difficult. It has been said that President Johnson may suffer unfavorably in comparison with Mr. Kennedy's debate appearances in 1960. His advisers have been reported as urging him not to give his lesser-known opponent the opportunity to debate with him. There have been recollections of the belief prevalent in 1960 that Mr. Nixon lost the election when he consented to debate.

And yet, in 1960, many of Senator Kennedy's advisers had serious reservations about letting him debate with Vice President Nixon. The Vice President was known as a skilled debater and a forceful television personality. His famous "Checkers speech" in 1952 was supposed to have revealed him as a master of the medium. His experience in the administration, his knowledge of inside facts and his close relationship with President Eisenhower added to his prospects. At the time, it might very well have been said that John F. Kennedy was no match for Richard M. Nixon before the camera.

There is, in my opinion, no such thing as a "telegenic" political personality. It is a myth that television can alone make or break a candidate. Television cannot "create" a personality. It can only give the personality that exists a wider audience—in effect, enlarge the meeting place where he appears before the voters.

As a matter of fact, it was much easier in the days of the "front porch" campaign—when nobody but a trickle of party stalwarts saw the candidates except at a few carefully staged rallies—to create a political personality out of thin air. One has to go back no farther than the Harding campaign to suggest that many an inadequate candidate in the past could not have survived the scrutiny permitted the voter by television in 1960. Far from creating synthetic personalities, television can only unmask them.

Both the style and personality of President Johnson, as revealed on television, are different from those of President Kennedy. But the difference is not rooted in television; the two men are in fact different in their personalities and in their styles—off television as well as on.

President Kennedy was a man of distinctive character and characteristics—and they were clearly perceptible on television. So is President Johnson. Indeed, President Johnson seems to have captivated and strengthened the whole country and reassured the world by the warmth and earnestness of his television appearances immediately following his accession to the Presidency. These and other qualities are ones that he brings to the office and that are revealed on television—not what he brings to television and then adapts to the office.

The argument that it would be highly dangerous—or even imprudent, as President Eisenhower thought—for an incumbent President to debate in any forum does not seem to me persuasive. After all, the President has been televised live in news conferences and has been regularly questioned by as many as 200 correspondents on any subject they may wish to bring up. Surely, his opponent for the Presidency would be no less responsible and no less devoted to the national interest than the newsmen.

And surely any audience would recognize the need for restraint on the part of both candidates. As a matter of fact, Mr. Nixon was, in 1960, privy to the highest state secrets, and Mr. Kennedy respected his position.

As for the dangers of direct dialog between the two candidates, they may also be more imagined than real. In many other democ-

racies, heads of government periodically submit to questioning by the opposition as a part of the parliamentary system. This practice is considered a distinct advantage over ours by many political scientists, who envy, for instance, the opposition's power in England to question the Prime Minister on the floor of the House of Commons.

This system depends importantly on the opposition's maintaining the same high degree of responsibility in its questioning that we could certainly expect from a candidate running against an incumbent President. He would have little to gain—and everything to lose—by exceeding the bounds of propriety.

In the final analysis, the public should be the only touchstone to the decision of whether or not there should be debates. It may well be that, under some circumstances, more informal dialogs between candidates would be equally or even more helpful to the voters. It is not a question of what is in the best interests of the candidate. It is not a question of what is in the best interests of broadcasters or any other group. The one, the only, valid question is what is most helpful to the people in the first business of democracy—the free and informed choice of its leadership.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

The PRESIDING OFFICER (Mr. RIBICOFF in the chair). The question is on agreeing to the amendment of the Senator from Oregon [Mr. MORSE]. The yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Louisiana [Mr. LONG], the Senator from Rhode Island [Mr. PELL], and the Senator from Tennessee [Mr. WALTERS] are absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON], and the Senator from Massachusetts [Mr. KENNEDY] are absent because of illness.

I further announce that the Senator from Nevada [Mr. CANNON], the Senator from Pennsylvania [Mr. CLARK], and the Senator from Oklahoma [Mr. EDMONDSON] are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island [Mr. PELL] would vote "nay."

On this vote, the Senator from Pennsylvania [Mr. CLARK] is paired with the Senator from Louisiana [Mr. LONG]. If present and voting, the Senator from Louisiana would vote "yea" and the Senator from Pennsylvania would vote "nay."

Mr. KUCHEL. I announce that the Senator from Nebraska [Mr. HRUSKA] and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from Arizona [Mr. GOLDWATER] is detained on official business.

On this vote, the Senator from Nebraska [Mr. HRUSKA] is paired with the Senator from Kentucky [Mr. MORTON]. If present and voting, the Senator from Nebraska would vote "yea" and the Senator from Kentucky would vote "nay."

The result was announced—yeas 37, nays 52, as follows:

[No. 534 Leg.]

YEAS—37

Allott
Beall
Bennett
Bible
Burdick
Byrd, Va.
Carlson
Cotton
Curtis
Dirksen
Dominick
Eastland
Ellender

Ervin
Gruening
Holland
Johnston
Jordan, N.C.
Jordan, Idaho
McClellan
Mechem
Miller
Morse
Mundt
Pearson
Proxmire

Robertson
Russell
Simpson
Stennis
Symington
Talmadge
Thurmond
Tower
Williams, Del.
Yarborough
Young, N. Dak.

NAYS—52

Aiken
Bartlett
Bayh
Boggs
Brewster
Byrd, W. Va.
Case
Church
Cooper
Dodd
Douglas
Fong
Fulbright
Gore
Hart
Hartke
Hayden
Hickenlooper

Hill
Humphrey
Inouye
Jackson
Javits
Keating
Kuchel
Lausche
Long, Mo.
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
McNamara
Metcalf
Monroney

Moss
Muskie
Nelson
Neuberger
Pastore
Prouty
Randolph
Ribicoff
Salinger
Saltonstall
Scott
Smathers
Smith
Sparkman
Williams, N.J.
Young, Ohio

NOT VOTING—11

Anderson
Cannon
Clark
Edmondson

Goldwater
Hruska
Kennedy
Long, La.

Morton
Pell
Walters

So Mr. MORSE's amendment (No. 1211) was rejected.

Mr. FULBRIGHT. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. HUMPHREY. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

FREE IMPORTATION OF WILD ANIMALS AND WILD BIRDS—MEAT IMPORTS

The PRESIDING OFFICER (Mrs. NEUBERGER in the chair) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 1839) to amend the Tariff Act of 1930 to provide for the free importation of wild animals and wild birds which are intended for exhibition in the United States, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BYRD of Virginia. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BYRD of Virginia, Mr. LONG of Louisiana, Mr. SMATHERS, Mr. WILLIAMS of Delaware, and Mr. CARLSON conferees on the part of the Senate.

PAYMENT OF SPECIAL PENSION TO CERTAIN HOLDERS OF THE CONGRESSIONAL MEDAL OF HONOR

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the amendment of

the Senate to the bill (H.R. 2434) to amend section 560 of title 38, United States Code, to permit the payment of special pension to holders of the Congressional Medal of Honor awarded such medal for actions not involving conflict with an enemy, and for other purposes, which was in lieu of the matter proposed to be stricken by the Senate amendment, insert the following:

(1) by striking out "fifty years" and inserting in lieu thereof "forty years" and (2)

Mr. BYRD of Virginia. Madam President, I move that the Senate disagree to the amendment of the House to the amendment of the Senate; that the Senate insist upon its amendment and ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BYRD of Virginia, Mr. LONG of Louisiana, Mr. SMATHERS, Mr. WILLIAMS of Delaware, and Mr. CARLSON conferees on the part of the Senate.

USE OF CERTAIN VOLATILE FRUIT-FLAVOR CONCENTRATES IN THE CELLAR TREATMENT OF WINE

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 4649) to amend the Internal Revenue Code of 1954 to authorize the use of certain volatile fruit-flavor concentrates in the cellar treatment of wine, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BYRD of Virginia. I move that the Senate insist upon its amendment and agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BYRD of Virginia, Mr. LONG of Louisiana, Mr. SMATHERS, Mr. WILLIAMS of Delaware, and Mr. CARLSON conferees on the part of the Senate.

OBLIGATIONS OF THE UNITED STATES UNDER THE INTERNATIONAL COFFEE AGREEMENT, 1962

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 8864) to carry out the obligations of the United States under the International Coffee Agreement, 1962, signed at New York on September 28, 1962, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BYRD of Virginia. I move that the Senate insist upon its amendment, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BYRD of Virginia, Mr. LONG of Louisiana, Mr. SMATHERS, Mr. WILLIAMS of Delaware, and Mr. CARLSON conferees on the part of the Senate.

PERSONAL STATEMENT BY SENATOR MORSE

Mr. MORSE. Madam President, before I call up my next amendment, I have a very brief statement by way of personal privilege.

The PRESIDING OFFICER. The Senator will state it.

Mr. MORSE. Madam President, some 18 months ago President Kennedy appointed a special Mediation Board, consisting of Professor Healy, of Harvard, the distinguished arbitrator, Mr. Ted Kheel, of the New York bar, and the senior Senator from Oregon to endeavor to mediate a settlement of the then existing east coast dock strike that was producing economic havoc in our economy.

A settlement was reached with the parties by that Board.

A section of the settlement dealt with the controversy over manpower utilization on the docks. That is another way of saying that it dealt with the issue of so-called featherbedding.

The Board in its recommendation, which was accepted by the parties, provided that the Department of Labor should undertake a 15-month job analysis study of the various jobs on the waterfront and make recommendations to the parties in a study that was to be made and a report that was to be filed within 15 months.

The report of the special Mediation Board provided that after the Department of Labor filed the result of the job utilization study with the parties, the parties would enter into negotiations to see if they could reach an agreement among themselves based upon the recommendations of the Department of Labor for a settlement of the so-called featherbedding issue.

Under the very able leadership of Mr. Dave Stowe, the Department of Labor conducted such a manpower utilization study. In my opinion, it was a very able study. Mr. Stowe is deserving of high praise for the work he did in connection with that study. He completed the study and filed his report on the study with the shipowners and with the Longshoremen's Union. And they proceeded to enter into conferences to see to what extent they could negotiate an agreement between themselves based upon the recommendations of the Department of Labor that were set out in the so-called Stowe study.

It was soon discovered that they could not reach agreement. Then the parties in New York City—the representatives of the union and the representatives of the shipowners—met with the Assistant Secretary of Labor, Mr. James Reynolds. As I have been heard to say before, in my judgment Mr. James Reynolds has no peer in our country at the present time as a labor mediator. The parties in New York City advised Mr. Reynolds

that they were satisfied that nothing could be accomplished by further negotiations. And they joined in asking for a reconvening of what they called the Morse Board.

Secretary Reynolds called me at the time and said they were taking the matter to the President. I told him that I did not see how I could possibly participate in the negotiations that would be involved if the Morse Board were reconvened in the immediate future.

I pointed out the heavy schedule of work in the Senate. I pointed out to him that I am the chairman of the Oregon Democratic delegation to the Democratic Convention which will convene on August 24. I stated that my primary obligation as far as my Senate trust is concerned is to the people of my State in carrying out my duties here as long as the Senate remains in session. But I said that I would be glad to be of any service that I could be to the Department of Labor, to the President, and to the parties, as soon as it was possible for me to undertake the service. But I stated that I doubted very much that I could possibly do it until September 1.

The Assistant Secretary of Labor, Mr. Reynolds, said that he would convey that information to the parties, that the President was going to call me about it, and that they would let me know what decisions were reached.

That was on last Friday, a week ago. On Monday morning, there was a newspaper story to the effect that the Secretary of Labor had announced that the White House was going to reconvene the Morse Board to handle the matter. In fairness to all concerned, I must say that it apparently involved a breakdown in communications. When the story came out on Monday morning, I called Secretary Reynolds. I explained to him that I certainly wanted to oblige, but I did not see how we could proceed with the negotiations. The time schedule that seemed to be indicated by the story indicated that it was planned to start negotiations immediately.

It was a physical impossibility for the senior Senator from Oregon to reconvene the Board and proceed with negotiations under the time schedule that was indicated in the story.

Subsequently the President called me. I do not quote the President. However, he, too, was concerned that there had not been clearance with me on my time schedule prior to the announcement. But he said that he very much wanted me to reconvene the Board and be of assistance in the matter. With that, I shall say no more about that conversation, except that I told the President that I was at his command, of course, subject to my work in the Senate and subject to my obligations at the National Democratic Convention as chairman of the Oregon delegation. The President completely understood that. The President was of the opinion at that time that a time schedule could be arranged, and that it would be possible to have the negotiations started at a later date.

There then followed a series of conversations between the senior Senator from Oregon and the members of the

board, Professor Healey and Mr. Kheel, and a telephone conversation with the Secretary of Labor, who, I wish to say in fairness to him, expressed great regret. He thought he owed me an apology for not having the matter cleared before the story was released. I said that no apology was needed. I well understood how those things happened. I said "I am desirous of helping, but I cannot help if the Board is to be reconvened immediately."

I then had a conference with Secretary Reynolds and two members of the Board, Professor Healey and Mr. Kheel. Mr. Kheel had met with the parties in behalf of the Board, and said that the situation was such that in order to have the question settled before a possible strike date of October 1, the parties believed that they should proceed at once with negotiations. Both sides were insistent that everything be done to persuade me to participate in the negotiations.

Madam President, conversations followed thereafter. First, it was thought that perhaps I could reconvene the Board and then Professor Healey and Mr. Kheel could proceed to meet with the parties while I remained here in connection with the foreign aid debate, in connection with the southeast Asia resolution, and in connection with certain other major pieces of proposed legislation in connection with which I have a great interest and an obligation to remain on the job and to give my attention to. After I gave further thought to the matter, I did not feel that that arrangement was fair to the other members of the Board. Mr. President, when I work in arbitration or mediation work, I never let others do my work for me or put the burden of my work on others. So I had another conference with Assistant Secretary of Labor Reynolds. I said that unless the new negotiations could be postponed until the Senate finished with its work, I did not see how I could undertake the burden that would be involved in the new negotiations.

Late yesterday afternoon, while the Senate was still in session and I was involved in the debate here, but with my full knowledge and agreement, representatives of the parties—representatives of the union, the employer shipowners, and the Department of Labor—met at the Department of Labor and recognized the position in which I found myself. Assistant Secretary Reynolds said that although they regretted it very much, they agreed to follow my recommendation that someone be appointed to take my place on the Board. I had at previous meetings made very clear that I thought that that person should be the Assistant Secretary of Labor himself, Mr. Reynolds. He has no peer in this field. The parties acceded to that suggestion and agreed that Mr. Reynolds should be substituted for me on the Board.

Those are the facts. I make that statement because a couple of newspapermen have spoken to me and said that the story was around that I had resigned from the Board because I did not wish to serve on the Board. I shall say no more

about that. They sought to attribute false reasons for the development of this situation.

Another aspect of the story was that the White House wanted to dump me. I say to the press that I can give them assurance that the President is very disappointed that my work in the Senate makes it necessary for me to remain here until it is completed, but he fully understands and respects my judgment in the matter. The relationships between the Senator from Oregon and the President of the United States are most cordial.

There is not the slightest basis for the implication that one newspaperman gave in his conversation with me that this procedure was in some way, somehow, arranged by the White House. That would be most unfair to the President. I do not care about its unfairness to me, but I do care whenever I am involved in any question as to whether or not any unfairness is attributed to the President.

I say to the shipowners and to the representatives of the union that I appreciate very much not only their expressions of confidence at their meeting last night, but also their double checking to make certain that there was no chance whatsoever of my being able to make arrangements so that I could be of service to them as Chairman of the Board. I wish to express my appreciation to the Secretary of Labor and the Assistant Secretary of Labor. I particularly wish to express on the floor of the Senate, as I have to the President, personally, my very deep appreciation for his expression of confidence in me and his desire and wish that I should be able to serve on this Board. But he understands that because the members of the Board have to go into session tomorrow and they are going into conference on the question tomorrow, the time schedule fully justifies the senior Senator from Oregon in asking that someone be substituted for me as Chairman of the Board.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. MORSE. Madam President, I offer next an amendment which I have at the desk, one which repeats the language of the last amendment, with the figure changed from \$3 billion to \$3,250 million.

The PRESIDING OFFICER. The amendment offered by the Senator from Oregon will be stated.

The legislative clerk read as follows:

On page 13, lines 13 and 14, insert the following new subsection:

"(g) At the end thereof add the following new section:

"SEC. 620. (a) LIMITATION ON AGGREGATE AUTHORIZATION FOR USE IN FISCAL YEAR 1965.—Notwithstanding any other provision of this Act, the aggregate of the total amounts authorized to be appropriated for use during the fiscal year 1965 for furnishing assistance and for administrative expenses under this Act shall not exceed \$3,250,000,000."

Mr. MORSE. Madam President, I shall not spend a great deal of time on this amendment. I wish to point out for the Record certain statistics on page 24 of the report of my individual views. The amount of money requested by the administration is \$3,516,700,000. The House approved almost exactly that amount in its authorization bill.

The House Appropriations Committee approved an appropriation of \$3,316,572,400.

The Senate Foreign Relations Committee reduced the amount by \$50 million, and brought to the floor of the Senate a bill for \$3,466,700,000.

This amendment seeks to establish a ceiling of \$3,250 million. If established, this ceiling would be a matter for discussion and adjustment in the conference committee which would meet to reconcile the differences between the Senate and the House.

I would much prefer a \$3 billion figure. The Senate voted against it a few moments ago. An opportunity should be given to the Senate to vote for the \$3,250 million figure.

In accordance with the cooperation I have received from the majority leader and his assurance that he would help me obtain a yeas-and-nays vote I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. MORSE. Madam President, I renew the request.

The PRESIDING OFFICER. Eighteen Senators are required. There is not a sufficient number.

Mr. MORSE. I have many things to say about this amendment. The request can be renewed later.

Madam President, when I ask for a \$3,250 million ceiling, it should be kept in mind that there is \$6,326,200,000 in the so-called pipeline of the foreign aid program.

It is true that out of that pipeline all but \$17,200,000 is supposed to have been committed, or obligated, but a remarkable program of commitment has taken place in recent weeks.

In committee hearings earlier this year we pressed for information in regard to uncommitted funds. There is nothing wrong, and I have no objection to undertaking commitments, but the fact is that the money is unspent. It is obligated, but it is still unspent.

A total of \$6,326,200,000 is in the pipeline.

Mr. SMATHERS. Madam President, will the Senator yield so that I may suggest the absence of a quorum?

Mr. MORSE. I should like to finish this argument. There is unliquidated at the present time \$6,326,200,000. All of it is committed, with the exception of \$17,200,000. We must add to it whatever money we may appropriate, more than \$3 billion. Therefore, more than \$9 billion will be in the pipeline after the appropriations are made this year. That is a vast amount of money.

I am at a loss to understand how anyone could reach the conclusion that a cut, in round figures, of \$250 million, which I am proposing as a figure to take to conference, would in any way jeopardize the program.

Surely we have not reached the position where we believe that we cannot cut the amount merely because the President has asked us not to cut it. I hope Congress never will act on the basis of a rubberstamp principle, that we will simply say, "Me, too" to whatever the President asks for.

We have the responsibility to exercise an honest, independent judgment of our own.

When we deal with a total amount of money of \$6 billion-plus in the pipelines, and with a proposal to add \$3.5 billion more, we certainly ought to face the desirability of at least voting to take to conference what amounts to a reduction of \$250 million.

In my minority report, on page 4, I state:

Because of a carryover from prior year appropriations, the final figure for the fiscal 1964 program was almost \$3.4 billion, rather than \$3 billion. The carryover this year supposedly is only to be about \$53 million. If true, and if the \$3 billion level of new money were maintained, the end result would be a reduction of about \$244 million under last year's figure. The word "supposedly" must be emphasized. For the administrators of the AID program are highly accomplished producers of rabbits from their hats, and there is good reason to believe that other funds may in time be brought out of hiding. Indeed, when such a wonderland category as "deobligations of prior year obligations" is counted, the understandably confused American man in the street finds that the foreign aid program which he thought was \$3 billion last year turned out to be in excess of \$3.6 billion. The conclusion that \$3 billion in new money would not represent any real reduction from last year is shared by many Members of the House, who wrote in the minority views in the House Appropriations Committee report:

"Further, it is impossible for the Appropriations Committee to ascertain with any degree of accuracy the amount of unobligated funds which are left at the end of the fiscal year. It has been stated that these figures for any fiscal year are not available until October of the following year.

Madam President, I consider the amendment a very reasonable one.

Carrying out the suggestion of the Senator from Florida, I now suggest the absence of a quorum, so that we may have the yeas and nays ordered on the amendment.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORSE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Madam President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oregon. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SALTONSTALL. On this vote I am paired with the Senator from Colorado [Mr. ALLOTT]. If he were here, he

would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. HUMPHREY. I announce that the Senator from Rhode Island [Mr. PELL], the Senator from Virginia [Mr. ROBERTSON], the Senator from Tennessee [Mr. WALTERS], the Senator from Louisiana [Mr. LONG], and the Senator from Indiana [Mr. BAYH] are absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON] and the Senator from Massachusetts [Mr. KENNEDY] are absent because of illness.

I further announce that the Senator from Nevada [Mr. CANNON], the Senator from Pennsylvania [Mr. CLARK], and the Senator from Oklahoma [Mr. EDMONDSON] are necessarily absent.

On this vote, the Senator from Pennsylvania [Mr. CLARK] is paired with the Senator from Louisiana [Mr. LONG]. If present and voting, the Senator from Louisiana would vote "yea," and the Senator from Pennsylvania would vote "nay."

On this vote, the Senator from Virginia [Mr. ROBERTSON] is paired with the Senator from Rhode Island [Mr. PELL]. If present and voting, the Senator from Virginia would vote "yea," and the Senator from Rhode Island would vote "nay."

Mr. KUCHEL. I announce that the Senator from Nebraska [Mr. HRUSKA] and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from Arizona [Mr. GOLDWATER] and the Senator from Colorado [Mr. ALLOTT] are detained on official business.

The pair of the Senator from Colorado [Mr. ALLOTT] has been previously announced.

On this vote, the Senator from Nebraska [Mr. HRUSKA] is paired with the Senator from Kentucky [Mr. MORTON]. If present and voting, the Senator from Nebraska would vote "yea," and the Senator from Kentucky would vote "nay."

The result was announced—yeas 50, nays 35, as follows:

[No. 535 Leg.]

YEAS—50

Aiken	Gruening	Prouty
Beall	Hartke	Proxmire
Bible	Hill	Randolph
Bennett	Holland	Russell
Boggs	Jackson	Simpson
Burdick	Johnston	Smathers
Byrd, Va.	Jordan, N.C.	Sparkman
Byrd, W. Va.	Jordan, Idaho	Stennis
Carlson	Lausche	Symington
Cotton	Magnuson	Talmadge
Curtis	McClellan	Thurmond
Dirksen	Mechem	Tower
Dominick	Miller	Williams, Del.
Eastland	Morse	Yarborough
Ellender	Moss	Young, N. Dak.
Ervin	Mundt	Young, Ohio
Gore	Pearson	

NAYS—35

Bartlett	Humphrey	Metcalf
Brewster	Inouye	Monroney
Case	Javits	Muskie
Church	Keating	Nelson
Cooper	Kuchel	Neuberger
Dodd	Long, Mo.	Pastore
Douglas	Mansfield	Ribicoff
Fong	McCarthy	Salinger
Fulbright	McGee	Scott
Hart	McGovern	Smith
Hayden	McIntyre	Williams, N.J.
Hickenlooper	McNamara	

NOT VOTING—15

Allott	Edmondson	Morton
Anderson	Goldwater	Pell
Bayh	Hruska	Robertson
Cannon	Kennedy	Saltonstall
Clark	Long La.	Walters

So Mr. MORSE's amendment was agreed to.

Mr. MORSE. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. ERVIN. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore:

H.R. 1451. An act for the relief of Frank Mramor;

H.R. 1713. An act to approve an order of the Secretary of the Interior canceling irrigation charges against non-Indian-owned lands under the Klamath Indian irrigation project, Oregon, and for other purposes;

H.R. 6128. An act to amend section 15 of the Life Insurance Act to permit any stock life insurance company in the District of Columbia to maintain its record of stockholders at its principal place of business in the District of Columbia or at the office of its designated stock transfer agent in the District of Columbia, and for other purposes;

H.R. 6883. An act for the relief of the estate of Eileen G. Foster;

H.R. 9975. An act to exempt from taxation certain property of the National Trust for Historic Preservation in the United States in the District of Columbia;

H.R. 9995. An act to amend the Policemen and Firemen's Retirement and Disability Act to allow credit to certain members of the U.S. Secret Service Division for periods of prior police service;

H.R. 10215. An act relating to sick leave benefits for officers and members of the Metropolitan Police force of the District of Columbia, the Fire Department of the District of Columbia, the U.S. Park Police force, and the White House Police force;

H.R. 10672. An act to provide for the disposition of judgment funds now on deposit to the credit of the Pawnee Tribe of Oklahoma;

H.R. 11222. An act to amend the Horizontal Property Act of the District of Columbia to permit a condominium unit to be located on more than one floor of a building, and for other purposes;

H.R. 11329. An act to provide for the relocation and reestablishment of the village of Sil Murk and of the members of the Papago Indian Tribe inhabiting the village of Sil Murk, and for other purposes;

H.R. 11425. An act to provide for the conveyance of 10 acres of federally owned land on the White Earth Reservation to the Minnesota Annual Conference of the Methodist Church, and for other purposes; and

H.R. 11562. An act to authorize the Secretary of the Interior to sell Enterprise Rancheria No. 2 to the State of California, and to distribute the proceeds of the sale to Henry B. Martin, Stanley Martin, Ralph G. Martin, and Vera Martin Kiras.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. MUNDT. Mr. President, I call up my amendment 1177 and ask that it be stated.

The PRESIDING OFFICER (Mr. McGovern in the chair). The amendment of the Senator from South Dakota will be stated.

The legislative clerk read as follows:

On page 1, between lines 6 and 7, insert the following:

"TITLE I—DEVELOPMENT LOAN FUND

"SEC. 101. Section 201(d) of the Foreign Assistance Act of 1961, as amended, which relates to the Development Loan Fund, is amended to read as follows:

"(d) Funds made available for this title shall not be loaned or reloaned at rates of interest excessive or unreasonable for the borrower and in no event shall such funds (except funds loaned under section 205 and funds which prior to the date of enactment of the Foreign Assistance Act of 1964 were authorized or committed to be loaned upon terms which do not meet the minimum rates set forth herein) be loaned (1) in the case of commercial loans, at a rate of interest of less than the rate arrived at by adding one-quarter of 1 per centum per annum to the rate which the Secretary of the Treasury determines to be equal to the average annual interest rate on all interest-bearing obligations of the United States then forming a part of the public debt as computed at the end of the fiscal year next preceding the date the application for the loan is approved and by adjusting the result so obtained to the nearest one-eighth of 1 per centum, and (2) in the case of noncommercial loans, at a rate of not less than 2½ per centum per annum. With respect to commercial loans, payments constituting principal on any such loan may be postponed during the period from the date on which the funds are initially made available under the loan to the date on which the productive enterprise or facility which is the subject of such loan commences operations or is available for operational use, and thereafter such payments of principal shall become due at intervals of not less than one year until repayment in full is made in not more than twenty-five years. Noncommercial loans shall be repaid in regular installments within not more than twenty-five years. For the purposes of this subsection—

"(A) the term 'commercial loans' includes loans made, as determined by the President, for the development of productive enterprises or facilities directly used in the operation of productive enterprises, such as equipment, machinery, supplies, or materials, and for the acquisition of land necessary for the development of productive enterprises or facilities, and

"(B) the term 'noncommercial loans' includes all other loans."

Redesignate the succeeding sections under part I accordingly.

Mr. MUNDT. Mr. President, this is an amendment offered on behalf of myself, the Senator from Oregon [Mr. MORSE], the Senator from Ohio [Mr. LAUSCHE], and the Senator from Colorado [Mr. DOMINICK].

If I may have the attention of the Senators, it will not take long to discuss the amendment.

Senators will recall the vote earlier today on the so-called Gruening amend-

ment. This is a modification of what was proposed in that amendment, which moves in the same direction, but not as far or as fast. I believe that it is a more reasonable and acceptable approach than the Gruening amendment.

The difference primarily between the amendment recommended by the Senator from Alaska [Mr. GRUENING] and voted down by a margin of four votes and this amendment is twofold.

In the first place, instead of charging substantially 4 percent interest on all loans made, this development loan proposal divides development loans into two types—first, the profit-making loans, the purely commercial loans; and second, the nonprofit-making loans or the noncommercial loans, such as a loan for a schoolhouse, a highway, or something which involves a nonrevenue-producing project.

The first section of amendment No. 1177 provides that for commercial loans the interest rate shall be the prevailing cost to the U.S. Government plus one-quarter of 1 percent carrying charge. In the commercial revenue-producing type of development loan, that would be the amount which would be collected to establish a reasonable table of amortization so that the loan would be repaid fractionally every year for 25 years once the commercial installation had been completed.

In the nonrevenue-producing loan, we provide an interest rate of 2½ percent per annum, which is substantially 2 percent plus a carrying charge.

That is substantially the interest rate used on REA loans. It is one-half of a percent less even including the service charge than we charge veterans when they make loans; and they, of course, receive special consideration—to which they are entitled—by virtue of the fact that they are veterans.

In my opinion, this could be called a good faith amendment. It is a good faith amendment, in the first place, because it provides good faith on our part, in that we recognize the difference between a commercial loan designed to make money for the borrower and a noncommercial loan designed to serve the people of some backward or developing country.

It is a good faith amendment, in the second place, because it provides for a manifestation of good faith on the part of the borrowers. It sets up an amortization table so that they can start paying the money back fractionally year by year. Thus, they establish the bookkeeping procedures and the fiscal habits of making the repayment, so that the government overseas which makes the loan has to begin the process of repayment; whereas under our present system of the 10-year period of nonpayment, frequently the governments have changed and the new person in charge asserts that he should not be compelled to pay back a loan made by his predecessor. There are now no bookkeeping habits, and there are no fiscal habits; and as a consequence we never collect on the loan.

Let me point out why I believe this is a salutary reform which is essential in order for Senators in turn to be operating in good faith with our constituents.

If a loan is a loan, it should be repaid. If a loan is a loan, it should bring some interest to the one who provides the money. To me, the only difference presently between a loan and a grant is that the loan pays interest of one-fourth of 1 percent. The so-called interest payment statistics show that that is less than the cost to us of servicing the loan, so there is no good faith at all. We tell our home folks that we did not vote for a giveaway, that we did not vote for a grant, but voted for a loan; but it is not a loan if it bears only one-fourth of 1 percent interest and is not repayable before 40 years.

I should like to read a letter to the Senate, written by John Funari, Legislative Programs Coordinator for the Department of State in the AID Agency. I raised the question earlier as to what happened to commercial borrowing overseas, and who gets the benefit of the so-called loans at three-fourths of 1 percent. I called attention particularly to the Premier Automobiles, Ltd., of India, which has been borrowing this money.

Let me illustrate what happened.

This letter was addressed to Pat Holt, writing at my request to the AID group who make the official answer, and is dated July 2, 1964:

DEAR PAT: Thank you for your request of June 25 for a detailed explanation of the development loan to Premier Automobiles, Ltd., of India (loan 386-H-059).

This loan was made directly to Premier; it did not first pass through the Government of India.

This was taxpayers' money which we loaned to an automobile company to manufacture automobiles at a profit in India.

Reading on:

However, under a special procedure known as a two-step loan repayment—

I interpolate to say that this should be called the foxtrot loan repayment program rather than the two-step loan program, because there is something rather "foxy" about it.

To continue reading:

The Indian Government will repay the United States for the loan in dollars, over a 40-year period, at three-fourths of 1 percent interest, with 10 years' grace.

Which means it could be a 50-year loan. I continue:

Premier, in turn, will make principal and interest payments to the Indian Government, in rupees, over a 15-year period, at 5¼ percent interest, with 2 years' grace.

In other words, we are placing the Government of India in a sweet brokerage position where they take our money, collect 5¼ percent interest from the Premier Automobile Co., with a 2-year grace period, and repay it to us over 40 years, after a 10-year grace period, at three-fourths of 1 percent interest.

I cannot think of anything more startling or convincing than this testimony of the AID officials themselves as to what happens when we try to disguise a grant as a loan by requiring only three-fourths of 1 percent interest.

Continuing with the letter:

By legislative mandate, U.S. development loans must be repaid in dollars. India's need

for foreign exchange, particularly U.S. dollars, and its external debt burden over the next decade, are sufficiently severe that short grace periods and high interest rates on U.S. loans would be detrimental to its development efforts. The United States, accordingly, extends more liberal terms and rates.

Mr. President, I ask unanimous consent to have the entire letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE, AGENCY
FOR INTERNATIONAL DEVELOP-
MENT,

Washington, D.C., July 2, 1964.

Mr. PAT M. HOLT,
*Acting Chief of Staff, Committee on Foreign
Relations, U.S. Senate, Washington, D.C.*

DEAR PAT: Thank you for your request of June 25 for a detailed explanation of the development loan to Premier Automobiles, Ltd., of India (loan 386-H-059).

This loan was made directly to Premier; it did not first pass through the Government of India.

However, under a special procedure known as a two-step loan repayment, the Indian Government will repay the United States for the loan in dollars, over a 40-year period, at three-quarters of 1 percent interest, with 10 years' grace. Premier, in turn, will make principal and interest payments to the Indian Government, in rupees, over a 15-year period, at 5½ percent interest, with 2 years' grace.

By legislative mandate, U.S. development loans must be repaid in dollars. India's need for foreign exchange, particularly U.S. dollars, and its external debt burden over the next decade, are sufficiently severe that short grace periods and high interest rates on U.S. loans would be detrimental to its development efforts. The United States, accordingly, extends more liberal terms and rates.

As a private company, engaged in business for profit, Premier can and should pay customary commercial rates for the loan. "Softer" terms would effectively grant Premier an unfair competitive advantage. As its earnings are primarily in rupees, Premier is obliged to pay the Indian Government in rupees, not dollars.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely yours,

JOHN FUNARI,
Legislative Programs Coordinator.

Mr. MUNDT. Mr. President, I point out that they not only collect 5¾ percent and pay the USA only three-fourths of 1 percent, but they also take a 2-year grace period from the automobile company out of a 10-year grace period, which thus makes it an 8-year period with interest payments on the part of Premier Automobiles but the Government of India waits on 10 full years before starting to pay our money back to us.

My amendment, therefore, seems to me to be a modest and logical step in the direction of keeping good faith, all aimed at doing to a lesser extent what the Gruening amendment would have done to a larger extent by requiring a 4-percent flat rate.

I am sure that some Senators who voted in the negative on the Gruening amendment should now be inclined to vote in the affirmative on my amendment, because it would break the development loans up as between a profit-making loans for the recipient country,

or the recipient firm, and the development loans which in turn are noncommercial, nonproductive, nonprofit-making loans on which we continue the REA interest rate plus the one-half of 1 percent carrying charge.

I think the issue is clear. I have no desire to discuss it at great length. It seems to me that we shall well serve our constituents and the cause of AID by writing in this provision so that henceforth we shall have this distinction between loans and grants. And if there is an occasion, as there may well be, for AID appeals, that we should extend a grant on the part of the American taxpayer to some especially worthy area, so be it. But let it be labeled as a grant. Let us do it knowingly and knowledgeably with the people back home knowing that on that particular occasion a grant has been called for, a grant is justified, and a grant is made. But in the area where we are making loans, it seems to me this is a salutary step which will tend to start AID operating on an economic and effective basis, enabling it to deal in turn with recipient countries on a basis which will make it possible for us to continue our assistance overseas without pauperizing the American taxpayer.

Mr. President, I yield the floor.

Mr. LAUSCHE. Mr. President, with respect to this amendment, the Senator from Oregon [Mr. MORSE] and I offered it in the committee. It was rejected. I, of course, felt disappointed that it was.

I made my argument on the amendment when the amendment of the Senator from Alaska [Mr. GRUENING] was being considered. In that discussion, I pointed out that Senator MUNDT had received a most startling letter. I did not identify the parties. But the mere narration of what took place in the transaction outlined in the letter addressed by AID to Senator MUNDT is indicative of what is happening. I believe that the proposal offered on behalf of the Senator from Oregon [Mr. MORSE], the Senator from South Dakota [Mr. MUNDT], and me, is reasonable.

Commercial loans shall bear the going rate of interest that our Government is compelled to pay in borrowing the money, frequently, to make the loan. That rate, according to the present going rate, would be 3¾ percent. On noncommercial loans, used to build highways, dock facilities, sanitation facilities, waterworks, and other public service installations, the rate shall be not less than 2½ percent. Even the rate of 2½ percent will be substantially below the rate charged by other developed countries in the world in making the loans. I point out to my colleagues that if we are lending at a very low rate, it is thoroughly obvious that every borrower will be running to our counter to get the money.

I believe this is a sound amendment. I think it ought to be passed. It is reasonable, and my hope is that the Senate will agree to the amendment.

Mr. FULBRIGHT. Mr. President, the arguments against the amendment are very similar to those that have already been made on the amendment of the

Senator from Alaska. The argument made by the Senator from South Dakota [Mr. MUNDT] that this is a mild and more moderate amendment is erroneous, I believe. His amendment places a limit of 25 years on the period of the loan. But the practice today is to have a limit of 40 years. The rate of interest charged on commercial loans is very definitely an administrative problem, as we have already explained today at great length, and determined by vote. The distinction between program and project loans has been explained at great length. One of the activities in the Alliance for Progress area is program loans, in which loans are made to the Government to foster private enterprise, among other purposes.

The Senator from Oregon and others have insisted in the committee on the encouragement of private enterprise. If we wanted to place an obstacle in the course of promoting private enterprise, we could do it by increasing the interest rate for development loans to the point where private enterprise in this country could very well suffer from the terms of the amendment. This might depend to some extent on the interpretation of the amendment.

It is very uncertain as to what the term "commercial loans" means. I assume that the sponsor would mean to exclude from that term such things as dams, ports, and railroads. Railroads are considered as infrastructure, just as roads are. They are sometimes private, as in this country and in other countries. But in many cases railroads are not privately owned. Traditionally, in France, England, and many of the underdeveloped countries, the railroad is not privately owned. So there is a problem of interpretation. But I should say that this amendment is more restrictive in many ways, and on the whole a more difficult one to live with than the previous one, which was defeated a short time ago.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. SALTONSTALL. The Senator is making the argument that if the interest rate which is proposed in amendment No. 1177 is so low that no commercial banks or professional lenders of money would be willing to make the loan at that rate, therefore we tie up the loans to foreign countries for commercial purposes. Is that the argument of the Senator?

Mr. FULBRIGHT. The program loans that I have mentioned are made in accordance with the overall plan for the development of a country. And they are not earmarked by our Government for the building of a specific project. They are really designed to finance the import of equipment, machinery, and goods from this country for the development of private enterprise. Such loans fall under the definition of "commercial loan."

It is not a question of extending a loan of \$30 million, or \$50 million to Brazil, for example, for a major program. AID may make available a part of that money to finance imports of goods, equipment, and so on, for industrialization. That is a typical program loan.

We argued this question at great length in connection with the previous amendment. For that type of program loan, the amendment now before us would call for an interest rate of 3½ percent at the present time. That rate would go up as our interest rate goes up.

That would certainly make it much more difficult for them to try to finance their own development. I do not know whether the loan program could continue to function at all. But the AID officials have informed me that this amendment would be a great obstacle to the use of our funds in the development of private enterprise in underdeveloped countries.

On the other hand, the committee has been encouraged by all kinds of amendments with regard to the guarantee funds, and have had many exhortations to develop private enterprise.

We are supposed to do everything we can to encourage the development of private enterprise. But this amendment creates considerably more severe terms, and would make administration of the lending program extremely difficult. It would mean the Administrator would have to decide, for example, whether a loan might ultimately go to a fertilizer factory, a factory that is in business for profit, and privately owned, or a publicly owned facility that is nonprofitmaking, such as a dam.

Mr. SALTONSTALL. But it does go to the government?

Mr. FULBRIGHT. It does go to the government, that is correct. The program loans are in accordance with the criteria that we stipulate. For example, under the Alliance for Progress a country may undertake certain reforms in their tax system or land system or undertake other so-called self-help programs in order to become eligible for a loan in support of their development plan. That is a normal procedure.

There may be a private project that the government is financing. For instance, the letter referred to an automobile factory. That is a good example of a loan that a recipient government would make. It is also possible to make a direct loan to such an enterprise.

Program loans normally are indirect. They are made through the Government. Money is made available by the Government. In the case which the Senator from South Dakota [Mr. MUNDT] mentioned, the foreign government pledges to repay us in dollars at the end of the term of the loan. The transaction between the government and the plant involved would be in rupees. There is a vast difference whether a plant repays in rupees or not. The government assumes the burden of making available foreign exchange. That is where the real difficulty lies. As the Senator knows, those currencies are not convertible. No matter how many rupees are paid to the foreign government, the government must somehow get dollars to repay us. I do not think it is particularly relevant to make the point that the foreign government receives a higher rate of interest paid in rupees than we get when the government is required to repay us in dollars. That is the main problem we are

trying to attack in the whole AID problem program. Saying that they pay 6, 7, or 10 percent in rupees is not particularly relevant if the government pays, as it must, in dollars. Such talk breeds confusion.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. COOPER. My question is an expansion of the question asked by the Senator from Massachusetts. I started by saying that I assumed the purpose of the AID program was to encourage countries to develop their own industries and facilities in order to make progress.

Mr. FULBRIGHT. That is correct.

Mr. COOPER. We wish to see that our assistance is used effectively and efficiently and is not wasted. We are paid for our contribution. We receive a reasonable rate of interest for it. But the whole point of the program is to see its ultimate purpose succeed. Otherwise we would merely be turning over our money for no purpose.

I gather from what the Senator has said that he believes that the whole purpose of a program—for example, the Alliance for Progress program—if we should place too restrictive limitations on it, even with respect to interest, might be defeated.

Mr. FULBRIGHT. I believe the Senator is quite correct. We are not in this business as a banker seeking to make money. We have created the Import-Export Bank for a certain purpose. That institution has made a great deal of money. We do not pretend to make money out of AID operations. Whatever benefit we receive is through helping those countries to help themselves and to grow.

That purpose is primarily political and is intended to bring stability in the world. It influences all aspects of our international relations.

The program is not a scheme to make money. I do not believe anyone would attempt to justify it on that ground. We wish to minimize the amount that the program costs. That is quite correct. Under existing law, without the amendment, interest rates are minimal. They are not the maximum rates that could be charged. However, when a country begins to make some progress and it is felt that it is capable of carrying a larger burden, more interest is charged. About \$10 million in development loans has been loaned at 3½ percent. Two percent is a minimum. That rate of interest is in the law now. Senators will recall that in 1961 the policy of requiring countries to obligate themselves to repay us in dollars replaced the old grant and soft currency loan programs. Initially, grants were made. We realize now that if the Marshall plan had been financed with dollar repayable loans, even without any interest, we would be \$4 billion or \$5 billion ahead today. That would have been the case if we had done then what we are doing now under the law.

We provided the assistance partly in grants and partly in loans. It could have been all loans. The part designated as grants should have yielded very low

interest rates. They could not all have been serviced. They would have had to default if the interest had been too high.

We are moving away from a grant program. The area that was formerly grants has largely become low interest loans. These rates are the lowest rates provided for any kind of loans. There are some grants for schools and technical assistance purposes. But under the Alliance for Progress program, all development loans are now on the basis of a minimum interest rate of 2 percent with a 10-year grace, at three-quarters of 1 percent and 40 years to repay. The loans do not have to be repaid for 40 years. That is not the law, but that has been the practice.

The amendment would provide a 25-year limit, and would raise the rate of interest to 3½ percent on so-called commercial loans, and 2½ percent on non-commercial loans. These would be raised from 2 percent to 2½ percent.

Mr. President, I submit that the amendment would create the great risk of making the program excessively difficult to administer, and would defeat the whole purpose of the program, as the Senator from Kentucky has put it.

Mr. SALTONSTALL. Mr. President, will the Senator yield for one more question? The procedure is somewhat difficult to understand.

Mr. FULBRIGHT. I yield.

Mr. SALTONSTALL. I should like to state an example and ask if in substance I am correct. A bank in Brazil might make a loan in pesos to a commercial customer in Brazil which would be repaid in pesos.

Mr. FULBRIGHT. We do not set the interest charged by the bank in Brazil.

Mr. SALTONSTALL. No. I say in substance that we would try to tell them what interest rates they should charge. Would we not?

Mr. FULBRIGHT. No. The amendment relates to what they would agree to pay us. The amendment states that the loan agency cannot lend at less than 3½ percent interest under present conditions. That is 0.75 percent over the average rate of our loans—that is, in the case of so-called commercial loans.

Mr. SALTONSTALL. That means that the bank in Brazil would be required to charge more than that rate.

Mr. FULBRIGHT. I am sure that it would have to charge more. The significant part about the argument that they would charge a great deal more is that the lenders would pay the Government of Brazil in cruzeiros. In their own country they deal in cruzeiros. However, they must repay us in dollars, and that is the essential difficulty in all these cases.

The program is very difficult. If we are to have such a program, it should be made workable. A chance to administer it successfully should be afforded.

It would be better to end the program than to try to tie the borrowers down with unworkable requirements and then complain about the bad job they do.

The amendment is similar to the so-called selection-out amendment about which we argued the better part of a

day last week. If we are to allow the Agency to operate, we ought at least to give it the same opportunity that we have given the Foreign Service to select out their personnel in order to improve the quality of their operations. We quarreled about that subject the other day. If we are to impose conditions on the program that would make it virtually impossible to operate, why not end the program and say, "Let us have no more development loans"? If we are to undertake the program, we ought to give the administrators of the program a reasonable amount of discretion. I know of no complaint about this aspect of it. The complaints have usually been with regard to administration of the military program. With all deference, I suggest that in the military area those countries have been given a vast quantity of arms that they were unequipped to maintain properly and utilize.

Many of the most startling stories have concerned the military aid program. In this particular area I do not know that there has been great complaint.

I point out again that the program was undertaken in response to our urging that it be changed from one consisting of grants to one consisting of loans with low interest rates. The nations receiving the loans would pledge themselves to repay us in dollars. Our experience under the Marshall plan indicated that such a plan would be a great improvement. If we set interest rates at a level which would approach commercial rates, the program would no longer be an aid program. We might as well stop it and let those desiring loans go to the International Bank or the Chase National Bank and see if they could not do business in that way. The experience is that they have not been able to obtain loans in that way in the past.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MUNDT. The Senator has explained the financial terms of the amendment correctly. I should like to address a statement to the Senator from Massachusetts [Mr. SALTONSTALL], but I see that he has left the Chamber.

Mr. FULBRIGHT. Direct it to me. I shall listen.

Mr. MUNDT. I shall make the statement for the benefit of the Record, and the Senator from Massachusetts can read it in the Record tomorrow. There is an element in the amendment which moves in the direction of what the Senator from Massachusetts was talking about. I refer to lines 5 and 6, where the provision appears:

Funds made available for this title shall not be loaned or reloaned at rates of interest excessive or unreasonable for the borrower.

Mr. FULBRIGHT. That provision is in the present law. That is a policy statement in the law already. That is not new.

Mr. MUNDT. That is correct. That is in conjunction with the new interest rate. When Joe Valachi of Cosa Nostra was before the Subcommittee on Investigations headed by the distinguished col-

league of the Senator from Arkansas, he said that among criminals there was a practice called Shylocking. They would collect money at one rate of interest and someone would get into trouble, and they would Shylock the interest rates to astronomical levels.

A great deal of "shylocking" has been going on with our American money overseas. I gave an example of an auto company in India. There are other places where the borrowing nation can get money from us at three-quarters of 1 percent and the foreign government gets anywhere from 10 to 15 or 20 percent interest, a sort of blending of interest and other charges, and still has to pay only three-quarters of 1 percent.

Mr. FULBRIGHT. I do not see that the Senator's argument provides a reason to vote for his amendment, because under section 201(d) of the act, it is provided:

Funds made available for this title shall not be loaned or reloaned at rates of interest excessive or unreasonable for the borrower and in no event shall such funds (except funds loaned under section 205 and funds which prior to the date of enactment of the Foreign Assistance Act of 1963 were authorized or permitted to be loaned upon terms which do not meet the minimum terms set forth herein) to be loaned at a rate of interest of less than 2 per centum per annum commencing not later than ten years following the date on which the funds are initially made available under the loan.

That is in the law. There is no reason to vote for the Senator's amendment. It is already in the law.

Mr. MUNDT. This amendment relates to a new program, providing for charging something at least resembling commercial rates for people who are borrowing money to go into enterprises for profit. The Senator said he had difficulty knowing just what is meant by a commercial loan. It is set out in the amendment on pages 2 and 3. I read from it:

(A) the term "commercial loans" includes loans made, as determined by the President, for the development of productive enterprises or facilities directly used in the operation of productive enterprises, such as equipment, machinery, supplies, or materials, and for the acquisition of land necessary for the development of productive enterprises or facilities, and

(B) the term "noncommercial loans" includes all other loans.

So it would specifically apply to the Premier Automobile Co., which is symbolic.

Mr. FULBRIGHT. What about a port or a railroad?

Mr. MUNDT. If it were a privately owned railroad, it would come under the heading of commercial loans. If it were a Government railroad operated for the benefit of the people at a loss, it would not so qualify. The question would be determined by the President.

Mr. FULBRIGHT. In effect what the Senator is doing is encouraging them to be socialistic. He would raise the interest rate for loans for private enterprise and keep them low for Government enterprises. It is directly contrary to what the Senator and many of his colleagues have complained about in the past.

Mr. MUNDT. It seems to me that the

cases mentioned by the Senator from Arkansas are rare. There are some underdeveloped countries that cannot pay 2½ percent. We propose to give them a grant and tell them it is a grant. We do not try to deceive the people by saying it is a loan when they pay only three-fourths of 1 percent and do not have to repay it for 40 to 50 years, and nothing at all for 10 years. That is not a loan. That is a masquerade party, because there is no possibility of collecting what is due us under those terms.

Mr. FULBRIGHT. If we had loaned France money at no interest at all, under the Marshall plan, we would be happy to get the loan back. I regret very much we did not do that, instead of loaning them the \$5 billion as we did. France's repayments are current under the loans made through the Marshall plan.

If countries agree to repay a loan, I cannot understand that it is a grant, even though there is no interest.

Mr. MUNDT. Let me explain it by simple, South Dakota arithmetic. If we borrow money at 3¾ percent, and lend it for 50 years at three-quarters of 1 percent, over that period of time—

Mr. FULBRIGHT. It is 40 years, not 50 years.

Mr. MUNDT. With a 10-year grace period. Very well, let us take 40 years. If we borrow money at 3¾ percent and we receive three-quarters of 1 percent for 40 years, the difference between those two is well over 100 percent. It is not only a grant, but a grant with a bonus, because the country is receiving more than the original grant. That is an arithmetical process on which the Senator from Arkansas and the Senator from South Dakota should be able to agree.

Mr. FULBRIGHT. I do not follow the Senator's arithmetic.

Mr. MUNDT. I will say it again.

Mr. FULBRIGHT. I do not want the Senator to repeat it. I heard what he said. I do not agree with him.

Mr. MUNDT. How can the Senator disagree?

Mr. FULBRIGHT. In the first place, the Senator said it was 50 years rather than 40 years.

Mr. MUNDT. I will take 40 years as the basis.

Mr. FULBRIGHT. The three-quarters of 1 percent applies for 10 years. The remainder is at a minimum of 2 percent. In certain cases, more than that amount has been charged—\$10 million has been loaned at about 3½ percent since the act was changed. This was to take the place of grants.

We are speaking of the poorest places. Where countries can qualify, they can borrow from the International Bank or the Export-Import Bank. One of the criteria for getting these loans is that a country cannot borrow it from an established lending program. If a country had the kind of credit that entitled it to get money under normal commercial conditions, the Administrator would be bound to tell it to get it from the International Bank or the Export-Import Bank or the Chase Bank. These in-

stitutions have plenty of money to lend on the premise the Senator is trying to establish, assuming a reasonable basis for what the Senator proposes.

Mr. MUNDT. Will the Senator yield further?

Mr. FULBRIGHT. I yield.

Mr. MUNDT. I am advocating that this country lend the money at the same rate that the Government has to pay the taxpayers in borrowing the money. Suppose there is a one-quarter of 1 percent service charge as the halfway house between giving it to them as a grant and forcing them to go to the Export-Import Bank or other place to borrow. This is another step in giving them what they need, in making a legitimate loan to use the money for profit, and to pay what they would have to pay for borrowing through a commercial loan. The 2½-percent loan, which is going to cost the United States 1¼ percent over that, goes for noncommercial purposes. The third is for the one who cannot pay 2½ percent and who cannot pay the commercial rate. We give them a grant.

So we cover the area from the country that is worse off to those that can get the money at 2½ percent to those from which we can recapture a reasonable interest rate and the money loaned for a private enterprise, moving finally into the area of the Export-Import Bank, the International Bank and commercial loans. To me that is a plausible, sensible, and realistic manner of handling the program rather than trying to delude ourselves and say generally that we are lending at three-quarters of 1 percent, when, in fact, any reasonable man knows it is a grant, because we will not get it back and our interest loss may well equal or exceed the amount of the loan principal involved.

Mr. FULBRIGHT. In the first place, it is not for 40 years at three-quarters of 1 percent. That is only during the first 10 years. The Senator has repeatedly said it is a loan at three-quarters of 1 percent. That is only for the first 10 years. Thereafter it is at a minimum of 2 percent under existing law.

Mr. MUNDT. After the grace period.

Mr. FULBRIGHT. After the 10 years. Then, beginning with the 30-year period, it goes to 2 percent. The Senator says he would rather give them a grant, because we are fooling the people. If we give them a grant, we lose not only the interest, but also the principal. The Senator apparently believes that there is no virtue in having the principal repaid. Many people would like to get the principal of a loan repaid even without the interest. There is no logic in the Senator's argument. I read from section 201 of the act:

In so doing, the President shall take into account (1) whether financing could be obtained in whole or in part from other free world sources on reasonable terms, including private sources within the United States.

It is very similar to what happened in connection with the RFC. It was not possible to get a loan from the RFC if a person had sufficient credit to get it from a bank. It was necessary to prove

that it was impossible to obtain it from a bank or a private source on reasonable terms before the RFC would grant a loan.

Mr. MUNDT. That would be true under our amendment. It is a halfway house between a three-quarters of 1 percent loan and a loan which would be obtained at prevailing rates from the International Bank or the Export-Import Bank or a commercial bank.

Mr. FULBRIGHT. It is practically the same issue that we voted on a short time ago, except that a distinction is made between commercial loans and noncommercial loans.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. JAVITS. Is not the fundamental problem which we face here that we are not engaged in this undertaking because we are in the business of lending money, but because of a high governmental purpose?

Mr. FULBRIGHT. A political purpose.

Mr. JAVITS. We are trying to effectuate political results.

Mr. FULBRIGHT. Yes.

Mr. JAVITS. Hence, reasonable flexibility in the hands of the one who is dealing the cards is something to be kept rather than to be given away.

Mr. FULBRIGHT. I agree with the Senator. The proposal would do serious injury to the whole program. It is much more serious than the reduction in the amount. A reduction, if it is handled with some discretion and in an effective way, is better than the proposal before us now, which amounts to a kind of restriction that would hamstring the program. I consider this a much more serious amendment than the one we voted on previously.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. AIKEN. If I thought that the people we were trying to help in other countries were actually getting the money at 5½ or 6 percent, I would be very glad to go along with even making grants to their lending institutions or lending the money at low rates of interest.

However, I do not think we should be deluded into thinking that people in other countries get the money for 5½ percent or 6 percent. The big money in making loans in some of the countries where we are investing comes in the service charges. The Senator from Arkansas and the Senator from South Dakota both referred to financing an automobile business in another country. I happen to know of an automobile industry, and it is a big one, with A-1 credit, in another country, to which we have been lending a great deal of money. They are paying 22 percent, and getting the money the cheapest of anyone in that area, and that includes the service charges as well as the interest rate. I believe Senators will find that that practice is still prevalent. I know it is good business for our banks and for the banks in those countries to lend money, and some of our own banks in this country

are pretty well up on the matter of service charges, too. But that is where the cost comes in. We are making a little progress in that direction. I believe in one country some loans have been made for housing on which the lenders are actually getting 11 or 12 percent. The legal interest rate is 8 percent. The service charges have been cut down. The building and loan associations have been very helpful, in my estimation, in bringing them down. I am sure that some bankers would rather lend more money at a lower rate and perhaps make less profit on it.

I do not think that we should take as gospel any assertion that people in other countries are borrowing money which we put in those countries for 5½ or 6 percent, when they are paying 4 or 5 times that much. That is something with respect to which I think our Government has been negligent. I do not believe our Government has been careful enough. We want to see them get the money at the rate they should pay.

Mr. MUNDT. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1177, offered by the Senator from South Dakota [Mr. MUNDT] on behalf of himself, the Senator from Ohio [Mr. LAUSCHE], and the Senator from Oregon [Mr. MORSE].

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MONRONEY (when his name was called). On this vote I have a live pair with the senior Senator from Louisiana [Mr. ELLENDER]. If he were present, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. HUMPHREY. I announce that the Senator from Tennessee [Mr. WALTERS], the Senator from Louisiana [Mr. LONG], and the Senator from Georgia [Mr. ELLENDER] are absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON] and the Senator from Massachusetts [Mr. KENNEDY] are absent because of illness.

I further announce that the Senator from Nevada [Mr. CANNON], the Senator from Pennsylvania [Mr. CLARK], and the Senator from Oklahoma [Mr. EDMONDSON] are necessarily absent.

I further announce that, if present and voting, the Senator from Louisiana [Mr. LONG] and the Senator from Pennsylvania [Mr. CLARK] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Nebraska [Mr. HRUSKA] and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from Arizona [Mr. GOLDWATER] is detained on official business.

On this vote, the Senator from Nebraska [Mr. HRUSKA] is paired with the Senator from Kentucky [Mr. MORTON]. If present and voting, the Senator from Nebraska would vote "yea" and the Senator from Kentucky would vote "nay."

The result was announced—yeas 50, nays 38, as follows:

[No. 536 Leg.]
YEAS—50

Alken	Ervin	Prouty
Allott	Fong	Proxmire
Beall	Gore	Robertson
Bennett	Gruening	Russell
Bible	Jackson	Scott
Boggs	Johnston	Simpson
Burdick	Jordan, N.C.	Smith
Byrd, Va.	Jordan, Idaho	Stennis
Byrd, W. Va.	Kuchel	Symington
Carlson	Lausche	Talmadge
Case	McClellan	Thurmond
Cotton	McIntyre	Tower
Curtis	Mechem	Williams, Del.
Dirksen	Morse	Yarborough
Dodd	Moss	Young, N. Dak.
Dominick	Mundt	Young, Ohio
Eastland	Pearson	

NAYS—38

Bartlett	Humphrey	Muskie
Bayh	Inouye	Nelson
Brewster	Javits	Neuberger
Church	Keating	Pastore
Cooper	Long, Mo.	Pell
Douglas	Magnuson	Randolph
Fulbright	Mansfield	Ribicoff
Hart	McCarthy	Salinger
Hartke	McGee	Saltonstall
Hayden	McGovern	Smathers
Hickenlooper	McNamara	Sparkman
Hill	Metcalf	Williams, N.J.
Holland	Miller	

NOT VOTING—12

Anderson	Ellender	Long, La.
Cannon	Goldwater	Monroney
Clark	Hruska	Morton
Edmondson	Kennedy	Walters

So Mr. MUNDT's amendment, offered for himself, Mr. LAUSCHE, Mr. MORSE, and Mr. DOMINICK, was agreed to.

Mr. MORSE. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. MUNDT. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. DOMINICK. Mr. President, I call up my amendments Nos. 1193 and 1194 and ask that they be stated.

The PRESIDING OFFICER (Mr. HART in the chair). The amendments of the Senator from Colorado will be stated en bloc for the information of the Senate.

Mr. DOMINICK. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered; and the amendments will be printed in the RECORD at this point.

The amendments No. 1193 and No. 1194 submitted by Mr. DOMINICK are as follows:

AMENDMENT No. 1193

On page 1, between lines 6 and 7, insert the following:

"TITLE I—DEVELOPMENT LOAN FUND

"SEC. 101. Section 203 of the Foreign Assistance Act of 1961, as amended, which relates to fiscal provisions with respect to development loans, is amended to read as follows:

"SEC. 203. FISCAL PROVISIONS.—All receipts from loans made under and in accordance with this title shall be available for use for the purposes of this title, subject only to the annual appropriation thereof. Receipts so appropriated and other funds made available under this title for use for the purposes of this title shall remain available until expended."

Redesignate the succeeding sections of part I, accordingly.

AMENDMENT No. 1194

On page 4, line 5, after "Sec. 104." insert "(a)".

On page 4, between lines 13 and 14, insert the following:

"(b) Section 253 of the Foreign Assistance Act of 1961, as amended, which relates to fiscal provisions, is amended by amending the first sentence thereof to read as follows: 'All receipts in United States dollars from loans made under this title and from loans made for the benefit of countries and areas of Latin America under title I of chapter 2 of part I of this Act, notwithstanding section 203, shall be available for use for loans payable as to principal and interest in United States dollars in furtherance of the purposes of this title, subject only to the annual appropriation thereof.'"

Mr. DOMINICK. Mr. President, I shall explain amendment No. 1193 very briefly. This amendment is designed to cure a situation in the authorization bill which would permit repayments to the Development Loan Fund to be expended again by the agency executive members without any review, or without any consideration by Congress in the appropriations or otherwise.

I offered the amendment last year, and one similar to it on the Alliance for Progress, and the chairman of the committee was kind enough to take them to conference. We lost them in conference. I suspect that part of the reason for losing them was that the appropriation bill contained a specific provision, and perhaps I should read it, because this is the 1963 act. It provides:

Receipts of United States dollars in the Development Loan Fund and the Alliance for Progress revolving fund deriving from loan repayments and interest collections may hereafter, when so specified in appropriation acts, be used for the purposes for which such revolving funds are available.

The negative of that, I would presume, is that if they are not so specified, they may not be so used. Yet the authorization act specifically stated that they could be used for almost any purpose.

I have been in touch with the distinguished chairman of the Foreign Relations Committee, and also with the legislative counsel, and they inform me that this portion of the 1963 appropriation act, which is not repeated in the 1964 act, is probably permanent legislation which will eventually be codified. It is not codified now. So my amendment, if adopted, would put into the authorization act a provision which would conform substantially with what is already in the appropriation act, if the appropriation act does not become permanent legislation and is not in effect. There seems to be a small question on this point. This would give Congress the authority to review what should be done with the repayments of the loans under the Development Loan Fund. I have a similar amendment for the Alliance for Progress fund.

We are not dealing in peanuts. A vast amount of money will be coming in, both in interest repayments and private repayments. At least, we hope so, because all the money that goes out over a period of time is presumably going to come back into the revolving fund.

I am not touching the revolving fund at all. I am only saying that the money

that comes back in should be, in my opinion, at least subject to congressional review, and subject to the appropriation process. That is what my amendment would accomplish. I should like to have an expression from the Senator from Arkansas on his position.

Mr. FULBRIGHT. The Senator has correctly stated the situation. The Appropriation Act for 1964 carries, in section 117, the substance of his amendment. We accepted it last year. It was taken out in conference because it was considered superfluous. It was superfluous then, and I believe that it is superfluous now. But I have no objection to taking it to conference. It does not add anything to the bill. The Congress, under the provisions of the Appropriation Act—which incidentally is permanent legislation, the legislative counsel has informed me—does conduct annual reviews and the Appropriations Committees go over them.

I do not believe that there is the slightest doubt that section 117 effects its purpose. Therefore, in order to save the time of the Senate, I am perfectly prepared to take the Senator's amendments to conference. I am prepared to have them in the authorization bill, if the House will agree. It is not one of those things which mean a fight to the death when it is pointed out it is already in the law.

That is the situation. If the Senator wishes to insist on his amendments, I am willing to accept them. I cannot vote against them, because they are the law.

Mr. DOMINICK. I appreciate the comments of the Senator from Arkansas. So far as the original appropriation bill in the House is concerned, this is probably legislation on an appropriation bill.

Mr. FULBRIGHT. It certainly is.

Mr. DOMINICK. So far as the House is concerned, it would have been subject to a point of order.

Mr. FULBRIGHT. But not in the Senate.

Mr. DOMINICK. But not in the Senate. This I agree. It is entirely possible that, of course, in future considerations of these bills the provisions might easily be stricken.

So, if the chairman will take them to conference, I shall be willing to leave it at that, and shall not ask for a ye-and-nay vote.

I ask the Senator from Arkansas if he will accept my amendment No. 1194, on the Alliance for Progress, on the same basis.

Mr. FULBRIGHT. I shall be glad to do that.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from Colorado.

The amendments were agreed to.

Mr. JAVITS. Mr. President, I call up my amendment No. 1112 and ask that it be stated.

The PRESIDING OFFICER. The amendment of the Senator from New York [Mr. JAVITS] will be stated for the information of the Senate.

The LEGISLATIVE CLERK. It is proposed by the Senator from New York:

On page 1, between lines 5 and 6, insert the following new material:

"CHAPTER 1—POLICY

"SEC. 101. Section 102 of the Foreign Assistance Act of 1961, as amended, which relates to the statement of policy, is amended by adding at the end thereof the following new paragraph:

"It is the policy of the United States to encourage the efforts of our colleges and universities to participate in programs of development and research in the less developed friendly countries, and to strengthen the partnership between the United States Government and these institutions of higher education, by all available means including increasing and facilitating interchange of personnel."

In part I renumber the succeeding sections accordingly.

Mr. JAVITS. Mr. President, this amendment is designed to add to the policy statement already in the bill, encouragement for further participation by the colleges and universities in the program of foreign aid.

The amendment is inspired by my conferences with the department, following the report of John W. Gardner, president of Carnegie Corp of New York, and the task force which he headed in the effort to facilitate participation by universities and colleges in this program.

Mr. President, if there is one thing that I believe we can all agree on, it is that the maximum effort in foreign aid should be made by the private sector, and that there is no more desirable aspect of the private sector than the colleges and universities.

The participation which they have in the program has grown, but the feeling in the Gardner report was that it has not grown as much as it should.

The tremendous potential of this program in the overall foreign aid program was the subject earlier this year of a special task force study directed by President John Gardner of the Carnegie Corp. The study was undertaken at the request of David Bell, Administrator of AID, and it focused on the relationships of that agency with the universities engaged in this program. Nongovernmental members of the task force, in addition to Mr. Gardner, included President William Friday, of the University of North Carolina; Charles P. McCurdy, Jr., Association of American Universities; Roger Revelle, dean of research, University of California; President Logan Wilson, American Council on Education; Russell I. Thackrey, Association of State Universities and Land Grant Colleges; President O. Meredith Wilson, University of Minnesota; and President William W. Marvel, Education and World Affairs.

Mr. President, in 1963, AID had 235 contracts for technical assistance for education in developing countries with American colleges and universities. One hundred twenty-nine of these were with 72 universities for projects in 40 countries.

In India alone, 5 midwest universities have been working under contracts since 1954 to establish a system of 15 land-grant universities by 1970. Institutions in my own State, such as Cornell and Syracuse, are among the 35 universities

working in Latin America, Columbia Teachers College, for example, is helping to expand and improve education in India, Afghanistan, Kenya, and Peru.

I know that the chairman of the committee is not anxious to extend this. I would not press this upon him except for the fact that the Gardner report received so much notice publicly and was extremely well received.

I hope that the Senator will accept the amendment.

Mr. FULBRIGHT. I do approve it. My only objection is that the policy statement is already in the act. At one point, the committee almost had the good sense to take out the whole cumbersome policy statement in the act but it was retained over my objection. I am prepared to accept the amendment since the committee endorsed it within a long policy statement anyway. I certainly do not object at all on its merits.

Mr. JAVITS. I thank the Senator.

Mr. MORSE. Mr. President, I am delighted that the Senator will take it to conference. I have shared the view of the Senator from New York [Mr. JAVITS], and it has been the point of view of the Senator from Arkansas [Mr. FULBRIGHT] and others, that it involves no additional money, and gives encouragement to the State Department and the AID department to carry it out in keeping with the objective.

I think it is a fine program. I commend the Senator.

Mr. JAVITS. Mr. President, I thank the Senator. I ask unanimous consent that I may include an excerpt from a letter by Francis Keppel, U.S. Commissioner of Education, dated July 25, and an editorial entitled "Most Popular Export," which appeared in the Washington Post July 29, 1964, in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
OFFICE OF EDUCATION,
Washington, D.C., July 25, 1964.

Mr. ALLEN LESSER,
Committee on Labor and Public Welfare,
U.S. Senate,
Washington, D.C.

DEAR ALLEN: * * * Senator JAVITS' amendment would make an important contribution in giving recognition to the unparalleled resources of American higher education as a positive instrument of American foreign policy. The findings of the Gardner report would seem to substantiate full well the important role which our colleges and universities have yet to play in the programs of the Agency for International Development and other foreign assistance programs.

* * *
Sincerely yours,
FRANCIS KEPPEL,
U.S. Commissioner of Education.

[From the Washington Post, July 29, 1964]
MOST POPULAR EXPORT

If any American experiment has succeeded with a vengeance, it is the land-grant college. Created by the Morrill Act of 1862, land-grant colleges were intended to help America harvest an abundance of food. Our chronic farm surpluses amply testify to the success of this Federal help for agricultural education. Why shouldn't the country's land-grant colleges enlarge their horizons to include rural development elsewhere in a hungry world?

We asked this question in an editorial 2 years ago observing the centennial of the Morrill Act, and it is a pleasure to note that just such a development is taking place. During this week, more than a score of State university presidents have been attending an International Rural Development Conference at the State Department. The gathering reflects the fact that more than 100 American universities have up to \$200 million in contracts from the AID agency, mainly in the field of agriculture.

AID Administrator David Bell cited the work of North Carolina State and Iowa State universities as examples of the broadening involvement of land-grant schools in foreign aid. Iowa State is helping the Peruvian Government to shape a national rural development plan, giving special emphasis to land tenure problems. North Carolina has staff members working at the national agricultural university in La Molina and in a half dozen other cities assisting Peru in developing a combined program of farm education and research.

What is especially admirable about such programs is that they enroll the energies of nongovernmental institutions in the tasks of foreign aid. The size and scope of these programs has become so broad that one recommendation made at the conference this week was to appoint a full-time representative in Washington of the land-grant colleges in order to work with the AID agency.

As Secretary of Agriculture Freeman emphasized in a speech to the college presidents, the effect of greater farm productivity elsewhere is not to diminish markets for our exports. Instead, experience in Japan and Europe demonstrates that our exports increase as other countries expand their income and their economies.

The University of Wisconsin has the proud slogan that the boundaries of its campus are the boundaries of the State. With the increased participation of land-grant colleges in international rural development, those boundaries are stretching to the remote corners of the world. Both our farm technology and our agricultural schools are among our most obvious assets in the competition with communism. Russell Thackrey of the Association of Land-Grant Colleges is quite right in saying that "in all those countries of the free world which are striving for a better life * * * the idea of the land-grant university is America's most popular export."

The PRESIDING OFFICER (Mr. HART in the chair). The question is on agreeing to the amendment of the Senator from New York [Mr. JAVITS].

The amendment was agreed to.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELEASE OF LIABILITY UNDER CERTAIN BONDS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business (H.R. 11380) be temporarily laid aside.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate

proceed to the consideration of Calendar No. 1297, H.R. 4844.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 4844) relating to the release of liability under bonds filed under section 44(d) of the Internal Revenue Code of 1939, with respect to certain installment obligations transmitted at death.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment on page 3, after line 2, to insert a new section, as follows:

SEC. 2. (a) Part III of subchapter O of chapter 1 of the Internal Revenue Code of 1954 (relating to common nontaxable exchanges) is amended by adding at the end thereof the following new section:

"SEC. 1038. CERTAIN REACQUISITIONS OF REAL PROPERTY.

"(a) GENERAL RULE.—If

"(1) a sale of real property gives rise to indebtedness to the seller which is secured by the real property sold, and

"(2) the seller of such property reacquires such property in partial or full satisfaction of such indebtedness, then, except as provided in subsections (b) and (d), no gain or loss shall result to the seller from such reacquisition, and no debt shall become worthless or partially worthless as a result of such reacquisition.

"(b) AMOUNT OF GAIN RESULTING.—

"(1) IN GENERAL.—In the case of a reacquisition of real property to which subsection (a) applies, gain shall result from such reacquisition to the extent that—

"(A) the amount of money and the fair market value of other property (other than obligations of the purchaser) received, prior to such reacquisition, with respect to the sale of such property, exceeds

"(B) the amount of the gain on the sale of such property returned as income for periods prior to such reacquisition.

"(2) LIMITATION.—The amount of gain determined under paragraph (1) resulting from a reacquisition during any taxable year beginning after the date of the enactment of this section shall not exceed the amount by which the price at which the real property was sold exceeded its adjusted basis, reduced by the sum of—

"(A) the amount of the gain on the sale of such property returned as income for periods prior to the reacquisition of such property, and

"(B) the amount of money and the fair market value of other property (other than obligations of the purchaser received with respect to the sale of such property) paid or transferred by the seller in connection with the reacquisition of such property.

For purposes of this paragraph, the price at which real property is sold is the gross sales price reduced by the selling commissions, legal fees, and other expenses incident to the sale of such property which are properly taken into account in determining gain or loss on such sale.

"(3) GAIN RECOGNIZED.—Except as provided in this section, the gain determined under this subsection resulting from a reacquisition to which subsection (a) applies shall be recognized, notwithstanding any other provision of this subtitle.

"(c) BASIS OF REACQUIRED REAL PROPERTY.—If subsection (a) applies to the reacquisition of any real property, the basis of such property upon such reacquisition shall be the adjusted basis of the indebtedness to

the seller secured by such property (determined as of the date of reacquisition), increased by the sum of—

"(1) the amount of the gain determined under subsection (b) resulting from such reacquisition, and

"(2) the amount described in subsection (b) (2) (B).

If any indebtedness to the seller secured by such property is not discharged upon the reacquisition of such property, the basis of such indebtedness shall be zero.

"(d) INDEBTEDNESS TREATED AS WORTHLESS PRIOR TO REACQUISITION.—If, prior to a reacquisition of real property to which subsection (a) applies, the seller has treated indebtedness secured by such property as having become worthless or partially worthless—

"(1) such seller shall be considered as receiving, upon the reacquisition of such property, an amount equal to the amount of such indebtedness treated by him as having become worthless, and

"(2) the adjusted basis of such indebtedness shall be increased (as of the date of reacquisition) by an amount equal to the amount so considered as received by such seller.

"(e) PRINCIPAL RESIDENCES.—If—

"(1) subsection (a) applies to a reacquisition of real property with respect to sale of which—

"(A) an election under section 121 (relating to gain from sale or exchange of residence of an individual who has attained age 65) is in effect, or

"(B) gain was not recognized under section 1034 (relating to sale or exchange of residence); and

"(2) within one year after the date of the reacquisition of such property by the seller, such property is resold by him,

then, under regulations prescribed by the Secretary or his delegate subsections (b), (c), and (d) of this section shall not apply to the reacquisition of such property and, for purposes of applying sections 121 and 1034, the resale of such property shall be treated as a part of the transaction constituting the original sale of such property.

"(f) REACQUISITIONS BY DOMESTIC BUILDING AND LOAN ASSOCIATIONS.—This section shall not apply to a reacquisition of real property by an organization described in section 593(a) (relating to domestic building and loan associations, etc.)."

(b) The table of sections for such part III is amended by adding at the end thereof the following:

"Sec. 1038. Certain reacquisitions of real property."

(c) (1) The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(2) If the taxpayer makes an election under this paragraph, the amendments made by this section shall also apply to taxable years beginning after December 31, 1957, except that such amendments shall not apply with respect to any reacquisition of real property in a taxable year for which the assessment of a deficiency, or the credit or refund of an overpayment, is prevented on the date of the enactment of this Act by the operation of any law or rule of law. An election under this paragraph shall be made within one year after the date of the enactment of this Act and shall be made in such form and manner as the Secretary of the Treasury or his delegate shall prescribe by regulations.

(3) If an election is made by the taxpayer under paragraph (2), and if the assessment of a deficiency, or the credit or refund of an overpayment, for any taxable year to which such election applies is not prevented on the date of the enactment of this Act by the operation of any law or rule of law—

(A) the period within which a deficiency

for such taxable year may be assessed (to the extent such deficiency is attributable to the application of the amendments made by this section) shall not expire prior to one year after the date of such election; and

(B) the period within which a claim for credit or refund of an overpayment for such taxable year may be filed (to the extent such overpayment is attributable to the application of such amendments) shall not expire prior to one year after the date of such election.

No interest shall be payable with respect to any deficiency attributable to the application of such amendments, and no interest shall be allowed with respect to any credit or refund of any overpayment attributable to the application of such amendments, for any period prior to the date of the enactment of this Act. An election by a taxpayer under paragraph (2) shall be deemed a consent to the application of this paragraph.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "An Act relating to the release of liability under bonds filed under section 44(d) of the Internal Revenue Code of 1939 with respect to certain installment obligations transmitted at death, and to amend the Internal Revenue Code of 1954 with respect to certain reacquisitions of real property."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1361), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Your committee has accepted the House provision without change but has added an amendment relating to a different tax matter.

The provision in the House-passed bill which your committee has accepted without change provides that gain from installment obligations which were transferred to a taxpayer from a decedent in taxable years to which the 1939 Code applied (generally, years beginning before January 1, 1954), but with respect to which installment payments are still being made, may be reported by the recipient on a pro rata basis as he receives installment payments without the necessity of maintaining a bond with the Internal Revenue Service to assure this reporting of the income. Under the 1939 Code, the reporting of gain on installment obligations at the time of the death of a decedent could be avoided only by the person receiving the obligation electing to file a bond giving assurance that he would he report the income on the installment obligation on a pro rata basis over the period the installment payments were received in the same manner as would the decedent had he continued to live and receive the payments. Essentially, this exception achieved the same result as the general rule under the 1954 Code, but required the filing of a bond. The effect of this provision is to continue this treatment but without the necessity of filing this bond. This result is achieved by applying the 1954 Code rules in these cases (without any deduction for estate tax attributable to these obligations) at the election of the taxpayer. This applies with respect to payments received in taxable years where the due date for the filing of the returns (including extensions of time) will occur after the date of enactment of this bill.

Your committee has added an amendment to the bill providing that where real property is sold and the seller receives a mortgage or similar debt obligation on the real property, and then subsequently the seller is forced to repossess the property, any gain resulting from the repossession is to be limited to the money (and value of other property) received by the seller with respect to the sale before the repossession to the extent that such amounts have not already been reported as income. In the case of repossessions occurring after the enactment of this provision any gain recognized on repossession is further limited in that it may not in any event exceed the gain attributable to the initial sale. This provision also prevents loss in the case of these repossessions. Under present law, in the usual case where the gain has been reported on the installment basis, gain is recognized at the time of repossession to the full extent of the excess of the fair market value of the property repossessed over the basis of the installment obligation attributable to this property. The treatment provided in your committee's amendment applies on an elective basis to taxable years beginning after December 31, 1957, and is the only rule to be applicable in this area to years beginning after the date of enactment of this bill.

The Treasury Department has indicated that it has no objection to the House-passed provision of this bill. With respect to the amendment made by your committee, the Treasury has indicated that the substantive changes made by this provision represent a substantial improvement in our tax laws and that this amendment deserves favorable consideration. With regard to the effective date of this provision, the Treasury Department has indicated that it may well be concluded that the proposed provision should be given a limited retroactive effect, as in this bill. The Treasury has also stated that, if Congress were so to conclude, Treasury would not oppose this effective date.

INCREASE IN PARTIAL PAY OF CERTAIN PUBLIC SCHOOL EMPLOYEES IN THE DISTRICT OF COLUMBIA

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 1301, H.R. 5337.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 5337) to increase the partial pay of educational employees of the public schools of the District of Columbia who are on leave of absence for educational improvement, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1365), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of the bill H.R. 5337 is to amend existing law with regard to partial pay of educational employees of the public schools of the District of Columbia who are on leave of absence for educational improvement. Under the provisions of the bill, the

pay for those involved in educational leave would be computed as follows:

"(1) District of Columbia teachers and other school personnel in class 15 of the present salary scale for school employees, while on leave of absence for educational purposes, shall receive compensation equal to one-half their active duty salaries, less deductions for retirement, group life insurance, health benefits, and income taxes;

"(2) A school employee in any of the other 14 pay-scale classes, on leave for the purpose of educational improvement, shall receive compensation equal to one-half his active duty salary or the largest amount to which any employee in the salary class of elementary and secondary school teachers (class 15) would be entitled while on educational leave—whichever is the lesser—also subject to the deductions listed above."

The committee was advised that section 6 of the District of Columbia School Board regulations pertaining to leave of absence for the purpose of educational improvement will continue in effect in the event H.R. 5337 is enacted into law. In pertinent part, this regulation provides that the Board of Education upon the recommendation of the Superintendent of District of Columbia Schools, may grant leave of absence with part pay for purposes of educational improvement to any school officer, teacher, or other educational employee on permanent tenure whose salary is established in classes 2 to 18, both inclusive, of the Teachers' Salary Act of 1955, as amended, and who has served in the public schools of the District of Columbia not less than 6 consecutive years on probationary and/or permanent status immediately prior to filing application for such leave. In connection with making application for educational leave, the applicant shall also submit a written plan of the educational work to be undertaken during the period of such leave of absence, which shall be approved by the Superintendent. (The complete text of sec. 6 is set forth as app. A of this report.)

Under existing law, a teacher on educational leave of absence receives compensation equal to the difference between his regular salary and the base (minimum) pay for his salary class.

In view of the very considerable increase in the cost of education and the cost of living since 1940, when the present law was enacted, the existing scale of part-pay allowances for teachers on educational improvement leave has proved to be entirely inadequate. This is borne out by the relatively small number of teachers who have applied for the leave in recent years. The committee was informed that only 25 teachers were granted educational leave in the 4-year period ending June 30, 1962.

The enactment of H.R. 5337 will in some measure rectify this situation by allowing for increased pay for those teachers participating in the educational improvement leave program. As an example of the increased benefits provided for under H.R. 5337, teachers with a bachelor's degree, in service step 7, would receive \$3,190 per year, while under existing law the amount received is \$1,380.

Similarly, teachers in the same step but with a master's degree would receive \$3,440 per year under H.R. 5337, while under existing law the amount received is \$1,380.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. FULBRIGHT. Mr. President, I offer an amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment of the Senator from Arkansas will be stated.

The LEGISLATIVE CLERK. On page 17, after line 7, it is proposed to insert the following:

Section 402. Section 502(b) of the Mutual Security Act of 1954, as amended, is amended by inserting after the words "United States" where they first appear in the first sentence thereof a comma and the following: "which are in excess of the amounts reserved under section 612(a) of the Foreign Assistance Act of 1961, as amended, and of the requirements of the U.S. Government in payment of its obligations outside the United States, as such requirements may be determined from time to time by the President,".

Mr. FULBRIGHT. Mr. President, I shall explain the amendment. The amendment which I have offered grows out of the amendment providing for the maintenance of cemeteries in Italy, which was adopted. I detected that there was misapprehension among some Senators about the nature of counterpart funds. There seemed to be a feeling that because the currency involved is that of a foreign country, it is not worth anything, and it could be used for any purpose. The Senate adopted the amendment.

The pending amendment would restrict the use of nonexcess foreign currencies. Another way to put it is as follows: Currencies that are not needed for purposes specified in section 612(a), which are in furtherance of Government purposes, would be restricted to those uses except in the countries where they are excess. Those countries are Burma, India, Indonesia, Israel, Pakistan, Poland, Egypt and Yugoslavia. When we are dealing with the currency of a country such as Germany or France, the fact that the United States might own some marks or francs does not mean that those are not valuable currencies. They are convertible into dollars.

The effect of the amendment would be felt in the Congress, for it would restrict Members of Congress who travel abroad in using the currencies of those countries, other than the "excess" countries I have named.

So when a Member of Congress arrived in Paris, he would not be handed a packet of so-called counterpart funds, which some Members of Congress seem to have regarded as not worth anything. They are worth something. When we appropriate or authorize appropriation of such funds for a purpose not mentioned in 612(a), it amounts to appropriating dollars for that purpose in any country other than the ones I mentioned.

Therefore, I believe the amendment is very worthwhile. At least it would bring home to Senators that they are not dealing with "funny money" when

they are handling German marks. They are just as good as dollars, because they can be taken to a bank and exchanged for dollars.

Amendments are often offered which in effect state, "We have this foreign money, and therefore we can undertake to create any kind of project that appeals to someone because it will not cost anything." And then we vote for such measures. I point out that the regular process of authorization should be followed. There should be consideration of the proposal by the committee. There should be an evaluation as to what it will cost the Treasury. That is the only effect of the amendment. Primarily, I would say that it would bring home the fact that we are dealing with matters of real importance to the Treasury of the country.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MORSE. I not only enthusiastically support the amendment, but I am also intrigued with the phrase employed by the Senator from Arkansas that it would bring home an appreciation of the value of the currency. Does the Senator think that it might also encourage Members of Congress to remain at home?

Mr. FULBRIGHT. I would not wish to reflect on their motives for traveling. They often go for educational and worthwhile purposes. I regard the amendment as valuable. It is educational in nature. It will teach that the subject of foreign currencies is important. Wherever there are legitimate activities abroad, Congress through its regular committee work can make whatever provision is reasonable and necessary. The amendment would not prohibit a Member of Congress from making the trip. It would stop him from using these good currencies that are not in excess for such purposes.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. JAVITS. I know that in many cases whatever counterpart funds we have are utilized for the purpose of travel, and so forth, through agreement with the host country. In many cases it may be difficult to get an agreement with the host country except for some such purpose as a congressional use purpose. I merely wished to be positive that we would not be wasting an opportunity.

Mr. FULBRIGHT. I believe the Senator is talking about private citizens traveling to Public Law 480 countries. The amendment would not affect that.

Mr. JAVITS. No, I am referring to Members of Congress traveling. I wish to be sure that under the amendment we would not lose possession of some of the money which has piled up and of which we might get the benefit by agreement with the country in question.

Mr. FULBRIGHT. I did not make myself clear. When the Senator refers to money that has piled up, if I correctly understood him, that could refer only to the countries which I mentioned

where there is excess local currency. It would not affect that. It is not intended to. The amendment is so drawn that the amendment would not apply to such a situation. So if the Senator should go to any of the countries that I mentioned, he would not be affected by the provisions of the amendment.

Mr. JAVITS. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

The amendment was agreed to.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARTKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, I call up my amendment No. 1209, and ask unanimous consent that its reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1209) offered by Mr. HARTKE is as follows:

On page 9, between lines 20 and 21, insert the following new subsection:

"(a) Amend section 601(b), relating to the encouragement of free enterprise and private participation, as follows:

"(1) Strike out 'and' at the end of paragraph (5).

"(2) Strike out the period at the end of paragraph (6) and substitute '; and'.

"(3) At the end thereof add the following new paragraph:

"(7) conduct a study and investigation to determine the feasibility of establishing tax and other incentives to encourage and facilitate the participation of private enterprise in furthering the development of the economic resources and productive capacities of less-developed friendly countries and areas."

Redesignate the succeeding subsection of section 301 accordingly.

Mr. HARTKE. Mr. President, this amendment is relatively easy to understand. It deals with the question of the future of foreign aid more than with the present bill itself.

Over the years we have seen constant attacks made upon the foreign aid approach, which provides for distribution of funds directly to the countries concerned.

I have found personally that many people believe if we could export, along with some of our funds, a little of our knowledge, the net result might be better. This would have a twofold effect. It would have a good effect upon the countries overseas, but it would also have a good effect on our people at home.

In line with this thought, I offer this amendment because I think it would be well worth our time to make a thorough investigation to determine the feasibility of tax incentives and tax credits to organizations and corporations which are willing to go into underdeveloped countries and make attempts to establish their concerns in those countries.

Many countries do this in various ways, some by direct subsidy, some through

trading companies. There is then established what is called the business presence of the country involved in the underdeveloped country. The net result is a natural flow of benefits to the country from which the effort originated.

One result is the exporting of our personnel to the underdeveloped country, but there would also be a transfer back to our own country of other people who are acquainted with the needs and want to learn methods of developing so-called underdeveloped countries.

I feel that, more and more, as we move toward the development of the lesser developed countries, there is an opportunity for this type of approach, and that it would be beneficial.

I claim no special knowledge in this field. But when I made the proposal to have a businessmen's peace corps, the idea found a sympathetic reception in the business community. It has now become a reality, under the name of the International Executive Service Corps, and there is a good participation of top business leaders in this type of approach.

The idea is that we in this country have something we are proud of, namely, the private enterprise system, and that it works in America. Although some people talk about the "ugly American," I have never found anybody who thinks the American is ugly. Rather, I have found a feeling of envy, or a desire to imitate or to bring into other countries the philosophy and ideas which have made this country worthwhile.

This approach of private enterprise incentives is well worth study. It is within the original concept of the Foreign Aid Act, and is also within the framework of suggestions in the bill which would utilize some of our surplus material.

The amendment provides for study of a new approach to foreign aid. I would hope that, in the economic field, we could ultimately transfer governmental operations into private operations.

For these reasons, I hope the committee and the chairman of the committee are disposed to include this amendment as a part of the bill.

Mr. FULBRIGHT. Mr. President, I think the purpose is a worthy one. As a matter of fact, there has been such a proposal, and I think it is under consideration. There is a bill in the Ways and Means Committee of the House that proposes to give substantial tax credit, which is one of the elements the Senator mentions, to encourage private investment abroad. There may be other elements involved.

I am willing to accept the amendment. I think it is one that is worthy of consideration. Whether or not it creates any problems I do not see at the moment is a question that can be determined in conference.

Mr. HARTKE. I thank the Senator for his wonderful spirit of cooperation and his good judgment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

COMMITTEE MEETINGS DURING SENATE SESSION TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may meet until noon during the session of the Senate tomorrow.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

CORRECTION OF THE RECORD

Mr. MUSKIE. Mr. President, I rise to request a correction in the RECORD of yesterday, at page 18226. The second and third columns on that page of the RECORD purport to report a colloquy that took place between myself and the junior Senator from Rhode Island [Mr. PELL] and a colloquy between myself and the senior Senator from Maryland [Mr. BEALL].

I request that, in the second column, on that page, in lines 37, 54, 59, and 64, there be substituted for my name the name of the junior Senator from Michigan [Mr. HART].

Also, in the third column, on lines 4, 13, 17, and 23, I ask that there be substituted for my name the name of the junior Senator from Michigan [Mr. HART].

Those two colloquies took place between the Senator from Michigan [Mr. HART] and the Senator from Rhode Island [Mr. PELL] and the Senator from Maryland [Mr. BEALL].

I ask that those corrections be made for the permanent RECORD.

The PRESIDING OFFICER. The corrections will be made.

TRIBUTE TO GEN. WILLIAM F. MCKEE

Mr. BYRD of Virginia. Mr. President, on August 31, 1964, Gen. William F. McKee retired from the U.S. Air Force, after a 35-year military career of fine, patriotic service devoted to his country.

The value of his services and the esteem in which General McKee is held by his Government are made manifest by the fact that he retired as the Air Force Vice Chief of Staff.

His capabilities were recognized years ago, when, in 1942, he was chosen among the "qualified" eight officers Gen. H. H. (Hap) Arnold requested for staff duty at headquarters of the Army Air Forces.

Since that time, General McKee has been closely associated with the development of the "modern Air Force." Top-level management has been his specialty.

General McKee is a native of Virginia, and we are proud of him. We are grateful for the valuable contributions he has made to the Nation and to the excellence of our military services.

General McKee and his family have our very best wishes; and his new endeavors will benefit from his strength of character and his extraordinary talents and ability.

I ask unanimous consent to have published in the RECORD, as a part of these remarks, an article on the service of General McKee. The article was published in the Winchester, Va., Star of July 30, 1964.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AIR FORCE LEADER RETIRES, WILL BECOME NASA AID

When the U.S. Air Force honors its retiring Vice Chief of Staff, Gen. William F. McKee, at a full-scale review at Andrews Air Force base tomorrow, few there will realize they are paying tacit tribute to the four-star general's father, Dr. Thomas K. McKee of Saltville.

The 91-year-old doctor will be unable to be present to see his son honored by the Secretary of the Air Force, Eugene M. Zuckert, and Air Force Chief of Staff Gen. Curtis E. LeMay, by marching units, and a flyby of aircraft from Tactical Air Command and Military Air Transport Service.

Several hundred military and civilian leaders of the armed services, congressional leaders and other Government officials plus ambassadors and foreign air attachés will join in a colorful tribute to the officer who has held the No. 2 military position in the Air Force.

General McKee's father is a legendary character to all who know General "Bozo" McKee well. General McKee speaks frequently of his father. He often quotes the old doctor's words of common sense as they apply to various day-to-day problems of human relations. Their recurring theme is "integrity."

Doctor McKee, surgeon for Olin Mathieson Chemical Corp. in Saltville until he retired 12 years ago, had two brothers who also were doctors who practiced in southwest Virginia. And two of his sons are doctors—Dr. John B. McKee of Winchester, and Dr. Tom P. McKee of Johnson City, Tenn. A third son, Paul D. McKee, lives in Chilhowie, where General McKee was born in 1906. His mother died in 1943.

General McKee is winding up more than 35 years of one of the most uniquely distinguished careers in Air Force history. Top-level management has been his specialty.

He first was tapped for this kind of assignment by Gen. Henry H. ("Hap") Arnold, the "father of the modern Air Force," who in 1942 asked the Army Chief of Staff, Gen. George C. Marshall, to send him eight officers qualified for staff duty at headquarters of the Army Air Forces.

During the next 4 years he served under General Arnold in the Directorate of Air Defense, and later as Deputy Assistant Chief of Air Staff for Operations, Commitments and Requirements.

General McKee was away from the Pentagon for about 18 months, beginning in January 1946, when he was appointed Chief of Staff of Air Transport Command, the forerunner of today's Military Air Transport Service.

That August he went to Paris as commanding general of the European Division of Air Transport Command. In December 1946 he transferred to headquarters of the U.S. Air Forces in Europe (USAFE) at Wiesbaden, Germany, and the following month became commanding general of Headquarters Command of USAFE.

He returned to the Pentagon to become the U.S. Air Force's first Assistant Vice Chief of Staff on September 27, 1947.

General McKee has been directly involved in a remarkable number of the most important organizational and management actions the Air Force has taken in the past 18 years. And many of the Air Force's organizational and management innovations have had great influence on administrative concepts and procedures adopted throughout the Department of Defense and American industry.

In the newly independent Department of the Air Force, General McKee worked closely with its first Secretary, STUART SYMINGTON, now the senior Senator from Missouri.

Air Force historians credit General McKee, along with Generals Spaatz, Vandenberg, and Norstad, as one of the four chief military architects of the organizational structure of the Air Force. They helped establish the basic Air Staff organization in headquarters and the major command structure that the Nation's aerospace arm has today.

General LeMay called General McKee back to Air Force Headquarters when Gen. Frederick H. Smith, Jr., retired as Vice Chief of Staff 2 years ago. There he has handled the day-to-day business of running the Air Force for the Chief of Staff, whose time is taken up mainly with Joint Chiefs of Staff, Department of Defense, and congressional activities. In General LeMay's absence General McKee has assumed the responsibilities of the Air Force Chief of Staff.

Sharing the honors at the retirement review and at the formal dinner and reception will be Mrs. McKee, who attended Arizona State Teachers College and Chicago Musical College before her marriage to General McKee in October 1934.

"She's my most objective adviser," says General McKee. "And she's been my strongest bulwark in times of stress and strain."

Their two sons, Christopher Fulton and William St. John, will attend the ceremonies. Chris, a graduate student at the University of California, is working on his Ph. D. in nuclear physics, after having been graduated from Harvard, summa cum laude, in 3 years. Bill, a ranking scholar at Yale, will be a junior next year.

Although General McKee's 91-year-old father will not be able to attend the ceremony, he is certain to be there in spirit.

"He ought to be," says General McKee, "he got me into this back in 1924. I was attending Emory and Henry College in Emory, Va., when he brought me a letter one day from our Congressman, C. Bascom Slemp, wanting to know if I was interested in going to West Point."

"My father said, 'If you think you're so smart, why don't you try competing with these fellows who are going to take the entrance exam in Washington?'"

"I rose to the bait and in a few weeks I took the exam. The next thing I knew I was standing at attention with my chin tucked in. It was July 1925, and I was at West Point, wondering how I got there."

General and Mrs. McKee plan to make their home in Washington, where he will become assistant administrator for management development of the National Aeronautics and Space Administration on September 1; the White House has announced.

General McKee was honored by President Johnson today at the White House when he presented the general with a second oak leaf cluster to the Distinguished Service Medal—in effect a third DSM.

FARMERS HOME ADMINISTRATION STRENGTHENS AMERICAN AGRICULTURE

Mr. McGOVERN. Mr. President, a great many Americans are concerned about the steady decline in the number of farms in the United States, resulting from new technology, increasing capital requirements to continue in farming, and low farm income.

The July issue of the Farm Income Situation, recently released by the Department of Agriculture, indicates that in the past two decades the number of farms in the United States has dropped nearly 2.5 million—from 6.1 million on January 1, 1943, to 3.6 million in January 1963. The decline between 1962 and 1963 was shown as 115,000. This is a

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CONTENTS

Administrative law...13,24	Foreign aid.....2,34	Public Law 480.....7
Appalachia.....32	Guam.....26	Public works.....2
Appropriations.....	Hay.....40	Reclamation.....19
.....3,4,6,11,15,16,25	Health.....38	Recreation.....1
ARS.....1	Holiday.....33	Research.....28
Classification.....23	Housing.....10	Retirement.....23
Coffee.....27	Lands.....20	Rivers and harbors.....35
Containers.....8	Meat imports.....29	Roads and trails.....21
Disaster relief.....40	Meat inspection.....11	School lunch.....2
Electrification.....12	Opinion poll.....37	Time standards.....22
Food additives.....18	Pacific Islands.....14	Tobacco.....5
Food grain.....9	Patents.....39	Wheat.....33
Food marketing.....11	Personnel.....23,33	Wildlife.....17
Forest Service.....11	Poverty.....25,30,36	

HIGHLIGHTS: Senate passed land-water conservation fund bill. Senate debated foreign-aid authorization bill. House committee reported Public Law 480 bill. Rep. Olsen, Mont., commended sending meat-import bill to conference.

SENATE

1. RECREATION. Passed, 92 to 1, with amendments H. R. 3846, to establish a land and water conservation fund. Senate conferees were appointed. pp. 18490-525

Rejected the following amendments:

By Sen. Allott, 27 to 62, to eliminate the language respecting surplus property sales. pp. 18498-507

By Sen. Ellender, 30 to 63, providing that funds appropriated or allotted pursuant to provisions for the national forest system may be used for acquisition only as hereafter authorized by statute. pp. 18514-8

2. FOREIGN AID. Continued debate on H. R. 11380, the foreign-aid authorization bill (pp. 18528-37, 18555-68). Agreed to an amendment by Sen. McGovern authorizing an additional \$50 million for purchase of domestically produced meats, rice, and other high protein foods for school lunch programs in recipient nations (pp. 18555-7). Rejected an amendment by Sen. Gruening providing for a new title on accelerated public works (pp. 18528-37, 18568).
3. D. C. APPROPRIATION BILL, 1965. Both Houses agreed to the conference report on this bill, H. R. 10199, and acted on items in disagreement. This bill will now be sent to the President. pp. 18525-8, 18576-8
4. LEGISLATIVE APPROPRIATION BILL, 1965. Both Houses agreed to the conference report on this bill, H. R. 10723, and acted on items in disagreement. This bill will now be sent to the President. pp. 18528, 18537-40, 18578-84
5. TOBACCO. The Agriculture and Forestry Committee reported with amendment H. J. Res. 1026, to extend the time by which a lease transferring a tobacco acreage allotment may be filed (S. Rept. 1375). p. 18475
6. STATE, JUSTICE, COMMERCE, JUDICIARY APPROPRIATION BILL, 1965. The Appropriations Committee reported with amendments this bill, H. R. 11134 (S. Rept. 1380). p. 18476

HOUSE

7. PUBLIC LAW 480. The Agriculture Committee submitted a supplemental report on H. R. 12298, to extend the Agricultural Trade Development and Assistance Act of 1954 (H. Rept. 1767, pt. II). pp. 18576, 18669
8. CONTAINERS. Passed as reported H. R. 5673, to prohibit introduction into interstate commerce of any shipping container manufactured in the U. S. from imported steel unless the container is marked so as to indicate the country of origin of the steel. pp. 18596, 18601-9
9. FOOD GRAIN. The Agriculture Committee reported without amendment H. R. 11846, to permit purchase of processed food grain products in addition to purchase of flour and cornmeal and donating the same for certain domestic and foreign purposes (H. Rept. 1748). p. 18390 (Aug. 11).
10. HOUSING. The Rules Committee reported a resolution providing for consideration of H. R. 12175, to extend and amend laws relating to housing, urban renewal, and community facilities. p. 18390 (Aug. 11).
11. APPROPRIATIONS. Received from the President supplemental appropriation estimates for the fiscal year 1965 (H. Doc. 338) which include the following items:
 - (1) Agricultural Research Service, \$1, 357,000 for increased meat inspection workload;
 - (2) Forest Service, \$940,000, for repair and restoration of national forest improvements destroyed or damaged by recent floods in Mont. and Ida.; and
 - (3) \$1,000,000 for expenses of the National Commission on Food Marketing established by Public Law 88-354, approved July 3, 1964. p. 18669
12. ELECTRIFICATION. Insisted on its amendments to S. 1007, to guarantee electric consumers of the Pacific Northwest first call on electric energy generated at Federal hydroelectric plants in that region and to guarantee electric consumers in other regions reciprocal priority. Conferees were appointed for a further conference. Senate conferees have already been appointed. pp. 18594-5

Loan authorization—Continued

[Out of the general revenues of the Federal Treasury]

	Authorizations, 1964 ¹	Budget esti- mates, 1965 ²	House bill, 1965	Senate bill, 1965	Conference action
OPERATING EXPENSE—continued					
Public safety:					
Office of Corporation Counsel.....	\$1,065,523	\$1,192,000	\$1,155,000	\$1,192,000	\$1,155,000
Metropolitan Police.....	31,174,043	32,350,000	32,465,400	32,507,000	32,495,400
Fire Department.....	15,362,530	15,732,000	15,692,000	15,784,600	15,729,100
Office of Civil Defense.....	122,850	139,000	129,000	139,000	129,000
Courts.....	6,771,463	7,378,500	7,228,000	7,310,000	7,302,400
Department of Corrections.....	8,403,907	9,161,000	8,995,000	9,051,100	9,021,100
Department of Licenses and Inspections.....	3,019,144	3,228,000	3,174,000	3,174,000	3,174,000
National Guard.....	198,200	202,000	202,000	202,000	202,000
Total, public safety.....	66,117,660	69,382,500	69,041,000	69,307,700	69,208,000
Education: Public schools.....	63,860,593	68,607,000	67,910,000	68,273,000	68,051,000
Highways and traffic:					
Department of Highways and Traffic.....	10,430,481	11,546,900	11,421,900	11,491,900	11,491,900
Department of Motor Vehicles.....	1,759,203	1,896,000	1,861,000	1,874,000	1,866,000
Motor Vehicle Parking Agency.....	218,300	220,100	220,100	220,100	220,100
Total, highways and traffic.....	12,407,984	13,663,000	13,573,000	13,586,000	13,578,000
Sanitary engineering:					
Department of Sanitary Engineering.....	18,838,600	18,735,000	18,695,000	18,695,000	18,695,000
Washington aqueduct.....	3,012,500	3,055,000	3,055,000	3,055,000	3,055,000
Total, sanitary engineering.....	21,851,100	21,790,000	21,750,000	21,750,000	21,750,000
Parks and recreation:					
Recreation Department.....	3,656,005	4,252,000	4,166,000	4,199,000	4,191,000
National Park Service.....	3,813,500	3,994,000	3,938,000	3,963,000	3,933,000
National Zoological Park.....	1,597,356	1,721,000	1,665,000	1,682,000	1,665,000
Total, parks and recreation.....	9,066,861	9,967,000	9,769,000	9,844,000	9,794,000
Health and welfare:					
Department of Vocational Rehabilitation.....	498,757	722,000	722,000	722,000	722,000
Department of Public Health.....	46,909,536	48,533,000	48,246,000	48,433,000	48,411,425
Department of Public Welfare.....	23,178,355	26,401,000	25,865,000	25,886,575	25,536,575
Total, health and welfare.....	70,526,048	75,656,000	74,833,000	75,041,575	74,670,000
Metropolitan Police, additional municipal services, inaugural ceremonies.....		283,000	283,000	283,000	283,000
Personal services, wage-board employees.....	166,300	1,118,200	1,118,200	1,118,200	1,118,200
Settlement of claims and suits.....	38,259				
Total, operating expenses, by funds:					
General fund.....	238,250,142	254,934,200	252,172,100	253,325,875	252,411,600
Highway fund.....	9,044,284	12,294,700	12,174,000	12,188,500	12,180,500
Highway fund (parking account).....	3,169,500	836,300	836,300	836,300	836,300
Water fund.....	7,270,188	7,398,100	7,380,900	7,388,900	7,388,900
Sanitary sewage works fund.....	4,174,079	4,333,800	4,310,300	4,318,300	4,318,300
Metropolitan area sanitary sewage works fund.....	32,760	80,600	80,600	80,600	80,600
Total, operating expenses, by funds.....	261,940,953	279,877,700	276,954,200	278,138,475	277,216,200
Item	Appropriations, 1964 ¹	Budget esti- mates, 1965 ²	House bill, 1965	Senate bill, 1965	Conference action
REPAYMENT OF LOANS AND INTEREST					
General fund:					
Construction loan.....	\$1,018,445	\$1,016,000	\$1,016,000	\$1,016,000	\$1,016,000
Stadium loan.....	858,920	671,000	671,000	671,000	671,000
Total, general fund.....	1,877,365	1,687,000	1,687,000	1,687,000	1,687,000
Highway fund—construction loan.....	1,841,700	2,213,000	2,213,000	2,213,000	2,213,000
Water fund—construction loan.....	1,124,000	1,173,000	1,173,000	1,173,000	1,173,000
Sanitary sewage works fund—construction loan.....	149,000	291,000	291,000	291,000	291,000
Total, repayment of loans and interest.....	4,992,065	5,364,000	5,364,000	5,364,000	5,364,000
CAPITAL OUTLAY					
Repayment of Federal obligations.....	915,500	1,860,000	1,860,000	1,860,000	1,860,000
Public building construction:					
Public schools.....	15,626,000	25,026,000	11,968,100	16,250,900	14,405,100
Public Library.....	687,800	3,007,000	2,982,000	631,000	2,982,000
Recreation Department.....	378,000	1,130,000	680,000	680,000	680,000
Metropolitan Police.....		11,000	11,000	11,000	11,000
Fire Department.....	280,000	23,000	23,000	23,000	23,000
Public health.....	182,000	200,000			
Corrections.....	259,200	852,000	302,000	302,000	302,000
Public welfare.....	1,128,100	947,000	441,300	561,000	486,500
Buildings and grounds.....	399,800	1,418,600	814,600	1,339,600	1,077,400
Total, public building construction.....	18,940,900	32,614,600	17,222,000	19,798,500	19,967,000
Department of Highways and Traffic.....	11,280,400	15,049,000	13,739,000	13,924,000	13,769,000
Motor Vehicle Parking Agency.....		31,000		31,000	
Department of Sanitary Engineering.....	13,543,700	21,648,000	21,648,000	21,648,000	21,648,000
Washington aqueduct.....	1,856,000	1,418,000	1,418,000	1,418,000	1,418,000
Total, capital outlay, by funds:					
General fund.....	24,137,100	44,715,600	29,323,000	31,899,200	32,068,000
Highway fund.....	10,755,400	14,465,000	13,155,000	13,340,000	13,185,000
Highway fund (parking account).....		31,000		31,000	
Water fund.....	2,970,000	2,383,000	2,383,000	2,383,000	2,383,000
Sanitary sewage works fund.....	8,674,000	11,026,000	11,026,000	11,026,000	11,026,000
Total, capital outlay, by funds.....	46,536,500	72,620,600	55,887,000	58,679,500	58,662,000

Footnotes at end of table.

Loan authorization—Continued

[Out of the general revenues of the Federal Treasury]

Item	Appropriations, 1964 ¹	Budget esti- mates, 1965 ²	House bill, 1965	Senate bill, 1965	Conference action
RECAPITULATION BY FUNDS					
General fund.....	\$264,264,607	\$301,336,800	\$283,182,100	\$286,912,375	\$286,166,600
Highway fund.....	21,641,384	28,972,700	27,542,000	27,741,500	27,578,500
Highway fund (parking account).....	3,169,500	867,300	836,300	867,300	836,300
Water fund.....	11,364,188	10,954,100	10,936,900	10,944,900	10,944,900
Sanitary sewage works fund.....	12,997,079	15,650,800	15,627,300	15,635,300	15,635,300
Metropolitan area sanitary sewage works fund.....	32,760	80,600	80,600	80,600	80,600
Total, all funds.....	313,469,518	357,862,300	338,205,200	342,181,975	341,242,200

¹ Includes \$353,856 in Public Law 88-317.² Includes \$1,850,300 submitted in H. Doc. No. 227 and \$160,000 submitted in S. Doc. No. 80

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

The PRESIDING OFFICER (Mr. SALINGER in the chair) laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 10199, which was read as follows:

IN THE HOUSE OF REPRESENTATIVES, U.S.,
August 12, 1964.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 10 to the bill (H.R. 10199) entitled "An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1965, and for other purposes", and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "\$74,670,000".

Mr. BYRD of West Virginia. Mr. President, I move that the Senate concur in the amendment of the House to the amendment of the Senate numbered 10.

The motion was agreed to.

LEGISLATIVE BRANCH APPROPRIATIONS—CONFERENCE REPORT

Mr. MONRONEY. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10723) making appropriations for the legislative branch for the fiscal year ending June 30, 1965, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. SALINGER in the chair). The report will be read for the information of the Senate.

The legislative clerk read the report. (For conference report, see House proceedings of August 6, 1964, p. 17749, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. GRUENING. Mr. President, will the Senator from Oklahoma yield?

Mr. MONRONEY. I yield 10 minutes to the Senator from Alaska.

WHY NOT DOMESTIC AID AS WELL?

WHY THE INACTION ON ACCELERATED PUBLIC WORKS?

Mr. GRUENING. Mr. President, my amendment No. 1138 would add to H.R. 11380 the provisions of S. 1856, which is now on the Senate Calendar, Order No. 995, and was reported by the able and distinguished senior Senator from West Virginia [Mr. RANDOLPH] from the Committee on Public Works on June 1, 1964. It has reposed on the calendar ever since, gathering cobwebs.

This is an unusual amendment to the Foreign Assistance Act. I shall offer it because I want to call attention again, as I have repeatedly, in the past, during my 5 years in the Senate, to the double standard which guides our policies at home and abroad.

Two years ago Congress enacted the Accelerated Public Works Act. It provided for local matching, whether by State, County or other political district of Federal funds for the construction of worthwhile public projects, sewer and waterworks, street paving, public buildings, local roads, and so forth. The amount authorized was far too small—only \$900 million, of which only \$880 million was appropriated, and it was quickly used up. But with it, worthwhile projects were constructed all over the United States, giving employment to people on the site of the project, at the factory where the materials for the project were manufactured and in the transportation industry—by which these products were carried from factory site to the project.

The funds ran out a year and a half ago, leaving hundreds of millions of dollars of worthwhile projects, approved, ready to go with no chance for them to be initiated. They total, by now, over \$700 million.

The Accelerated Public Works bill is supported by the AFL-CIO, by the Communications Workers of America, the Associated General Contractors of America, the National Farmer's Union, the Citizens' Committee on Natural Resources, the Associated General Contractors of West Virginia, the Area Redevelopment Administration of the Department of Commerce, the Housing and Home Finance Agency, the American Hospital Association, the National Association of Counties, the Conference of Economic Progress, the County Officials Association of West Virginia, the Penn-

sylvanian League of Cities, and the Association of County Commissioners, and the County Services Association of Tennessee.

Among the Governors supporting the accelerated public works bill are Gov. Richard J. Hughes, of New Jersey; Gov. W. W. Barron, of West Virginia; Gov. Bert Combs, of Kentucky; and Gov. William A. Egan, of Alaska.

Mayors, city administrators, and city managers testifying in favor of the accelerated public works bill include city officials from Athens, Tenn.; Lawrence, Mass.; Newark, N.J.; Detroit, Mich.; Savannah, Tenn.; Sweetwater, Tenn.; Jellico, Tenn.; Dyersburg, Tenn.; Miami, Fla.; Charleston, W. Va.; Greenville, Tenn.; Clairton, Pa.; Philadelphia, Pa.; Vienna, W. Va.; Johnstown, Pa.; Jersey City, N.J.; San Diego, Calif.; Fresno, Calif.; Chattanooga, Tenn.; Kinloch, Mo.; and Muskogee, Okla.

U.S. Senators testifying or submitting statements in favor of the accelerated public works bill include: the senior Senator from Pennsylvania [Mr. CLARK], the senior Senator from Illinois [Mr. DOUGLAS], the junior Senator from Arkansas [Mr. FULBRIGHT], the senior Senator from Tennessee [Mr. GORE], the junior Senator from Michigan [Mr. HART], the junior Senator from Montana [Mr. METCALF], the junior Senator from Utah [Mr. MOSS], the senior Senator from West Virginia [Mr. RANDOLPH], the senior Senator from Missouri [Mr. SYMINGTON], the junior Senator from Tennessee [Mr. WALTERS], and the junior Senator from New Jersey [Mr. WILLIAMS].

Money to fund worthwhile accelerated public works projects is urgently needed. The legislation to facilitate this work has been languishing for 1½ years. Even now S. 1856 has been on the Senate Calendar since June 1 when it was reported by the diligent Senator from West Virginia [Mr. RANDOLPH] for the Committee on Public Works. Unless this amendment is adopted and enacted as a part of the Foreign Assistance Act, accelerated public works will die in this Congress. We shall have to start all over again next year.

As a member of the Senate Public Works Committee, I voted to report the original accelerated public works bill to the floor of the Senate for action. However, I said then, in separate views, that the amount was far too little. That was on April 25, 1962. In committee I had stated that we should increase the amount to be authorized to at least \$2.6 billion—an amount equal to the amount authorized by sections 202, 212, 401, and

451 of the Foreign Assistance Act of 1961 for fiscal year 1962. I was prepared to offer an amendment in committee to carry out this proposal but deferred because I did not want to delay enactment of the modest sum that was authorized.

History during the past 2 years has, unfortunately, proved that I was correct in my prediction that the amount authorized and the lesser amount appropriated were way insufficient.

The cost of the pending unfunded accelerated public works projects in the 50 States now exceeds \$700 million. In Alaska the value of the 21 pending projects is \$5,417,000. I ask unanimous consent that the projects pending in the 49th State appear as exhibit 1 at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRUENING. These projects, if funded, could bolster substantially the economy of Anchorage, Ketchikan, Wrangell, Petersburg, Cordova, Valdez, Palmer, Wasilla, Talkeetna, Seward, Kodiak, Fairbanks, Fort Yukon, and other areas.

I believe it will be of interest to mention the total of projects pending in several other States. In Pennsylvania the value of the pending projects, now unfunded, is \$43 million. The able Senators from Pennsylvania [Mr. CLARK and Mr. SCOTT] realize the contribution which \$43 million could make to the economy of their State.

Accelerated public works projects pending but unfunded in Massachusetts are valued at \$5 million. The able Senators from Massachusetts [Mr. SALTONSTALL and Mr. KENNEDY] appreciate the contribution \$5 million can make to the economy of a State.

Far to the West in California the sum of \$23 million is needed to fund projects pending there. The able Senators from California [Mr. KUCHEL and Mr. SALIN-

GER] know the impact \$23 million could make on the economy of their Golden State.

To the South, in Louisiana, the sum of \$22 million is required to fund pending accelerated public works projects. The able Senators from Louisiana [Mr. ELLENDER and Mr. LONG] appreciate the worth of \$22 million added to the economy of their State.

In the great Midwest, in Michigan, pending accelerated public works projects which could be started were funding available total \$34 million. The able Senators from Michigan [Mr. McNAMARA and Mr. HART] know the assistance which would be forthcoming were \$34 million injected into the economy of their State.

And in Kentucky, in Appalachia, accelerated public works projects totaling \$30 million need to be funded. The able Senators from Kentucky [Mr. COOPER and Mr. MORTON] know what \$30 million would do to improve the economy of Kentucky.

The projects, Mr. President, are pending, and they represent but a sample of the work projects we need to start here in our own United States.

I want to comment on the desirability of certain specific accelerated public works projects which could be initiated were funds available.

The Clearfield County, Pa., Hospital could be constructed were \$1,063,000 in APW funds available. I suggest that my good friends from Pennsylvania [Mr. CLARK and Mr. SCOTT] would agree that the hospital in their State is desirable. Under our foreign aid program, with funds loaned at three-fourths of 1 percent interest, the Nepal Industrial Development Corporation, Government of India, received \$1 million—an amount which could have been used to construct the hospital in Clearfield County, Pa.

In Walker County, Ga., a water-sewer project could be constructed under the accelerated public works program if

\$337,000 were available. The project is approved, as were the others I have named. Obviously the construction of the Walker County, Ga., project, would help the economy of that State far more than the feasibility studies of Keban and Ciceroz in Turkey which cost \$350,000, a comparable amount. The able Senators from Georgia [Mr. RUSSELL and Mr. TALMADGE] appreciate the effect an injection of \$337,000 would have in the Georgian economy.

In Graham County, N.C., funds are needed for a pending accelerated public works water and sewer project which will cost \$91,000. That project and others could have been started with the \$250,000 our Federal Government loaned to the Government of Tanganyika for a commodity development training center. The able Senators from North Carolina [Mr. ERVIN and Mr. JORDAN] know that a modest project totaling \$91,000 can help a State's economy.

In Laurel County, Ky., three water-sewer projects, costing \$1,012,000, are pending accelerated public works projects which cannot be funded. Again, I suggest to my friends from Kentucky [Mr. COOPER and Mr. MORTON] that \$1 million would help substantially the economy of their State. We loaned slightly more than that amount, \$1,100,000, to the Government of Mali for a central veterinary laboratory at Bamako.

There are other comparisons of interest.

I ask unanimous consent that a table comparing pending accelerated public works projects with previously committed low-interest-rate, long-term loans abroad and a second chart comparing approved, funded APW projects and foreign grants we have made to many nations be printed in the RECORD at this point in my remarks.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

Comparison of pending APW projects and foreign loans already committed at ¾ of 1 percent

APW PENDING AS OF JUNE 1964

Accelerated public works		Foreign loans	
County, State, and purpose	Amount	Borrower and purpose	Amount
Clearfield County, Pa.: Hospital.....	\$1,063,000	Government of Nepal: Nepal Industrial Development Corporation.....	\$1,000,000
Graham County, N.C.: Water and sewer.....	91,000	Government of Tanganyika: Commodity Development Training Center.....	250,000
Laurel County, Ky.: 3 water-sewer projects.....	1,012,000	Government of Mali: Central Veterinary Laboratory at Bamako.....	1,100,000
Allegany County, Md.: Water and sewer.....	617,000	Government of Pakistan: CPS and Maini-Rechna DCAB project.....	750,000
Jefferson County, Ala.: Hospital.....	592,000	Government of Niger: Development bank.....	500,000
Palmer, Alaska: Sewer system.....	273,000	Government of Tanganyika: Electrical equipment.....	300,000
San Diego, Calif.: Dock terminal.....	1,500,000	Government of Ivory Coast: Highway equipment.....	1,700,000
Miami, Fla.: San Marco storm and sanitary sewer project.....	683,000	Government of Tanganyika: University College.....	800,000
Walker County, Ga.: Water and sewer.....	337,000	Government of Turkey: Keban and Ciceroz feasibility studies.....	350,000

APW PENDING AS OF MAR. 19, 1963

Lincoln County, Nev.: Highway.....	\$1,600,000	Government of Ecuador: Administrative and fiscal reform.....	\$1,600,000
Alamosa County, Colo.: Sanitary sewer.....	330,000	Government of Tanganyika: Teacher Training College.....	800,000
Adams County, Ohio: Ohio Brush Creek Reservoir.....	3,530,700	Government of Sudan: Khartoum sewerage.....	3,800,000
Bristol County, Conn.: Sewage treatment.....	2,535,000	Government of Afghanistan: Ariana Afghan Airlines.....	2,625,000
Hawaii: Highways.....	14,427,500	Government of Tunisia: Commodity assistance.....	15,000,000

How was our money better spent?

COMPARISON OF DOMESTIC APPROVED AND FUNDED APW PROJECTS AND U.S. FOREIGN GRANTS ABROAD

Approved accelerated public works		Foreign grants		
Location and purpose	Amount	Borrower and purpose	Date	Amount
Van Buren, Ark.: Sewer facilities.....	\$455,000	India: Fertilizer demonstration.....	1956	\$499,590
Camden, Del.: Sewer facilities.....	299,000	Sudan: Audiovisual training aids.....	1959	278,000
West Frankfort, Ill.: United Mine Workers Hospital.....	693,000	Vietnam: Expansion of Government information facilities.....	-----	524,00
South Bend, Ind.: Sewage facilities.....	529,000	Turkey: Reconstruction of earthquake damage in Fethiye.....	1967	500,000
Lafayette, La.: Lafayette Memorial Hospital.....	1,325,000	India: Fertilizer demonstration.....	1955	1,177,000
Lowell, Mass.: St. Joseph's Hospital addition.....	1,816,000	Pakistan: Acquisition and distribution of fertilizer.....	1955	2,000,000
De Kalb, Miss.: Water and sewer facilities.....	376,000	Yugoslavia: Land use—Soil and water resources.....	1959	341,000
Neptune City, N.J.: Sewage treatment plant.....	1,429,000	Libya: Soil conservation.....	1959	1,510,000
Heavener, Okla.: Water facilities.....	487,000	Indonesia: Land development and conservation.....	1956	421,599
Buffalo, N.Y.: Hospital addition.....	1,987,000	Burma: Land restoration.....	1958	5,400,000
Remodel hospital.....	779,000			
Ogdensburg, N.Y.: Sewage treatment plant.....	1,755,000			
North Tonawanda: Hospital addition.....	1,231,000			
Total.....	5,752,000			
Providence, R.I.: Addition Roger Williams Hospital.....	344,000	Yugoslavia: Soil improvement and water resources.....	1958	309,000

Mr. GRUENING. Mr. President, on March 19, 1963, I introduced S. 1121 on behalf of myself and eight of my colleagues—Mr. Bartlett; Mr. Cannon; the late Senator from Tennessee, Mr. Ke-fauver; Mr. Metcalf; Mr. Morse; Mrs. Neuberger; Mr. Randolph; and Mr. Yarborough. The bill was designed to carry out the provisions of the amendment I had originally discussed in the Senate Public Works Committee which was raising the amount authorized to \$2,645 million—the equivalent to the amount authorized by the Foreign Assistance Act of 1961 for carrying out the economic aid provisions of sections 202, 212, 401, and 451 for fiscal year 1962.

The extensive hearings on the proposed extension of the Accelerated Public Works Act have demonstrated conclusively that the extension is desirable and needed. Senator Randolph has been acting as chairman of the ad hoc committee on the desirability of reactivating the accelerated public works program, a committee appointed by the chairman of the Public Works Committee, Senator McNamara.

The \$880 million appropriated under the initial legislation has helped to finance approximately one-half the cost of nearly 8,000 projects in more than 3,000 communities in every State of the Union, the Virgin Islands, and Puerto Rico.

Today at least three-fourths of a billion dollars could be used immediately were we to act on the authorizing legislation I suggest we add to the foreign aid bill.

Yesterday, the Senate concurred in the amendments added by the House to S. 2642, the Economic Opportunity Act of 1964, generally known as the poverty bill. I am a cosponsor of this legislation. I highly approve of its purpose and warmly commend President Johnson for proposing this imaginative and construc-

tive move to seek economic equality among those of our citizens who are economically disadvantaged. But that program is long range. We must provide a program which can be put to use immediately. The Economic Opportunity Act provides no immediate jobs. Unemployment which is still with us and poverty are inseparably related. If the antipoverty bill is to show beneficial acts in the near future, something needs to be added. The amendment I am offering would supply the missing ingredient.

During the past decade and a half, we have spent more than \$100 billion to aid other countries. Surely we can afford to spend less than 3 percent of that amount to provide the same opportunity for American unemployed as we have offered the unemployed in 107 foreign countries.

My amendment No. 1138 in no way increases the amount to be authorized for our foreign aid program.

It has been pointed out that the proposed foreign aid program for the 1965 fiscal year is about \$6 billion. A large proportion of this sum will be used for public works in other countries. Therefore, it is appropriate and in a moral sense highly germane for us to add to the bill we are debating my amendment which would add \$1.5 billion for a public works program here at home. Moreover, the foreign assistance funds are voted annually. The accelerated public works funds represent a one-time shot.

Where is our money better spent? In Sukarno's Indonesia or in one of our own States?

Sukarno's "Djakarta Bypass," which we financed, cost \$8 million. That amount would pay for all of the 21 accelerated public works projects pending in the State of Alaska and leave enough to construct sewer, water, and hospital projects in all of the Appalachian States.

Was our money wisely appropriated

for a \$1,489,000 "Improvement of national government administration" in Indonesia? Might we not better have constructed a necessary \$1,500,000 dock terminal in San Diego, Calif.?

Should we have appropriated \$6,330,000 for "Mobrig re-equipment" in Indonesia when we could have financed two thirds of the amount required for the 18 hospital projects pending in Appalachia?

Should we have given \$1,481,000 for "Civil aviation development" in Syria when we could have built a sewer in Laurel County, Ky., for the same amount of U.S. taxpayer dollars?

Should we have allotted \$912,000 for the "East Jordan map plan" when we could have constructed a storm and sanitary sewer in Miami, Fla.?

Should we have given \$756,000 for a "Mapping and Geographical Institute" in Ethiopia when we could have completed a sewer project in Alleghany County, Md.?

Should we have financed a "Maritime Academy" in Indonesia when we could have completed a hospital in Clearfield County, Pa.?

Should we have appropriated \$140,000 for "Fertilizer and insecticide demonstration" in Brazil when we could have constructed a sewer in Graham County, S.C.?

Should we have given \$30,000 for "Training within industry" in Indonesia, \$30,000 for "Improved cooperative marketing" in Nasser's United Arab Republic; \$160,000 for "Advanced office procedures training" in Uganda; \$265,000 for "Book publishing" in Nigeria; \$135,000 for "Rural slaughter sheds" in Chad; \$800,000 for "Colonization" in Bolivia; \$47,000 for "Broadcasting" in the Somali Republic; \$18,000 for "Police training" in Syria; \$100,000 for a "Soil salinity study" in Senegal; \$61,000 for "Public administration" in British Guiana; \$43,000 for "Academy training" in

Cambodia; \$1,641,000 for "Highway maintenance" in Jordan; \$2,191,000 for "Farm machinery training and demonstration" in Sudan; \$20,000 for "Improvement of crop and livestock production" in the United Arab Republic; \$13,000 for "Audiovisual units" in the Central African Republic; \$463,000 for "Civil police and public safety" in Libya; \$300,000 for "Town plans"—requested for 1965 in Panama—should any of these have come first when projects are desperately needed in every section of our own country? These are domestic projects which could now be producing jobs and supporting the economy had we only

appropriated more accelerated public works funds initially.

Let us realize that the original appropriation for the accelerated public works program—an amount equal to that given the one, single, so-called neutral country of Indonesia in foreign aid—has not been enough. My accelerated public works amendment to H.R. 11380 provides the tools which will be necessary if we are to build the "Great Society."

I am not asking for a yea-and-nay vote, but I ask that the leadership accept this amendment and take it to conference.

EXHIBIT No. 1

Status of the accelerated public works program as of June 1, 1964

ALASKA

Number of projects.....	66
Accelerated public works cost.....	\$7,684,000
Accelerated public works value in place.....	\$4,601,000
Total cost.....	\$12,542,000
Total value in place.....	\$7,215,000
Estimated man-months.....	4,503
Cost of completed projects, accelerated public works.....	\$2,158,000
Total.....	\$2,468,000

Source: U.S. Department of Commerce, Area Redevelopment Administration, accelerated public works program.

U.S. DEPARTMENT OF COMMERCE, AREA REDEVELOPMENT ADMINISTRATION

Accelerated public works program—Pending HEW and CFA projects in Alaska as of June 1, 1964

Agency	Agency No.	Election district	Project description	Place	Cost (thousands)		
					Accelerated public works	Other	Total
5A. Anchorage:							
CFA.....	44	8	Harbor facilities.....	Anchorage.....	\$200	\$200	\$400
CFA.....	48	8	Office building.....	do.....	150	150	300
5B. Ketchikan-Prince of Wales: CFA.....	33	1	Water supply.....	Ketchikan.....	820	868	1,688
5B. Wrangell-Petersburg:							
CFA.....	36	2	Water system.....	Wrangell.....	119	61	180
CFA.....	46	2	do.....	Kake City.....	99	111	210
4B. Lyn Canal-Icy Straits:							
CFA.....	19	5	Sewer.....	Yakutat.....	93	32	125
CFA.....	45	5	Water system.....	Hoonah.....	242	97	339
5B. Cordova-Valdez:							
CFA.....	3	■	Harbor facilities.....	Cordova.....	245	■	327
CFA.....	21	■	Street.....	do.....	363	187	550
5B. Palmer-Wasilla-Talkeetna: CFA.....	43	7	Sewer.....	Palmer.....	274	621	895
5B. Seward: CFA.....	38	9	Railway system.....	Seward.....	167	207	364
5B. Kodiak: CFA.....	35	11	Harbor facilities.....	Kodiak.....	74	74	148
5B. Fairbanks-Fort Yukon:							
HEW.....	7	16	Waste treatment.....	Fairbanks.....	92	370	462
CFA.....	7	16	Heating system.....	do.....	395	395	790
CFA.....	9	16	Drainage.....	do.....	390	429	819
CFA.....	10	16	do.....	do.....	375	413	788
CFA.....	11	16	Electric system.....	do.....	100	100	200
CFA.....	12	16	Street.....	do.....	640	704	1,344
CFA.....	14	16	do.....	do.....	146	165	311
CFA.....	15	16	do.....	do.....	375	413	788
CFA.....	47	16	do.....	do.....	68	69	137
Total (21 projects).....					5,417	5,748	11,165

Mr. RANDOLPH. Mr. President, will the Senator from Alaska yield?

Mr. GRUENING. I am happy to yield.

Mr. RANDOLPH. As has been stated, S. 1856 was reported by the Committee on Public Works on June 1. This measure would increase the authorization to carry on the program of the Accelerated Public Works Act. The original authorization was for \$900 million. S. 1856, as reported, would authorize expenditures of \$1.5 billion. The amendment of the Senator from Alaska would also amount to \$1.5 billion.

It is important at this point to recall that former President Kennedy asked, in essence, that Congress provide standby authority of up to \$2 billion for accelerated public works. It is also important to indicate the widespread approval of such public works programs. This is detailed in the remarks of the able Senator from Alaska [Mr. GRUENING], and will appear in the RECORD.

I remind Senators that as of May 28, 1964, a backlog of \$718 million worth of projects was on the shelf, ready to move forward. These were not projects that had been proposed; they were projects that had approval, but no Federal funds

are available. Financial arrangements for matching had been made at the local level. These projects are ready to move forward when the authorization is voted and necessary funds are appropriated.

I am in accord with the view of the Senator from Alaska that this program could move forward at once. Manpower could be used. Projects could come into being. The result would be a strengthening of the economic well-being of hundreds of communities throughout the country. Gainful employment could be provided for thousands of workers on useful and needed projects.

These projects, up to the first of this year, were moving into the pipeline at a rate of \$100 million a month.

The Senate Public Works Committee held several hearings on the proposed legislation, which has been referred to by the Senator from Alaska. These hearings were held in December of 1963, and again in March of 1964.

I have repeatedly urged the President of the United States to support enactment of this proposed legislation. I have urged the leadership of the Democratic Party in the Senate to realize the impor-

tance of moving this proposed legislation.

I am delighted that this afternoon the Senator from Alaska—who has served so well on the Committee on Public Works, and who was in attendance at the hearings and realizes the value of the program for his own State, and the value of the program nationally—has used this method to point out the importance of expansion and further acceleration of necessary public works.

I remind Senators that when we spend these dollars we do not merely add money, as it were, to the mounting costs of the Federal establishment. When we spend a dollar on public works, we have invested a dollar. There is not only a return of 100 cents upon the original investment, but there is also a dividend to this country: We are building a better America. We are strengthening its economic base. We are adding to the well-being of its citizenry.

I compliment the Senator from Alaska for bringing the matter to the attention of the Senate.

Mr. MORSE. Mr. President, will the Senator from West Virginia yield for a few questions?

Mr. RANDOLPH. I am glad to yield to the Senator from Oregon.

Mr. MORSE. Let me say to the Senator from Alaska and the Senator from West Virginia that I am very much disturbed if I am correctly interpreting their speeches. I yield to no other Senator in my support of the area redevelopment program. I know what it has done. I shall say something about it before I finish, but I wish to be sure that I understand the procedural situation in which we find ourselves.

I should like to inquire of the Senator from West Virginia who, along with the Senator from Alaska, has been one of the leaders in this body from the beginning in support of the program, whether I correctly understand that if S. 1856 is not acted upon by Congress or if a corresponding bill in the House—if there is one—is not acted on and sent to the Senate for action, the accelerated public works program will come to an end before the next session of Congress.

Mr. RANDOLPH. That, in essence, is true. The Senator is correct. Actually, the APW program has been at a standstill for several months.

Mr. MORSE. Is this program—

Mr. RANDOLPH. It is a program of progress.

Mr. MORSE. Is it about to be liquidated by inaction?

Mr. RANDOLPH. To all intents and purposes, that is correct.

Mr. MORSE. The program will be liquidated by inaction on the part of Congress, or phased out in connection with whatever contracts or commitments exist. The program will cease to exist so far as the program applicable to next year or the years thereafter is concerned; is that not correct?

Mr. RANDOLPH. The Senator from Oregon is correct. The commitment of dollars is actually beyond what we have, but there is always a degree of flexibility, or a cushion; but, for all practical purposes, the APW funds are exhausted.

Mr. MORSE. The program itself will expire.

Mr. RANDOLPH. The Senator is correct.

Mr. MORSE. I respectfully inquire of the majority leader—and I am only seeking help and information in regard to the business of the Senate—whether it is contemplated that S. 1856 will be brought up and made the pending business of the Senate prior to adjournment, and at such time as there may be some hope of action by the House.

Mr. MANSFIELD. Mr. President, if the Senator will indulge me, it is anticipated that this matter will be taken up at the next meeting of the Democratic policy committee.

Mr. MORSE. Would this program depend upon action taken there? If the action is favorable, the measure will be scheduled for action; but if it is unfavorable, those opposed to the decision will have to seek to reverse the action of the Democratic policy committee. Is that true?

Mr. MANSFIELD. I am not at all sure that the action of the Democratic policy committee will be unfavorable.

I would hope that the Senator from Oregon, with his usual courtesy, would give us that consideration, even though the bill has been in the committee for a long time, to see what we can do in the remaining days of this session.

Mr. MORSE. I have been in the Senate long enough to know that when I am told that a decision will be brought up in connection with the foreign aid bill and it is not contemplated that a ye and nay vote will be asked for, we are probably engaging in an educational process.

Mr. MANSFIELD. I did not quite understand what the Senator from Alaska had in mind, if this is the amendment which he discussed with me which he intends to offer to the foreign aid bill.

Mr. MORSE. I do not quite understand the Senator from Montana. I understood from the Senator from Alaska that he was not contemplating a ye and nay vote. That telegraphed to me, at least intuitively, that this is probably an educational process that we are now engaging in.

Mr. GRUENING. Mr. President, it is an educational process but it is also a proceeding which might eventuate in having the leadership accept the amendment and take it to conference.

I point to the fact that while we can expend \$5 to \$6 billion in foreign aid, each year and we have just enacted the antipoverty bill, which will not for some time bring any substantial reemployment, here is an opportunity to do for domestic aid what we have been doing with foreign aid to the extent of over \$100 billion for the last 17 years. We should do something comparable at home.

I see no reason why since it is now contemplated that the totally extraneous matter having to do with apportionment will be added to the foreign assistance bill, which is unrelated to the subject at hand, this amendment which aims to do what the Foreign Assistance Act does in nearly a hundred foreign countries, cannot be pertinently added to do the same thing in one more country which happens to be our own.

We are spending \$6 billion to employ people in over 90 foreign countries. Why not spend \$900 million to employ people at home? So, while offering this amendment is, as has been suggested an educational matter, it is also a practical effort aimed to focus attention on an overdue and neglected domestic need.

I ask the majority leader to accept the amendment and take it to conference. I doubt whether it will survive there; but at least it is worth trying.

Mr. MANSFIELD. What the Senate now has pending before it is the legislative conference report, not the bill to which the Senator wishes to attach his amendment.

Mr. MORSE. The foreign aid bill is not the pending business of the Senate at the moment?

Mr. MANSFIELD. The Senator is correct.

Mr. MORSE. If I may be allowed to speak for a moment—I know it might be violating a rule, but unless someone objects I shall go ahead and violate it by making some relevant comments.

First, I am greatly indebted to both Senators; but, of course, if the pending business is another conference report and not the foreign aid bill, this is, as I suspected, through my intuition, a much-needed educational process on the floor of the Senate.

I should like to have the attention of the majority leader, because I am pleading with him. I quite agree with him that we should wait until the Democratic policy committee acts, but I am making a plea that the Democratic policy committee give heed to it when it does meet.

Last week, the ARA organization put on an exhibition in the Department of Commerce. It is possible that I may have been the only Senator who attended it, but if I was not, the only Senators there could be counted on the fingers of one hand.

I said to William Batt, the Director of ARA, that I wished that every Senator would visit the exhibit, because it shows what ARA has done for private industry in this country, and what an inducement it has been to the expansion of private industry. If Senators would do so, there would be no trouble about continuing and expanding ARA. In my judgment, it is one of the most vital domestic aid programs in the country.

It is particularly apropos that the Senator from Alaska suggested adding it as a rider to the foreign aid bill. Although he may not agree with me, it is not going to be added to the foreign aid bill as a rider. I cannot commit myself on that. But I think it is particularly apropos that we are talking about it as a potential rider to the foreign aid bill when I think of the billions of dollars of the American taxpayers that we have wasted and thrown away in many aspects of the foreign aid bill. But finally the taxpayers are catching up with the politicians. I hope they will catch up with them at an accelerated speed. But be that as it may, I thought of the areas of our country that need this kind of aid as I went through the exhibit down at the Department of Commerce the other night and saw the projects in which ARA money has been invested—a furniture plant here, a paper products plant here, a shoe factory there, a small tool plant in another location, a wood products plant in another. We can run the gamut of American industry and find that time after time ARA has cited in cooperation with local banks. This is not an ARA program in which the Federal Government puts up all the money. It assists. But in effect in underwrites the project with the amount of Federal assistance that is given. All we have to do is to look at the scale of success and failure. The American people are the beneficiaries of great economic gain as the result of ARA programs.

I stand on the floor of the Senate this afternoon and thank from the bottom of my heart Mr. William Batt, the director of that program, I also thank Mrs. Patricia Galey, the right arm of Mr. Batt. I thank every one of the administrators and assistant administrators of this program for a program that has been a tremendous success.

West Virginia has one of the highest rates of unemployment in the country. If one were to go through this exhibit, as I did the other night, and see the models of the various projects, the products that are now being produced, and producing, are on exhibit, the number of employees, the number of people that have been put to work as a result of this project—people who otherwise would be out of work—he would be proud of what has been accomplished by ARA. In order that no one may have any question about my self-interest—and I express it with pride—in behalf of my State, there are a couple of these projects in Oregon. A certain unemployment rate must be shown to exist to make the area an emergency area. In my State, ARA went in with a couple of projects and put people to work in projects that are now a huge success.

I have heard the program criticized as an aid to socialism. That is tommyrot. This is a program in which the money of the taxpayers is loaned for the time being to help private enterprise, to help small business, to help put people back to work. I do not know why there should be any question about passing this program, and quickly. But this dedicated leader down in the Commerce Building by the name of William Batt is deserving of our appreciation by quick passage of the bill.

I have read the individual views of Senator JENNINGS RANDOLPH, of West Virginia. Some of them are in the form of charts. They cannot be duplicated. But the material can be duplicated. Senator RANDOLPH's report proves that there is no question about what we ought to do.

Mr. President, I ask unanimous consent that the entire report of Senator RANDOLPH be printed at this point in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

The Committee on Public Works, to whom was referred the bill (S. 1856) to increase the amount authorized to be appropriated to carry out the provisions of the Public Works Acceleration Act, having considered the same, report favorably thereon with amendment and recommend that the bill as amended do pass.

The amendment is indicated in the bill as reported and is shown by italic.

SUMMARY OF THE BILL AND AMENDMENT

S. 1856 would amend section 3(d) of the Public Works Acceleration Act to provide authorization of \$2,400 million inclusive of the original authorization of \$900 million, the increase of \$1,500 million to be available until expended. The new authorization contains the same formula of distribution as the original, providing one-third of the funds for areas designated under subsection 5(b) of Public Law 87-658.

LEGISLATIVE HISTORY OF PUBLIC LAW 87-658

The present accelerated public works program was generated from President Kennedy's desire to have standby authority to combat a recession before it might become fully developed. Among the arsenal of economic weapons devised for such a purpose, he requested authority from the Congress to commit \$2 billion in Federal funds for public works projects whenever unemployment reached a critical level as defined

in the draft bill the President submitted to the Congress.

On February 19, 1962, President Kennedy in a letter to the Congress requested standby authority to commit \$2 billion in Federal funds to stimulate the economy whenever seasonally-adjusted unemployment rates had risen 3 out of 4 or 4 out of 6 consecutive months by a total of at least 1 percentage point during that period, and whenever the President determined that use of the standby authority was necessary to realize the goals of the Full Employment Act of 1946.

Under the proposal, the President could, after determining that the requisite conditions existed, declare a 12-month "capital improvement acceleration period" during which he could commit, without further congressional approval, \$750 million in direct Federal expenditures previously authorized, \$750 million for grants-in-aid to State and local governments, \$250 million in loans to the States and localities, and \$250 million additional among the three categories.

The proposal called for automatic termination of the President's authority at the end of 12 months unless extended by Congress or previously terminated by the President. After a waiting period of 6 months, he could declare another 12-month capital improvement acceleration period, commit another \$2 billion, and repeat the cycle without further limitation.

The \$750 million for grants-in-aid was to be used either to accelerate work on existing Federal-State grant projects, or initiate Federal grants for projects not otherwise eligible under existing statute.

Transmitted with the President's message was a draft bill—the Standby Capital Improvements Act of 1962—which was introduced in the House (H.R. 10318) on February 21, 1962, and in the Senate (S. 2695) on March 8, 1962.

On March 26, in letters to the House and Senate Public Works Committees the President stated that the economy had not recovered as well as had been expected during the first months of 1962, and requested the Congress to amend H.R. 10318 to permit immediate commitment of \$600 million for capital improvement programs in areas designated for redevelopment under the Area Redevelopment Act of 1961, and areas which had an unemployment rate of over 6 percent for a year or longer.

The Senate Public Works Committee conducted hearings on April 12-13, 1962, and on April 25, 1962, reported, with amendments, the administration bill (S. 2965, S. Rept. 1358) containing a \$2 billion standby authority and a \$600 million immediate acceleration program.

On May 28, 1962, the Senate passed an amended version of S. 2965, authorizing the President to spend \$750 million for immediate acceleration of public works projects in areas of heavy unemployment, and also authorizing appropriation after June 30, 1963, of \$750 million for a standby public works program.

The Senate measure provided that the standby authority could be triggered only when the adjusted unemployment rate had risen 1 percentage point over a 3- to 9-month period.

The House Public Works Committee conducted hearings from March 26 to April 6, 1962, on the administration bill (H.R. 10318) to authorize a \$2 billion standby program and a \$600 million immediate acceleration program, and a bill (H.R. 10113) to authorize a \$2 billion standby program and an Office of Public Works Coordination and Acceleration. On June 2, 1962, the House Public Works Committee reported, with amendments, H.R. 10113, authorizing appropriations of \$900 million for immediate acceleration of public works through both direct Federal projects and grants-in-aid to State

and local governments. It also provided for an Office of Public Works Coordination and Acceleration, but no authority for a standby program.

The House passed H.R. 10113 on August 29, 1962, by a voice vote, authorizing appropriation of \$900 million for immediate acceleration of public works and deleting the provision for a special Office of Coordination and Acceleration. The House then vacated passage of H.R. 10113, amended S. 2965 to conform to the House-passed version, and substituted S. 2965 for H.R. 10113.

On September 10, 1962, the Senate agreed to the House amendments by a 45 to 22 roll-call vote and the bill was signed into law by President Kennedy on September 14, 1962.

SUMMARY OF PUBLIC LAW 87-658 AND IMPLEMENTING REGULATIONS

The Public Works Acceleration Act includes specific provisions for designation of the areas eligible for accelerated public works projects, the requirements for State and local governments to participate, and the rules of equity to be followed by the Federal Government in approving the projects. Eligible areas, as defined in the statute, exist in each of the 50 States, in Puerto Rico, the Virgin Islands, Guam, and American Samoa.

The principal features of Public Law 87-658 are:

First, all designated redevelopment areas under sections 5(a) and 5(b) of the Area Redevelopment Act are eligible for accelerated public works assistance. (Sec. 5(a) areas are urban areas of high unemployment; sec. 5(b) areas are rural and semirural areas of high unemployment, underemployment and low income designated by the Secretary of Commerce, and all Indian reservations.) Also eligible are those areas designated by the Secretary of Labor as having had substantial unemployment for at least 9 of the preceding 12 months, substantial unemployment being defined as above 6 percent.

Second, Federal public works projects in eligible areas which have been authorized by the Congress can be initiated or accelerated.

Third, public works projects of State and local governments for which Federal financial assistance is authorized in other legislation can be initiated and accelerated. For such projects, grants up to 50 percent of the total cost are authorized, and up to 75 percent if the State or local government lacks the financial capacity to assume the full additional financial obligation.

Department of Commerce regulations have established firm and objective criteria for relating grants of above 50 percent to local financial capacity. Areas eligible for 58-percent grants are those with median family incomes between \$1,700 and \$1,800 per year or twice the national unemployment rate for 3 of the last 4 years.

Areas with median family annual incomes of \$1,600 to \$1,700 or twice the national unemployment rate for all of the last 4 years qualify for 66-percent grants.

Areas with median family incomes under \$1,600 per year or three times the national unemployment rate for all of the last 4 years are eligible for 75-percent grants. All of the 54 Indian reservations fall within this category.

The fourth main provision of the act declares that no State may receive more than 10 percent of the funds allocated, and no less than \$300 million of the \$900 million originally authorized must be allocated for the nonurban small labor market areas, low-income areas, and Indian reservations designated under section 5(b) of the Area Redevelopment Act. The new authorization of \$1,500 million recommended by the committee retains this formula of distribution,

allocating an additional \$500 million to areas designated under section 5(b).

Fifth, adequate consideration must be given to relative needs of eligible areas, and criteria are established which the selected projects must meet. These criteria assure that projects—

(a) Can be initiated or accelerated within a reasonably short period of time, this period having been interpreted as within 120 days after the obligation of funds;

(b) Will meet an essential public need;

(c) Will have a substantial portion (51 percent) completed within 12 months after initiation;

(d) Will contribute significantly to the reduction of local unemployment;

(e) Are not inconsistent with locally approved comprehensive plans for the areas affected, where such plans exist.

It may be noted at this point that during the committee hearings testimony was submitted in criticism of the presumed failure of Federal administrative officials to fulfill two of the above five conditions. Evidence was received which would indicate that in certain instances, despite Department of Commerce requirements designed to assure the maximum employment of local labor, contractors have imported labor from outside the local labor market. Indications are that this may be due to the lack of requisite skills within the local labor market. However, the committee would urge administering officials to exert every effort to assure the employment of local labor, and to give particular priority to those qualified persons who have undergone the longest periods of unemployment.

The second criticism of administering of accelerated public works which was brought to the attention of the committee during its hearings was raised by the U.S. Chamber of Commerce in its attack upon recreation projects on the presumption that such projects fail to satisfy the condition of "essential public need." Representatives of the chamber declined to offer a systematic evaluation on any specific project on this ground, and their testimony was not supported by any of the local chamber of commerce or Government officials queried by the committee.

The Special Subcommittee for Accelerated Public Works conducted hearings on S. 1121 and S. 1856 on December 10, 11, 12 and 13, 1963, and March 11, 12, and 13, 1964. During the 7 days of hearings the special subcommittee received testimony from more than 60 witnesses, including Members of the Senate and House of Representatives, elected officials from the great metropolitan areas, as well as from smaller cities and rural and semirural communities, throughout the Nation, from labor, farm, and management organizations, and from scholars and economists.

The evidence adduced was overwhelmingly in support of the accelerated public works program as it has been administered and was in favor of an extension of the program under a new authorization.

The following tables and charts set forth the distribution of the \$880 million thus far appropriated and demonstrate the categories of projects for which the funds have been obligated.

Table I presents the allocation of funds among the departments and agencies, which material is also presented on a percentage basis (as of December 1, 1963) in chart I.

Chart II presents the distribution of funds among categories of projects (as of December 1, 1963); and table II present the allocation of funds to the individual States (as of April 1, 1964).

Chart III offers a comparative representation of total allocations, the value of projects approved, and the value of funds put in place.

It should be noted with reference to the following charts that an amount in excess of \$12,800,000 has been allocated but will not be used on specific projects. Due to the appropriation period deadline and the failure of certain communities to fulfill their commitments, some funds were allocated which were not used and which were "returned" too late to be reallocated. These funds amounted to a lapse of \$8,900,000 from the first appropriation of \$450 million and as of March 31, 1964, \$3,900,000 from the second appropriation. And it is expected that there will be additional funds lapsing from the second appropriation. It is for this reason that the committee has recommended amending the bill to provide that the funds be available until expended.

TABLE I.—Accelerated public works program—Allocation of funds
[In thousands]

Direct Federal projects:		
Agriculture	\$59,690	
Interior	50,979	
Commerce	15,570	
Defense (Engineers)	10,450	
General Services Administration	3,000	
Post Office	2,950	
Justice	1,800	
Tennessee Valley Authority	800	
Treasury (Coast Guard)	800	
Veterans' Administration	350	
Total, direct Federal projects	146,389	
Grant-in-aid projects:		
Housing and Home Finance Agency	475,635	
Health, Education, and Welfare	229,845	
Interior	13,021	
Agriculture	3,110	
Commerce	2,845	
Total, grant-in-aid projects	724,456	
Administrative costs:		
Housing and Home Finance Agency	5,600	
Commerce	1,325	
Health, Education, and Welfare	1,195	
Interior	485	
Agriculture	400	
Labor	150	
Total, administrative costs	9,155	
Grand total:		
Direct Federal projects (16.6 percent)	146,389	
Grant-in-aid projects (82.4 percent)	724,456	
Administrative costs (1.0 percent)	9,155	
Total (100 percent)	880,000	

TABLE II.—Number, estimated accelerated public works cost, and man-months of on-site employment, by States, accelerated public works projects approved through Apr. 1, 1964

State	Number of projects	Estimated cost (thousands)		Estimated on-site man-months ¹
		Accelerated public works	Total	
Alabama	193	\$27,135	\$59,910	33,556
Alaska	66	7,684	12,691	7,191
Arizona	83	9,417	10,559	12,295
Arkansas	291	17,491	35,286	22,820
California	264	31,939	59,066	32,820
Colorado	57	3,575	5,242	3,413
Connecticut	55	7,392	16,229	7,978
Delaware	18	1,131	3,083	2,047
Florida	108	15,313	31,848	17,088
Georgia	203	17,005	34,665	19,849
Hawaii	9	2,733	6,097	3,366
Idaho	106	6,404	8,293	6,466

TABLE II.—Number, estimated accelerated public works cost, and man-months of on-site employment, by States, accelerated public works projects approved through Apr. 1, 1964—Continued

State	Number of projects	Estimated cost (thousands)		Estimated on-site man-months ¹
		Accelerated public works	Total	
Illinois	226	\$21,675	\$40,339	23,515
Indiana	121	12,499	26,576	14,605
Iowa	3	551	855	628
Kansas	12	953	1,928	835
Kentucky	339	45,060	102,720	60,169
Louisiana	177	32,096	73,739	39,297
Maine	55	4,614	12,719	7,582
Maryland	39	3,531	8,355	4,834
Massachusetts	103	21,240	49,403	23,746
Michigan	714	67,538	146,254	85,613
Minnesota	290	14,998	25,306	22,949
Mississippi	168	13,873	29,317	18,760
Missouri	214	11,881	23,907	16,447
Montana	101	7,369	9,023	9,097
Nebraska	28	1,729	2,739	1,817
Nevada	13	1,020	1,140	1,070
New Hampshire	23	2,116	5,668	2,794
New Jersey	121	42,410	102,579	46,320
New Mexico	229	14,363	19,516	17,306
New York	209	36,295	77,763	40,316
North Carolina	228	20,749	43,098	27,155
North Dakota	22	1,335	1,608	1,868
Ohio	173	27,510	66,718	35,389
Oklahoma	222	18,515	33,597	21,720
Oregon	114	12,917	19,744	12,372
Pennsylvania	512	81,759	169,563	87,409
Rhode Island	43	12,438	38,222	18,525
South Carolina	162	11,108	28,125	18,678
South Dakota	25	2,111	2,432	2,691
Tennessee	161	21,451	48,080	28,730
Texas	184	24,437	49,958	28,774
Utah	108	7,218	10,847	8,598
Vermont	13	1,399	3,578	1,765
Virginia	61	5,491	10,258	7,181
Washington	190	15,425	26,067	16,130
West Virginia	301	43,020	78,053	43,051
Wisconsin	207	9,171	20,779	14,543
Wyoming	43	2,415	3,553	3,121
American Samoa				
Guam	2	134	160	166
Puerto Rico	345	29,525	43,335	25,793
Virgin Islands	8	724	1,008	875
Total	7,762	851,882	1,741,598	1,011,123

¹ Estimated months of employment for the HHFA-CFA projects were computed by ARA on the basis of the latest data available from BLS studies of construction costs for various types of public works projects.

GENERAL STATEMENT

The committee has addressed the two main arguments advanced against the authorization of new funds for accelerated public works, the first of these being predicated on the assumption that the stimulus of the income tax reduction will reduce unemployment sufficiently without an additional investment in public works projects. A corollary to this argument is the presumption that the Congress—by voting for the tax reduction—pledged itself against enacting other legislation to stimulate the economy.

In this regard, the committee would draw attention to President Kennedy's plea when recommending the original program as a further Federal effort—

"* * * to provide useful work for the unemployed and underemployed, and to help these and other hard-pressed communities, through improvement of their public facilities, to become better places to live and work."

Thus, it is evident to the committee that neither in its conception nor in its design has the accelerated public works program been justified solely as a countercyclical economic measure. It has been designed and administered to provide additional employment and improved community facilities in those areas of greatest economic and social need. Despite the progress achieved to date, the conditions of excessive unemployment and community need still prevail in some

1,300 areas comprising one-third of the Nation.

Acknowledging the full economic stimulus of the tax reduction that its proponents claim, this will be a necessary though not a sufficient condition for fulfillment of the needs of the 1,300 designated areas of greatest distress.

Speaking with reference to the multiplicative effect of the tax cut, Senator PAUL H. DOUGLAS, chairman of the Joint Economic Committee, informed the Special Subcommittee on Accelerated Public Works that the \$10 billion tax cut could create an additional stimulus of \$35 billion and employ "something over \$2 million people." "However," stated Senator DOUGLAS, "this is a general demand and the accelerated public works is a rifeshot increase in demand in the areas where it is most needed."

Referring to production and employment trends during the past 15 years, Dr. Leon Keyserling, former Chairman of the President's Council of Economic Advisers under President Truman, pointed out to the special subcommittee that—

"The true level of unemployment or the full-time unemployment as officially recorded, has increased about 50 percent over 5 years, or 100 percent over 10 years, [and] we face the alarming prospect of another 50-percent increase over 5 years, or doubling over 10 years, under the impact of policies now in being, and under active consideration."

Other witnesses, taking an even more pessimistic view of the employment effect of the tax cut, referred to the prospect of additional technological unemployment growing from the plant modernization which will be stimulated by the tax cut.

In summary, it is the view of the committee that neither the tax cut nor other domestic programs now in being or submitted to the Congress are a substitute for filling the precise needs toward which the accelerated public works program is oriented.

The second major criticism against the accelerated public works program has been leveled against the inaccuracy of the early estimates of on-site employment. Overestimates of on-site employment were acknowledged by administrative officials as a result of their failure to anticipate the degree of prefabricated work involved in some construction projects. However, the committee was also informed of a corresponding increase of off-site employment over the early estimates, and in summation, Dr. Johannes U. Hoeber, Acting Deputy Administrator for Public Works Acceleration, declared that:

"As far as we know at this time, our estimate that the entire \$880 million program, when completed, will generate 220,000 man-years of on-site and off-site employment and should come very close to what the program will actually produce."

The committee has also taken note of the fact that these estimates do not include the permanent employment created directly by the new facilities and the indirect employment created in industries which are dependent upon some of the facilities constructed.

In the former category, for example, are the thousands of permanent hospital jobs created by the construction of new hospital and clinical facilities. As of March 1964, 256 hospital and nursing home projects had been assisted under the accelerated public works program with a total Federal expenditure of \$102 million and a total expenditure from all sources of \$253 million. According to the American Hospital Association, it requires approximately \$25,000 investment for each new hospital bed, and hospitals require an average of 2.8 employees for each bed served. Thus, the \$253 million in hospital and nursing home projects represents approximately 10,000 new hospital beds and 28,000 new permanent jobs, many of which are of a highly skilled and technical nature.

At approximately \$9,900 capital investment for each new job, this compares favorably with the general increase of \$15,000 to \$20,000 in the gross national product which is required for each new job.

For many of the individual communities, however, the most significant achievement of the accelerated public works program is in the construction of vital water and sewage

facilities on which local industries depend. These facilities may mean the difference between whether a local industry leaves the community or remains and expands; thus, in many instances noted before the committee, specific accelerated public works projects have been the critical factors in providing for a viable local economy. Table III below presents several such examples.

TABLE III

Project No.	Location	Type	Grant	Employment effect
APW-Ga-17G	Sandersville, Ga.	Water	\$61,000	2 new industries employing 74 persons result from these 2 projects.
APW-Ga-22G	do	Sewer	84,000	
APW-Ga-34G	Blairsville, Ga.	Water and sewer.	61,200	400 new jobs result from new shoe plant and pepper plant.
APW-Ga-38G	Sylvania, Ga.	Water	30,000	230 new jobs in new industrial area.
APW-Miss-5G	De Kalb, Miss.	do	375,500	75 jobs in lumber industry saved.
APW-SC-1G	Blaney, S.C.	Water and sewer.	175,000	250 new jobs.
APW-Tenn-10GL	Camden, Tenn.	Water	248,700	Water to industrial park made possible 200 new jobs with Genesee Shoe Co.
APW-Tenn-19G	Big Creek Utility District, Tenn.	do	640,000	400 new jobs.
APW-Tenn-28G	Springfield, Tenn.	do	173,500	400 new jobs in 3 industries result from water to industrial park.
APW-Ky-70GL	Quicksand Water District, Jackson, Ky.	do	117,000	Water needed for University of Kentucky Wood Utilization Center to develop new uses for wood and long-term employment and for eastern Kentucky resource development project.
APW-Wash-6G	Skagit County	Dam	418,000	Made possible retention of 3 canneries otherwise forced to leave by poor water quality.

With reference to both categories of permanent employment mentioned above, it is evident that considerable benefits accrue from the accelerated public works program which are not revealed in the statistics of on-site employment created. Due to rather stringent limitations established by the Congress for administrative costs of the program, the Area Redevelopment Administration has not been able to conduct impact studies to measure the extent of such benefits on a nationwide basis. Such studies would, however, be essential for an accurate assessment of the effect of the accelerated public works program on the national economy.

BACKLOG OF UNFILLED NEEDS

As noted earlier in this report, the Public Works Acceleration Act was signed by President Kennedy on September 14, 1962. Yet, within less than 4 months the applications for assistance to State and local projects surpassed the \$900 million authorization. In January 1963, it was announced that applications received after January 24, 1963, would not be processed except for those from high distress areas which qualified for grants in excess of 50 percent, applications from areas which had received nothing under the first appropriation or were newly designated, applications which had been filed earlier but with insufficient data, and applications for projects that balanced the program better than applications filed earlier.

Despite this official discouragement, as well as unofficial discouragement from many congressional offices, communities have continued to apply for accelerated public works assistance, with a present backlog, after obligation of all appropriated funds, in excess of \$700 million. Table IV presents a State-by-State summary of pending projects which would be eligible for assistance under a new authorization.

TABLE IV.—Estimated accelerated public works cost of pending projects as of May 20, 1964

[In thousands]	
Alabama	\$12,620
Alaska	5,417
Arizona	4,011
Arkansas	9,117
California	22,987
Colorado	3,484
Connecticut	3,228
Delaware	1,138

TABLE IV.—Estimated accelerated public works cost of pending projects as of May 20, 1964—Continued

[In thousands]	
Florida	\$17,758
Georgia	7,654
Hawaii	49
Idaho	246
Illinois	19,819
Indiana	4,954
Iowa	469
Kansas	3,775
Kentucky	29,884
Louisiana	22,023
Maine	960
Maryland	2,457
Massachusetts	27,748
Michigan	33,874
Minnesota	19,401
Mississippi	4,626
Missouri	7,386
Montana	6,429
Nebraska	2,517
Nevada	0
New Hampshire	2,315
New Jersey	36,903
New Mexico	7,024
New York	40,770
North Carolina	7,212
North Dakota	666
Ohio	20,884
Oklahoma	9,556
Oregon	5,342
Pennsylvania	96,561
Rhode Island	4,380
South Carolina	3,140
South Dakota	3,193
Tennessee	19,888
Texas	22,270
Utah	6,007
Vermont	1,450
Virginia	2,787
Washington	5,044
West Virginia	18,775
Wisconsin	6,764
Wyoming	1,053
American Samoa	
Guam	
Puerto Rico	27,975
Virgin Islands	100
Total	624,090
Pending projects for which specific data are not available	93,193
Total pending	717,283

It should be emphasized, however, that the preceding table does not accurately reflect the effective demand for Federal assistance on State and local projects. In view of the fact that applications were received prior to the announcement of January 1963, at an average volume of \$200 million per month, dropped to \$35 million a month and then rose to \$113 million when the second appropriation of \$400 million was made, it is safe to infer that the present level of demand would increase markedly with the authorization of new funds.

COMMITTEE RECOMMENDATIONS

The committee noted one particular problem in the administration of the accelerated public works program which is more appropriately the subject of administrative action than legislative. The practice of importing labor from outside the local labor market has occurred, to the committee's knowledge, in the States of Kentucky, Pennsylvania, and West Virginia, and there have doubtless been other instances not brought to the committee's attention. The committee acknowledges the high quality of administrative effort and the dedication of officials in charge of the accelerated public works program; yet we urge administration officials to exert every effort, by administrative procedure and by promulgation of new regulations, if necessary, to assure the maximum employment of local labor, with particular priority being given to the long-term unemployed and those who have exhausted their unemployment compensation benefits.

COMMITTEE VIEWS

It is the opinion of the committee that extension of the accelerated public works program by authorizing an additional \$1.5 billion will benefit the national economy and provide more adequate public facilities in hundreds of communities. In order to achieve full utilization of the funds appropriated the committee also recommends that the funds be available until expended. It therefore recommends enactment of the bill as amended.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italics*, existing law in which no change is proposed is shown in *roman*):

PUBLIC WORKS ACCELERATION ACT (76 Stat. 542)

SEC. 3 * * *

(d) There is hereby authorized to be appropriated not to exceed [\$900,000,000] \$2,400,000,000 to be allocated by the President in accordance with subsection (b) of this section, except that not less than [\$300,000,000] \$800,000,000 shall be allocated for public works projects in areas designated by the Secretary of Commerce as redevelopment areas under subsection (b) of section 5 of the Area Redevelopment Act. *Appropriations made pursuant to this authorization after the date of enactment of this sentence shall remain available until expended.*

INDIVIDUAL VIEWS OF SENATOR COOPER

The Public Works Acceleration Act established a good and helpful program, which has provided employment and assisted many worthwhile local development projects in the last 2 years. It has helped depressed communities, many of them rural, build the water and sewer systems which are necessary for the health of their people, and a condition for the establishment of almost any type of industry.

Following enactment of the tax cut, however, and at a time when additional expenditures will increase the deficit, we have the responsibility to limit spending authori-

zations to what is essential. For this reason, and because I want to see the accelerated public works program continued as long as it is needed to provide employment, I offered an amendment in the Special Senate Subcommittee for Accelerated Public Works, and also in the full Committee on Public Works, to reduce from \$1.5 billion to \$900 million the additional authorization proposed by S. 1856. I will again offer my amendment when S. 1856 comes before the Senate.

The amount I propose—\$900 million—is the same as the amount originally authorized by the Public Works Acceleration Act, which proved acceptable to the Appropriations Committee and the Congress which must provide funds for this program. I do not wish to see the program lost because of requests for \$600 million more than the original authorization, or for more than can efficiently be used. I believe extension of the accelerated public works program we have had for the last 2 years is the reasonable course for the Congress to adopt at this time.

I hope the expansion of private industry will soon be able to take up the slack in unemployment—which is one of the chief purposes of the tax cut. But until it does, we must continue measures to help those who are out of work through no fault of their own.

I approve the recommendation of the committee, which I urged, that in administering the program strong efforts be made to provide maximum employment in the communities and areas for which projects are approved, and that priorities be established for those who have been longest out of work and have exhausted their unemployment compensation benefits.

With the adoption of my amendment, I can strongly support S. 1856 and extension of the accelerated public works program which is now providing jobs and useful public works in Appalachia, throughout Kentucky, and in hundreds of other areas throughout the country where unemployment is high and development projects can help build a better future.

Mr. MORSE. Mr. President, I close by saying: "What is the matter with us in the Senate? What has happened to us in the Senate that we would run the risk of this great program going down the drain?"

If we have to stay here until Christmas, we had better come back after the Democratic convention and stay here. It would be worth it if this were all that was done from the time the Democratic convention adjourned until Christmas, if it takes that amount of time to pass the bill. It will not take that amount of time, if we can somehow, in the busy hours, and under the pressures that the Senator are living under, get each Senator to take time to analyze the report and ask the same question I am asking the majority leader: "What are we waiting for?" Let us have a policy meeting, let us make this matter the pending business of the Senate at an early date, and have it passed and over in the House.

I have no doubt what the American people want. When one compares this program with the shocking waste of our boondoggling and waste around the world, he will get his answer from the people. He will find that he had better take care of our people first. And we are doing a very bad job of it.

Mr. RANDOLPH. Mr. President—

Mr. MONRONEY. Mr. President, I have the floor.

Mr. RANDOLPH. I have the floor.

Mr. MORSE. I make the plea that we get on with the business of passing the bill at the earliest possible date.

The PRESIDING OFFICER. The Senator from Oklahoma [Mr. MONRONEY] had the floor. He yielded the floor to the Senator from Alaska [Mr. GRUENING].

Mr. RANDOLPH. I am very sorry.

Mr. MANSFIELD. The Senator from Oklahoma [Mr. MONRONEY] had the floor. He yielded to the Senator from Alaska.

Mr. RANDOLPH. The Senator from Alaska took his seat.

Mr. MANSFIELD. But he yielded to him.

The PRESIDING OFFICER. He yielded to the Senator from Alaska.

Mr. MONRONEY. Mr. President, if the Senator from West Virginia wishes some time, I shall be glad to yield to him. There is ready for consideration a conference report on the legislative appropriation bill. It will only take a few minutes.

Mr. RANDOLPH. I should like to have 1 minute.

Mr. MONRONEY. Mr. President, I yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I am sorry. There seemed to be some confusion. That is understandable, after the Senate has been in more or less regular session for perhaps 9 months.

I want the RECORD to show further that the House of Representatives has had reported from the Committee on Public Works of the House of Representatives an accelerated public works authorization bill in the amount of \$900 million. The Committee on Rules and Administration has not yet cleared that bill for House action.

On June 1 we reported an authorization for an accelerated public works program of \$1.5 billion. We were hopeful that the House could pass an appropriation of \$900 million, and that the Senate could pass an appropriation of \$1.5 billion, and that we might, after conference, appropriate \$1.2 billion for this kind of program.

I am grateful to the Senator for yielding.

Mr. MONRONEY. I am always happy to listen to my distinguished friend when he has a message to deliver.

Mr. GRUENING. Mr. President, I thank the Senator from Oklahoma [Mr. MONRONEY] for his courtesy in yielding. When the appropriate time comes and the parliamentary situation is right, I shall bring up the amendment.

Mr. MORSE. Mr. President, as the Senator from Oklahoma [Mr. MONRONEY] knows, I am always a stickler for respecting and following the rights of other Senators on the floor. I came in the Chamber when the Senator from Alaska was speaking. I was of the impression that he had the floor in his own right. If I had known that the Senator from Oklahoma had the floor, I would have asked the Senator for permission to make my comments.

Mr. MONRONEY. Mr. President, I appreciate that the Senator from Oregon is always fair. It was only to preserve

my rights that I brought up the point that I had the floor.

LEGISLATIVE BRANCH APPROPRIATIONS—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 10723) making appropriations for the legislative branch for the fiscal year ending June 30, 1965, and for other purposes.

Mr. MONRONEY. Mr. President, the bill agreed to in conference is in the amount of \$210,300,885 which is \$45,698,860 under the budget estimate.

The greater parts of this reduction is in funds requested for a new Government Printing Office Building. The estimate was in the amount of \$48,723,000 and the conference committee recommends \$2,500,000 for selection of a site which must be approved by the Joint Committee on Printing and for plans and designs.

The conference committee agreed with the Senate amendments for an additional 16 metropolitan police including 6 canine corps specialists for the Capitol Grounds during the evening hours.

The conference committee agreed with the Senate amendment providing an additional \$75,000 for seven additional employees, fertilizers, and other supplies and material to improve the appearances of the Capitol Grounds.

For the Legislative Reference Service the conference committee approved four additional experts in lieu of two additional allowed by the Senate and eight additional allowed by the House. The foreign currency program of collection and distribution of library materials in Poland and Yugoslavia included in the Senate bill was deleted in conference.

Section 105 included on the House floor was amended in the Senate to provide for site audits for the Architect of the Capitol.

The Senate version of the bill also provided for quarterly reports on all expenditures of the House and the Senate. That procedure, which the Senate has used for several years in printing a full account of its payroll expenditures quarterly and an annual report of its total expenses, was carried forward to the House. In the conference committee we agreed with the House on semiannual reports of all expenditures for the House, the Senate, and the Architect of the Capitol. So over the 6 months we shall have a complete documentation, printed and available to anyone, of the total expenditures of the House, the Senate, and the Architect of the Capitol.

In addition, the on-site audit provided for in the Senate bill in section 105 was agreed to in conference and will provide for on-site audits by the General Accounting Office of the Office of Architect of the Capitol.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

The PRESIDING OFFICER laid before the Senate a message from the House of

Representatives announcing its action on certain amendments of the Senate to H.R. 10723, which was read as follows:

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 29, 30, and 37 to the bill (H.R. 10723) entitled "An Act making appropriations for the legislative branch for the fiscal year ending June 30, 1965, and for other purposes".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 34, and concur therein with an amendment, as follows:

In lieu of the matter stricken out and inserted by said amendment insert the following: "\$507,800: *Provided*, That wherever H.R. 11049, Eighty-eighth Congress, as enacted into law establishes a specific rate of compensation for any position different from the rate specifically enumerated in this Act for such position, the rate in said H.R. 11049 shall prevail".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 46, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment insert the following:

"SELECTION OF SITE AND GENERAL PLANS AND DESIGNS OF BUILDINGS

"For necessary expenses, for site selection and general plans and designs of buildings for the Government Printing Office, pursuant to the Public Buildings Act of 1959 (40 U.S.C. 602 et seq.), \$2,500,000, to be available for transfer to the General Services Administration: *Provided*, That the selection of a site must be approved by the Joint Committee on Printing."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 47, and concur therein with an amendment, as follows:

In lieu of the matter stricken out and inserted by said amendment, insert the following:

"SEC. 105. (a) Commencing with the semiannual period beginning on July 1, 1964, and ending on December 31, 1964, and for each semiannual period thereafter, the Secretary of the Senate and the Clerk of the House of Representatives shall compile, and not later than sixty days following the close of the semiannual period, submit to the Senate and House of Representatives, respectively, and make available to the public, in lieu of the reports and information required by sections 60 to 63, inclusive, of the Revised Statutes as amended (2 U.S.C. 102, 103, 104), and Senate Resolution 139, Eighty-sixth Congress, a report containing a detailed statement, by items, of the manner in which appropriations and other funds available for disbursement by the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, have been expended during the semiannual period covered by the report, including (1) the name of every person to whom any part of such appropriation has been paid, (2) if for anything furnished, the quantity and price thereof, (3) if for services rendered, the nature of the services, the time employed, and the name, title, and specific amount paid to each person, and (4) a complete statement of all amounts appropriated, received, or expended, any any unexpended balances. Such reports shall include the information contained in statements of accountability and supporting vouchers submitted to the General Accounting Office pursuant to the provisions of section 177(a) of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 67(a)). Reports required to be submitted to the Senate and the House of Representatives under this section shall be printed as Senate and House documents, respectively.

"Section 117 of the Accounting and Auditing Act of 1950 (64 Stat. 837, 31 U.S.C. 67) is amended as follows:

"By adding after the words 'executive agency' in both places where it is used in subsection (b) the words 'or the Architect of the Capitol' and by adding after the word 'legislative' in the proviso the words '(other than the Architect of the Capitol)'.

"By adding at the end thereof the following new subsection:

"(c) The Comptroller General in auditing the financial transactions of the Architect of the Capitol shall make such audits at such times as he may deem appropriate. For the purpose of conducting such audits, the provisions of section 313 of the Budget and Accounting Act (42 Stat. 26; 31 U.S.C. 54) shall be applicable to the Architect of the Capitol. The Comptroller General shall report to the President of the Senate and to the Speaker of the House of Representatives the results of each such audit. All such reports shall be printed as Senate documents.

"(b) Commencing with the semiannual period beginning January 1, 1965, and for each semiannual period thereafter, the Architect of the Capitol shall compile and, not later than sixty days following the close of the semiannual period, submit to the Senate and the House of Representatives a report of all expenditures made from moneys appropriated to the Architect of the Capitol, based on payrolls and other vouchers transmitted during such period to the Treasury Department for disbursement, such report to include (1) the name, title, and gross salary payment to each employee; (2) a list of government contributions to retirement, health, insurance, and other similar funds; and (3) name of payee, brief description of service rendered or items furnished under contract, purchase order or other agreement. Such report shall be printed as a Senate document."

Mr. MONRONEY. Mr. President, those three amendments were necessary because of the nature of the amendments by the Senate. They include the payment of salaries of three employees of the Architect's office at the annual salary scale agreed to in the recent pay bill. They do not include any Senators or any members of their staffs. They also contain language providing that site selection for the new building of the Government Printing Office Building must be approved by the Joint Committee on Printing.

The last amendment relates to the report on expenditures. The amendment would require the Architect of the Capitol, as well as the House and the Senate, to submit semiannual reports on expenditures.

I move that the Senate concur in the amendments of the House to the amendments of the Senate numbered 34, 46, and 47?

The motion was agreed to.

Mr. MONRONEY. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a comparative statement of the appropriations for 1964, the budget estimates for 1965, the amounts included in the Senate and House bills and the amounts finally agreed to in conference for the legislative appropriation bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

LEGISLATIVE APPROPRIATION ACT, 1965 (H.R. 10723)

Comparative statement of the appropriations for 1964 and the budget estimates and amounts recommended in the bill for 1965

Item	Appropriations, 1964	Budget estimates, 1965	Version of bill		Conference
			House	Senate	
SENATE					
Vice President and Senators:					
Compensation of the Vice President and Senators.....	\$2, 472, 140	\$2, 471, 140		\$2, 471, 140	\$2, 471, 140
Mileage, President of Senate and Senators.....	58, 370	58, 370		58, 370	58, 370
Expense allowance, Vice President, majority and minority leaders.....	14, 000	14, 000		14, 000	14, 000
Total, Senators and Vice President.....	2, 543, 510	2, 543, 510		2, 543, 510	2, 543, 510
Salaries, officers and employees.....					
Office of the Vice President.....	136, 710	136, 710		136, 710	136, 710
Chaplain.....	9, 430	9, 430		9, 430	9, 430
Office of the Secretary.....	897, 885	917, 595		918, 400	918, 400
Committee employees.....	2, 731, 965	2, 731, 965		2, 731, 965	2, 731, 965
Conference committee:					
Majority.....	82, 740	82, 740		82, 740	82, 740
Minority.....	82, 740	82, 740		82, 740	82, 740
Administrative and clerical assistants to Senators.....	13, 609, 650	13, 609, 650		13, 731, 170	13, 731, 170
Office of the Sergeant at Arms.....	2, 704, 615	2, 751, 915		2, 757, 350	2, 757, 350
Offices of secretaries to the majority and minority.....	135, 195	135, 195		135, 195	135, 195
Offices of the majority and minority whips.....	30, 330	30, 330		30, 330	30, 330
Official reporters of debates.....	231, 555	231, 555		240, 760	240, 760
Total salaries, officers and employees.....	20, 652, 815	20, 715, 825		20, 856, 790	20, 856, 790
Other, Senate:					
Legislative counsel.....	247, 260	247, 260		252, 530	252, 530
Beneficiaries of deceased Senators.....	22, 500				
Total, other.....	269, 760	247, 260		252, 530	252, 530
Contingent expenses:					
Senate policy committees.....	351, 170	351, 170		351, 170	351, 170
Automobiles and maintenance.....	39, 840	39, 840		39, 840	39, 840
Furniture.....	31, 190	31, 190		31, 190	31, 190
Expenses of inquiries and investigations.....	4, 025, 760	4, 025, 760		4, 275, 760	4, 275, 760
Folding documents.....	36, 700	36, 700		36, 700	36, 700
Mail transportation (motor vehicles).....	16, 560	16, 560		16, 560	16, 560
Miscellaneous items.....	2, 673, 860	2, 665, 790		2, 660, 790	2, 660, 790
Postage.....	62, 035	62, 035		62, 035	62, 035
Stationery.....	255, 600	255, 600		255, 600	255, 600
Communications.....	15, 150	15, 150		15, 150	15, 150
Total, contingent expenses.....	7, 517, 365	7, 499, 795		7, 744, 795	7, 744, 795
Total, Senate.....	30, 983, 450	31, 010, 390		31, 397, 625	31, 397, 625
HOUSE OF REPRESENTATIVES					
SALARIES, MILEAGE FOR THE MEMBERS, AND EXPENSE ALLOWANCE OF THE SPEAKER					
Compensation of Members.....	10, 622, 500	10, 622, 500	\$10, 622, 500	10, 622, 500	10, 622, 500
Mileage of Members and expense allowance of the Speaker.....	200, 000	200, 000	200, 000	200, 000	200, 000
Total.....	10, 822, 500	10, 822, 500	10, 822, 500	10, 822, 500	10, 822, 500
SALARIES, OFFICERS, AND EMPLOYEES					
Office of the Speaker.....	94, 875	94, 875	94, 875	94, 875	94, 875
Office of the Parliamentarian.....	75, 380	75, 380	75, 380	75, 380	75, 380
Office of the Chaplain.....	9, 425	9, 425	9, 430	9, 430	9, 430
Office of the Clerk.....	1, 240, 000	1, 280, 970	1, 240, 000	1, 240, 000	1, 240, 000
Committee employees (standing roll).....	3, 123, 000	3, 180, 000	3, 180, 000	3, 180, 000	3, 180, 000
Office of the Sergeant at Arms.....	661, 500	955, 775	955, 000	955, 000	955, 000
Office of the Doorkeeper.....	1, 150, 400	1, 174, 775	1, 174, 000	1, 174, 000	1, 174, 000
Special and minority employees (several items).....	339, 515	339, 515	339, 515	339, 515	339, 515
Office of the Postmaster.....	359, 525	380, 750	380, 000	380, 000	380, 000
Official reporters of debates.....	217, 120	217, 120	217, 120	217, 120	217, 120
Official reporters to committees.....	219, 345	219, 345	219, 345	219, 345	219, 345
Committee on Appropriations (investigations).....	660, 000	700, 000	700, 000	700, 000	700, 000
Office of the Legislative Counsel.....	252, 530	252, 530	252, 530	252, 530	252, 530
Total, salaries, officers and employees.....	8, 384, 725	8, 880, 460	8, 837, 195	8, 837, 195	8, 837, 195
MEMBERS' CLERK HIRE					
Clerk hire.....	21, 300, 000	21, 800, 000	21, 500, 000	21, 500, 000	21, 500, 000
CONTINGENT EXPENSES OF THE HOUSE					
Furniture.....	269, 620	419, 620	340, 000	340, 000	340, 000
Miscellaneous items.....	3, 725, 000	3, 800, 000	3, 725, 000	3, 725, 000	3, 725, 000
Reporting hearings.....	223, 000	225, 000	223, 000	223, 000	223, 000
Special and select committees.....	3, 965, 500	4, 000, 000	3, 965, 500	3, 965, 500	3, 965, 500
Office of Coordinator of Information.....	121, 855	117, 890	117, 890	117, 890	117, 890
Telegraph and telephone.....	2, 185, 000	2, 500, 000	2, 400, 000	2, 400, 000	2, 400, 000
Stationery (revolving fund).....	1, 308, 000	1, 046, 400	1, 046, 400	1, 046, 400	1, 046, 400
Attending physician's office.....	16, 545	16, 545	16, 545	16, 545	16, 545
Postage stamps.....	274, 260	228, 550	228, 550	228, 550	228, 550
Folding documents.....	251, 300	251, 300	251, 300	251, 300	251, 300
Revision of laws.....	20, 765	20, 765	20, 765	20, 765	20, 765
Speaker's automobile.....	10, 600	11, 100	11, 100	11, 100	11, 100
Majority leader's automobile.....	10, 500	11, 100	11, 100	11, 100	11, 100
Minority leader's automobile.....	10, 500	11, 100	11, 100	11, 100	11, 100
New edition, United States Code.....		150, 000	150, 000	150, 000	150, 000
New edition, District of Columbia Code.....		100, 000	100, 000	100, 000	100, 000
Payment to widows and heirs of deceased Members.....	157, 500				
Total, contingent expenses.....	12, 549, 945	12, 909, 370	12, 618, 250	12, 618, 250	12, 618, 250
Total, House of Representatives.....	53, 057, 170	54, 412, 330	53, 777, 945	53, 777, 945	53, 777, 945

Footnotes at end of table.

halt all secret or open efforts to force South Korea again into the arms of the Japanese.

DAVID W. W. CONDE.

OAKLAND, CALIF., May 4, 1964.

The writer of the above letter served as staff section chief under Gen. Douglas MacArthur and was a Reuters correspondent in Japan.

KINCHELOE, AIR FORCE BASE, MICH.,

July 17, 1964.

DEAR SENATOR MORSE: The settlement in Laos was a time-buying device, and now the time we bought is about to run out, with the Communists taking the country over unless we fight them to prevent it. So Laos has come to the same pass as South Vietnam. Both countries are being attacked by North Vietnam, using partly its regular troops and partly irregulars transparently disguised as internal rebels. The disguised nature of the North Vietnamese aggression is taken as giving North Vietnam the status under international law of a neutral, with the protection from counterattack which that status affords. But surely if international law means anything it deals with practical realities, not with polite fictions. We have not the slightest obligation to treat North Vietnam as if it were not at war with South Vietnamese allies and with us. We should prevent North Vietnamese reinforcements and supplies from reaching Laos or South Vietnam, and in doing so there is no reason why we should stay on this side of the North Vietnamese border. I believe Congress should now declare a state of war between the United States and North Vietnam; and we should bomb all of North Vietnam's military installations, factories, rail centers, fuel storage facilities and ports, and destroy all North Vietnamese ships and aircraft. This could be done in a week, and then the situation in South Vietnam and Laos would suddenly take on quite a different aspect.

Ho Chi Minh will not surrender, and we should not expect to be able to end the war quickly. It will be a long and terrible war, whether we counterattack into North Vietnam or not. If we do, it will not be a hopeless war as it is at present.

Respectfully yours,

ROBERT POWELL.

PRINCETON, N.J.,

July 16, 1964.

HON. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR: Normally, I would never have thought of writing to you. I am not one of your constituents; indeed, I have never had the good fortune to be in Oregon. But in days such as the present ones I feel that I must let you know how much I respect you for many of the positions which you have taken recently on foreign and domestic affairs.

Now that Senator GOLDWATER has become the Republican presidential candidate the danger increases that many of his opponents will continue to mention him and the forces behind him as excuses for the character of many U.S. policies. I hope that you will criticize anyone who attempts to justify the continuance of bad policies by saying that any attempt to implement better ones would provide political ammunition to the Goldwater forces.

I am sure that you will continue to become increasingly outspoken about such issue as peace, disarmament, Cuba, southeast Asia, and civil rights.

Very truly yours,

Dr. WALTER STRUVE.

PLEASANT RIDGE, MICH.,

July 16, 1964.

DEAR SENATOR MORSE: I have just been reading some of your supporters' letters in

the July 9, 1964, CONGRESSIONAL RECORD and I would like to add mine to your collection.

You are doing an outstanding job in the Senate on this issue day after day and deserve the good wishes of all Americans. Keep it up.

Sincerely,

J. B. GORDON.

P.C.—I would appreciate being placed on the mailing list for your newsletters.

SAN FRANCISCO, CALIF.,

July 13, 1964.

Senator WAYNE MORSE,
U.S. Senate Building,
Washington, D.C.

SENATOR MORSE: In what capacity is the United States militarily responsible for the perpetuation of the present South Vietnamese regime? What qualities has this regime which guarantee the freedoms of the South Vietnamese people?

If it is our aim to prevent the spread of communism, perhaps a more practical solution, and certainly a more preferable solution, would be to eliminate the conditions which foster uprising; eliminate the conditions, not the people.

Our position is detestable morally.

Sincerely yours,

Mr. and Mrs. JOHN B. REAR.

MOBERLY, MO.

July 15, 1964.

HON. WAYNE MORSE,
Senator from Oregon,
Washington, D.C.

DEAR SENATOR MORSE: I want to thank you for your courageous stand and the vigorous way in which you have opposed our Government's intervention in Vietnam. The Post Dispatch recently has given you considerable space, as you probably know. They had a fine editorial praising you for your daily speech in the Senate, voicing your opposition to this immoral and cruel war, and they carried a three-column reprint of one of your speeches in which you pointed out that we have no legal right to engage in this war. I presume you have copies of this material.

You speak for a great many conscientious people, not only on this subject, but on many others. I recall your fight against the Telstar deal which the Government turned over to A.T. & T.; and many other similar positions where you represented the people's interests. It is a great satisfaction to have Senator WAYNE MORSE in Washington to counteract to some extent the Goldwaters, the Smathers, Eastlands, et al. If there were more of you and fewer of the latter, our country and the world in general would be a more just and peaceful place.

Yours very truly,

MARY CHRISTIAN.

PENFIELD, N.Y.,

July 16, 1964.

The U.S. SENATE,
Washington, D.C.

DEAR SENATOR MORSE: I have several times read over your May 27 speech to the Senate and the text of the May 24, 1964, "Face the Nation" television program.

I want to give you every possible encouragement in your good efforts to bring us to our senses as a nation with respect to our southeast Asia policy.

Sincerely yours,

W. EUGENE NOTZ, M.D.

WABAN, MASS.,

July 16, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Just a word of appreciation for the valiant efforts which you are making to keep our country from be-

coming involved further in military conflict in southeast Asia.

I fear greatly the recent escalation of the conflict, particularly, by our Government.

I am firmly convinced that it is against the best interests of the United States to continue participation in this war. It actually weakens our military security while harming our diplomatic posture.

Again, thank you for your leadership on this issue.

Sincerely,

JEROME GROSSMAN.

PORTLAND, OREG.,

July 11, 1964.

Senator WAYNE MORSE,
Senate Building,
Washington, D.C.

DEAR SENATOR MORSE: As an Oregon Democrat, I've been tremendously proud of our State's representation and rather guilty not to have expressed my feeling to you, to EDITH GREEN, and to MAURINE NEUBERGER.

Now, with the bitter truth about Vietnam breaking out at long last, may I thank you and all other courageous protesters who are, I'm sure, standing with you. WILLIAM RYAN's recent speech in the House was heartening. It is most unfortunate that the press, radio, and TV do not give good coverage to controversial speeches and debate. It seems to me and my friends of liberal faith that now is the heaven-sent opportunity for the United States to do the obvious: Demonstrate alleged faith in the United Nations and lead the world toward a real détente. We cannot understand those who want to save face militarily while they refuse to face the realities of the atomic age.

Thank you, Senator, and more strength to you.

Sincerely yours,

ALICE B. PLYMPTON.

PORTLAND, OREG.,

July 9, 1964.

President LYNDON B. JOHNSON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I realize you are making an intensive study of the situation in South Vietnam, the importance of which you fully realize. I urge you, Mr. President, not to be pressured into making a military commitment that would lead us into war with Red China. I urge you, on the other hand, to explore every avenue available that might lead to a peaceful settlement. The voice of reason and the long view are needed here.

In spite of the fact that you must receive many letters urging immediate military expansion, I know there are many Americans who feel as I do about this.

Very truly yours,

MARY M. FERNANDEZ.

(Copy to Senator WAYNE MORSE.)

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. MCGOVERN. Mr. President, I call up my amendment, which I offer for myself and the senior Senator from Missouri [Mr. SYMINGTON]. I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 13, at the end of section 620 (a) inserted in the bill by Senate amendment, relating to limitation on aggregate authorization

for use in fiscal year 1965, strike the period, insert a semicolon, and add the following:

Provided, That an additional \$50,000,000 is authorized to be appropriated for the purchase of domestically produced beef, poultry and other meats and meat products, dairy products, rice and other high protein foods, in adequate supply in the United States, for donation to school lunch and similar programs in foreign countries eligible for assistance under this Act.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, I shall take only a brief time to explain the amendment. I believe it will be accepted by every Member of the Senate. I have discussed it with the distinguished chairman of the Committee on Foreign Relations, the Senator from Arkansas [Mr. FULBRIGHT]. He indicated that he is willing to accept the amendment. I have also discussed it with the leadership and with numerous other Members of the Senate, and they support the amendment.

In effect, the amendment authorizes the appropriation of \$50 million under the authority of the foreign aid bill now before the Senate for the purchase of domestically produced beef, poultry, and other meats and meat products, dairy products, rice, and other high-protein foods which are in adequate supply in the United States for donation to school lunch and similar programs in foreign countries which are eligible for assistance under the bill.

I believe the amendment is a perfect combination of our domestic self-interest with the most solid kind of humanitarian program.

We have heard much discussion in the Senate during the past few days about some of the inadequacies of our foreign aid operations. There are inadequacies. There are some parts of the program that should be corrected.

But one aspect of our overseas aid program that should bring pride to every Member of Congress, and to every American, is our overseas school lunch program. We are now feeding about 40 million schoolchildren every day through our food for peace program. The results of that program have been most inspiring, not only in terms of the remarkable improvement in health on the part of the youngsters who receive the food, but also in terms of improved school attendance and improved academic performance.

Some years ago, Prime Minister Nehru, of India, stated that one cannot talk of God to a starving person. By the same reasoning, an effective job cannot be done of educating boys and girls who are hungry, who are too weak and lethargic to sit through classroom instruction. Amazing results have been achieved by

the feeding of youngsters in some 80 countries.

One of the limitations of the program has been the lack of high protein food. Under existing authority, we have not had the power to purchase beef and other meat products or the high protein foods that are desperately needed. There is no single lack in the world today that undermines human health more than the lack of protein foods.

There is an extremely critical shortage of such foods all across Africa, Asia, large parts of Latin America, and the Middle East. In fact, some authorities say that almost no child on the entire Continent of Africa escapes the ravages of protein deficiency. There is a terrible disease known as kwashiorkor, which is another name for protein deficiency. It is this tragic lack of protein in the diets of the youngsters of Africa and in most of the other underdeveloped parts of the world that causes the skinny arms and legs, the distended bellies, and the gaunt faces of the children we see when we visit underdeveloped countries.

The only way to correct that condition is by providing additional protein foods, as would be authorized by this amendment.

We should also consider the amendment I have offered from the standpoint of our own interests.

The amendment will be of great value to American producers. We all know that American livestock producers have been in serious economic trouble for more than a year. This amendment offers an opportunity to take off the market some of the surplus beef that is produced in this country. The amendment provides that the beef to be used must be domestically produced and used for the relief of boys and girls overseas through school lunch and similar programs.

Our dairy producers and some of the other producers who would be assisted by the amendment have also had problems of surpluses, which this could help relieve.

At the present time, I am advised that our stocks of nonfat dried milk are quite low. We had only 123 million pounds uncommitted July 24 compared to 472 million pounds at the same time last year. The voluntary agencies, which have asked for 850 million pounds this year, have been assured only 400 million. It would be tragic if this commodity, which is the backbone of some of our school aid projects abroad, should be suddenly cut off or drastically cut back and we should abandon millions of children to want and hunger again.

I do not know of any program in our entire farm aid operation that deserves our support more than does the effort to contribute to the improvement of the health and well-being of schoolchildren in the developing countries.

During the past week, the country has marked the 90th birthday of former President Herbert Hoover. Mr. Hoover is known around the world, not so much because he was President of the United States, important and significant as that honor was, but because he brought America's agricultural abundance to

bear on the solution of the problems of world hunger. It is no accident that former President Hoover has devoted a good part of his recent years to the writing of a four-volume work on our overseas food programs. It is a high tribute to President Hoover that he handled that program with the broad vision and deep sense of humanity that he manifested, both in the years during and after World War I and again after World War II, when he was asked by President Truman to direct or advise on the feeding of the hungry people in the war-torn countries of Europe and in Japan.

One of the most remarkable of our post World War II efforts was the school lunch program directed by Gen. Douglas MacArthur in Japan, a program which is paying great dividends to the people of Japan and the people of the United States. The health and well-being of a whole generation of Japanese young people were greatly strengthened by the overseas school lunch programs that were directed by General MacArthur in the postwar period. It is one of the great achievements in the life of that renowned general. Today, thanks in part to that program, Japan is the biggest commercial, hard-money purchaser of American agricultural commodities in the world.

Mr. President, this is a hardheaded program. The schoolchildren we help today with the school lunch program, who learn to enjoy and benefit by American milk, American meat, and American agricultural products, will be our customers tomorrow. This program is definitely in the interest of American agricultural producers. It is in the interest of people who are trying to assist overseas. In the best sense of the word, it is food for peace in action.

I am much pleased that the distinguished senior Senator from Missouri [Mr. SYMINGTON], who is a member of the Committee on Foreign Relations, and who has traveled widely and observed these programs in various parts of the world, has joined me as a cosponsor of the amendment.

I hope the Senate will adopt the amendment.

Mr. SYMINGTON. Mr. President, it is a privilege to be a joint sponsor of the amendment with the distinguished Senator from South Dakota [Mr. McGOVERN]. Not only will the amendment help the people whom we intend it to help under the foreign aid program, it will also help the American farmer.

The fact that we reduced the foreign aid bill last evening by several hundred million is the only reason why we did not include a considerably larger figure for this worthy cause. Nevertheless, I am gratified to know, as I know my able friend from South Dakota is, as a result of the actions of the administration in recent days and weeks, that beef prices, which had been falling in a serious, if not critical fashion, have improved.

It is this type of program that I believe will make it possible for the cattlemen and those engaged in the poultry, dairy products, ricegrowing, and other high-protein food industries, to have a

support program that will be, at the same time, not only in the best interest of the people of the United States, but also of the countries to which the Executive and Congress have decided to send this aid.

It is a privilege to be associated with the distinguished Senator from South Dakota, who, without question, is one of the strongest proponents of American rural life.

I urge the Senate to accept the amendment.

Mr. McGOVERN. Mr. President, I wish to comment on the point the Senator from Missouri made about the relationship of this amendment to our domestic livestock program. The Senator from Missouri has been working on this problem diligently.

Is it not true that this year, according to Department of Agriculture estimates, feed products rose 10 percent above last year, when we were really in serious difficulty?

Mr. SYMINGTON. That is true. What apprehension we had from the standpoint of prices later in the year was over the number of cows which would be slaughtered. In a program of this character, a minimum increase in the price of beef should be important in maintaining the price today, which is the minimum price from the standpoint of the capacity of the beef farmer to make any money out of his operations.

Mr. McGOVERN. I thank the Senator.

Mr. President, I am advised that the production of all beef this year, exclusive of farm slaughter and veal, was 13 percent above last year during the first 6 months. The first 6 months figures were 7.8 billion pounds in 1963, and 8.8 billion pounds in 1964.

The Department of Agriculture anticipates that the year's production will run at least 10 percent over the 16.1 billion total last year, or between 17.5 and 17.8 billion pounds.

Fed steer prices have gone up substantially in Chicago this week for marketings, for the first time this year, dropped below a year ago. This will not continue in view of the overall supply outlook.

We have more than enough beef.

We can absorb about 3 percent increase a year without unreasonable depression of prices. I am sure that beef producers would welcome the export of a substantial quantity of the present oversupply.

Mr. MUSKIE. Mr. President, will the Senator from South Dakota yield?

Mr. McGOVERN. I yield.

Mr. MUSKIE. I listened with interest to the Senator's presentation of his amendment. I note that he specifies domestic beef, poultry and other meats, and dairy products and other high protein foods. The language, "other high protein foods," suggests that the amendment would be broad enough to include fish. The Senator from Alaska [Mr. BARTLETT] of course is interested in this subject also, and I wonder whether my interpretation of that language is correct, in the opinion of the Senator from South Dakota?

Mr. McGOVERN. Let me say to the Senator from Maine [Mr. MUSKIE], and also to the Senator from Alaska [Mr. BARTLETT] who has taken a great interest in this problem over a long period of time, that there is no question in my mind that "other high protein foods" would include fish and fish products.

It is one of the best possible sources of protein. We have conducted a number of experiments in certain countries with the use of fish and fish products as an additive to the diets of children and adults suffering from protein deficiency, and it proved to be extremely valuable food. It would certainly be covered by the term "other high protein foods."

Mr. MUSKIE. I thank the Senator for his explanation.

Mr. BARTLETT. Mr. President, will the Senator from South Dakota yield?

Mr. McGOVERN. I yield.

Mr. BARTLETT. I am very glad that the Senator from Maine asked that question, and I am particularly glad to get the answer from the Senator from South Dakota.

We all know that fish are almost literally bursting with protein. There is no better food protein than that which can be obtained from fish and fish products. I am glad to support the Senator's amendment. I am all the more happy to do so because the Senator has defined fish, in his opinion, as being one of the foods that would be included.

The junior Senator from California [Mr. SALINGER] is also interested in this subject, although at the moment Maine sardines and Alaska salmon are the fish products in surplus. I know that all too frequently California fish are likewise in surplus.

I thank the Senator from South Dakota for yielding to me.

Mr. SPARKMAN. Mr. President, will the Senator from South Dakota yield?

Mr. McGOVERN. I am happy to yield to the Senator from Alabama.

Mr. SPARKMAN. I have not talked with the chairman of the committee, the Senator from Arkansas [Mr. FULBRIGHT], concerning the Senator's amendment, but it is my understanding that he told the Senator from South Dakota that he would be willing to take the amendment to conference.

Mr. McGOVERN. The Senator is correct. He assured me that he would accept the amendment.

Mr. SPARKMAN. That is the word I had heard—that the Senator from Arkansas [Mr. FULBRIGHT], chairman of the committee, would take the amendment to conference. I am prepared to carry out the promise which he made.

The PRESIDING OFFICER (Mr. BREWSTER in the chair). The question is on agreeing to the amendment of the Senator from South Dakota [Mr. McGOVERN].

The amendment was agreed to.

Mr. BARTLETT. Mr. President, I submit an amendment which is at the desk, and ask that it be stated.

The PRESIDING OFFICER. The amendment of the Senator from Alaska will be stated.

The LEGISLATIVE CLERK. On page 17, after line 7, it is proposed to insert the following:

SEC. 403. Section 106 of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by adding at the end thereof a new sentence as follows: "When the Secretary of the Interior has determined that a domestically produced fishery product is a surplus agricultural commodity, as defined by this section, the President shall initiate the necessary actions for the sale of such products in accordance with the provisions of this Act."

Mr. BARTLETT. Mr. President, the senior Senator from Washington and the junior Senator from Maine and I submit this amendment because we feel it is absolutely essential to do so. It appears, unfortunately, that the adoption of such an amendment is necessary if a provision we adopted last year is to be implemented. Last year the Senate added fish to the food for peace program. Section 403(c) of the Foreign Assistance Act of 1963 added the following language to title I of Public Law 480:

For the purposes of this title and title IV, the term "surplus agricultural commodity" shall include any domestically produced fishery product (not including fish flour until approved by the Food and Drug Administration) if the Secretary of Interior determines that such product is at the time of exportation in excess of domestic requirements, adequate carryover, and anticipated exports for dollars.

That amendment had the active support of many Senators. Some of them, naturally, represented the chief fishing States in the country—others not. It was supported by the Senator from South Dakota [Mr. McGOVERN]. His interest was particularly aroused because of his former position as Director of the food for peace program. He knew what fish could mean to the program. He wished whenever possible and wherever possible to export fish products in order to supply protein to the nations of the world so urgently in need of it.

The present Director of the food-for-peace program, the Honorable Richard W. Reuter was and is enthusiastic about the proposal. All the great fish products with their high protein content should be made available on a wider scale to the emerging nations which participate in the food for peace program.

The amendment became law 8 months ago. At that time, there were in surplus some 200,000 cases of sardines packed in Maine. There was in surplus approximately 1,500,000 cases of pink salmon, most of which were packed in Alaska. Those surpluses were and are causing the warehouses to bulge, depressing the domestic market and discouraging our fisherman and fishing industry.

According to the terms of last year's amendment, it is the duty of the Secretary of the Interior to declare which of our domestic fishery products are in surplus. We know that salmon and sardines are particularly in surplus. We do not know and we cannot determine why no declaration of a surplus has been made. On January 16 I wrote the Secretary of the Interior, asking him to declare pink salmon in surplus. On January 30 I received a reply in which the Secretary stated that there were strong indications that the salmon were in surplus and that he would develop the

necessary commodity recommendations as soon as possible. Three months later nothing had happened. I again wrote the Department and was again assured that a full report could be expected shortly. That was April 24. Nothing more has been heard. I consider this total failure of Secretary Udall a shocking miscarriage of the will of Congress.

Mr. MUSKIE. Mr. President, will the Senator from Alaska yield?

Mr. BARTLETT. I am happy to yield to the Senator from Maine.

Mr. MUSKIE. We have had discussions with representatives of the Department of the Interior and the Budget Bureau, and Mr. Gordon himself. The fact is, on this question there has been no denial of the facts which the Senator from Alaska has just stated, as I recall, and no one disputes there is a surplus in these canned fishery products.

Mr. BARTLETT. The Senator is absolutely correct. I am glad that the Senator from Maine brought that up.

The senior Senator from Washington, the junior Senator from Maine, and I met with the Director of the Bureau of the Budget and one of his assistants for over 2 hours off the the Senate floor 2 months ago. It was an amazing meeting at which the Director made it quite clear that he personally was of the opinion then that adding fish to the food for peace program would most likely hurt the fishing industry, not help it. Mr. Gordon was willing to substitute his judgment for that of the Bureau of Commercial Fisheries, Food for Peace Administration, the fishing industry, Congress, and the President. As I said, I was amazed.

So far as we could determine, the Bureau thought that this was not a good program. So they did not propose to do anything about it. Whether that is so or not, it is surely a fact that nothing has been done.

Mr. MUSKIE. Will the Senator yield further?

Mr. BARTLETT. I yield.

Mr. MUSKIE. We have discussed briefly one of the criteria that were set out in the legislation last year. That is that there be a production in excess of domestic requirements. Two other criteria were laid down. One was that there be an adequate inventory carryover for the needs of the industry and the domestic market. The other was that we anticipated the possibility of developing exports for dollars.

We have met most of these tests on at least a prima facie basis, and I think on a stronger basis than that. Our facts in that connection have not been disputed by the Bureau of the Budget. And for all practical purposes, so far as we know, the Bureau of the Budget does not dispute that we have met the three criteria laid down under the act. Is that correct?

Mr. BARTLETT. That is absolutely correct. And long ago, at a point in time not too distant from the enactment of the bill last year, all of us concerned started to work—or so we thought—with the Bureau of the Budget and with the Department of the Interior. We worked under the assumption, which we thought

we were entitled to entertain, that soon the program would be in effect.

I believe the Senator from Maine [Mr. MUSKIE] has a letter in his file, which he now holds in his hand, dated back in February, from an official of the Department of the Interior. The letter paints a rosy picture in regard to implementation of the program, and paints a gloomy picture in respect to the surplus that exists.

We thought that very shortly after that the Secretary of the Interior would declare these stocks to be surplus, as he is charged with doing under the law. We thought Secretary Udall would recommend to the Director of the Bureau of the Budget, and any other agencies that had to be informed, that the program should be made effective.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. BARTLETT. I am particularly glad to yield to the Senator from Alabama. Above all things, I think it is important that the understanding of the committee in regard to the program be made known. I have a feeling that the committee accepted this amendment last year with a notion, idea, hope, and belief that it would be operative.

Mr. SPARKMAN. Mr. President, I supported this amendment in the committee.

Mr. BARTLETT. I know that.

Mr. SPARKMAN. I supported the amendment on the floor of the Senate. I supported it in the conference; and it became law.

I say in the beginning that I hope the Senator will not insist on the present amendment. I believe we can take care of it in another way, by making the record crystal clear that the intent of Congress is that this program be implemented. And that is the trouble. The law is on the books. It just has not been put into effect. We did intend that it be put into effect. And we intend now that it be put into effect.

Let me say furthermore that I support what was said with reference to the amendment of the Senator from South Dakota [Mr. McGOVERN] that we believe that under the wording of the amendment, fish and fish products would be included. It specifically states: "other protein products."

I am not an expert on these matters. But I believe that fish and fish products are recognized as possessing about as high a protein content as any category of food that we have. I am perfectly willing to say to the Senator that it was our intent to write this provision into the law and that it be activated. That is our intent now. I feel confident that had this matter been called to our attention, we would have made a strong recommendation in the committee report with reference to it.

I state here, as a matter of record on the floor of the Senate that we intended that it be activated. And we still do intend that.

Mr. BARTLETT. I am encouraged by what the Senator from Alabama had to say.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. BARTLETT. I yield.

Mr. MAGNUSON. I associate myself with what the Senator from Maine [Mr. MUSKIE], the Senator from South Dakota [Mr. McGOVERN], and the Senator from Alaska [Mr. BARTLETT] have said. Surely all of us thought we did do something about this program when we enacted it into law. I, too, am alarmed by the lack of attention given to this fine program by the Bureau of the Budget and the Department of the Interior.

I hope that the Senator from Alabama [Mr. SPARKMAN] uses his very great influence in this matter. He has great influence with those engaged in this program. I hope that other Senators use their influence also. If not, the Senator from Washington will have to suggest that when the foreign aid appropriation bill comes along, we designate a number of dollars for that purpose. It would be so much better if they were to do it and abide by the law, than if we were forced to do such a thing.

Mr. SPARKMAN. Mr. President, I agree with the Senator from Washington that the better system, the better way, the orderly way would be to activate the program, as was very clearly the intent of Congress. I feel confident that that will be done.

I give assurance to all Senators that I shall be glad to do whatever I can to see that the program is activated. I cannot speak for the chairman. If I recall correctly, he was an active supporter of the program last year.

Mr. MAGNUSON. He is very active. I know he is very concerned and will be with us all the way.

Mr. SPARKMAN. He was active on the committee, on the floor of the Senate, and in the conference.

Mr. BARTLETT. That is correct. I talked with the chairman this afternoon. He did not have an opportunity to study the specific wording of the amendment, so he did not promise to support it. He did say that he was and is in favor of the program.

Mr. SPARKMAN. This is correct. I feel certain he will lend his support toward getting the proper officials to go ahead and do what they ought to do under the law now on the statute books.

Mr. BARTLETT. Then we shall have two powerful right arms helping us—the right arm of the Senator from Alabama and the right arm of the Senator from Arkansas.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. BARTLETT. I yield.

Mr. MUSKIE. I appreciate the reassurance of the Senator from Alabama. It is a restatement of what I know to have been his intent a year ago when this language was incorporated in the bill.

Constantly when we are considering amendments of this nature to a bill on the floor of the Senate, we are asked by administrators of agencies to use flexible language. And yet when we do use the flexible language, the language is used to flout the will of Congress. Here we have language that is flexible. But the intent is clear. It has been clear ever since the bill was enacted into law last year. An agency uses the flexible lan-

guage not to implement the right of Congress, but to thwart it.

Mr. BARTLETT. The agency tries to overcome the will of Congress.

Mr. MUSKIE. That is correct.

Mr. SPARKMAN. Mr. President, I believe we have made our intent even more clear today. I doubt that there is a single Senator who is opposed to it.

Mr. McGOVERN. Mr. President, will the Senator yield?

Mr. BARTLETT. I am happy to yield to the Senator from South Dakota whose support meant so much to us from the inception of what we thought was going to be a worthwhile program. It will be such if we ever get it going.

Mr. McGOVERN. Mr. President, as the Senator knows, I supported this program and have supported it since its inception. I wholeheartedly agree with the Senator from Washington [Mr. MAGNUSON], the Senator from Alabama [Mr. SPARKMAN], the Senator from Maine [Mr. MUSKIE], and the Senator from Alaska [Mr. BARTLETT]. I believe this is an important matter.

There are not very many people in the world who are actually starving to death any more. But we have hundreds of millions of people who have very badly balanced diets and are suffering from malnutrition of one kind or another. The basic cause of that malnutrition is the lack of proper foods.

In most countries, people can find sufficient volume of food to eat, but they do not have the correct mixture. Adding even a modest amount of fish or fish products to a diet can perform almost miraculous results in terms of human health. On humanitarian grounds alone, aside from what the proposal might mean to our own domestic economy, we ought to implement it as quickly and as effectively as we can.

Mr. BARTLETT. I thank the Senator. In view of what has transpired here today, I hope that the Secretary of the Interior within the next week—it should not take until sundown tomorrow, in fact—will declare these stocks of fish in surplus, as he should have done long ago under the law, and that soon thereafter the program will be put into effect.

In the light of what the Senator from Alabama [Mr. SPARKMAN] has said—and I realize that the Public Law 480 is a discretionary program, but I did not realize it would prove to be quite as discretionary as it has—and because of the fine support that he has given, I withdraw the amendment.

AMENDMENT NO. 1215

Mr. DIRKSEN. Mr. President, on behalf of the distinguished majority leader and myself I offer an amendment to the pending bill. I presume the foreign assistance bill is the pending business before the Senate. Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DIRKSEN. I offer the amendment to the pending bill. I do not intend to discuss the subject very long tonight. Copies of the amendment have been given to all Senators and the press and, so far as I know, to all Members of the House. The subject has been pending for quite a long time, and it has

become something of a volcanic issue in the country.

I believe that interest in the so-called reapportionment question began with the case of Baker against Carr in 1962. That case emanated from the State of Tennessee, and in the course of the Supreme Court's decision there were finally filed at least 60 suits in 37 States. In some cases there was reapportionment, and in other cases there was not.

But overshadowing all of that came another line of decisions by the Supreme Court, the principal one of which is the case of Reynolds against Sims, which came out of Alabama. Jointly with that case, the Court undertook to consider a case from the southern district of New York on appeal, a case from Maryland on appeal, a case from Virginia on appeal, a case from Delaware on appeal, and a case from Colorado on appeal. But the decision in the case of Reynolds against Sims covers the entire question.

First, I ask unanimous consent to have printed at this point in my remarks the dissenting opinion of Associate Justice John Marshall Harlan.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

DISSENTING OPINION OF ASSOCIATE JUSTICE JOHN MARSHALL HARLAN IN THE CASE OF REYNOLDS v. SIMS

(June 15, 1964)

Mr. JUSTICE HARLAN, dissenting:

In these cases the Court holds that seats in the legislatures of six States¹ are apportioned in ways that violate the Federal Constitution. Under the Court's ruling it is bound to follow that the legislatures in all but a few of the other 44 States will meet the same fate.² These decisions, with *Wesberry v. Sanders*, 376 U.S. 1, involving congressional districting by the States, and *Gray v. Sanders*, 372 U.S. 368, relating to elections for statewide office, have the effect of placing basic aspects of state political systems under the pervasive overlordship of the Federal judiciary. Once again,³ I must register my protest.

PRELIMINARY STATEMENT

Today's holding is that the equal protection clause of the 14th amendment requires every State to structure its legislature so that all the members of each house represent substantially the same number of people; other factors may be given play only to the extent that they do not significantly encroach on this basic "population" principle. Whatever may be thought of this holding as a piece of political ideology—and even on that score the political history and practices of this country from its earliest beginnings leave wide room for debate (see the dissent-

¹ Alabama, Colorado, Delaware, Maryland, New York, Virginia.

² In the Virginia case, *Davis v. Mann*, post, p. —, the defendants introduced an exhibit prepared by the staff of the Bureau of Public Administration of the University of Virginia in which the Virginia Legislature, now held to be unconstitutionally apportioned, was ranked eighth among the 50 States in "representatives," with population taken as the basis of representation. The Court notes that before the end of 1962, litigation attacking the apportionment of State legislatures had been instituted in at least 34 States. Ante, p. 21, note 30. See infra, p. 24.

³ See *Baker v. Carr*, 369 U.S. 186, 330, and the dissenting opinion of Frankfurter, J., in which I joined, id., at 266; *Gray v. Sanders*, 372 U.S. 368, 382; *Wesberry v. Sanders*, 376 U.S. 1, 20.

ing opinion of Frankfurter, J., in *Baker v. Carr*, 369 U.S. 186, 266, 301-323)—I think it demonstrable that the 14th amendment does not impose this political tenet on the States or authorize this Court to do so.

The Court's constitutional discussion, found in its opinion in the Alabama cases (Nos. 23, 27, 41, ante p. —) and more particularly at pages 26-33 thereof, is remarkable (as, indeed, is that found in the separate opinions of my Brothers Stewart and Clark, ante, pp. —, —) for its failure to address itself at all to the 14th amendment as a whole or to the legislative history of the amendment pertinent to the matter at hand. Stripped of aphorisms, the Court's argument boils down to the assertion that petitioners' right to vote has been invidiously "debased" or "diluted" by systems of apportionment which entitle them to vote for fewer legislators than other voters, an assertion which is tied to the equal protection clause only by the constitutionally frail tautology that "equal" means "equal."

Had the Court paused to probe more deeply into the matter, it would have found that the equal protection clause was never intended to inhibit the States in choosing any democratic method they pleased for the apportionment of their legislatures. This is shown by the language of the 14th amendment taken as a whole, by the understanding of those who proposed and ratified it, and by the political practices of the States at the time the amendment was adopted. It is confirmed by numerous State and congressional actions since the adoption of the 14th amendment, and by the common understanding of the amendment as evidenced by subsequent constitutional amendments and decisions of this Court before *Baker v. Carr*, supra, made an abrupt break with the past in 1962.

The failure of the Court to consider any of these matters cannot be excused or explained by any concept of "developing" constitutionalism. It is meaningless to speak of constitutional "development" when both the language and history of the controlling provisions of the Constitution are wholly ignored. Since it can, I think, be shown beyond doubt that State legislative apportionments, as such, are wholly free of constitutional limitations, save such as may be imposed by the republican form of government clause (Const., art. IV, sec. 4),⁴ the Court's actions now bringing them within the purview of the 14th amendment amounts to nothing less than an exercise of the amending power by this Court.

So far as the Federal Constitution is concerned, the complaints in these cases should all have been dismissed below for failure to state a cause of action, because what has been alleged or proved shows no violation of any constitutional right.

Before proceeding to my argument it should be observed that nothing done in *Baker v. Carr*, supra, or in the two cases that followed in its wake, *Gray v. Sanders* and *Wesberry v. Sanders*, supra, from which the Court quotes at some length, forecloses the conclusion which I reach.

Baker decided only that claims such as those made here are within the competence of the Federal courts to adjudicate. Although the Court stated as its conclusion

⁴ That clause, which manifestly has no bearing on the claims made in these cases, see V. Elliot's "Debates on the Adoption of the Federal Constitution" (1845), 332-333, could not in any event be the foundation for judicial relief. *Luther v. Borden*, 7 How. 1, 42-44; *Ohio ex rel. Bryant v. Akron Metropolitan Park District*, 281 U.S. 74, 79-80; *Highland Farms Dairy, Inc., v. Agnew*, 300 U.S. 608, 612. In *Baker v. Carr*, supra, at 277, the Court stated that reliance on the Republican Form of Government Clause "would be futile."

that the allegations of a denial of equal protection presented "a justiciable constitutional cause of action," 369 U.S., at 237, it is evident from the Court's opinion that it was concerned all but exclusively with justiciability and gave no serious attention to the question whether the equal protection clause touches State legislative apportionments.⁵ Neither the opinion of the Court nor any of the concurring opinions considered the relevant text of the 14th amendment or any of the historical materials bearing on that question. None of the materials was briefed or otherwise brought to the Court's attention.⁶

In the *Gray* case the Court expressly laid aside the applicability to state legislative apportionments of the "one person one vote" theory there found to require the striking down of the Georgia county unit system. See 372 U.S. at 376, and the concurring opinion of Stewart, J., joined by Clark, J., *id.*, at 381-382.

In *Wesberry*, involving congressional districting, the decision rested on article I, section 2, of the Constitution. The Court expressly did not reach the arguments put forward concerning the equal protection clause. See 376 U.S. at 8, note 10.

Thus it seems abundantly clear that the Court is entirely free to deal with the cases presently before it in light of materials now called to its attention for the first time. To these I now turn.

I

A. The language of the 14th amendment

The Court relies exclusively on that portion of section 1 of the 14th amendment which provides that no State shall "deny to any person within its jurisdiction the equal protection of the laws," and disregards entirely the significance of section 2, which reads:

"Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State."

The amendment is a single text. It was introduced and discussed as such in the Reconstruction Committee,⁷ which reported

⁵ It is fair to say that, beyond discussion of a large number of cases having no relevance to this question, the Court's views on this subject were fully stated in the compass of a single sentence: "Judicial standards under the equal protection clause are well developed and familiar, and it has been open to courts since the enactment of the 14th amendment to determine, if on the particular facts they must, that a discrimination reflects no policy, but simply arbitrary and capricious action." 369 U.S. at 226.

Except perhaps for the "crazy quilt" doctrine of my Brother Clark, 369 U.S., at 251, nothing is added to this by any of the concurring opinions, *id.*, at 241, 265.

⁶ The cryptic remands in *Scholle v. Hare*, 369 U.S. 429, and *WMCA, Inc., v. Simon*, 370 U.S. 190, on the authority of Baker, had nothing to say on the question now before the Court.

⁷ See the Journal of the Committee, reprinted in Kendrick, *The Journal of the Joint Committee of Fifteen on Reconstruction* (1914), 83-117.

it to the Congress. It was discussed as a unit in Congress and proposed as a unit to the States,⁸ which ratified it as a unit. A proposal to split up the amendment and submit each section to the States as a separate amendment was rejected by the Senate.⁹ Whatever one might take to be the application to these cases of the equal protection clause if it stood alone, I am unable to understand the Court's utter disregard of the second section which expressly recognizes the States' power to deny "or in any way" abridge the right of their inhabitants to vote for "the members of the [State] legislature," and its express provision of a remedy for such denial or abridgement. The comprehensive scope of the second section and its particular reference to the State legislatures precludes the suggestion that the first section was intended to have the result reached by the Court today. If indeed the words of the 14th amendment speak for themselves, as the majority's disregard of history seems to imply, they speak as clearly as may be against the construction which the majority puts on them. But we are not limited to the language of the amendment itself.

B. Proposal and ratification of the amendment

The history of the adoption of the 14th amendment provides conclusive evidence that neither those who proposed nor those who ratified the amendment believed that the equal protection clause limited the power of the States to apportion their legislatures as they saw fit. Moreover, the history demonstrates that the intention to leave this power undisturbed was deliberate and was widely believed to be essential to the adoption of the amendment.

(i) Proposal of the amendment in Congress—A resolution proposing what became the 14th amendment was reported to both Houses of Congress by the Reconstruction Committee of Fifteen on April 30, 1866.¹⁰ The first two sections of the proposed amendment read:

"Sec. 1. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

"Sec. 2. Representatives shall be apportioned among the several States which may be included within this Union, according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But whenever, in any State, the elective franchise shall be denied to any portion of its male citizens not less than twenty-one years of age, or in any way abridged except for participation in rebellion or other crime, the basis of representation in such State shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens not less than twenty-one years of age."¹¹

In the House, Thaddeus Stevens introduced debate on the resolution on May 8. In his opening remarks, Stevens explained why he supported the resolution although it fell "far short" of his wishes:

"I believe it is all that can be obtained in the present state of public opinion. Not only Congress but the several States are to be consulted. Upon a careful survey of the

⁸ See the debates in Congress, Cong. Globe, 39th Cong., 1st sess., 2459-3149, passim (1866) (hereafter *Globe*).

⁹ *Globe* 3040.

¹⁰ *Globe* 2265, 2286.

¹¹ As reported in the House. *Globe* 2286. For prior versions of the amendment in the Reconstruction Committee, see Kendrick, *op. cit.*, supra, note 7, 83-117. The work of the Reconstruction Committee is discussed in Kendrick, supra, and Flack, the adoption of the 14th amendment (1908), 55-139, passim.

whole ground, we did not believe that 19 of the loyal States could be induced to ratify any proposition more stringent than this."¹²

In explanation of this belief, he asked the House to remember "that 3 months since, and more, the committee reported and the House adopted a proposed amendment fixing the basis of representation in such way as would surely have secured the enfranchisement of every citizen at no distant period," but that proposal had been rejected by the Senate.¹³

He then explained the impact of the first section of the proposed amendment, particularly the equal protection clause.

"This amendment allows Congress to correct the unjust legislation of the States, so far that the law which operates upon one man shall operate equally upon all. Whatever law punishes a white man for a crime shall punish the black man precisely in the same way and to the same degree. Whatever law protects the white man shall afford 'equal' protection to the black man. Whatever means of redress is afforded to one shall be afforded to all. Whatever law allows the white man to testify in court shall allow the man of color to do the same. These are great advantages over their present codes. Now different degrees of punishment are inflicted, not on account of the magnitude of the crime, but according to the color of the skin. Now color disqualifies a man from testifying in courts, or being tried in the same way as white men. I need not enumerate these partial and oppressive laws. Unless the Constitution should restrain them those States will all, I fear, keep up this discrimination and crush to death the hated freedmen."¹⁴

He turned next to the second section, which he said he considered "the most important in the article."¹⁵ Its effect, he said, was to fix "the basis of representation in Congress."¹⁶ In unmistakable terms, he recognized the power of a State to withhold the right to vote:

"If any State shall exclude any of her adult male citizens from the elective franchise, or abridge that right, she shall forfeit her right to representation in the same proportion. The effect of this provision will be either to compel the States to grant universal suffrage or so to shear them to their power as to keep them forever in a hopeless minority in the National Government, both legislative and executive."¹⁷

Closing his discussion of the second section, he noted his dislike for the fact that it allowed "the States to discriminate [with respect to the right to vote] among the same class, and receive proportionate credit in representation."¹⁸

Toward the end of the debate 3 days later, Mr. Bingham, the author of the first section in the Reconstruction Committee and its leading proponent,¹⁹ concluded his discussion of it with the following:

"Allow me, Mr. Speaker, in passing, to say that this amendment takes from no State any right that ever pertained to it. No State ever had the right, under the forms of law or otherwise, to deny to any freeman the

¹² *Globe* 2459.

¹³ *Ibid.* Stevens was referring to a proposed amendment to the Constitution which provided that "whenever the elective franchise shall be denied or abridged in any State on account of race or color, all persons therein of such race or color shall be excluded from the basis of representation." *Globe* 535. It passed the House, *id.*, at 538, but did not muster the necessary two-thirds vote in the Senate, *id.*, at 1289.

¹⁴ *Globe* 2459.

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ *Ibid.*

¹⁸ *Globe* 2460.

¹⁹ Kendrick, *op. cit.*, supra, note 7, 87, 106; Flack, *op. cit.*, supra, note 11, 60-68, 71.

equal protection of the laws or to abridge the privileges or immunities of any citizen of the Republic, although many of them have assumed and exercised the power, and that without remedy. The amendment does not give, as the second section shows, the power to Congress of regulating suffrage in the several States."²⁰

He immediately continued:

"The second section excludes the conclusion that by the first section suffrage is subjected to congressional law; save, indeed, with this exception, that as the right in the people of each State to a republican government and to choose their Representatives in Congress is of the guarantees of the Constitution, by this amendment a remedy might be given directly for a case supposed by Madison, where treason might change a State government from a republican to a despotic government, and thereby deny suffrage to the people."²¹

He stated at another point in his remarks:

"To be sure we all agree, and the great body of the people of this country agree, and the committee thus far in reporting measures of reconstruction agree, that the exercise of the elective franchise, though it be one of the privileges of a citizen of the Republic is exclusively under the control of the States."²²

In the 3 days of debate which separate the opening and closing remarks, both made by members of the Reconstruction Committee, every speaker on the resolution, with a single doubtful exception,²³ assumed without question that, as Mr. Bingham said, supra, "the second section excludes the conclusion that by the first section suffrage is subjected to congressional law." The assumption was neither inadvertent nor silent. Much of the debate concerned the change in the basis of representation effected by the second section, and the speakers stated repeatedly, in express terms or by unmistakable implication, that the States retained the power to regulate suffrage within their borders. Attached as appendix A heretofore are some of those statements. The resolution was adopted by the House without change on May 10.²⁴

Debate in the Senate began on May 23, and followed the same pattern. Speaking for the Senate Chairman of the Reconstruction Committee, who was ill, Senator Howard, also a member of the Committee, explained the meaning of the equal protection clause as follows:

"The last two clauses of the first section of the amendment disable a State from depriving not merely a citizen of the United States, but any person, whoever he may be, of life, liberty, or property without due process of law, or from denying to him the equal protection of the laws of the State. This abolishes all class legislation in the States and does away with the injustice of subjecting one caste of persons to a code not applicable to another. It prohibits the hanging of a black man for a crime for which the white man is not to be hanged. It protects the black man in his fundamental rights as a citizen with the same shield which it

throws over the white man. Is it not time, Mr. President, that we extend to the black man, I had almost called it the poor privilege of the equal protection of the law?"

"But, sir, the first section of the proposed amendment does not give to either of these classes the right of voting. The right of suffrage is not, in law, one of the privileges or immunities thus secured by the Constitution. It is merely the creature of law. It has always been regarded in this country as the result of positive local law, not regarded as one of those fundamental rights lying at the basis of all society and without which a people cannot exist except as slaves, subject to a despotism [sic]."²⁵

Discussing the second section, he expressed his regret that it did "not recognize the authority of the United States over the question of suffrage in the several States at all."²⁶ He justified the limited purpose of the amendment in this regard as follows:

"But, sir, it is not the question here what will we do; it is not the question what you, or I, or half a dozen other Members of the Senate may prefer in respect to colored suffrage; it is not entirely the question what measure we can pass through the two Houses; but the question really is, what will the legislatures of the various States to whom these amendments are to be submitted do in the premises; what is it likely will meet the general approbation of the people who are to elect the legislatures, three-fourths of whom must ratify our propositions before they have the force of constitutional provisions?"

"The committee were of opinion that the States are not yet prepared to sanction so fundamental a change as would be the concession of the right of suffrage to the colored race. We may as well state it plainly and fairly, so that there shall be no misunderstanding on the subject. It was our opinion that three-fourths of the States of this Union could not be induced to vote to grant the right of suffrage, even in any degree or under any restriction, to the colored race."

"The second section leaves the right to regulate the elective franchise still with the States and does not meddle with that right."²⁷

There was not in the Senate, as there had been in the House, a closing speech in explanation of the amendment. But because the Senate considered, and finally adopted, several changes in the first and second sections, even more attention was given to the problem of voting rights there than had been given in the House. In the Senate, it was fully understood by everyone that neither the first nor the second section interfered with the right of the States to regulate the elective franchise. Attached as appendix B hereto are representative statements from the debates to that effect. After having changed the proposed amendment to the form in which it was adopted, the Senate passed the resolution on June 8, 1866.²⁸ As changed, it passed in the House on June 13.²⁹

(ii) Ratification by the "loyal" States: Reports of the debates in the State legislatures on the ratification of the 14th amendment are not generally available.³⁰ There

is, however, compelling indirect evidence. Of the 23 loyal States which ratified the amendment before 1870, 5 had constitutional provisions for apportionment of at least one house of their respective legislatures which wholly disregarded the spread of population.³¹ Ten more had constitutional provisions which gave primary emphasis to population, but which applied also other principles, such as partial ratios and recognition of political subdivisions, which were intended to favor sparsely settled areas.³² Can it be seriously contended that the legislatures of these States, almost two-thirds of those concerned, would have ratified an amendment which might render their own States' constitutions unconstitutional.

Nor were these State constitutional provisions merely theoretical. In New Jersey, for example, Cape May County, with a population of 8,349, and Ocean County, with a population of 13,628, each elected 1 State senator, as did Essex and Hudson Counties, with populations of 143,839 and 129,067, respectively.³³ In the house, each county was entitled to 1 representative, which left 39 seats to be apportioned according to population.³⁴ Since there were 12 counties besides the 2 already mentioned where had populations over 30,000.³⁵ It is evident that there were serious disproportions in the house also. In New York, each of the 60 counties except Hamilton County was entitled to one of the 128 seats in the assembly.³⁶ This left 69 seats to be distributed among counties the populations of which ranged from 15,420 to 942,292.³⁷ With 7

23, 24, 25-26 (1867); Mo. Sen. J. 14 (1867); N.J. Sen. J. 7 (Extra Sess. 1866); N.C. Sen. J. 96-97, 98-99 (1866-1867); Tenn. House J. 12-15 (1865-1866); Tenn. Sen. J. 8 (Extra Sess. 1866); Va. House J. & Doc., Doc. No. 1, 35 (1866-1867); Wis. Sen. J. 33, 101-103 (1867). Contra, S.C. House J. 34 (1866); Tex. Sen. J. 422 (1866 App.).

For an account of the proceedings in the State legislatures and citations to the proceedings, see Fairman, "Does the Fourteenth Amendment Incorporate the Bill of Rights?" 2 Stan. L. Rev. 5, 81-126 (1949).

³¹ Conn. const., 1818 art. third, sec. 3 (towns); N.H. const., 1792, part second, sec. XXVI (direct taxes paid); N.J. const., 1844, art. IV, sec. II, cl. 1 (counties); R.I. const., 1842, art. VI, sec. 1 (towns and cities); Vt. const., 1793, c. II, sec. 7 (towns).

In none of these States was the other House apportioned strictly according to population. Conn. const., 1818, amend. II; N.H. const., 1792, pt. second, sec. IX-XI; N.J. const., 1844, art. IV, sec. III, cl. 1; R.I. const., 1842, art. V, sec. 1; Vt. const., 1793, amend 23.

³² Iowa const., 1857, art. III, sec. 35; Kans. const., 1859, art. 2, sec. 2, art. 10, sec. 1; Me. const., 1819, art. IV-pt. first, sec. 3; Mich. const., 1850, art. IV, sec. 3; Mo. const. 1865; art. IV, sec. 2; N.Y. const. 1846, art. III, sec. 5; Ohio const., 1851, art. XI, secs. 2-5; Pa. const., 1838, art. I, secs. 4, 6, 7, as amended; Tenn. const., 1834, art. II, sec. 5; W. Va. const., 1861-1863, art. IV, sec. 9.

³³ Ninth Census of the United States, Statistics of Population (1872) (hereafter census), 49. The population figures, here and hereafter, are for the year 1870, which presumably best reflect the figures for the years 1866-70. Only the figures for 1860 were available at that time, of course, and they would have been used by anyone interested in population statistics. See, e.g., Globe 3028 (remarks of Senator Johnson).

The method of apportionment is contained in N.J. const., 1844, art. IV, sec. II, cl. 1.

³⁴ N.J. const., 1844, art. IV, sec. III, cl. 1. census 49.

³⁵ Ibid.

³⁶ N.Y. const., 1846, art. III, secs. 2, 5. census 50-51.

³⁷ Ibid.

²⁰ Globe 2542.

²¹ Ibid. It is evident from the context of the reference to a republican government that Bingham did not regard limitations on the right to vote or the denial of the vote to specified categories of individuals as violating the guarantee of a republican form of government.

²² Ibid.

²³ Representative Rogers, who voted against the resolution, Globe 2545, suggested that the right to vote might be covered by the privileges and immunities clause. Globe 2538. But immediately thereafter he discussed the possibility that the Southern States might "refuse to allow the Negroes to vote." Ibid.

²⁴ Globe 2766.

²⁵ Ibid.

²⁶ Ibid.

²⁷ Ibid.

²⁸ Globe 3042.

²⁹ Globe 3149.

³⁰ Such evidence as there is, mostly committee reports and messages to the legislatures from Governors of the States, is to the same effect as the evidence from the debates in the Congress. See Ark. House J. 288 (1866-1867); Fla. Sen. J. 8-10 (1866); Ind. House J. 47-48, 50-51 (1867); Mass. Legis. Doc., House Doc. No. 149, 4-14, 16-17,

more counties having populations over 100,000 and 13 others having populations over 50,000,³⁸ the disproportion in the assembly was necessarily large. In Vermont, after each county had been allocated 1 senator, there were 16 seats remaining to be distributed among the larger counties.³⁹ The smallest county had a population of 4,082; the largest had a population of 40,651 and there were 10 other counties with populations over 20,000.⁴⁰

(iii) Ratification by the "reconstructed" States: Each of the 10 "reconstructed" States was required to ratify the 14th amendment before it was readmitted to the Union.⁴¹ The constitution of each was scrutinized in Congress.⁴² Debates over readmission were extensive.⁴³ In at least one instance, the problem of State legislative apportionment was expressly called to the attention of Congress. Objecting to the inclusion of Florida in the act of June 25, 1868, Mr. Farnsworth stated on the floor of the House:

"I might refer to the apportionment of representatives. By this constitution representatives in the legislature of Florida are apportioned in such a manner as to give to the sparsely populated portion of the State

the control of the legislature. The sparsely populated parts of the State are those where there are very few Negroes, the parts inhabited by the white rebels, the men who, coming in from Georgia, Alabama, and other States, control the fortunes of their several counties. By this constitution every county in that State is entitled to a representative. There are in that State counties that have not 30 registered voters; yet, under this constitution, every one of those counties is entitled to a representative in the legislature; while the populous counties are entitled to only one representative each, with an additional representative for every thousand inhabitants."⁴⁴

The response of Mr. Butler is particularly illuminating:

"All these arguments, all these statements, all the provisions of this constitution have been submitted to the Judiciary Committee of the Senate, and they have found the constitution republican and proper. This constitution has been submitted to the Senate, and they have found it republican and proper. It has been submitted to your own Committee on Reconstruction, and they have found it republican and proper, and have reported it to this House."⁴⁵

The constitutions of 6 of the 10 States contained provisions departing substantially from the method of apportionment now held to be required by the amendment.⁴⁶ And, as in the North, the departures were as real in fact as in theory. In North Carolina, 90 of the 120 representatives were apportioned among the counties without regard to population, leaving 30 seats to be distributed by numbers.⁴⁷ Since there were 7 counties with populations under 5,000 and 26 counties with populations over 15,000, the disproportions must have been widespread and substantial.⁴⁸ In South Carolina, Charleston, with a population of 88,863, elected 2 senators; each of the other counties, with populations ranging from 10,269 to 42,486 elected 1 senator.⁴⁹ In Florida, each of the 39 counties was entitled to elect 1 representative; no county was entitled to more than 4.⁵⁰ These principles applied to Dade County with a population of 85 and to Alachua County and Leon County, with populations of 17,328 and 15,236, respectively.⁵¹

It is incredible that Congress would have exacted ratification of the 14th amendment as the price of readmission, would have studied the State constitutions for compliance with the amendment, and would then have disregarded violations of it.

The facts recited above show beyond any possible doubt:

(1) That Congress, with full awareness of and attention to the possibility that the States would not afford full equality in voting rights to all their citizens, nevertheless deliberately chose not to interfere with the States' plenary power in this regard when it proposed the 14th amendment.

(2) That Congress did not include in the 14th amendment restrictions on the States' power to control voting rights because it believed that if such restrictions were included, the amendment would not be adopted.

(3) That at least a substantial majority, if not all, of the States which ratified the

14th amendment did not consider that in so doing, they were accepting limitations on their freedom, never before questioned, to regulate voting rights as they chose.

Even if one were to accept the majority's belief that it is proper entirely to disregard the unmistakable implications of the second section of the amendment in construing the first section, one is confounded by its disregard of all this history. There is here none of the difficulty which may attend the application of basic principles to situations not contemplated or understood when the principles were framed. The problems which concern the Court now were problems when the amendment was adopted. By the deliberate choice of those responsible for the amendment, it left those problems untouched.

C. After 1868

The years following 1868, far from indicating a developing awareness of the applicability of the 14th amendment to problems of apportionment, demonstrate precisely the reverse: that the States retained and exercised the power independently to apportion their legislatures. In its constitutions of 1875 and 1901, Alabama carried forward earlier provisions guaranteeing each county at least one representative and fixing an upper limit to the number of seats in the House.⁵²

Florida's constitution of 1885 continued the guarantee of one representative for each county and reduced the maximum number of representatives per county from four to three.⁵³ Georgia, in 1877, continued to favor the smaller counties.⁵⁴ Louisiana, in 1879, guaranteed each parish at least one representative in the house.⁵⁵ In 1890, Mississippi guaranteed each county one representative, established a maximum number of representatives, and provided that specified groups of counties should each have approximately one-third of the seats in the house, whatever the spread of population.⁵⁶ Missouri's constitution of 1875 gave each county one representative and otherwise favored less populous areas.⁵⁷ Montana's original constitution of 1889 apportioned the State senate by counties.⁵⁸ In 1877, New Hampshire amended its constitution's provisions for apportionment, but continued to favor sparsely settled areas in the house and to apportion seats in the senate according to direct taxes paid;⁵⁹ the same was true of New Hampshire's constitution of 1902.⁶⁰

In 1894, New York adopted a constitution the peculiar apportionment provisions of which were obviously intended to prevent representation according to population: no county was allowed to have more than one-third of all the senators, no two counties which were adjoining or "separated only by public waters" could have more than one-half of all the senators, and whenever any county became entitled to more than three senators, the total number of the senators was increased, thus preserving to the small counties their original number of seats.⁶¹ In addition, each county except Hamilton was guaranteed a seat in the assembly.⁶² The North Carolina constitution of 1876

⁵² Ala. const., 1875, art. IX, secs. 2, 3; Ala. const., 1901, art. IX, secs. 198, 199.

⁵³ Fla. const., 1885, art. VII, sec. 3.

⁵⁴ Ga. const., 1877, art. III, sec. III.

⁵⁵ La. const., 1879, art. 16.

⁵⁶ Miss. const., 1890, art. 13, sec. 265.

⁵⁷ Mo. const., 1875, art. 4, sec. 2.

⁵⁸ Mont. const., 1889, art. V, sec. 4, art. VI, sec. 4.

⁵⁹ N.H. const., 1792, part second, secs. 9-11, 26, as amended.

⁶⁰ N.H. const., 1902, part second, arts. 9, 10, 25.

⁶¹ N.Y. const., 1894, art. III, sec. 4.

⁶² N.Y. const., 1894, art. III, sec. 5.

³⁸ Ibid.

³⁹ There were 14 counties, census 67, each of which was entitled to at least one out of a total of 30 seats. Vt. const., 1793, amend. 23.

⁴⁰ Census 67.

⁴¹ Act of Mar. 2, 1867, sec. 5, 14 Stat. 429. See also act of June 25, 1868, 15 Stat. 73, declaring that the States of North Carolina, South Carolina, Louisiana, Georgia, Alabama, and Florida, would be admitted to representation in Congress when their legislatures had ratified the 14th amendment. Other conditions were also imposed, including a requirement that Georgia nullify certain provisions of its constitution. Ibid. Arkansas, which had already ratified the 14th amendment, was readmitted by act of June 22, 1868, 15 Stat. 72. Virginia was readmitted by act of Jan. 26, 1870, 16 Stat. 62; Mississippi by act of Feb. 23, 1870, 16 Stat. 67; and Texas by act of May 30, 1870, 16 Stat. 80. Georgia was not finally readmitted until later, by act of July 15, 1870, 16 Stat. 363.

⁴² Discussing the bill which eventuated in the act of June 25, 1868, see note 41, supra, Thaddeus Stevens said:

"Now, sir, what is the particular question we are considering? Five or six States have had submitted to them the question of forming constitutions for their own government. They have voluntarily formed such constitutions, under the direction of the Government of the United States. * * * They have sent us their constitutions. Those constitutions have been printed and laid before us. We have looked at them; we have pronounced them republican in form; and all we propose to require is that they shall remain so forever. Subject to this requirement, we are willing to admit them into the Union." Cong. Globe, 40th Cong., 2d sess., 2465 (1868). See also the remarks of Mr. Butler, *infra*, pp. 19-20.

The close attention given the various constitutions is attested by the act of June 25, 1868, which conditioned Georgia's readmission on the deletion of "the first and third subdivisions of section seventeen of the fifth article of the constitution of said State, except the proviso to the first subdivision. * * *" 15 Stat. 73. The sections involved are printed in Sen. Ex. Doc. No. 57, 40th Cong. 2d sess., 14-15.

Compare *United States v. Florida*, 363 U.S. 121, 124-127.

⁴³ See, e.g., Cong. Globe, 40th Cong., 2d sess., 2412-2413, 2858-2860, 2861-2871, 2895-2900, 2901-2904, 2927-2935, 2963-2970, 2998-3022, 3023-3029 (1868).

⁴⁴ Cong. Globe, 40th Cong., 2d sess., 3090-3091 (1868).

⁴⁵ Id., at 3092.

⁴⁶ Ala. const., 1867, art. VIII, sec. 1; Fla. const., 1868, art. XIV; Ga. const., 1868, art. III, sec. 3, par. 1; La. const., 1868, tit. II, art. 20; N.C. const., 1868, art. II, sec. 6; S.C. const., 1868, art. II, secs. 6, 8.

⁴⁷ N.C. const., 1868, art. II, sec. 6. There were 90 counties. Census 52-53.

⁴⁸ Ibid.

⁴⁹ S.C. const., 1868, art. II, sec. 8; Census 60.

⁵⁰ Fla. const., 1868, art. XIV.

⁵¹ Census 18-19.

gave each county at least one representative and fixed a maximum number of representatives for the whole house.⁶³ Oklahoma's constitution at the time of its admission to the Union (1907) favored small counties by the use of partial ratios and a maximum number of seats in the House; in addition, no county was permitted to "take part" in the election of more than seven representatives.⁶⁴ Pennsylvania, in 1873, continued to guarantee each county one representative in the house.⁶⁵ The same was true of South Carolina's constitution of 1895, which provided also that each county should elect one and only one senator.⁶⁶ Utah's original constitution of 1895 assured each county of one representative of the house.⁶⁷ Wyoming, when it entered the Union in 1890, guaranteed each county at least one senator and one representative.⁶⁸

D. Today

Since the Court now invalidates the legislative apportionments in six States, and has so far upheld the apportionment in none, it is scarcely necessary to comment on the situation in the States today, which is, of course, as fully contrary to the Court's decision as is the record of every prior period in this Nation's history. As of 1961, the constitutions of all but 11 States, roughly 20 percent of the total, recognized bases of apportionment other than geographic spread of population, and to some extent favored sparsely populated areas by a variety of devices, ranging from straight area representation or guaranteed minimum area representation to complicated schemes of the kind exemplified by the provisions of New York's constitution of 1894, still in effect until struck down by the Court today in No. 20, post, page —.⁶⁹ Since Tennessee, which was the subject of *Baker v. Carr*, and Virginia, scrutinized and disapproved today in No. 69, post, page —, are among the 11 States whose own constitutions are sound from the standpoint of the Federal Constitution, as construed today, it is evident that the actual practice of the States is even more uniformly than their theory opposed to the Court's view of what is constitutionally permissible.

E. Other factors

In this summary of what the majority ignores, note should be taken of the 15th and 19th amendments. The former prohibited the States from denying or abridging the right to vote "on account of race, color, or previous condition of servitude." The latter, certified as part of the Constitution in 1920, added sex to the prohibited classifications. In *Minor v. Happersett*, 21 Wall. 162, this court considered the claim that the right of women to vote was protected by the privileges and immunities clause of the 14th amendment. The court's discussion there of the significance of the 15th amendment is fully applicable here with respect to the 19th amendment as well.

"And still again, after the adoption of the 14th amendment, it was deemed necessary to adopt a 15th, as follows: 'The right of

citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.' The 14th amendment had already provided that no State should make or enforce any law which should abridge the privileges or immunities of citizens of the United States. If suffrage was one of these privileges or immunities, why amend the Constitution to prevent its being denied on account of race, et cetera? Nothing is more evident than that the greater must include the less, and if all were already protected why go through with the form of amending the Constitution to protect a part?" *Idem*, at 175.

In the present case, we can go still further. If constitutional amendment was the only means by which all men and, later, women, could be guaranteed the right to vote at all, even for Federal officers, how can it be that the far less obvious right to a particular kind of apportionment of State legislatures—a right to which is opposed a far more plausible conflicting interest of the State than the interest which opposes the general right to vote—can be conferred by judicial construction of the 14th amendment? Yet, unless one takes the highly implausible view that the 14th amendment controls methods of apportionment but leaves the right to vote itself unprotected, the conclusion is inescapable that the court has, for purposes of these cases, relegated the 15th and 19th amendments to the same limbo of constitutional anachronisms to which the second section of the 14th amendment has been assigned.

Mention should be made finally of the decisions of this court which are disregarded or, more accurately, silently overruled today. *Minor v. Happersett*, *supra*, in which the court held that the 14th amendment did not confer the right to vote on anyone, has already been noted. Other cases are more directly in point. In *Colegrove v. Barrett*, 330 U.S. 804, this court dismissed "for want of a substantial Federal question" an appeal from the dismissal of a complaint alleging that the Illinois legislative apportionment resulted in "gross inequality in voting power" and "gross and arbitrary and atrocious discrimination in voting" which denied the plaintiffs equal protection of the laws.⁷¹ In *Remmey v. Smith*, 102 F. Supp. 708 (D.C.E.D. Pa.), a three-judge district court dismissed a complaint alleging that the apportionment of the Pennsylvania Legislature deprived the plaintiffs of "constitutional rights guaranteed to them by the 14th amendment." *Id.*, at 709. The district court stated that it was aware that the plaintiffs' allegations were "notoriously true" and that "the practical disenfranchisement of qualified electors in certain of the election districts in Philadelphia County is a matter of common knowledge." *Id.*, at 710.

⁷⁰ Compare the Court's statement in *Guinn v. United States*, 238 U.S. 347, 362:

"Beyond doubt the [15th] amendment does not take away from the State governments in a general sense the power over suffrage which has belonged to those governments from the beginning and without the possession of which power the whole fabric upon which the division of State and national authority under the Constitution and the organization of both governments rest would be without support and both the authority of the Nation and the State would fall to the ground. In fact, the very command of the amendment recognizes the possession of the general power by the State, since the amendment seeks to regulate its exercise as to the particular subject with which it deals."

⁷¹ The quoted phrases are taken from the Jurisdictional Statement, pp. 13, 19.

This court dismissed the appeal "for the want of a substantial Federal question." 342 U.S. 916.

In *Kidd v. McCannless*, 292 S. W. 2d 40, the Supreme Court of Tennessee dismissed an action for a declaratory judgment that the Tennessee Apportionment Act of 1901 was unconstitutional. The complaint alleged that "a minority of approximately 37 percent of the voting population of the State now elects and controls 20 of the 33 members of the senate; that a minority of 40 percent of the voting population of the State now controls 63 of the 99 members of the house of representatives." *Id.*, at 42. Without dissent, this Court granted the motion to dismiss the appeal. 352 U.S. 920. In *Radford v. Gary*, 145 F. Supp. 541 (D. C. W. D. Okla.), a three-judge district court was convened to consider "the complaint of the plaintiff to the effect that the existing apportionment statutes of the State of Oklahoma violate the plain mandate of the Oklahoma constitution and operate to deprive him of the equal protection of the laws guaranteed by the 14th amendment to the Constitution of the United States." *Id.*, at 542. The plaintiff alleged that he was a resident and voter in the most populous county of the State, which had about 15 percent of the total population of the State but only about 2 percent of the seats in the State senate and less than 4 percent of the seats in the house. The complaint recited the unwillingness or inability of the branches of the State government to provide relief and alleged that there was no State remedy available. The district court granted a motion to dismiss. This court affirmed without dissent. 352 U.S. 991.

Each of these recent cases is distinguished on some ground or other in *Baker v. Carr*. See 369 U.S., at 235-236. Their summary dispositions prevent consideration whether these after-the-fact distinctions are real or imaginary. The facts remains, however, that between 1947 and 1957, four cases raising issues precisely the same as those decided today were presented to the court. Three were dismissed because the issues presented were thought insubstantial and in the fourth the lower court's dismissal was affirmed.⁷²

I have tried to make the catalog complete, yet to keep it within the manageable limits of a judicial opinion. In my judgment, today's decisions are refuted by the language of the amendment which they con-

⁷² In two early cases dealing with party primaries in Texas, the Court indicated that the equal protection clause did afford some protection of the right to vote. *Nixon v. Herndon*, 273 U.S. 536; *Nixon v. Condon*, 286 U.S. 73. Before and after these cases, two cases dealing with the qualifications for electors in Oklahoma had gone off on the 15th amendment, *Guinn v. United States*, 238 U.S. 347; *Lane v. Wilson*, 307 U.S. 268. The rationale of the Texas cases is almost certainly to be explained by the Court's reluctance to decide that party primaries were a part of the electoral process for purposes of the 15th amendment. See *Newberry v. United States*, 256 U.S. 232. Once that question was laid to rest in *United States v. Classic*, 313 U.S. 299, the Court decided subsequent cases involving Texas party primaries on the basis of the 15th amendment. *Smith v. Allwright*, 321 U.S. 649; *Terry v. Adams*, 345 U.S. 461.

The recent decision in *Gomillion v. Lightfoot*, 364 U.S. 339, that a constitutional claim was stated by allegations that municipal lines had been redrawn with the intention of depriving Negroes of the right to vote in municipal elections was based on the 15th amendment. Only one Justice, in a concurring opinion, relied on the equal protection clause of the 14th amendment. *Id.*, at 349.

⁶³ N.C. const., 1876, art. II, sec. 5.

⁶⁴ Okla. const., 1907, art. V, sec. 10.

⁶⁵ Pa. const., 1873, art. II, sec. 17.

⁶⁶ S.C. const., 1895, art. III, secs. 4, 6.

⁶⁷ Utah const., 1895, art. IX, sec. 4.

⁶⁸ Wyo. const., 1889, art. III, sec. 3.

⁶⁹ A tabular presentation of constitutional provisions for apportionment as of Nov. 1, 1961, appears in XIV Book of the States (1962-63) 58-62. Using this table, but disregarding some deviations from a pure population base, the Advisory Commission on Intergovernmental Relations states that there are 15 States in which the legislatures are apportioned solely according to population. Apportionment of State Legislatures (1962), 12.

strue and by the inference fairly to be drawn from subsequently enacted amendments. They are unequivocally refuted by history and by consistent theory and practice from the time of the adoption of the 14th amendment until today.

II

The court's elaboration of its new "constitutional" doctrine indicates how far—and how unwisely—it has strayed from the appropriate bounds of its authority. The consequence of today's decision is that in all but the handful of States which may already satisfy the new requirements the local district court or, it may be, the State courts, are given blanket authority and the constitutional duty to supervise apportionment of the State legislatures. It is difficult to imagine a more intolerable and inappropriate interference by the judiciary with the independent legislatures of the States.

In the Alabama cases (Nos. 23, 27, 41), the district court held invalid not only existing provisions of the State constitution—which this court lightly dismisses with a wave of the supremacy clause and the remark that "it makes no difference whether a State's apportionment scheme is embodied in its constitution or in statutory provisions," ante, page 49—but also a proposed amendments to the Alabama constitution which had never been submitted to the voters of Alabama for ratification, and standby legislation which was not to become effective unless the amendment was rejected (or declared unconstitutional) and in no event before 1966. *Sims v. Frink*, 208 F. Supp. 431. See ante, pages 8–16. Both of these measures had been adopted only 9 days before,⁷³ at an extraordinary session of the Alabama Legislature, convened pursuant to what was very nearly a directive of the district court, see *Sims v. Frink*, 205 F. Supp. 245, 248. The district court formulated its own plan for the apportionment of the Alabama Legislature, by picking and choosing among the provisions of the legislative measures. 208 F. Supp., at 441–442. See ante, page 17. Beyond that, the court warned the legislature that there would be still further judicial reapportionment unless the legislature, like it or not, undertook the task for itself. 208 F. Supp., at 442. This court now states that the district court acted in "a most proper and commendable manner," ante, page 51, and approves the district court's avowed intention of taking "some further action" unless the State legislature acts by 1966, ante, page 52.

In the Maryland case (No. 29, post, p. —), the State legislature was called into special session and enacted a temporary reapportionment of the House of Delegates, under pressure from the State Courts.⁷⁴ Therefore, the Maryland Court of Appeals held that the Maryland Senate was constitutionally apportioned. *Maryland Committee for Fair*

Representation v. Tawes, 229 Md. 406. This court now holds that neither branch of the State legislature meets constitutional requirements. Post, page 17. The court presumes that since "the Maryland constitutional provisions relating to legislative apportionment [are] hereby held unconstitutional, the Maryland Legislature * * * has the inherent power to enact at least temporary reapportionment legislation pending adoption of State constitutional provisions" which satisfy the Federal Constitution, *idem*, at 18. On this premise, the court concludes that the Maryland courts need not "feel obliged to take further affirmative action" now, but that "under no circumstances should the 1966 election of members of the Maryland Legislature be permitted to be conducted pursuant to the existing or any other unconstitutional plan." *Idem*, at 19.

In the Virginia case (No. 69, post, p. —), the State legislature in 1962 complied with the State constitutional requirement of regular reapportionment.⁷⁵ Two days later a complaint was filed in the district court.⁷⁶ Eight months later, the legislative reapportionment was declared unconstitutional. *Mann v. Davis*, 213 F. Supp. 577. The district court gave the State legislature two months within which to reapportion itself in special session, under penalty of being reapportioned by the court.⁷⁷ Only a stay granted by a member of this court slowed the process;⁷⁸ it is plain that no stay will be forthcoming in the future. The Virginia Legislature is to be given "an adequate opportunity to enact a valid plan"; but if it fails to "to act promptly in remedying the constitutional defects in the State's legislative apportionment plan," the district court is to "take further action." Post, page 14.

In Delaware (No. 307, post, p. —), the district court entered an order on July 25, 1962, which stayed proceedings until August 7, 1962, "in the hope and expectation" that the general assembly would take "some appropriate action" in the intervening 13 days. *Sincock v. Terry*, 207 F. Supp. 205, 207. By way of prodding, presumably, the court noted that if no legislative action were taken and the court sustained the plaintiffs' claim, "the present general assembly and any subsequent general assembly, the members of which were elected pursuant to section 2 of article II (the challenged provisions of the Delaware constitution), might be held not to be a de jure legislature and its legislative acts might be held invalid and unconstitutional." *Id.*, at 205–206. Five days later, on July 30, 1962, the general assembly approved a proposed amendment to the State constitution. On August 7, 1962, the district court entered an order denying the defendants' motion to dismiss. The court said that it did not wish to substitute its judgment "for the collective wisdom of the General Assembly of Delaware," but that "in the light of all the circumstances," it had to proceed promptly (210 F. Supp. 395, 396). On October 16, 1962, the court declined to enjoin the conduct of elections in November (210 F. Supp. 396). The court went on to

express its regret that the general assembly had not adopted the court's suggestion (see 207 F. Supp. at 206–207), that the Delaware constitution be amended to make apportionment a statutory, rather than a constitutional matter, so as to facilitate further changes in apportionment which might be required (210 F. Supp. 401). In January 1963, the general assembly again approved the proposed amendment of the apportionment provisions of the Delaware constitution, which thereby became effective on January 17, 1963.⁷⁹ Three months later, on April 17, 1963, the district court reached "the reluctant conclusion" that article II, section 2 of the Delaware constitution, was unconstitutional, with or without the 1963 amendment. *Sincock v. Duffy*, 215 F. Supp. 169, 189. Observing that "the State of Delaware, the general assembly, and this court all seem to be trapped in a kind of box of time" (*id.* at 191), the court gave the general assembly until October 1, 1963, to adopt acceptable provisions for apportionment. On May 20, 1963, the district court enjoined the defendants from conducting any elections, including the general election scheduled for November 1964, pursuant to the old or the new constitutional provisions.⁸⁰ This court now approves all these proceedings, noting particularly that in allowing the 1962 elections to go forward, "the district court acted in a wise and temperate manner." Post, p. 14.⁸¹

Records such as these in the cases decided today are sure to be duplicated in most of the other States if they have not already. They present a jarring picture of courts threatening to take action in an area which they have no business entering, inevitably on the basis of political judgments which they are incompetent to make. They show legislatures of the States meeting in haste and deliberating and deciding in haste to avoid the threat of judicial interference. So far as I can tell, the Court's only response to this unseemly state of affairs is ponderous insistence that "a denial of constitutionally protected rights demands judicial

⁷³ The Delaware constitution, art. XVI, sec. 1, requires that amendments be approved by the necessary two-thirds vote in two successive general assemblies.

⁸⁰ The district court thus nailed the lid on the "box of time" in which everyone seemed to it "to be trapped." The lid was temporarily opened a crack on June 27, 1963, when Mr. Justice Brennan granted a stay of the injunction until disposition of the case by this Court. Since the Court states that "the delay inherent in following the State constitutional prescription for approval of constitutional amendments by two successive general assemblies cannot be allowed to result in an impermissible deprivation of appellees' right to an adequate voice in the election of legislators to represent them," post, pp. 15–16, the lid has presumably been slammed shut again.

⁸¹ In New York and Colorado, this pattern of conduct has thus far been avoided. In the *New York* case (No. 20, post, p. —), the district court twice dismissed the complaint, once without reaching the merits, *WMCA, Inc. v. Simon*, 202 F. Supp. 741, and once, after this Court's remand following *Baker v. Carr*, *supra*, 370 U.S. 190, on the merits, 208 F. Supp. 368. In the *Colorado* case (No. 508, post, p. —), the district court first declined to interfere with a forthcoming election at which reapportionment measures were to be submitted to the voters, *Lisco v. McNichols*, 208 F. Supp. 471, and, after the election, upheld the apportionment provisions which had been adopted, 219 F. Supp. 922.

In view of the action which this Court now takes in both of these cases, there is little doubt that the legislatures of these two States will now be subjected to the same kind of pressures from the Federal judiciary as have the other States.

⁷³ The measures were adopted on July 12, 1962. The District court handed down its opinion on July 21, 1962.

⁷⁴ In reversing an initial order of the circuit court for Anne Arundel County dismissing the plaintiffs' complaint, the Maryland Court of Appeals directed the lower court to hear evidence on and determine the plaintiffs' constitutional claims, and if it found provisions of the Maryland constitution to be invalid, to "declare that the legislature has the power, if called into special session by the Governor and such action be deemed appropriate by it, to enact a bill reapportioning its membership for purposes of the November 1962 election." *Maryland Committee for Fair Representation v. Tawes*, 228 Md. 412, 438–439. On remand, the opinion of the circuit court included such a declaration. The opinion was filed on May 24, 1962. The Maryland Legislature, in special session, adopted the "emergency" measures now declared unconstitutional 7 days later, on May 31, 1962.

⁷⁵ The Virginia constitution, art. IV, sec. 43, requires that a reapportionment be made every 10 years.

⁷⁶ The 1962 reapportionment acts were approved on Apr. 7, 1962. The complaint was filed on Apr. 9, 1962.

⁷⁷ The district court handed down its opinion on Nov. 28, 1962, and gave the Virginia General Assembly until Jan. 31, 1963, "to enact appropriate reapportionment laws." 213 F. Supp., at 585–586. The court stated that failing such action or an appeal to this Court, the plaintiffs might apply to it "for such further orders as may be required." *Id.*, at 586.

⁷⁸ On Dec. 15, 1962, the Chief Justice granted a stay pending final disposition of the case in this Court.

protection" (ante, p. 31). By thus refusing to recognize the bearing which a potential for conflict of this kind may have on the question whether the claimed rights are in fact constitutionally entitled to judicial protection, the Court assumes, rather than supports, its conclusion.

It should by now be obvious that these cases do not mark the end of reapportionment problems in the courts. Predictions once made that the courts would never have to face the problem of actually working out an apportionment have proved false. This Court, however, continues to avoid the consequences of its decisions, simply assuring us that the lower courts "can and . . . will work out more concrete and specific standards" (ante, p. 43). Deeming it "expedient" not to spell out "precise constitutional tests," the Court contends itself with stating "only a few rather general considerations." Ibid.

Generalities cannot obscure the cold truth that cases of this type are not amenable to the development of judicial standards. No set of standards can guide a court which has to decide how many legislative districts a State shall have, or what the shape of the districts shall be, or where to draw a particular district line. No judicially manageable standard can determine whether a State should have single-member districts or multimember districts or some combination of both. No such standard can control the balance between keeping up with population shifts and having stable districts. In all these respects, the courts will be called upon to make particular decisions with respect to which a principle of equally populated districts will be of no assistance whatsoever. Quite obviously, there are limitless possibilities for districting consistent with such a principle. Nor can these problems be avoided by judicial reliance on legislative judgments so far as possible. Reshaping or combining one or two districts, or modifying just a few district lines, is no less a matter of choosing among many possible solutions, with varying political consequences, than reapportionment broadside.⁸²

The court ignores all this, saying only that "what is marginally permissible in one State may be unsatisfactory in another, depending on the particular circumstances of the case," ante, p. 43. It is well to remember that the product of today's decisions will not be readjustment of a few districts in a few States which most glaringly depart from the principle of equally populated districts. It will be a redetermination, extensive in many cases, of legislative districts in all but a few States.

Although the court—necessarily, as I believe—provides only generalities in elaboration of its main thesis, its opinion nevertheless fully demonstrates how far removed these problems are from fields of judicial competence. Recognizing that "indiscriminate districting" is an invitation to "partisan gerrymandering," ante, pp. 43-44, the court nevertheless excludes virtually every basis for the formation of electoral districts other than "indiscriminate districting." In one or another of today's opinions, the court declares it unconstitutional for a State to give effective consideration to any of the following in establishing legislative districts:

1. History;⁸³
2. "Economic or other sorts of group interests";⁸⁴
3. Area;⁸⁵

⁸² It is not mere fancy to suppose that in order to avoid problems of this sort, the Court may one day be tempted to hold that all State legislators must be elected in statewide elections.

⁸³ Ante, p. 44.

⁸⁴ Ante, pp. 44-45.

⁸⁵ Ante, p. 45.

4. Geographical considerations;⁸⁶

5. A desire "to insure effective representation for sparsely settled areas";⁸⁷

6. "Availability of access of citizens to their representatives";⁸⁸

7. Theories of bicameralism (except those approved by the court);⁸⁹

8. Occupation;⁹⁰

9. "An attempt to balance urban and rural power."⁹¹

10. The preference of a majority of voters in the State.⁹²

So far as presently appears, the only factor which a State may consider, apart from numbers, is political subdivisions. But even "a clearly rational State policy" recognizing this factor is unconstitutional if "population is submerged as the controlling consideration."⁹³

I know of no principle of logic or practical or theoretical politics, still less any constitutional principle, which establishes all or any of these exclusions. Certainly it is that the court's opinion does not establish them. So far as the court says anything at all on this score, it says only that "legislators represent people, not trees or acres," ante, page 27; that "citizens, not history or economic interests, cast votes," ante, page 45; that "people, not land or trees or pastures, vote," *ibid.*⁹⁴ All this may be conceded. But it is surely equally obvious, and, in the context of elections, more meaningful to note that people are not ciphers and that legislators can represent their electors only by speaking for their interests—economic, social, political—many of which do reflect the place where the electors live. The court does not establish, or indeed even attempt to make a case for the proposition that conflicting interests within a State can only be adjusted by disregarding them when voters are grouped for purposes of representation.

CONCLUSION

With these cases the court approaches the end of the third round set in motion by the complaint filed in *Baker v. Carr*. What is done today deepens my conviction that judicial entry into this realm is profoundly ill-advised and constitutionally impermissible. As I have said before, *Wesberry v. Sanders*, supra, at 48, I believe that the vitality of our political system, on which in the last analysis all else depends, is weakened by reliance on the judiciary for political reform; in time a complacent body politic may result.

These decisions also cut deeply into the fabric of our federalism. What must follow from them may eventually appear to be the product of State legislatures. Nevertheless, no thinking person can fail to recognize that the aftermath of these cases, however desirable it may be thought in itself, will have been achieved at the cost of a radical alteration in the relationship between the States and the Federal Government, more particularly the Federal judiciary. Only one who has an overbearing impatience with the Federal system and its political processes will believe that the cost was too high or was inevitable.

⁸⁶ Ibid.

⁸⁷ Ibid.

⁸⁸ Ibid.

⁸⁹ Ante, pp. 41-42.

⁹⁰ *Davis v. Mann*, post, p. 12.

⁹¹ Id., at 13.

⁹² *Lucas v. Forty-Fourth General Assembly*, post, p. 22.

⁹³ Ante, p. 46.

⁹⁴ The Court does note that, in view of modern developments in transportation and communication, if finds "unconvincing" arguments based on a desire to insure representation of sparsely settled areas or to avoid districts so large that voters' access to their representatives is impaired. Ante, p. 45.

Finally, these decisions give support to a current mistaken view of the Constitution and the constitutional function of this court. This view, in a nutshell, is that every major social ill in this country can find its cure in some constitutional "principle," and that this court should "take the lead" in promoting reform when other branches of government fail to act. The Constitution is not a panacea for every blot upon the public welfare, nor should this court, ordained as a judicial body, be thought of as a general haven for reform movements. The Constitution is an instrument of government, fundamental to which is the premise that in a diffusion of governmental authority lies the greatest promise that this Nation will realize liberty for all its citizens. This court, limited in functions in accordance with that premise, does not serve its high purpose when it exceeds its authority, even to satisfy justified impatience with the slow workings of the political process. For when in the name of constitutional interpretation, the court adds something to the Constitution that was deliberately excluded from it, the court in reality substitutes its view of what should be so for the amending process.

I dissent in each of these cases, believing that in none of them have the plaintiffs stated a cause of action. To the extent that *Baker v. Carr*, expressly or by implication, went beyond a discussion of jurisdictional doctrines independent of the substantive issues involved here, it should be limited to what it in fact was: an experiment in venturesome constitutionalism. I would reverse the judgments of the District Court in Nos. 23, 27, and 41 (Alabama), No. 69 (Virginia), and No. 307 (Delaware) and remand with directions to dismiss the complaints. I would affirm the judgments of the District Court in No. 20 (New York), and No. 508 (Colorado), and of the Court of Appeals of Maryland in No. 29.

APPENDIX A

Statements made in the House of Representatives during the debate on the resolution proposing the 14th amendment.¹

"As the nearest approach to justice which we are likely to be able to make, I approve of the second section that bases representation upon voters." (2463, Mr. Garfield.)

"Would it not be a most unprecedented thing that when this [former slave] population are not permitted where they reside to enter into the basis of representation in their own State, we should receive it as an element of representation here; that when they will not count them in apportioning their own legislative districts, we are to count them as five-fifths (no longer as three-fifths, for that is out of the question) as soon as you make a new apportionment?" (2464-2465, Mr. Thayer.)

"The second section of the amendment is ostensibly intended to remedy a supposed inequality in the basis of representation. The real object is to reduce the number of southern representatives in Congress and in the electoral college; and also to operate as a standing inducement to Negro suffrage." (2467, Mr. Boyer.)

"Shall the pardoned rebels of the South include in the basis of representation 4 million people to whom they deny political rights, and to no one of whom is allowed a vote in the selection of a Representative?" (2468, Mr. Kelley.)

"I shall, Mr. Speaker, vote for this amendment; not because I approve it. Could I have controlled the report of the committee of 15, it would have proposed to give the right of suffrage to every loyal man in the country." (2469, Mr. Kelley.)

¹ All page references are to Congressional Globe, 39th Cong., 1st sess. (1866).

"But I will ask, why should not the representation of the States be limited as the States themselves limit suffrage? If the Negroes of the South are not to be counted as a political element in the government of the South in the States, why should they be counted as a political element in the Government of the country in the Union. (2498, Mr. Broomall.)

"It is now proposed to base representation upon suffrage, upon the number of voters, instead of upon the aggregate population in every State of the Union." (2502, Mr. Raymond.)

"We admit equality of representation based upon the exercise of the elective franchise by the people. The proposition in the matter of suffrage falls short of what I desire, but so far as it goes it tends to the equalization of the inequality at present existing; and while I demand and shall continue to demand the franchise for all loyal male citizens of this country—and I cannot but admit the possibility that ultimately those 11 States may be restored to representative power without the right of franchise being conferred upon the colored people—I should feel myself doubly humiliated and disgraced, and criminal even, if I hesitated to do what I can for a proposition which equalizes representation." (2508, Mr. Boutwell.)

"Now, conceding to each State the right to regulate the right of suffrage, they ought not to have a representation for male citizens not less than 21 years of age, whether white or black, who are deprived of the exercise of suffrage. This amendment will settle the complication in regard to suffrage and representation, leaving each State to regulate that for itself, so that it will be for it to decide whether or not it shall have a representation for all its male citizens not less than 21 years of age." (2510, Mr. Miller.)

"Manifestly no State should have its basis of national representation enlarged by reason of a portion of citizens within its borders to which the elective franchise is denied. If political power shall be lost because of such denial, not imposed because of participation in rebellion or other crime, it is to be hoped that political interests may work in the line of justice, and that the end will be the impartial enfranchisement of all citizens not disqualified by crime. Whether that end shall be attained or not, this will be secured: that the measure of political power of any State shall be determined by that portion of its citizens which can speak and act at the polls, and shall not be enlarged because of the residence within the State of portions of its citizens denied the right of franchise. So much for the second section of the amendment. It is not all that I wish and would demand; but odious inequalities are removed by it and representation will be equalized, and the political rights of all citizens will under its operation be, we believe, ultimately recognized and admitted." (2511, Mr. Elliot.)

"I have no doubt that the Government of the United States has full power to extend the elective franchise to the colored population of the insurgent States. I mean authority; I said power. I have no doubt that the Government of the United States has authority to do this under the Constitution; but I do not think they have the power. The distinction I make between authority and power is this: we have, in the nature of our Government, the right to do it; but the public opinion of the country is such at this precise moment as to make it impossible we should do it. It was therefore most wise on the part of the committee on reconstruction to waive this matter in deference to public opinion. The situation of opinion in these States compels us to look to other means to protect the Government against the enemy." (2532, Mr. Banks.)

"If you deny to any portion of the loyal citizens of your State the right to vote for

Representatives you shall not assume to represent them, and, as you have done for so long a time, misrepresent and oppress them. This is a step in the right direction, and although I should prefer to see incorporated into the Constitution a guarantee of universal suffrage, as we cannot get the required two-thirds for that I cordially support this proposition as the next best." (2539, 2540, Mr. Rogers.)

APPENDIX B

Statements made in the Senate during the debate on the resolution proposing the 14th amendment.¹

"The second section of the constitutional amendment proposed by the committee can be justified upon no other theory than that the negroes ought to vote; and negro suffrage must be vindicated before the people in sustaining that section, for it does not exclude the nonvoting population of the North, because it is admitted that there is no wrong in excluding from suffrage allens, females, and minors. But we say, if the negro is excluded from suffrage he shall also be excluded from the basis of representation. Why this inequality? Why this injustice? For injustice it would be unless there be some good reason for this discrimination against the South in excluding her nonvoting population from the basis of representation. The only defense that we can make to this apparent injustice is that the South commits an outrage upon human rights when she denies the ballot to the blacks, and we will not allow her to take advantage of her own wrong, or profit by this outrage. Does any one suppose it possible to avoid this plain issue before the people? For if they will sustain you in reducing the representation of the South because she does not allow the negro to vote, they will do so because they think it is wrong to disfranchise him." (2800, Senator Stewart.)

"It [the second section of the proposed amendment] relieves him [the Negro] from misrepresentation in Congress by denying him any representation whatever." (2801, Senator Stewart.)

"But I will again venture the opinion that it [the second section] means as if it read thus: no State shall be allowed a representation on a colored population unless the right of voting is given to the Negroes—presenting to the States the alternative of loss of representation or the enfranchisement of the Negroes, and their political equality." (2939, Senator Hendricks.)

"I should be much better satisfied if the right of suffrage had been given at once to the more intelligent of them [the Negroes] and such as had served in our Army. But it is believed by wiser ones than myself that this amendment will very soon produce some grant of suffrage to them, and that the craving for political power will ere long give them universal suffrage. Believing that this amendment probably goes as far in favor of suffrage to the Negro as is practicable to accomplish now, and hoping it may in the end accomplish all I desire in this respect, I shall vote for its adoption, although I should be glad to go further." (2963-4, Senator Poland.)

"What is to be the operation of this amendment? Just this: your whip is held over Pennsylvania, and you say to her that she must either allow her Negroes to vote or have one Member of Congress less." (2987, Senator Cowan.)

"Now, sir, in all the States—certainly in mine, and no doubt in all—there are local as contradistinguished from State elections. There are city elections, county elections, and district or borough elections; and those city and county and district elections are

held under some law of the State in which the city or county or district or borough may be; and in those elections, according to the laws of the States, certain qualifications are prescribed, residence within the limits of the locality and a property qualification in some. Now, is it proposed to say that if every man in a State is not at liberty to vote at a city or a county or a borough election that is to affect the basis of representation?" (2991, Senator Johnson.)

"Again, Mr. President, the measure upon the table, like the first proposition submitted to the Senate from the committee of 15, concedes to the States * * * not only the right, but the exclusive right, to regulate the franchise. It says that each of the Southern States, and, of course, each other State in the Union, has a right to regulate for itself the franchise, and that consequently, as far as the Government of the United States is concerned, if the black man is not permitted the right to the franchise, it will be a wrong (if a wrong) which the Government of the United States will be impotent to redress." (3027, Senator Johnson.)

"The amendment fixes representation upon numbers, precisely as the Constitution now does, but when a State denies or abridges the elective franchise to any of its male inhabitants who are citizens of the United States and not less than 21 years of age, except for participation in rebellion or other crime, then such State will lose its representation in Congress in the proportion which the male citizen so excluded bears to the whole number of male citizens not less than 21 years of age in the State." (3033, Senator Henderson.)

Mr. DIRKSEN. By all odds the opinion is one of the most devastating dissenting opinions that I have ever read. I believe it tears to shreds the majority opinion of the Supreme Court. To make the point plain in brief compass I need submit only a short editorial published in the Columbus Citizens Journal, which is a Scripps-Howard newspaper published in Columbus, Ohio. The editorial came from the issue of August 8. I shall read the editorial in its entirety:

DIRKSEN'S REAPPORTIONMENT BREATHES

Last June's U.S. Supreme Court decision, which propounded the astonishing theory that, regardless of what the people of a State may decide by vote, both houses of all State legislatures must be apportioned on a strict population basis, has led to chaos.

Lower courts, following the Supreme Court's constitutional presumptions, have been making rubble of State constitutions, disrupting State business and generally throwing their weight around.

New York's constitution requires a 2-year term for legislators, but three judges have ordered the voters to elect for a 1-year term, both this year and next. In Connecticut, three other Federal judges ordered the State to hold three special elections, hold a special session of the legislature which was to do no routine State business, and set up a constitutional convention.

After the Supreme Court ruled out Colorado's voter-approved legislative setup, the legislature reapportioned. But the Colorado Supreme Court says that latest apportionment is invalid under the State constitution.

Senator DIRKSEN, of Illinois, now proposes, and a Senate committee has approved, a bill to stay all these proceedings for about 2 years—to give Congress time to decide on a way to preserve the right of State voters to set up State senates on other than a population basis. And to permit States time to try to tidy up the mess.

In the circumstances, this probably is the best Congress can do in a session nearing adjournment. So Congress is, and ought to

¹ All page references are to Congressional Globe, 39th Cong., 1st sess. (1866).

be, under great pleasure to pass the Dirksen "breather." Whatever may be wrong with State legislative systems, none can be worse than the predicaments created by the Supreme Court's action.

Mr. President, I take some interest in this question, and approach it from the standpoint of a constitutional resolution, but it had to be measured against the calendar, against the prospective adjournment date, and all the other difficulties that arise in the final hours of the Congress. It was transparently manifest that under no circumstances could a constitutional resolution negotiate the committees, negotiate both houses, and then be sent off into a constitutional orbit for a period of 7 years awaiting ratification by the States.

What confronts us here as a result of the decision in the case of Reynolds against Sims is really an emergent situation, which can be approached logically only by a statute. The statute that we have devised as an amendment to the foreign aid bill is an effort to buy some time. But to buy time we must do it effectively, so that under no circumstances might an autocratic judicial official undertake to thwart the will of Congress.

In working on the question we had the benefit of the legal staff of the subcommittees of the Committee on the Judiciary on which I labor. The majority leader was very generous in making his competent staff available. In addition, we had officials from the Department of Justice, including the Deputy Attorney General. There have been a great many sessions. We finally wound up our labors at about 3 o'clock this afternoon. The amendment is now in final form, and it will be available to all Senators tonight, so that when the Senate convenes tomorrow we can set aside the amendment until after the disposition of the amendment still to be offered by the distinguished Senator from Alaska [Mr. GRUENING] and I believe an amendment to be offered by the distinguished Senator from Texas [Mr. TOWER]. Thereafter we can come to grips with the problem. I rather anticipate that there will be a great deal of discussion. But there was a general consensus on all sides. I pay high tribute to the majority leader for the consummate patience he has mustered at all times in trying to produce something that in my judgment is at once effective, that will do what we set out to do, and yet can command wide support on the part of Senators on both sides of the aisle.

There is only one further thing to which I wish to allude tonight. We have before us the foreign assistance bill. Nobody is more sensible of the proprieties than is the minority leader; and seldom do I undertake to tack onto a bill a provision that has no particular relation to it. But I was confronted with a reality. That reality is that we are moving, hopefully, toward adjournment, probably a week from Saturday. That is a short period of time in which to get anything done. I knew also that if we undertook to handle this proposal as an independent measure, it would have to go through this body, then through

the House, then to conference, and I doubt very much whether the time would be sufficient to do even that. But even then we would have nothing more than a resolution, submitted to the States for ratification, and that probably could be a long, drawn-out process.

I therefore had to select a vehicle that I knew had to get to the President's desk. I had a choice of the so-called interest equalization bill, possibly the social security measure, still pending in the Senate Finance Committee, on which there will be no executive session or markup until Friday of this week, or I could take advantage of the bill which is before us, which I know is on the so-called "must" calendar.

That bill was so drawn as to be something of an invitation, because it is divided into four parts, and the caption in part IV reads "Amendments to Other Laws." That was an invitation to come along and offer an amendment at that point as a section in part 4; and the amendment offered by the majority leader and myself will appear as section 402, on page 17, after line 7.

A tremendous amount of work, patience, and skill have gone into the perfection of this amendment. I pay high tribute to my own staff, Neal Kennedy, Bernard Waters, and Clyde Flynn, who labored early and late.

I pay testimony to the Department of Justice for having been so willing to sit in on these sessions.

I pay testimony to the distinguished majority leader and to his staff, particularly Charlie Ferris and Kenny Teasdale. They are good lawyers, and they have been on the job early and late.

They were working toward midnight last night to see whether, at long last, we could not perfect an amendment which would commend itself to the good grace and acceptance of the Senate.

I believe, at long last, that we have contrived exactly that.

I try not to utilize surprise as a legal weapon. That is often done in a court room. Suddenly, out of a clear sky, there is a witness whom the attorney did not anticipate, or a line of testimony that was furthest from the attorney's thoughts. Those surprises can often demolish the lawyer's case.

I knew that the President would have to take a look at this proposal if, hopefully, we put it into this bill. A week ago I spent an hour and a half with the President of the United States. I gave him the original language, although what we have done is a considerable departure from that language. I told him I had no choice except to find a vehicle that I knew had to get to his desk. So I gave him a memorandum and fully advised him, so he would not, under any circumstances, be surprised or astonished.

Without alluding to any other great legislative body, I understand that a kind of round robin has been circulated, to which are appended the names of 70 legislators. They almost took the kind of vow that winds up the Declaration of Independence, in committing their lives, fortunes, and sacred honor against any measure that has this proposal in it.

I am sorry they have to be a little disappointed, because that round robin was circulated as to something that is not absolutely mot, because this amendment is a complete replacement of all the work we have done heretofore. I trust they will not have to circulate another round robin, but in order to be in character, obviously they would have to do so, if they were going to object to the amendment submitted by myself and the majority leader.

Tomorrow we shall be ready to set aside this amendment long enough to complete action on the other amendments. Then the discussion will begin. Unless the Senate is in a mood to discuss this amendment a long time, or unless there is a disposition to filibuster, we could, if we remained in session late enough, probably dispose of it tomorrow. But I know the proposal is going to command the attention of the lawyers in the Senate, or at least a good many. I always regard myself as something of a novice or amateur at the feet of great lawyers like Senator ERVIN, Senator RUSSELL, Senator HRUSKA, and even Senator KUCHEL, of California.

I am a bit of a tyro, but at least we have finished the job. So today I think I share the hope of the majority leader that we can come to grips with this question, have it suitably ventilated, and that with good fortune smiling at us, we can wind it up tomorrow.

So I offer the amendment and ask that it be made the pending business.

The Foreign Assistance Act is the pending business, but this amendment will be pending to the Foreign Assistance Act, because I understand no other amendment was pending.

The PRESIDING OFFICER. The amendment offered by the Senator from Illinois [Mr. DIRKSEN] will be stated.

Mr. DIRKSEN. Mr. President, I ask that the amendment not be read, but that it be published in the CONGRESSIONAL RECORD at this point.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment submitted by Mr. DIRKSEN, for himself and Mr. MANSFIELD, is as follows:

On page 17, after line 7, insert the following new section:

"SEC. 402. (a) Chapter 21, title 28, United States Code, is amended by adding at the end thereof the following new section:

"§461. Stay of proceedings for reapportionment of State legislative bodies.

"(a) Any court of the United States having jurisdiction of an action in which the constitutionality of the apportionment of representation in a State legislature or either house thereof is drawn in question shall, upon application, stay the entry or execution of any order interfering with the conduct of the State government, the proceedings of any house of the legislature thereof, or of any convention, primary or election, for such period as will be in the public interest.

"(b) A stay for the period necessary—

"(i) to permit any State election of representatives occurring before January 1, 1966, to be conducted in accordance with the laws of such State in effect immediately preceding any adjudication of unconstitutionality and

"(ii) to allow the legislature of such State a reasonable opportunity in regular session

or the people by constitutional amendment a reasonable opportunity following the adjudication of unconstitutionality to apportion representation in such legislature in accordance with the Constitution

shall be deemed to be in the public interest in the absence of highly unusual circumstances.

"(c) An application for a stay pursuant to this section may be filed at any time before or after final judgment by any party or intervener in the action, by the State, or by the Governor or Attorney General or any member of the legislature thereof without other authority.

"(d) In the event that a State fails to apportion representation in the legislature in accordance with the Constitution within the time allowed by any stay granted pursuant to this section, the district court having jurisdiction of the action shall apportion representation in such legislature among appropriate districts so as to conform to the constitution and laws of such State insofar as is possible consistent with the requirements of the Constitution of the United States, and the court may make such further orders pertaining thereto and to the conduct of elections as may be appropriate.

"(e) An order of a district court of three judges granting or denying a stay shall be appealable to the Supreme Court in the manner provided under Section 1253 of this Title, and in all other cases shall be appealable to the court of appeals in the manner provided under Section 1294 of this Title. Pending the disposition of such appeal the Supreme Court or a Justice thereof, or the court of appeals or a Judge thereof, shall have power to stay the order of the district court or to grant or deny a stay in accordance with subsections (a) and (b)."

"(b) The chapter analysis of that chapter is amended by adding at the end thereof the following new item:

"461. Stay of proceedings for reapportionment of State legislative bodies."

The PRESIDING OFFICER. The amendment will be received and printed.

Mr. DIRKSEN. Mr. President, I think I have had submitted for printing in the RECORD the dissenting opinion of Justice John Harlan. I think it is important to have it printed in the RECORD.

Mr. PROXMIRE. Mr. President, will the Senator yield to me very briefly?

Mr. DIRKSEN. I yield.

Mr. PROXMIRE. Did I correctly understand the Senator to say that the amendment which is now being submitted is entirely different from the bill reported by the Judiciary Committee by a 10-to-2 vote earlier?

Mr. DIRKSEN. It is not quite substantially different.

Mr. PROXMIRE. This proposal has not only not had any hearings, but no committee approval of any kind; is that correct?

Mr. DIRKSEN. It is being offered as an amendment to the pending bill.

Mr. PROXMIRE. I understand.

Mr. DIRKSEN. Literally thousands of amendments on which no hearings are held are offered to bills.

Mr. PROXMIRE. Yes; indeed. I will not get into that matter at the moment. I wished to get that information before me, because I believe a vote of 10 to 2 in the Judiciary Committee is a very strong, if not persuasive, recommendation by the Senate's principal advisers on law. As I understand what the Senator has said, this is an entirely different

amendment, in substance; is that correct?

Mr. DIRKSEN. Yes; except the basic principle is the same. It involves bringing about by statute, if it can be constitutionally done, the purchase of enough time to meet a chaotic condition which has developed in the States. It has gone so far that in the State of Oklahoma the courts not only invalidated the act of its legislature, but also invalidated the results of the primary election. The Oklahoma Representatives as of this moment, including the majority leader in the House of Representatives, are truly in a fix.

Mr. PROXMIRE. I understand. I do not wish to delay the Senate tonight. However, it will be interesting to see how the amendment will affect Oklahoma, Illinois, and other States.

Mr. DIRKSEN. And Wisconsin.

Mr. PROXMIRE. Wisconsin is as perfectly apportioned as it can be.

Mr. DIRKSEN. It is?

Mr. PROXMIRE. Oh, yes; both Houses are population apportioned by our Constitution. Furthermore, our latest apportionment of a few weeks ago makes the largest district within 3 percent of being perfect, and the smallest district within 3 percent of being perfectly apportioned. Therefore, we have no problem.

Mr. GRUENING. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside so that I may call up my amendment to H.R. 11380, and ask for a vote on it.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

Mr. GRUENING. It is not necessary to read the amendment. I have spoken at length on it.

The PRESIDING OFFICER. Without objection, the amendment will be printed in the RECORD at this point.

The amendment is as follows:

AMENDMENT No. 1138

On page 17, after line 7, add the following new section:

"TITLE VIII—ACCELERATED PUBLIC WORKS

"SEC. 801. Section 3(d) of the Public Works Acceleration Act (Public Law 87-658; 76 Stat. 542) is hereby amended to read as follows:

"(d) There is hereby authorized to be appropriated not to exceed \$2,400,000,000 to be allocated by the President in accordance with subsection (b) of this section, except that not less than \$800,000,000 shall be allocated for public works projects in areas designated by the Secretary of Commerce as redevelopment areas under subsection (b) of section 5 of the Area Redevelopment Act. Appropriations made pursuant to this authorization after the date of enactment of this sentence shall remain available until expended."

Mr. GRUENING. The amendment is an amendment to the Public Works Acceleration Act.

I ask the Senator in charge of the bill whether he will take it to conference.

Mr. SPARKMAN. Mr. President, the Senator knows I have strongly supported, in this country, the kind of program that he has in mind. I have voted for it on other occasions. I helped to

get it through the committee. I must say, in all frankness, however, that it does not belong on the foreign aid bill. Therefore I am not in a position to accept it.

Mr. GRUENING. I appreciate the statement of the distinguished Senator from Alabama. I understand his sympathy for the purpose. I also understand his feeling that perhaps this is not the place to press the amendment.

Mr. President, I ask for a vote on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Alaska. (Putting the question.)

Mr. DIRKSEN. Mr. President, I ask for a division.

On a division the amendment was rejected.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 10 o'clock a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEES OF THE SENATE TO MEET TOMORROW

Mr. MANSFIELD. I ask unanimous consent that all Senate committees may be authorized to meet during the session tomorrow until 12 o'clock noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ALL-CARGO AIRLINES

Mr. SPARKMAN. Mr. President, a serious crisis has been developing for the small business segment of the airline industry; namely, the all-cargo airlines. These carriers, who properly were certificated by the Civil Aeronautics Board for the carriage of freight, mail, and express, have had their existence threatened by virtue of the competitive inequity which exists between them and the giant, subsidy-eligible airlines.

The Congress in the Federal Aviation Act imposed certain statutory responsibilities upon the Civil Aeronautics Board. Those responsibilities include, among other things, the promotion and development of an overall air transport system—a system which wisely includes specialized all-cargo airlines. The CAB would be remiss in its duties if it did not take steps and measures to allow these specialized carriers—the only airlines that have an obligation and can be counted upon to provide all-cargo service—to survive, develop, and grow.

The CAB's recent policy statement regarding the all-cargo carriers is one which deserves the attention and praise of the Congress. It is a profound and wise statement of policy, and one which should be accepted by all public interest motivated persons.

Our economy is becoming increasingly specialized. I am glad to note that this

Digest of CONGRESSIONAL PROCEEDINGS

OFFICE OF
BUDGET AND FINANCE

(For information only;
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CONTENTS

Accounting.....17	Food marketing.....6	Public Law 480.....36
Administrative law.....41	Foreign aid.....2,30	Reclamation.....20,22,51
Audit.....21	Foreign trade.....45	Recreation.....8
Appalachia.....1	Guam.....34,38	Research.....13,25
Appropriations..9,19,23,27	Holiday.....11	Roads and trails....49,52
Budget.....39	Housing.....24	Science.....37
Claims.....16,33	Information.....48,50	Soil survey.....7
Coffee.....12,28	Labor standards.....32	Sugar.....3
Containers.....18	Legislative program....38	Technology.....37
Dairy imports.....45	Loans.....24	Tobacco.....5
Education.....26,44,46	Log exports.....45	Trade expansion.....31
Electrification...15,35,38	Meat imports....4,29,42,45	Travel.....50
Expenditures.....14,39	Pay.....52	Water.....47
Farm safety.....40	Personnel.....10,11,53	Wheat.....43

HIGHLIGHTS: House passed housing bill. Senate committee reported Appalachia bill.
Senate debated foreign aid bill.

SENATE

1. APPALACHIA. The Public Works Committee reported with amendment S. 2782, to provide public works and economic development programs and the planning and coordination needed to assist in the development of the Appalachian region (S. Rept. 1383). p. 18776
2. FOREIGN AID. Continued debate on H. R. 11380, the foreign-aid authorization bill. pp. 18819-25, 18839-72, 18899
3. SUGAR. Sen. Williams, Del., claimed that sugar subsidies "go to the big corporate-type farmers" and criticized the program from this standpoint. pp. 18779-80

4. MEAT IMPORTS. Sen. Javits asked that the Administration state its policy on the meat-import bill and stated that "it is inconceivable to me that the State Department and the administration could have allowed the bill to roll through, with the principal opposition coming from me on the Republican side and without any help from the administration so far as I knew." pp. 18811-2
5. TOBACCO. Passed as reported H. J. Res. 1026, to extend the time by which a lease transferring a tobacco acreage allotment may be filed. p. 18831
6. FOOD MARKETING. Sen. Dirksen inserted an article praising the creating of the Food Marketing Commission and urging the Commission to consider "the process by which these great retail marketing groups are coming to control the production of particular commodities by marketing practices that play off one producer against others." pp. 18836-7
7. SOIL SURVEY. Received a letter from Interior reporting a soil survey of Broadview Water District, Calif. p. 18775
8. RECREATION. Sen. Douglas "set the record straight" on the cooperative work between the State and Federal Governments in the establishment of the Indiana Dunes State Park. p. 18782
9. STATE, JUSTICE, COMMERCE, JUDICIARY APPROPRIATION BILL, 1965. Passed as reported this bill, H. R. 11134. Senate conferees were appointed. pp. 18787-9
10. PERSONNEL. Sen. Johnston urged that Government employees "be encouraged to participate, insofar as the law permits, in political activity." p. 18785
11. HOLIDAY. Sen. Keating inserted his statement supporting S. 108, to make Columbus Day a legal holiday. p. 18810
12. COFFEE. Sen. Javits praised the work of the Coffee Council in establishing higher levels of world coffee exports for next year and inserted an article from the Wall Street Journal pointing out how this favors the consumer nations. pp. 18813-4
Agreed to the conference report on H. R. 8864, to implement the International Coffee Agreement. p. 18816
13. RESEARCH. Agreed to the conference report on H. R. 4364, to provide for the free entry of mass spectrometers for Oregon State University and Wayne State University. p. 18817
14. EXPENDITURES. Sen. McGovern inserted a list of Federal expenditures in S. Dak. pp. 18837-9
15. ELECTRIFICATION. Sen. Morse inserted a letter from Rep. Moss praising his stand on the west coast intertie arrangement. pp. 18873-4
16. CLAIMS. The Foreign Relations Committee reported with amendment H. R. 6910, to provide for the settlement of claims against the U. S. by members of the uniformed services and civilian officers and employees of the U. S. for damage to, or loss of, personal property incident to their service (S. Rept. 1423). p. 18775
17. ACCOUNTING. The Government Operations Committee reported without amendment H. R. 10446, to permit the use of statistical sampling procedures in the examination of vouchers (S. Rept. 1425). p. 18776

was in the subcommittee, and no one followed up on the request.

Mr. MANSFIELD. Mr. President, I renew my motion to table; and I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana [Mr. MANSFIELD] to table the amendment of the Senator from Vermont [Mr. PROUTY].

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Ohio [Mr. LAUSCHE], and the Senator from Louisiana [Mr. LONG], are absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON] and the Senator from Massachusetts [Mr. KENNEDY], are absent because of illness.

I further announce that the Senator from Nevada [Mr. CANNON] is necessarily absent.

I further announce that, if present and voting, the Senator from Louisiana [Mr. LONG], would vote "yea."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER] is detained on official business.

The result was announced—yeas 68, nays 25, as follows:

[No. 542 Leg.]

YEAS—68

Bayh	Hill	Nelson
Beall	Holland	Neuberger
Bennett	Hruska	Pastore
Bible	Humphrey	Pell
Brewster	Inouye	Proxmire
Burdick	Jackson	Ribicoff
Byrd, Va.	Johnston	Robertson
Clark	Jordan, N.C.	Russell
Cooper	Jordan, Idaho	Salinger
Cotton	Kuchel	Saltonstall
Curtis	Long, Mo.	Simpson
Dirksen	Magnuson	Smathers
Dominick	Mansfield	Smith
Douglas	McCarthy	Stennis
Eastland	McClellan	Symington
Edmondson	McGee	Talmadge
Ellender	McIntyre	Thurmond
Ervin	McNamara	Tower
Gore	Monroney	Walters
Hart	Morse	Williams, Del.
Hartke	Morton	Yarborough
Hayden	Moss	Young, Ohio
Hickenlooper	Muskie	

NAYS—25

Alken	Fong	Pearson
Allott	Gruening	Prouty
Bartlett	Javits	Randolph
Boggs	Keating	Scott
Byrd, W. Va.	McGovern	Sparkman
Carlson	Mechem	Williams, N.J.
Case	Metcalf	Young, N. Dak.
Church	Miller	
Dodd	Mundt	

NOT VOTING—7

Anderson	Goldwater	Long, La.
Cannon	Kennedy	
Fulbright	Lausche	

So Mr. MANSFIELD's motion to table the amendment offered by Mr. PROUTY was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois [Mr. DIRKSEN].

Mr. TOWER. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside so that I may call up my amendment No. 1214.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment offered by the Senator from Texas will be stated.

The legislative clerk read as follows:

On page 12, between lines 15 and 16, insert the following:

"(g) Amend section 620(j) to read as follows:

"(j) In light of the actions of Indonesia in alining itself with North Vietnam, a nation which has aggressively attacked United States naval vessels, and the actions of Indonesia in threatening the peace and security of the nation of Malaysia—

"(1) No further United States assistance shall be furnished to Indonesia under this Act or any other provision of law; and

"(2) All Indonesian nationals now receiving training at United States military schools or bases or at any other United States Government facilities, or under any United States Government contract with any private institution or facility, shall be notified of the immediate termination of such training, and no other training of Indonesian nationals shall be initiated."

On page 12, redesignate succeeding subsections.

Mr. TOWER. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. TOWER. Mr. President, at the outset, I may say to the distinguished majority leader that I am prepared to agree to a controlled time situation, if the majority leader prefers to have one.

Mr. MANSFIELD. Mr. President, I appreciate the suggestion of the Senator from Texas. I wish I could comply with his suggestion, but I am under an inhibition or restriction as to limitation of time so far as this bill is concerned.

Mr. TOWER. Mr. President, foreign aid is perhaps the most remarkable phenomenon of our times.

We have suffered through the Economic Cooperation Administration, the Mutual Security Agency, the Technical Cooperation Administration, and Foreign Operations Administration, the International Cooperation Administration, the Development Loan Fund, and now the euphonious AID—Agency for International Development.

We have appropriated more than \$30 billion over the last 9 years; \$18 billion for economic assistance and some \$12 billion for military assistance.

This money, provided by a well-intentioned and trusting American public, has accomplished some good works. It also has bought such vital items as:

TV sets for bush country natives.

Wives.

Yachts, castles, and cloverleaves for backwoods potentates.

Roads that go nowhere.

Hydroelectric plants without transmission lines.

Irrigation systems with no water.

Massive religious monuments.

Now, this is not to say that all foreign aid is bad. In general our military aid programs have been helpful. In general our economic aid programs have been fragmented, expensive, and wasteful.

Dollars from the foreign aid pipeline now are dispersed in tiny, often useless, spurts to some 108 nations and territories. There seems to be no one at AID with a sense of priorities. Or perhaps they just cannot say "No."

It is time for the Congress to say "No."

Already we have said, "Go slow."

Already available in holdover funds from past appropriations are more than \$7 billion—or exactly twice what the Agency wants to spend this year.

AID's system of first obligating, then deobligating, the reobligating, and its habit of funding projects in excess of the cost needed to complete them have resulted in the surplus of funds from past appropriations. Juggling and overfunding have been so rampant that AID has deobligated funds from 232 projects in just the last 2 months.

In achieving these dubious goals, the Agency for International Development has felt it necessary to call upon the efforts of 71,416 employees. That is more people than live in the entire city of Galveston in my State.

I am tempted to ask what all those people do. But the answer stumbles upon the heels of my question. They are spending taxpayer dollars. They are progressively building up a nice cushion of unspent appropriations, and they are busily coming back for more.

I think it is time to call a halt.

Almost everybody agrees that the present administration of foreign aid can be improved. The Marshall plan gave us evidence that a carefully conceived and directed assistance program can reap benefits for the United States and the world.

Let the Congress, then, call upon the administration to revise and to revitalize foreign aid. Let us set priorities. Let us do away with the scattergun sweep and place our aid fire directly upon carefully chosen targets.

And, while these revisions are being made and justified to the Congress, let us let AID struggle along on that \$7 billion it has piled up for emergencies. It is past time for an emergency to be declared over AID, and that \$7 billion fund should enable the Agency to operate for at least 2 years while American foreign aid is reoriented and put in order.

Mr. President, American foreign aid funds have been misspent in many ways. One of our worst faults is our continuing failure to distinguish between friends and enemies. I want to detail what I regard to be just one of those instances.

Let us take note of Indonesia and Sukarno.

The United States now is spending money to train Indonesian military and

police personnel. Meantime, Indonesian is killing and wounding troops of our British allies and threatening the freedom and peace of Malaysia—a nation which we support and which I believe proved to be one of the most stable of the emerging new nations of Africa and Asia. The British are to be commended for bringing the Malaysian Federation into existence. It is a tribute to the ability of the British to impart to other people their experience in the art of self-government.

As recently as the last week of June some 100 Indonesian terrorists drove across the Malaysian border killing and looting. Some of them may have been trained here, or have gotten instruction from men trained here.

I think the Senate must face the fact that Mr. Sukarno is no friend of the United States. We also must face the fact that he is walking in lockstep with the Communist Party of his nation, the PKI. It is, indeed, likely that he can do nothing not approved by the Communists. Sukarno and the Reds are identified with the same goals.

As one Western diplomat has said:

If President Sukarno didn't exist, the Communists would have to invent him.

Two Communist Party leaders, Chairman D. N. Aidit and First Deputy M. H. Lukman, already hold the rank of minister in Sukarno's state advisory council. Their ties with Red China are close.

Sukarno continues to state publicly that he is out to crush our ally, Malaysia. He clearly demonstrated his peaceful neutrality when he torpedoed the cease-fire arranged in the area last January. He continues to send his volunteer troops against British Commonwealth forces in Sarawak and Sabah. Informed sources say there probably are 600 well-equipped Indonesian soldiers inside Malaysian territory—an increase of 450 in this year alone.

Yet, the gullible United States continues to train Sukarno's forces.

As of late April there were 187 Indonesian armed forces personnel training in the United States, plus 38 police personnel, a total of 225.

Here is a breakdown of the U.S. folly:

Under the Army, 94 Indonesian trainees are at work. Sixty-one of them are scattered among such regular military career courses as engineering, adjutant general, finance, ordnance, armor, signal, medical, infantry, women's army corps, military police, chaplain, supply, quartermaster, transport, artillery and the U.S. Command and General Staff School. Thirty-three others are in what our State Department calls civic action courses which somehow includes infantry training.

Until this year Indonesian trainees here were given guerrilla and counterinsurgency courses.

Under the supervision of our Navy, 68 Indonesian trainees are assigned to various U.S. military schools in such career courses as naval aviation, oceanography, supply, electronics, engineering, motor transport, and the Navy command course. Another seven are in those elusive civic action courses.

Under the Air Force, there are 18 Indonesian trainees; 10 in air force career courses, and 8 in civic action.

In addition 38 Indonesian police are training in this Nation. Thirteen are taking police management and internal security courses at AID's International Police Academy right here in Washington. They get special instruction in traffic, patrolling, and railroad security—all handy things to know in a dictatorship.

Eighteen more Indonesian policemen are at U.S. military schools working in telecommunications maintenance, weapons and ammunition repair, Coast Guard organizations, maintenance and operation, search, rescue, maritime law enforcement, and military police organization and operations.

Three others are studying at private institutions in the field of telecommunications. One is studying police administration at the University of Southern California; three are taking courses here in Washington under that catch-all civic action heading.

While this U.S.-financed training goes on, our ally Malaysia is being invaded and British troops in the area killed by Indonesian military forces.

This would seem a good place for the Johnson administration to make a start at getting our foreign assistance programs out of the realm of the ridiculous and back to the realm of reason.

Of particular interest is the police training program administered by the Agency for International Development since 1954 and upon which, to date, American taxpayers have spent more than \$16 million.

AID blithely admits that the training is designed to increase the competence of the 110,000-man national police of Leftist-Dictator Sukarno. We are to help train the police officers, modernize their radio communications, update their transport facilities, and improve their supply system.

American taxpayers are footing the bill for this so that Sukarno will not lose control of his island nation. That is a priority set by our foreign assistance program. It could use some prompt rethinking.

Among the major items of equipment we have sent to Indonesia are 1,800 vehicles of all types, 53 small patrol craft for sea police, 5 small aircraft for air police, laboratory equipment in the amount of \$206,000, records and identification equipment in the amount of \$130,000, and investigative equipment to the tune of \$25,000.

Approximately \$2 million have been expended to provide a radio, teletype and telephone communication network giving Sukarno's police comprehensive coverage throughout the widespread nation.

Nothing quite appeals to a dictator like being able to keep in touch with his lieutenants throughout his oppressed nation.

Now Mr. President, I have been detailing here the folly of U.S. foreign assistance in but 1 of the 108 nations and territories which would get bits and pieces of our money under this year's program. Other Senators have mentioned other

places where shortcomings are equally obvious.

I hope the Senate will take this occasion to call for a reappraisal of foreign aid. This year's appropriation could be entirely cut out without affecting in the least the \$7 billion already available to AID. At the very least this year's appropriation can be cut by the 21 percent which has been the average yearly reduction by Congress over the 9 years of the program.

American foreign aid must be curtailed, then revised, then reapplied with reason. Unless it is, the Sukarnos will come home to haunt us.

In fact, Mr. Sukarno established diplomatic relations with North Vietnam on August 10 thus alining himself with the aggressor nation which so recently attacked our destroyers. This act alone should be enough to exclude him from any U.S. foreign aid and to eliminate from our military schools any of his officers and policemen.

Since it is unlikely that we shall undertake a reappraisal of foreign aid, we should adopt the amendment cutting off aid to Sukarno, who is engaging in hostile activity against a friendly ally.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point two supporting letters.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, D.C., May 12, 1964.

HON. JOHN G. TOWER,
U.S. Senate.

DEAR SENATOR TOWER: Thank you for your letter of April 28, requesting details and statistics on the training of Indonesian military and police personnel in the United States.

As of late April there were 187 Indonesian armed forces personnel training in the United States plus 40 police personnel, a total of 227 trainees. This figure differs from the figure of 280 recently cited by the Department. The latter figure was based on an earlier tabulation, subsequent to which there have been various course completions, withdrawals, and other personnel changes. The following is a breakdown of these trainees by branch of service and the type of training they are undergoing:

Army: A total of 94 trainees, of whom 33 are taking civilian management courses related to the Indonesian armed forces civic action program. The remaining 61 are scattered among a variety of regular military career courses, including engineering, adjutant general, finance, ordnance, armor, signal, medical, infantry, Woman's Army Corps, military police, chaplain, supply, quartermaster, transport, artillery, and Command and General Staff School. Aside from the 33 in the civic action program, the largest single number (8) is in various phases of infantry training. None of the trainees have been assigned to counterinsurgency courses since 1963.

Navy: A total of 75 trainees, of whom 7 are taking civic action courses. The remainder are assigned to various career courses such as naval aviation, oceanography, supply, electronics, engineering, motor transport, General Line School, Navy Command Course, etc. The Navy contingent includes both officers and enlisted men of the Indonesian Navy and Marine Corps.

Air Force: A total of 18 trainees, with 8 in civic action courses and the remainder taking various Air Force career courses.

Police: Of the Indonesian National Police personnel now training in the United States, 13 are studying police management, operations, and internal security at AID's International Police Academy in Washington, D.C., with specialized training in traffic, instructor training, patrol operations in railroad security. Eighteen are taking training at U.S. military schools and installations in telecommunications maintenance; weapons/ammunition and repair; coast guard organizations, maintenance, and operation (search, rescue, and maritime law enforcement); and military police organization and operations.

These are studying at private institutions in the field of telecommunications. One is studying police administration at the University of Southern California. Three others are taking management courses in Washington, D.C., relating to Indonesia's civic action program.

None is being trained in guerrilla warfare or ranger tactics.

If I can be of further assistance to you in this matter, please do not hesitate to let me know.

Sincerely yours,

ROBERT E. LEE,
*Acting Assistant Secretary,
for Congressional Relations.*

DEPARTMENT OF STATE,
AGENCY FOR INTERNATIONAL DEVELOPMENT,
Washington, D.C., May 28, 1964.

Hon. JOHN G. TOWER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TOWER: Mr. Frederick G. Dutton, Assistant Secretary, Department of State, informed you in his letter of April 27 that the Agency for International Development would reply to you regarding your request of April 20 on U.S. assistance to the National Police of Indonesia.

Following is a summary of the program:

The program which began in fiscal year 1954 is now scheduled to terminate in fiscal year 1968. Project activities past and present have been to increase the competence of the 110,000-man national police in order that they can assume the principal role within the Government of Indonesia in maintaining internal security and preserving law and order.

This project is specifically designed to:

(a) Increase civil police ability to control civil disturbances.

(b) Continue improvement of faculty and staff for several police training schools; supply additional training aids; upgrade training facilities.

(c) Develop a nationwide police telecommunications complex through increased training of management, operator, and maintenance personnel; construct additional building space to house equipment; provide limited commodity and spare parts support.

(d) Improve transportation capability (air, sea, and land) through continued training of personnel, construction of supporting facilities, and providing limited commodity and spare parts support.

(e) Continue assisting in the development of an efficient supply system necessary for proper support of police units throughout the archipelago. This will be accomplished by constructing a subdepot at Surabaya, and continuing emphasis on training in supply management.

(f) Analyze police requests for assistance in the improvement of police-community relations and police capability in rural areas of Java and the outer islands. This particular project now has first priority in GOI police development plans and involves the allocation of GOI funds for police civil activities through the construction of rural police stations, provincial police schools, and housing facilities for police personnel.

(g) Improve control of traffic and degree of police service to the population in major

urban areas and on principal highways of the country in terms of continued training, improved techniques, better personnel management, and providing vehicles and communications commodity support.

(h) Improve capability of police in maintenance of records, identification, and scientific crime detection by better management, continued training, and limited commodity support.

The foregoing activities have been selected for U.S. support since public order and internal security, including the prevention or the defeat of renewed Communist or other insurgency, are prerequisites to political stability and economic growth.

Generally viewed, the project is 60 percent complete. There are 15 U.S. Public Safety technicians in Indonesia at present.

Approximately 460 Indonesian participants have completed training in the United States, Philippines and Japan to date and there are 51 participants presently in training, 38 in the United States, and 13 in the Philippines. I believe the nature of this training has been furnished to you in another letter.

Through our U.S. advisers stationed in Indonesia, the United States has directly participated in course curriculums in in-country training programs involving 62,000 Indonesian policemen in 20 police training schools at the national and provincial levels. These courses involved training in supply, logistics, motor maintenance, equipment salvage and rehabilitation, telecommunication operation and repair, management practices, criminal identification and police records, public relations, control of juvenile delinquency, criminalistics, etc.

Major commodity items furnished to the police include 1,800 vehicles of all types, 53 patrol craft for the sea police, 5 small aircraft for the air police, crime laboratory equipment in the amount of \$206,000, records and identification equipment in the amount of \$130,000, and investigative equipment in the amount of \$25,000.

Approximately \$1,900,000 has been expended to provide a police telecommunication network giving comprehensive coverage throughout Indonesia. This communication system, through the base station in Djakarta, connects the national police headquarters with its provincial units via radio and teletype. In addition, a police radio patrol car system has been established in Djakarta and a highway patrol is in operation between the major cities of Java.

Another major accomplishment has been the development by the police with the help of U.S. advisers of a police supply and maintenance system which is considered to be one of the most efficient in use in southeast Asia. This has contributed to a continuing acceptable level of care and utilization of U.S.-furnished commodities.

Due to the present confrontation with Malaysia, commodity assistance has been sharply curtailed, including suspension of delivery of weapons and ammunition since October 5, 1963.

The cost to the United States from the beginning of the program in fiscal year 1954 through fiscal year 1963 is \$16,474,000, which includes \$2,700,000 currently suspended.

If I can be of further assistance to you in this matter, please do not hesitate to let me know.

Sincerely yours,

CRAIG RAUPE,
Director, Congressional Liaison Staff.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. TOWER. I yield.

Mr. KEATING. As the Senator from Texas has stated, this has been a matter of interest to me for a long time. I have had rather extensive and somewhat unsatisfactory correspondence with the Department of State on this subject.

Mr. TOWER. I am well aware of a Senator's activities in this field, and I am grateful to him for the groundwork he has done on it.

Mr. KEATING. I thank the Senator. It seems to me it makes no sense whatever for us to be training Indonesian soldiers in this country to enable them to be ready to fight against Malaysia, which is a friendly country and is using American taxpayers' dollars for this purpose.

Every Member of the Senate knows that I have been a supporter of the foreign aid program over the years. The distinguished Senator from Texas and I have some differences of opinion as to the program generally. But I am not sure that we should cut off all aid to Indonesia. I believe some Indonesian students are studying in the United States. Perhaps that is desirable. It is the training of military personnel that seems to me absolutely indefensible.

The American people should know about this. I had a hard time getting information from the Department of State on this subject. I received much double-talk in their first replies.

I first learned from a constituent that the United States was training Indonesian soldiers in this country. I could not believe it, so I asked the State Department whether we were. They replied, in effect, that we are trying to maintain good relations with all countries. Their reply was in 2 pages.

I wrote back, saying, "I agree with that purpose, but I want to know whether the United States is training Indonesian soldiers in this country at taxpayers' expense, to the tune of 270 persons."

The State Department replied and said the number was not 270; it was 280; and that several of them were being trained in counterinsurgency. The Department calls it counterinsurgency, which is a fancy word for guerrilla warfare.

Mr. President, such a program makes no sense. It is completely indefensible. I am sure that that has been recognized now, because I have received more recently a letter from the Department of Defense dated July 22, 1964, signed by Assistant Secretary of Defense Arthur Sylvester. In his letter, Mr. Sylvester wrote:

As of the end of April 1964, there were 187 Indonesian armed forces personnel training in the United States, plus 40 police personnel, a total of 227 trainees. This figure was reduced to a total of 103 trainees by June 15.

I am happy to note the reduction.

Thereafter, a question about the 103 trainees was raised on the floor of the Senate.

If I might make a suggestion to the distinguished Senator from Texas, I believe that his amendment would be strengthened if wherever the phrase "Indonesian nationals" appears it were changed to "Indonesian military or police personnel." So far as I am aware, they are the only ones who are receiving training at U.S. military schools or bases, or any other U.S. Government facilities.

I understand that some civilians are receiving training under contract with private institutions or facilities. As to

them, I should say there is a greater question about cutting off assistance.

I wonder if the argument of the Senator from Texas is not directed primarily to what I have been fighting; namely, military and police personnel.

Mr. TOWER. Mr. President, I am grateful to the Senator from New York for offering this modification. I think it will enhance the amendment. I am pleased to accept the modification suggested by him. I ask unanimous consent that my amendment may be so modified.

The PRESIDING OFFICER. Without objection, the amendment is modified.

Mr. KEATING. I thank the Senator from Texas. I believe his amendment is not open to any possible criticism. If our foreign aid program is to be used to advance the interests of our foreign policy, it should certainly not be used, even though only a relatively small amount is involved, for the purpose of training soldiers who, we know, will be engaged in activities against our allies and who, we now know, are threatening aggression against a neighbor—Malaysia.

I sincerely hope that the amendment as modified will be adopted.

There are some inconsistencies in our foreign policy that cannot be tolerated—specifically, providing aid to an active aggressor, Indonesia, with our left hand, while assisting its victims, Malaysia, with our right. Such action violates the anti-aggression provision of the Foreign Assistance Act of 1963, which specifically provides that:

No assistance shall be provided under this or any other act, and no sales shall be made under the Agricultural Trade Development and Assistance Act of 1954, to any country which the President determines is engaging in or preparing for aggressive military efforts directed against * * * any country receiving assistance under this or any other act.

Unfortunately this language has been totally ignored by the executive agencies of our Government.

Last September, when President Sukarno, of Indonesia, unleashed his guerrilla and regular troops against the new Federation of Malaysia, the United States found itself in the embarrassing and irresponsible position of betting on both sides.

While Indonesian guerrillas were killing the defenders of Malaysia's borders at the rate of 30 per month, the United States continued to train Indonesian military and police officials in our military training centers. The Department of State reluctantly admitted this to me after a lengthy exchange of correspondence this spring.

I asked about this training of aggressors in several letters to the State Department, and in mid-April received a reply which indicated that 178 of the 280 Indonesian military and police personnel being trained in the United States were indeed taking military courses; 7 of these had recently completed counterinsurgency courses at Fort Bragg. "The course they attended," I was assured by the Department of State, "was not guerrilla warfare, but counterinsurgency." Frankly, the distinction between counterinsurgency and guerrilla train-

ing is pretty thin. For in order to train Indonesians to counter guerrilla warfare, we obviously had to teach them the methods of guerrillas. What was to prevent Sukarno from enlisting the counterinsurgency know-how of his soldiers recently graduated from Fort Bragg in his aggression against Malaysia?

In response to continued pressure on my part, the Defense Department has recently informed me that only 103 of the original 280 Indonesian Armed Forces and police personnel remained in the United States as of June 15. However, despite this improvement, our position is untenable as long as a single Indonesian military man receives American training in military activities or organization. I request unanimous consent that at the conclusion of my remarks the text of the letter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KEATING. Mr. President, more than 400 Indonesians have been killed or captured by Malaysian defenders of North Borneo and Sarawak since the start of 1964. Captured Indonesian documents leave no doubt about the fact that this subversive campaign is directed by Indonesian Regular Army officers, acting on the directives of President Sukarno. Sukarno stated on May 1 his intention to step up guerrilla activities aimed at crushing the Federation of Malaysia. And on June 25, the Soviet Union's troubleshooter, First Deputy Premier Anastas Mikoyan, announced that the U.S.S.R. was supplying Sukarno with modern weapons and Soviet personnel to train his troops to use them in the struggle with their "neocolonialist" neighbor, Malaysia.

Nevertheless, \$9.8 million is requested for AID's technical assistance program for Indonesia in fiscal year 1965's program, plus an unspecified sum of military assistance in the form of training. The program for use of military assistance funds has not been divulged.

The United States should not support the army of a government that commits aggression against its neighbors. Sukarno's excuse for his vow to crush Malaysia is that the Malaysian Federation of 10 million people threatens his nation of 100 million; his real reason for aggression is the traditional mad ambition characteristic of dictators like Mussolini, Hitler, and now Nasser, to distract a poverty-ridden, badly governed people's attention from their own plight—and to keep happy the well-fed army of 350,000 that comprises the armed support of the Sukarno regime.

Both supporters and opponents of the foreign aid program realize that we cannot make friends everywhere, but we must also realize that we can actually do great damage by helping to shore up regimes fundamentally opposed to the principles of international peace and order. To provide aid to the military and police personnel of a nation actively committed to the destruction of a free nation cannot possibly be reconciled either with our own principles or those of the United Nations.

Moreover, to think that \$9.8 million or \$43 million or \$150 million will convert the men on Sukarno's payroll to democracy is mere illusion. The current program of aid to Indonesia is admittedly a small effort; but of what value is it at all? Could not these funds slated for Indonesia's militarists under the military assistance program, be put to better use in a peace-loving nation that would use it for the benefit of the people, rather than the dictators?

Mr. President, I support the Senator's amendment if it is modified to apply only to Indonesian military and police personnel and not to bona fide civilian students, doctors, engineers and so on. I think it is a fine idea to expose Indonesian civilians to U.S. life and ideas, but I can see no justification for U.S. aid to train the Indonesian military or police forces in more efficient forms of aggression or repression.

EXHIBIT 1

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., July 22, 1964.

Hon. KENNETH B. KEATING,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KEATING: This is in reference to your recent communication in behalf of a constituent who raises a number of questions concerning the training of Indonesian military personnel in the United States and Exercise Desert Strike.

As of the end of April 1964, there were 187 Indonesian armed forces personnel training in the United States, plus 40 police personnel, a total of 227 trainees. This figure was reduced to a total of 103 trainees by June 15.

A number of these trainees have been taking civilian management courses relating to the Indonesian armed forces civic action program. The remaining personnel have been scattered among a variety of regular military career courses, including engineering, adjutant general, finance, ordnance, medical, chaplain, women's army corps, quartermaster, transport, etc. None of the Indonesian military trainees have been assigned to counterinsurgency courses (including guerrilla warfare training at Fort Bragg) since 1963.

The provision of military training for Indonesian military personnel has been of mutual benefit to the United States and Indonesia. It has provided both countries an opportunity to remain in close contact and is a vehicle for the exchange of ideas.

With respect to Exercise Desert Strike, only a small number of foreign observers were present at the exercise and they represented friendly allied nations.

Sincerely,

ARTHUR SYLVESTER.

Mr. DOMINICK. Mr. President, will the Senator from Texas yield?

Mr. TOWER. I yield to the Senator from Colorado.

Mr. DOMINICK. I am happy to support the amendment as modified. I have been actively critical of Mr. Sukarno in particular for some time, having delivered a speech on the floor of the Senate on this subject on November 1, 1963. Almost immediately thereafter, I made another speech about him on November 15, following a protest by the Ambassador from Indonesia about my verbiage in connection with Mr. Sukarno in my first speech. I did not withdraw the comments I had made.

Mr. Sukarno is an interesting person. His background is not often outlined for

us. It is most difficult for me to understand why the United States is supporting Mr. Sukarno and his Government. I should like to detail a little of his background, so that we will know what we are talking about. A fuller explanation is contained in my speech of November 15, 1963, at page 20850 of the CONGRESSIONAL RECORD.

At the time most of us were fighting the Japanese and the Nazis in World War II, Mr. Sukarno was holding down the important post of general political adviser to the Japanese Military Government, in Indonesia. He is a fine type of person to have immediately picked up as a supporter.

While he was engaged in that work, he turned 2 million of his own countrymen over to the Japanese to be treated, in the words of Major General Willoughby, who was then chief of our intelligence in that area, like "coolie slaves."

One of Sukarno's chief tasks was to try to get the Indonesians engaged in a greater war effort against the free world. In this effort, one of his slogans was: "We shall flatten out America." Another was: "We shall overturn England."

In 1944, Sukarno organized a really big anti-American rally in Djakarta. A caption under photographs of pictures being burned by Sukarno read: "Roosevelt, Churchill Condemned."

In 1945, Sukarno decided he was not on the winning side, so he jumped over and joined the Russians. This man is not a great idealistic leader. He is an opportunist of the first order, one who tries to keep himself in power. He jumped over and asked Stalin for support.

In 1949, when he became President of Indonesia, he was awarded the Order of Lenin by the Russians. According to his own statement, he said, "This means I am a Communist of the highest order." It is reported that he said this with a chortle. Whether that was meant as entertainment or as self-satisfaction, I am not certain.

Sukarno has, of course, endorsed the Communist Party in Indonesia as a major participant in his Government. The Communist Party in Indonesia at the present time is the largest Communist Party outside the all-Communist nations.

It is interesting, strategically speaking, to look at that section of the world and see what is happening. We are engaged in an effort to assist the people of South Vietnam to control their own Government and to be able to control their own lives.

From the north, with the aid and assistance of Red China and the North Vietnamese, come guerrillas moving down through the peninsula onto the great land mass of Asia. While they are doing that, in come the Russians from the other side.

Those who are supposed to be friendly to us are moving into Indonesia. They supply armaments to Indonesia to make the country strong in its military forces in the entire Asian area. Indonesia, in turn, is moving against Malaysia, so there is a vast pincer movement coming

in from both sides, one supported by the Red Chinese, and the other supported by the Russian Communists.

Both sides are trying to gain control of the area of southeast Asia which, if effective, would effectively cut us off from any opportunity to save that portion of the world for the free world, and would substantially place in danger our perennial and longtime allies, New Zealand and Australia.

So I would say to the Senate that from a purely strategic military position, we are dealing with a crucial area of the world. To have us give money or training to the military forces of Indonesia, which are largely using Russian weapons in order to continue their aggressive efforts, so far as I am concerned, is nothing but a complete denial of our own purpose and principle in Asia.

Last year, when the amendment was before the Senate, we were well assured that only a modicum of aid would be continued to Indonesia, that in fact no new programs were being authorized, and we really did not have to worry about it. Yet, I am told, the President of the United States has publicly stated that it is in the interest of the United States to continue giving aid to the Indonesian people.

Apparently, we are trying to use the "carrot on the stick" approach, because from time to time our Ambassador, in an effort to do something over there, has indicated that perhaps our aid should not be continued.

Mr. President, I hold in my hand an article published in the Washington Post of March 26, 1964, entitled "Go to Hell With Your Aid," Sukarno Tells United States."

If Sukarno wishes to tell us that, so far as I am concerned, there is no reason to conclude that his island is any worse than where he is telling us to send our aid—or any better, for that matter. I would as soon keep our money in the United States.

Mr. TOWER. We might get a greater return from it if we sent the money to the place Mr. Sukarno recommends.

Mr. DOMINICK. I agree with the Senator from Texas.

Mr. President, I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"GO TO HELL WITH YOUR AID," SUKARNO TELLS UNITED STATES

DJAKARTA, March 25.—President Sukarno, of Indonesia, today told the United States to "go to hell with your aid" and said his country would not collapse without foreign assistance.

Sukarno, speaking at the laying of a stone for a 14-story building here, pointed to American Ambassador Howard P. Jones, laughed and said:

"There is one country threatening to stop its foreign aid to Indonesia. That country thinks it can scare Indonesia. I say go to hell with your aid."

Sukarno said "Indonesia is rich in natural resources. Indonesia is rich in manpower with its 103 million inhabitants—not like Malaysia with 10 million."

Sukarno's reference to Malaysia drew a sharp burst of applause from an estimated 2,000 persons who attended the ceremony.

Sukarno's speech followed by 1 day a statement by U.S. Secretary of State Dean Rusk in Washington that the United States would not give any new aid to Indonesia until the Malaysia dispute was settled.

Sukarno interrupted his speech to ask Jones in a loud voice, "When was that you wanted to stop your aid?"

Jones did not answer the President's question and only smiled and nodded his head.

(In Bangkok, Thailand, Indonesian Foreign Minister Subandrio today said his government has accepted with certain conditions a formula by the Philippines to settle the Malaysian dispute. He said the reply was communicated to the Filipinos and it was up to them to publish it.)

(The original formula called for the phased withdrawal of Indonesian guerrillas from Malaysian Borneo, the simultaneous opening of political discussions at the ministerial level, and a heads of government summit meeting between Malaysia, Indonesia, and the Philippines.)

Mr. DOMINICK. Page 184 of the hearings on the list under technical assistance program, indicates that fairly substantial projects are still under construction or still in process of being completed in Indonesia, to the total, so far as the RECORD shows, of \$24 million.

It reports that in fiscal 1964, under the proposal mutual defense and development program, there will be a continuation of limited technical assistance activity in the amount of \$9.5 million.

In addition, there is, of course, the military program. Unfortunately, the hearings do not reveal what the particular programs are, because for some reason or other, a security angle seems to be involved. I have a hard time seeing what it is, in view of what has already been said on the floor of the Senate. At any rate, the hearing record, on page 515, on the bottom of the page, clearly shows that we are continuing training programs with regard to the military in Indonesia.

It seems difficult for me, or for any normal American citizen, to see any valid reason for the United States deliberately to spend U.S. taxpayer funds to support a dictator with a large Communist backing who is aggressively attacking one of our pro-Western neutral countries in that area—namely, Malaysia.

It seems almost more difficult to understand this, when he has already told us what we can do with our aid.

Mr. TOWER. Does it not seem to be inconsistent to the Senator from Colorado that very often the United States supports far rightwing dictators as well as leftwing dictatorships?

Mr. DOMINICK. I agree that it has seemed to be governed that way during the past few years, and perhaps even before that. I cannot understand why we support any dictatorship of the right or the left which is actively trying to impose its power on people outside its geographical boundaries. It seems to me that that is just so wholly wrong that it is ridiculous to support them with taxpayers' money.

Mr. TOWER. Does the Senator feel that there is any valid claim that Indonesia could lay to the territory of Malaysia?

Mr. DOMINICK. None at all, so far as I know. I understand that they are doing it on the basis that Malaysia is an extension of British imperialism. What

they are really in effect saying is that they are using the word "imperialism" as a method to eliminate self-government and to impose their will on a neighboring people.

There are some more instances which I believe are quite interesting. A good portion of the record should be laid before the Senate. The idea with respect to Malaysia, of course, is well known. I do not believe that anyone would dispute the validity of it at this point, in view of the fact that the British have had to put a number of support troops into Malaysia to keep the Indonesians out.

The interesting thing about some of our aid programs is that we give economic aid, over the protests of many Senators to Indonesia, in order to try to prevent inflation.

What happens?

Immediately, Sukarno comes in and buys 3 Convairs and flies all over the world, telling everyone what a great fellow he is, taking his girl friends and his advisers with him. Why he does it, he does not say, so far as any sensible program is concerned, designed to be of assistance either to the self-determination of peoples or to free world ideals. Yet we continue to spend American taxpayers' funds in order to support a dictator of this kind.

I thoroughly and wholeheartedly support the amendment of the Senator from Texas.

Mr. President, I yield the floor.

Mr. MORSE. Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. I have yielded the floor. The Senator can obtain the floor in his own right.

Mr. MORSE. Mr. President—

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MORSE. Let me say to the Senator from Texas that I shall support his amendment. For years, I have opposed foreign aid to any dictatorship, either right or left. I have opposed giving support to the so-called presidential escape clause in the foreign aid bill. I happen to believe that Congress has the duty, under our checks and balances system, to appropriate money or not appropriate money without giving to a President arbitrary, discretionary power to give foreign aid to dictatorships because he might decide it to be in our national interest to do so.

In case of any emergency, the President can always lay his case before Congress and secure enactment of legislation, if in the wisdom of Congress it should be granted to him. There is the great danger which I have argued for so many years on the floor of the Senate, of weakening our system of coordinate and coequal branches of government by building up, step by step, more and more of a government by executive supremacy.

If we do not stop it, we shall jeopardize the freedoms and liberties of the American people, because if we develop a system of government by executive supremacy we will lose the effectiveness of legislative checks and controls. We need to be on guard, from the standpoint of

the abstract principle of our Government, without reference to any given President to stop this trend toward government by presidential supremacy. My objection has nothing to do with the particular individual who occupies the White House. It is bad from the standpoint of protecting our constitutional system.

Therefore, I shall support the amendment of the Senator from Texas. Sukarno is a corrupt and dangerous dictator. Not 1 cent of taxpayers' dollar should be made available to him. The President should be denied any discretion to grant Sukarno a dollar unless each dollar is specifically approved by Congress. This amendment seeks to cut Sukarno off from all foreign aid. I have urged that action for 3 years and I am glad to vote for the Tower amendment.

Mr. JAVITS subsequently said: Mr. President, I wish to state my reasons for voting "no" on the amendment on aid to Indonesia. I am very well aware of the activities of the Sukarno regime and disapprove as fully as anyone in this Chamber of the continued inspired guerrilla activities against Malaysia and any identity of interest with the North Vietnamese. I join with my colleagues in condemning unreservedly any support extended by the Sukarno regime to the enemies of freedom in south and southeast Asia. It is for these very reasons that I do not wish to see an absolute cut-off of any hope of saving Indonesia from being devoured by the Communists. It certainly may be personally gratifying to be able to denounce activities I consider so inimical to the free world by voting for this amendment. But it is too high a price to pay to contribute to cutting off any hope that Indonesia can be saved from the Communists by tying the President's hands as this amendment would do in respect of any operation in Indonesia no matter how it might appeal to the U.S. Government as being helpful in in checkmating Communist influences there—this is most unwise in my judgment. We should aid, not cut off whatever effort we may be able to make to maintain our free world position which is so critically important. By cutting off this aid completely, we are denied any such opportunity. I would not wish wittingly to do that, as I believe that is against our interest in the struggle for freedom and peace in the world.

I thank my colleague for yielding.

Mr. MANSFIELD. Mr. President, I hope it will be possible to come to the vote requested by the distinguished Senator from Texas [Mr. TOWER] very shortly.

The present amendment provides, as has been brought out in the debate so far:

No assistance under this Act shall be furnished to Indonesia unless the President determines that the furnishing of such assistance is essential to the national interests of the United States. The President shall keep the Foreign Relations Committee, and the Appropriations Committee of the Senate, and the Speaker of the House of Representatives fully and currently informed of any assistance furnished to Indonesia under this Act.

There is not much more that I can say. The amendment was brought for-

ward largely, I believe, through the efforts of the distinguished Senator from Wisconsin [Mr. PROXMIRE] and other Senators. The issue is drawn. The distinguished Senator from Texas [Mr. TOWER] wants to go a good deal further and drop everything absolutely and completely.

It is my belief that the President should have a small degree of flexibility, at least.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DIRKSEN. Mr. President, there is one reason why I believe the amendment of my distinguished friend from Texas ought not to be defeated.

It is now roughly two months since the distinguished leader in Indonesia, Mr. Sukarno, stated publicly to all the world—and it was carried by every wire service—that, "The United States can go to hell with its aid."

What was in my mind at the time was that probably that was the only country that was not receiving aid. But if Sukarno does not want it, and if he wants us to go to hell with our aid, I shall be the last one under any circumstance to force it on him, or to even put in the hands of the President the authority to force it on him.

Sukarno left no doubt as to where he stood. All the world knows it. And this is one time that we can be exceptionally selective and take the leader at his word when he tells us to go to hell with our foreign aid.

I shall take him at his word. I shall vote for the amendment of the distinguished Senator from Texas.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas [Mr. TOWER].

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Ohio [Mr. LAUSCHE], the Senator from Florida [Mr. SMATHERS], and the Senator from Tennessee [Mr. WALTERS], are absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON], and the Senator from Massachusetts [Mr. KENNEDY], are absent because of illness.

I further announce that the Senator from Nevada [Mr. CANNON], is necessarily absent.

I further announce that, if present and voting, the Senator from Ohio [Mr. LAUSCHE], would vote "yea."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER] is detained on official business.

The Senator from Kansas [Mr. CARLSON] is detained on official committee business, and, if present and voting, would vote "yea."

The Senator from Massachusetts [Mr. SALTONSTALL] is necessarily absent, and, if present and voting, would vote "yea."

The result was announced—yeas 62, nays 28, as follows:

[No. 543 Leg.]

YEAS—62

Aiken	Fong	Moss
Allott	Gruening	Mundt
Bayh	Hartke	Nelson
Beall	Hickenlooper	Pearson
Bennett	Hill	Prouty
Bible	Hruska	Proxmire
Boggs	Jackson	Randolph
Burdick	Johnston	Ribicoff
Byrd, W. Va.	Jordan, N.C.	Robertson
Case	Jordan, Idaho	Russell
Church	Keating	Scott
Cooper	Kuchel	Simpson
Cotton	Long, Mo.	Smith
Curtis	Long, La.	Stennis
Dirksen	Magnuson	Symington
Dodd	McClellan	Talmadge
Dominick	McIntyre	Thurmond
Douglas	Mechem	Tower
Eastland	Miller	Williams, Del.
Ellender	Morse	Young, N. Dak.
Ervin	Morton	

NAYS—28

Bartlett	Inouye	Neuberger
Brewster	Javits	Pastore
Clark	Mansfield	Pell
Edmondson	McCarthy	Salinger
Fulbright	McGee	Sparkman
Gore	McGovern	Williams, N.J.
Hart	McNamara	Yarborough
Hayden	Metcalfe	Young, Ohio
Holland	Monroney	
Humphrey	Muskie	

NOT VOTING—10

Anderson	Goldwater	Smathers
Byrd, Va.	Kennedy	Walters
Cannon	Lausche	
Carlson	Saltonstall	

So Mr. Tower's amendment was agreed to.

Mr. TOWER. Mr. President, I move

to reconsider the vote by which the amendment was agreed to.

Mr. DIRKSEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the bill itself, which is open to amendment. The amendment of the Senator from Illinois [Mr. DIRKSEN] is pending.

Mr. DODD. Mr. President, I send to the desk an amendment for printing—

Mr. MANSFIELD. Mr. President, the pending business is the amendment of the Senator from Illinois. I would like, with the permission of the Senate, to call up certain measures on the calendar to which there is no objection, and dispose of them.

Mr. DIRKSEN. I yield for that purpose.

THE CALENDAR

On request of Mr. MANSFIELD, and by unanimous consent, the following measures on the calendar were considered and acted upon, as indicated:

ELFRIEDE UNTERHOLZER SHARBLE

The bill (H.R. 1174) for the relief of Elfriede Unterholzer Sharble was con-

sidered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I now ask unanimous consent that the Senate consider the measures on the calendar beginning with Calendar No. 1306, Senate bill 2981, and the remaining measures in sequence.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT TO DISTRICT OF COLUMBIA POLICE AND FIREMEN'S SALARY ACT OF 1958

The Senate proceeded to consider the bill (S. 2981) to amend the District of Columbia Police and Firemen's Salary Act of 1958, as amended, to increase salaries, to adjust pay alignment, and for other purposes, which has been reported from the Committee on the District of Columbia, with an amendment, to strike out all after the enacting clause and insert:

TITLE I—SALARY INCREASES FOR DISTRICT OF COLUMBIA POLICEMEN AND FIREMEN

SEC. 101. Section 101 of the District of Columbia Police and Firemen's Salary Act of 1958 (72 Stat. 481), as amended, is amended to read as follows:

"SEC. 101. The annual rates of basic compensation of the officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia shall be fixed in accordance with the following schedule of rates:

"SALARY SCHEDULE

"Salary class and title	Service step						Longevity step		
	1	2	3	4	5	6	7	8	9
Class 1:									
Subclass (a).....	\$6,010	\$6,330	\$6,650	\$6,970	\$7,290	\$7,610	\$7,930	\$8,250	\$8,570
Fire private.									
Police private.									
Subclass (b).....	6,300	6,620	6,940	7,260	7,580	7,900	8,220	8,540	8,860
Private assigned as:									
Technician I.									
Plainclothesman. ¹									
Subclass (c).....	6,590	6,910	7,230	7,550	7,870	8,190	8,510	8,830	9,150
Private assigned as:									
Technician II.									
Station clerk.									
Motorcycle officer.									
Class 2:									
Subclass (a).....	7,290	7,610	7,930	8,250			8,570	8,890	9,210
Fire inspector.									
Subclass (b).....	7,580	7,900	8,220	8,540			8,860	9,180	9,500
Fire inspector assigned as:									
Technician I.									
Subclass (c).....	7,870	8,190	8,510	8,830			9,150	9,470	9,790
Fire inspector assigned as:									
Technician II.									
Class 3.....	7,900	8,220	8,540	8,860			9,180	9,500	9,820
Assistant marine engineer.									
Assistant pilot.									
Detective.									
Class 4:									
Subclass (a).....	8,185	8,505	8,825	9,145			9,465	9,785	10,105
Fire sergeant.									
Police sergeant.									
Subclass (b).....	8,655	8,975	9,295	9,615			9,935	10,255	10,575
Detective sergeant.									
Subclass (c).....	8,765	9,085	9,405	9,725			10,045	10,365	10,685
Police sergeant assigned as:									
Motorcycle officer.									
Class 5.....	10,000	10,400	10,800	11,200			11,600	12,000	
Fire lieutenant.									
Police lieutenant.									
Detective lieutenant.									
Class 6.....	11,000	11,400	11,800	12,200			12,600	13,000	
Marine engineer.									
Pilot.									
Class 7.....	12,000	12,500	13,000	13,500			14,000	14,500	
Fire captain.									
Police captain.									
Detective captain.									
Class 8.....	14,000	14,500	15,000	15,500			16,000	16,500	
Assistant superintendent of machinery.									
Battalion fire chief.									
Deputy fire marshal.									
Police inspector.									

Footnote at end of table.

"¹ Service as such for over 60 consecutive calendar days."

(1) The first section is amended by striking all after the first sentence and inserting in lieu thereof the following salary schedules:

[illegible]

Federal disbursements in South Dakota, fiscal year 1963—Continued

POST OFFICE DEPARTMENT	
Operations, salaries, rents, local transportation, etc.	\$12,672,000
BUREAU OF PUBLIC ROADS	
Apportionments of Federal aid highway funds	22,426,694
VETERANS' ADMINISTRATION	
Payroll and benefit payments, VA center and hospitals	32,281,599
OTHER AGENCIES	
Atomic Energy Commission	5,600,000
Bureau of the Census (est.)	8,329
Federal Aviation Agency (est.)	3,000,000
Internal Revenue Service	1,283,000
U.S. courts (district courts operation)	188,000
Weather Bureau	344,000
Small Business Administration:	
Business loans	2,913,000
Disaster loans (SBA share)	178,000
Joint set-aside for procurement contracts	4,098,000
Total, Small Business Administration	7,189,000
Housing and Home Finance Agency:	
Community Facilities Administration, college housing, University of South Dakota	950,000
Public Facility Loans Program	325,000
Senior Citizens Direct Loan Program	1,200,000
Public Housing Administration: Low-rent public housing	4,166,000
Federal housing loans	3,885,000
Total, Housing and Home Finance Agency	10,526,000
General Service Administration:	
Federal supply	466,486
Post Office building in Pierre	2,264,494
Salaries	485,000
Repair	27,000
Total, General Services Administration	3,242,980
Grand total, federally disbursed funds in South Dakota, fiscal year 1963	507,155,261
RECAPITULATION, FEDERAL DISBURSEMENTS IN SOUTH DAKOTA, FISCAL YEAR 1963	
Agriculture Department	131,565,336
Department of Defense	165,713,000
Health, Education, and Welfare	81,661,695
Interior Department	26,588,043
Justice Department	203,635
Labor Department	2,329,300
Post Office Department	12,672,000
Bureau of Public Roads	22,426,694
Veterans' Administration	32,281,599
Atomic Energy Commission	5,600,000
Bureau of Census	8,329
Federal Aviation Agency	3,000,000
Internal Revenue Service	1,203,000
United States Courts	188,000
Weather Bureau	344,000
Small Business Administration	7,189,000

Federal disbursements in South Dakota, fiscal year 1963—Continued

Housing and Home Finance Agency	
Agency	\$10,526,000
General Services Administration	
Administration	3,242,980
Grand total	507,155,261
Total internal revenue collections in South Dakota, fiscal year 1963	147,800,000

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. DIRKSEN. Mr. President, if it does not take too long, and without losing my right to the floor, I shall be glad to yield to the distinguished Senator from Connecticut [Mr. DODD], who has an amendment relating, I think, to the Italian cemeteries, where a great many Polish veterans are buried. I do not know whether this is an amendment to previous Senate action, or whether it is de novo.

Mr. DODD. It is de novo.

Mr. DIRKSEN. If it is to take only a few minutes, I shall be glad, without losing my right to the floor, to yield for the convenience of the Senator from Connecticut.

Mr. FULBRIGHT. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I yield.

Mr. FULBRIGHT. The Senator from Connecticut has spoken to me about this amendment. I, of course, will have to oppose it. I spoke against the other amendment for keeping up the cemeteries in Italy. I said, "If we are going to do it in Italy, why not everywhere?" But the Senate overrode me. I cannot support the amendment. If the Senate wants to do a foolish thing, it can do it. It can provide for maintenance of cemeteries in Russia, if the Senate wants to do that.

They were our allies, too. If the Senate wishes to do it, that is its right.

Mr. DODD. Mr. President, I will not take more than 5 minutes to explain this very simple amendment.

Mr. DIRKSEN. Will the Senator insist on a yea and nay vote?

Mr. DODD. I should like to have the amendment adopted.

Mr. DIRKSEN. I thought we had disposed of all amendments, because we were about to take up the apportionment amendment. I do not wish to stand in the Senator's way. If the Senator can keep his presentation on the brief side, I shall be glad to yield to him for the purpose of bringing up his amendment, provided I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I heard what the distinguished Senator from Arkansas has said. After he has heard what I have to say, he may change his mind.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that my amendment be temporarily laid aside, for the consideration of the amendment of the Senator from Connecticut.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I offer the amendment, and I ask unanimous consent that the reading of it be dispensed with. I will explain it briefly.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 7, insert immediately after currencies (a.)

On page 16, after line 17 insert the following language:

"(b.) Subject to the provisions of Section 1415 of the Supplemental Appropriation Act, 1953, the President is authorized, as a demonstration of good will on the part of the people of the United States for the Polish people, to use foreign currencies that have accrued to the United States Government under this or any other Act, for assistance on such terms and conditions as he may specify, in the repair, rehabilitation, improvement, and maintenance of the Powazki Cemetery in Warsaw, which serves as the chief burial place for the tens of thousands of Polish resistance fighters who fell in the heroic Warsaw uprising of July 1944."

Mr. DODD. Mr. President, it is a simple amendment, to provide for the use of counterpart funds in Poland for the maintenance and improvement of the Warsaw cemetery where the resistance fighters fell in the Warsaw uprising of July 1944.

Mr. President, the Warsaw uprising of 1944 will forever rank as a sublime act of human courage and as an affirmation of man's eternal will to freedom. I consider it most appropriate that President Johnson issued an official proclamation this year in observance of the anniversary of this uprising.

The Nazi occupation of Poland was utterly ruthless in its methods. But despite the Nazi terror, despite the executions and the torture chambers, the Polish nation succeeded in building up a secret state apparatus that commanded the loyalty of the people in cities, towns, and villages throughout their country. They built up and trained and armed a secret army, known as the Polish Home Army, in anticipation of the day of liberation.

When the Soviet Red army approached the outskirts of Warsaw driving the Nazis before it, the Polish Home Army felt that the time to strike had come. In this they were encouraged by the official Soviet broadcasts, which called on the people of Warsaw to rise up and expel the Nazi occupiers.

The Warsaw uprising ended in tragedy. The city of Warsaw was left in ruins and scores of thousands of its citizens were killed. But the Warsaw uprising was not in vain. For the Polish people and for free men everywhere, it has a symbolic significance. Through centuries to come, it will serve as proof of man's indomitable spirit and of his invincible will to freedom. It has served to keep alive the faith of the Polish

people in the ultimate victory of their cause, and to sustain them in the difficulties and suffering they have had to endure since the close of World War II.

We can best salute the memory of the Poles who fell in this valiant struggle by renewing our dedication to the goal of a free and independent Poland, living in peace with the nations of the world.

There are certain concrete things we can do to hasten this day. President Johnson has spoken of the importance of building bridges to the people of Poland and of the other captive nations. I believe that by releasing American counterpart funds for the maintenance and rehabilitation of the Powazki Cemetery in Warsaw, we will be building an important bridge of sympathy and understanding with the people of Poland.

The Powazki Cemetery holds the remains of tens of thousands of Polish freedom fighters who fell in the heroic Warsaw uprising. For the people of Poland it remains to this day a hallowed place, where thousands of citizens congregate on every anniversary of the Warsaw uprising. Having already decided to make counterpart funds in Italy available for the repair and rehabilitation of the graves of the Polish soldiers who died in combat in Italy, I think it only appropriate that we should take similar action on behalf of the immortal dead of the Polish Home Army who died in the Warsaw Uprising.

I hope that this amendment will be given sympathetic consideration by my colleagues.

That is all that the amendment would do. I cannot conceive of any Senator voting against it.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. KEATING. Is the cemetery to which the Senator refers limited to military personnel, or is it a cemetery in which civilians also are buried?

Mr. DODD. The name of the cemetery is the Powazki Cemetery. It holds the remains of tens of thousands of Polish freedom fighters who fell in the Warsaw uprising. As I have said, for the people of Poland it remains to this day a hallowed place.

Mr. KEATING. But it is a shrine, almost, for the Polish freedom fighters, who were the resistance fighters, and who showed such heroism in the Warsaw uprising in July 1944. Is that correct?

Mr. DODD. It is exactly correct.

Mr. KEATING. I commend the distinguished Senator from Connecticut for offering the amendment. It is very reasonable. The cost for maintaining the cemetery, as I understand, will be met from counterpart funds.

Mr. DODD. Yes.

Mr. KEATING. It will not be paid for by the taxpayers of this country. I shall certainly support the amendment. The world will long remember the heroic struggle of the Polish Home Army to liberate Warsaw from alien control. While the Poles fought, the secret armies waited. They did not offer help or support to the Poles. They waited until

the Polish forces were virtually wiped out before they moved in, to assert by force, Soviet Communist control over Poland. The stark contrast between Polish heroism and Soviet treachery is clear.

I will be grateful if the distinguished Senator will allow me to become a cosponsor.

Mr. DODD. I shall be honored to have the Senator become a cosponsor.

Mr. KEATING. Mr. President, I ask unanimous consent that I may join as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. DODD. I am happy to yield.

Mr. DOUGLAS. Is it not true that the Russians have a very uneasy conscience about the Polish freedom fighters? As I remember the situation, the Russian armies were almost at the gates of Warsaw when the Polish freedom fighters revolted inside the city. The Russians could have come to their help very readily, but they refused to do so. They halted on the outskirts of the city and permitted the Nazis to exterminate the freedom fighters. Then, only after the freedom fighters had been killed and eliminated, did the Communist armies move in.

Mr. DODD. Yes.

Mr. DOUGLAS. This is a very sore point with the conscience of the Russians and the conscience of the Poles. Undoubtedly one of the reasons why they are trying to downgrade the treatment of the cemetery is that the heroism of the Poles reflects unfavorably upon the cowardice of the Russians.

Mr. DODD. As usual, the Senator has put it much more clearly than I could possibly have stated it.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. DODD. I am delighted to yield to the Senator from Vermont.

Mr. AIKEN. Yesterday I took it upon myself to determine the amount of Italian lire which we have available for taking care of the Polish cemetery in Italy. I found that we have none available. It seems to me that unless we wish to play a hoax on the Polish people, we should put up enough good American dollars to buy sufficient Italian lire to take care of these cemeteries. I do not see any other way out of the situation. The other day the Senate, out of the goodness of its heart, approved the amendment and gave the Polish people the impression that we would do something. Now we find that we cannot do it with our existing resources. It seems to me, having agreed to do it, the only decent thing to do is to appropriate enough American dollars to acquire the Italian lire.

Mr. DODD. I could not agree more with the Senator from Vermont. I know he agrees with me that huge amounts of counterpart funds are available in Poland.

Mr. AIKEN. We have zlotys available.

Mr. DODD. There is no question about our having adequate funds available in Poland.

Mr. AIKEN. We have plenty of zlotys, Indian rupees, and Egyptian pounds. Aside from those currencies, I do not believe much soft currency is available. We have a little here and a little there. So far as the Italian lire are concerned, we are out.

Mr. DODD. That is regrettable. I am sure the Senator agrees with me that when we have the money, as in Poland, we should use it for this purpose.

It would not cost much to take care of the cemetery, where tens of thousands of freedom fighters are buried. It will be good for the free world if we do it.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. JAVITS. I have been to Warsaw, as has the Senator from Illinois [Mr. DOUGLAS]. I know something about the physical circumstances to which the Senator refers. Anyone who has seen the little urns with flowers in almost every street of Warsaw can appreciate this amendment and the terrible suffering and sacrifice of the Polish people, when the Nazis sealed off two sides of a street, blew a whistle, and indiscriminately shot four or five people in the street; then unsealed the street and passed on as quickly as they had come.

I should like to ask the Senator a question. It is a fact that this proposal would not be inaugurating anything new in Poland. We maintain a large hospital there, and we are helping the people. That is provided for in the bill, is it not?

Mr. DODD. That is correct.

Mr. JAVITS. So it would not be a new scheme of operation, would it?

Mr. DODD. No.

Mr. JAVITS. I thank the Senator from Connecticut.

Mr. DODD. I thank the Senator from New York for raising that point. This is nothing new. It would be in complete conformity with our policy heretofore, and up to the present.

The PRESIDING OFFICER (Mr. BAYH in the chair). The question is on agreeing to the amendment of the Senator from Connecticut [putting the question].

The Chair is in doubt and will ask for a division.

Mr. DODD. Mr. President—

The PRESIDING OFFICER. The amendment is not agreed to.

Mr. DODD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote by which the amendment was rejected be reconsidered.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DODD. Mr. President, on my amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Connecticut [Mr. DODD]. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. KEATING. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York will state it.

Mr. KEATING. Is the question on the reconsideration of the amendment? I understood that the majority leader had asked to reconsider the vote.

The PRESIDING OFFICER. The majority leader asked unanimous consent that the vote be reconsidered, and his request was agreed to. The Senate now is in the process of voting on the question of agreeing to the amendment of the Senator from Connecticut.

Mr. FULBRIGHT. Mr. President, not many Senators were in the Chamber when the amendment was proposed. The amendment is an extension of the principle adopted the other night with respect to cemeteries in Italy.

The Senate evidently is being asked now to assume the obligation of keeping up all foreign cemeteries which contain the bodies of soldiers who may have fought on the side of our allies. I want Senators to be aware of what they are voting on. It would seem to me that this could be an open, unlimited obligation. If we do it for the cemeteries of Poland, I see no logical reason why we should not do it for all other cemeteries, wherever they may be located. The Senate ought to consider what it is being asked to do.

I opposed the amendment the other night, but the Senate chose to assume the obligation. If the United States is to keep up the cemeteries in Poland, it is likely that there are Members of this body some of whose constituents have come from other countries and who will want the United States to keep up the cemeteries in those countries.

I do not see why the Senate should be compelled, almost, in order to satisfy other minority groups, to assume similar obligations all over the world. It could amount to a huge sum of money.

Mr. GORE. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield.

Mr. GORE. Could this proposal actually be described as foreign aid for the dead?

Mr. FULBRIGHT. Yes; for the dead Poles, I suppose. In effect, it would actually be done for the relief of the Polish Government, for which I know many of my colleagues on both sides of the aisle have great affection. The effect would be to enable the Polish Government to escape its obligation to maintain its own cemeteries.

I assume that the cemeteries are in existence; I do not know whether they are. I know nothing about the cemetery in question. I suppose there is such a cemetery in Poland, although I recall reading that many of the dead Polish people were piled into trenches in those days. The Government was rather ruthless.

I do not know whether Poland has cemeteries similar to ours or not. We are opening up a field to which there is no end. Such an amendment ought to be considered in an orderly manner, a bill should be introduced, and an appropriation authorized, whether it be for \$10 or \$100 million. If it is desired to spend money on foreign cemeteries, that ought to be done in an orderly way. We do not know anything about this cemetery or the one in Italy.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. DIRKSEN. I agree with the chairman of the committee. I can find no legal, moral, or social responsibility on this country to undertake this sort of activity.

Mr. FULBRIGHT. I did not say that there was not such a cemetery in Italy; I said that if it is to be done in Italy, we might be asked to do it all over the world.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. THURMOND. Would this not be aid to a Communist government?

Mr. FULBRIGHT. I do not suppose it would be of great aid to them; but in effect, whatever the amount, it would be aid.

Mr. THURMOND. I agree with the distinguished chairman. I am wondering if we should not cut off any other aid to Communist governments, as well.

Mr. FULBRIGHT. I was not objecting particularly to the amount; it is the general principle of undertaking the upkeep of cemeteries all over the world, where people who may have been allied with us or who were sympathetic to our cause may be buried. It is a rather openended proposal. If it is to be done, it should be done in an orderly way, after proper hearings before committees, and with the authorization of funds in the regular way. This is a rather casual way to commit this country to unknown obligations.

Mr. DODD. Mr. President, I wish to answer the arguments that have been raised against the amendment.

The Senator from Tennessee asked, "Is it foreign aid to the dead?" My answer is: Yes; it is a debt due to the dead Polish heroes who stood on our side in the Warsaw uprising, expecting the Communists across the river to come to their aid, but who, by the tens of thousands, were slaughtered and lie buried in unmarked graves. That is the answer to that argument.

Is it foreign aid to the Communists? asks the Senator from South Carolina. No. It is foreign aid to the dead Polish heroes and the living Polish heroes and anti-Communists, and U.S. citizens of Polish ancestry by the millions in this country. It is a tribute to the anti-Communist dead who lie in the unmarked cemetery in Warsaw, and whose relatives will know that the people of America have not forgotten them.

In answer to the question of the Senator from Arkansas, Does the proposal need hearings? I say that everybody knows—even small children know—the

story of the heroes of the Warsaw uprising. What hearings do we need at this hour of history?

What would the proposal cost? Not one red cent. We have millions of dollars in Communist Poland banks. We can use very little of them. It would cost very little money to make certain that this cemetery, where lie those heroes, is properly cared for.

It is asked, "Would this proposal lead to a demand that we take care of similar cemeteries all over the world where anti-Communist heroes are buried?" I say, Good. I hope it will. I cannot think of anything better for us to do with the billions of dollars we are peddling around the world for highly questionable projects than to spend a few paltry dollars to mark the cemeteries in which lie the bodies of anti-Communist heroes. I say to the Senator from Arkansas that I hope this action will become a precedent.

I hope we will do it all over the world. I cannot think of anything better that can be done for the cause of freedom. That is my answer to the arguments.

Mr. MORSE. Mr. President, will the Senator from Connecticut yield?

Mr. DODD. I am glad to yield to the Senator from Oregon.

Mr. MORSE. I agree with the Senator from Connecticut, and I shall support his amendment.

Mr. DODD. I am grateful to the Senator from Oregon. I am only sorry that more Senators are not present in the Chamber, because I am quite sure that if all Senators heard this discussion, there would be only a handful of votes against the amendment.

I am confident that if the American people heard the discussion, they would demand that we pay this tribute.

No cost in dollars is involved. It is a small tribute to those who fought on our side.

Mr. President, I hope that the amendment will be adopted.

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. McIntyre in the chair). The Senator from Illinois will state it.

Mr. DOUGLAS. What is the question now before the Senate?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Connecticut [Mr. DODD]. On this question the yeas and nays have been ordered; and, if there be no further discussion, the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Arizona [Mr. HAYDEN], the Senator from Ohio [Mr. LAUSCHE], the Senator from South Dakota [Mr. McGOVERN], the Senator from Maine [Mr. MUSKIE], and the Senator from Tennessee [Mr. WALTERS], are absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON], and the Senator from Massachusetts [Mr. KENNEDY], are absent because of illness.

I further announce that the Senator from Nevada [Mr. CANNON], and the Senator from Texas [Mr. YARBOROUGH], are necessarily absent.

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER] is detained on official business.

The Senator from Massachusetts [Mr. SALTONSTALL] is necessarily absent.

The Senator from Kansas [Mr. PEARSON] is detained on official business.

The result was announced—yeas 51, nays 37, as follows:

[No. 544 Leg.]

YEAS—51

Aiken	Fong	Mundt
Bartlett	Hart	Nelson
Bayh	Hartke	Neuberger
Beall	Holland	Pastore
Bible	Hruska	Pell
Boggs	Humphrey	Prouty
Brewster	Inouye	Proxmire
Burdick	Javits	Randolph
Byrd, W. Va.	Keating	Ribicoff
Case	Kuchel	Salinger
Church	Long, Mo.	Scott
Clark	Long, La.	Stennis
Cotton	Magnuson	Symington
Curtis	McIntyre	Williams, N.J.
Dodd	Metcalf	Williams, Del.
Douglas	Miller	Young, N. Dak.
Edmondson	Morse	Young, Ohio

NAYS—37

Allott	Hickenlooper	Morton
Bennett	Hill	Moss
Byrd, Va.	Jackson	Robertson
Carlson	Johnston	Russell
Cooper	Jordan, N.C.	Simpson
Dirksen	Jordan, Idaho	Smathers
Dominick	Mansfield	Smith
Eastland	McCarthy	Sparkman
Ellender	McClellan	Talmadge
Ervin	McGee	Thurmond
Fulbright	McNamara	Tower
Gore	Mechem	
Gruening	Monroney	

NOT VOTING—12

Anderson	Kennedy	Pearson
Cannon	Lausche	Saltonstall
Goldwater	McGovern	Walters
Hayden	Muskie	Yarborough

So Mr. Dodd's amendment was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KEATING. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DIRKSEN. Mr. President, without losing my right to the floor, I yield 30 seconds to the Senator from Connecticut [Mr. RIBICOFF].

AMENDMENT NO. 1218

Mr. RIBICOFF. Mr. President, the minority leader [Mr. DIRKSEN] and the majority leader [Mr. MANSFIELD] have offered their amendment concerning reapportionment, a subject which has nothing to do with the foreign aid bill.

Some time ago I submitted a resolution, in which 63 other Senators joined me, condemning the Soviet Union for persecution of the Jews. Since it appears that action may not be taken on that resolution, I send to the desk, an amendment incorporating that resolution, ask that it be printed, and that the Senate go on record as condemning religious persecution by the Soviet Union against Jews and those of other faiths as well.

The amendment is being cosponsored by the Senator from Connecticut [Mr. Dodd] and the Senator from New York [Mr. JAVITS].

I shall ask for the yeas and nays when the amendment is called up. I plan to

call up the amendment after the Senate disposes of the Mansfield-Dirksen amendment.

The PRESIDING OFFICER. The amendment will be received, printed, and will lie on the table.

Mr. DIRKSEN. Mr. President, I advise the Senate that we are taking up the reapportionment amendment at the present time. I shall be as brief as possible and try to sketch in broad strokes what has happened, how this proposal happened to come here, and what has happened in the country with respect to sentiment as a result of the Supreme Court decision in the case of Reynolds against Sims. I may repeat some of the observations I made late last night when this amendment was laid down.

By way of preliminary, this is a jointly sponsored amendment by the distinguished majority leader and myself. It represents most patient and painstaking work, in which endeavor we invited the staff of the majority leader, as well as my own staff. Sitting with us was the Deputy Attorney General and the Solicitor of the Department of Justice. We spent a good many days on this task since I first framed a proposal with respect to a stay of proceedings of the Supreme Court decision. Some time in midafternoon yesterday, we finally came to the conclusion that we could agree on the language that is now before the Senate in the form of this amendment.

I believe that since we are not always too diligent in reading the material that is before us, it might be well for me to read the pertinent sections of the amendment. This amendment is intended as a section to part 4 of the foreign assistance bill.

I am not insensible when I say, with some modesty, to my distinguished friend from Arkansas [Mr. FULBRIGHT] that it might be regarded as an incongruity when one offers an amendment of this kind to a foreign assistance bill. But it is reality that compels this course of action.

I thought that if the amendment were ready at the time, it might be attached to the interest equalization rate bill, which was reported from the Committee on Finance. That bill involved so many technicalities that I rather shuddered at the thought.

Incidentally, although two versions of the amendment were presented at that time—and, before we were through, a third and fourth version were presented—I was not sure that we would be ready to offer the amendment to that bill.

There was the possibility that perhaps next week the amendment could be offered to the social security bill, which is still pending in the Senate Finance Committee. However, that bill has generated controversy on its own. I can say with some authority that if perchance the medicare proposals that will be offered—and there are at least three of them—should be attached to that bill and go to conference, and the Senate conferees were adamant in their position, conceivably there might not be a social security bill at all.

I believe I read correctly the temper of the members of the Ways and Means Committee; and I have taken time to do a little conferring.

If the amendment is to have any value, it must reach the President's desk before adjournment. It must get there before the hour comes when the majority leader and I call the White House and ask the President whether he has any other business to lay before the Congress. I have had occasion to do that for a number of years. If the President says "No," the Congress will be free to adjourn. So it must be done before that time, and therefore the amendment must be attached to a bill that will reach the President for signature.

So by a process of elimination it was quite clear to me that if we were to take a statutory approach to the question, there was nothing to do except to offer the amendment to the pending bill, incongruous as it might seem.

On the other hand, I see no real incongruity in trying to look after our own people in our own States when we are lavishing our largess upon people in all the corners of the earth. If we can take time to study and discuss the subject, notwithstanding what may appear to be an incongruity, the proposal will not seem so farfetched after all.

Besides the amendment is important because there is an almost volcanic feeling in the country today.

Mr. CURTIS. Mr. President, will the Senator yield for a brief question?

Mr. DIRKSEN. I would prefer not to do so until I complete my statement.

Mr. President, I was advised that today, by a vote of 10 to 4, the House Rules Committee voted out what is known as the Tuck resolution, named for Representative Tuck. I believe it is infinitely tougher, infinitely stronger, and infinitely less flexible than the amendment which the majority leader and I have offered after long and painful study with a good many people sitting around the table. That is the principal reason why the amendment is being offered to the pending bill.

There is one further reason. The bill is divided into four parts. If Senators will examine the titles to those parts, they will notice that part IV is entitled "Amendments to Other Laws." The sky is the limit. "Amendments to Other Laws" can mean any act, no matter what it might be. So I thought certainly the amendment would be in harmony with that designation, for the proposal is an amendment to the code. Therefore, very properly, it belongs under that title.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. FULBRIGHT. The part entitled "Amendments to Other Laws" is hardly meant to indicate that the sky is the limit. "Other Laws" must be relevant to the bill—for example, Public Law 480 programs. Amendments of that kind have often been offered. I do not believe that the record shows that we have undertaken in the bill to reach out and go into the apportionment provision of our Constitution.

Most of the amendments that have been proposed are reasonably relevant to the foreign aid program.

Mr. DIRKSEN. Mr. President, I shall not quarrel unfelicitously with my distinguished friend from Arkansas.

Mr. FULBRIGHT. I am not quarreling; I am pointing out a fact.

Mr. DIRKSEN. On page 16, line 18, of the foreign assistance bill, the following language appears:

Part 4—Amendments to Other Laws.

There is no limitation and no qualification whatsoever.

Mr. President, if the Senate had a germaneness rule, I believe the amendment would still qualify as being germane under that part.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. AIKEN. The whole purpose of the foreign aid bill, as I understand it, is to promote democracy and friendship among democracies in as many Nations of the world as is possible. The purpose of the Dirksen-Mansfield amendment, as I understand it, is to preserve democracy in the United States. Therefore I would consider the amendment entirely germane.

Mr. DIRKSEN. Mr. President, that statement is so much more graciously put than I, with my feeble talent, could express it that I am delighted that my distinguished friend from Vermont intervened.

We might trace a little of the history. A case was brought in the State of Tennessee. My distinguished friend, the Senator from Tennessee, knows all about it. I refer to the case of Baker against Carr.

The question of apportionment had been in the air in Tennessee for a long time, but no action was ever taken until this particular group finally took action and the case came to the high tribunal here in Washington.

While the facts were somewhat different, and the issues might be different, yet the basic issue was present.

As a result of what happened in the Supreme Court's finding in the case of Baker against Carr, 60 suits were filed in 37 States with reference to the question of apportionment. In some of those there was, either in whole or in part, some reapportionment. In others there was none.

But coming on the heels of that case was a case that came from Alabama under the caption of Reynolds against Sims. Joined in that case were probably half dozen other States, including Maryland, Delaware, Colorado, Virginia, New York, and there may have been others. That is the historic and celebrated case in which the Chief Justice wrote the opinion and a very distinguished and scholarly Associate Justice, formerly from Illinois, John Marshall Harlan, wrote the dissenting opinion. I think it is one of the most devastating dissenting opinions that I have ever read.

In my considered judgment, Associate Justice Harlan blew the Supreme Court and its argument right out of the water. It was a historical document, to say the least; and for a long time it will be read

and treated with the highest respect by law students from this day on, as well as by all members of the bar. But it started with Baker against Carr and then went to Reynolds against Sims.

I now invite the attention of Senators to the manner in which interest has developed in the question. In September of 1962 an organization known as the National Legislative Conference, which is affiliated with the Council of State Governments, met in Phoenix, Ariz. There were 750 delegates. They consisted of State officers, officials, and members of the conference.

They finally passed a resolution asking the Council of State Governments to include three proposed amendments on their agenda at the 1962 general assembly which met in the city of Chicago. The report was rendered by the Committee on Federal-State Relations, and it was filed with the Council of State Governments on December 5, 1962.

Of the three amendments, No. 2 dealt with the proposal to amend the Federal Constitution with respect to reapportionment. There was a rollcall vote. Twenty-six States voted for it. Ten States voted "no." There were 10 abstentions.

Since all that happened, two States in opposition—namely, New York and Colorado—have switched over to the other side. That makes 28. One abstention switched over. That was Ohio. That makes 29 States that have gone on record with respect to the reapportionment problem.

I can state with knowledge that Ohio has come over because day before yesterday the Lieutenant Governor of Ohio called me about this matter. Only 2 days ago there was a telegram from the President of the New York State Assembly to the effect that he endorsed and his associates endorsed the approach we were taking to this problem and what we were trying to do in order to bring about relief.

What has happened since Reynolds against Sims is astounding. In the State of Oklahoma the Federal Court invalidated the results of an election. So far as I know, it is the first time in the history of this Republic that anything of that kind has happened.

I have in my hand an Associated Press dispatch from Oklahoma City, dated August 1, which reads:

Quick appeals to the U.S. Supreme Court loomed today after the Federal court, in an unprecedented stroke of judicial power, ordered new legislative elections in Oklahoma this year.

Mr. FULBRIGHT. Mr. President, if the Senator will yield, was that in the State legislatures?

Mr. DIRKSEN. That refers to the State legislatures. Another paragraph of that dispatch reads:

The Court ordered Gov. Henry Bellmon to conduct special elections to obtain a legislature with membership divided into equal population districts. Governor Bellmon said he would obey "without further delay."

The ruling stirred nationwide interest inasmuch as many other States face similar legislative reapportionment problems, brought to a head by recent U.S. Supreme Court rulings that both houses of a State legislature must be based on population.

In Washington the Justice Department believes the Oklahoma case marks the first time a Federal court has struck down legislative elections because of malapportionment.

Mr. President, I can readily understand why today, in the rural as well as the metropolitan newspapers of Oklahoma, there is a great to do and there are statewide fulminations over the impact of the Supreme Court decision.

In New York the results were even a little more fantastic, for when the Court got through it required that, while the New York Constitution provides for 2-year terms for its legislators, in the next election they will have to be elected for 1 year. Then there is to be a second election, and they are to be elected for another year. Then there is to be a third election, when they are to be elected for a regular term.

Those are some of the fantastic results.

But in the great sovereign State of Colorado, so ably represented by my distinguished friend sitting in front of me, the three-judge court gave the legislature 15 days to convene and to comply with the decision in Reynolds against Sims. There was difficulty in even obtaining a quorum, but they were good citizens. They tried to comply. They came forth with new apportionment problems. The case went almost immediately to the Supreme Court of the State of Colorado, and that supreme court very quickly declared the legislature's handiwork unconstitutional. So where is Colorado today? Frankly, I do not think it knows where it is, in view of all these facts, or exactly where the appeal will have to go.

In his dissenting opinion, Justice Harlan said that while only 6 States are now involved, it is fair to assume that what has happened thus far will happen with respect to the other 44 States as well. I can see nothing but legislative and juridical chaos unless something is done.

In our approach, we sought to abide by what we thought was a fundamental principle; namely, that when the Supreme Court interprets a provision of the Constitution, the so-called equal protection clause, the only way it can be met is by a constitutional amendment to modify the effect of that ruling of the Court.

Parenthetically, we are not here trying to throw the decision in Reynolds against Sims out the window. The only thing that is involved in the Mansfield-Dirksen proposal is to buy time to do something by the constitutional route.

If we were to do it in the normal constitutional procedure, it would have to go through the committee of the Senate and then the Senate. It would have to go through the committee of the House and then the House. It would require a two-thirds vote. The proposal would have to be sent to the States. It would have to be in orbit for 7 years. It would require ratification by three-fourths of the States.

Meanwhile the effect of the decision in Reynolds against Sims would continue to be applied and, at long last, there might be a hardened pattern that could never be undone, no matter what inequity or abuse might be involved.

So obviously there was no comfort in trying to approach this problem by the

normal constitutional route. There was no time. Besides, everyone is looking longingly at the calendar every day, for sticking up there in the calendar, as big as life, is the numeral "22." That means August 22, 1964. That is a Saturday. There is, if not an expressed, at least a fervent, hope that, at long last, we can drop the adjournment curtain, and our associates can depart from this stage and go and make mischief and medicine and have fun at Atlantic City.

We shall be watching on television. We shall be sharpening our axes, so that when you come back with your platform and your candidate, we shall be ready for the fray. There will be no acrimony. There will be no untoward feeling. There will be no malice. It will be even as the jousting knights of old came at each other with a rush. So we shall do battle, in the hope that our cause will prevail.

That is why August 22 means so much. That fact was not lost on me. I thought that was a further reason why we must act before this Congress ends. We must find a vehicle that we can use. That is the reason why it is here today.

Mr. FULBRIGHT. If the Senator will yield, I agree with the Senator, except that the foreign aid bill is a very weak vehicle and a very poor vehicle to use. That is the only part of the Senator's suggestion that I do not agree with. I do not agree with him on the vehicle he has selected. I am in sympathy with the substance of his proposals.

Mr. DIRKSEN. In answer to my affable friend from Arkansas, I need only to resort to a cliché, that we are faced, not with a theory, but with a condition.

What else is there to do? Would the Senator initiate it as an independent bill? It would not have the chance of a snowball in Sheol. If there is any doubt about it, I ask Senators to look up the Old Testament, and they will find where Sheol is. It is hot there. A snowball would have no chance there. That is how much chance we would have.

I wished to be sure that the vehicle would be a bill that had to go to the President.

Incidentally, this gives me the opportunity to say that I did not take the Chief Executive by surprise. A week ago yesterday I spent a very happy hour and a half with the President of the United States in one of those chummy, well-furnished, comfortable rooms in the White House. There we talked even as in the days when I used to go over to the office in the corner of the Capitol and sit down on one of those deep chairs, when the President was the majority leader of the Senate.

We talked across the table. I had on paper all the items that I wished to discuss with the President. I finally reached this item, and I said, "Mr. President, I am sure that you will not like this, but I have no choice. I feel dutybound to do this. So I give you the language that I have drafted thus far." It has been modified, but the purpose is the same. I said, "I have to find a vehicle on which it can take a ride and land in the middle of that big beautiful desk in the room next door. If it does not land there,

of course, we are out of court. We go nowhere, and our objective fails. But I am hopeful that it will land on that table."

Then I hope he will summon our distinguished friend from Arkansas, the majority leader, and myself, perhaps at 5 o'clock in the afternoon, the vesper hour, when the spirit is in a state of repose and, for the hardened sinners, when the sun is over the yardarm; and there will be a great concourse of people assembled. I hope there will be a hundred pens in the pen set on the desk. There are a hundred Senators. So, if we are all present, I hope he will take those pens and sign the foreign assistance bill; and while he may be expatiating upon what we are doing for the benighted people in the Congo, the wretches in some areas of Africa, for those people who have hauled down our flag in Ghana, and for people all over the world, in our hearts there will be a little throb of thanksgiving because we are going to do a little something to try to preserve the Federal-State Union.

If that is not an impulse for inspiration, I do not know what is.

That is the way I came up. I do not know where I got this strange belief, as it seems to some people, but I learned in high school, as a freshman, that we had a Federal-State Union. Some people have tried to disabuse me of that idea, and some people would like to strike the State part. As J. Hamilton Lewis, the colorful Senator from my State, once said to me in the Mayflower Hotel, "My boy"—I was young enough then to be his son—he said, "My boy, I shall not live to see the day, but you will live to see the day when the boundaries of States are nothing more than marks upon maps for the guidance of tourists. If we persist in denuding the powers of the State and their legislatures, and if we continue to build up this great central structure in Washington, that will be the ultimate end."

That issue is involved here.

I always thought we had a Federal-State Union, even though some people may think it is an aberration on the part of a conservative who still lives in this age.

I believe somewhere in the Constitution I read a clause which states that the power that is not delegated to the Federal Government is reserved to the people. By "people" we mean the States. That clause is still there. Perhaps it is bemusing and even amusing to a great many people. I always thought that those oldtimers who came to Philadelphia to fabricate that Constitution in 1887 knew what they were about when they said, "So much power belongs to the Federal Government, and no more; and the rest of it we keep in our tight fists."

It is still there, but subject, evidently, to controversy. I learned long ago that the people are the fountainhead of all power in this country. If they are not, let us take the preamble and strike out the first words, "We, the people," for various purposes, "do ordain and establish this Constitution for the United States of America."

I presume, as I read some of the con-dign epithets and rather unpleasant aspirations by the law school deans and others on what I am trying to do—and sometimes I suspect the deans a little, having been in a law school—I feel that perhaps one ought to look elsewhere for a fundamental. So I go back to the Constitution—"We the people of the United States." They reserved their powers and gave the Federal Government so much. If Senators do not think the Constitution is vibrant and alive, let them push something through this body and the other body and get a signature from the President, and then have some citizen, high or humble, finally get up to the Supreme Court, that white structure across the way, and say, "They cannot do this to me, because it contravenes the Constitution." How many times that has been done.

In the State of Georgia, long ago, a man named Angelo Herndon, with his pockets bulging with "Red" literature, was walking around the square in Atlanta. He was grabbed by the police, and before he knew it, he was in the chain gang.

There he stayed until, through his representative and lawyer, his case was brought before the Supreme Court. His lawyer said the man had not been given a fair trial under the Constitution. What did the High Court say? One would not expect any sympathy in the hearts of those black-robed Justices for a man who was wedded to a doctrine for the destruction of this country. But what did the High Court say? "Take the chains off him and let him be, until you give him a fair trial."

That is one of the great cases decided by the Supreme Court.

Out in Nebraska another case arose. Under the impetus of war fever, legislatures can sometimes do strange things. In Nebraska, a statute was enacted to forbid the teaching of German in the Nebraska schools. As I recall, it was a group of highminded and patriotic Legionnaires who brought the case to the Supreme Court. They said to the Court, "If a school board can stop the teaching of German, it can also stop the teaching of Latin; it can stop the teaching of biology; it can stop the teaching of chemistry; it can stop the teaching of rhetoric. The war, the fevers of war, and the hates of war have nothing to do with this."

The Court struck down that statute of the State of Nebraska. "We, the people" were speaking, thank God.

Out in Oregon the legislature enacted a law which provided, in effect, that every child of school age must attend a public school. What was wrong with that? Was that not all right? Certainly.

But what about the Baptist fathers and mothers who wanted their children to learn something of the Bible? What about the Catholic fathers and mothers who wanted their children to attend parochial school, where they could worship in the tradition of their fathers, their grandfathers, and their great grandfathers? What about the Methodist children, the Mormon children, and

the other children, whose parents were willing to pay the bill for educating their children in their own schools, where they could receive the teaching of the Great Book and read the inspiring pages?

The Society of Sisters in Oregon, through their counsel, came across the country and stood before the High Court and asked, "Can our legislature do this to us?" The Court struck down the Oregon statute. As the Preamble says, "We, the people," were talking. "We, the people," are involved here.

Mr. HART. Mr. President, will the Senator yield for a question?

Mr. DIRKSEN. Is the Senator going to get me off the track?

Mr. HART. No.

Mr. DIRKSEN. I have no track, anyway.

Mr. HART. If the Senator from Illinois—and rightly so—believes that the Court is to be trusted to protect the people, and did protect them in those cases, why not let the Court continue to protect the people in the apportionment cases?

Mr. DIRKSEN. Because the issue is quite different.

Mr. HART. Just how?

Mr. DIRKSEN. Within the next 3 or 4 hours I expect to get around to that.

I have recited these cases to show that the Constitution is still a vibrant thing. Certain provisions in it—the powers reserved to the States—are involved here, including the power of the States to compose and constitute their own legislatures.

I say to my distinguished friend from Michigan, who is an able lawyer, that if he has not read John Marshall Harlan's dissent, he ought to read it, because Justice Harlan goes all the way back. He examines meticulously the entire history of this subject, and points out the things that have been forgotten by the Supreme Court.

I am glad the Senator has alluded to that subject, because he gives me an opportunity to read from that decision. I shall read from the conclusion. Perhaps the conclusion will be enough at this time. Incidentally, I placed the whole dissent in the RECORD last night. It is worthy of presentation to the Senate because it is the conclusion of Justice Harlan. It appears on page 38 of the decision, which was handed down in the October term of 1963.

CONCLUSION

With these cases the Court approaches the end of the third round set in motion by the complaint filed in *Baker v. Carr*. What is done today deepens my conviction that judicial entry into this realm is profoundly ill advised and constitutionally impermissible. As I have said before, *Wesberry v. Sanders*, supra, at 48, I believe that the vitality of our political system, on which in the last analysis all else depends, is weakened by reliance on the judiciary for political reform; in time a complacent body politic may result.

These decisions also cut deeply into the fabric of our federalism. What must follow from them may eventually appear to be the product of State legislatures. Nevertheless, no thinking person can fail to recognize that the aftermath of these cases, however desirable it may be thought in itself, will have been achieved at the cost of a radical alterna-

tion in the relationship between the States and the Federal Government, more particularly the Federal judiciary. Only one who has an overbearing impatience with the Federal system and its political processes will believe that the cost was too high or was inevitable.

Finally, these decisions give support to a current mistaken view of the Constitution and the constitutional function of this court. This view, in a nutshell, is that every major social ill in this country can find its cure in some constitutional "principle," and that this Court should "take the lead" in promoting reform when other branches of government fail to act. The Constitution is not a panacea for every blot upon the public welfare, nor should this Court, ordained as a judicial body, be thought of as a general haven for reform movements. The Constitution is an instrument of government, fundamental to which is the premise that in a diffusion of governmental authority lies the greatest promise that this Nation will realize liberty for all its citizens.

There is something else to be added, but I believe that is enough for the moment.

I point out that what is involved is the Federal-State relationship, the reserve powers, and how meticulously they are justified and spelled out as to how the authority is to be maintained in the States with respect to the composition of the legislatures. The majority of the Court had their eyes centered on the first section of the 14th amendment and completely forgot what was in section 2, so far as the authority of the States and the legislatures is concerned.

I mention two problems. One is time, and the other is that we had no opportunity to formulate and complete action on a constitutional amendment, in view of the looming shadow of adjournment. Therefore, we had to resort to the statutory course, in order to accomplish our object.

A statute is worth little or nothing in a controversial area unless we are reasonably sure that it is constitutional.

Let no one forget for a moment that this proposal will go to the high court. The subject has been carried on the front pages of the newspapers all too long. Editorials without end have been written. In the Mansfield-Dirksen proposal, there is an item to the effect that it is appealable; and under the section of the code that calls for expedition, it will get to the high court in short order. Then we shall know.

But, Mr. President, I am at liberty to say tonight that the Deputy Attorney General, Mr. Nicholas Katzenbach, before he left the conference in Senator Mansfield's office yesterday, permitted me to say that in his judgment what we had achieved in the Mansfield-Dirksen proposal was constitutional.

I could add the name of one other high official in the Department of Justice, but because of his peculiar relationship to the courts and his very peculiar function, it is probably not the prudent thing for me to do; otherwise I could have given his name, also.

So we feel that what we have wrought is on good constitutional ground and will stand the constitutional test.

Mr. President, I shall not undertake to do more with the amendment tonight,

except to say that tomorrow I hope to go into an analysis of the problem and answer any questions that may arise.

I would prefer not to be quizzed tonight. It has been a long day. I was at my desk at 5:30 o'clock this morning, and the spirit begins to quail a little at his hour of the afternoon.

But before I complete these preliminary remarks—and the next 2 or 3 hours I shall save for tomorrow, when Senators are fresher—and when I am fresher—I must read a dispatch to the Senate because it is most interesting:

The leader of the House forces supporting the Supreme Court, "one man, one vote," ruling said today he would accept a Senate compromise proposal to delay its effect in preference to a much tougher House bill.

A very distinguished chairman of the Judiciary Committee of another legislative body—and I continue the dispatch—made the statement after testifying against a surprise maneuver by court critics to force a showdown on legislation that would seek to eliminate Federal court jurisdiction over State reapportionment cases.

This very distinguished chairman—and I continue the dispatch—

told reporters if he had to take a choice between a proposal by Senate Republican and Democratic leaders that would provide a delay in court-ordered reapportionment of State legislatures and the bill—

By a distinguished Representative—his name is here, but I cannot tell Senators what it is—

that he would accept the Senate version. The veteran—

From this particular State—

who earlier would go no further than saying the Senate proposal was an "approach" to an agreement, wound up his appearance before the Rules Committee by urging consideration of the proposal advanced by Senator EVERETT M. DIRKSEN, Republican, of Illinois—

He should have included MICHAEL MANSFIELD, Democrat, from Montana—as a rider on the foreign aid bill.

The distinguished chairman of the other legislative body—as I continue the dispatch—

finding himself caught in a squeeze play on the reapportionment issue, denounced the Tuck bill as a radical attempt to start taking away all the powers of the Federal court. He said the bill was unconstitutional on its face.

Thus, we observe the thinking of others, in what we have tried to incorporate in the bill before the Senate.

We believe that we have done a good job. We believe that the amendment is constitutional. We believe that it is restrained. We believe that it would consummate the one objective which we have had constantly in mind—that is, to buy time at an awkward period when adjournment and the end of the year is imminent, so that as the 89th Congress comes into being, we shall be ready to launch a resolution for a constitutional amendment in the hope that it can be expedited through the Senate and the House of Representatives, and that there will be ample time for the legislatures of the various States to quickly impress their will upon it. Then we shall have

found a durable solution to the problem which emanated from the decision in Reynolds against Sims.

Mr. President, this is the first chapter of my story. Like the old serials—"Continued in our next"—I trust that I shall get around to the rest of it tomorrow.

At the moment, I yield the floor.

Mr. HART. Mr. President, will the Senator yield further?

Mr. DIRKSEN. I yield.

Mr. HART. The State legislatures which the Senator contemplates acting on in a constitutional amendment would or would not be constitutional under the Reynolds decision. This, at root, is what we are faced with. Is it not?

Mr. DIRKSEN. Possibly so. But, as a matter of fact we are fighting over a condition that the Court has created. It was not the making of the State legislatures. It was not initiated by the State government. Why did the Supreme Court not take a realistic view of it, as they did in the Brown school case 10 years ago, and say, "They must go ahead with all deliberate speed," instead of setting up a three-man court and saying to the Governor, "You have 15 days in which to convene the legislature and get the job done." What in the name of commonsense kind of business is that—getting so little time on a matter that is of great moment to the State? And when I say "great moment," I mean exactly that.

I am glad the Senator asked the question. It gives me an opportunity to add one further statement. When the Chief Justice was Governor of the Sunshine State of California, back in 1948, this is what he had to say:

Many California counties are far more important in the life of the State than their population bears to the entire population of the State. It is for this reason that I have never been in favor of restricting representation in the Senate to a strictly population basis.

That was in 1948. But this is 1964. The Governor is now the Chief Justice of the High Tribunal. Sixteen years later he said:

Legislatures represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests.

The Government had an entirely different notion about it than the Chief Justice.

Mr. HART. Is it not true that his responsibilities were vastly different, and today he is telling us what the Constitution of the United States tells us?

Mr. DIRKSEN. I am not too sure about that. I think the responsibility of the Governor of California, which will soon become the largest, most populous, and probably the richest State in the Union, is a responsibility that will compare with that of the Chief Magistrate of the High Tribunal of the country. And I do not demean it for one moment so far as its importance is concerned.

Mr. HART. With respect to the honor accorded, each is high. With regard to the obligation, it is clear. Earl Warren spoke to us in the Reynolds case concerning the constitutional rights of citizens. As the Governor of California, he was speaking about something else.

But I return to my specific question: Would not this purchase of time, on which it is argued we should make a downpayment here, have the effect of legislatures unconstitutionally organized being legitimized?

Mr. DIRKSEN. Perhaps so. This is an enforced condition created by one branch of the Government. All we are trying to do is to say, "You have done it in such a hurry that you have made it impossible to come back with a remedy. You have made it impossible to get a constitutional amendment to meet your challenge to this jurisdiction and the other States that do not agree."

If not so, why should 30 States be so openly hostile to this decision? And why should the people be emotionally wrought up and be thinking about judicial oligarchy and judicial arrogance?

Mr. President, I yield the floor.

Mr. DOUGLAS obtained the floor.

AMENDMENTS NOS. 1219 THROUGH 1228

Mr. CLARK. Mr. President, will the Senator yield?

Mr. DOUGLAS. Mr. President, I yield with the understanding that I shall not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLARK. Mr. President, I send to the desk, and ask to have printed, 10 amendments which I intend to propose to the pending amendment at the appropriate time.

I ask unanimous consent that the so-called Dirksen "rotten borough" amendment may be printed at this point in the RECORD, to be followed by the text of each of my 10 amendments.

The PRESIDING OFFICER. The amendments will be received, printed, and lie on the table; and, without objection, the amendments will be printed in the RECORD.

Mr. CLARK. Mr. President, I thank the Senator for yielding.

The amendment, No. 1215, submitted by Mr. DIRKSEN (for himself and Mr. MANSFIELD) is as follows:

AMENDMENT No. 1215

On page 17, after line 7, insert the following new section:

"Sec. 402. (a) Chapter 21, title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 461. Stay of proceedings for reapportionment of State legislative bodies

"(a) Any court of the United States having jurisdiction of an action in which the constitutionality of the apportionment of representation in a State legislature or either house thereof is drawn in question shall, upon application, stay the entry or execution of any order interfering with the conduct of the State government, the proceedings of any house of the legislature thereof, or of any convention, primary, or election, for such period as will be in the public interest.

"(b) A stay for the period necessary—

"(i) to permit any State election of representatives occurring before January 1, 1966, to be conducted in accordance with the laws of such State in effect immediately preceding any adjudication of unconstitutionality and

"(ii) to allow the legislature of such State a reasonable opportunity in regular session or the people by constitutional amendment a reasonable opportunity fol-

lowing the adjudication of unconstitutionality to apportion representation in such legislature in accordance with the Constitution

shall be deemed to be in the public interest in the absence of highly unusual circumstances.

"(c) An application for a stay pursuant to this section may be filed at any time before or after final judgment by any party or intervenor in the action, by the State, or by the Governor or attorney general or any member of the legislature thereof without other authority.

"(d) In the event that a State fails to apportion representation in the legislature in accordance with the Constitution within the time allowed by any stay granted pursuant to this section, the district court having jurisdiction of the action shall apportion representation in such legislature among appropriate districts so as to conform to the constitution and laws of such State insofar as is possible consistent with the requirements of the Constitution of the United States, and the court may make such further orders pertaining thereto and to the conduct of elections as may be appropriate.

"(e) An order of a district court of three judges granting or denying a stay shall be appealable to the Supreme Court in the manner provided under section 1253 of this title, and in all other cases shall be appealable to the court of appeals in the manner provided under section 1294 of this title. Pending the disposition of such appeal the Supreme Court or a Justice thereof, or the court of appeals or a judge thereof, shall have power to stay the order of the district court or to grant or deny a stay in accordance with subsections (a) and (b).

"(b) The chapter analysis of that chapter is amended by adding at the end thereof the following new item:

"461. Stay of proceedings for reapportionment of State legislative bodies."

The amendments submitted by Mr. CLARK are as follows:

AMENDMENT No. 1219

On page 2, line 18, strike out the words "before or".

On page 2, line 19, strike out the words "or intervenor".

On page 2, lines 20 and 21, strike out the words "or any member of the legislature thereof without other authority".

AMENDMENT No. 1220

On page 2, line 10, immediately after the word "or", insert a comma and the following: "if the order held a provision of the State constitution invalid."

AMENDMENT No. 1221

On page 2, line 10, immediately after the word "session", insert the words "convened after the entry of such order".

AMENDMENT No. 1222

On page 2, line 10, immediately after the word "in", insert the word "the".

AMENDMENT No. 1223

On page 2, line 7, immediately after the word "unconstitutionality", insert the words "rendered subsequent to June 1, 1964".

AMENDMENT No. 1224

On page 2, line 5, strike out "January 1, 1966", and insert in lieu thereof "January 1, 1965".

AMENDMENT No. 1225

On page 2, line 4, strike out the word "representatives", and insert in lieu thereof the words "members of the upper house".

AMENDMENT No. 1226

On page 2, line 2, immediately after the words "such period as", insert the words "the court may determine".

AMENDMENT No. 1227

On page 1, line 8, immediately after the word "in", insert the words "the upper house of".

On page 1, lines 8 and 9, strike out the words "or either house thereof".

On page 1, line 11, strike out the word "any", and insert in lieu thereof the word "such".

AMENDMENT No. 1228

On page 1, line 9, strike out the word "shall", and insert in lieu thereof the word "may".

Mr. DIRKSEN. Mr. President, I did not quite hear the last statement of the distinguished Senator about his amendments.

Mr. CLARK. I did not hear the Senator from Illinois.

Mr. DIRKSEN. I thought the Senator said something about having 10 amendments.

Mr. CLARK. I did.

Mr. DIRKSEN. Are they 10 amendments to the Mansfield-Dirksen amendment?

Mr. CLARK. They are amendments to what I prefer to refer to as the Dirksen amendment.

Mr. DIRKSEN. The Dirksen amendment?

Mr. CLARK. Yes.

Mr. DIRKSEN. I am grateful for that statement. But this is a joint sponsorship by the very distinguished majority leader and a humble servant—myself.

Mr. CLARK. I was thinking it was a rather reluctant marriage.

Mr. DOUGLAS. Mr. President, I would like to reply to my colleague. I rise in opposition to his amendment. I do that in no unfriendly spirit whatsoever.

My colleague and I have until recently seldom voted together, but we have had most pleasant personal relations. He has always been friendly and courteous to me. And I have tried to be friendly and courteous to him. There is no personal animus in the position which I take. But this is a very serious question—I think perhaps the most serious issue which has come before the Senate this year.

DIRKSEN AMENDMENT WOULD FREEZE PRESENT APPORTIONMENTS FOR INDETERMINATE TIME

In effect, what the amendment of my colleague would do would be to freeze the present apportionment of the State legislatures for an indeterminate period of time.

As my colleague has stated, during the period of the freeze a constitutional amendment, if passed by the House and Senate by a two-thirds vote, would be submitted to the legislatures of the various States for ratification. The terms of the amendment would then permanently freeze the legislatures of the various States in their present unrepresentative character. Therefore, the objective of the Dirksen amendment is to assure that the grossly unrepresentative legis-

latures would pass upon the constitutional amendment which would prevent the Supreme Court from ever changing the situation or ever producing a reapportionment more in accordance with population.

Therefore, my friend and colleague, the Senator from Pennsylvania [Mr. CLARK], was quite correct when he labeled the amendment the "rotten borough" amendment, because the practical effect of it—and, I am sorry to say, I believe the intention—would be to freeze the State legislatures in their present unrepresentative character and prevent the Supreme Court from invoking the provision for the equal protection of the laws to provide substantially equal—not precisely equal, but substantially equal—representation in the State legislatures.

We should realize that the present proposal is merely a forerunner of a constitutional amendment which, if its proponents can get it through in the form they most desire, would forbid the Supreme Court or any Federal court from ordering redistricting. In effect, this would permit the present malapportioned State legislatures quickly to ratify such an amendment and thus freeze forever, or for a long period of time, the present unjust system, which denies to both cities and suburbs—and I emphasize that point—their fair representation in the State legislatures, and continues them as vassals of the over-represented rural areas, with a denial in most cases of the full rights of home rule.

PROCEDURES BEING FOLLOWED ARE HIGHLY DUBIOUS AND IRREGULAR

Mr. President, there are many dubious features of the procedural manner in which such a highly important proposal making possible fundamental changes in our constitutional structure is being advanced.

First, I point out that the forerunner of the amendment was reported from the Committee on the Judiciary after only a brief, informal discussion, without members of the public being permitted to testify. There were no public hearings. There could be no sifting of points of view.

Second, as the Senator from Arkansas has suggested, the amendment is improperly proposed as a rider to the foreign aid bill, which deals with a totally separate matter.

The proposal comes at the end of the session, when the Senate has an overloaded and crowded calendar and we are in the last few days compelled to deal with a multitude of issues which we could not deal with before because of the 90-day filibuster on the civil rights bill. There is not sufficient time for the discussion of the Dirksen measure, which goes to the very fundamentals of the American system of government.

The preliminary amendment was presented by the Senator from Illinois several days ago. Suddenly today there was sprung upon us a revision of that amendment, the full nature of which we have not had time to discuss.

Third, if the amendment were adopted as a rider to the foreign assistance bill.

It would become very difficult for the President to deal with the measure upon its merits. It would be very difficult for him to veto the proposal if he should disapprove of it, because it would be included in a vital bill. That would remove the possibility of a Presidential veto, or would greatly diminish it.

We sometimes forget that the Presidential veto was designed by the framers of the Constitution as an integral part of the legislative process. It was not intended as something separate and distinct from legislative process. The possibility of the veto was considered to be a vital part of the legislative process.

Fourth, as the Senator from Michigan has stated, the amendment would amount to Congress suspending completely an interpretation of the Constitution by the Supreme Court. It would deny the operation of a constitutional process to individuals and to States during that period. So far as I know, that has been done only once before in the entire history of the Nation, namely, in the Reconstruction period after the Civil War, when there was a great dispute between the Supreme Court and the majority of the Congress about the Reconstruction policies which could be followed under the Constitution.

My colleague has stated that the Deputy Attorney General, Mr. Katzenbach, now believes that the present amendment is constitutional. I am not responsible for Mr. Katzenbach's opinion; I do not know that he has officially made the statement. I am frank to say that if he did make such a statement, it would not necessarily be controlling in any sense.

People select constitutional opinions which they like. My colleague quoted the minority opinion of Justice Harlan and seemed to think that that was a correct interpretation of the Constitution. He did not quote the majority opinion, which was handed down in three decisions—in the case of Baker against Carr, in the Reynolds case, and in the Colorado case, all of which came to a contrary conclusion. In these decisions the Court maintained that the phrase "the equal protection of the laws" embodied in the Constitution imposes an obligation upon the States to give to their citizens approximately equal representation in the legislature. If people are unequally represented, they cannot be said to have the equal protection of the laws.

Personally I believe that that is a sound point of view. I accept, as do many people in this country not wholly ignorant on the question, the doctrine that the decisions of the Supreme Court are correct in law; and certainly I believe that in these cases they are correct in substance.

THE AMENDMENT WOULD SUSPEND THE CONSTITUTIONAL GUARANTEE OF EQUAL PROTECTION OF THE LAWS

I believe that what we are asked to do is to suspend for an indetermined time the constitutional guarantee of the equal protection of the law, and to deny this protection to individuals who may wish to obtain it.

My colleague said that he wished to explain tomorrow what his amendment meant. He did not do so tonight. I hope that I am not poaching upon his ground if I say that the vital section seems to be section 402(b). On page 2 of the amendment we find that it would apparently do two things. First, it would provide that there shall be no change in apportionment in any State election of representatives prior to the first of January 1966.

Therefore, it would freeze elections to come in the near future.

In the second part of subsection (b), it is provided that there shall be—

"A stay for the period necessary—

"(ii) to allow the legislature of such State a reasonable opportunity in regular session or the people by constitutional amendment a reasonable opportunity following the adjudication of unconstitutionality to apportion representation in such legislature in accordance with the Constitution

THE AMENDMENT WOULD ESTABLISH INDEFINITE DELAY

I ask Senators to notice two things. First, there must be a constitutional decision, and presumably that would require ultimate decisions by the Supreme Court, and not merely decisions by lower courts. Grounds for differences and differentiation between the cases that are brought up and the previous Tennessee, Alabama, and Colorado cases can always be found, so that each case can be presented as being a fresh issue. Then after this occurs the legislature of such State is to be given "a reasonable opportunity in regular session or the people by constitutional amendment a reasonable opportunity"—

Then I skip the adjudication question and come to the concluding words "to apportion representation in such legislature in accordance with the Constitution."

This provides a delay of an indeterminate duration. It is not limited to 1 year, as the press reports seemed to indicate earlier in the day. It is highly indefinite. Who can say what is a "reasonable opportunity"?

In 1955, the Supreme Court, in the second civil rights case, held that desegregation should proceed "with all deliberate speed." That was 9 years ago, and after 9 years these cases are still being fought. "Deliberate speed" was a very vague phrase. "Reasonable opportunity" is a very vague phrase. So for an indeterminate period, we may freeze the State legislatures in their present unrepresentative positions.

This brings us back to the point from which I started; namely, that my colleague and those who agree with him have openly stated that they plan to propose an amendment, again in January, when the new Congress meets, to amend the Constitution so that either reapportionment will not proceed, or the Supreme Court and other Federal courts will have no power to order reapportionment.

Indeed, they may not have to wait for congressional action, because there is already pending before the legislatures of the States one of the three so-called disunity amendments which were submitted to the States by the so-called General

Assembly of the States after representatives of the State legislatures met at the call of the Council of State Governments in Chicago in 1962. This assembly proposed three amendments, one of which proposed to set up a super Supreme Court composed of the chief justices of the 50 States in the Union, which would review basic decisions of the Supreme Court dealing with the relationships between the Federal Government and the States.

I believe that proposed amendment was one of the most irresponsible ideas that has ever sprung from the mind of man.

But there was also one which stated that the Supreme Court was to have no power over ordering the apportionment of seats in the State legislatures.

Fourteen State legislatures have approved resolutions applying to the Congress—under the hitherto unused amendment procedure authorized by article V—for the calling of a constitutional convention to act on this proposal. The constitutionality of one ratification; namely, that of Nebraska, is dubious, however. This amendment has also been approved by one house or the other in six additional States.

This may be the vehicle which the opponents of judicial control over reapportionment may use; and if so, they have a good head start since they have from 12 to 14 applications already, and favoring amendments in 1 house of 6 additional legislatures.

I think I have said enough to indicate that this is a very grave issue.

I do not know what the intentions of the majority and minority leaders are. I had thought that I would like to follow the junior Senator from Illinois [Mr. DIRKSEN], who really did not discuss the issue appreciably. He has said he will postpone his discussion until tomorrow. I would prefer to have the major thrust of my argument come after his. I have quite a long speech prepared. I can speak for several hours. I am ready to do it if necessary, but I would prefer to have unanimous consent to have this speech not count as one speech and be permitted to continue tomorrow after the junior Senator from Illinois [Mr. DIRKSEN] has made his explanation of what his amendment really means.

I therefore ask unanimous consent that this speech may not be considered as one speech on this measure and that I may be permitted to continue my speech tomorrow following the speech of the junior Senator from Illinois [Mr. DIRKSEN].

THE PRESIDING OFFICER. Is there objection?

Mr. HOLLAND. Mr. President, reserving the right to object—and I shall not object—I wonder if the Senator from Illinois would mind offering the amendment proposed by his colleague, the Senator from Illinois [Mr. DIRKSEN], and several others, which is the objective for which the delay period is being asked, made a part of his remarks before he asks unanimous consent?

Mr. DOUGLAS. I thought the junior Senator from Illinois [Mr. DIRKSEN] was about to present his own amendment, but apparently he is not. The Senator

from Florida asked for the printing of the Dirksen amendment. Is the Senator referring to the amendment suggested in Chicago in 1962?

Mr. HOLLAND. No. I am referring to the amendment that was offered in the Senate a few days ago by the junior Senator from Illinois [Mr. DIRKSEN] and a number of other Senators, including myself, which is the objective for which the delay period is being asked.

Mr. DOUGLAS. I always thought it was the function of the proponents to insert the necessary documents in the RECORD. If the Senator from Florida requests it, I ask unanimous consent that the amendment to which he refers, proposed by the junior Senator from Illinois and other Members of the Senate, be printed. And then I shall renew my earlier request.

Mr. HOLLAND. I am very happy to have that done.

There being no objection, the joint resolution (S.J. Res. 185) was ordered to be printed in the RECORD, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. Except as otherwise provided by this article the citizens of each State shall have exclusive power to determine the composition of its legislature and the apportionment of the membership thereof, and such power shall not be infringed nor the exercise thereof be reviewed in an original action or on appeal or controlled by the United States or any branch of the Government thereof. The membership of at least one house of the legislature of each State shall be apportioned as nearly equally as possible according to the number of persons determined by the enumeration provided in article I, section 2, or if there is only one house of the legislature then upon such combination of population and area as the citizens of the State shall determine.

"SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of its submission to the States by the Congress."

Mr. FULBRIGHT. Mr. President, reserving the right to object, I did not anticipate this kind of request. I wonder if the Senator would reserve it until I have an opportunity to confer with the majority leader?

Mr. DOUGLAS. Certainly.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. Do I correctly understand that the Senator is going to have printed as a part of his remarks the proposed constitutional amendment offered by his colleague [Mr. DIRKSEN] and others of us, and which I am saying for the RECORD is the objective in connection with the legislation now pending?

Mr. DOUGLAS. That is a very frank statement. I have asked to have it printed. I wish to add, however, that several other constitutional amendments

on this issue—perhaps more objectionable ones—have been proposed and are being considered.

Mr. HOLLAND. I express my appreciation to the Senator from Illinois.

I have no objection to his request, though I think the Senator from Arkansas has made an appropriate suggestion that the leadership be conferred with before the order is entered. I personally have no objection.

THE ROTTEN BOROUGH AMENDMENT IS WRONG
IN SUBSTANCE

Mr. DOUGLAS. Let me again refer to the "rotten borough" amendment.

I want to lay major stress on my opposition to the present Dirksen amendment on substantive rather than procedural grounds. I have been talking about procedure up to this time, but my basic objections are substantive. I want to stress that the apportionment of State legislatures was and is in general disproportionate and unfair, and would deny to the cities and the suburbs, which now comprise nearly 65 percent of the population of the country, and which in a few years will comprise 70 percent, then 75 percent and, in the not-to-distant future, 80 percent of the population of this country, their fair and proportionate share of representation in State legislatures. As a derivative, indeed it would deny proper representation in the National House of Representatives, since the congressional districts are laid out by the State legislatures; and an unrepresentative State legislature is likely to lay out unrepresentative congressional districts.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. The Senator knows, does he not, that the constitutional amendment proposed by his distinguished colleague from Illinois and others has no reference to staying the hand of the Supreme Court or the Federal judiciary with respect to their jurisdiction with reference to the districts for the election of Members of the House of Representatives?

Mr. DOUGLAS. Whether that is the objective can be made evident in the future. The rotten borough amendment would freeze the present malapportionment in the State legislatures and, I believe, a constitutional amendment will then be pushed to continue the freeze indefinitely. This situation has already led to malapportionment of congressional districts.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. I believe it would be appropriate at this stage for me to say, that the proposed constitutional amendment would not freeze the membership in both houses of the State legislature, but it would provide that only as to one house, if a State so determines, the membership of that house may be elected upon a basis that recognizes other factors than population. The other house must have its membership based solely on population.

Mr. DOUGLAS. The proposals have been changed almost every day. We do

not know what is coming up the next day. We do not know what is going to be the proposal in January. I will deal with this question in a little while.

To state the matter again, the present Dirksen amendment is an attempt to enable the present malapportioned State legislatures to ratify a forthcoming constitutional amendment to freeze for an interminably long period of time the present unfair system; and that would be done by State legislatures which are adjudged unconstitutionally created because they violate the 14th amendment. It would permit unconstitutionally created State legislatures to perpetuate themselves through ratifying a constitutional amendment.

PRESENT LEGISLATURES WOULD BE BIASED JURIES

I do not object to a constitutional amendment being put up to a fairly constituted set of State legislatures in which the members are reasonably distributed, and without an appreciable conflict of interest. But here they would be interested parties, who naturally would not in the main wish to have themselves reapportioned out of their jobs, or to give up their control over the cities. Hence, with certain honorable exceptions, they would tend to jump at the chance of freezing themselves into their jobs. This would amount to sending the amendment before a biased set of jurors. Legislatures have not in the main basically reapportioned themselves in the past, except under judicial compulsion, as in the past 2 years, and as under the Baker against Carr decision and the Alabama and Colorado decisions. There is little prospect that they would do so in the future.

I take it that the majority leader is being consulted as to whether or not he wishes to have this speech counted as a first speech. In default of that, I shall continue.

ORIGINALLY IN AN AGRICULTURAL AGE, THE
LEGISLATIVE DISTRICTS WERE SUBSTANTIALLY
JUST

When State legislative districts were originally laid out, they were in the main substantially fair and just. I know that there were variations. I know that the tidewater counties of Virginia, for example, discriminated against the up-country counties. I know that in Pennsylvania the counties around Philadelphia discriminated against the Scotch-Irish counties on the frontier.

In the main, however, the legislative districts were approximately equal. This was true because we were primarily a rural and agricultural country, and the population was more or less evenly spread over the area of a State, with very few cities, and evenly distributed small towns. The small towns were the trading centers serving the adjoining countryside. Here would be found the handicraftsmen, like blacksmiths, shoemakers, barbers, tailors, and coopers as well as the small stores. Generally, the small towns were located approximately 1 hour's travel from the farthest farm in the trading area. In the days of the horse and buggy 6 to 7½ miles distance on one side, plus 6 to 7½ miles on the other side, tended to determine the location of towns. That is why towns were

located 12 to 15 miles apart. In laying out the counties, it was generally provided that a person would not have to take more than half a day to get to the county seat and a half day to come from the county seat, allowing some time to conduct business while there.

Therefore counties tended to be roughly 30 by 30 miles in extent, with the county seat in the center of the county, 12 to 15 miles from the nearest points on the border of the county.

Those were rough rules. Some counties were smaller and some larger. In Texas, they were much larger, of course.

BUT TIME BROUGHT VITAL SHIFTS OF POPULATION
TOWARD THE CITIES

In the course of time, as we all know, manufacturing developed, and with it the concentration of population. Transportation brought concentration, mining brought concentration, and nation-wide selling agencies, nation-wide banks, nation-wide newspapers and publishing organizations all brought centralization of population and the growth of the cities and, more recently, the suburbs. All this has multiplied apace.

I do not wish to labor the issue, but there are certain facts which are extremely striking. In 1790, when George Washington was President, there were only two cities in this country which had a population of more than 25,000. They were New York and Philadelphia. They each had less than 50,000 people. In 1830, 40 years later, there was only one city with a population of more than 100,000, and only 3 with populations between 50,000 and 100,000.

Now let us skip to the Civil War. At the beginning of the Civil War, there were 2 cities—again New York and Philadelphia—with populations of from half a million to 1 million; one from a quarter of a million to a half a million; and 6 from 100,000 to 250,000. There were 9 cities with a population of over 100,000.

Let us see what had happened by 1880.

In 1880 one city had risen above a million. That was New York. Three had populations of from 500,000 to 1 million. Four cities had populations of from 250,000 to 500,000, and 12 cities had populations of from 100,000 to 250,000.

By 1900 3 cities had populations of over 1 million. Those cities were New York, Philadelphia, and Chicago. Three cities had populations of from 500,000 to 1 million. Nine cities had populations of from 250,000 to 500,000. Twenty-three cities had populations of from 100,000 to 250,000. That made a total of 38 cities in 1900 with populations of over 100,000.

In 1910, there were still 3 cities with populations of over 1 million; 5 had populations of from 500,000 to 1 million; 11 cities had populations of from 250,000 to 500,000; 31 cities had populations of from 100,000 to 250,000; that made a total of 50 cities that had populations of over 100,000.

Let us see what the situation was 20 years later, in 1930. There were 5 cities of over 1 million, 8 over 500,000 to 1 million, 24 over 250,000 to 500,000, and 56 over 100,000 to 250,000. That made a

total of 93 cities of over 100,000 people.

Now let us take 1950. There were still 5 cities having a population of more than 1 million, although the population of each city had increased; 13, not 8, having a population from 500,000 to 1 million; 23 having a population from 250,000 to 500,000; 65 having a population from 100,000 to 250,000; or 106 cities having populations of more than 100,000, as compared with 9 in 1860, 12 in 1880, 38 in 1900, and 50 in 1910.

Let us take the last census. There were still 5 cities having more than a million population; 16 having from 500,000 to 1 million; 29 from 250,000 to 500,000; 81 from 100,000 to 250,000; or a total of 131 cities having populations of more than 100,000.

Now let us consider the current population of some of the cities. New York, in 1960, had a population inside the corporate limits, not including the suburbs, of 7,781,000; Chicago, 3,550,000; Philadelphia, 2,002,000; Detroit, 1,670,000; Los Angeles, 2,479,000. Los Angeles is very expansive, so it likes to include Long Beach in its population. If that is done, the total population is 2,823,000.

Baltimore, inside the city limits, had 939,000; San Francisco, 740,000. In keeping with the expansive ideas of California, San Francisco likes to include Oakland's population. If that is done, the total population is 1,003,000.

San Diego, which I knew when its population was about 100,000, now has a population of 573,000.

The other large cities had these populations in 1960: Cleveland, 876,000; St. Louis, 750,000; Milwaukee, 741,000; Boston, 697,000; Pittsburgh, 604,000; Seattle, 557,000; Cincinnati, 502,000; Atlanta, 487,000; Birmingham, 340,000; Indianapolis, 476,000; Phoenix, the City in the Sun, which has expanded at a geometric rate, aided by Government-furnished water at the general taxpayers' expense, 439,000; Honolulu, 294,000 in the central city, but including the suburbs of Honolulu, close to half a million; Houston, 938,000; Dallas, 679,000; San Antonio, 588,000; Fort Worth, the last of the big 4 cities of Texas, 356,000.

The old America, which we loved has, with the passage of time, largely disappeared. I grew up in rural America, as I presume the distinguished Presiding Officer [Mr. McINTYRE in the chair] did. In my youth I read Longfellow's "The Village Blacksmith," which has very appropriate, because in the small town in which I grew up the village blacksmith did work, and he worked under a spreading chestnut tree. He hammered out horseshoes with which he shod the horses of the farmers and the townspeople.

We knew everybody in town, and they knew us. I liked that sort of life. I still like it. I like to go back into it periodically. It has many virtues. The close relationships the people have to one another are, at times, possibly too close. Possibly we knew too much about the neighbors, and they knew too much about us. But on the whole, it was a very warm, intimate relationship.

But that is an America which, instead of being predominant, is now in the

distinct minority. We know this in general, but sometimes we do not realize the full extent to which life and developments have gone.

A great many people who are acting as legislators in the State legislatures—and, indeed, in Congress—still think of this country as a place of the village blacksmith under the spreading chestnut tree, with the sparks flying from the horseshoe being beaten upon the anvil. They think of the foreign relations of the United States as they were in the days when there was a monthly boat from Boston to Liverpool. That is their idea of America. It is difficult to correct their ideas and to bring their thoughts and emotions up to the actual events.

We have become primarily a nation of large cities. I have not mentioned all the cities having populations of more than 500,000, nor have I mentioned many cities having populations under 500,000. For example, in the State of Ohio there is not only the great metropolis of Cleveland, from which come the two distinguished Senators from Ohio; but there is a bevy of smaller cities, including Cincinnati, Columbus, Toledo, Akron, Dayton, Zanesville, and Youngstown.

In New York there is not only New York City; there are Buffalo, Albany, and the chain of cities along the old Erie Canal—Rome, which used to be called out on the New York Central; Utica, Syracuse, Rochester, and so on.

In the State of the distinguished Senator from New Hampshire [Mr. McINTYRE], who now graces the chair of the Presiding Officer, are the larger cities of Nashua and Manchester, which are very different from Keene and the other smaller communities in New Hampshire.

In Pennsylvania, the State so well represented by its senior Senator [Mr. CLARK], there are not only the giant metropolises at the eastern and western ends of that State, Philadelphia and Pittsburgh, but there are the intermediate cities of Harrisburg, Altoona, Williamsport, and Scranton—about which we have heard recently—Wilkes-Barre, Allentown, and Bethlehem—Bethlehem, first founded by the gentle Moravians, and which became one of the world's greatest armorers and producers of munitions.

Mr. CLARK. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. CLARK. Bethlehem is also the home of the famous Bach Choir, which is one of the great cultural assets of our Nation.

Mr. DOUGLAS. It is one of the gifts of the Moravians not only to the city of Bethlehem and the State of Pennsylvania, but to the country, as well.

Mr. CLARK. Mr. President, will the Senator further yield?

Mr. DOUGLAS. One can hear the oratorios of Bach along with the clanging machinery.

Mr. CLARK. Sometimes, if the Senator from Illinois will permit the interruption, the sweet music of the Moravians speaks more loudly for peace on earth and good will toward men than the clanging of the machinery of the munitions makers, important as that is, as

the Senator knows, as an ex-marine, in the interest of our national security.

Mr. DOUGLAS. The Moravians, though few in number, have had a strong permeative influence on the country. They founded the city of Salem, which now forms the second part of the city of Winston-Salem in North Carolina. I think they would somewhat regret the fact that they also have given its name to the Salem cigarette.

Mr. CLARK. Mr. President, will the Senator further yield?

Mr. DOUGLAS. I yield.

Mr. CLARK. The Senator is making a most important address. I hope it will be read more carefully than it is presently being listened to, in view of the usual status of the Chamber at this hour of the afternoon.

However, I should like to point out, since the Senator has mentioned the Commonwealth of Pennsylvania, that there is no crisis, no chaos in connection with reapportionment in our State. Both parties are in accord on a sensible procedure for remedying the unconstitutional inequity which was so well pointed out by Chief Justice Warren in the wonderful decision which he handed down on June 15 in the Reynolds case.

So we have already had a three-judge court declare our reapportionment—which was instituted, really, in the interest of a Republican gerrymander—unconstitutional. The decree of the court has been stayed until after the 1964 election, as was suggested by Chief Justice Warren in the 10th part of that magnificent opinion. It might be in order to prevent the crisis of chaos upon which the Senator from Illinois laid such stress earlier.

The Republican Governor of our State has agreed to call the legislature into session early in 1965. It will be a regular session. I have every reason to believe that equitable reapportionment of both houses of the legislature will then take place.

There is no panic in Pennsylvania except on the conservative Republican side. They see themselves about to lose their illegal control over the State senate, and to some extent the State house. I was told by the former Governor of our State, a man who knows the State as well as does anyone alive today, former Governor David L. Lawrence, that the Democrats could carry the Commonwealth of Pennsylvania by a majority of 600,000 this fall and still not control the State senate or the State legislature—which to my mind makes it all the more important that the "rotten borough" amendment should be defeated.

(At this point, Mr. SALINGER took the chair as Presiding Officer.)

NO CHAOS AS THE RESULT OF THE SUPREME COURT DECISIONS

Mr. DOUGLAS. I thank the Senator from Pennsylvania. There is no chaos in Illinois, either. The elections for the State senate will proceed in an orderly manner. The present 58 districts will be used in the November 1964 election.

It is true that the election to the lower house in the State legislature will be at large with 118 of the 177 members named by each party, so that no party will have

more than 118 seats. But this election at large was not required by any decision of the Supreme Court, or any Federal court. It came about under provisions of the Illinois Constitution because of the decision of the Illinois State courts, difficulties in the Illinois Legislature, and disagreements between the legislature and the Governor—in which, incidentally, I believe the Governor was completely in the right. But no trouble or chaos has been caused in Illinois by decisions of U.S. courts.

POPULATION IN THE CENTRAL CITIES OVER MOST OF THE COUNTIES HERE RECENTLY WELCOMED—IT IS THE SUBURBS WHICH HAVE GROWN

The statistics I have cited so far tell only a part of the story. What has happened in the past few years has been a decrease in the size of the population living in the central cities over most of the country, and a great increase in population in adjoining suburbs. The Census Bureau has therefore adopted as a measurable unit what are properly termed "metropolitan districts," rather than corporate entities, as the best judge of population density.

These suburban districts are areas where a major portion of the wage earners and salaried workers commute to work in the central cities, or as is increasingly the case, in peripheral manufacturing and other enterprises closely tied to the central cities.

But the interests of the suburbs are vitally connected to the central cities with respect to transportation, water supply, sanitation, smoke abatement, control over fires, police, coordination of streets and highways, zoning, taxation, and the like.

Virtually the entire growth of the country from 1950 to 1960 occurred in the suburbs. The open country lost population. The number of farmers diminished. The big cities, in the main, lost population, with the exception of the cities on or near the Gulf of Mexico—such as the Miami-Tampa-New Orleans—the Houston complex; the cities of the sun, in New Mexico and Arizona; and in southern California, Los Angeles, and San Diego. But the major cities of the East and of the Midwest lost population.

In my city of Chicago, the population diminished from 3,629,000 to 3,550,000—a population loss of 2 percent.

The city of Pittsburgh fell from 679,000 to 604,000—a loss of 11 percent.

The city of St. Louis diminished from a population of 857,000 to 750,000—a 13-percent loss.

Boston, which used to regard itself as the hub of the universe, diminished from 801,000 to 679,000—a loss of 13 percent.

The corporate city of New York diminished from 7,891,000 to 7,781,000—a loss of 110,000, or approximately 1¼ percent.

Philadelphia fell in population from 2,071,000 to 2,002,000, or a loss of 3½ percent.

Nevertheless, in 1960, cities with a population of over 1 million—5 of them—had 9.8 percent of the population of the country, or approximately 10 percent.

Cities over 500,000, including those over a million, had 15.9 percent of the population of the country—approximately 16 percent, or roughly one-sixth of the population of the country.

Cities over 250,000 had 21.9 percent of the population of the country—approximately 22 percent, or two-ninths of the population of the country.

Cities over 100,000 had 28.4 percent, or over a quarter of the population of the country.

Cities over 50,000 had 36.4 percent of the population of the country.

Cities over 25,000 had 44 percent of the population of the country.

The suburban trend has progressed to the point where, taken as a whole, the suburbs probably now have more people than do the central cities.

For example, take New York, with 7,781,000 people in the central city and 2,912,000 outside the central city—in Westchester, Suffolk and Nassau Counties—or a total of 10,684,000. If we include the overlap in the New York metropolitan area in the New Jersey communities, on the other side of the Hudson River, and do not include Connecticut, or such places as Westport, we have 14,759,000 in the New York metropolitan area.

It is accurate to say that there are 15 million people in the New York metropolitan area, of whom approximately one-half live outside the city of New York.

In Chicago, as I have stated, there are 3,550,000 in the central city, but 2,670,000 live outside the central city, inside Illinois—namely, in the counties of Lake, Will, Du Page, Kane, and McHenry. If I include Gary, East Chicago, and the Hammond area close at hand on the lake in Indiana, we obtain a total figure of approximately 6,800,000 in the metropolitan area of Chicago.

Mr. President, I see the distinguished junior Senator from California [Mr. SALINGER] in the chair. He waged a strenuous campaign in California. It is not news to him that while there are 2,833,000 people inside the corporate limits of Los Angeles, there are 3,919,000 people outside the central city in the Los Angeles metropolitan area, or a total of 6,742,000.

Mr. DOUGLAS. These figures are obtained by Los Angeles annexing Long Beach. We felt that if it was fair for Long Beach to be counted with Los Angeles, we should count Gary, East Chicago, and Hammond. If those are included, Chicago is still the second largest metropolitan area in the country. Los Angeles must take a back seat.

Philadelphia, Pa., has 2,002,000 in the central city, but 2,340,000 in the suburban area, or 4,243,000 in the metropolitan area.

No life is more pleasant than the life along the main line of Philadelphia. If one goes down the Swarthmore branch, it is very pleasant there, or if one turns northward. The Philadelphia suburbs are perhaps the most pleasant in the country. I shall not make any comments about the intellectual level of the Philadelphia suburbs, lest I offend my dear colleague from Pennsylvania. That does

not include the suburban areas near Philadelphia, on the Delaware River, Morrisville, Haddonfield, and the other areas. I believe perhaps Philadelphia has at least 5 million people who regard it as the trading and cultural center.

Detroit, with 1,670,000 people inside the city, and 2,092,000 outside the city, has a total metropolitan population of 3,762,000. And they do not have to claim Windsor, in Ontario, Canada, in getting that figure.

THE STRIKING CASE OF MARYLAND

Baltimore has 939,000 in the city, and 787,000 people outside of the central city. The total is 1,727,000. When we come to the representation figures for Baltimore, we shall find something interesting.

There are nine little counties on the Eastern Shore, each one with a senator. Their total population is about 220,000. They have nine senators. The county of Baltimore, with a population of 550,000 has but one senator. One county on the Eastern Shore—I am not quite certain whether it is Calvert or Somerset County—has 15,000 people. It has a senator. But Baltimore County, with a population of 550,000, has only one senator. It requires 37 people in the county of Baltimore to have the same representation as 1 person in either Calvert or Somerset County.

Two hundred and twenty thousand people on the Eastern Shore have 9 times the representation of the 550,000 people in the county of Baltimore.

Take the other two big counties in Maryland—Montgomery, which is just to the north of us, and Prince Georges, to the northeast of us. Montgomery County has approximately 340,000 people. It has one senator.

Prince Georges County has approximately 360,000 people. It has one senator.

Add Baltimore County, Montgomery County, and Prince Georges County together, and we get a total of 1¼ million people, with three senators. And the nine little counties on the Eastern Shore, with only about one-sixth of the population, have three times the representation. That is why the Eastern Shore tends to control the Maryland Legislature.

If the 9 Senators are banded together, as they are, they can make alliances and can control 16 votes—the majority of the Maryland Senate.

Maryland is largely controlled by the overrepresented Eastern Shore. That is one of the great difficulties that Montgomery County, Prince Georges County, Baltimore City, or Baltimore County have in getting legislation through.

Maryland is a State which lies just at our gates. It is characterized by gross malrepresentation. I see sardonic smiles from some of the onlookers. I say that is an abuse of representative government.

WHAT ABOUT CALIFORNIA?

Let me turn to California. I shall produce more detailed evidence on this tomorrow. The county of Los Angeles has over 6 million people. It has one senator. There is one county, or one senatorial district, in California with a population of approximately 14,000 which has 1 senator. One voter in this

mountain senatorial district has the same effect as approximately 457 voters inside the county of Los Angeles. These are examples of what is occurring all over the Nation.

I have some detailed figures which I shall present tomorrow when I am able to present my argument in more detail and at greater length than I am able to do tonight. But this can do for a starter.

Mr. President, I recommend the U.S. census to all students of politics. It is a very revealing book. It gives a great deal of information.

Mr. President, I ask unanimous consent that three tables based on the census of population showing the 1960 and the 1950 populations inside and outside central cities of standard metropolitan statistical areas, and in their component counties, plus a table for the major SMSA's, be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit No. 1.)

THE BALANCE BETWEEN CITIES AND SUBURBS

Mr. DOUGLAS. Mr. President, in brief, in 216 urban areas of this country, there are 115,800,000 people, which—with a national population of 178 million—amounts to well over 60 percent of the total population in the Nation. Of this amount, 58.4 million are in the central cities, and 57.4 million live just outside of the central cities. The cities and suburbs are approximately even.

Since 1960, there has, of course, been a continuation of this same shift in population, so that today it is undoubtedly true there are more people living in the metropolitan areas outside the central cities than inside the central cities.

Between 1950 and 1960, the population of the central cities increased by 11 percent. The outside communities increased by 47 percent. The city increase, as I have mentioned, was mainly in certain specified areas of the country, where there is a great deal of sun—Florida, Louisiana, Texas, New Mexico, Arizona, southern California. There was no increase in the East and in the Midwest, except in isolated cases.

Mr. President, thus far I have been discussing the concentration of population in cities and metropolitan areas, including both cities and suburbs.

THE DISTRIBUTION OF POPULATION BY COUNTIES

The census also gives a classification by counties and by size. These figures have been well assembled by Prof. Paul David and Ralph Eisenberg of the highly conservative University of Virginia at Charlottesville. But, some of their research may have been done under other auspices.

On page 8 of their study they have figures on how the small counties and the large counties have been faring in the past 50 years.

Let us consider counties with populations under 25,000. In 1910 there were 2,149 of them. They had a total population of 27.2 million. In 1930 the number had diminished very slightly to 2,062, but their population had gone down by a million to 26,331,000.

In 1950 their population fell again to 24,261,000.

In 1960 their population fell once more to 23,064,000.

While the country was almost doubling in population, the population of these counties, comprising approximately two-thirds of the counties in the Nation, had diminished from 27,400,000 to 23 million, or a decline of 4,400,000, or about 16 percent.

Let us compare the counties with populations of over 500,000. In 1910 there were only 15 of them. They had 14.8 million people.

In 1930, the number increased to 23, and the population to 28.6 million.

In 1950, the number rose again to 41, and the population to 44,800,00.

In 1960, there were 64 of them; the population was 65.7 million. There had been an increase of 4½ times in the population of those counties in 50 years, or an increase of about 350 percent, while the small counties, those under 25,000 in population, were diminishing by about 14 or 15 percent.

A county with a population of from 100,000 to one-half million is a large county. There were 87 of those in 1910. They had a population of 17.1 million

people. By 1930, their number increased to 142 and their population to 29.9 million people.

In 1950, there were 200 of them, with 40.1 million people.

In 1960, there were 238 of them—almost three times the number in 1910—with a total population of 48.5 million.

If we add all the counties with populations of 100,000 or more, in both of those groups, we get a total of 302 counties in 1960 with a total population of 114 million people out of the 178 million people in the country at that time. This was 64 percent of the total.

Need anything more be said to show that we have become an urban nation, a nation of large cities and their affiliated suburbs, a nation of large counties?

I ask unanimous consent that the table from page 8 of the study by Paul David and Ralph Eisenberg, "Devaluation of the Urban and Suburban Vote," be printed at this point in my remarks.

There being no objection, the table was ordered to be printed in the Record, as follows:

Number and population of counties in the United States, grouped by categories of population size, 1910, 1930, 1950, and 1960¹

[Population in thousands]

Categories	1910		1930		1950		1960	
	Number	Population	Number	Population	Number	Population	Number	Population
Under 25,000.....	2,149	27,421	2,062	26,331	1,954	24,261	1,942	23,064
25,000 to 99,999.....	796	32,203	869	37,411	901	40,757	884	41,247
100,000 to 499,999.....	87	17,154	142	29,911	200	40,088	238	48,542
500,000 and over.....	15	14,853	23	28,634	41	44,789	64	65,705
Total.....	3,047	91,632	3,096	122,288	3,096	149,895	3,128	178,558

¹ Independent cities not contained within a county, such as exist in a few States, are treated as counties and are included in the above tabulations. The District of Columbia, which is not a part of any State and which had no locally elective legislative representation in any of the years studied, is omitted from this table. Totals include only areas with representation in State legislatures.

Mr. PROXMIRE. Mr. President, will the Senator yield at that point?

Mr. DOUGLAS. I yield.

Mr. PROXMIRE. The Senator from Illinois is performing a great service to the country by spelling out in clear detail exactly what are the real social and economic problems behind the whole reapportionment struggle.

I ask him if it is not true that, in the absence of population reapportionment, there will continue to be inaction in State legislature after State legislature and refusal in many States, on the basis of experience which goes back many years, to cope with the problems of urban and suburban areas, with the result that there will be great pressure on Washington to do the job that should be done on a local level? Is that not true?

Mr. DOUGLAS. That is absolutely true. There are many illustrations of the truth of that statement. Cities have been compelled, in many cases, to go to the Federal Government because the State legislatures were so apportioned against them that they could not get justice from their State governments. Congress has been compelled to act for them, rather than turn them over to the untimely mercies of the legislatures of the States. This is notably the case with respect to

airports. It is also the case in housing. It is also the case in mass transit. I think it is probably the case, at least partially, in the field of recreation. It is the case in many other areas.

Senators will remember that President Eisenhower established a committee to go into Federal-State relationships. He expected that it would result in turning over a great many Federal functions to the States, which could then deal with the cities. After the committee had been at work on the problem a number of years, the members virtually decided they could not do it. I have talked with the directors of research and the chairman of the committee, Mr. Meyer Katzenbach, a distinguished resident of my State, and president of Hart Schaffner & Marx. He said that what the problem came down to is that the cities had no real place to go except to the Federal Government. It was the unrepresentative character of the State legislatures that forced cities to go to Washington and ask the Federal Government to bypass some of the State governments.

What the Senator from Wisconsin is saying is that if the cities could only be assured of a fair deal through representative State governments, they would not have to come running to the Federal

Government, but they could largely fulfill their functions in our national life through their State governments.

Mr. PROXMIRE. Is it not also true that the main criticism against the burgeoning powerful Federal Government comes from two sources? It comes, in the first place, from Republicans, and with great sincerity. The Governors of Pennsylvania, New York, and other States have said that their solution for a progressive nation is to solve more of the Nation's problems at the State level. Also, the opposition has come from southerners, who place their belief in States rights. They say the responsibility for economic progress should be left to the States.

If their plea for more progressive States is to be effective, is it not essential that the State legislatures be responsive to the popular will? If the enormous change in population, which is characteristic of every State in our Union, moving from rural areas into the cities and from the cities into the suburbs, is not reflected in the State legislatures, is not this sincere conviction of many outstanding leaders, that States should act going to be a hollow and empty plea, because we know if we do not provide for population reapportionment in this area we will not solve the Nation's problems as we should at the State level?

Mr. DOUGLAS. That is correct. Those who believe in federalism as opposed to centralism should support reapportionment and support the decisions of the Supreme Court, because by making State governments more representative, they would permit State governments to deal more adequately with the problems of the urban people who live in the cities and suburbs.

Mr. PROXMIRE. Certainly in California we have the most striking example. State Senator Tom Rees represents a district with 4 million people—

Mr. DOUGLAS. It is 6 million people.

Mr. PROXMIRE. Is it 6 million people?

Another representative represents a county having—

Mr. DOUGLAS. He represents 14,000 people.

Mr. PROXMIRE. Fourteen thousand people. This is a disproportion which is grossly unfair. Obviously, the needs of Los Angeles, which has 40 percent of the population of California within the county, cannot be handled appropriately by one of the two bodies of the California Legislature.

Mr. DOUGLAS. That is correct.

Mr. PROXMIRE. By putting in the statistics and background showing that in case after case there is gross misrepresentation and total lack of representation in the State legislature, the Senator is showing very pointedly and convincingly the basic reason for our States failing to meet the social and political problems of our times, and the necessity for our Federal Government doing more for the people. Poor apportionment prevents State action, and makes Federal action more likely.

Mr. DOUGLAS. I thank the Senator.

DID THE STARS FALL ON ALABAMA?

My colleague had harsh things to say about the Supreme Court in the Reynolds case, the reapportionment in Alabama. Let me read from the factual description of the matter given in the majority opinion on page 10 of the Supreme Court decision in the Reynolds case:

On July 21, 1962, the district court held that the inequality of the existing representation in the Alabama Legislature violated the equal protection clause of the 14th amendment, a finding which the court noted had been "generally conceded" by the parties to the litigation, since population growth and shifts had converted the 1901 scheme, as perpetuated some 60 years later, into an invidiously discriminatory plan completely lacking in rationality.

They were operating in 1961 with the reapportionment laid down by the Alabama legislature 60 years before. Said the Chief Justice:

Under the existing provisions, applying 1960 census figures, only 25.1 percent of the State's total population resided in districts represented by a majority of the Members of the Senate, and only 25.7 percent lived in counties which could elect a majority of the Members of the House of Representatives.

In other words, one-quarter of the people elected slightly more than half of the representatives in the House and in the Senate. Three-quarters of the people elected less than half.

Population-variance ratios of up to about 41 to 1 existed in the Senate, and up to about 16 to 1 in the House. Bullock County, with a population of only 13,462, and Henry County, with a population of only 15,286, which were allocated two seats in the Alabama House, whereas Mobile County, with a population of 314,301, was given only 3 seats, and Jefferson County—

I presume that is where Birmingham is located—

with 634,864 people, had only 7 representatives.

That is in the Alabama House. We see that the representation in the House of Mobile County was only about one-seventeenth or one-eighteenth of what it was for Henry and Bullock Counties.

With respect to senatorial apportionment, since the pertinent Alabama constitutional provisions had been consistently construed as prohibiting the giving of more than one senate seat to any one county, Jefferson County with over 600,000 people, was given only one Senator, as was Lowndes County, with a 1960 population of only 15,417, and Wilcox County, with only 18,739 people.

In other words, the representation of Lowndes County in the senate was approximately 40 times as great per person as it was in Jefferson County, and 32 or 33 times as great in Wilcox County as in Jefferson County.

No wonder the Supreme Court ruled as it did. It had to do so in the face of such unfairness.

I shall give some more horrible examples now, and reserve more detailed figures for tomorrow, when I shall speak in greater detail and at greater length.

WHAT ABOUT CONNECTICUT?

Let us take Connecticut. In Connecticut, in the lower house, the largest district represents 81,089 people, and the smallest represents 191 people. In Con-

necticut, each town or city in the State has two members in the house of representatives. There 118 of such towns and cities, and there are therefore, 236 members in the lower house. The 5 great cities of Connecticut, namely, New Haven, Hartford, Bridgeport, Danbury, and 1 other, have 10 representatives out of the 236, or 4 percent of the membership. They have approximately half or more than half of the total population. There is a hill town on Connecticut where by 1960 census figures 191 people are entitled to a representative. However, it takes 81,000 to have a representative in the largest districts.

NEW HAMPSHIRE

Now let us take the State of New Hampshire. I wish the junior Senator from New Hampshire [Mr. McINTYRE] who graces this body so charmingly, were present, as I go through these figures. The average population in a district is 1,517. The largest population figure is 3,244. What do Senators suppose the smallest district is which sends a representative to the New Hampshire Legislature? It is a town with three inhabitants. The three inhabitants send one legislator to Concord.

This is like the rotten borough outside Salisbury Cathedral prior to the Reform Act. Outside Salisbury Cathedral there was a parliamentary district known as Old Sarum. Nobody lived there, but it sent two members to Parliament. At the time of the election the man who owned the feudal estate would come down and have a tent erected, and he would send his two representatives to Parliament from that rotten borough, while the cities of Birmingham, Manchester, Liverpool, and Sheffield, rising industrial cities, were completely unrepresented or had only a small fraction of representation.

It was the existence of this unequal representation which threatened England with revolution. It was not until the reform bill of 1830 was passed, under the threat of revolution, that steps were taken to remedy the situation.

I notice, since I started my remarks, my good friend the senior Senator from Connecticut [Mr. DODD] has come in the Chamber. I should explain to him that I was holding Connecticut up as a horrible example in the matter of representation in the lower house in Connecticut.

Mr. DODD. The Senator is right. I believe it is probably the worst example in the Union.

Mr. DOUGLAS. I may have one other that is just as bad. New Hampshire is just as bad.

Mr. DODD. I do not know the situation in New Hampshire, but in Connecticut we have towns of 500 or 600 inhabitants with two representatives in the assembly, and the city of Hartford, with over 160,000 inhabitants, has only two representatives.

Mr. DOUGLAS. The table seems to show one town that has six people.

Mr. DODD. In Connecticut?

Mr. DOUGLAS. In Connecticut. Six people send two representatives.

Mr. DODD. I believe the Senator's figures are out of date.

Mr. DOUGLAS. I am quoting from Eisenberg's "Devaluation of the Urban and Suburban Vote," at page 2.

Mr. DODD. I do not know of any town that has six inhabitants.

Mr. DOUGLAS. It may be tucked in the Connecticut Berkshires somewhere.

Mr. DODD. Anything is possible under our terrible system.

Mr. DOUGLAS. Oh, the Senator is correct. The figure I cited refers to the ratio of the largest to smallest population per member of the Connecticut lower house. That is, the largest population per member exceeds the smallest by 670 percent or a ratio of 6.7.

VERMONT

Now let us take Vermont. I wish the senior Senator from Vermont were on the floor. Vermont, so far as its assembly is concerned, is operating on a 1793 apportionment. They laid out the districts in 1793, and have not revised them since then. In Vermont, one town with a population of 36 elects one member to the lower house. Another town with 35,535 elects one representative. Here, in this minute hamlet, one voter has the same influence as a thousand voters in the largest town in the State.

Mr. President, I have been both in New Hampshire and Vermont and have inspected the quarters of the State legislatures. The New Hampshire lower house is one of the largest legislative bodies in the world. As I remember, it is larger than the National House of Representatives. It is second only to the British House of Commons.

It is impossible to throw a stone in New Hampshire without hitting someone who has been in the legislature. It used to be said in the old days, when the Boston & Maine Railroad controlled the State, and the railroad gave passes to the legislators, that no one paid any fare on the railroad between Bretton Woods and Boston.

WHAT ABOUT MONTANA?

If we may believe David and Eisenberg, in the Montana upper house, in the smallest district, 894 people elect a senator; in the largest district, which I presume is Butte, 79,916. In other words, one voter from the smallest senatorial district in Montana has as much representation as 88 voters in the largest county.

I could continue for hours describing this situation.

A MINORITY GENERALLY ELECTS A MAJORITY

Let me take a cognate phase of the subject, namely, the percentage of the population which can control a majority of the lower houses in State legislatures and a majority of the members in State senates. Let us start with the lower house.

In Kansas, less than 20 percent can elect a majority of the lower house; in Delaware, 18.5 percent; in Rhode Island, 46.5 percent; in Connecticut, 12 percent. That is what enabled the Connecticut Light & Power Co.—Mr. J. Henry Rohr-

bach—to control the politics of Connecticut for many years.

In Florida—and I wish the senior Senator and the junior Senator from Florida were in the chamber—29 percent of the population elect a majority of the lower house. Until recently, approximately 13 percent could do this, but now 29 percent can elect a majority because much reform has been adopted under the shotgun of the Supreme Court decisions.

I have prepared a table and chart on this subject, which was originally developed by the New York Times and published in the issue of Sunday, June 21, 1964. I shall place it on the desks of Senators tomorrow; I do not wish to waste its potency on the desert air tonight.

I should point out that while in general the upper houses of State legislatures are more unrepresentative than the lower houses, this is not true in certain cases, notably in Kansas, Vermont, and Connecticut.

In Vermont, 12 percent of the population can elect a majority of the lower house. In Connecticut, 12 percent of the population can elect a majority. In Kansas, 19.4 percent can elect a majority of the lower house. In Delaware, 18.5 percent can elect a majority.

An interesting bit of colonial history is involved in the Vermont-New Hampshire situation. As I understand it, each State was desirous of obtaining the allegiance of the towns along the Connecticut River, New Hampshire hoping to induce towns west of the Connecticut River, and Vermont hoping to induce towns east of the Connecticut River. So guarantees of equal representation of the towns were offered. With the movement of population since the Revolutionary War, these ratios have become grossly disproportionate. In Vermont, they have not been revised since 1791 with respect to the lower house.

In terms of State Senates, there are some interesting facts. In Nevada, 8 percent of the population can elect a majority of the State Senate. The cities of Reno and Las Vegas, with their flourishing enterprises, do not send many representatives to the Nevada Senate, but the sagebrush counties and towns do.

In Idaho, 16.6 percent of the population can elect a majority. In Wyoming, 24 percent of the population can elect a majority. In Montana, 16.1 percent, or about one-sixth of the population, can elect a majority of the State Senate.

Now consider Arizona, from which we have heard much about the fact that we should allow the States to take over—although they wish a billion and a half dollars from the Federal Government for the central Arizona water project. In Arizona 12.8 percent of the population can control a majority of the Arizona Senate.

In New Mexico, only 14 percent—one-seventh of the population—can elect a majority of the State senate.

In California, which we have covered before, 10.7 percent, or less than one-

ninth of the population, can elect a majority of the State senate.

In Florida, 15 percent can elect a majority.

In Delaware, 22 percent.

In Maryland, 14.2 percent.

These are States with "rotten boroughs." That is all they can be described as—"rotten boroughs."

New Jersey—19 percent can elect a majority of the State senate.

Rhode Island—18 percent.

I have spoken of the Eastern Shore, which dominates the Maryland Legislature.

South Jersey, in similar fashion, dominates the New Jersey Legislature. South Jersey counties have vegetation, pine trees, sand, and ocean beaches, but they do not have much in the way of population. Still, they dominate the New Jersey Senate—under the State constitution's provision, I believe, of one senator per county; with the result, of course, that the great cities of New Jersey—Jersey City, Newark, and Camden—are relatively underrepresented. The sand barons and the pine barons of south Jersey are said to represent them.

Pine trees control. Sand controls the New Jersey Senate.

If one can control the senate one can veto legislation which goes through. One can exact a price for compliance and powerfully shape legislation and not merely exercise a veto.

Tomorrow, when I have time to speak at greater length on the subject, and have the opportunity to develop my argument more fully, I shall be able to bring out additional facts. But I should like to deal with one final point, and that is the question: To what degree have the State legislatures moved to reduce these great disparities in representation?

STATE LEGISLATURES HAVE REFUSED TO REFORM THEMSELVES

My friend and colleague the Senator from Illinois [Mr. DIRKSEN] would issue a stay order and prevent the Supreme Court or the Federal court from ordering reapportionment. He would put these matters up once again to the State legislatures, which have had this question before them for year after year and decade after decade. What have they done?

Let me take up some of these items—and I shall be speaking of facts as of January 31, 1964.

The last time Connecticut reapportioned its house was in 1876. Eighty-eight years had rolled by and Connecticut still stood where it stood in 1876. Before that, the last time it had reapportioned was in 1818.

According to my figures, as of January 31 of this year, the last time Connecticut apportioned its Senate was in 1903.

The last time Delaware apportioned, according to the statistics published in "The Book of the States—1964-65," was in 1897.

The last time Rhode Island apportioned its House was in 1930. I can remember the time when one branch of the

Rhode Island legislature took automobiles and went out of the State so that they could not be compelled to reapportion. They took refuge in the Whale Inn, west of Northampton, in a place called, I believe, Chesterfield. They hid out there through late summer and fall, in order to prevent reapportionment in Rhode Island. I am sure that both Senators from Rhode Island know these facts.

Six States in the Union are clearly in violation of their own constitutions. Among such States, Connecticut, Delaware, Louisiana, and Rhode Island, are conspicuous.

Moreover, to the degree that there has been compliance in the years 1962, 1963, and 1964, it has been accomplished under the shotgun of State and Federal court orders. If it had not been for the court orders now complained about, the State legislatures would not have reapportioned.

Such progress as we have made, an article published in the Washington Post described it as "inching," has been under either a direct order of a Federal court or under a fiat, that if they did not act there would be Federal reapportionment. In many cases, the legislatures came in with a grossly unsatisfactory act in the hope that they could deal with the Federal courts, and with an unjust order—but not quite so unjust as the apportionment was originally. These include Georgia and Tennessee—possibly they may include New York.

Governor Rockefeller, anticipating that the verdict at the polls may be adverse to his party, is desirous of calling a meeting of the present legislature before the new legislature is elected. This would be done so that it can apportion the seats in New York so as to preserve a Republican majority, as has been done in the past, when the Democrats have heavily carried the State, yet have not been able to gain control of both branches of the State legislature.

Let me take up the question of the slowness of the States to reapportion, despite, in most cases, clear mandates in their State constitutions to do so every 10 years.

Alabama did not reapportion between 1906 and 1962. The constitution required it in Alabama, but they did not do it.

Connecticut did not reapportion, as I have stated, between 1818 and 1876 for its house; and up to the 1st of January of this year had not reapportioned again.

Illinois did not reapportion between 1901 and 1955. The legislature put itself beyond the control of the courts. It found that nothing could be done to enforce the State constitution.

Indiana did not reapportion between 1921 and 1963.

Kentucky did not reapportion between 1942 and 1963.

Louisiana did not reapportion between 1921 and 1963. It still has not reapportioned its senate.

Minnesota did not reapportion between 1913 and 1959.

Mississippi did not reapportion between 1916 and 1963.

Nebraska did not reapportion between 1935 and 1963.

New Hampshire did not reapportion its senate between 1915 and 1961.

New Jersey did not reapportion between 1941 and 1961.

North Carolina did not reapportion between 1941 and 1961 for its house, and between 1941 and 1963 for its senate.

North Dakota did not reapportion between 1931 and 1963 for its house, and still has not reapportioned its senate.

Pennsylvania has not reapportioned its senate between 1921 and 1964.

The State of Washington did not reapportion between 1931 and 1957—and prior to 1931, I believe, it did not reapportion either senate or house since 1901 or 1891.

It was my good fortune, many years ago, to know the late J. Allen Smith, professor of political science at the University of Washington, who in many ways was one of the most farsighted and prescient political scientists of the last three or four generations. He was, to my mind, as great a political scientist as Charles A. Beard, of Columbia University.

J. Allen Smith once told me—this was over 40 years ago—that he thought the greatest weakness of the State governments was the failure of the State legislatures to reapportion. He pointed to his own State of Washington as a horrible example. I believe he said there had been no reapportionment since 1901—but it was probably since 1891. He pointed out that some of the desert counties in eastern Washington had as much representation as the cities. I am sorry to hurt the feelings of my good friend from Washington, but I know he is not a part of it.

Wisconsin did not reapportion between 1920 and 1951, as the Senator from Wisconsin [Mr. PROXMIRE] knows. I know that when he was a member of the Wisconsin Senate he tried very hard to get adequate reapportionment.

Wyoming did not reapportion between 1951 and 1962.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. PROXMIRE. I would like to tell the Senator from Illinois that the State of Wisconsin has recently reapportioned both houses of the legislature. Both houses of the Legislature of the State of Wisconsin are perfectly, almost precisely, almost mathematically precisely representative.

This was a tremendous achievement by my distinguished colleague [Mr. NELSON] when he was Governor, and by the present Governor, John Reynolds. Both did a terrific job.

Mr. DOUGLAS. Both happen to be Democrats.

Mr. PROXMIRE. Both happen to be Democrats. And the point is that I have

consulted with the leading legal experts on this subject. They tell me that if the Dirksen amendment is passed, the Wisconsin apportionment may go out the window. That means that the people who have filed for election to the Wisconsin Legislature, under the apportionment that was perfect, which was made, as I say, about 2 months ago—may have to refile in new districts. Candidates running for the 100 seats in the assembly, and the 16 or 17 seats in the senate that are open will have to file on an entirely different basis. Just one person, one member of the former legislature—of course there will be several who are reapportioned out of a job under section 3—will be in a position to file after the order. The entire Wisconsin perfect apportionment may be in jeopardy. It seems to me that this is a matter which is not only one of fundamental principles, but also one of the greatest practical interest to my State. I have a duty to do all that I can to defeat this amendment.

Mr. DOUGLAS. That is good enough. I know the persistence of the Senator from Wisconsin. Well do I remember that night some years back when we were trying to get an additional 1,000 cubic feet of Lake Michigan water for the Chicago sanitary system. The Senator from Wisconsin with assembled pages before him announced that he was ready to talk all night. The news that the Senator from Wisconsin will do everything possible to defeat this amendment fills me with the same enthusiasm that the army of the Commonwealth, in the days when they were fighting against Charles II, had when they saw Oliver Cromwell riding over the moors. The prospect of the energetic Senator from Wisconsin coming to our assistance raises my heart just as the sight of Oliver Cromwell raised the hearts of the Roundheads fighting against the Cavaliers.

Mr. PROXMIRE. I ask the distinguished Senator from Illinois if it is not true that in view of the complexity of this subject and the fact that so many States are involved, we should go into each State and examine the problem? Is it not true that to have a proper, adequate, comprehensive, educational job performed, this amendment will require many days of discussion?

Mr. DOUGLAS. That is correct. This amendment has been sprung without hearings in the Judiciary Committee. It was developed under secret negotiations. Its final form was brought out only today.

Mr. PROXMIRE. And in its final form it has not been considered by any committee.

Mr. DOUGLAS. That is correct.

Mr. PROXMIRE. And it is entirely different, according to the distinguished junior Senator from Illinois.

Mr. DOUGLAS. That is correct.

Now, Mr. President, as an example of the absurdity, as I have mentioned, Vermont has not apportioned its house

since 1793. The State legislatures have, in the main, refused to act. When they have acted, they have acted only under the orders of the courts, and the Federal courts in most cases.

The junior Senator from Illinois, my colleague, would stop this entire process of having the Federal court orders operate. He would turn over to the State legislatures, most of which are already grossly unrepresentative, the decision as to whether or not they should reform themselves.

As Patrick Henry said, "I know of only one way to judge the future, and that is by the past." And the record of the past indicates that State legislatures have not acted and will not act unless under court pressure.

This amendment purposes to put a gag on the court, to put gags in the mouths of the Federal courts of this country, and depend upon those who are the beneficiaries of an unfair and unjust system to reform themselves. There is little or no evidence of self-reform on the part of the State legislatures. The proponents want to put a stay in effect, and then rush through their constitutional amendment. And with the prejudice against the big cities which exists, they may get it through the Congress. But they will have to fight for it. They might get it through. Once it gets through the Congress, the present State legislatures are pretty safe if they can only hold off reform for a time.

Now, Mr. President, I shall briefly discuss another crucial issue in this controversy.

NO PROPER ANALOGY BETWEEN U.S. SENATE AND STATE SENATES

In the Senate of the United States, two Senators represent each State. That was a compromise which the large States were forced to make in 1787 in order to have any Union whatsoever. The small States, of course, control the Senate. I worked these figures out in recent years and I think I can correctly recall them. States with only 25 percent of the population control the majority of the Senators in this body. The eight Mountain States with a total population of only approximately 6 million people have 16 votes. And the eight largest States in the Union—some of which are New York, California, Pennsylvania, Illinois, Ohio, and New Jersey—have 16 votes. But they have over 80 million people.

This is the result of the compromise of 1787. This was the price which the big States paid for the Union. The small States at that time stated that they would not join the Union unless they had equality of representation in at least one House of the National Legislature. And the Delegate from Delaware, Gunning Bedford, as I remember—according to Madison's journal, threatened at one point in the proceedings that if Delaware were not given equal representation, Delaware would not join the Union, but would make an alliance with a foreign power. We would have had either France or Great Britain planted on our shore. And with the pistol pointed at

their heads, the delegations from Massachusetts and Virginia permitted equality of representation in order to get union. This is the one feature in the Federal system which cannot be altered. Article V of the Constitution states that no State shall be deprived of equal representation in the Senate without its consent, the precise language being:

No State, without its consent, shall be deprived of its equal suffrage in the Senate.

That is the one feature in the Constitution which cannot be amended, and which is beyond the control of amendments.

Mr. President, we in the big cities, while we regret this, are not threatening to secede from the Union, as Delaware threatened in 1787. We know that the provision places us at a disadvantage in this body. We know that in a sense we are second-class citizens in this body. But that was the price of union.

I, as senior Senator from Illinois, voted for the admission of Alaska and Hawaii, which, in effect, diluted the already diluted strength of my State. I did so because I thought it was good for the United States of America. Unlike certain Members of the Senate, I placed the interests of the United States ahead even of the interests of my State. I make that statement without any reflection upon individuals. I try to act for the interests of the United States, because we are a nation and not a confederation. We were a confederation under the Articles of Confederation, but we became a federated power with the adoption of the Constitution.

The advantages are great. As a nation, we have contributed greatly to the world; and we of the big States are ready to accept the permanent shackles which are fastened upon us and the frequent humiliations which are heaped upon us as individuals. We will suffer all of those disadvantages in the interest of the United States.

But there is no reason why that arrangement should be carried out inside the States. There is no reason, as I shall develop at greater length tomorrow when I have an opportunity fully to make my arguments, why land should be equally represented in the States. There is no reason why each county should have equal representation in the Senate of Maryland or in the Senate of California or in the Senate of New Jersey or in the Senate or Nevada or the Senate of Montana or the other States, because while States were sovereign at the formation of the Union, counties and towns are not sovereign within the States. They are creatures of the State. The State is not their creature. If in the early days of New Hampshire, Vermont, and Connecticut it was necessary to federate the towns in order to get them in, that necessity has long since passed, and in law and in practice, in New Hampshire, Vermont, and Connecticut, as well as in the rest of the Union, the town, which is the predominant system of government in New England, is a legal creature of the State. Their consent is not

needed as the consent of Delaware, Maryland, and New Jersey was needed at the formation of the Republic.

Therefore, the argument by analogy that because there is an equality of representation of States in the U.S. Senate there should be equality in the representation in the bodies of State legislatures, generally the senate, but in certain cases the house, falls completely to the ground. I shall deal with that subject tomorrow at greater length and in more detail.

In my judgment the Supreme Court has been completely correct. It has moved to try to correct an old injustice which has operated against the people of both the cities and of the suburbs, because the suburbs are now as important as the cities. The Supreme Court has moved to remove injustices which the legislatures themselves would not remove because they failed to act over long periods of time. Instead of condemning the Supreme Court, we should praise it. Instead of holding up John Marshall Harlan II, we should hold up Earl Warren and the majority of the Court. They were correct in the civil rights cases; they are correct in the apportionment cases. It is a tragedy that a campaign against the Supreme Court has operated to inflame a certain section of the public mind against it.

In my judgment, the Supreme Court has never risen to greater heights than in the last 10 years, and the decisions on reapportionment match the great decisions on denial of civil rights through segregated education handed down in 1954 and 1955. So, far from impeaching Earl Warren, I think he is one of the greatest citizens this Nation has ever had, and I take my stand along with him.

WHAT ARE THE EMOTIONS BEHIND THIS MAN

Mr. President, I know that in matters of this kind it is not pure reason which governs, but rather emotion and, in a sense, prejudice. I know what the prejudices and emotions are which run below the surface. A part of the feeling is resentment against the Supreme Court for its civil rights decisions; part of it is fear on the part of entrenched, petty, peanut politicians that they would not be reelected to the State legislatures if the districts were properly apportioned.

There are even stronger motives than that. There is a fear on the part of some of those across the aisle or in the Republican Party that implementation of the Court's decision would strengthen Democratic control over the State legislatures.

Mr. President, if it is right and just, it should not be condemned because it would help the Democrats. Justice is independent of party; and I do not believe that we Democrats should lacerate ourselves and acknowledge our inferiority because the decision might help the Democratic Party. I believe our friends across the aisle have no right to favor their measure because they think it would help their party.

Justice does not reside entirely in the Republican Party. It does not reside entirely in the Democratic Party. But merely because a proposal might help the Democratic Party is no reason why this body should reject it. I hope that Democrats may cure themselves of any inferiority complex which the Republicans may strive to instill in them, and stand for this measure if they think it is right.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. PROXMIRE. Is it not true that the most rapidly growing sections of our States and the most unrepresented are the suburbs?

Mr. DOUGLAS. The Senator is correct.

Mr. PROXMIRE. Is it not true that, by and large, the central cities are losing population?

Mr. DOUGLAS. I have already developed that point at great length. The Senator is absolutely correct.

Mr. PROXMIRE. Is it not true that it is quite possible, if not likely, that in areas which are usually Republican—as it would work in my State in relation to apportionment, which I discussed a few minutes ago with the Senator—the Republicans would gain at least as much as would the Democrats by the proposed apportionment? As the Senator has said, the question should be decided on the basis of justice, and not on the basis of partisan advantage.

Mr. DOUGLAS. What the Senator has said is completely correct. I pointed out that the suburbs now in many cases are more populous than the central cities. We all know that the suburbs tend to be strongly Republican, more strongly Republican, indeed, than the central cities tend to be Democratic.

In my State of Illinois a very able political reporter, Mr. Tom Littlewood, who is the political correspondent at Springfield for the Chicago Sun Times, has prepared an analysis of what would be the likely results of the reapportionment of the Illinois State Senate. In Illinois, 29 percent of the population elect a majority of the Illinois State Senate, and 71 percent of the population elect a minority. The 29 percent of the population have two and a half times the voting power in the State senate that the 71 percent of the population have. Mr. Littlewood said that "down State," which is known as the area outside the Chicago metropolitan area, would lose eight Senate seats. It is believed that at least two of those would be Democrats, possibly three. How would those eight seats be reapportioned? First Chicago would gain two seats, and the suburbs in Cook County outside of Chicago would gain three seats. These three new suburban seats would undoubtedly, under present conditions, be Republican. We hope to change that, but as of now, they are Republican.

Second, three more seats would be gained in the following counties: Du Page, which is the strongest Repub-

lican county, stronger than Westchester County; Kane, which is an industrial county, but with some rural residences; and Lake, which, with a population along the lake front, is heavily residential, as is McHenry County. They are all strong Republican counties. They would gain three seats.

So the Democratic gains in Chicago would just about offset the Democratic losses downstate. The six Republican gains in the Chicago area would roughly balance the six or five Republican losses downstate.

There would be no real party change in this respect, but there would be a real change with regard to the representation of the cities and suburbs. So Chicago would be more adequately represented in accordance with its population and so would the suburbs to an even greater extent.

What is true of Chicago is true of most cities. I think in the South the Democratic Party would definitely be hurt, because the situation in the South is different from that in the North and West. It is the country districts there which are Democratic, and it is the cities which are becoming Republican. There is no more conservative city in the country than Houston or Dallas. They are grossly underrepresented in the State legislatures, and indeed in the Congress. This is true throughout the South. There would be a decrease in Democratic strength and an increase in Republican strength.

I am for that, even though it would hurt the Democratic Party, because it is just and because I think right and justice should stand above party. But I would also before it if it helped the Democratic Party. I appeal to my friends to put the country first, and insofar as the South is concerned, they will benefit by it.

Mr. MILLER. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield for a question.

Mr. MILLER. I should like to ask a question or two of the Senator from Illinois. The first is with respect to the pending amendment—

Mr. DOUGLAS. Does the Senator mean the so-called Dirksen amendment?

Mr. MILLER. The amendment proposed by the Senator from Illinois [Mr. DIRKSEN] and the Senator from Montana [Mr. MANSFIELD], No. 1215.

As I understand the amendment in its application to my own State of Iowa, a three-man court in Iowa directed the Iowa Legislature to reapportion itself on an interim basis. It directed further that it should also reapportion itself on a permanent basis in line with the Iowa constitution.

Mr. DOUGLAS. Does the Senator mean that the Iowa constitution had previously been violated?

Mr. MILLER. Parts of the Iowa constitution were held to be unconstitutional under the 14th amendment of the Federal Constitution.

Mr. DOUGLAS. Was it not violated by the refusal of the Iowa Legislature to reapportion?

Mr. MILLER. That is not quite correct. I point out, however—I think this is responsive to what the Senator is interested in—that parts of the Iowa constitution were held to be unconstitutional under the Federal Constitution, more particularly under the 14th amendment. As a result of the three-man court order, the Iowa Legislature inaugurated an interim apportionment plan. It was duly adopted. Primary elections were held last June to fill seats in the newly apportioned legislature. Both houses were apportioned in line with the court order, one house being strictly on a population basis, and the other house being on a substantially population basis but with some area factor involved, so that, as a result, about 40 percent of the population would be in control of the second house, rather than 51 percent.

The Iowa Legislature also passed a so-called permanent reapportionment plan which would require adoption in identical form in the next successive session of the legislature, and then a vote of the people.

I find it impossible to believe, as a result of the Supreme Court decision in Reynolds against Sims holding that both Houses must be on a population basis, that this three-man court would, in implementing the Supreme Court's decision, now order the Iowa Legislature to be reconvened, to adopt the reapportionment plans in accordance with the Reynolds against Sims opinion, and then to have a special primary election some time in September, to be followed by the general election in November.

In my best judgment, and according to my best advice, the effect of the three-man court order would—

Mr. DOUGLAS. What is the question of the Senator?

Mr. MILLER. I am leading up to the question. I think it important, in order to develop the question, that the foundation be laid, as I am doing it.

I find it impossible to believe that the three-man court would do this. I think it will let things remain as they are. They will let the election go forward in November and the interim legislature meeting next year, in line with the three-man court direction of last spring—

Mr. DOUGLAS. What is the question?

Mr. MILLER. The most that could be done then would be for the regular session of the legislature next year to adopt a reapportionment plan in line with Reynolds against Sims.

The election thereunder would not be held until 1966, and the newly reapportioned legislature would not meet until January 1967.

As I read the amendment, it would have absolutely no impact on that situation. The newly apportioned legislature would come into being quite naturally, regardless of the fact that the amendment was adopted.

Mr. DOUGLAS. I hope my good friend will not object if I again ask him what his question is.

Mr. MILLER. I will ask the Senator the question if he will be a little more patient.

Mr. DOUGLAS. I have been patient for many minutes. I hope the Senator will forgive if I repeat. I should like to hear the question.

Mr. MILLER. The Senator from Illinois and I have had many colloquies before. I have always been more than willing to let him lay his foundation for a question. However, the question is this: Why, in the face of this situation, would the Senator from Illinois object to the adoption of the pending amendment?

Mr. DOUGLAS. Is that the question?

Mr. MILLER. That is the question.

Mr. DOUGLAS. My reply is that Iowa certainly needed to reapportion, and that it would not have done so without the prior decisions of the Supreme Court. Reading from this study by David and Eisenberg, as of the 1960 census, in the lower house, there were 108 members. The smallest population per member was 7,468. The largest population per member was 133,157. The smallest district had approximately 19 times as much representation per person as the largest district. I presume that would be Des Moines.

So far as the upper house is concerned, which has a membership of 50, the smallest district had 17,756, and the largest 266,315 per member. So the ratio there was about 16 to 1.

Mr. MILLER. I served in that legislature. I already know those figures.

Mr. DOUGLAS. The country may not know the figures. So far as the lower House is concerned, the lowest district had 17.8 times the representation per person. So far as the Senate is concerned, it was 15 times.

The Senator from Illinois is not an expert on the subject, but we might find that the same situation that the Senator from Wisconsin anticipated will hold good for Iowa, namely, that if the amendment goes into effect, the previous reapportionment will fall to the ground and the State will have to go back to the previous legislature, which was badly apportioned. That may be true. I ask my friend from Iowa to stop, look, and listen before he follows my junior colleague down the primrose path, which may have a bear trap at the end.

Mr. MILLER. Almost anything could happen. We might have a tornado in Iowa which would destroy the general assembly. What I am interested in is how the amendment would affect the situation in Iowa.

Mr. DOUGLAS. Every man seems to be his own constitutional lawyer. The Senator from Wisconsin [Mr. PROXMIRE] pointed out that it might well be that the reapportionment in the Wisconsin Legislature, which I believe is more thoroughgoing than it is in Iowa, may be thrown out by the court because of the provisions of the present amendment, if it is enacted. I merely say that this is something to consider. I advise

my friend from Iowa to watch, look, and listen before he goes overboard in support of the Dirksen amendment.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. MILLER. As I read the amendment, all it provides is that the Governor of Iowa or the Attorney General of Ohio or any member of the Legislature of Iowa may go before the three-man court in Des Moines and request a stay with respect to the implementation of the Reynolds versus Sims decision.

I suggest to my friend from Illinois that it is not necessary to do that at all. I know every member of the three-man court. I am sure they will not immediately order the Iowa Legislature to convene and adopt a new reapportionment plan, then set up special laws for the primary election in September, and then go through with the November election, so that in January they will come in under the newly reapportionment program. I am sure they will go through with their original decision to have the interim legislature, for which members have already been nominated, and to which they will be elected in November, convene, and that then they will expect the new legislature to reapportion along the lines of the Reynolds versus Sims case.

Mr. DOUGLAS. I hope my friend is correct in his reading of the crystal ball. However, there is no surety about it. My friend from Wisconsin may wish to comment.

Mr. PROXMIRE. If we adopt the amendment, we take discretion away from the court. We would provide that a stay for the period necessary shall be deemed to be in the public interest in the absence of highly unusual circumstances. The author of the amendment, Senator DIRKSEN, has said that this means that in 99.66 percent of the cases, it would be mandatory. The court would be stopped cold from putting its orders into effect.

The courts were proceeding to bring voting equality throughout America. They will not be able to proceed if this amendment is adopted. The three-man Iowa court must stop the execution of its apportionment decision. It would revert back to the previous situation before apportionment.

Mr. DOUGLAS. If the decisions of the court will not further affect Iowa, the Senator from Iowa does not have to vote for the Dirksen amendment. Things will take their course. Why take a chance on muddying the waters?

Mr. MILLER. The answer to that, of course, is the same answer the Senator from Illinois and the Senator from Wisconsin gave in a situation like that, namely, we are not that provincial; we are legislating for all the 50 States.

Mr. DOUGLAS. The Senator started on Iowa.

Mr. MILLER. I cited Iowa because I was most familiar with it.

Mr. DOUGLAS. Then, on a matter with which the Senator is most familiar, there is no doubt.

Mr. MILLER. The only danger that I can see is what the Senator from Illinois would suggest, namely, that if the amendment were not adopted, the three-man court in Des Moines would convene the Iowa Legislature and tell it to reapportion in a matter of 10 or 11 days; then have a special primary election held in September, and go through with the regular election in November. If the Senator is suggesting that as a possibility, I certainly would be in favor of the Dirksen amendment, because it would be chaotic to have such a procedure. It would be so chaotic that I am sure the three-man court in Des Moines would not do it. However, if the Senator from Illinois is suggesting this as a possibility, I have every reason to support the pending amendment, which has been offered by the two leaders in the Senate.

Mr. DOUGLAS. My good friend has spoken about taking the National point of view and not the State point of view. If that is the case, I advise him to look to the State of Wisconsin, where, the Senator from Wisconsin has said, things might be thrown into chaos. It is admitted that things would not be thrown into chaos in Iowa by the decisions of the Court as they now stand. My good friend says he is not particularly concerned about Iowa, but concerned about other States. I am concerned about Iowa. I do not want his fair State, the greatest corn-producing State in the Union, thrown into chaos. I do not want to have the great State of Wisconsin thrown into chaos. We should proceed in an orderly manner to reapportion in accordance with court orders.

Mr. MILLER. If the Senator wishes to proceed in an orderly manner to reapportion, he should have more faith in the reasonableness of the Federal courts.

Mr. DOUGLAS. I prefer the courts to the State legislatures but we have been speaking about State legislatures.

Mr. MILLER. He should have more faith in the courts applying standards set forth in the amendment. They are to see to it that a stay is granted, but only for a reasonable time. I point out to the Senator from Illinois that a reasonable time in the mind of the three-man court in Des Moines is a matter of months, not a matter of years.

Furthermore, I suggest that if there should be a court in some other State which saw fit to delay the matter unduly, there would be opportunities to carry the issue before the Supreme Court; and my guess is that the Supreme Court is not interested in moving slowly in this matter; nor is this amendment designed for slow movement. I think that the part relating to January 1, 1966, shows an evidence that it is intended—I believe the junior Senator from Illinois will point this out, if he has not already done so—that legislatures that convene in regular

session after January 1, 1966, will be reapportioned according to the Constitution.

Mr. DOUGLAS. It does not say that; it says that the legislatures of such States shall have "a reasonable opportunity in regular session * * * following the adjudication of constitutionality to apportion representation in such legislature in accordance with the Constitution."

Mr. MILLER. If the Senator will read the paragraph previous to the one he just read, he will see the date "January 1, 1966."

Mr. DOUGLAS. That merely relates to the State election of representatives before 1966; it does not concern future reapportionment.

Mr. MILLER. The January 1966 target date, referred to in the previous paragraph, lends credence to the understanding that has been expressed, and will be expressed, that legislatures be properly apportioned when they convene in regular session following January 1, 1966. If the Senator from Illinois has any question about that intention, he might wish to develop it, because I think it is important and is reasonable.

Mr. DOUGLAS. I intend to develop my questioning tomorrow, when I shall have an opportunity to expand at greater length upon this subject.

Mr. MILLER. May I go on to another point?

Mr. DOUGLAS. I shall be glad to yield for questions; otherwise, after a brief statement, I shall yield the floor, and the Senator from Iowa may make a speech.

Mr. MILLER. The Senator from Iowa does not wish to make a speech; he wishes to enjoy a colloquy with the Senator from Illinois.

Mr. DOUGLAS. I shall be glad to answer questions; but one of the rules of this body is that a Senator may not yield for a speech without taking a chance on losing his right to the floor. I do not wish to have someone take me off my feet because I might forget to say that I will yield on condition that I shall not lose my right to the floor.

Mr. MILLER. I assure the Senator from Illinois that he need have no fears on that point.

The Senator from Illinois is familiar with the fact, is he not, that several constitutional amendments on this subject are pending in both the House and Senate?

Mr. DOUGLAS. That is just the point.

Mr. MILLER. One of them provides that in States having bicameral legislatures, one house must be elected strictly on a population basis; but that the people shall have the exclusive right to determine the composition of the other house.

Mr. DOUGLAS. Whose constitutional amendment proposal is that?

Mr. MILLER. Several such proposals have been introduced in the House. One has been introduced in the Senate by several members of both parties, including the junior Senator from Iowa. Is the Senator from Illinois familiar with the essence of the amendment to which I am referring?

Mr. DOUGLAS. I have not had an opportunity to study it in detail.

Mr. MILLER. The essence is, as I have stated, that one house must be elected strictly on a population basis, while the people of the State will decide for themselves the composition of the second house.

I ask the Senator from Illinois if he has any objection to leaving it to the people of the State, whether they come from Chicago, from the suburbs, or from the rural areas, deciding, in a proper referendum—

Mr. DOUGLAS. Not by the legislature, but by the people?

Mr. MILLER. That is correct; the people in a general election or referendum would decide the question for themselves.

Mr. DOUGLAS. First, I have not studied the amendment of the Senator from Iowa. I am not at all certain that it will be the one actually proposed. But I shall make a basic point on this subject.

When Thomas Jefferson wrote the Preamble to the Declaration of Independence, he spoke of the basic rights of man:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights.

That means that one generation cannot give away its rights and bind a future generation. If one set of people cannot give away their rights, an individual cannot give away his rights.

It is an accepted principle of law that a man cannot contract himself into slavery or into serfdom. Suppose he signs a contract to give up his liberty. The courts have held that this is unconstitutional, because they knew that the contract might have been exacted from the person under conditions of which he was relatively ignorant, because he had unequal bargaining power, or because he was deluded.

The Senator from Iowa misunderstands the fundamental, basic rights of man. Jefferson said they are unalienable. There are certain rights that the community cannot take away from him, and which he himself cannot assign.

WHAT ABOUT THE 14TH AMENDMENT

I myself believe that the 14th amendment deserves more recognition than it gets in this body. Let me read the words of the 14th amendment:

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

They are to have national citizenship as well as State citizenship. All are first-class citizens; none are second-class citizens. The 14th amendment continues:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law.

Now we come to the essential point:

Nor deny to any person within its jurisdiction the equal protection of the law.

The Supreme Court has held—and I believe correctly—that there cannot be equal protection of the laws if there is appreciably unequal representation; that approximately equal representation is needed to guarantee the equal protection of the laws; and that this is an unalienable right that man cannot sign away or vote away. Neither can a State legislature take it away.

An attempt is being made to fasten these shackles on the people of the various States, if malrepresented State legislatures choose to pass the amendment which is sent up to them and which, even under popular referendum, under pressure of the party press, might be approved. Deputy Attorney General Katzenbach says that the attempt is constitutional. I doubt it.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. MILLER. If the people do not like or do not agree with the decision of the Supreme Court, they certainly have the right, do they not, to adopt an amendment to the Constitution of the United States to change the decision of the Supreme Court?

Mr. DOUGLAS. That is not the thrust of the proposed amendment. The Senator from Iowa may have this in mind; but the amendments I have seen and studied in detail provide that the matter is to go to the State legislatures, or may go to the State legislatures.

I point out that the State legislatures, in spite of the recent shotgun reforms they have carried out, are grossly malrepresented; and the amendment would turn over to unrepresentative bodies the power to continue themselves in office for a long period of time, and perhaps in perpetuity, by a constitutional amendment to that effect. That is the gist of what I am trying to say.

Mr. MILLER. That is the reason why I asked the question. I wanted to find out whether the Senator had misunderstood the proposal.

Mr. DOUGLAS. I may not understand the Miller amendment as thoroughly as the Senator does, but I promise him that I will study the amendment. Nevertheless, I think I know what some of the amendments originally put before the Committee on the Judiciary mean. They mean something totally different from what the Senator from Iowa says they mean.

Mr. MILLER. The Senator from Iowa has studied the amendment, so he would understand it.

Mr. DOUGLAS. Will the Senator produce it, so that I may read it?

Mr. MILLER. I shall be happy to obtain a copy for the Senator.

Mr. DOUGLAS. May I read it now?

Mr. MILLER. While the pages are obtaining a copy of the amendment, I should like to point out that the Senator from Illinois said that if this particular amendment were adopted, it would then be submitted, for ratification, to the State legislatures which are malapportioned, and that they could adopt the amendment and perpetuate themselves in office.

I point out again to the Senator from Illinois that the amendment of which I am speaking states specifically what has been stated earlier, that it would merely provide that the people of the State, and not the State legislature, would decide for themselves whether the second house should be on some other basis than a strictly popular basis.

I cannot understand the logic of the Senator—although he is one who always reasons with a great deal of logic—in concluding that such a provision would lead to the perpetuation of malapportionment.

Mr. DOUGLAS. If the Senator from Iowa has stated his amendment accurately—and I do not have it yet, so it is not so available to Senators as it might be and so I may be pardoned if I do not have the details of it yet. But if the amendment of the Senator from Iowa is as he has stated it to be—which I am ready to believe it is—then it is a vast improvement on the amendments which came out of or are before the Judiciary Committee. However, it still does not deal with the basic question as to whether the equal protection of the laws is a fundamental right under the Constitution which cannot be waived even by a person himself or even by a majority.

Mr. MILLER. While I sometimes disagree with the Senator from Illinois and I sometimes agree with him, it has been my observation that he professes to have great faith in the people. It was therefore my hope that his support could be enlisted for my amendment because it does place in the people of a State—the very people the Senator is talking about in the case of his own State, the people in the big cities, the people in the suburbs, and the people in the rural areas—the power to decide the composition of the second house. I would hope that on review of my amendment, his support could be obtained. I believe that regardless of what the Supreme Court decisions may be, ultimately the power resides in the people of this country. If the people do not agree with the Supreme Court's decisions—and they may not—they have not on previous occasions—they have the power to change them.

I hold in my hand a copy of the proposed constitutional amendment, Senate Joint Resolution 185. There are many cosponsors of the amendment, as I pointed out earlier, from both sides of the aisle.

At this time, I ask unanimous consent to have it printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 185

Joint resolution proposing an amendment to the Constitution to reserve to each State exclusive power to determine the composition of its legislature and the apportionment of the membership thereof.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the

legislatures of three-fourths of the several States:

“ARTICLE—

“SECTION 1. Except as otherwise provided by this article the citizens of each State shall have exclusive power to determine the composition of its legislature and the apportionment of the membership thereof, and such power shall not be infringed nor the exercise thereof be reviewed in an original action or on appeal or controlled by the United States or any branch of the Government thereof. The membership of at least one house of the legislature of each State shall be apportioned as nearly equally as possible according to the number of persons determined by the enumeration provided in article I, section 2, or if there is only one house of the legislature then upon such combination of population and area as the citizens of the State shall determine.

“SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of its submission to the States by the Congress.”

Mr. MILLER. Mr. President, I invite the attention of the Senator from Illinois to section 1 on page 2.

Mr. DOUGLAS. Is this the original Dirksen amendment?

Mr. MILLER. This has nothing to do with any amendment. This is a Senate joint resolution. Let me point out that similar measures have been introduced in the House.

Mr. DOUGLAS. This is Senate Joint Resolution 185.

Mr. MILLER. The Senator is correct.

Mr. DOUGLAS. The first sponsor of this amendment is my colleague, the junior Senator from Illinois [Mr. DIRKSEN].

Mr. MILLER. The Senator is correct. There are many others, including Senators from both sides of the aisle. As I said earlier, they include myself.

If the Senator will look on page 2, he will note that:

* * * citizens of each State shall have exclusive power to determine the composition of its legislature * * *

And then in the next sentence on line 8,

The membership of at least one house of the legislature of each State shall be apportioned as nearly equal as possible according to the number of persons determined by the enumeration * * *.

Which is the census.

It is this language to which I have referred. I believe I have stated the essence of it quite accurately. As I said earlier in my observation of the frequent references of the Senator from Illinois to the people, I was persuaded that perhaps he might support the amendment, because it gives power to the people of a State to determine the composition of the second house. It would be a gross misstatement and a gross misunderstanding of the situation to suggest—as I am afraid the Senator from Illinois did earlier—that the adoption of the amendment and its ratification by a malapportioned legislation would lead to the perpetuation of themselves in office.

Mr. DOUGLAS. I cannot, at this time, go into an amendment which I have had

no opportunity to study. I shall consider the amendment later. I merely ask whether this is the original constitutional amendment which the Senator from Illinois prepared?

Mr. MILLER. I cannot respond to that. I know only what is before me.

Mr. DOUGLAS. It does not seem to me to be the original amendment which I read. I shall be very glad to study it and consider the whole matter.

Mr. MILLER. The ultimate question resolves itself into whether the Senator from Illinois would be willing to leave it to the people to decide the composition of the second house.

Mr. DOUGLAS. I should like to consider the whole amendment, because there are frequently beartraps in amendments which one should be careful about. I shall give the amendment careful consideration.

Mr. MILLER. I can understand why the Senator from Illinois would wish to study very carefully something as important as my amendment, but the point I wish to make—and I thank him for yielding to me so that I can do so—is that I believe it is very important to understand what we are talking about, because if there are any misunderstandings, I am afraid that the public may get some wrong impressions which will not be helpful.

Mr. DOUGLAS. Mr. President, I shall look into this question and try to secure a copy of the original constitutional amendment as it came from the Committee on the Judiciary so that it may be printed in the RECORD.

Mr. MILLER. Mr. President, before the Senator asks unanimous consent for that insertion in the RECORD, let me suggest that he may be laboring under a misapprehension. To my knowledge, there has been no proper constitutional amendment reported from the Senate Judiciary Committee. I regret that it has not been reported, but I do not believe that it has. This amendment is still in the Judiciary Committee.

Mr. DOUGLAS. Mr. President, I am ready to yield the floor under one condition—namely, that tomorrow, at the conclusion of the argument of the Senator from Illinois [Mr. DIRKSEN], I be permitted to take the floor to reply, and that this will not be counted as a second speech.

Mr. MANSFIELD. Mr. President, I have no objection. I am sure that the Senator need have no worry about any second speech in this or any other debate, because I believe that that procedure is fallacious and useless.

UNANIMOUS-CONSENT AGREEMENT

Mr. DOUGLAS. Mr. President, I ask unanimous consent that at the conclusion of the explanatory address of the junior Senator from Illinois [Mr. DIRKSEN], I be recognized and be permitted to respond, without the speech being counted as a second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOUGLAS. I thank the Presiding Officer, and I also thank the majority leader.

EXHIBIT 1

TABLE 1.—1960 and 1950 population of standard metropolitan statistical areas in the United States as defined on Oct. 18, 1963

[Asterisk (*) identifies additions to standard metropolitan statistical areas as defined for 1960 census. Minus sign (—) denotes decrease]

Standard metropolitan statistical area	1960	1950	Percent increase	Standard metropolitan statistical area	1960	1950	Percent increase
United States (216 areas).....	115,796,265	91,568,113	26.5	Boston, Mass.—Continued			
Abilene, Tex.....	120,377	85,517	40.8	Middlesex County—Continued			
Jones County.....	19,299	22,147	—12.9	Belmont Township.....	28,715	27,381	4.9
Taylor County.....	101,078	63,370	59.5	Burlington Township.....	12,852	3,250	295.4
Akron, Ohio.....	605,367	473,986	27.7	Concord Township.....	12,517	8,623	45.2
Portage County*.....	91,798	63,954	43.5	Framingham Township.....	44,526	28,086	58.5
Summit County.....	513,569	410,032	25.3	Lexington Township.....	27,691	17,335	59.7
Albany, Ga.....	75,680	43,617	73.5	Lincoln Township.....	5,613	2,427	131.3
Dougherty County.....	75,680	43,617	73.5	Natick Township.....	28,831	19,838	45.3
Albany-Schenectady-Troy, N.Y.	657,503	589,359	11.6	North Reading Township.....	8,331	4,402	89.3
Albany County.....	272,926	239,386	14.0	Reading Township.....	19,259	14,006	37.5
Rensselaer County.....	142,585	132,607	7.5	Sherborn Township*.....	1,806	1,245	45.1
Saratoga County.....	89,096	74,689	19.0	Stoneham Township.....	17,821	13,229	34.7
Schenectady County.....	152,896	142,497	7.3	Sudbury Township.....	7,447	2,596	186.9
Albuquerque, N. Mex.....	262,199	145,673	80.0	Wakefield Township.....	24,295	19,633	23.7
Bernalillo County.....	262,199	145,673	80.0	Watertown Township.....	39,092	37,329	4.7
Allentown-Bethlehem-Easton, Pa.-N.J.	492,168	437,824	12.4	Wayland Township.....	10,444	4,407	137.0
Lehigh County, Pa.....	227,536	198,207	14.8	Weston Township.....	8,261	5,026	64.4
Northampton County, Pa.....	201,412	185,243	8.7	Wilmington Township.....	12,475	7,039	77.2
Warren County, N.J.....	63,220	54,374	16.3	Winchester Township.....	19,376	15,509	24.9
Altonna, Pa.....	137,270	139,514	—1.6	Norfolk County (part).....	446,524	348,166	28.3
Blair County.....	137,270	139,514	—1.6	Quincy City.....	87,409	83,835	4.3
Amarillo, Tex.....	149,493	87,140	71.6	Braintree Township.....	31,069	23,161	34.1
Potter County.....	115,580	73,366	57.5	Brookline Township.....	54,044	57,589	—6.2
Randall County.....	33,913	13,774	146.2	Canton Township.....	12,771	7,465	71.1
Anaheim-Santa Ana-Garden Grove, Calif.	703,925	216,224	225.6	Cohasset Township.....	5,840	3,781	56.5
Orange County.....	703,925	216,224	225.6	Dedham Township.....	23,869	18,487	29.1
Ann Arbor, Mich.....	172,440	134,606	28.1	Dover Township.....	2,846	1,722	65.3
Washtenaw County.....	172,440	134,606	28.1	Holbrook Township.....	10,104	4,004	152.3
Asheville, N.C.....	130,074	124,403	4.6	Medfield Township.....	6,021	4,549	32.4
Buncombe County.....	130,074	124,403	4.6	Milton Township.....	26,375	22,395	17.8
Atlanta, Ga.....	1,017,188	726,989	39.9	Millis Township*.....	4,374	2,551	71.5
Clayton County.....	46,365	22,872	102.7	Needham Township.....	25,793	16,313	58.1
Cobb County.....	114,174	61,830	84.7	Norfolk Township.....	3,471	2,704	28.4
De Kalb County.....	256,782	136,395	88.3	Norwood Township.....	24,898	16,636	49.7
Fulton County.....	556,326	473,572	17.5	Randolph Township.....	18,900	9,982	89.3
Gwinnett County.....	43,541	32,320	34.7	Sharon Township.....	10,070	4,847	107.8
Atlantic City, N.J.....	160,880	132,399	21.5	Walpole Township.....	14,068	9,109	54.4
Atlantic County.....	160,880	132,399	21.5	Wellesley Township.....	26,071	20,549	26.9
Augusta, Ga.-S.C.....	216,639	162,013	33.7	Westwood Township.....	10,354	5,837	77.4
Richmond County, Ga.....	135,601	108,876	24.5	Weymouth Township.....	48,177	32,690	47.4
Aiken County, S.C.....	81,038	53,137	52.5	Plymouth County (part).....	74,290	43,914	69.2
Austin, Tex.....	212,136	160,980	31.8	Duxbury Township.....	4,727	3,167	49.3
Travis County.....	212,136	160,980	31.8	Hanover Township.....	5,923	3,389	74.8
Bakersfield, Calif.....	291,984	228,309	27.9	Hingham Township.....	15,378	10,665	44.2
Kern County.....	291,984	228,309	27.9	Hull Township.....	7,055	3,379	108.8
Baltimore, Md.....	1,727,023	1,405,399	22.9	Marshfield Township.....	6,748	3,287	106.6
Baltimore City.....	939,024	949,708	—1.1	Norwell Township.....	5,207	2,515	107.0
Anne Arundel County.....	206,634	117,392	76.0	Pembroke Township.....	4,919	2,579	90.7
Baltimore County.....	492,428	270,273	82.2	Rockland Township.....	13,119	8,960	46.4
Carroll County.....	52,785	44,907	17.5	Seituate Township.....	11,214	5,993	87.1
Howard County.....	36,152	23,119	56.4	Suffolk County.....	791,329	896,615	—11.7
Baton Rouge, La.....	230,058	158,236	45.4	Boston City.....	697,197	801,444	—13.0
East Baton Rouge Parish.....	230,058	158,236	45.4	Chelsea City.....	33,749	38,912	—13.3
Bay City, Mich.....	107,042	88,461	21.0	Revere City.....	40,080	36,763	9.0
Bay County.....	107,042	88,461	21.0	Winthrop Town.....	20,303	19,496	4.1
Beaumont-Port Arthur, Tex.....	306,016	235,650	29.9	Bridgeport, Conn.....	337,983	275,888	22.5
Jefferson County.....	245,659	196,083	25.9	Fairfield County (part).....	296,321	249,018	19.0
Orange County.....	60,357	40,567	48.8	Bridgeport City.....	156,748	158,709	—1.2
Billings, Mont.....	79,016	55,875	41.4	Shelton City.....	18,190	12,694	43.3
Yellowstone County.....	79,016	55,875	41.4	Easton Township.....	3,407	2,165	57.4
Binghamton, N.Y.-Pa.....	283,600	246,834	14.9	Fairfield Township.....	46,183	30,489	51.5
Broome County, N.Y.....	212,661	184,698	15.1	Monroe Township.....	6,402	2,892	121.4
Tioga County, N.Y.*.....	37,802	30,166	25.3	Stratford Township.....	45,012	33,428	34.7
Susquehanna County, Pa.*.....	33,137	31,970	3.7	Trumbull.....	20,379	8,641	135.8
Birmingham, Ala.....	634,864	558,928	13.6	New Haven County (part).....	41,662	26,870	55.1
Jefferson County.....	634,864	558,928	13.6	Milford Township.....	41,662	26,870	55.1
Boise City, Idaho.....	93,460	70,649	32.3	Brockton, Mass.....	149,458	119,728	24.8
Ada County.....	93,460	70,649	32.3	Bristol County (part).....	9,078	6,244	45.4
Boston, Mass.....	2,595,481	2,414,368	7.5	Easton Township.....	9,078	6,244	45.4
Essex County (part).....	308,051	269,584	14.3	Norfolk County (part).....	20,629	13,812	49.4
Beverly City.....	36,108	28,884	25.0	Avon Township.....	4,301	2,666	61.3
Lynn City.....	94,478	99,738	—5.3	Stoughton Township.....	16,328	11,146	46.5
Peabody City.....	32,202	22,645	42.2	Plymouth County (part).....	119,751	99,672	20.1
Salem City.....	39,211	41,880	—6.4	Brockton City.....	72,813	62,860	13.8
Danvers Township.....	21,926	15,720	39.5	Abington Township.....	10,607	7,152	48.3
Hamilton Township.....	5,488	2,764	98.6	Bridgewater Township.....	10,276	9,512	8.0
Lynnfield Township.....	8,398	3,927	113.9	East Bridgewater Township.....	6,139	4,412	39.1
Manchester Township.....	3,932	2,868	37.1	Hanson Township.....	4,370	3,264	33.9
Marblehead Township.....	18,521	13,765	34.6	West Bridgewater Township.....	5,061	4,059	24.7
Middletown Township.....	3,718	2,916	27.5	Whitman Township.....	10,485	8,413	24.6
Nahant Township.....	3,960	2,679	47.8	Brownsville-Harlingen-San Benito, Tex.....	151,098	125,170	20.7
Saugus Township.....	20,666	17,162	20.4	Cameron County.....	151,098	125,170	20.7
Swampscott Township.....	13,294	11,580	14.8	Buffalo, N.Y.....	1,306,957	1,069,230	20.0
Topsfield Township.....	3,351	1,412	137.3	Erie County.....	1,064,688	899,238	18.4
Wenham Township.....	2,798	1,644	70.2	Niagara County.....	242,269	189,992	27.5
Middlesex County (part).....	975,287	856,099	13.9	Canton, Ohio.....	340,345	283,194	20.2
Cambridge City.....	107,716	120,740	—10.8	Stark County.....	340,345	283,194	20.2
Everett City.....	43,544	45,082	—3.3	Cedar Rapids, Iowa.....	136,899	104,274	31.3
Malden City.....	57,676	59,804	—3.6	Linn County.....	136,899	104,274	31.3
Medford City.....	64,971	66,113	—1.7	Champaign-Urbana, Ill.....	132,436	106,100	24.8
Melrose City.....	29,619	26,988	9.7	Champaign County.....	132,436	106,100	24.8
Newton City.....	92,384	81,094	12.7	Charleston, S.C.....	254,578	195,107	30.5
Somerville City.....	94,697	102,351	—7.5	Berkeley County*.....	38,196	30,251	26.3
Waltham City.....	55,413	47,187	17.4	Charleston County.....	216,382	164,856	31.3
Woburn City.....	31,214	20,492	52.3	Charleston, W.Va.....	252,925	239,629	5.5
Arlington Township.....	49,953	44,353	12.6	Kanawha County.....	252,925	239,629	5.5
Ashland Township.....	7,779	3,500	122.3	Charlotte, N.C.....	316,781	239,086	32.5
Bedford Township.....	10,969	5,234	109.6	Mecklenburg County.....	272,111	197,052	38.1
				Union County*.....	44,670	42,034	6.3

EXHIBIT 1—Continued

TABLE 1.—1960 and 1950 population of standard metropolitan statistical areas in the United States as defined on Oct. 18, 1963—Continued

[Asterisk (*) identifies additions to standard metropolitan statistical areas as defined for 1960 census. Minus sign (—) denotes decrease]

Standard metropolitan statistical area	1960	1950	Percent increase	Standard metropolitan statistical area	1960	1950	Percent increase
Chattanooga, Tenn.-Ga.	283,169	246,453	14.9	Flint, Mich.	416,239	306,757	35.7
Hamilton County, Tenn.	237,905	208,255	14.2	Genesee County	374,313	270,963	38.1
Walker County, Ga.	45,264	38,198	18.5	Lapeer County*	41,926	35,794	17.1
Chicago, Ill.	6,220,913	5,177,868	20.1	Fort Lauderdale-Hollywood, Fla.	333,946	83,933	297.9
Cook County	5,129,725	4,508,792	13.8	Broward County	333,946	83,933	297.9
Du Page County	313,459	154,599	102.8	Fort Smith, Ark.-Okla.	135,110	141,978	-4.8
Kane County	208,246	150,388	38.5	Crawford County, Ark.*	21,318	22,727	-6.2
Lake County	293,656	179,097	64.0	Sebastian County, Ark.	66,685	64,202	3.9
McHenry County	84,210	50,656	66.2	Le Flore County, Okla.*	29,106	35,276	-17.5
Will County	191,617	134,336	42.6	Sequoyah County, Okla.*	18,001	19,773	-9.0
Cincinnati, Ohio-Ind.-Ky.	1,268,479	1,023,245	24.0	Fort Wayne, Ind.	232,196	183,722	26.4
Clermont County, Ohio*	80,530	42,182	90.9	Allen County	232,196	183,722	26.4
Hamilton County, Ohio	864,121	723,952	19.4	Fort Worth, Tex.	573,215	392,643	46.0
Warren County, Ohio*	65,711	38,505	70.7	Johnson County	34,720	31,300	10.6
Dearborn County, Ind.*	28,674	25,141	14.1	Tarrant County	538,495	361,253	49.1
Boone County, Ky.*	21,940	13,015	68.6	Fresno, Calif.	365,945	276,515	32.3
Campbell County, Ky.	86,803	76,196	13.9	Fresno County	365,945	276,515	32.3
Kenton County, Ky.	120,700	104,254	15.8	Gadsden, Ala.	96,980	93,892	3.3
Cleveland, Ohio	1,909,483	1,532,574	24.6	Etowah County	96,980	93,892	3.3
Cuyahoga County	1,647,895	1,389,532	18.6	Galveston-Texas City, Tex.	140,364	113,066	24.1
Geauga County*	47,573	26,646	78.5	Galveston County	140,364	113,066	24.1
Lake County	148,700	75,979	95.7	Gary-Hammond-East Chicago, Ind.	573,548	408,228	40.5
Medina County*	65,315	40,417	61.6	Lake County	513,269	368,152	39.4
Colorado Springs, Colo.	143,742	74,523	92.9	Porter County	60,279	40,076	50.4
El Paso County	143,742	74,523	92.9	Grand Rapids, Mich.	461,906	362,043	27.6
Columbia, S.C.	260,828	186,844	39.6	Kent County	363,187	288,292	26.0
Lexington County	60,726	44,279	37.1	Ottawa County*	98,719	73,751	33.9
Richland County	200,102	142,565	40.4	Great Falls, Mont.	73,418	53,027	38.5
Columbus, Ga.-Ala.	217,985	170,541	27.8	Cascade County	73,418	83,027	-13.5
Chattahoochee County, Ga.	13,011	12,149	7.1	Green Bay, Wis.	125,082	98,314	27.2
Muscogee County, Ga.	158,623	118,028	34.4	Brown County	125,082	98,314	27.2
Russell County, Ala.	46,351	40,364	14.8	Greensboro-High Point, N.C.	246,520	191,057	29.0
Columbus, Ohio	754,924	563,040	34.1	Guilford County	246,520	191,057	29.0
Delaware County*	36,107	30,278	19.3	Greenville, S.C.	255,806	208,210	22.9
Franklin County	682,962	503,410	35.7	Greenville County	209,776	168,152	24.8
Pickaway County*	35,855	29,352	22.2	Pickens County*	46,030	40,058	14.9
Corpus Christi, Tex.	221,573	165,471	33.9	Hamilton-Middletown, Ohio	199,076	147,203	35.2
Nueces County	221,573	165,471	33.9	Butler County	199,076	147,203	35.2
Dallas, Tex.	1,083,601	743,501	45.7	Harrisburg, Pa.	371,653	317,023	17.2
Collin County	41,247	41,692	-1.1	Cumberland County	124,816	94,457	32.1
Dallas County	951,527	614,799	54.8	Dauphin County	220,255	197,784	11.4
Denton County	47,432	41,365	14.7	Perry County*	26,582	24,782	7.3
Ellis County	43,395	45,645	-4.9	Hartford, Conn.	549,249	420,009	30.8
Davenport-Rock Island-Moline, Iowa-Ill.	319,375	280,748	13.8	Hartford County (part)	508,868	396,153	28.5
Scotts County, Iowa	119,067	100,698	18.2	Hartford City	162,178	177,397	-8.6
Henry County, Ill.	49,317	46,492	6.1	Avon Township	5,273	3,171	66.3
Rock Island County, Ill.	150,991	133,558	13.1	Bloomfield Township	13,613	5,746	136.9
Dayton, Ohio	727,121	545,723	33.2	Canton Township	4,783	3,613	32.4
Greene County	94,642	58,892	60.7	East Granby Township*	2,434	1,327	83.4
Miami County	72,901	61,309	18.9	East Hartford Township	43,977	29,933	46.9
Montgomery County	527,080	398,441	32.3	East Windsor Township	7,500	4,859	54.4
Preble County*	32,498	27,081	20.0	Enfield Township	31,464	16,464	103.5
Decatur, Ill.	118,257	98,853	19.6	Farmington Township	10,813	7,026	53.9
Macon County	118,257	98,853	19.6	Glastonbury Township	14,497	8,818	64.4
Denver, Colo.	929,383	612,128	51.8	Granby Town*	4,968	2,693	84.5
Adams County	120,296	40,234	199.0	Manchester Township	42,102	34,116	23.4
Arapahoe County	113,426	52,125	117.6	Newington Township	17,664	9,110	93.9
Boulder County	74,254	48,296	53.7	Rocky Hill Township	7,404	5,108	44.9
Denver County	493,887	415,786	18.8	Simsbury Township	10,138	4,822	110.2
Jefferson County	127,520	55,687	129.0	South Windsor Township	9,460	4,066	132.7
Des Moines, Iowa	266,315	226,010	17.8	Suffield Township	6,779	4,895	38.5
Polk County	266,315	226,010	17.8	West Hartford Township	62,382	44,402	40.5
Detroit, Mich.	3,762,360	3,016,197	24.7	Wethersfield Township	20,561	12,533	64.1
Macomb County	405,804	184,961	119.4	Windsor Township	19,467	11,833	64.5
Oakland County	690,259	396,001	74.3	Windsor Locks Township	11,411	5,221	118.6
Wayne County	2,666,297	1,435,235	9.5	Middlesex County (part)	6,780	4,286	58.2
Dubuque, Iowa	8,0048	71,337	12.2	Cromwell Township	6,780	4,286	58.2
Dubuque County	80,048	71,337	12.2	Tolland County (part)	33,601	19,570	71.7
Duluth-Superior, Minn.-Wis.	276,596	252,777	9.4	Andover Town*	1,771	1,034	71.3
St. Louis County, Minn.	231,588	206,062	12.4	Bolton Town*	2,933	1,279	129.3
Douglas County, Wis.	45,008	46,715	-3.7	Coventry Town*	6,356	4,043	57.2
Durham, N.C.	111,995	101,639	10.2	Ellington Town*	5,580	3,099	80.1
Durham County	111,995	101,639	10.2	Vernon Township	16,961	10,115	67.7
El Paso, Tex.	314,070	194,968	61.1	Honolulu, Hawaii	500,409	353,020	41.8
El Paso County	314,070	194,968	61.1	Honolulu County	500,409	353,020	41.8
Erie, Pa.	250,682	219,388	14.3	Houston, Tex.	1,243,158	806,701	54.1
Erie County	250,682	219,388	14.3	Harris County	1,243,158	806,701	54.1
Eugene, Oreg.	162,890	125,776	29.5	Huntington-Ashland, W.Va.-Ky.-Ohio	254,780	245,795	3.7
Lane County	162,890	125,776	29.5	Cabell County, W.Va.	108,202	108,035	.2
Evansville, Ind.-Ky.	222,890	212,664	4.8	Wayne County, W.Va.	38,977	38,696	.7
Vanderburgh County, Ind.	165,794	160,422	3.3	Boyd County, Ky.	52,163	49,949	4.4
Warrick County, Ind.*	23,577	21,527	9.5	Lawrence County, Ohio	55,438	49,115	12.9
Henderson County, Ky.	33,519	30,715	9.1	Huntsville, Ala.	153,861	108,669	41.6
Fall River, Mass.-R.I.	138,156	137,298	0.6	Limestone County*	36,513	35,766	2.1
Bristol County, Mass. (part)	128,695	131,639	-2.2	Madison County	117,348	72,903	61.0
Fall River City	99,942	111,963	-10.7	Indianapolis, Ind.	916,932	703,129	30.4
Somerset Township	12,196	8,566	42.4	Hamilton County*	40,132	28,491	40.9
Swansea Township	9,916	6,121	62.0	Hancock County*	26,665	20,332	31.1
Westport Township	6,641	4,989	33.1	Hendricks County*	40,896	24,594	66.3
Newport County, R.I. (part)	9,461	5,659	67.2	Johnson County*	43,704	26,183	66.9
Tiverton Township	9,461	5,659	67.2	Marion County	697,567	551,777	26.4
Fargo-Moorhead, N. Dak.-Minn.	106,027	89,240	18.8	Morgan County*	33,875	23,726	42.8
Cass County, N. Dak.	66,947	58,877	13.7	Shelby County*	34,093	28,026	21.6
Clay County, Minn.	39,080	30,363	28.7	Jackson, Mich.	131,994	107,925	22.3
Fitchburg-Leominster, Mass.	90,158	80,528	12.0	Jackson County	131,994	107,925	22.3
Middlesex County (part)	8,852	7,088	24.9	Jackson, Miss.	221,367	171,045	29.4
Shirley Township	5,202	4,271	21.8	Hinds County	187,045	142,164	31.6
Townsend Township*	3,650	2,817	29.6	Rankin County*	34,322	28,881	18.8
Worcester County (part)	81,306	73,440	10.7	Jacksonville, Fla.	455,411	304,029	49.8
Pitchburg City	43,021	42,691	.8	Duval County	455,411	304,029	49.8
Leominster City	27,929	24,075	16.0	Jersey City, N.J.	610,734	647,437	-5.7
Lunenburg Township	6,334	3,906	62.2	Hudson County	610,734	647,437	-5.7
Westminster Township*	4,022	2,768	45.3				

EXHIBIT 1—Continued

TABLE 1.—1960 and 1950 population of standard metropolitan statistical areas in the United States as defined on Oct. 18, 1963—Continued

[Asterisk (*) identifies additions to standard metropolitan statistical areas as defined for 1960 census. Minus sign (—) denotes decrease]

Standard metropolitan statistical area	1960	1950	Percent increase	Standard metropolitan statistical area	1960	1950	Percent increase
Johnstown, Pa.	280,733	291,354	-3.6	Memphis, Tenn.-Ark.	674,583	529,577	27.4
Cambria County	203,283	209,541	-3.0	Shelby County, Tenn.	627,017	482,393	30.0
Somerset County	77,450	81,813	-5.3	Crittenden County, Ark.*	47,564	47,184	0.8
Kalamazoo, Mich.	169,712	126,707	33.9	Meriden, Conn.	51,850	44,088	17.6
Kalamazoo County	169,712	126,707	33.9	New Haven County (part)	51,850	44,088	17.6
Kansas City, Mo.-Kans.	1,092,545	848,655	28.7	Meriden City	51,850	44,088	17.6
Cass County, Mo.*	29,702	19,325	53.7	Miami, Fla.	935,047	495,084	88.9
Clay County, Mo.	87,474	45,221	93.4	Dade County	935,047	495,084	88.9
Jackson County, Mo.	622,732	541,035	15.1	Midland, Tex.	67,717	25,785	162.6
Platte County, Mo.*	23,350	14,973	55.9	Midland County	67,717	25,785	162.6
Johnson County, Kans.	143,792	62,783	129.0	Milwaukee, Wis.	1,232,731	980,309	25.7
Wyandotte County, Kans.	185,495	165,318	12.2	Milwaukee County	1,036,041	871,047	18.9
Kenosha, Wis.	100,615	75,238	33.7	Ozaukee County*	38,441	23,361	64.6
Kenosha County	100,615	75,238	33.7	Waukesha County	158,249	85,901	84.2
Knoxville, Tenn.	368,080	337,105	9.2	Minneapolis-St. Paul, Minn.	1,482,030	1,151,653	28.8
Anderson County	60,032	59,407	1.1	Anoka County	859,916	35,579	141.5
Blount County	57,525	54,691	5.2	Dakota County	78,303	49,019	59.7
Knox County	250,523	223,007	12.3	Hennepin County	842,854	676,579	24.6
Lafayette, La. ²	84,656	57,743	46.6	Ramsey County	422,525	355,332	18.9
Lafayette Parish	84,656	57,743	46.6	Washington County	52,432	34,544	51.8
Lake Charles, La.	145,475	89,635	62.3	Mobile, Ala.	363,389	272,102	33.5
Calcasieu Parish	145,475	89,635	62.3	Baldwin County*	49,088	40,997	19.7
Lancaster, Pa.	278,359	234,717	18.6	Mobile County	314,301	231,105	36.6
Lancaster County	278,359	234,717	18.6	Monroe, La.	101,663	74,713	36.1
Lansing, Mich.	298,949	244,159	22.4	Ouachita Parish	101,663	74,713	36.1
Clinton County	37,969	31,195	21.7	Montgomery, Ala.	199,734	170,614	17.1
Eaton County	49,684	40,023	24.1	Elmore County*	30,524	31,649	-3.6
Ingham County	211,296	172,941	22.2	Montgomery County	169,210	138,965	21.8
Laredo, Tex.	64,791	56,141	15.4	Muncie, Ind.	110,938	90,253	22.9
Webb County	64,791	56,141	15.4	Delaware County	110,938	90,253	22.9
Las Vegas, Nev.	127,016	48,289	163.0	Muskegon-Muskegon Heights, Mich.	149,943	121,545	23.4
Clark County	127,016	48,289	163.0	Muskegon County	149,943	121,545	23.4
Lawrence-Haverhill, Mass.-N.H.	199,136	190,428	4.6	Nashville, Tenn.	463,628	381,609	21.5
Essex County, Mass. (part)	185,592	182,368	1.8	Davidson County	399,743	321,758	24.2
Lawrence City	70,933	80,536	-11.9	Sumner County*	36,217	33,533	8.0
Haverhill City	46,346	47,280	-2.0	Wilson County*	27,668	26,318	5.1
Andover Township	17,134	12,437	37.8	New Bedford, Mass.	143,176	141,984	.8
Georgetown Township*	3,755	2,411	55.7	Bristol County (part)	137,178	187,469	-2.2
Groveland Township	3,297	2,340	40.9	New Bedford City	102,477	109,189	-6.1
Merrimac Township*	3,261	2,804	16.3	Acushnet Township	5,755	4,401	30.8
Methuen Township	28,114	24,477	14.9	Dartmouth Township	14,607	11,115	31.4
North Andover Township	10,908	8,485	28.6	Fairhaven Township	14,339	12,764	12.3
West Newbury Township*	1,844	1,598	15.4	Plymouth County (part)	5,998	4,515	32.8
Rockingham County, N.H. (part)	13,544	8,060	68.0	Marion Township	2,881	2,250	28.0
Newton Township*	1,419	1,173	21.0	Mattapoisett Township	3,117	2,265	37.6
Plaistow Township	2,915	2,652	40.0	New Britain, Conn.	129,397	104,251	24.1
Salem Township	9,210	4,805	91.7	Hartford County (part)	129,397	104,251	24.1
Lawton, Okla.	90,803	55,165	64.6	New Britain City	82,201	73,726	11.5
Comanche County	90,803	55,165	64.6	Berlin Township	11,250	7,470	50.6
Lewiston-Auburn, Maine	70,295	68,426	2.7	Plainville Township	13,149	9,994	31.6
Androscoggin County (part)	70,295	68,426	2.7	Southington Township	22,797	13,061	74.5
Auburn City	24,449	23,134	5.7	New Haven, Conn.	320,836	273,049	17.5
Lewiston City	40,804	40,974	-0.4	New Haven County (part)	320,836	273,049	17.5
Lisbon Township	5,042	4,318	16.8	New Haven City	152,048	164,443	-7.5
Lexington, Ky.	131,906	100,746	30.9	Bethany Township*	2,384	1,318	80.9
Yayette County	131,906	100,746	30.9	Branford Township	16,610	10,944	51.8
Lima, Ohio	103,691	88,183	17.6	East Haven Township	21,388	12,212	75.1
Allen County	103,691	88,183	17.6	Guilford Township	7,913	5,092	55.4
Lincoln, Nebr.	155,272	119,742	29.7	Hamden Township	41,056	29,715	38.2
Lancaster County	155,272	119,742	29.7	North Branford Township*	6,771	2,017	235.7
Little Rock-North Little Rock, Ark.	242,980	196,685	23.5	North Haven Township	15,935	9,444	68.7
Pulaski County	242,980	196,685	23.5	Orange Township	8,547	3,032	181.9
Lorain-Elyria, Ohio	217,500	148,162	46.8	West Haven Township	43,002	32,010	34.3
Lorain County	217,500	148,162	46.8	Woodbridge Township	5,182	2,822	83.6
Los Angeles-Long Beach, Calif.	6,038,771	4,151,687	45.5	New London-Groton-Norwich, Conn.	170,981	134,612	27.0
Los Angeles County	6,038,771	4,151,687	45.5	New London County (part)	170,981	134,612	27.0
Louisville, Ky.-Ind.	725,139	576,900	25.7	New London City	34,182	3,551	11.9
Jefferson County, Ky.	610,947	484,615	26.1	Norwich Township	38,506	37,633	2.3
Clark County, Ind.	62,795	48,330	29.9	Norwich City	38,506	23,429	64.4
Floyd County, Ind.	51,397	43,955	16.9	East Lyme Township	6,782	3,870	75.2
Lowell, Mass.	164,243	140,249	17.1	Griswold Township*	6,472	5,728	13.0
Middlesex County (part)	164,243	140,249	17.1	Groton Township	29,937	21,896	36.7
Lowell City	92,107	97,249	-5.3	Ledyard Township	5,395	1,749	208.5
Billerica Township	17,867	11,101	60.9	Lisbon Township*	2,019	1,282	57.5
Chelmsford Township	15,130	9,407	60.8	Montville Township	7,759	4,766	62.8
Dracut Township	13,674	8,666	57.8	Old Lyme Township*	3,068	2,141	43.3
Tewksbury Township	15,902	7,505	111.9	Preston Township	4,992	1,775	181.2
Tyngsborough Township	3,302	2,059	60.4	Stonington Township	13,969	11,801	18.4
Westford Township*	6,261	4,262	46.9	Sprague Township*	2,509	2,320	8.1
Lubbock, Tex.	156,271	101,048	54.7	Waterford Township	15,391	9,100	69.1
Lubbock County	156,271	101,048	54.7	New Orleans, La.	907,123	712,393	27.3
Lynchburg, Va.	110,701	96,936	14.2	Jefferson Parish	208,769	103,873	101.0
Lynchburg City	54,790	47,727	14.8	Orleans Parish	627,525	570,445	10.0
Amherst County	22,953	20,332	12.9	St. Bernard Parish	32,186	11,087	190.3
Campbell County	32,958	28,877	14.1	St. Tammany Parish*	38,643	26,988	43.2
Macon, Ga.	180,403	135,043	33.6	New York, N.Y.	10,694,633	9,555,943	11.9
Bibb County	141,249	114,079	23.8	New York City	7,781,984	7,981,957	-1.4
Houston County	39,154	20,964	86.8	Bronx County	1,424,815	1,451,277	-1.8
Madison, Wis.	222,095	169,357	31.1	Kings County	2,627,319	2,738,175	-4.0
Dane County	222,095	169,357	31.1	New York County	1,698,281	1,960,101	-13.4
Manchester, N.H.	102,861	93,338	10.2	Queens County	1,809,578	1,550,849	16.7
Hillsborough County (part)	99,148	90,546	9.5	Richmond County	221,991	191,555	15.9
Manchester City	88,282	82,732	6.7	Nassau County	1,300,171	672,765	93.3
Bedford Township*	3,636	2,176	67.1	Rockland County	136,803	89,276	53.2
Goffstown Township	7,230	5,638	28.2	Suffolk County	666,784	276,129	141.5
Merrimack County (part)	3,713	2,792	33.0	Westchester County	808,891	625,816	29.3
Hooksett Township*	3,713	2,792	33.0				

EXHIBIT 1—Continued

TABLE 1.—1960 and 1950 population of standard metropolitan statistical areas in the United States as defined on Oct. 18, 1963—Continued

[Asterisk (*) identifies additions to standard metropolitan statistical areas as defined for 1960 census. Minus sign (—) denotes decrease]

Standard metropolitan statistical area	1960	1950	Percent increase	Standard metropolitan statistical area	1960	1950	Percent increase
Newark, N.J.	1,689,420	1,468,458	15.0	Providence-Pawtucket, R.I.-Mass.—Continued			
Essex County	923,545	905,949	1.9	Providence County, R.I.—Continued			
Morris County	261,620	164,371	59.2	Johnston Township	17,160	12,725	34.9
Union County	504,255	398,138	26.7	Lincoln Township	13,551	11,270	20.2
Newport News-Hampton, Va.	224,503	154,977	44.9	North Providence Township	18,220	13,927	30.8
Hampton City	89,258	260,994	46.3	North Smithfield Township	7,632	5,726	33.3
Newport News City	113,662	82,233	38.2	Smithfield Township	9,442	6,690	41.1
York County	21,583	11,750	83.7	Washington County, R.I. (part)	22,421	17,098	31.1
Norfolk-Portsmouth, Va.	578,507	446,200	29.7	Narragansett Township	3,444	2,288	50.5
Chesapeake City [*]	73,647	110,371	-33.3	North Kingstown Township	18,977	14,810	28.1
Norfolk City	304,869	213,513	42.8	Bristol County, Mass. (part)	55,247	45,759	20.7
Portsmouth City	114,773	80,039	43.4	Attleboro City	27,118	23,809	13.9
Virginia Beach City [*]	85,218	42,277	101.6	North Attleboro Township	14,777	12,146	21.7
Norwalk, Conn.	96,756	65,685	47.3	Rehoboth Township [*]	4,953	3,700	33.9
Fairfield County (part)	96,756	65,685	47.3	Seekonk Township	8,399	6,104	37.6
Norwalk City	67,775	49,460	37.0	Norfolk County, Mass. (part)	27,799	19,566	42.1
Westport Township	20,955	11,667	79.6	Bellingham Township	6,774	4,100	65.2
Wilton Township	8,026	4,558	76.1	Franklin Township	10,530	8,037	31.0
Odessa, Tex.	90,995	42,102	116.1	Plainville Township	3,810	2,088	82.5
Ector County	90,995	42,102	116.1	Wrentham Township	6,685	5,341	25.2
Ogden, Utah	110,744	83,319	32.9	Worcester County, Mass. (part)	6,697	6,660	0.6
Weber County	110,744	83,319	32.9	Blackstone Township	5,130	4,968	3.3
Oklahoma City, Okla.	511,833	392,439	30.4	Millville Township	1,567	1,692	-7.4
Canadian County	24,727	25,644	-3.6	Provo-Orem, Utah	106,991	81,912	30.6
Cleveland County	47,600	41,443	14.9	Utah County	106,991	81,912	30.6
Oklahoma County	439,506	325,352	35.1	Pueblo, Colo.	118,707	90,188	31.6
Omaha, Nebr.-Iowa	457,873	366,395	25.0	Pueblo County	118,707	90,188	31.6
Douglas County, Nebr.	343,490	281,020	22.2	Racine, Wis.	141,781	109,585	29.4
Sarpy County, Nebr.	31,281	15,693	99.3	Racine County	141,781	109,585	29.4
Pottawattamie County, Iowa	83,102	69,682	19.3	Raleigh, N.C.	169,082	136,450	23.9
Orlando, Fla.	318,487	141,833	124.6	Wake County	169,082	136,450	23.9
Orange County	263,540	114,950	129.3	Reading, Pa.	275,414	255,740	7.7
Seminole County	54,947	26,883	104.4	Berks County	275,414	255,740	7.7
Paterson-Clifton-Passiac, N.J.	1,186,874	876,232	35.5	Reno, Nev.	84,743	50,205	68.8
Bergen County	780,255	539,139	44.7	Washoe County	84,743	50,205	68.8
Passiac County	406,618	337,093	20.6	Richmond, Va.	436,044	350,035	24.6
Pensacola, Fla.	203,376	131,260	54.9	Richmond City	219,958	230,310	-4.5
Escambia County	173,829	112,706	54.2	Chesterfield County	71,197	40,400	76.2
Santa Rosa County	29,547	18,554	59.2	Hanover County [*]	27,550	21,985	25.3
Peoria, Ill.	313,412	271,847	15.3	Henrico County	117,339	57,340	104.6
Peoria County	189,044	174,347	8.4	Roanoke, Va.	158,803	133,407	19.0
Tazewell County	99,789	76,165	31.0	Roanoke City	97,110	91,921	5.6
Woodford County [*]	24,579	21,335	15.2	Roanoke County	61,693	41,486	48.7
Philadelphia, Pa.-N.J.	4,342,897	3,671,048	18.3	Rochester, N.Y.	732,588	615,044	19.1
Bucks County, Pa.	308,567	144,620	113.4	Livingston County [*]	44,053	40,257	9.4
Chester County, Pa.	210,608	159,141	32.3	Monroe County	586,387	487,632	20.3
Delaware County, Pa.	553,154	414,234	33.5	Orleans County [*]	34,159	29,832	14.5
Montgomery County, Pa.	516,682	353,068	46.3	Wayne County [*]	67,989	57,323	18.6
Philadelphia County, Pa.	2,002,512	2,071,605	-3.3	Rockford, Ill.	230,091	169,455	35.8
Burlington County, N.J.	224,499	135,910	65.2	Boone County [*]	20,326	17,070	19.1
Camden County, N.J.	392,035	300,743	30.4	Winnebago County	209,765	152,385	37.7
Gloucester County, N.J.	134,840	91,727	47.0	Sacramento, Calif.	625,503	359,420	74.0
Phoenix, Ariz.	663,510	331,770	100.0	Placer County [*]	56,998	41,649	36.9
Maricopa County	663,510	331,770	100.0	Sacramento County	502,778	277,140	81.4
Pittsburgh, Pa.	2,405,435	2,213,236	8.7	Yolo County [*]	65,727	40,640	61.7
Allegheny County	1,628,587	1,515,237	7.5	Saginaw, Mich.	190,752	153,515	24.3
Beaver County	206,948	175,192	18.1	Saginaw County	190,752	153,515	24.3
Washington County	217,271	209,628	3.6	St. Joseph, Mo.	90,581	96,826	-6.4
Westmoreland County	352,629	313,179	12.6	Buchanan County	90,581	96,826	-6.4
Pittsfield, Mass.	76,772	68,636	11.9	St. Louis, Mo.-Ill.	2,104,669	1,755,334	19.9
Berkshire County (part)	76,772	68,636	11.9	St. Louis City, Mo.	750,026	856,796	-12.5
Pittsfield City	57,879	53,348	8.5	Franklin County, Mo. [*]	44,566	36,046	23.6
Dalton Township	6,436	4,772	34.9	Jefferson County, Mo.	66,377	38,007	74.6
Lanesborough Township [*]	2,933	2,069	41.8	St. Charles County, Mo.	52,970	29,834	77.5
Lee Township	5,271	4,820	9.4	St. Louis County, Mo.	703,532	406,349	73.1
Lenox Township	4,253	3,627	17.3	Madison County, Ill.	224,689	182,307	23.2
Portland, Maine	139,122	133,983	3.8	St. Clair County, Ill.	262,509	205,995	27.4
Cumberland County (part)	139,122	133,983	3.8	Salt Lake City, Utah	447,795	305,762	46.5
Portland City	72,566	77,634	-6.5	Davis County [*]	64,760	30,867	109.8
South Portland City	22,788	21,866	4.2	Salt Lake County	383,035	274,895	39.3
Westbrook City	13,820	12,284	12.5	San Angelo, Tex.	64,630	58,929	9.7
Cape Elizabeth Township	5,505	3,816	44.3	Tom Green County	64,630	58,929	9.7
Cumberland Township [*]	2,765	2,030	36.2	San Antonio, Tex.	716,168	525,852	36.2
Falmouth Township	5,976	4,342	37.6	Bexar County	687,151	500,460	37.3
Gorham Township [*]	5,767	4,742	21.6	Guadalupe County [*]	29,017	25,392	11.3
Scarborough Township [*]	6,418	4,600	39.5	San Bernardino-Riverside-Ontario, Calif.	809,782	451,688	79.3
Yarmouth Township [*]	3,517	2,669	31.8	Riverside County	306,191	170,046	80.1
Portland, Oreg.-Wash.	821,897	704,829	16.6	San Bernardino County	503,591	281,642	78.8
Clackamas County, Oreg.	113,038	86,716	30.4	San Diego, Calif.	1,033,011	556,808	85.5
Multnomah County, Oreg.	522,813	471,537	10.9	San Diego County	1,033,011	556,808	85.5
Washington County, Oreg.	92,237	61,269	50.5	San Francisco-Oakland, Calif.	2,648,762	2,135,934	24.0
Clark County, Wash.	93,809	85,307	10.0	Alameda County	908,209	740,315	22.7
Providence-Pawtucket, R.I.-Mass.	821,101	763,902	7.5	Contra Costa County	409,030	298,984	36.8
Bristol County, R.I.	37,146	29,079	27.7	Marin County	146,820	85,619	71.5
Barrington Township	13,826	8,246	67.7	San Francisco County	740,316	775,367	-4.5
Bristol Township	14,570	12,320	18.3	San Mateo County	444,387	235,659	88.6
Warren Township	8,750	8,513	2.8	San Jose, Calif.	642,315	290,547	121.1
Kent County, R.I. (part)	111,450	76,916	44.9	Santa Clara County	642,315	290,547	121.1
Warwick City	68,504	43,028	59.2	Santa Barbara, Calif.	168,962	98,220	72.0
Coventry Township	15,432	9,869	56.4	Santa Barbara County	168,962	98,220	72.0
East Greenwich Township	6,100	4,923	23.9	Savannah, Ga.	188,299	151,481	24.3
West Warwick Township	21,414	19,096	12.1	Chatham County	188,299	151,481	24.3
Newport County, R.I. (part)	2,267	2,068	9.6	Scranton, Pa.	234,531	257,396	-8.9
Jamestown Township	2,267	2,068	9.6	Lackawanna County	234,531	257,396	-8.9
Providence County, R.I. (part)	558,074	566,756	-1.5	Seattle, Wash.	1,107,213	844,572	31.1
Central Falls City	19,858	23,550	-15.7	King County	935,014	732,992	27.6
Cranston City	66,766	55,060	21.3	Snohomish County	172,199	111,580	54.3
East Providence City	41,955	35,871	17.0	Shreveport, La.	281,481	216,686	29.9
Pawtucket City	81,001	81,436	-0.5	Bossier Parish	57,622	40,139	43.6
Providence City	207,498	248,674	-16.6	Caddo Parish	223,859	176,547	26.8
Woonsocket City	47,080	50,211	-6.2	Sloux City, Iowa-Nebr.	120,017	114,318	5.0
Burrillville Township	9,119	8,774	3.9	Woodbury County, Iowa	107,849	103,917	3.8
Cumberland Township	18,792	12,842	46.3	Dakota County, Nebr. [*]	12,168	10,401	17.0

EXHIBIT 1—Continued

TABLE 1.—1960 and 1950 population of standard metropolitan statistical areas in the United States as defined on Oct. 18, 1963—Continued

[Asterisk (*) identifies additions to standard metropolitan statistical areas as defined for 1960 census. Minus sign (—) denotes decrease]

Standard metropolitan statistical area	1960	1950	Percent increase	Standard metropolitan statistical area	1960	1950	Percent increase
Sioux Falls, S. Dak.	86,575	70,910	22.1	Tyler, Tex.	86,350	74,701	15.6
Minnehaha County	86,575	70,910	22.1	Smith County	86,350	74,701	15.6
South Bend, Ind.	271,057	234,526	15.6	Utica-Rome, N.Y.	330,771	284,262	16.4
Marshall County*	32,443	29,468	10.1	Herkimer County	66,370	61,407	8.1
St. Joseph County	238,614	205,058	16.4	Oneida County	264,401	222,855	18.6
Spokane, Wash.	278,333	221,561	25.6	Vallejo-Napa, Calif. ⁷	200,487	151,436	32.4
Spokane County	278,333	221,561	25.6	Napa County	65,890	46,603	41.4
Springfield, Ill.	146,539	131,484	11.5	Solano County	134,597	104,833	28.4
Sangamon County	146,539	131,484	11.5	Waco, Tex.	150,091	130,194	15.3
Springfield, Mo.	126,276	104,823	20.5	McLennan County	150,091	130,194	15.3
Greene County	126,276	104,823	20.5	Washington, D.C.-Md.-Va.	2,001,897	1,464,089	36.7
Springfield, Ohio	131,440	111,661	17.7	Washington, D.C.	763,956	802,178	-4.8
Clark County	131,440	111,661	17.7	Montgomery County, Md.	340,928	164,401	107.4
Springfield-Chicopee-Holyoke, Mass.-Conn.	493,999	422,163	17.0	Prince Georges County, Md.	357,395	194,182	84.1
Hampden County, Mass. (part)	422,254	361,724	16.7	Alexandria City, Va. ⁸	91,023	61,787	47.3
Chicopee City	61,553	49,211	25.1	Fairfax City, Va. ⁸	13,585	1,946	598.1
Holyoke City	52,689	54,661	-3.6	Falls Church City, Va.	10,192	7,535	35.3
Springfield City	174,463	162,399	7.4	Arlington County, Va.	163,401	135,449	20.6
Westfield City	26,302	20,962	25.5	Fairfax County, Va.	261,417	96,611	179.0
Agawam Township	15,718	10,166	54.6	Waterbury, Conn.	185,548	157,220	18.0
East Longmeadow Township	10,294	4,881	110.9	Litchfield County (part)	24,597	18,159	35.5
Hampden Township*	2,345	1,322	77.4	Thomaston Township	5,850	4,896	19.5
Longmeadow Township	10,565	6,508	62.3	Watertown Township	14,837	10,699	38.7
Ludlow Township	13,805	8,660	59.4	Woodbury Township*	3,910	2,564	52.5
Monson Township	6,712	6,125	9.6	New Haven County (part)	160,951	139,061	15.7
Palmer Township	10,358	9,533	8.7	Waterbury City	107,130	104,477	2.5
Southwick Township*	5,139	2,855	80.0	Naugatuck Borough	19,511	17,455	11.8
West Springfield Township	24,924	20,438	21.9	Beacon Falls Township	2,886	2,067	39.6
Wilbraham Township	7,387	4,003	84.5	Cheshire Township	13,383	6,295	112.6
Hampshire County, Mass. (part)	64,660	54,402	18.9	Middlebury Township	4,785	3,318	44.2
Northampton City	30,058	29,063	3.4	Prospect Township	4,367	1,896	130.3
Easthampton Township	12,326	10,094	15.3	Wolcott Township	8,889	3,553	150.2
Granby Township*	4,221	1,861	126.8	Waterloo, Iowa	122,482	100,448	21.9
Hadley Township	3,099	2,639	17.4	Black Hawk County	122,482	100,448	21.9
South Hadley Township	14,956	10,145	47.4	West Palm Beach, Fla.	228,016	114,688	98.9
Worcester County, Mass. (part)	3,383	3,406	-0.7	Palm Beach County	228,106	114,688	98.9
Warren Township	3,383	3,406	-0.7	Wheeling, W. Va.-Ohio	190,342	196,305	-3.0
Tolland County, Conn. (part)	3,702	2,631	40.7	Ohio County, W. Va.	68,437	71,672	-4.5
Somers Township	3,702	2,631	40.7	Marshall County, W. Va.	38,041	36,893	3.1
Stamford, Conn.	178,409	134,896	32.3	Belmont County, Ohio	83,864	87,740	-4.4
Fairfield County (part)	178,409	134,896	32.3	Wichita, Kans.	381,626	253,291	50.7
Stamford City	92,713	74,293	24.8	Butler County*	38,395	31,001	23.9
Darien Township	18,437	11,767	56.7	Sedgwick County	343,231	222,290	54.4
Greenwich Township	53,793	40,835	31.7	Wichita Falls, Tex.	129,638	105,309	23.1
New Canaan Township	13,466	8,001	68.3	Archer County	6,110	6,816	-10.4
Steuenville-Weirton, Ohio-W. Va.	167,756	157,787	6.3	Wichita County	123,528	98,493	25.4
Jefferson County, Ohio	99,201	96,495	2.8	Wilkes-Barre-Hazleton, Pa.	346,972	302,241	-11.5
Brooke County, W. Va.	28,940	26,904	7.6	Luzerne County	346,972	302,241	-11.5
Hancock County, W. Va.	39,615	34,388	15.2	Wilmington, Del.-Md.-N.J.	414,565	301,743	37.4
Stockton, Calif.	249,989	200,750	24.5	New Castle County, Del.	307,446	218,879	40.5
San Joaquin County	249,989	200,750	24.5	Cecil County, Md.*	48,408	33,356	45.1
Syracuse, N.Y.	563,781	466,114	21.2	Salem County, N.J.	58,711	49,508	18.6
Madison County	54,635	46,214	18.2	Winston-Salem, N.C.	189,428	146,135	29.6
Onondaga County	423,028	341,719	23.8	Forsyth County	189,428	146,135	29.6
Oswego County	86,118	77,181	11.6	Worcester, Mass.	328,898	306,269	7.4
Tacoma, Wash.	321,590	275,876	16.6	Worcester County (part)	328,898	306,269	7.4
Pierce County	321,590	275,876	16.6	Worcester City	186,587	203,486	-8.3
Tampa-St. Petersburg, Fla.	772,453	409,143	88.8	Auburn Township	14,047	8,840	58.9
Hillsborough County	397,788	249,894	59.2	Berlin Township	1,742	1,349	29.1
Pinellas County	374,665	159,249	135.3	Boylston Township	2,367	1,700	39.2
Terre Haute, Ind.	172,069	172,468	-0.2	Brookfield Township	1,751	1,567	11.7
Clay County*	24,207	23,918	1.2	East Brookfield-Township	1,533	1,243	23.3
Sullivan County*	21,721	23,667	-8.2	Grafton Township	10,627	8,281	28.3
Vermillion County*	17,683	19,723	-10.3	Holden Township	10,117	5,975	69.3
Vigo County	108,458	105,160	3.1	Leicester Township	8,177	6,029	35.6
Texarkana, Tex.-Ark.	91,657	94,530	-3.1	Millbury Township	9,623	8,347	15.3
Bowie County, Tex.	59,971	61,966	-3.2	Northborough Township	6,087	3,122	114.2
Miller County, Ark.	31,686	32,614	-2.8	Northbridge Township	10,800	10,476	3.1
Toledo, Ohio-Mich.	630,647	530,822	18.8	North Brookfield Township	3,616	3,444	5.0
Lucas County, Ohio	456,931	395,551	15.5	Oxford Township	9,282	5,851	58.6
Wood County, Ohio*	72,596	59,605	21.8	Paxton Township*	2,399	1,066	125.0
Monroe County, Mich.*	101,120	75,666	33.6	Shrewsbury Township	16,622	10,594	56.9
Topeka, Kans.	141,286	105,418	34.0	Spencer Township	7,838	7,027	11.5
Shawnee County	141,286	105,418	34.0	Sterling Township*	3,193	2,166	47.4
Trenton, N.J.	266,392	229,781	15.9	Sutton Township	3,638	3,102	17.3
Mercer County	266,392	229,781	15.9	Upton Township	3,127	2,656	17.7
Tucson, Ariz.	265,660	141,216	88.1	Westborough Township	9,599	7,378	30.1
Pima County	265,660	141,216	88.1	West Boylston Township	5,526	2,570	115.0
Tulsa, Okla.	418,974	327,900	27.8	York, Pa.	290,242	246,934	17.5
Creek County	40,495	43,143	-6.1	Adams County*	51,906	44,197	17.4
Osage County	32,441	33,071	-1.9	York County	238,336	202,737	17.6
Tulsa County	346,038	251,686	37.5	Youngstown-Warren, Ohio	509,006	416,544	22.2
Tuscaloosa, Ala.	109,047	94,092	15.9	Mahoning County	300,480	257,629	16.6
Tuscaloosa County	109,047	94,092	15.9	Trumbull County	208,526	158,915	31.2

¹ New area formed by detachment of Orange County from Los Angeles-Long Beach SMSA.² New area.³ Includes population (55,028) of Elizabeth City County which was consolidated with Hampton City between 1950 and 1960.⁴ Includes population (39,875) of Warwick County which was consolidated with Newport News City between 1950 and 1960.⁵ Population shown is that of South Norfolk City and Norfolk County, which were consolidated as Chesapeake City Jan. 1, 1963.⁶ Population shown is that of Virginia Beach City and Princess Anne County, which were consolidated Jan. 1, 1963.⁷ New area formed by detachment of Solano County from San Francisco-Oakland SMSA and addition of Napa County.⁸ Fairfax Township became independent city after Apr. 1, 1960 1950 population excluded from 1950 population of Fairfax County.

TABLE 2.—1960 and 1950 population inside and outside central city or cities of standard metropolitan statistical areas in the United States as defined on Oct. 18, 1963

[Minus sign (—) denotes decrease. Percent not shown where less than 0.1]

Standard metropolitan statistical area	1960	1950	Percent increase	Standard metropolitan statistical area	1960	1950	Percent increase
United States (216 areas).....	115,795,265	91,568,113	26.5	Brockton, Mass.....	149,458	119,728	24.8
In central cities.....	58,441,995	52,648,185	11.0	Brockton.....	72,813	62,860	15.8
Outside central cities.....	57,354,270	38,919,928	47.4	Outside central city.....	76,645	56,868	34.8
Ablene, Tex.....	120,377	85,517	40.8	Brownsville, Harlingen-San Benito, Tex.....	151,098	125,170	20.7
Ablene.....	90,368	45,570	98.3	In central cities.....	105,669	72,566	45.6
Outside central city.....	30,009	39,947	-24.9	Brownsville.....	48,040	36,066	33.2
Akron, Ohio.....	605,367	473,986	27.7	Harlingen.....	41,207	23,229	77.4
Akron.....	290,351	274,605	5.7	San Benito.....	16,422	13,271	23.7
Outside central city.....	315,016	199,381	58.0	Outside central cities.....	45,429	52,604	13.6
Albany, Ga.....	75,680	43,617	73.5	Buffalo, N.Y.....	1,306,957	1,089,230	20.0
Albany.....	55,890	31,155	79.4	Buffalo.....	532,759	580,132	-8.2
Outside central city.....	19,790	12,462	58.8	Outside central city.....	774,198	509,098	52.1
Albany-Schenectady-Troy, N.Y.....	657,503	589,359	11.6	Canton, Ohio.....	340,345	283,194	20.2
In central cities.....	278,900	299,091	-6.8	Canton.....	113,631	116,912	-2.8
Albany.....	129,726	134,995	-3.9	Outside central city.....	226,714	166,282	36.3
Schenectady.....	81,682	91,785	-11.0	Cedar Rapids, Iowa.....	136,899	104,274	31.3
Troy.....	67,492	72,311	-6.7	Cedar Rapids.....	92,035	72,296	27.3
Outside central cities.....	378,603	290,268	30.4	Outside central city.....	44,864	31,978	40.3
Albuquerque, N. Mex.....	262,199	145,673	80.0	Champaign-Urbana, Ill.....	132,436	106,100	24.8
Albuquerque.....	201,189	96,815	107.8	In central cities.....	76,877	62,397	23.2
Outside central city.....	61,010	48,858	24.9	Champaign.....	49,583	39,563	25.3
Allentown-Bethlehem-Easton, Pa., and New Jersey.....	492,168	437,824	12.4	Urbana.....	27,294	22,834	19.5
In central cities.....	215,710	208,728	3.3	Outside central cities.....	55,559	43,703	27.1
Allentown.....	108,347	106,756	1.5	Charleston, S.C.....	254,578	195,107	30.5
Bethlehem.....	75,408	66,340	13.7	Charleston.....	65,925	70,174	-6.1
Easton.....	31,955	35,632	-10.6	Outside central city.....	188,653	124,933	51.0
Outside central cities.....	276,458	229,096	20.7	Charleston, W. Va.....	252,925	239,629	5.5
Altonna, Pa.....	137,270	139,514	-1.6	Charleston.....	85,796	73,501	16.7
Altonna.....	69,407	77,177	-10.1	Outside central city.....	167,129	166,128	.6
Outside central city.....	67,863	62,337	8.9	Charlotte, N.C.....	316,781	239,086	32.5
Amarillo, Tex.....	149,493	87,140	71.6	Charlotte.....	201,564	134,042	50.4
Amarillo.....	137,969	74,246	85.8	Outside central city.....	115,217	105,044	9.7
Outside central city.....	11,524	12,894	-10.6	Chattanooga, Tenn., and Georgia.....	283,169	246,453	14.9
Anaheim-Santa Ana-Garden Grove, Calif.....	703,925	216,224	225.6	Chattanooga.....	130,009	131,041	-8
In central cities.....	288,772	60,089	380.8	Outside central city.....	153,160	115,412	32.7
Anaheim.....	104,184	14,556	615.7	Chicago, Ill.....	6,220,913	5,177,868	20.1
Santa Ana.....	100,350	45,533	120.4	Chicago.....	3,550,404	3,620,962	-1.9
Garden Grove.....	84,238	186,135	165.9	Outside central city.....	2,670,509	1,556,906	71.5
Outside central cities.....	415,153	186,135	165.9	Chicopee. (See Springfield-Chicopee-Holyoke, Mass.).....			
Ann Arbor, Mich.....	172,440	134,606	28.1	Cincinnati, Ohio, Indiana and Kentucky.....	1,268,479	1,023,245	24.0
Ann Arbor.....	67,340	48,251	39.6	Cincinnati.....	502,550	503,998	-0.3
Outside central city.....	105,100	86,355	21.7	Outside central city.....	765,929	519,247	47.5
Asheville, N.C.....	130,074	124,403	4.6	Cleveland, Ohio.....	1,909,483	1,532,574	24.6
Asheville.....	60,192	53,000	13.6	Cleveland.....	876,050	914,808	-4.2
Outside central city.....	69,882	71,403	-2.1	Outside central city.....	1,033,433	617,766	67.3
Ashland. (See Huntington-Ashland, W. Va.-Ky.-Ohio).....				Clifton. (See Paterson-Clifton-Passaic, N.J.).....			
Atlanta, Ga.....	1,017,188	726,989	39.9	Colorado Springs, Colo.....	143,742	74,523	92.9
Atlanta.....	487,455	331,314	47.1	Colorado Springs.....	70,194	45,472	54.4
Outside central city.....	529,733	395,675	33.9	Outside central city.....	73,548	29,051	153.2
Atlantic City, N.J.....	160,880	132,399	21.5	Columbia, S.C.....	260,828	186,844	39.6
Atlantic City.....	59,544	61,657	-3.4	Columbia.....	97,433	86,914	12.1
Outside central city.....	101,336	70,742	43.2	Outside central city.....	163,395	99,930	63.5
Auburn. (See Lewiston-Auburn, Maine.).....				Columbus, Ga.-Ala.....	217,985	170,541	27.8
Augusta, Ga.-S.C.....	216,639	162,013	33.7	Columbus.....	116,779	79,611	46.7
Augusta.....	70,626	71,508	-1.2	Outside central city.....	101,206	90,930	11.3
Outside central city.....	146,013	90,505	61.3	Columbus, Ohio.....	754,924	563,040	34.1
Austin, Tex.....	212,136	160,980	31.8	Columbus.....	471,316	375,901	25.4
Austin.....	186,545	132,459	40.8	Outside central city.....	283,608	187,139	51.5
Outside central city.....	25,591	28,521	-10.3	Corpus Christi, Tex.....	221,573	165,471	33.9
Bakersfield, Calif.....	291,984	228,309	27.9	Corpus Christi.....	167,690	108,287	54.9
Bakersfield.....	56,848	34,784	63.4	Outside central city.....	53,883	57,184	-5.8
Outside central city.....	235,136	193,525	21.5	Dallas, Tex.....	1,083,601	743,501	45.7
Baltimore, Md.....	1,727,023	1,405,399	22.9	Dallas.....	679,684	434,462	56.4
Baltimore.....	939,024	949,708	-1.1	Outside central city.....	403,917	309,039	30.7
Outside central city.....	787,999	455,691	72.9	Davenport-Rock Island-Moline, Iowa-Ill.....	319,375	280,748	13.8
Baton Rouge, La.....	230,058	158,236	45.4	In central cities.....	183,549	160,656	14.2
Baton Rouge.....	152,419	125,629	21.3	Davenport.....	88,981	74,549	19.4
Outside central city.....	77,639	32,607	138.1	Rock Island.....	51,863	48,710	6.5
Bay City, Mich.....	107,042	88,461	21.0	Moline.....	42,705	37,397	14.2
Bay City.....	53,604	52,523	2.1	Outside central cities.....	135,826	120,092	13.1
Outside central city.....	53,438	35,938	48.7	Dayton, Ohio.....	727,121	545,723	33.2
Beaumont-Port Arthur, Tex.....	306,016	235,650	29.9	Dayton.....	262,332	243,872	7.6
In central cities.....	185,851	151,544	22.6	Outside central city.....	464,789	301,851	54.0
Beaumont.....	119,175	94,014	26.8	Decatur, Ill.....	118,257	98,853	19.6
Port Arthur.....	66,676	57,530	15.9	Decatur.....	78,004	66,269	17.7
Outside central cities.....	120,165	84,106	42.9	Outside central city.....	40,253	32,584	23.5
Bethlehem. (See Allentown-Bethlehem-Easton, Pa., and New Jersey.).....				Denver, Colo.....	929,383	612,128	51.8
Billings, Mont.....	79,016	55,875	41.4	Denver.....	493,887	415,786	18.8
Billings.....	52,851	31,834	66.0	Outside central city.....	435,496	196,342	121.8
Outside central city.....	26,165	24,041	8.8	Des Moines, Iowa.....	266,315	226,010	17.8
Binghamton, N.Y.....	283,600	246,834	14.9	Des Moines.....	208,982	177,965	17.4
Binghamton.....	75,941	80,674	-5.9	Outside central city.....	57,333	48,045	19.3
Outside central city.....	207,659	166,160	25.0	Detroit, Mich.....	3,762,360	3,016,197	24.7
Birmingham, Ala.....	634,864	558,928	13.6	Detroit.....	1,670,144	1,849,568	-9.7
Birmingham.....	340,887	326,037	4.6	Outside central city.....	2,092,216	1,166,629	79.3
Outside central city.....	293,977	232,891	26.2	Dubuque, Iowa.....	80,048	71,337	12.2
Boise City, Idaho.....	93,460	70,649	32.3	Dubuque.....	56,606	49,671	14.0
Boise City.....	34,481	34,393	.3	Outside central city.....	23,442	21,666	8.2
Outside central city.....	58,979	36,256	62.7	Duluth-Superior, Minn.-Wis.....	276,596	252,777	9.4
Boston, Mass.....	2,595,481	2,414,368	7.5	In central cities.....	140,447	139,836	.4
Boston.....	697,197	801,444	-13.0	Duluth.....	106,884	104,511	2.3
Outside central city.....	1,898,284	1,612,924	17.7	Superior.....	33,563	35,325	-5.0
Bridgeport, Conn.....	337,993	275,888	22.5	Outside central cities.....	136,149	112,941	20.5
Bridgeport.....	156,748	158,709	-1.2	Durham, N.C.....	111,995	101,639	10.2
Outside central city.....	181,235	117,179	54.7	Durham.....	78,302	71,311	9.8
				Outside central city.....	33,693	30,328	11.1

TABLE 2.—1960 and 1950 population inside and outside central city or cities of standard metropolitan statistical areas in the United States as defined on Oct. 18, 1963—Continued

[Minus sign (—) denotes decrease. Percent not shown where less than 0.1]

Standard metropolitan statistical area	1960	1950	Percent increase	Standard metropolitan statistical area	1960	1950	Percent increase
East Chicago. (See Gary-Hammond-East Chicago, Ind.)				High Point (see Greensboro-High Point, N.C.).			
Easton. (See Allentown-Bethlehem-Easton, Pa.-N.J.)				Hollywood (see Fort Lauderdale-Hollywood, Fla.).			
El Paso, Tex.	314,070	194,968	61.1	Holyoke (see Springfield-Chicopee-Holyoke, Mass.).			
El Paso	276,687	130,485	112.0	Honolulu, Hawaii	500,409	353,020	41.8
Outside central city	37,383	64,483	-42.0	Honolulu	294,194	248,034	18.6
Elyria. (See Lorain-Elyria, Ohio.)				Outside central city	206,215	104,986	96.4
Erie, Pa.	250,682	219,388	14.3	Houston, Tex.	1,243,158	806,701	54.1
Erie	138,440	130,803	5.8	Houston	938,219	596,163	57.4
Outside central city	112,242	88,585	26.7	Outside central city	304,939	210,538	44.8
Eugene, Oreg.	162,890	125,776	29.5	Huntington-Ashland, W. Va.-Ky.-Ohio	254,780	245,795	3.7
Eugene	50,977	35,879	42.1	In central cities	114,910	117,484	-2.2
Outside central city	111,913	89,897	24.5	Huntington	83,627	86,353	-3.2
Evansville, Ind.-Ky.	222,890	212,664	4.8	Ashland	31,283	31,131	0.5
Evansville	141,543	128,636	10.0	Outside central cities	139,870	128,311	9.0
Outside central city	81,347	84,028	-3.2	Huntsville, Ala.	153,861	108,669	41.6
Fall River, Mass.-R.I.	138,156	137,298	.6	Huntsville	72,365	16,437	340.3
Fall River	99,942	111,963	-10.7	Outside central city	81,496	92,232	-11.6
Outside central city	38,214	25,335	50.8	Indianapolis, Ind.	916,932	703,129	30.4
Fargo-Moorhead, N. Dak.-Minn.	106,027	89,240	18.8	Indianapolis	476,258	427,173	11.5
In central cities	69,596	53,126	31.0	Outside central city	440,674	275,956	59.7
Fargo	46,662	38,256	22.0	Jackson, Mich.	131,994	107,925	22.3
Moorhead	22,934	14,870	54.2	Jackson	50,720	51,088	-0.7
Outside central cities	36,431	36,114	.9	Outside central city	81,274	56,837	43.0
Fitchburg-Leominster, Mass.	90,158	80,528	12.0	Jackson, Miss.	221,367	171,045	29.4
In central cities	70,950	66,766	6.3	Jackson	144,422	98,271	47.0
Fitchburg	43,021	42,691	.8	Outside central city	76,945	72,774	5.7
Leominster	27,929	24,075	16.0	Jacksonville, Fla.	455,411	304,029	49.8
Outside central cities	19,208	13,762	39.6	Jacksonville	201,030	204,517	-1.7
Flint, Mich.	416,239	306,757	35.7	Outside central city	254,381	99,512	155.6
Flint	196,940	163,143	20.7	Jersey City, N.J.	610,734	647,437	-5.7
Outside central city	219,299	143,614	52.7	Jersey City	276,101	299,017	-7.7
Fort Lauderdale-Hollywood, Fla.	333,946	83,933	297.9	Outside central city	334,633	348,420	-4.0
In central cities	118,885	50,679	134.6	Johnstown, Pa.	280,733	291,354	-3.6
Fort Lauderdale	83,648	36,328	130.3	Johnstown	53,949	63,232	-14.7
Hollywood	35,237	14,551	145.5	Outside central city	226,784	228,122	-0.6
Outside central cities	215,061	33,254	546.7	Kalamazoo, Mich.	169,712	126,707	33.9
Fort Smith, Ark.-Okla.	135,110	141,978	-4.8	Kalamazoo	82,089	57,704	42.3
Fort Smith	52,991	47,942	10.5	Outside central city	87,623	69,003	27.0
Outside central city	82,119	94,036	-12.7	Kansas City, Mo.-Kans.	1,092,545	848,655	28.7
Fort Wayne, Ind.	232,196	183,722	26.4	Kansas City	475,539	456,622	4.1
Fort Wayne	161,776	133,607	21.1	Outside central city	617,006	392,033	57.4
Outside central city	70,420	50,115	40.5	Kenosha, Wis.	100,615	75,238	33.7
Fort Worth, Tex.	573,215	392,643	46.0	Kenosha	67,899	54,368	24.9
Fort Worth	356,268	278,778	27.8	Outside central city	32,716	20,870	56.8
Outside central city	216,947	113,865	90.5	Knoxville, Tenn.	368,080	337,105	9.2
Fresno, Calif.	365,945	276,515	32.3	Knoxville	111,827	124,769	-10.4
Fresno	133,929	91,669	46.1	Outside central city	256,253	212,336	20.7
Outside central city	232,016	184,846	25.5	Lafayette, La.	84,656	57,743	46.6
Gadsden, Ala.	96,980	93,892	3.3	Lafayette	40,400	33,541	20.4
Gadsden	58,088	55,725	4.2	Outside central city	44,256	24,202	82.9
Outside central city	38,892	38,167	1.9	Lake Charles, La.	145,475	89,635	62.3
Galveston-Texas City, Tex.	140,364	113,066	24.1	Lake Charles	63,392	41,272	53.6
In central cities	99,240	83,188	19.3	Outside central city	82,083	48,363	69.7
Galveston	67,175	66,568	.9	Lancaster, Pa.	278,359	234,717	18.6
Texas City	32,065	16,620	92.9	Lancaster	61,055	63,774	-4.3
Outside central cities	41,124	29,878	37.6	Outside central city	217,304	170,943	27.1
Garden Grove (see Anaheim-Santa Ana-Garden Grove, Calif.)				Lansing, Mich.	298,949	244,159	22.4
Gary-Hammond-East Chicago, Ind.	573,548	408,228	40.5	Lansing	107,807	92,129	17.0
In central cities	347,687	275,768	26.1	Outside central city	191,142	152,030	25.7
Gary	178,320	133,911	33.2	Laredo, Tex.	64,791	56,141	15.4
Hammond	111,698	87,594	27.5	Laredo	60,678	51,910	16.9
East Chicago	57,669	54,263	6.3	Outside central city	4,113	4,231	-2.8
Outside central cities	225,861	132,460	70.5	Las Vegas, Nev.	127,016	48,289	163.0
Grand Rapids, Mich.	461,906	362,043	27.6	Las Vegas	64,405	24,624	161.6
Grand Rapids	177,313	176,515	.5	Outside central city	62,611	23,665	164.6
Outside central city	284,593	185,528	53.4	Lawrence-Haverhill, Mass.-N.H.	199,136	190,428	4.6
Great Falls, Mont.	73,418	53,027	38.5	In central cities	117,279	127,816	-8.2
Great Falls	55,244	39,214	40.9	Lawrence	70,933	80,536	-11.9
Outside central city	18,174	13,813	31.6	Haverhill	46,346	47,280	-2.0
Green Bay, Wis.	125,082	98,314	27.2	Outside central cities	81,857	62,612	30.7
Green Bay	62,888	52,735	19.3	Lawton, Okla.	90,803	55,165	64.6
Outside central city	62,194	45,579	36.5	Lawton	61,697	34,757	77.5
Greensboro-High Point, N.C.	246,520	191,057	29.0	Outside central city	29,106	20,408	42.6
In central cities	181,637	114,362	58.8	Leominster (see Fitchburg-Leominster, Mass.).			
Greensboro	119,574	74,389	60.7	Lewiston-Auburn, Maine	70,295	68,426	2.7
High Point	62,063	39,973	55.3	In central cities	65,253	64,108	1.8
Outside central cities	64,883	36,695	-15.4	Lewiston	40,804	40,974	-0.4
Greenville, S.C.	255,806	208,210	22.9	Auburn	24,449	23,134	5.7
Greenville	66,188	58,161	13.8	Outside central cities	5,042	4,318	16.8
Outside central city	189,618	150,049	26.4	Lexington, Ky.	131,906	100,746	30.9
Hamilton-Middletown, Ohio	199,076	147,203	35.2	Lexington	62,810	55,534	13.1
In central cities	114,469	91,646	24.9	Outside central city	69,096	45,212	52.8
Hamilton	72,354	57,951	24.9	Lima, Ohio	103,691	88,183	17.6
Middletown	42,115	33,695	25.0	Lima	51,037	50,246	1.6
Outside central cities	84,607	55,557	52.3	Outside central city	52,654	37,937	38.8
Hammond (see Gary-Hammond-East Chicago, Ind.)				Lincoln, Nebr.	155,272	119,742	29.7
Hampton (see Newport News-Hampton, Va.).				Lincoln	128,521	98,884	30.0
Harlingen (see Brownsville-Harlingen-San Benito, Tex.).				Outside central city	26,751	20,858	28.3
Harrisburg, Pa.	371,653	317,023	17.2	Little Rock-North Little Rock, Ark.	242,980	196,685	23.5
Harrisburg	79,697	89,544	-11.0	In central cities	165,845	146,310	13.4
Outside central city	291,956	227,479	28.3	Little Rock	107,813	102,213	5.5
Hartford, Conn.	549,249	420,009	30.8	North Little Rock	58,032	44,097	31.6
Hartford	162,178	177,397	-8.6	Outside central cities	77,135	50,375	53.1
Outside central city	387,071	242,612	59.5	Long Beach (see Los Angeles-Long Beach, Calif.).			
Haverhill (see Lawrence-Haverhill, Mass.-N.H.).				Lorain-Elyria, Ohio	217,500	148,162	46.8
Hazleton (see Wilkes-Barre-Hazleton, Pa.).				In central cities	112,714	81,509	38.3
				Lorain	68,932	51,202	34.6
				Elyria	43,782	30,307	44.5
				Outside central cities	104,786	66,653	57.2

TABLE 2.—1960 and 1950 population inside and outside central city or cities of standard metropolitan statistical areas in the United States as defined on Oct. 18, 1963—Continued

[Minus sign (—) denotes decrease. Percent not shown where less than 0.1]

Standard metropolitan statistical area	1960	1950	Percent increase	Standard metropolitan statistical area	1960	1950	Percent increase
Los Angeles-Long Beach, Calif.	6,038,771	4,151,687	45.5	Norfolk-Portsmouth, Va.	578,507	446,200	29.7
In central cities	2,823,183	2,221,125	27.1	In central cities	419,642	293,552	43.0
Los Angeles	2,479,015	1,970,358	25.8	Norfolk	34,869	213,513	42.8
Long Beach	344,168	250,767	37.2	Portsmouth	114,773	80,039	43.4
Outside central cities	3,215,588	1,930,562	66.6	Outside central cities	158,865	152,648	4.1
Louisville, Ky.-Ind.	725,139	576,900	25.7	North Little Rock (see Little Rock-North Little Rock, Ark.)			
Louisville	390,639	369,129	5.8	Norwalk, Conn.	96,756	65,685	47.3
Outside central city	334,500	207,771	61.0	Norwalk	67,775	49,460	37.0
Lowell, Mass.	164,243	140,249	17.1	Outside central city	28,981	16,225	78.6
Lowell	92,107	97,249	-5.3	Norwich (see New London-Groton-Norwich, Conn.)			
Outside central city	72,136	43,000	67.8	Oakland (see San Francisco-Oakland, Calif.)			
Lubbock, Tex.	156,271	101,048	54.7	Odessa, Tex.	90,995	42,102	116.1
Lubbock	128,691	71,747	79.4	Odessa	80,338	29,495	172.4
Outside central city	27,580	29,301	-5.9	Outside central city	10,657	12,607	-15.5
Lynchburg, Va.	110,701	96,936	14.2	Ogden, Utah	110,744	83,319	32.9
Lynchburg	54,790	47,727	14.8	Ogden	70,197	57,112	22.9
Outside central city	55,911	49,209	13.6	Outside central city	40,547	26,207	54.7
Macon, Ga.	180,403	135,043	33.6	Oklahoma City, Okla.	511,833	392,439	30.4
Macon	69,764	70,252	-0.7	Oklahoma City	324,253	243,504	33.2
Outside central city	110,639	64,791	70.8	Outside central city	187,580	148,935	25.9
Madison, Wis.	222,095	169,357	31.1	Omaha, Nebr.-Iowa	457,873	366,395	25.0
Madison	126,706	96,056	31.9	Omaha	301,598	251,117	20.1
Outside central city	95,389	73,301	30.1	Outside central city	156,275	115,278	35.6
Manchester, N.H.	102,861	93,338	10.2	Ontario (see San Bernardino-Riverside-Ontario, Calif.)			
Manchester	88,282	82,732	6.7	Orem (see Provo-Orem, Utah)			
Outside central city	14,579	10,606	37.5	Orlando, Fla.	318,487	141,833	124.6
Memphis, Tenn.-Ark.	674,583	529,577	27.4	Orlando	88,135	52,367	68.3
Memphis	497,524	396,000	25.6	Outside central city	230,352	89,466	157.5
Outside central city	177,059	133,577	32.6	Passaic (see Paterson-Clifton-Passaic, N.J.)			
Meriden, Conn.	51,850	44,088	17.6	Paterson-Clifton-Passaic, N.J.	1,186,873	876,232	35.5
Meriden	51,850	44,088	17.6	In central cities	279,710	261,549	6.9
Miami, Fla.	935,047	495,084	88.9	Paterson	143,663	139,336	3.1
Miami	291,688	249,276	17.0	Clifton	82,084	64,511	27.2
Outside central city	643,359	245,808	161.7	Passaic	53,963	57,702	-6.5
Middletown (see Hamilton-Middletown, Ohio)				Outside central cities	907,163	614,683	47.6
Midland, Tex.	67,717	25,785	162.6	Pawtucket (see Providence-Pawtucket, R.I.-Mass.)			
Midland	62,625	21,713	188.4	Pensacola, Fla.	203,376	131,260	54.9
Outside central city	5,092	4,072	25.0	Pensacola	56,752	43,479	30.5
Milwaukee, Wis.	1,232,731	980,309	25.7	Outside central city	146,624	87,781	67.0
Milwaukee	741,324	637,392	16.3	Peoria, Ill.	313,412	271,847	15.3
Outside central city	491,407	342,917	43.3	Peoria	103,162	111,856	-7.8
Minneapolis-St. Paul, Minn.	1,482,030	1,151,053	28.8	Outside central city	210,250	159,991	31.4
In central cities	796,283	833,067	-4.4	Philadelphia, Pa.-N.J.	4,342,897	3,671,048	18.3
Minneapolis	482,872	521,718	-7.4	Philadelphia	2,002,612	2,071,605	-3.3
St. Paul	313,411	311,349	0.7	Outside central city	2,340,385	1,599,443	46.3
Outside central cities	685,747	317,986	115.7	Phoenix, Ariz.	663,510	331,770	100.0
Mobile, Ala.	363,389	272,102	33.5	Phoenix	439,170	106,818	311.1
Mobile	194,856	129,009	51.0	Outside central city	224,340	224,952	-0.3
Outside central city	168,533	143,093	17.8	Pittsburgh, Pa.	2,405,435	2,213,236	8.7
Moline (see Davenport-Rock Island-Moline, Iowa-Ill.)				Pittsburgh	604,332	676,806	-10.7
Monroe, La.	101,663	74,713	36.1	Outside central city	1,801,103	1,536,430	17.2
Monroe	52,219	38,572	35.4	Pittsfield, Mass.	76,772	68,636	11.9
Outside central city	49,444	36,141	36.8	Pittsfield	57,879	53,348	8.5
Montgomery, Ala.	199,734	170,614	17.1	Outside central city	18,893	15,288	23.6
Montgomery	134,393	106,525	26.2	Port Arthur (see Beaumont-Port Arthur, Tex.)			
Outside central city	65,341	64,089	2.0	Portland, Maine	139,122	133,983	3.8
Moorhead (see Fargo-Moorhead, N. Dak.-Minn.)				Portland	72,566	77,634	-6.5
Muncie, Ind.	110,938	90,252	22.9	Outside central city	66,556	56,349	18.1
Muncie	68,603	58,479	17.3	Portland, Oreg.-Wash.	821,897	704,829	16.6
Outside central city	42,335	31,773	33.2	Portland	372,676	373,628	-0.3
Muskegon-Muskegon Heights, Mich.	149,943	121,545	23.4	Outside central city	449,221	331,201	35.6
In central cities	66,037	67,257	-1.8	Portsmouth (see Norfolk-Portsmouth, Va.)			
Muskegon	46,485	48,429	-4.0	Providence-Pawtucket, R.I.-Mass.	821,101	763,902	7.5
Muskegon Heights	19,552	18,828	3.8	In central cities	288,499	330,110	-12.6
Outside central cities	83,906	54,288	54.6	Providence	207,498	248,674	-16.6
Muskegon Heights (see Muskegon-Muskegon Heights, Mich.)				Pawtucket	81,001	81,436	-5.5
Napa (see Vallejo-Napa, Calif.)				Outside central cities	532,602	433,792	22.8
Nashville, Tenn.	463,628	381,609	21.5	Provo-Orem, Utah	106,991	81,912	30.6
Nashville	170,874	174,307	-2.0	In central cities	54,441	37,288	46.0
Outside central city	292,754	207,302	41.2	Provo	36,047	28,937	24.6
New Bedford, Mass.	143,176	141,984	0.8	Orem	18,394	8,351	120.3
New Bedford	102,477	109,189	-6.1	Outside central cities	52,550	44,624	17.8
Outside central city	40,699	32,795	24.1	Pueblo, Colo.	118,707	90,188	31.6
New Britain, Conn.	129,397	104,251	24.1	Pueblo	91,181	63,685	43.2
New Britain	82,201	73,726	11.5	Outside central city	27,526	26,503	3.9
Outside central city	47,196	30,525	54.6	Racine, Wis.	141,781	109,585	29.4
New Haven, Conn.	320,836	273,049	17.5	Racine	89,144	71,193	25.2
New Haven	152,048	164,443	-7.5	Outside central city	52,637	38,392	37.1
Outside central city	168,788	108,606	55.4	Raleigh, N.C.	169,082	136,450	23.9
New London-Groton-Norwich, Conn.	170,981	134,612	27.0	Raleigh	93,931	65,679	43.0
In central cities	72,688	68,184	6.6	Outside central city	75,151	70,771	6.2
New London	34,182	30,551	11.9	Reading, Pa.	275,414	255,740	7.7
Norwich	38,506	37,633	2.3	Reading	98,177	109,320	-10.2
Outside central cities	98,293	66,428	48.0	Outside central city	177,237	146,420	21.0
New Orleans, La.	907,123	712,393	27.3	Reno, Nev.	84,743	50,205	68.8
New Orleans	627,525	570,445	10.0	Reno	51,470	32,497	58.4
Outside central city	279,598	141,948	97.0	Outside central city	33,273	17,708	87.9
New York, N.Y.	10,694,633	9,555,943	11.9	Richmond, Va.	436,044	350,035	24.6
New York	7,781,984	7,891,957	-1.4	Richmond	219,958	230,310	-4.5
Outside central city	2,912,649	1,663,986	75.0	Outside central city	216,086	119,725	80.5
Newark, N.J.	1,689,420	1,468,458	15.0	Riverside (see San Bernardino-Riverside-Ontario, Calif.)			
Newark	405,220	438,776	-7.6	Roanoke, Va.	158,803	133,407	19.0
Outside central city	1,284,200	1,029,682	24.7	Roanoke	97,110	91,921	5.6
Newport News-Hampton, Va.	224,503	154,977	44.9	Outside central city	61,693	41,486	48.7
In central cities	202,920	143,227	41.7	Rochester, N.Y.	732,588	615,044	19.1
Newport News	113,662	82,233	38.2	Rochester	318,611	332,488	-4.2
Hampton	89,258	60,994	46.3	Outside central city	413,977	282,556	46.5
Outside central cities	21,583	11,750	83.7				

TABLE 2.—1960 and 1950 population inside and outside central city or cities of standard metropolitan statistical areas in the United States as defined on Oct. 18, 1963—Continued

[Minus sign (—) denotes decrease. Percent not shown where less than 0.1]

Standard metropolitan statistical area	1960	1950	Percent increase	Standard metropolitan statistical area	1960	1950	Percent increase
Rock Island (see Davenport-Rock Island-Moline, Iowa-Ill.).				Stamford, Conn.	178,409	134,896	32.3
Rockford, Ill.	230,091	169,455	35.8	Stamford	92,713	74,293	24.8
Rockford	126,706	92,927	36.4	Outside central city	85,696	60,603	41.4
Outside central city	103,385	76,528	35.1	Steubenville-Weirton, Ohio, and West Virginia	167,756	157,787	6.3
Rome (see Utica-Rome, N.Y.).				In central cities	60,696	59,877	1.4
Sacramento, Calif.	625,503	359,429	74.0	Steubenville	32,495	35,872	-9.4
Sacramento	191,667	137,672	39.3	Weirton	28,201	24,005	17.5
Outside central city	433,836	221,857	95.5	Outside central cities	107,060	97,910	9.3
Saginaw, Mich.	190,752	153,515	24.3	Stockton, Calif.	249,989	200,750	24.5
Saginaw	98,265	92,918	5.8	Stockton	86,321	70,853	21.8
Outside central city	92,487	60,597	52.6	Outside central city	163,668	129,897	26.0
St. Joseph, Mo.	90,581	96,826	-6.4	Superior. (See Duluth-Superior, Minn., and Wisconsin).			
St. Joseph	79,673	78,588	1.4	Syracuse, N.Y.	563,781	465,114	21.2
Outside central city	10,908	18,238	-40.2	Syracuse	216,038	220,583	-2.1
St. Louis, Mo., and Illinois	2,104,669	1,755,334	19.9	Outside central city	347,743	244,531	42.2
St. Louis	750,026	856,796	-12.5	Tacoma, Wash.	321,590	275,876	16.6
Outside central city	1,354,643	898,538	50.8	Tacoma	147,979	143,673	3.0
St. Paul. (See Minneapolis-St. Paul, Minn.).				Outside central city	173,611	132,203	31.3
St. Petersburg. (See Tampa-St. Petersburg, Fla.).				Tampa-St. Petersburg, Fla.	772,453	409,143	88.8
Salt Lake City, Utah	447,795	305,762	46.5	In central cities	456,268	221,419	106.1
Salt Lake City	189,454	182,121	4.0	Tampa	274,970	124,681	120.5
Outside central city	258,341	123,641	108.9	St. Petersburg	181,298	96,738	87.4
San Angelo, Tex.	64,630	58,929	9.7	Outside central cities	316,185	187,724	68.4
San Angelo	58,815	52,093	12.9	Terre Haute, Ind.	172,069	172,468	-2.2
Outside central city	5,815	6,836	-14.9	Terre Haute	72,500	64,214	12.9
San Antonio, Tex.	716,168	525,852	36.2	Outside central city	99,569	108,254	-8.0
San Antonio	587,718	408,442	43.9	Texarkana, Tex.-Ark.	91,657	94,580	-3.1
Outside central city	128,450	117,410	9.4	In central cities	50,006	40,628	23.1
San Benito. (See Brownsville-Harlingen-San Benito, Tex.).				Texarkana, Tex.	30,218	24,753	22.1
San Bernardino-Riverside-Ontario, Calif.	809,782	451,688	79.3	Texarkana, Ark.	19,788	15,875	24.6
In central cities	222,871	132,694	68.0	Outside central cities	41,651	53,952	-22.8
San Bernardino	91,922	63,058	45.8	Texas City. (See Galveston-Texas City, Tex.).			
Riverside	84,332	46,764	80.3	Toledo, Ohio and Michigan	630,647	530,822	18.8
Ontario	46,617	22,872	103.8	Toledo	318,003	303,616	4.7
Outside central cities	556,911	318,994	84.0	Outside central city	312,644	227,206	37.6
San Diego, Calif.	1,033,011	556,808	85.5	Topeka, Kans.	141,286	105,418	34.0
San Diego	573,224	334,387	71.4	Topeka	119,484	78,791	51.6
Outside central city	459,787	222,421	106.7	Outside central city	21,802	26,627	-18.1
San Francisco-Oakland, Calif.	2,648,762	2,135,934	24.0	Trenton, N.J.	266,392	229,781	15.9
In central cities	1,107,864	1,159,932	-4.5	Trenton	114,167	128,009	-10.8
San Francisco	740,316	775,357	-4.5	Outside central city	152,225	101,772	49.6
Oakland	367,548	384,575	-4.4	Troy. (See Albany-Schenectady-Troy, N.Y.).			
Outside central cities	1,540,898	976,002	57.9	Tucson, Ariz.	265,660	141,216	88.1
San Jose, Calif.	642,315	290,547	121.1	Tucson	212,892	45,454	368.4
San Jose	204,196	95,280	114.3	Outside central city	52,768	95,762	-44.9
Outside central city	438,119	195,267	124.4	Tulsa, Okla.	418,974	327,900	27.8
Santa Ana. (See Anaheim-Santa Ana-Garden Grove, Calif.).				Tulsa	261,685	182,740	43.2
Santa Barbara, Calif.	168,962	98,220	72.0	Outside central city	157,289	145,160	8.4
Santa Barbara	58,768	44,913	30.8	Tuscaloosa, Ala.	109,047	94,092	15.9
Outside central city	110,194	53,307	106.7	Tuscaloosa	63,370	46,396	36.6
Savannah, Ga.	188,299	151,481	24.3	Outside central city	45,677	47,696	-4.2
Savannah	149,245	119,638	24.7	Tyler, Tex.	86,350	74,701	15.6
Outside central city	39,054	31,843	22.6	Tyler	51,230	38,968	31.5
Schenectady. (See Albany-Schenectady-Troy, N.Y.).				Outside central city	35,120	35,733	-1.7
Scranton, Pa.	234,531	257,396	-8.9	Urbana. (See Champaign-Urbana, Ill.).			
Scranton	111,443	125,536	-11.2	Utica-Rome, N.Y.	330,771	284,262	16.4
Outside central city	123,088	131,860	-6.7	In central cities	152,056	143,213	6.2
Seattle, Wash.	1,107,213	844,572	31.1	Utica	100,410	101,531	-1.1
Seattle	557,087	467,591	19.1	Rome	51,646	41,682	23.9
Outside central city	550,126	376,981	45.9	Outside central cities	178,715	141,049	26.7
Shreveport, La.	281,481	216,686	29.9	Vallejo-Napa, Calif.	200,487	151,436	32.4
Shreveport	164,372	127,206	29.2	In central cities	83,047	39,617	109.6
Outside central city	117,109	89,480	30.9	Vallejo	60,877	26,038	133.8
Sioux City, Iowa-Nebr.	120,017	114,318	5.0	Napa	22,170	13,579	63.3
Sioux City	89,159	83,991	6.2	Outside central cities	117,440	111,819	5.0
Outside central city	30,858	30,327	1.8	Waco, Tex.	150,091	130,194	15.3
Sioux Falls, S. Dak.	86,575	70,910	22.1	Waco	97,808	84,705	15.5
Sioux Falls	65,466	52,696	24.2	Outside central city	52,283	45,488	14.9
Outside central city	21,109	18,214	15.9	Warren. (See Youngstown-Warren, Ohio.).			
South Bend, Ind.	271,057	234,526	15.6	Washington, D.C., Maryland, and Virginia	2,001,897	1,464,089	36.7
South Bend	132,445	115,911	14.3	Washington, D.C.	763,956	802,178	-4.8
Outside central city	138,612	118,615	16.9	Outside central city	1,237,941	661,911	87.0
Spokane, Wash.	278,333	221,561	25.6	Waterbury, Conn.	185,548	157,220	18.0
Spokane	181,608	161,721	12.3	Waterbury	107,130	104,477	2.5
Outside central city	96,725	59,840	61.6	Outside central city	78,418	52,743	48.7
Springfield, Ill.	146,539	131,484	11.5	Waterloo, Iowa	122,482	100,448	21.9
Springfield	83,271	81,628	2.0	Waterloo	71,755	65,198	10.1
Outside central city	63,268	49,856	26.9	Outside central city	50,727	35,250	43.9
Springfield, Mo.	126,276	104,823	20.5	Weirton. (See Steubenville-Weirton, Ohio and West Virginia.).			
Springfield	95,865	66,731	43.7	West Palm Beach, Fla.	228,106	114,688	98.9
Outside central city	30,411	38,092	-20.2	West Palm Beach	56,208	43,162	30.2
Springfield, Ohio	131,440	111,661	17.7	Outside central city	171,898	71,526	140.3
Springfield	82,723	78,508	5.4	Wheeling, W. Va. and Ohio	190,342	196,305	-3.0
Outside central city	48,717	33,153	46.9	Wheeling	53,400	58,891	-9.3
Springfield-Chicopee-Holyoke, Mass., and Connecticut	493,999	422,163	17.0	Outside central city	136,942	137,414	-3.3
In central cities	288,705	266,271	8.4	Wichita, Kans.	381,626	253,291	50.7
Springfield	174,463	162,399	7.4	Wichita	254,698	168,279	51.4
Chicopee	61,553	49,211	25.1	Outside central city	126,928	85,012	49.3
Holyoke	52,689	54,661	-3.6	Wichita Falls, Tex.	129,638	105,309	23.1
Outside central cities	205,294	155,892	31.7	Wichita Falls	101,724	68,042	49.5
				Outside central city	27,914	37,267	-25.1
				Wilkes-Barre-Hazleton, Pa.	346,972	392,241	-11.5
				In central cities	95,607	112,317	-14.9
				Wilkes-Barre	63,551	76,826	-17.3
				Hazleton	32,056	35,491	-9.7
				Outside central cities	251,365	279,924	-10.2

TABLE 2.—1960 and 1950 population inside and outside central city or cities of standard metropolitan statistical areas in the United States as defined on Oct. 18, 1963—Continued

[Minus sign (—) denotes decrease. Percent not shown where less than 0.1]

Standard metropolitan statistical area	1960	1950	Percent increase	Standard metropolitan statistical area	1960	1950	Percent increase
Wilmington, Del., Maryland, and New Jersey...	414,565	301,743	37.4	York, Pa.	290,242	246,934	17.5
Wilmington	95,827	110,356	—13.2	York	54,504	59,953	—9.1
Outside central city	318,738	191,387	66.5	Outside central city	235,738	186,981	26.1
Winston-Salem, N.C.	189,428	146,135	29.6	Youngstown-Warren, Ohio	509,006	416,544	22.2
Winston-Salem	111,135	87,811	26.6	In central cities	226,337	218,186	3.7
Outside central city	78,293	58,324	34.2	Youngstown	166,689	168,330	—1.0
Worcester, Mass.	328,898	306,269	7.4	Warren	59,648	49,856	19.6
Worcester	186,587	203,486	—8.3	Outside central cities	282,669	198,358	42.5
Outside central city	142,311	102,783	38.5				

¹ Incorporated between 1950 and 1960.² Includes population (14,204) of part of Norwich town annexed by Norwich city between 1950 and 1960.

TABLE 3.—Standard metropolitan statistical areas in the United States as defined on Oct. 18, 1963, ranked in accordance with 1960 population

Rank	Standard metropolitan statistical area	Population	Rank	Standard metropolitan statistical area	Population
1	New York, N.Y.	10,694,633	81	Orlando, Fla.	318,487
2	Chicago, Ill.	6,220,913	82	Charlotte, N.C.	316,781
3	Los Angeles-Long Beach, Calif.	6,038,771	83	El Paso, Tex.	314,070
4	Philadelphia, Pa. and New Jersey	4,342,897	84	Peoria, Ill.	313,412
5	Detroit, Mich.	3,762,360	85	Beaumont-Port Arthur, Tex.	306,016
6	San Francisco-Oakland, Calif.	2,648,762	86	Lansing, Mich.	298,949
7	Boston, Mass.	2,595,481	87	Bakersfield, Calif.	291,984
8	Pittsburgh, Pa.	2,405,435	88	York, Pa.	290,242
9	St. Louis, Mo. and Illinois	2,104,669	89	Binghamton, N.Y. and Pennsylvania	283,600
10	Washington, D.C., Maryland, and Virginia	2,001,897	90	Chattanooga, Tenn. and Georgia	283,169
11	Cleveland, Ohio	1,909,483	91	Shreveport, La.	281,481
12	Baltimore, Md.	1,727,023	92	Johnstown, Pa.	280,733
13	Newark, N.J.	1,689,420	93	Lancaster, Pa.	278,359
14	Minneapolis-St. Paul, Minn.	1,482,030	94	Spokane, Wash.	278,333
15	Buffalo, N.Y.	1,306,957	95	Duluth, Minn.-Superior, Wis.	276,596
16	Cincinnati, Ohio, Indiana, and Kentucky	1,268,479	96	Reading, Pa.	275,414
17	Houston, Tex.	1,243,158	97	South Bend, Ind. and Michigan	271,057
18	Milwaukee, Wis.	1,232,731	98	Trenton, N.J.	266,392
19	Paterson-Clifton-Passaic, N.J.	1,186,873	99	Des Moines, Iowa	266,315
20	Seattle, Wash.	1,107,213	100	Tucson, Ariz.	265,660
21	Kansas City, Mo.-Kans.	1,092,545	101	Albuquerque, N. Mex.	262,199
22	Dallas, Tex.	1,083,601	102	Columbia, S.C.	260,828
23	San Diego, Calif.	1,033,011	103	Greenville, S.C.	255,806
24	Atlanta, Ga.	1,017,188	104	Huntington, W. Va.-Ashland, Ky. and Ohio	254,780
25	Miami, Fla.	935,047	105	Charleston, S.C.	254,578
26	Denver, Colo.	929,383	106	Charleston, W. Va.	252,925
27	Indianapolis, Ind.	916,932	107	Erie, Pa.	250,682
28	New Orleans, La.	907,123	108	Stockton, Calif.	249,989
29	Portland, Oreg., and Washington	821,897	109	Greensboro-High Point, N.C.	246,520
30	Providence-Pawtucket, R.I., and Massachusetts	821,101	110	Little Rock-North Little Rock, Ark.	242,980
31	San Bernardino-Riverside-Ontario, Calif.	809,782	111	Scranton, Pa.	234,531
32	Tampa-St. Petersburg, Fla.	772,453	112	Fort Wayne, Ind.	232,196
33	Columbus, Ohio	754,924	113	Rockford, Ill.	230,091
34	Rochester, N.Y.	732,588	114	Baton Rouge, La.	230,058
35	Dayton, Ohio	727,121	115	West Palm Beach, Fla.	228,106
36	Louisville, Ky., and Indiana	725,139	116	Newport News-Hampton, Va.	224,503
37	San Antonio, Tex.	716,168	117	Evansville, Ind. and Kentucky	222,890
38	Anaheim-Santa Ana-Garden Grove, Calif.	703,925	118	Madison, Wis.	222,095
39	Memphis, Tenn., and Arkansas	674,583	119	Corpus Christi, Tex.	221,573
40	Phoenix, Ariz.	663,510	120	Jackson, Miss.	221,367
41	Albany-Schenectady-Troy, N.Y.	657,503	121	Columbus, Ga., and Alabama	217,985
42	San Jose, Calif.	642,315	122	Lorain-Elyria, Ohio	217,500
43	Birmingham, Ala.	634,864	123	Augusta, Ga., and South Carolina	216,639
44	Toledo, Ohio, and Michigan	630,647	124	Austin, Tex.	212,136
45	Sacramento, Calif.	625,503	125	Pensacola, Fla.	203,376
46	Jersey City, N.J.	610,734	126	Vallejo-Napa, Calif.	200,487
47	Akron, Ohio	605,367	127	Montgomery, Ala.	199,734
48	Norfolk-Portsmouth, Va.	578,507	128	Lawrence, Mass. and Haverhill, N.H.	199,136
49	Gary-Hammond-East Chicago, Ind.	573,548	129	Hamilton-Middletown, Ohio	199,076
50	Fort Worth, Tex.	573,215	130	Saginaw, Mich.	190,752
51	Syracuse, N.Y.	563,781	131	Wheeling, W. Va., and Ohio	190,342
52	Hartford, Conn.	549,249	132	Winston-Salem, N.C.	189,428
53	Oklahoma City, Okla.	511,833	133	Savannah, Ga.	188,299
54	Youngstown-Warren, Ohio	509,006	134	Waterbury, Conn.	185,548
55	Honolulu, Hawaii	500,409	135	Macon, Ga.	180,403
56	Springfield-Chicopee-Holyoke, Mass., and Connecticut	493,999	136	Stamford, Conn.	178,409
57	Allentown-Bethlehem-Easton, Pa., and New Jersey	492,168	137	Ann Arbor, Mich.	172,440
58	Nashville, Tenn.	463,628	138	Terre Haute, Ind.	172,069
59	Grand Rapids, Mich.	461,906	139	New London-Groton-Norwich, Conn.	170,981
60	Omaha, Nebr., and Iowa	457,873	140	Kalamazoo, Mich.	169,712
61	Jacksonville, Fla.	455,411	141	Raleigh, N.C.	169,082
62	Salt Lake City, Utah	447,795	142	Santa Barbara, Calif.	168,962
63	Richmond, Va.	436,044	143	Steubenville-Weirton, Ohio, and West Virginia	167,756
64	Tulsa, Okla.	418,974	144	Lowell, Mass.	164,243
65	Flint, Mich.	416,239	145	Eugene, Oreg.	162,890
66	Wilmington, Del., Maryland, and New Jersey	414,565	146	Atlantic City, N.J.	160,880
67	Wichita, Kans.	381,626	147	Roanoke, Va.	158,803
68	Harrisburg, Pa.	371,653	148	Lubbock, Tex.	156,271
69	Knoxville, Tenn.	368,080	149	Lincoln, Nebr.	155,272
70	Fresno, Calif.	365,945	150	Huntsville, Ala.	153,861
71	Mobile, Ala.	363,389	151	Brownsville-Harlingen-San Benito, Tex.	151,098
72	Wilkes-Barre-Hazleton, Pa.	346,972	152	Waco, Tex.	150,091
73	Canton, Ohio	340,345	153	Muskegon-Muskegon Heights, Mich.	149,943
74	Bridgeport, Conn.	337,983	154	Amarillo, Tex.	149,493
75	Fort Lauderdale-Hollywood, Fla.	333,946	155	Brockton, Mass.	149,458
76	Utica-Rome, N.Y.	330,771	156	Springfield, Ill.	146,539
77	Worcester, Mass.	328,898	157	Lake Charles, La.	145,475
78	Tacoma, Wash.	321,590	158	Colorado Springs, Colo.	143,742
79	New Haven, Conn.	320,836	159	New Bedford, Mass.	143,176
80	Davenport, Iowa and Rock Island-Moline, Ill.	319,375	160	Racine, Wis.	141,781

TABLE 3.—Standard metropolitan statistical areas in the United States as defined on Oct. 18, 1963, ranked in accordance with 1960 population—Continued

Rank	Standard metropolitan statistical area	Population	Rank	Standard metropolitan statistical area	Population
161	Topeka, Kans.	141,286	189	Provo-Orem, Utah	106,991
162	Galveston-Texas City, Tex.	140,364	190	Fargo, N. Dak., and Moorhead, Minn.	106,027
163	Portland, Maine	139,122	191	Lima, Ohio	103,691
164	Fall River, Mass.-R.I.	138,156	192	Manchester, N.H.	102,861
165	Altoona, Pa.	137,270	193	Monroe, La.	101,663
166	Cedar Rapids, Iowa	136,899	194	Kenosha, Wis.	100,615
167	Fort Smith, Ark.-Okla.	136,110	195	Gadsden, Ala.	96,980
168	Champaign-Urbana, Ill.	132,436	196	Norwalk, Conn.	96,766
169	Jackson, Mich.	131,994	197	Boise City, Idaho	93,460
170	Lexington, Ky.	131,906	198	Texarkana, Tex. and Ark.	91,657
171	Springfield, Ohio	131,440	199	Odessa, Tex.	90,995
172	Asheville, N.C.	130,074	200	Lawton, Okla.	90,803
173	Wichita Falls, Tex.	129,638	201	St. Joseph, Mo.	90,581
174	New Britain, Conn.	129,397	202	Fitchburg-Leominster, Mass.	90,158
175	Las Vegas, Nev.	127,016	203	Sioux Falls, S. Dak.	86,575
176	Springfield, Mo.	126,276	204	Tyler, Tex.	86,350
177	Green Bay, Wis.	125,082	205	Reno, Nev.	84,743
178	Waterloo, Iowa	122,482	206	Lafayette, La.	84,656
179	Abilene, Tex.	120,377	207	Dubuque, Iowa	80,048
180	Sioux City, Iowa, and Nebr.	120,017	208	Billings, Mont.	79,016
181	Pueblo, Colo.	118,707	209	Pittsfield, Mass.	76,772
182	Decatur, Ill.	118,257	210	Albany, Ga.	75,630
183	Durham, N.C.	111,995	211	Great Falls, Mont.	73,418
184	Muncie, Ind.	110,938	212	Lewiston-Auburn, Maine	70,295
185	Ogden, Utah	110,744	213	Midland, Tex.	67,717
186	Lynchburg, Va.	110,701	214	Laredo, Tex.	64,791
187	Tuscaloosa, Ala.	109,047	215	San Angelo, Tex.	64,630
188	Bay City, Mich.	107,042	216	Meriden, Conn.	51,850

Mr. MANSFIELD. Mr. President, I listened with great interest, as I always do, to the remarks of the distinguished minority leader today, regarding the pending amendment. He said, at one point, that the purpose of the amendment was to buy time, and that the purpose of the additional time was to enable the Congress and the States to enact a constitutional amendment to overturn the decision of the Court in Reynolds against Sims.

I wish to say that I agree with the distinguished minority leader when he says that this amendment is to provide time, because there have arisen in several States situations which require additional time to be properly worked out in an orderly manner. However, I do not agree that the purpose of the additional time is to allow the passage of a constitutional amendment to overturn the Reynolds decision. In the first place the time allowed by this amendment, which will in most cases end at the conclusion of the first State legislative session after the election this November, will probably not be long enough to complete the processes required for the adoption of a new constitutional amendment.

Second, although I thoroughly agree that the States should have the opportunity to vote on a constitutional amendment allowing them to apportion their own legislatures as they see fit, I do not believe this chance to vote must come while the State legislatures are still apportioned as they are today. That would give an alleged malapportioned State legislature the power to validate itself, the right to pass upon its own validity, and the ability to perpetuate itself indefinitely. That does not seem just to me. I am certainly in favor of giving the people the opportunity to vote as they wish on such a proposed constitutional amendment. But when that vote comes, it should be on the basis of one man, one vote, as required by the Reynolds decision.

May I say also that, in my opinion, this amendment does not make the

granting of the stay mandatory along, the percentage stated by the distinguished minority leader—the figure, I believe, was 99 $\frac{2}{3}$ percent—but considerably, very considerably less—perhaps 75 to 25 especially in those States well on the way to a successful and constitutional apportionment.

Mr. President, in the amendment before us, everything I am sorry to say—is not as we would like it to be. It is not all black, nor is it all white. There are shades of gray. Men of good will and men who believe in the Constitution can find a meeting of the minds if they will set themselves to it, and if they will not make up their minds before they have a chance to look up the facts and to evaluate the picture.

Last June the Supreme Court of the United States handed down its decision in the historic case of Reynolds against Sims. The decision held that equal protection of the laws, which is guaranteed by our Constitution, required, in the election of a State legislature, that each person in a State have the same value assigned to his vote as every other person. This was stated in the now famous phrase, “one person, one vote.”

Since that time the district courts of the United States and the State governments have endeavored to carry out this requirement of the Constitution as speedily and with as little confusion as possible. Generally these efforts have been successful. In several cases, however, because of the demands of time and the nearness of the fall election, the actions taken have been disruptive upon these particular States governing and electoral procedures. It is clear this result was not intended by the Supreme Court which warned against hasty actions of reapportionment where the State election machinery was already in process.

We are met, therefore, with a situation not totally intended or expected and it is a situation which, I believe, the Congress can and should make some attempt to ease, within the bounds of its constitutional power to do so.

The design of the original Dirksen amendment was to put off for two meetings of the State legislatures in any State involved in the apportionment problem, the implementation of the Court rule. In the meantime, supporters of that amendment hoped that a constitutional amendment could be achieved. But, of course, that is a far cry from the proposal which is before the Senate today. It is as different as day is from night. In my opinion, the first amendment was clearly unconstitutional. This one, I believe, is constitutional. As a result of the efforts put forth by the joint leadership, the attorneys attached to the Senate, and the Deputy Attorney General, Mr. Nicholas deB. Katzenbach, we think we have come up with something which is within the requirement of the law, which recognizes the decision of the Court, which does not try to overturn that decision. It does seek through the use of a brief stay where it is necessary to bring about a settling of a situation which has developed to serious proportions in various States.

There is a need for flexibility. No Member of this body will gainsay that fact in view of what is happening in such States as Oklahoma, New York, and Colorado.

The amendment which Senator DIRKSEN has introduced, and of which I am a cosponsor, in my judgment is a great improvement over those proposals which would have, in effect, suspended the constitutional right of equal protection for an extended period of time. The amendment is, under section 5 of the 14th amendment, an exercise of the congressional power to enforce and implement by appropriate legislation the requirements of that 14th amendment. The amendment offered by the Senator from Illinois and myself merely attempts to establish an orderly procedure in the carrying out of the constitutional requirement of the Reynolds against Sims decision in a situation where some congressional guidance may be helpful. This amendment is not in anyway an

attempt to overturn or subvert that decision. The basic purpose of this amendment is to allow the States one election and one session of the legislature which could be before or after that election, so that the States might be given a chance to solve their own apportionment problem. If at the end of that limited period the State has not by its own governing processes met the constitutional requirement, then section (d) of the amendment requires the district courts to do it for them. Furthermore, the stay of action suggested by this amendment is to be measured in terms of the public interest. In the opinion of many, the public interest and the requirements of orderly Government necessitate the States having this opportunity. But the amendment provides that even this chance need not be given where highly unusual circumstances would indicate that it should not be.

There are many who will not be satisfied with this amendment, and I can only say to them that there are also many who were not to be satisfied by anything else.

In my opinion we have not by this amendment interfered with the decision of the court but have instead helped to implement it in a way which will in the long run add strength to its meaning. It would seem to me that the malapportionment, or misbalance, which existed in some States until this time has been indefensible. In one State, for example, I am informed that every voter in one county had the equivalent power in State elections of 100 voters in another.

In other States, the State legislatures had failed to redistrict and reapportion themselves for many decades despite the plain requirement of their own constitutions to do so.

To those who say that governing initiative in this country has passed from the States to the central government, I point out that perhaps this is one of the reasons why. A free people will not long respect nor patiently submit to an unresponsive government. Insofar as some State governments have been grossly malapportioned, it is likely also that they have been unresponsive. It may be that in the end the requirement for fair apportionment in the State governments will bring about a resurgence of strong influence by State governments upon our Nation's affairs.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. PROXMIRE. The Senator has made a very constructive and helpful statement. It begins to give the kind of meaningful judicial discretion which is mighty important if we are to have an amendment that is not unconstitutional and is workable. I deeply appreciate the fine statement which the Senator has made.

I should like to add one further point. It seems to those of us who believe in one man-one vote that we should not delay apportionment. We should proceed. There are situations such as that in Oklahoma that from a practical standpoint are very difficult. That is why I offered the pending amendment, the

Proxmire amendment to the Mansfield-Dirksen amendment. This would provide that the stay, in Court action for the period necessary, shall not—I repeat, not—be deemed to be in the public interest in the absence of highly unusual circumstances. But under such circumstances, a court might find in Oklahoma that the highly unusual circumstances would make a stay wise and necessary. There may be difficulties which would cause enormous inconvenience and great difficulty for those running.

It seems that the amendment I have just called up would turn the proposal around and make it in fact as different as night and day from the other proposal. It would still rely on the one man-one vote principle. It would say to the court that the court should not stay reapportionment except under unusual circumstances that would cause great difficulty to those involved. I commend the Senator from Montana, our majority leader, for his very helpful statement, which is a characteristic of his whole attitude. I appreciate it very much.

Mr. MANSFIELD. I am deeply grateful to the distinguished Senator from Wisconsin for his remarks.

I point out that when we try to reach an agreement which will be satisfactory to a majority of the Members of this body, it is not an easy task. We spent many days since last Thursday—in effect, until yesterday afternoon—trying to draft an amendment which would uphold the powers of the Court and at the same time bring relief to those States which are in distress because of the Court decision which had been handed down.

I did not get all that I wished in the amendment. The distinguished minority leader did not get all that he wanted. But we arrived at a consensus in the gray area which we thought would face the situation, which would recognize that the courts had powers which should be adhered to, but which also recognized a situation which affected several of the States of the Union, and in which the need for some alleviation seemed to be very apparent.

We have done our best. We hope that the Senate will understand the spirit in which we carried on these bipartisan negotiations.

In response to a statement made by a Senator earlier today, I wish to say that the negotiations were not carried on in secret. I am sure that every Senator knew about what the leadership was doing. The press reported our doings quite carefully. We did not rush out and give them bulletins every hour on the hour, because we were trying to do a constructive and workmanlike job. We think we have accomplished that. It was not easy, but we have laid our proposal before the Senate and now it is for the Senate to decide.

AMENDMENT TO DISTRICT OF COLUMBIA POLICE AND FIREMEN'S SALARY ACT OF 1958

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate

reconsider the vote by which Calendar No. 1306, Senate bill 2981, was passed.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2981) to amend the District of Columbia Police and Firemen's Salary Act of 1958, as amended, to increase salaries, to adjust pay alignment, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to reconsider the bill.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the bill, H.R. 12196.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 12196) to amend the District of Columbia Police and Firemen's Salary Act of 1958, as amended, to increase salaries, to adjust pay alignment, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which was read twice by its title.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all after the enacting clause be stricken, and that the text of the bill S. 2981, be substituted therefor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask that the bill H.R. 12196 be passed.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time; the bill was read the third time and passed.

The title was amended, so as to read: "An act to amend the District of Columbia Police and Firemen's Salary Act of 1958, as amended, the District of Columbia Teachers' Salary Act of 1955, and for other purposes."

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Senate bill 2981 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF PERIOD OF TIME WITH REGARD TO CERTAIN CONSTRUCTION BY THE STATE OF MISSOURI

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1313, Senate bill 2460.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2460) to amend the act of July 13, 1959, so as to extend the period of time within which certain construction may be undertaken by the State of Missouri on

reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

S. 927. An act to amend title 12 of the Merchant Marine Act, 1936, in order to remove certain limitations with respect to war risk insurance issued under the provisions of such title;

S. 1451. An act to amend section 41(a) of the Trading With the Enemy Act;

S. 1627. An act to enable the United States to contribute its share of the expenses of the International Commission for Supervision and Control in Laos as provided in article 18 of the protocol to the declaration on the neutrality of Laos;

S. 2318. An act to amend the joint resolution approved August 20, 1958, granting the consent of Congress to the several States to negotiate and enter into compacts for the purpose of promoting highway traffic safety;

H.R. 5044. An act to amend the act entitled "An act to provide for a mutual aid plan for fire protection by and for the District of Columbia and certain adjacent communities in Maryland and Virginia, and for other purposes";

H.R. 5337. An act to increase the partial pay for educational employees of the public schools of the District of Columbia who are on leave of absence for educational improvement, and for other purposes;

H.R. 6350. An act to amend the act entitled "an act for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people from empiricism in relation thereto", approved June 6, 1892, as amended;

H.R. 7301. An act to amend section 341 of the Internal Revenue Code of 1954, relating to collapsible corporations, and to amend section 543(a)(2) of such code, relating to the inclusion of rents in personal holding company income;

H.R. 7441. An act to amend the act entitled "An act to authorize the Commissioners of the District of Columbia to remove dangerous or unsafe buildings and parts thereof, and for other purposes", approved March 1, 1899, as amended; and

H.R. 9653. An act to extend the authority of the Postmaster General to enter into leases of real property for periods not exceeding 30 years, and for other purposes.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961—AMENDMENTS

AMENDMENT NO. 1229

Mr. PROXMIRE. Mr. President, I offer an amendment and sent it to the desk and ask to have it stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 2, line 15, after the word "shall" and before the words "be deemed", insert the word "not."

The PRESIDING OFFICER. The amendment will be received, printed, and lie on the table.

Mr. PROXMIRE. Mr. President, this is a serious amendment and one which has real merit. I hope that Senators who will have an opportunity to read the RECORD tonight will consider it because it is an amendment which may point the way to a solution of the problem which may be satisfactory to all Senators.

AMENDMENT NOS. 1230 AND 1231

Mr. President, I also send to the desk two additional amendments and ask that they be printed and lie on the table.

The PRESIDING OFFICER. Without objection the amendments will be received and printed and will lie on the table.

PRESIDENTIAL SUCCESSION—ADDITIONAL COSPONSORS OF JOINT RESOLUTION

Mr. BAYH. Mr. President, I ask unanimous consent to have the following names added in addition to the list of Senators who have already cosponsored Senate Joint Resolution 139, a measure having to do with the vexing problems of Presidential inability and vacancies existing in the Vice Presidency: Senators CASE, NELSON, MCINTYRE, BARTLETT, INOUE, YOUNG of Ohio, and EDMONDSON.

I ask unanimous consent that their names may be added as cosponsors of the measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. MANSFIELD. May I say to the distinguished Senator from Indiana, who has done such remarkably efficient work in the Judiciary Committee on the measure, relating to Presidential disability and succession, which I understand was reported from committee in the form of legislation this morning and will be on the calendar tomorrow, that it is the strong hope of the leadership that the efforts made by the distinguished Senator from Indiana and the subcommittee will not be in vain and that it will be possible to bring this matter up before adjournment this year, so that at least in the Senate, if at all possible, we shall be able to give it the consideration which I personally think is its due. I compliment the Senator for his work in this respect.

Mr. BAYH. I thank the distinguished majority leader for his overly kind comments, which I appreciate very much. I would like the RECORD to show that the small part I have been able to play and the part that has been played by many of my colleagues in the Senate in trying to move this legislation forward has been greatly aided and abetted by the majority leader, who has not only counseled with us but has spoken publicly on several occasions indicating his interest in seeing that this problem is solved. We are thankful for his interest in the matter.

Mr. KUCHEL. Mr. President, I ask unanimous consent that at the next printing of Senate Joint Resolution 139 the names of the distinguished Senator from Kentucky [Mr. COOPER] and my own be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate, I move, pursuant to the order previously entered, that the Senate adjourn until 10 a.m. tomorrow.

The motion was agreed to; and (at 8 o'clock and 28 minutes p.m.), the

Senate adjourned, under the order previously entered, until tomorrow, Friday, August 14, 1964, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate August 13, 1964:

POSTMASTERS

The following-named persons to be postmasters:

ALASKA

Noble R. Spees, Galeana, Alaska, in place of F. W. Donalson, resigned.

ARKANSAS

Alfred D. Brannan, Hope, Ark., in place of R. M. Wilson, deceased.

George R. Buster, West Helena, Ark. Office established May 25, 1963.

CALIFORNIA

David Selcer, Long Beach, Calif., in place of G. P. McMillin, retired.

M. Dolores Pacheco, Samoa, Calif., in place of R. A. Hill, retired.

COLORADO

Wilbur D. Kaufman, Genoa, Colo., in place of Mary Stramp, retired.

FLORIDA

Robert A. Mann, Lake Monroe, Fla., in place of A. G. McArthur, retired.

Frederic J. McCabe, Jr., Sharpes, Fla., in place of C. M. Jenkins, retired.

GEORGIA

Carlos O. Henderson, Alpharetta, Ga., in place of C. L. Paris, retired.

INDIANA

Edith C. Gamber, Economy, Ind., in place of M. C. Sander, deceased.

IOWA

William J. Vonderhaar, Humboldt, Iowa, in place of O. H. Nelson, retired.

Larry E. Blair, Rockwell City, Iowa, in place of M. J. Harrington, retired.

Andrew J. Sherbo, West Des Moines, Iowa, in place of C. C. Yost, removed.

KANSAS

Raymond J. Vinduska, Marlon, Kans., in place of P. R. Shahan, retired.

KENTUCKY

Clyde H. Brown, Olmstead, Ky., in place of N. A. Miller, removed.

Rodney Blanton, Wallins Creek, Ky., in place of M. B. Milam, retired.

LOUISIANA

Clifford C. Hughes, Dodson, La., in place of L. R. Gaar, transferred.

MAINE

Earl A. Paine, Bethel, Maine, in place of I. M. Packard, retired.

Shirley M. Burgess, Chebeague Island, Maine, in place of P. S. Robinson, retired.

MICHIGAN

Tracy W. Vaughn, Jackson, Mich., in place of J. A. Picard, retired.

Donald W. Schroeder, Ravenna, Mich., in place of M. L. Thatcher, resigned.

Betty M. Rhoads, Washington, Mich., in place of B. S. Powell, retired.

MINNESOTA

Hjalmar Hulin, Aitkin, Minn., in place of R. V. Peterson, retired.

MISSISSIPPI

Jane W. Head, Stoneville, Miss., in place of B. M. Weilenman, retired.

MONTANA

John R. McCormick, Kremlin, Mont., in place of Delbert Trulson, retired.

NEBRASKA

Michael J. Lyons, Gothenburg, Nebr., in place of E. L. Tarr, retired.

NEW YORK

Joseph D. Zint, Highland Falls, N.Y., in place of F. J. Mahoney, resigned.
M. Elizabeth Egan, Hurley, N.Y., in place of E. M. Jones, resigned.
Robert N. Spickerman, Middleburg, N.Y., in place of F. B. Richard, retired.
Louis J. Ricarazzi, Selkirk, N.Y., in place of Herbert Staumpf, declined.
Charles L. France, Sharon Springs, N.Y., in place of M. A. Lynk, retired.
Thomas B. O'Driscoll, Theresa, N.Y., in place of M. D. Proctor, retired.

OHIO

Joseph J. Scanlon, Cincinnati, Ohio, in place of H. A. Wehking, retired.
Carl J. Boeshart, Danville, Ohio, in place of J. J. Scholes, retired.
William H. Theisen, Nelsonville, Ohio, in place of J. B. Preston, retired.

OKLAHOMA

Lorenzo S. Eales, Hobart, Okla., in place of P. O. Wright, retired.
Margie D. Kirkpatrick, Kremlin, Okla., in place of C. J. Rathmel, transferred.

PENNSYLVANIA

Walter E. Lucas, Fleming, Pa., in place of F. E. Zahniser, retired.
Robert L. Clink, Snow Shoe, Pa., in place of J. W. Sullivan, deceased.

SOUTH CAROLINA

DeWitt T. Branham, Jr., Lugoff, S.C., in place of S. T. Ward, retired.

SOUTH DAKOTA

Harold A. Loof, Corona, S. Dak., in place of R. A. Phillips, retired.
Leonard H. Nelson, Miller, S. Dak., in place of W. A. Hall, retired.

TEXAS

Avanell T. Reynolds, Leggett, Tex., in place of M. A. Hemphill, deceased.
Oleta B. Coleman, Splendora, Tex., in place of P. W. Davis, retired.
Mary T. Anderson, Webster, Tex., H. L. Burks, removed.

UTAH

G. Vernal Seamons, Hyde Park, Utah, in place of Vernon Perkes, deceased.

WEST VIRGINIA

Lester W. Perry, Jr., Chapmanville, W. Va., in place of E. E. Frye, resigned.
Roberta L. Price, Rachel, W. Va., in place of Myra Brand, resigned.
George E. Teter, Riverton, W. Va., in place of Cleda Nelson, transferred.
Roland Emmett Florence, Washington, W. Va., in place of K. M. Grogan, retired.

11. ADJOURNED until Mon., Aug. 17. p. 191905

HOUSE - Aug. 15

12. STATE, JUSTICE, COMMERCE, JUDICIARY APPROPRIATION BILL, 1965. The "Daily Digest" states that the conferees agreed to file a report on this bill, H. R. 11134. p. D702

SENATE - Aug. 14

13. INDEPENDENT OFFICES APPROPRIATION BILL, 1965. Agreed to the conference report on this bill, H. R. 11296, and concurred in House amendments to two items in disagreement. This bill will now be sent to the President. pp. 18929-34

14. HOUSING. Disagreed to the House amendment to S. 3049, the housing bill. Conferees were appointed. pp. 18980-90

15. POVERTY. Sen. Simpson inserted an article critical of the poverty bill. pp. 18920-1

16. FOREIGN AID. Continued debate on H. R. 11380, the foreign-aid authorization bill. pp. 18935-49, 18954-68, 18993-9, 19001-12

17. NATIONAL PARK. Concurred in the House amendments to S. 16, establishing the Ozark National Rivers, Mo. This bill will now be sent to the President. pp. 18999-19000

Passed without amendment H. R. 946, to authorize the establishment of the Fort Bowie National Historic Site, Ariz. This bill will now be sent to the President. p. 19001

18. ELECTRIFICATION. Concurred in the House amendment to S. 502, to preserve the jurisdiction of the Congress over construction of hydroelectric projects on the Colorado River below Glen Canyon Dam. This bill will now be sent to the President. pp. 19000-1

19. ACCOUNTING. Passed without amendment H. R. 10446, to permit the use of statistical sampling procedures in the examination of vouchers. This bill will now be sent to the President. p. 19014

20. CLAIMS. Passed as reported H. R. 6910, to provide for the settlement of claims against the U. S. by members of the uniformed services and civilian officers and employees of the U. S. for damage to, or loss of, personal property incident to their service. p. 19014

Received a letter from this Department reporting tort claims paid in fiscal year 1964; to Judiciary Committee. p. 18903

21. CONTAINERS. Passed without amendment H. R. 9334, to amend the Standard Container Act of 1928 relating to standards of containers for fruits and vegetables, so as to permit the use of additional standard containers. This bill will now be sent to the President. p. 19015

22. ECONOMICS. Sen. Humphrey inserted his statement supporting S. 2274, to establish a National Economic Conversion Commission. pp. 19018-20

23. HOLIDAY. The Judiciary Committee reported without amendment S. 108, making Columbus Day a legal holiday (S. Rept. 1438). p. 18903

24. VEHICLES. The Commerce Committee reported without amendment H. R. 1341, to re-

-4-

quire passenger-carrying motor vehicles purchased for use by the Federal Government to meet certain safety standards (S. Rept. 1440). p. 18903

25. EDUCATION. The Labor and Public Welfare Committee ordered reported (but did not actually report) an original bill, the higher education student assistance bill of 1964. p. D697

SENATE - Aug. 15

26. PUBLIC LANDS. The Interior and Insular Affairs Committee reported with amendments H. R. 8070, to establish a Public Land Law Review Commission to study existing laws and procedures relating to the administration of the public lands of the U. S. (S. Rept. 1444). p. 19108
27. AUDIT. Passed without amendment H. R. 4223, to provide for an audit of accounts of private corporations established under Federal law. This bill will now be sent to the President. p. 19133
28. HOLIDAY. Passed without amendment S. 108, making Columbus Day a legal holiday. p. 19136
29. FOREIGN AID. Continued debate on H. R. 11380, the foreign-aid authorization bill. pp. 19123-8, 19140-5, 19147-50
30. FISH PROTEIN. Sen. Douglas urged approval for sale of high protein fish concentrate. pp. 19116-7
31. PAY. Sen. Johnston inserted the remarks of President Johnson when he signed the pay bill. p. 19151
32. EXPOSITIONS. Passed without amendment S. J. Res. 162, authorizing the President to call upon the States and foreign countries in the International Exposition for southern Calif. p. 19128

ITEMS IN APPENDIX

33. MEAT IMPORTS. Extension of remarks of Rep. Burke opposing the meat-import restriction bill, and stating "the rigid import bill will not help the cattlemen, and at the same time it will adversely affect our farm and industrial exports. pp. A4313-4
34. HOLIDAY. Extension of remarks of Rep. Carey expressing his support for the bill to make Columbus Day a national holiday. pp. A4316-7
35. APPALACHIA; ROADS. Extension of remarks of Rep. Saylor inserting correspondence with the Dept. of Commerce concerning his proposal that all highways in the Appalachia region be constructed on a 90-percent Federal and 10-percent State ration. pp. A4319-20
36. POVERTY. Rep. Edmondson inserted Sargent Shriver's address before Georgetown University in which he discussed the Peace Corps and the proposed poverty program. pp. A4324-6
37. FOOD STAMPS. Rep. Sullivan inserted an article, "Congress Clears Food Stamp Plan for the Needy--Nationwide Program Would Provide Assistance for Any Area Asking It." p. A4330

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The PRESIDING OFFICER. Without objection, the Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. DOUGLAS. Mr. President, I suggest the absence of a quorum.

Mr. HICKENLOOPER. I wish the Senator would withhold his suggestion. I should like to make some insertions in the RECORD on the foreign aid bill. I do not require a quorum at this time. I shall finish in about 5 minutes.

Mr. DOUGLAS. I withhold my request.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin [Mr. PROXMIER].

Mr. HICKENLOOPER. Mr. President, the Committee on Foreign Relations, in considering the foreign aid bill, adopted an amendment to section 620(e) by adding a new subsection which refers to the action of the Supreme Court in connection with the application of international law in certain circumstances.

This amendment goes specifically to the so-called Sabbatino decision of the Supreme Court.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD that portion of the report of the Committee on Foreign Relations on page 24, under the heading "Expropriations and Other Similar Matters (Sec. 301 (c))." Incidentally, the committee adopted this amendment by a vote of 13 to 3.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPROPRIATIONS AND OTHER SIMILAR MATTERS (SEC. 301 (C))

The bill amends section 620(e) by adding a new subsection which provides that no court in the United States shall decline on the ground of the act-of-state doctrine to make a determination on the merits or to apply principles of international law in a case in which an act of a foreign state is alleged to be contrary to international law. The amendment further provides that no effect shall be given to acts of a foreign sovereign that are found to be in violation of international law. It allows the President to waive these provisions whenever he determines that application of the act-of-state doctrine is required by the foreign policy interests of the United States, and a suggestion to that effect is filed on behalf of the President with the court.

The amendment is intended to reverse in part the recent decision of the Supreme Court in *Banco de Nacional de Cuba v. Sabbatino*. The act-of-state doctrine has been applied by U.S. courts to determine that the actions of a foreign sovereign cannot be challenged in private litigation. The Supreme Court extended this doctrine in the Sabbatino decision so as to preclude U.S. courts from inquiring into acts of foreign states, even though these acts had been denounced by the State Department as contrary to international law.

In the Sabbatino case, the Banco Nacional de Cuba sued to recover the proceeds of a sale of Cuban sugar by an American-owned company on the ground that the sugar, which had been expropriated, belonged to

the Cuban Government. The lower courts dismissed the suit, but the Supreme Court reversed these decisions and remanded the case for further proceedings on the ground that it would not inquire into the act of the Cuban State.

The committee has received statements of the Bar Association of the City of New York and of such eminent legal scholars as Prof. Myres S. McDougal, of the Yale Law School, supporting this amendment.

The effect of the amendment is to achieve a reversal of presumptions. Under the Sabbatino decision, the courts would presume that any adjudication as to the lawfulness under international law of the act of a foreign state would embarrass the conduct of foreign policy unless the President says it would not. Under the amendment, the Court would presume that it may proceed with an adjudication on the merits unless the President states officially that such an adjudication in the particular case would embarrass the conduct of foreign policy.

Mr. HICKENLOOPER. Mr. President, following the adoption of the Sabbatino amendment, the Washington Post, on July 27, 1964, published an editorial attacking the amendment and questioning me to some extent. Incidentally, the amendment was sponsored by the distinguished junior Senator from Alabama [Mr. SPARKMAN] and me, but the editorial referred to me. The editorial is entitled "Drag on Foreign Policy." I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DRAG ON FOREIGN POLICY

Senator HICKENLOOPER's assault upon the "act of state doctrine" is one of the most serious threats to orderly foreign relations since the infamous Bricker amendment rejected during the Eisenhower administration. The Senator from Iowa induced the Foreign Relations Committee to vote 13 to 3 in favor of an amendment to the foreign-aid bill that would gravely handicap the State Department in its efforts to protect the rights of American citizens whose property has been seized by foreign governments.

No doubt the intentions behind the Hickenlooper proposal are good. Its effect would be to clear the way for some U.S. property owners who suffered losses from Castro's nationalization decrees to have their cases adjudicated in the Federal courts. But that limited advantage for a few property owners would be purchased at the cost of throwing down an important principle laid down by the Supreme Court in addition to complicating the conduct of international relations. It is too high a price to pay.

The established rule is that "the courts of one country will not sit in judgment on the acts of the government of another done within its own territory." The reasoning behind this rule—first enunciated by Chief Justice Fuller in 1897—is obvious. If American courts sat in judgment of foreign governments, their courts would increasingly sit in judgment of ours. Even if such a practice did not lead to chaos, the United States has an interest in holding fast to the sound principle which it has established—a principle that, as the Supreme Court has said, is conducive to promotion of the rule of law among nations. As a practical matter, the attainment of justice in cases directly involving the relations of governments depends upon diplomacy, and the courts have wisely refrained from getting in the way of the diplomats.

This sensible "act of state doctrine" was invoked last March in the Sabbatino case. The Supreme Court refused to inquire into

the validity of one of Castro's nationalization decrees, even though the State Department regards those decrees as violations of international law. The Court recognized that it is not the right tribunal to lay down international law in this sensitive sphere. Redress of the grievances of the despoiled American property owners in Cuba must be left to the executive branch, which has frozen the assets of Cuba in this country, including the assets involved in the Sabbatino case.

It is this decision which Senator HICKENLOOPER wishes to overturn. He would not, however, completely wipe out the "act of state doctrine." Rather, he would have the courts decide cases growing out of the nationalization of property occurring after January 1, 1959, the date of Castro's takeover in Cuba, if there is an allegation that international law has been violated. But the President could stop the whole works by filing a statement to the effect that the foreign-policy interests of the United States required application of the "act of state doctrine."

The effect would be to leave the application of an important principle to the whim of the President. If he let the doctrine be applied in one case and denied it in another, he would be accused of gross discrimination. And he might be forced to make such a decision in the midst of sensitive negotiations with the power or powers involved on wholly different subjects.

In short, the Hickenlooper amendment would force the courts into mischievous and dangerous intrusions into the delicate realm of diplomacy. It is a crude device that has nothing to recommend it except its anti-Castro wrappings. The Johnson administration has already taken a strong stand against the amendment, but an open fight of major proportions may be necessary to prevent in the Senate the kind of stampede which took place in the Foreign Relations Committee.

Mr. HICKENLOOPER. Mr. President, under date of July 27, 1964, I wrote a letter to the editor of the Washington Post in response to its editorial. On August 5, 1964, the Washington Post published an edited version of my letter, omitting some pertinent paragraphs. I ask unanimous consent that the text of my letter as published in the Letters to the Editor department of the Post, and entitled "A 'Day in Court,'" be printed at this point of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

A "DAY IN COURT"

Your July 27 editorial attack on the amendment to the foreign assistance bill which Senator SPARKMAN and I sponsored in the Senate Foreign Relations Committee shows a remarkable lack of understanding of the problem. Since you did not set out the facts of the Sabbatino case which stimulated the amendment, a brief review of them would appear desirable.

The sugar, the property of American-owned interests, was seized in Cuba by the Castro government in violation of international law and sold in Morocco. The proceeds of the sale came into New York and into the hands of the rightful American owners. An agency of the Castro regime brought suit to obtain possession of these funds. The lower court, having jurisdiction over the plaintiff, the defendants and the property, all being in court in the State of New York, decided in favor of the rightful American owners. The Supreme Court, on review and in accordance with a brief filed by the executive branch, reversed this decision, not for lack of jurisdiction over the parties or the property, but through application of the so-called act of state doctrine

to the effect that the Court would not pass on the question of failure of another country to comply with international law in the seizure of American property.

Basically, the amendment is designed to assure that the private litigant is granted his day in court. Under the law as it stands at present in the aftermath of the Sabbatino decision, a court in the United States may not even inquire into the validity under international law of the expropriatory acts of a foreign government except perhaps in a case in which the State Department informs the court that such an inquiry would not be a matter of embarrassment to the conduct of foreign policy. Thus, the current presumption in American courts is that any inquiry under the principles of international law into the acts of a foreign state will be a matter of embarrassment to the conduct of foreign policy. What the amendment does is to reverse this presumption and to establish that American courts may inquire, irrespective of the so-called act of state doctrine into the validity of the acts of a foreign state unless the President advises that such an inquiry would be embarrassing to the conduct of foreign affairs. The amendment would therefore establish the presumption that private litigants are entitled to have a cause decided in accordance with the legal principles normally applied by our courts in cases properly within their jurisdiction.

As you are undoubtedly aware, under our constitutional system international law is clearly a part of that body of law applied by our courts. Prior to the Sabbatino decision of last March, it has never been held that the "act of state doctrine" overrode the application of international law in an American court. This was acknowledged by the majority opinion and forcefully pointed out by Justice Byron White in his dissent. It should also be noted that the Supreme Court, in its decision in the Sabbatino case, expressly stated that its decision was not required by any provision of the Constitution nor was its application of the so-called act of state doctrine required by any principle of international law. The case was merely a declaration of policy which the Court conceived necessary, undoubtedly in large part because of the representations made by the State Department in its brief, in order to avoid possible conflict between the judiciary on the one hand and the political branches of the Government on the other.

We have been led to look into this matter because of the statement in Justice White's dissent that no other country in the world had adopted the same extreme position as the Supreme Court in the Sabbatino case. No other country absolutely forbids any inquiry on the merits by its courts in a similar situation. On the contrary, courts in foreign countries inquire into acts of other foreign countries to determine whether they are consistent with international law.

Thus, the point made in your editorial that "if American courts sat in judgment of foreign courts, their courts would increasingly sit in judgment of ours," is entirely beside the point. Court decisions in Austria, Belgium, British territories, the United Kingdom, the Netherlands, Germany, Japan, Switzerland, Greece, Italy, and France have expressly made such judgments and they have reserved to themselves the final decision. Their reservations are based on the familiar rule that the courts of one nation will not enforce the judgments or acts of a foreign state within their own territory when those acts are contrary to the public policy of the nation in which the cases arise. Surely, it must be contrary to the public policy of the United States to enforce, as was done in the Sabbatino case, the act of a foreign state which is in flagrant violation of international law and which has been pub-

licly denounced as such by the Department of State.

It should be noted that the amendment is not intended to reinstate the broad holding established in the trial court. It only modifies the Supreme Court decision in the matter of presumptions. We think it perfectly proper that the Congress of the United States should have the last word on this important policy question. Moreover, the amendment achieves the result recommended by the Association of the Bar of the City of New York at the urging of a distinguished committee of international lawyers.

BOURKE B. HICKENLOOPER,
U.S. Senator, Iowa.

WASHINGTON.

Mr. HICKENLOOPER. Mr. President, in order to keep the RECORD straight, I ask unanimous consent to have printed at this point in the RECORD the text of the entire letter I wrote to the Post, portions of which were edited out in their printing of the letter in the Post of August 5, 1964. My letter to the Post was dated July 27, 1964. I ask that the letter as I sent it to the Post be printed in the RECORD with the brackets I have now included for purposes of comparison.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., July 27, 1964.

The EDITOR,
The Washington Post,
Washington, D.C.

DEAR SIR: Your editorial attack in this morning's (July 27, 1964) Post on the amendment to the foreign assistance bill which Senator SPARKMAN and I sponsored in the Senate Foreign Relations Committee, shows a remarkable lack of understanding of the problem. Since you did not set out the facts of the Sabbatino case which stimulated the amendment, a brief review of them would appear desirable.

1. The sugar, the property of American-owned interests, was seized in Cuba by the Castro government in violation of international law and sold in Morocco.

2. The proceeds of the sale came into New York and into the hands of the rightful American owners.

3. An agency of the Castro regime brought suit to obtain possession of these funds.

4. The lower court, having jurisdiction over the plaintiff, the defendants and the property, all being in court in the State of New York, decided in favor of the rightful American owners.

5. The Supreme Court, on review and in accordance with a brief filed by the executive branch, reversed this decision, not for lack of jurisdiction over the parties or the property, but through application of the so-called "act of state doctrine" to the effect that the Court would not pass on the question of failure of another country to comply with international law in the seizure of American property.

Basically, the amendment is designed to assure that the private litigant is granted his day in court. Under the law as it stands at present in the aftermath of the Sabbatino decision, a court in the United States may not even inquire into the validity under international law of the expropriatory acts of a foreign government except perhaps in a case in which the State Department informs the court that such an inquiry would not be a matter of embarrassment to the conduct of foreign policy. Thus, the current presumption in American courts is that any inquiry under the principles of international law into the acts of a foreign state will be a

matter of embarrassment to the conduct of foreign policy. What the amendment does is to reverse this presumption and to establish that American courts may inquire, irrespective of the so-called "act of state doctrine," into the validity of the acts of a foreign state unless the President advises that such an inquiry would be embarrassing to the conduct of foreign affairs. The amendment would therefore establish the presumption that private litigants are entitled to have a cause decided in accordance with the legal principles normally applied by our courts in cases properly within their jurisdiction.

As you are undoubtedly aware, under our constitutional system international law is clearly a part of that body of law applied by our courts. Prior to the Sabbatino decision of last March, it had never been held that the "act of state doctrine" overrode the application of international law in an American court. This was acknowledged by the majority opinion and forcefully pointed out by Justice Byron White in his dissent. It should also be noted that the Supreme Court, in its decision in the Sabbatino case, expressly stated that its decision was not required by any provision of the Constitution nor was its application of the so-called "act of state doctrine" required by any principle of international law. The case was merely a declaration of policy which the court conceived necessary, undoubtedly in large part because of the representations made by the State Department in its brief, in order to avoid possible conflict between the judiciary on the one hand and the political branches of the Government on the other.

We have been led to look into this matter because of the statement in Justice White's dissent that no other country in the world had adopted the same extreme position as the Supreme Court in the Sabbatino case. No other country absolutely forbids any inquiry on the merits by its courts in a similar situation. On the contrary, courts in foreign countries inquire into acts of other foreign countries to determine whether they are consistent with international law.

Thus, the point made in your editorial that "if American courts sat in judgment of foreign courts, their courts would increasingly sit in judgment of ours," is entirely beside the point. Court decisions in Australia, Belgium, British Territories, the United Kingdom, the Netherlands, Germany, Japan, Switzerland, Greece, Italy, and France have expressly made such judgments and they have reserved to themselves the final decision. Their reservations are based on the familiar rule that the courts of one nation will not enforce the judgments or acts of a foreign state within their own territory when those acts are contrary to the public policy of the nation in which the cases arise. Surely, it must be contrary to the public policy of the United States to enforce, as was done in the Sabbatino case, the act of a foreign state which is in flagrant violation of international law. And which has been publicly denounced as such by the Department of State.

[Your editorial also makes the point that the amendment would "greatly handicap the State Department in its efforts to protect the rights of American citizens." Nothing could be further from the truth. Actually, the amendment would greatly assist the State Department in protecting the rights of American citizens, not only when those rights arise for adjudication in American courts, as in Sabbatino, but also in foreign courts. It is very important that the American courts take the lead in establishing that the principles of international law will be applied whenever expropriated property comes within the territorial jurisdiction of the United States because if we do not take this position, foreign courts which have not

yet passed on this question may follow the Supreme Court rule. Moreover, those foreign courts which have adopted the contrary rule may be under heavy pressure to reverse their positions. If these two eventualities occur, the result will be that property expropriated in violation of international law can be marketed throughout the world without hindrance by the judicial processes of national courts all over the globe. Certainly, the United States should not become an international "thieves market."

[Your editorial rightfully states that the amendment would not completely wipe out the "act of state doctrine." It would apply with full force in all that very large category of cases in which no principle of international law was involved. And even in cases where there was a violation of international law, the President under the waiver provision of the amendment, could ask the court to suspend adjudication on the merits if he thought there might be embarrassment in the conduct of foreign affairs. We are frankly amazed that you object to the waiver proviso on the ground that it would leave "the application of an important principle to the whim of the President." This is a curious and inconsistent argument in the light of your earlier contention that we should leave the question of sanctions against uncompensated expropriations to the unfettered discretion of the State Department. We are perfectly prepared to leave to the discretion of the President the decision as to whether the foreign policy interests of the United States require that a private litigant be denied his day in court and that the court be denied the ability to apply principles of international law in such a case. What we are not willing to do is to leave it as an inflexible presumption that the courts are absolutely precluded from making an inquiry into the validity of an uncompensated foreign taking when no one in the Government has even taken the trouble to determine whether the litigation would impinge upon the foreign policy interests of the Government.]

Finally, it should be noted that the amendment is not intended to reinstate the broad holding established in the trial court. It only modifies the Supreme Court decision in the matter of presumptions. We think it perfectly proper that the Congress of the United States should have the last word on this important policy question. Moreover, the amendment achieves the result recommended by the Association of the Bar of the City of New York at the urging of a distinguished committee of international lawyers (including former Prof. Philip Jessup, of the Columbia University Law School, Prof. Willis Reese, of the same institution, Prof. Richard N. Gardner, now Deputy Assistant Secretary of State, Mr. Stephen Schwebel, the present Assistant Legal Adviser of the State Department, and many other distinguished practitioners. It cannot be said that any of these men is indifferent to the legitimate interests of the State Department in the conduct of foreign affairs. In addition, Myres McDougal, of Yale Law School, Richard Baxter, of Harvard, and William Bishop, of Michigan, all of whom are distinguished professors of international law, have written to the committee in support of the amendment).

Yours sincerely,

BOURKE B. HICKENLOOPER,
U.S. Senator From Iowa.

Mr. HICKENLOOPER. The decision in the Sabbatino case immediately drew the fire of many prominent international law professors and deans. It drew the opposition of the Association of the Bar of the City of New York at a meeting at which the members discussed this matter.

It is interesting to note that the Sabbatino decision was attacked by such eminent international lawyers as were named in that portion of my letter of July 27 to the Washington Post which was not printed, including former Prof. Philip Jessup, of the Columbia University Law School; Prof. Willis Reese, of the same institution; Prof. Richard N. Gardner, now Deputy Assistant Secretary of State; Mr. Stephen Schwebel, the present Assistant Legal Adviser of the State Department, and many other distinguished practitioners.

In addition, Myres McDougal, of Yale Law School; Richard Baxter, of Harvard; and William Bishop, of Michigan, all of whom are distinguished professors of international law, have written to the committee in support of the amendment.

I have received a number of other letters from other distinguished law students who have attacked the Sabbatino decision as properly a criticizable decision of the Supreme Court, a decision which this amendment attempts, in a way, to correct.

Mr. President, in order to save time, I invite attention to the strong, vigorous dissent of Mr. Justice White in the decision of the Supreme Court handed down March 23, 1964, No. 16, October term, 1963, entitled "Banco Nacional de Cuba, Petitioner, against Peter L. F. Sabbatino, and so forth, et al.," on writ of certiorari to the U.S. Court of Appeals for the Second Circuit, but decided on review by the Supreme Court. Justice White's dissent is vigorous and, to me, most understandable and logical. I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the dissent was ordered to be printed in the RECORD, as follows:

SUPREME COURT OF THE UNITED STATES
(No. 16.—October Term, 1963)

Banco Nacional de Cuba, petitioner, v. *Peter L. F. Sabbatino, etc., et al.*—On writ of certiorari to the United States Court of Appeals for the Second Circuit

(March 23, 1964)

MR. JUSTICE WHITE, dissenting.

I am dismayed that the Court has, with one broad stroke, declared the ascertainment and application of international law beyond the competence of the courts of the United States in a large and important category of cases. I am also disappointed in the Court's declaration that the acts of a sovereign state with regard to the property of aliens within its borders are beyond the reach of international law in the courts of this country. However clearly established that law may be, a sovereign may violate it with impunity, except insofar as the political branches of the government may provide a remedy. This backward looking doctrine, never before declared in this Court, is carried a disconcerting step further: not only are the courts powerless to question acts of state proscribed by international law but they are likewise powerless to refuse to adjudicate the claim founded upon a foreign law; they must render judgment and thereby validate the lawless act. Since the Court expressly extends its ruling to all acts of state expropriating property, however clearly inconsistent with the international community, all discriminatory expropriations of the property of aliens, as for example the taking of properties of persons belonging to certain races, religious

or nationalities, are entitled to automatic validation in the courts of the United States. No other civilized country has found such a rigid rule necessary for the survival of the executive branch of its government; the executive of no other government seems to require such insulation from international law adjudications in its courts; and no other judiciary is apparently so incompetent to ascertain and apply international law.¹

I do not believe that the act of state doctrine, as judicially fashioned in this Court, and the reasons underlying it, require American courts to decide cases in disregard of international law and of the rights of litigants to a full determination on the merits.

¹ The courts of the following countries, among others, and their territories have examined a fully "executed" foreign act of state expropriating property:

England: *Anglo-Iranian Oil Co. v. Jaffrate (The Rose Mary)*, [1953] Int'l L. Rep. 316 (Aden. Sup. Ct.); *N. V. De Bataafsche Petroleum Maatschappij v. The War Damage Comm.*, [1956] Int'l L. Rep. 810 (Singapore Ct. App.).

Netherlands: *Senembah Maatschappij, N. V. v. Rupublik Indonesia Bank Indonesia*, 73 *Nederlandse Jurisprudentie* 218 (Amsterdam Ct. App.), excerpts reprinted in Domke, *Indonesian Nationalization Measures Before Foreign Courts*, 54 *Am. J. Int'l L.* 305, 307-315 (1960).

Germany: *N. V. Verenigde Deli-Maatschappijen v. Deutsch-Indonische Tabak-Handelsgesellschaft, m. b. H. (Bremen Ct. App.)*, excerpts reprinted in Domke, *supra*, at 313-314 (1960); *Confiscation of Property of Sedenten Germens Case*, [1948] *Ann. Dig.* 24, 25 (No. 12) (Amstgericht of Dingolfing).

Japan: *Anglo-Iranian Oil Co. Idemitsu Kōsan Kabushiki Kaisha*, [1953] Int'l L. Rep. 305 (Tokyo Dist. Ct.), *aff'd*, [1953] Int'l L. Rep. 312 (Tokyo High Ct.).

Italy: *Anglo-Iranian Oil Co. v. S. U. P. O. R. Co.* [1955] Int'l L. Rep. 19 (Ct. of Venice); *Anglo Iranian Oil Co. v. S. U. P. O. R.*, [1955] Int'l L. Rep. 23 (Civil Ct. of Rome).

France: *Volatron v. Moulin*, [1938-1940] *Ann. Dig.* 24 (Ct. of App. of Aix); *Société Potasas Ibericas v. Nathan Bloch*, [1938-1940] *Ann. Dig.* 150 (Ct. of Cassation).

The Court does not refer to any country which has applied the act of state doctrine in a case where a substantial international law issue is sought to be raised by an alien whose property has been expropriated. This country and this Court stand alone among the civilized nations of the world in ruling that such an issue is not cognizable in a court of law.

The Court notes that both the courts of New York and Great Britain have articulated the act of state doctrine in broad language similar to that used by this Court in *Underhill, supra*, and from this it infers that these courts recognize no international law exception to the act of state doctrine. The cases relied on by the Court involved no international law issue. For in these cases the party objecting to the validity of the foreign act was a citizen of a foreign state. It is significant that courts of both New York and Great Britain, in apparently the first cases in which an international law issue was squarely posed, ruled that the act of state doctrine was no bar to examination of the validity of the foreign act. *Anglo-Iranian Oil Co. v. Jaffrate (The Rose Mary)*, [1953] Int'l L. Rep. 316 (Aden Sup. Ct.): "[T]he Iranian laws of 1951 were invalid by international law, for by them, the property of the company was expropriated without any compensation." *Sulyok v. Penzintezeti Kozpont Budapest*, 279 *App. Div.* 528, *aff'd*, 304 *N. Y.* 704 (foreign expropriation of intangible property denied effect as contrary to New York public policy).

I

Prior decisions of this Court in which the act of state doctrine was deemed controlling do not support the assertion that foreign acts of state must be enforced or recognized or applied in American courts when they violate the law of nations. These cases do hold that a foreign act of state applied to persons or property within its borders may not be denied effect in our courts on the ground that it violates the public policy of the forum. Also the broad language in some of these cases does evince an attitude of caution and self-imposed restraint in dealing with the laws of a foreign nation. But violations of international law were either not presented in these cases, because the parties or predecessors in title were nationals of the acting state, or the claimed violation was insubstantial in light of the facts presented to the Court and the principles of international law applicable at the time.² These cases do not strongly imply or

²In one of the earliest decisions of this Court even arguably invoking the act of state doctrine, *Hudson v. Guestier*, 4 Cranch 293, Chief Justice Marshall held that the validity of a seizure by a foreign power of a vessel within the jurisdiction of the sentencing court could not be reviewed "unless the court passing sentence loses its jurisdiction by some circumstance which the law of nations can recognize." *Underhill v. Hernandez*, 168 U.S. 250, where the Court stated the act of state doctrine in its oft quoted form, was a suit in tort by an American citizen against an officer of the Venezuelan Government for an unlawful detention and compelled operation of the plaintiff's water facilities during the course of a revolution in that country. Well-established principles of immunity precluded the plaintiff's suit, and this was one of the grounds for dismissal. However, as noted above, the Court did invoke the act of state doctrine in dismissing the suit and arguably the forced detention of a foreign citizen posed a claim cognizable under international law. But the Court did not ignore this possibility of a violation of international law; rather in distinguishing cases involving arrests by military authorities in the absence of war and those concerning the right of revolutionary bodies to interfere with commerce, the Court passed on the merits of plaintiff's claim under international law and deemed the claim without merit under then existing doctrines. "Acts of legitimate warfare cannot be made the basis of individual liability." 168 U.S., at 253. Indeed the Court cited *Dow v. Johnson*, 100 U.S. 158, a suit arising from seizures by American officers in the South during the Civil War, in which it was held without any reliance on the act of state doctrine that the law of nations precluded making acts of legitimate warfare a basis for liability after the cessation of hostilities, and *Ford v. Surget*, 97 U.S. 594, which held an officer of the confederacy immune from damages for the destruction of property during the war. *American Banana Co. v. United Fruit Co.*, 213 U.S. 347, a case often invoked for the blanket prohibition of the act of state doctrine, held only that the antitrust laws did not extend to acts committed by a private individual in a foreign country with the assistance of a foreign government. Most of the language in that case is in response to the issue of how far legislative jurisdiction should be presumed to extend in the absence of an express declaration. The Court held that the ordinary understandings of sovereignty warranted the proposition that conduct of an American citizen should ordinarily be adjudged under the law where the acts occurred. Rather than ignoring international law, the law of nations was relied on for this rule of statutory construction.

even suggest that the Court would woodenly apply the act of state doctrine and grant enforcement to a foreign act where the act was a clear and flagrant violation of international law, as the District Court and the Court of Appeals have found in respect to the Cuban law challenged herein. 193 F. Supp. 375, aff'd, 307 F. 2d 845.

II

Though not a principle of international law, the doctrine of restraint, as formulated

More directly on point are the Mexican seizures passed upon in *Oetjen*, 246 U.S. 297, and *Ricaud*, 246 U.S. 304. In *Oetjen* the plaintiff claimed title from a Mexican owner who was divested of his property during the Mexican revolution. The terms of the expropriation are not clear, but it appears that a promise of compensation was made by the revolutionary government and that the property was to be used for the war effort. The only international law issue arguably present in the case was by virtue of a treaty of the Hague Convention, to which both Mexico and the United States were signatories, governing customs of war on land; although the Court did not rest the decision on the treaty, it took care to point out that this seizure was probably lawful under the treaty as a compelled contribution in time of war for the needs of the occupying army. Moreover, the Court stressed the fact that the title challenged was derived from a Mexican law governing the relations between the Mexican Government and Mexican citizens. Aside from the citizenship of the plaintiff's predecessor in title, the property seized was to satisfy an assessment of the revolutionary government which the Mexican owner had failed to pay. It is doubtful that this measure, even as applied to non-Mexicans, would constitute a violation of international law. *Dow v. Johnson*, *supra*. In *Ricaud* the titleholder was an American and the Court deemed this difference irrelevant "for the reasons given in *Oetjen*. In *Ricaud* there was a promise to pay for the property seized during the revolution upon the cessation of hostilities and the seizure was to meet exigencies created by the revolution, which was permissible under the provisions of the Hague Convention considered in *Oetjen*. This declaration of legality in the Hague Convention, and the international rules of war on seizures, rendered the allegation of an international law violation in *Ricaud* sufficiently frivolous so that consideration on the merits was unnecessary. The sole question presented in *Shapleigh*, 299 U.S. 468, concerned the legality of certain action under Mexican law, and the parties expressly declined to press the question of legality under international law. And the Court's language in that case—"For wrongs of that order the remedy to be followed is along the channels of diplomacy"—must be read against the background of an arbitral claims commission that had been set up to determine compensation for claimants in the position of *Shapleigh*, the existence of which the Court was well aware. "[A] Tribunal is in existence, the International Claims Commission, established by convention between the United States and Mexico, to which the plaintiffs are at liberty and have long ago submitted a claim for reparation." 299 U.S., at 471.

In the other cases cited in the Court's opinion, *ante*, p. 17, the act of state doctrine was not even peripherally involved; the law applicable in both *United States v. Belmont*, 301 U.S. 324, and *United States v. Pink*, 315 U.S. 203, was a compact between the United States and Russia regarding the effect of Russian nationalization decrees on property located in the United States. No one seriously argued that the act of state doctrine precludes reliance on a binational compact dealing with the effect to be afforded or denied a foreign act of state.

by this Court, has its roots in sound policy reasons, and it is to these we must turn to decide whether the act of state doctrine should be extended to cover wrongs cognizable under international law.

Whatever may be said to constitute an act of state,³ our decisions make clear that the doctrine of nonreview ordinarily applies to foreign laws affecting tangible property located within the territory of a government which is recognized by the United States. *Oetjen v. Central Leather Co.*, 246 U.S. 297; *Ricaud v. American Metal Co.*, 246 U.S. 304. This judicially fashioned doctrine of nonreview is a corollary of the principle that ordinarily a state has jurisdiction to prescribe the rules governing the title to property within its territorial sovereignty, see *Clarke v. Clarke*, 178 U.S. 186; *DeVaughn v. Hutchinson*, 165 U.S. 566, a principle reflected in the conflicts of law rule, adopted in virtually all nations, that the *lex loci* is the law governing title to property.⁴ This conflicts rule would have been enough in itself to have controlled the outcome of most of the act of state cases decided by this Court. Both of these rules rest on the deeply imbedded postulate in international law of the territorial supremacy of the sovereign, a postulate that has been characterized as the touchstone of private and public international law.⁵ That the act of state doctrine is rooted in a well-established concept of international law is evidenced by the practice of other countries. These countries, without employing any act of state doctrine, afford substantial respect to acts of foreign state occurring within their territorial confines.⁶ Our act of state doctrine, as formulated in past decisions of the Court, carries the territorial concept one step further. It precludes a challenge to the validity of foreign law on the ordinary conflicts ground of

³An act of state has been said to be any governmental act in which the sovereign's interest qua sovereign is involved. "The expression 'act of state' usually denotes 'an executive or administrative exercise of sovereign power by an independent state or potentate, or by its duly authorized agents or officers.' The expression, however, is not a term of art, and it obviously may, and is in fact often intended to, include legislative and judicial acts such as a statute, decree or order, or a judgment of a superior Court." Mann, *The Sacrosanctity of the Foreign Act of State*, 59 L. Q. Rev. 42 (1943).

⁴Rabel, *The Conflict of Laws: A Comparative Study* 30-69 (1958); Ehrenzweig, *Conflict of Laws*, 607-633 (1962); Rest. (2d ed.) *Conflict of Laws* § 254(a) (Tent. Draft No. 5 (1959)); Baade, *Indonesian Nationalizations Measures Before Foreign Courts—A Reply*, 54 Am. J. Int'l L. 801 (1960); Re, *Foreign Confiscations in Anglo-American Law—A Study of The Rule of Decision Principle* 49-50 (1951).

⁵See generally, Kaplan and Katzenbach, *The Political Foundations of International Law* (1961), 135-172; Herz, *International Politics in The Atomic Age* (1959), 58-62.

⁶*Anglo-Iranian Oil Co. v. Idemitsu Kosan Kabushiki Kaisha*, [1953] Int'l L. Rep. 305 (Tokyo Dist. Ct.) aff'd, [1953] Int'l L. Rep. 312 (Tokyo High Ct.); *Anglo-Iranian Oil Co. v. S.U.P.O.R.*, [1955] Int'l L. Rep. 19 (Ct. of Venice (1953)); *Anglo-Iranian Oil Co. v. S.U.P.O.R.*, [1955] Int'l L. Rep. 23, 39-43 (Civ. Ct. of Rome 1954); compare *N. V. Veraniade Deli-Maatschappijen v. Deutsch-Indonesische Tabak-Handels-gesellschaft* (Bremen Court of Appeals), excerpts translated in Domke, *Indonesian Nationalization Measures Before Foreign Courts*, 54 Am. J. Int'l L. 305, 313-314 (1960), with *Confiscation of Property of Sudeten Germans Case*, [1948] Ann. Dig. 24, 25 (No. 12) (Amtsgericht of Dingolfing) (discriminatory confiscatory decrees). See also *West Rand Central Gold Mining Co. v. The King*, [1905] 2 K.B. 391.

repugnancy to the public policy of the forum. Against the objection that the foreign act violates domestic public policy, it has been said that the foreign law provides the rule of decision, where the *lex loci* rule would so indicate, in American courts. *Bernstein v. Van Heyghen Freres Societe Anonyme*, 163 F. 2d 246, 249 (C.A. 2d Cir.); *Holzer v. Deutsche Reichsbahn-Gesellschaft*, 277 N.Y. 474; *McCarthy v. Reichsbank*, 259 App. Div. 1016, aff'd, 284 N.Y. 739. But cf. *Sulyok v. Penzintezeti Kozponk Budapest*, 279 App. Div. 528, aff'd, 304 N.Y., 704. See also *Perutz v. Bohemian Discount Bank*, 304 N.Y. 533, 537.

The reasons that underlie the deference afforded to foreign acts affecting property in the acting country are several; such deference reflects an effort to maintain a certain stability and predictability in transnational transactions, to avoid friction between nations, to encourage settlement of these disputes through diplomatic means and to avoid interference with the executive control of foreign relations. But to adduce sound reasons for a policy of nonreview is not to resolve the problem at hand, but to delineate some of the considerations that are pertinent to its resolution.

Contrary to the assumption underlying the Court's opinion, these considerations are relative, their strength varies from case to case and they are by no means controlling in all litigation involving the public acts of a foreign government. This is made abundantly clear by numerous cases in which the validity of a foreign act of state is drawn in question and in which these identical considerations are present in the same or a greater degree. American courts have denied recognition or effect to foreign law, otherwise applicable under the conflicts rules of the forum, to many foreign laws where these laws are deeply inconsistent with the policy of the forum, notwithstanding that these laws were of obvious political and social importance to the acting country. For example, foreign confiscatory decrees purporting to divest nationals and corporations of the foreign sovereign of property located in the United States uniformly have been denied effect in our courts, including this Court;⁷ courts continued to recognize private property rights of Russian corporations owning property within the United States long after the Russian Government, recognized by the United States, confiscated all such property and had rescinded the laws on which corporate identity depended.⁸

⁷ *United States v. Moscow Fire Ins. Co.*, 280 N.Y. 286 (1938), aff'd, 309 U.S. 624; *Vladikavkazsky R. Co. v. New York Trust Co.*, 263 N.Y. 369; *Plesch v. Banque Nationale de la Republique de Haiti*, 273 App. Div. 224, aff'd, 298 N.Y. 573; *Ballack v. Societe Generale*, 263 App. Div. 601; *Latvian State Cargo & Passenger S. S. Line v. McGrath*, 188 F. 2d 1000 (C.A.D.C. Cir.).

⁸ *Second Russian Ins. Co. v. Miller*, 297 F. 404 (C.A. 2d Cir.); *James v. Second Russian Ins. Co.*, 239 N.Y. 248; *Sokoloff v. National City Bank*, 239 N.Y. 158; *A/S Merilaid & Co. v. Chase Nat'l Bank*, 189 Misc. 285 (Sup. Ct. N.Y.). See also *Compania Ron Bacardi v. Bank of Nova Scotia*, 193 F. Supp. 814 (D.C. S.D.N.Y.) (normal conflicts rule superseded by a national policy against recognition of Cuban confiscatory decrees).

Similarly, it has been held that nationalization of shares of a foreign corporation or partnership owning property in the United States will not affect the title of former shareholders or partners; the prior owners are deemed to retain their equitable rights in assets located in the United States. *Vladikavkazsky R. Co. v. New York Trust Co.*, 263 N.Y. 369. The acts of a belligerent occupant of a friendly nation in respect to contracts made within the occupied nation have

Furthermore, our courts customarily refuse to enforce the revenue and penal laws of a foreign state, since no country has an obligation to further the governmental interests of a foreign sovereign.⁹ And the judgments of foreign courts are denied conclusive or prima facie effect where the judgment is based on a statute unenforceable in the forum, where the procedures of the rendering court markedly depart from our notions of fair procedure, and generally where enforcement would be contrary to the public policy of the forum.¹⁰ These cases demonstrate that our courts have never been bound to pay unlimited deference to foreign acts of state, defined as an act or law in which the sovereign's governmental interest is involved; they simultaneously cast doubt on the proposition that the additional element in the case at bar, that the property may have been within the territorial confines of Cuba when the expropriation decree was promulgated, requires automatic deference to the decree, regardless of whether the foreign act violates international act.¹¹

been denied application in our courts. *Abottiz & Co. v. Price*, 99 F. Supp. 602 (D.C. Utah). Compare *Werfel v. Sirnotenska Banka*, 260 App. Div. 747, 752 (N.Y.).

⁹ See the recent affirmation of this doctrine in *Banco do Brasil, S. A. v. Israel Commodity Co.*, holding that an action by Brazil against a New York coffee importer for fraudulently circumventing Brazilian foreign exchange regulations by forging documents in New York was contrary to New York public policy, notwithstanding that the Bretton Woods agreement, to which both the United States and Brazil are parties, expresses a policy favorable to such exchange laws. 12 N.Y. 2d 371, cert. denied, 375 U.S. 919. See also *The Antelope*, 10 Wheat. 66, 123; *Huntington v. Attrill*, 146 U.S. 657; *Moore v. Mitchell*, 30 F. 2d 600, aff'd on other grounds, 281 U.S. 18; *Dacey, Conflict of Laws* (Morris ed., 7th ed. 1958), 667; *Wolff, Private International Law* (2d ed. 1950), 525.

¹⁰ *Hilton v. Guyot*, 159 U.S. 113 (lack of reciprocity in the foreign state renders the judgment only prima facie evidence of the justice of the plaintiff's claim); cf. *Venezuelan Meat Export Co. v. United States*, 12 F. Supp. 379 (D.C.D. Md.); *The W. Talbot Dodge*, 15 F. 2d 459 (D.C.S.D. N.Y.) (fraud is a defense to the enforcement of foreign judgments); *Title Ins. & Trust Co. v. California Development Co.*, 171 Cal. 173 (fraud); *Banco Minico v. Ross*, 106 Tex. 522 (procedure of Mexican court offensive to natural justice); *De Brimont v. Penniman*, 7 Fed. Cas. 309, No. 3, 715 (C.C.S.D. N.Y.) (judgment founded on a cause of action contrary to the "policy of our law, and does violence to what we deem the rights of our own citizen"); other cases indicate that American courts will refuse enforcement where protection of American citizens or institutions require reexamination. *Williams v. Armroyd*, 7 Cranch 423; *McDonald v. Grand Trunk R. Co.*, 71 N.H. 448; *Caruso v. Caruso*, 106 N.J. Eq. 130; *Hohner v. Gratz* 50 F. 369 (C.C.S.D. N.Y.) (alternative holding). See generally Reese, *The Status In This Country of Judgments Rendered Abroad*, 50 Col. L. Rev. 783 (1950).

¹¹ The Court attempts to distinguish between these foreign acts on the grounds that all foreign penal and revenue and perhaps other public laws are irrebuttably presumed invalid to avoid the embarrassment stemming from examination of some acts and that all foreign expropriations are presumed valid for the same reason. This distinction fails to explain why it may be more embarrassing to refuse recognition to an extraterritorial confiscatory law directed at nationals of the confiscating state than it would be to refuse effect to a territorial confiscatory law. From the viewpoint of the confiscating state, the need to affect property beyond its bor-

III

I start with what I thought to be unsailable propositions: that our courts are obliged to determine controversies on their merits, in accordance with the applicable law; and that part of the law American courts are bound to administer is international law.

Article III, § 2 of the Constitution states that "[t]he judicial Power shall extend to all Cases * * * affecting Ambassadors, other public Ministers and Consuls; to all Cases of admiralty and maritime Jurisdiction; to Controversies * * * between a State, or the Citizens thereof, and foreign States, Citizens or Subjects." And § 1332 of the Judicial Code gives the courts jurisdiction over all civil actions between citizens of a State and foreign states or citizens or subjects thereof. The doctrine that the law of nations is a part of the law of the land, originally formulated in England and brought to America as part of our legal heritage, is reflected in the debates during the Constitutional Convention¹² and in the Constitution itself.¹³

ders may be as significant as the need to take title to property within its borders. And it would appear more offensive to notions of sovereignty for an American court to deny enforcement of a foreign law because it is deemed contrary to justice, morals, public policy, than to deny enforcement because of principles of international law. It will not do to say that the foreign state has no jurisdiction to affect title to property beyond its borders, since other jurisdictional bases, such as citizenship, are invariably present. But for the policy of the forum state, doubtless the foreign law would be given effect under ordinary conflict principles. Compare *Sokoloff v. National City Bank*, 234 N.Y. 158; *Second Russian Ins. Co. v. Miller*, 297 F. 404 (C.A. 2d Cir.) with *Werfel v. Sirnotenska Banka*, 260 App. Div. 747.

The refusal to enforce foreign penal and tax laws and foreign judgments is wholly at odds with the presumption of validity and requirement of enforcement under the act of state doctrine; the political realms of the acting country are clearly involved, the enacting country has a large stake in the decision, and when enforcement is against nationals of the enacting country, jurisdictional bases are clearly present. Moreover, it is difficult, conceptually or otherwise, to distinguish between the situation where a tax judgment secured in a foreign country against one who is in the country at the time of judgment is presented to an American court and the situation where a confiscatory decree is sought to be enforced in American courts.

¹² For the extent to which the Framers contemplated the application of international law in American courts and their concern that this body of law be administered uniformly in the federal courts, see *The Federalist*: No. 3, at 22 (1 Bourne ed. 1901), by John Jay; No. 80, at 112 and 114; No. 83, at 144 and No. 82 (2 Bourne ed. 1901), by Alexander Hamilton; No. 42, by James Madison.

Thomas Jefferson, speaking as Secretary of State, wrote to M. Genet, French Minister, in 1793: "The law of nations make an integral part of the laws of the land." I Moore, *Digest of International Law* (1906), 10. And see the opinion of Attorney General Randolph given in 1792: "The law of nations, although not specially adopted by the Constitution or any municipal act, is essentially a part of the law of the land." I Op. Atty. Gen. 27. Also see Warren, *The Making of the Constitution*, Pt. I, c. I, at 116; Madison's Notes in 1 Farrand 21, 22, 244, 316. See generally Dickinson, *The Law of Nations as Part of the National Law of the United States*, 101 U. of Pa. L. Rev. 26 (1952).

¹³ This intention was reflected and implemented in the Articles of the Constitution.

This Court has time and again effectuated the clear understanding of the Framers, as embodied in the Constitution, by applying the law of nations to resolve cases and controversies.¹⁴ As stated in *The Paquete Habana*,

Art. I, § 8 empowers the Congress "to define and punish Piracies and Felonies committed on the high seas, and Offenses against the Law of Nations." Article III, § 2 extends the judicial power "to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, citizens or subjects."

¹⁴ As early as 1793, Chief Justice Jay stated in *Chisholm v. Georgia* that "Prior . . . to that period [the date of the Constitution], the United States had, by taking a place among the nations of the earth, become amenable to the law of nations." 2 Dall. 419, at 474. And in 1796, Justice Wilson stated in *Ware v. Hylton*: "When the United States declared their independence, they were bound to receive the law of nations in its modern state of purity and refinement." 3 Dall. 199, at 281. Chief Justice Marshall was even more explicit in *The Nereide*, when he said: "If it be the will of the government to apply to Spain any rule respecting systems which Spain is supposed to apply to us, the government will manifest that will by passing an act for the purpose. 'Till such an act be passed, the Court is bound by the law of nations which is part of the law of the land." 9 Cranch 388, at 423.

As to the effect such an Act of Congress would have on international law, the Court has ruled that an act of Congress ought never to be construed to violate the law of nations if any other possible construction remains. *MacLeod v. United States*, 229 U.S. 416, 434 (1913).

As was well stated in *Hilton v. Guyot*:

"International law, in its widest and most comprehensive sense—including not only questions of right between nations, governed by what has been appropriately called the 'law of nations'; but also questions arising under what is usually called private international law or the conflict of laws, and concerning the rights of persons within the territory and dominion of one nation, by reason of acts, private or public, done within the dominions of another nation—is part of our law, and must be ascertained and administered by the courts of justice, as often as such questions are presented in litigation between man and man, duly submitted to their determination.

"The most certain guide, no doubt, for the decision of such questions is a treaty or a statute of this country. But when, as is the case here, there is no written law upon the subject, the duty still rests upon the judicial tribunals of ascertaining and declaring what the law is, whenever it becomes necessary to do so, in order to determine the rights of parties to suits regularly brought before them. In doing this, the courts must obtain such aid as they can from judicial decisions, from the works of jurists and commentators, and from the acts and usages of civilized nations." 159 U.S. 113, 163 (1895).

For other cases which explicitly invoke the principle that international law is a part of the law of the land, see, for example: *Talbot v. Janson*, 3 Dall. 133, 161; *Respub-*

bana, 175 U.S. 677, 700, "[i]nternational law is part of our law, and must be ascertained and administered by the courts of justice of appropriate jurisdiction, as often as questions of right depending upon it are duly presented for their determination." Principles of international law have been applied in our courts to resolve controversies not merely because they provide a convenient rule for decision but because they represent a consensus among civilized nations on the proper ordering of relations between nations and the citizens thereof. Fundamental fairness to litigants as well as the interest in stability of relationships and preservation of reasonable expectations call for their application whenever international law is controlling in a case or controversy.¹⁵

The relevance of international law to a just resolution of this case is apparent from the impact of international law on other aspects of this controversy. Indeed it is only because of the application of international rules to resolve other issues that the act of state doctrine becomes the determinative issue in this case. The basic rule that the law of the situs of property is the proper law to be applied in determining title in other forums, whether styled a rule of private international law or domestic conflict of law, is rooted in concepts firmly embedded in a consensus of nations on territorial sovereignty. Without such a consensus and the conflicts rule derived therefrom, the question of whether Cuba's decree can be measured against the norms of international law would never arise in this litigation, since then a court presumably would be free to apply its own rules governing the acquisition of title to property. Furthermore, the contention that the sugar in question was within the territorial confines of Cuba when the Cuban decree was enacted itself rests on widely accepted principles of international law, namely, that the bays or inlets contiguous to a country are within its boundaries and that territorial jurisdiction extends at least three miles beyond these boundaries. See Oppenheim, *International Law* secs. 186, 190–191 (Lauterpacht, 8th ed. 1955). Without these rules derived from international law, this confiscation could be characterized as extraterritorial and therefore—unless the Court also intends to change this rule—subject to the public policy test traditionally applied to extraterritorial takings of property, even though embarrassing to foreign affairs. Further, in response to the contention that title to the sugar had already passed to Farr, Whitlock by virtue of the contract with CAV when the nationalization decree took effect, it was held below that "under the law merchant common to civilized countries" Farr could not acquire title to the shipment until payment was made in New York. Thus the central issue in this litigation is posed only because of

lica v. DeLongchamps, 1 Dall. 111, 116; *The Rapid*, 8 Cranch 155, 162; *Freemont v. United States*, 17 How. 542, 557; *United States v. Arjona*, 120 U.S. 479.

¹⁵ Among others, international law has been relied upon in cases concerning the acquisition and control of territory, *Jones v. United States*, 137 U.S. 202; *Mormon Church v. United States*, 136 U.S. 1; *Dorr v. United States*, 195 U.S. 138; the resolution of boundary disputes, *Iowa v. Illinois*, 147 U.S. 1; *Arkansas v. Tennessee*, 246 U.S. 158; in cases involving questions of nationality, *United States v. Wong Kim Ark*, 168 U.S. 649; *Inglis v. The Trustees of the Sailors Snug Harbour*, 3 Pet. 99; principles of war and neutrality and their effect on private rights, *The S. S. Appam*, 243 U.S. 124; *Dow v. Johnson*, 100 U.S. 158; *Ford v. Surget*, 97 U.S. 594; and cases involving private property rights generally, *The Schooner Exchange v. McFaddon*, 7 Cranch 116; *United States v. Percheman*, 7 Pet. 51.

numerous other applications of the law of nations and domestic rules derived therefrom in respect to subsidiary, but otherwise controlling, legal issues in the controversy.

The Court accepts the application of rules of international law to other aspects of this litigation, accepts the relevance of international law in other cases and announces that when there is an appropriate degree of "consensus concerning a particular area of international law, the more appropriate it is for the judiciary to render decisions regarding it, since the courts can then focus on the application of an agreed principle to circumstances of fact rather than the sensitive task of establishing a principle not inconsistent with the national interest or international justice." Ante p. 28. The Court then, rather lightly in my view, dispenses with its obligation to resolve controversies in accordance with "international justice" and the "national interest" by assuming and declaring that there are no areas of agreement between nations in respect to expropriations. There may not be, but without critical examination, which the Court fails to provide, I would not conclude that a confiscatory taking which discriminates against nationals of another country to retaliate against the government of that country falls within that area of issues in international law "on which opinion seems to be so divided." Nor would I assume, as the ironclad rule of the Court necessarily implies, that there is not likely to be a consensus among nations in this area, as for example upon the illegality of discriminatory takings of alien property based upon race, religion or nationality.¹⁶ But most of all I would not declare that even if there were a clear consensus in the international community, the courts must close their eyes to a lawless act and validate the transgression by rendering judgment for the foreign state at its own request. This is an unfortunate declaration for this Court to make. It is, of course, wholly inconsistent with the premise from which the Court starts, and under it, banishment of international law from the courts is complete and final in cases like this. I cannot so cavalierly ignore the obligations of a court to dispense justice to the litigants before it.¹⁷

¹⁶ [D]iscriminatory laws enacted out of hatred, against aliens or against persons of any particular race or category or against persons belonging to specified social or political groups * * * run counter to the internationally accepted principle of the equality of individuals before the law." *Anglo-Iranian Oil Co. v. S. U. P. O. R. Co.*, [1955] Int'l L. Rep. 23, 40 (Civ. Ct. of Rome 1954); see also Friedman, *Expropriation in International Law* (1953), 189–192; Wortly, *Expropriation in Public International Law* (1959), 120–121; Cheng, *The Rationale of Compensation for Expropriation*, 44 Transact. Grot. Soc'y 267, 281, 289 (1959); Seidl-Hohenveldern, *Title to Confiscated Foreign Property and Public International Law*, 56 Am. J. Int'l L. 507, 509–510 (1962).

¹⁷ In the only reference in the Court's opinion to fairness between the litigants, and a court's obligation to resolve disputes justly, ante, p. 35, the Court quickly disposes of this consideration by assuming that the typical act of State case is between an original owner and an "innocent" purchaser, so that it is not unjust to leave the purchaser's title undisturbed by applying the act of state doctrine. Beside the obvious fact that this assumption is wholly inapplicable to the case where the foreign sovereign itself or its agent seeks to have its title validated in our courts—the case at bar—it is far from apparent that most cases represent suits between the original owner and an innocent purchaser. The "innocence" of a purchaser who buys goods from a government with knowledge that possession or ap-

IV

The reasons for nonreview, based as they are on traditional concepts of territorial sovereignty, lose much of their force when the foreign act of state is shown to be a violation of international law. All legitimate exercises of sovereign power, whether territorial or otherwise, should be exercised consistent with rules of international law, including those rules which mark the bounds of lawful state action against aliens or their property located within the territorial confines of the foreign state. Although a state may reasonably expect that the validity of its laws operating on property within its jurisdiction will not be defined by local notions of public policy of numerous other states (although a different situation may well be presented when courts of another state are asked to lend their enforcement machinery to effectuate the foreign act),¹⁸ it cannot with impunity ignore the rules governing the conduct of all nations and expect that other nations and tribunals will view their acts as within the permissible scope of territorial sovereignty. Contrariwise, to refuse inquiry into the question of whether norms of the international community have been contravened by the act of state under review would seem to deny the existence or purport of such norms, a view that seems inconsistent with the role of international law in ordering the relations between nations. Finally, the impartial application of international law would not only be an affirmation of the existence and binding effect of international rules of order, but also a refutation of the notion that this body of law consists of no more than the divergent and parochial views of the capital importing and exporting nations, the socialist and free-enterprise nations.

The Court puts these considerations to rest with the assumption that the decisions of the courts "of the world's major capital exporting country and outstanding exponent of the free enterprise system" would hardly be accepted as impartial expressions of sound legal principle. The assumption, if sound, would apply to any other problem arising from transactions that cross state lines and is tantamount to a declaration excusing this Court from any future consequential role in the clarification and application of international law. See *National City Bank of New York v. Republic of China*, 348 U.S. 356, 363. This declaration ignores the historical role which this Court and other American courts have played in applying and maintaining principles of international law.

Of course, there are many unsettled areas of international law, as there are with domestic law, and these areas present sensitive problems of accommodating the interests of nations that subscribe to divergent economic and political systems. It may be that certain nationalizations of property for a public

parent title was derived from an act patently in violation of international law is highly questionable. More fundamentally, doctrines of commercial law designed to protect the title of a bona fide purchaser can serve to resolve this question without reliance upon a broad irrebuttable presumption of validity.

¹⁸ Another situation was also presented by the Nazi decrees challenged in the Bernstein litigation; these religious expropriations, while involving nationals of the foreign state and therefore customarily not cognizable under international law, had been condemned in multinational agreements and declarations as crimes against humanity. The acts could thus be measured in local courts against widely held principle rather than judged by the parochial views of the forum.

purpose fall within this area. Also, it may be that domestic courts, as compared to international tribunals, or arbitral commissions, have a different and less active role to play in formulating new rules of international law or in choosing between rules not yet adhered to by any substantial group of nations. Where a clear violation of international law is not demonstrated, I would agree that principles of comity underlying the act of state doctrine warrant recognition and enforcement of the foreign act. But none of these considerations relieve a court of the obligation to make an inquiry into the validity of the foreign act, none of them warrant a flat rule of no inquiry at all. The vice of the act of state doctrine, as formulated by the Court and applied in this case, where the decree is alleged not only to be a confiscatory but also retaliatory and discriminatory and found by two courts to be a flagrant violation of international law, is that it precludes any such examination and proscribes any decision on whether Cuban Law No. 851 contravenes an accepted principle of international law.

The other objections to reviewing the act challenged herein, save for the alleged interference with the executive's conduct of foreign affairs, seem without substance, both in theory and as applied to the facts of the instant case. The achievement of a minimum amount of stability and predictability in international commercial transactions is not assured by a rule of nonreviewability which permits any act of a foreign state, regardless of its validity under international law, to pass muster in the courts of other states. The very act of a foreign state against aliens which contravenes rules of international law, the purpose of which is to support and foster an order upon which people can rely, is at odds with the achievement of stability and predictability in international transactions. And the infrequency of cases in American courts involving foreign acts of state challenged as invalid under international law furnishes no basis at all for treating the matter as unimportant and for erecting the rule the Court announces today.¹⁹

There is also the contention that the act of state doctrine serves to channel these disputes through the processes designed to rectify wrongs of an international magnitude, see *Oetjen v. Central Leather, supra*; *Shap-*

¹⁹ The Court argues that an international law exception to the act of state doctrine would fail to deter violations of international law, since judicial intervention would at best be sporadic. At the same time, proceeding on a contradictory assumption as to the impact of such an exception, the Court argues that the exception would render titles uncertain and upset the flow of international trade. The Court attempts to reconcile these conclusions by distinguishing between "direct" and "indirect" impacts of a declaration of invalidity, and by assuming that the exporting nation need only find other buyers for its products at the same price. From the point of view of the exporting nation, the distinction between indirect and direct impact is meaningless, and the facile assumption that other buyers at the same price are available and the further unstated assumption that purchase price is the only pertinent consideration to the exporting country are based on an oversimplified view of international trade.

There is no evidence that either the absence of an act of state doctrine in the law of numerous European countries or the uncertainty of our own law on this question until today's decision has worked havoc with titles in international commerce or presented the nice questions the Court sets out on p. 34, n. 40, ante, or has substantially affected the flow of international commerce.

leigh v. Mier, supra; the result of the doctrine, it is said, requires an alien to seek relief in the courts or through the executive of the expropriating country, to seek relief through diplomatic channels of his own country and to seek review in an international tribunal. These are factors an American court should consider when asked to examine a foreign act of state, although the availability and effectiveness of these modes of accommodation may more often be illusory than real. Where alternative modes are available and are likely to be effective, our courts might well stay their hand and direct a litigant to exhaust or attempt to utilize them before adjudicating the validity of the foreign act of state. But the possibility of alternative remedies, without more, is frail support for a rule of automatic deference to the foreign act in all cases. The Court's rule is peculiarly inappropriate in the instant case, where no one has argued that CAV can obtain relief in the courts of Cuba, where the United States has broken off diplomatic relations with Cuba, and where the United States, although protesting the illegality of the Cuban decrees, has not sought to institute any action against Cuba in an international tribunal.

V

There remains for consideration the relationship between the act of state doctrine and the power of the executive over matters touching upon the foreign affairs of the nation. It is urged that the act of state doctrine is a necessary corollary of the executive's authority to direct the foreign relations of the United States and accordingly any exception in the doctrine, even if limited to clear violations of international law, would impede or embarrass the executive in discharging his constitutional responsibilities. Thus, according to the Court, even if principles of comity do not preclude inquiry into the validity of a foreign act under international law, due regard for the executive function forbids such examination in the courts.

Without doubt political matters in the realm of foreign affairs are within the exclusive domain of the executive branch, as, for example, issues for which there are no available standards or which are textually committed by the Constitution to the executive.²⁰ But this is far from saying that the Constitution vests in the executive exclusive absolute control of foreign affairs or that the validity of a foreign act of state is necessarily a political question. International law, as well as a treaty or executive agreement, see *United States v. Pink*, 315 U.S. 203, provides an ascertainable standard for adjudicating the validity of some foreign acts, and courts are competent to apply this body of law, notwithstanding that there may be some cases where comity dictates giving effect to the foreign act because it is not clearly condemned under generally accepted principles of international law. And it cannot be contended that the Constitution allocates this area to the exclusive jurisdiction of the executive, for the judicial power is expressly extended by that document to controversies between aliens and citizens or states, aliens

²⁰ These issues include whether a foreign state exists or is recognized by the United States, *Gelston v. Hoyt*, 3 Wheat. 246; *The Sapphire*, 11 Wall. 164, 168, the status that a foreign state or its representatives shall have in this country (sovereign immunity); *Ex Parte Muir*, 254 U.S. 522; *Ex parte Peru*, 318 U.S. 578, the territorial boundaries of a foreign state; *Jones v. United States*, 137 U.S. 202, and the authorization of its representatives for state-to-state negotiation. *Ex parte Hitz*, 111 U.S. 776; *In re Baiz*, 133 U.S. 403.

and aliens, and foreign states and American citizens or states.

A valid statute, treaty or executive agreement could, I assume, confine the power of federal courts to review or award relief in respect of foreign acts or otherwise displace international law as the rule of decision. I would not disregard a declaration by the Secretary of State or the President that an adjudication in the courts of the validity of a foreign expropriation would impede relations between the United States and the foreign government or the settlement of the controversy through diplomatic channels. But I reject the presumption that these undesirable consequences would follow from adjudication in every case, regardless of the circumstances. Certainly the presumption is inappropriate here.

Soon after the promulgation of Cuban Law No. 851, the State Department of the United States delivered a note of protest to the Cuban Government declaring this nationalization law to be in violation of international law.²¹ Since the nationalization of the property in question, the United States has broken off diplomatic relations with the present Government of Cuba. And in response to inquiries by counsel for the respondent in the instant case, officials of the State Department nowhere alleged that adjudication of the validity of the Cuban decree nationalizing CAV would embarrass our relations with Cuba or impede settlement on an international level. In 1963, the United States Government issued a freeze order on all Cuban assets located in the United States. On these facts—although there may be others of which we are not aware—it is wholly unwarranted to assume that an examination of the validity of Cuban Law No. 851 and a finding of invalidity would intrude upon the relations between the United States and Cuba.

But the Court is moved by the spectre of another possibility; it is said that an examination of the validity of the Cuban law in this case might lead to a finding that the Act is not in violation of widely accepted international norms or that an adjudication here would require a similar examination in other more difficult cases, in one of which it would be found that the foreign law is not in breach of international law. The finding, either in this case or subsequent ones, that a foreign act does not violate widely accepted international principles, might differ from the executive's view of the act and international law, might thereby seriously impede the executive's functions in negotiating a settlement of the controversy and would therefore be inconsistent with the national interest. "[T]he very expression of judicial uncertainty might provide embarrassment to the Executive Branch." Ante, p. 33. These speculations, founded on the supposed impact of a judicial decision on diplomatic relations, seems contrary to the Court's view of the arsenal of weapons possessed by this country to make secure foreign investment

and "the ample powers [of the political branches] to effect compensation," ante, p. 36, and wholly inconsistent with its view of the limited competence and knowledge of the judiciary in the area of foreign affairs and diplomacy. Moreover the expression of uncertainty the Court fears is inevitable under the Court's approach, as is well exemplified by the ex-cathedra pronouncements in the instant case. While premising that a judicial expression of uncertainty on whether a particular act clearly violates internal law would be embarrassing to the executive, this Court, in this very case, announces as an underpinning of its decision that "there are few if any issues in international law today on which opinion seems to be so divided as the limitations of a State's power to expropriate the property of aliens," and proceeds to demonstrate the absence of international standards by cataloguing the divergent views of the "capital exporting," "free enterprise" nations, of the "newly independent and underdeveloped countries," and of the "Communist countries" toward both the issue of expropriation and international law generally. The act of state doctrine formulated by the Court bars review in this case and will do so in all others involving expropriation of alien property precisely because of the lack of a consensus in the international community on rules of law governing foreign expropriations.²² Contrariwise, it would seem that the act of state doctrine will not apply to a foreign act if it concerns an area in which there is unusual agreement among nations, ante, p. 28, which is not the case with the broad area of expropriations.²³ I fail to see how greater embarrassment flows from saying that the foreign act does not violate clear

²² The Court disclaims saying that there is no governing international standard in this area, but only that the matter is not meet for adjudication. Ante, p. 29, n. 27. But since the Court's view is that there are only the divergent views of nations that subscribe to different ideologies and practical goals on "expropriations," the matter is not meet for adjudication, according to the Court, because of the lack of any agreement among nations on standards governing expropriations, i. e., there is no international law in this area, but only the political views of the political branches of the various nations.

These assertions might find much more support in the authorities relied on by the Court and others if the issue under discussion was not the undefined category—expropriation—but the clearly discreet issue of adequate and effective compensation. It strains credulity to accept the proposition that newly emerging nations or their spokesmen denounce all rules of state responsibility—reject international law in regard to foreign nationals generally—rather than reject the traditional rule of international law requiring prompt, adequate, and effective compensation.

²³ There is another implication in the Court's opinion: the act of state doctrine applies to all expropriations, not only because of the lack of a consensus among nations on any standards but because the issue of validity under international law "touches . . . the practical and ideological goals of the various members of the community of nations." If this statement means something other than that there is no agreement on international standards governing expropriations, it must mean that the doctrine applies because the issue is important politically to the foreign state. If this is what the Court means, the act of state doctrine has been expanded to unprecedented scope. No foreign act is subject to challenge where the foreign nation demonstrates that the act is in furtherance of its practical or ideological goals. What foreign acts would not be so characterized?

and widely accepted principles of international law than from saying, as the Court does, that nonexamination and validation is required because there are no widely accepted principles to which to subject the foreign act.²⁴ As to potential embarrassment, the difference is semantic, but as to determining the issue on its merits and as to upholding a regime of law, the difference is vast.

There is a further possibility of embarrassment to the executive from the blanket presumption of validity applicable to all foreign expropriations, which the Court chooses to ignore, and which, in my view, is far more self-evident than those adduced by the Court. That embarrassment stems from the requirement that all courts, including this Court, approve, validate, and enforce any foreign act expropriating property, at the behest of the foreign state or a private suitor, regardless of whether the act arbitrarily discriminates against aliens on the basis of race, religion, or nationality, and regardless of the position the executive has taken in respect to the Act. I would think that an adjudication by this Court that the foreign act, to which the executive is protesting and attempting to secure relief for American citizens, is valid and beyond question enforceable in the courts of the United States would indeed prove embarrassing to the Executive Branch of our Government in many situations much more so than a declaration of invalidity or a refusal to adjudicate the controversy at all. For the likelihood that validation and enforcement of a foreign act which is condemned by the executive will be inconsistent with national policy as well as the goals of the international community is great.²⁵ This result is precisely because the Court, notwithstanding its protestations to the contrary, ante, p. 28, has laid down "an inflexible and all-encompassing rule in this case."²⁶

²⁴ "A refusal of courts to consider foreign acts of state in the light of the law of nations is not . . . merely a neutral doctrine of abstention. On the contrary the effect of such a doctrine is to lend the full protection of the United States courts, police, and governmental agencies to commercial or property transactions which are contrary to the minimum standard of civilized conduct. . . ." The Association of the Bar of the City of New York, Committee on International Law, A Reconsideration of the Act of State Doctrine In United States Courts (1959), 8.

²⁵ That embarrassment results from a rigid rule of act of state immunity is well demonstrated by the judicial enforcement of German racial decrees after the war. The pronouncements by United States courts that these decrees vest title beyond question was wholly at odds with the executive's official policy, embodied in representations to other governments, that property taken through racial decrees by the Nazi Government should be returned to original owners and thus not be subject to reparation claims. Compare statements by Secretary of State Marshall, reprinted in 16 Dept. State Bull. 653, 793 (1947), with *Bernstein v. Van Heyghen Freres Societe Anonyme*, 163 F. 2d 246 (C.A. 2d Cir.). This embarrassing divergence of governmental opinion was eliminated only after the executive intervened and requested the courts to adjudicate the matter on the merits. *Bernstein v. Nederlandsche-Amerikaansche Stoomvaart-Maatschappij*, 210 F. 2d 375 (C.A. 2d Cir.).

²⁶ It is difficult to reconcile the Court's statement that rules pertaining to expropriations are unsettled or unclear with the Court's pronounced desire to avoid making any statements on the proper or accepted principles of international law, lest it embarrass the executive, who may have a different view in respect to this particular expropriation or this particular expropriating

²¹ "[T]he Government of the United States considers this law to be manifestly in violation of these principles of international law which have long been accepted by the free countries of the West. It is in its essence discriminatory, arbitrary and confiscatory." Press Release No. 397, Dept. of State, July 16, 1960.

The United States Ambassador to Cuba condemned this decree, stating to the Cuban Ministry of Foreign Relations:

"Under instructions from my government, I wish to express to Your Excellency the indignant protest of my government against this resolution and its effect upon the legitimate rights which American citizens have acquired under the laws of Cuba and under International Law." Press Release No. 441, Dept. of State, Aug. 9, 1960.

Obviously there are cases where an examination of the foreign act and declaration of invalidity or validity might undermine the foreign policy of the executive branch and its attempts at negotiating a settlement for a nationalization of the property of Americans. The respect ordinarily due to a foreign state, as reflected in the decisions of this Court, rests upon a desire not to disturb the relations between countries and on a view that other means, more effective than piecemeal adjudications of claims arising out of a large-scale nationalization program of settling the dispute, may be available. Precisely because these considerations are more or less present, or absent, in any given situation and because the Department of our Government primarily responsible for the formulation of foreign policy and settling these matters on a state-to-state basis is more competent than courts to determine the extent to which they are involved, a blanket presumption of nonreview in each case is inappropriate and a requirement that the State Department render a determination after reasonable notice, in each case, is necessary. Such an examination would permit the Department to evaluate whether adjudication would "vex the peace of nations," whether a friendly foreign sovereign is involved, and whether settlement through diplomacy or through an international tribunal or arbitration is impending. Based upon such an evaluation, the Department may recommend to the court that adjudication should not proceed at the present time. Such a request I would accord considerable deference and I would not require a full statement of reasons underlying it. But I reject the contention that the recommendation itself would somehow impede the foreign relations of the United States or unduly burden the Department. The Court notes that "adverse domestic consequences might flow from an official stand," by which I take it to mean that it might be politically embarrassing on the domestic front for the Department of State to interpose an objection in a particular case which has attracted public attention. But an official stand is what the Department must take under the so-called Bernstein exception, which the Court declines to disprove. Assuming that there is a difference between an express official objection to examination and the executive's refusal to relieve "the court from any constraint upon the exercise of its jurisdiction," it is not fair to allow the fate of a litigant to turn on the possible political embarrassment of the Department of State and it is not this Court's role to encourage or require nonexamination by bottoming a rule of law on the domestic public relations of the Department of State. The Court also rejects this procedure because it makes the examination of validity turn on

country. Is not the Court's limitation of the act of state doctrine to the area of expropriations—based upon the uncertainty and fluidity of the governing law in this area—an admission that may prove to be embarrassing to the executive at some later date? And the very line drawing that the Court stresses as potentially disruptive of the executive's conduct of foreign affairs is inevitable under the Court's approach, since subsequent cases not involving expropriations will require us to determine if the act of state doctrine applies and the Court's standard is the strength and clarity of the principles of international law thought to govern the issue. Again our view of the clarity of these principles and the extent to which they are really rules of international law may not be identical with the views of the Department of State. These are some of the inherent difficulties of establishing a rule of law on the basis of speculations about possible but unidentified embarrassment to the executive at some unknown and unknowable future date.

an educated guess by the executive as to probable result and such a guess might turn out to be erroneous. The United States in its brief has disclaimed any such interest in the result in these cases, either in the ultimate outcome or the determination of validity, and I would take the Government at its word in this matter, without second-guessing the wisdom of its view.

This is precisely the procedure that the Department of State adopted voluntarily in the situation where a foreign government seeks to invoke the defense of immunity in our courts.²⁷ If it is not unduly disruptive for the Department to determine whether to issue a certificate of immunity to a foreign government itself when it seeks one, a recommendation by the Department in cases where generally the sovereign is not a party can hardly be deemed embarrassing to our foreign relations. Moreover, such a procedure would be consonant with the obligation of courts to adjudicate cases on the merits except for reasons wholly sufficient in the particular case. As I understand it, the executive has not yet said that adjudication in this case would impede his functions in the premises; rather it has asked us to adopt a rule of law foreclosing inquiry into the subject unless the executive affirmatively allows the courts to adjudicate on the merits.

Where the courts are requested to apply the act of state doctrine at the behest of the State Department, it does not follow that the courts are to proceed to adjudicate the action without examining the validity of the foreign act under international law. The foreign relations' considerations and potential of embarrassment to the executive inhere in examination of the foreign act and in the result following from such an examination, not in the matter of who wins. Thus, all the Department of State can legitimately request is nonexamination of the foreign act. It has no proper interest or authority in having courts decide a controversy upon anything less than all of the applicable law or to decide it in accordance with the executive's view of the outcome that best comports with the foreign or domestic affairs of the day. We are not dealing here with those cases where a court refuses to measure a foreign statute against public policy of the forum or against the fundamental law of the foreign state itself. In those cases the judicially created act of state doctrine is an aspect of the conflicts of law rules of the forum and renders the foreign law controlling. But where a court refuses to examine foreign law under principles of international law, which it is required to do, solely because the executive branch requests the court, for its own reasons, to abstain from deciding the controlling issue in the controversy, then in my view, the executive has

²⁷ The procedure was instituted as far back as *The Schooner Exchange v. McFaddon*, 7 Cranch 116 (1812), when a United States Attorney, on the initiative of the Executive Branch, entered an appearance in a case involving the immunity of a foreign vessel, and was further defined in *Ex parte Muir*, 254 U. S. 522, 533 (1920), when the Court stated that the request by the foreign suitor to the executive department was an acceptable and well-established manner of interposing a claim of immunity. Under the procedure outlined in *Muir* each of the contesting parties may raise the immunity issue by obtaining an official statement from the State Department, or by encouraging the executive to set forth appropriate suggestions to the Court through the Attorney General. See *Compania Espanola de Navegacion Maritima, S.A. v. The Novemar*, 303 U.S. 68, 74. See generally Dickinson, *The Law of Nations As National Law: "Political Questions,"* 104 U. of Pa. L. Rev. 451, 470-475 (1956).

removed the case from the realm of the law to the realm of politics, and a court must decline to proceed with the case. The proper disposition is to stay the proceedings until circumstances permit an adjudication or to dismiss the action where an adjudication within a reasonable time does not seem feasible. To do otherwise would not be in accordance with the obligation of courts to decide controversies justly and in accordance with the law applicable to the case.

It is argued that abstention in the case at bar would allow CAV to retain possession of the proceeds from the sugar and would encourage wrongfully deprived owners to engage in devious conduct or "self-help" in order to compel the sovereign or one deriving title from him into the position of plaintiff. The short answer to this is that it begs the question; negotiation of the documents by Farr and retention of the proceeds by CAV is unlawful if, but only if, Cuba acquired title to the shipment by virtue of the nationalization decree. This is the issue that cannot be decided in the case if deference to the State Department's recommendation is paid (assuming for the moment that such a recommendation has been made). Nor is it apparent that "self-help," if such it be deemed, in the form of refusing to recognize title derived from unlawful paramount force is disruptive of or contrary to a peaceful international order. Furthermore, a court has ample means at its disposal to prevent a party who has engaged in wrongful conduct from setting up defenses which would allow him to profit from the wrongdoing. Where the act of state doctrine becomes a rule of judicial abstention rather than a rule of decision for the courts, the proper disposition is dismissal of the complaint or staying the litigation until the bar is lifted, regardless of who has possession of the property whose title is in dispute.

VII

The position of the Executive Branch of the Government charged with foreign affairs with respect to this case is not entirely clear. As I see it no specific objection by the Secretary of State to examination of the validity of Cuba's law has been interposed at any stage in these proceedings, which would ordinarily lead to an adjudication on the merits. Disclaiming, rightfully, I think, any interest in the outcome of the case, the United States has simply argued for a rule of nonexamination in every case, which literally, I suppose, includes this one. If my view had prevailed I would have stayed further resolution of the issues in this Court to afford the Department of State reasonable time to clarify its views in light of the opinion. In the absence of a specific objection to an examination of the validity of Cuba's law under international law, I would have proceeded to determine the issue and resolve this litigation on the merits.

MR. HICKENLOOPER. Mr. President, in keeping with the production of facts in this matter, I ask unanimous consent to have printed at this point in the RECORD a statement I have prepared on the subject.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR HICKENLOOPER

This year, as has been the case in the last 2 previous years, we have endeavored to protect oversea investment through provisions in section 620(e) of the act. The text of this year's supplement to section 620(e) is found on pages 11 and 12 of the bill.

This year's addition to section 620(e) assures that U.S. courts in cases before them will be able to apply international law to expropriations by foreign countries and oth-

er "acts of state"—except in a case where the President determines that review by the courts of the validity of the act of a foreign state is contrary to the foreign policy interests of the United States.

The amendment was made necessary by the sweeping decision of the Supreme Court in the recent case of *Banco Nacional de Cuba v. Sabbatino*. In that case sugar was expropriated by Castro in Cuba, sold outside of Cuba and the proceeds from the sale of the sugar came within the territorial jurisdiction of the U.S. District Court in New York. The sugar broker having turned these proceeds over to the receiver appointed under New York law on behalf of the former American owners of the sugar, the Castro Government of Cuba brought suit to recover them. The lower court decided in favor of the former owners on the ground that the Cuban expropriation was invalid under international law. The Court of Appeals affirmed on somewhat different grounds, but the Supreme Court reversed on the ground that it was improper for U.S. courts to inquire into validity of the Cuban expropriations even though the State Department had previously denounced the expropriations as contrary to international law. The decision therefore upheld the Cuban Government's claim. It reached this result by giving an extreme application to the so-called act of state doctrine which it applied, not on grounds of any requirement of international law or of any provision of the U.S. Constitution, but on the policy ground that the judiciary should defer in matters of this nature to the political branches of the government. As was pointed out by the dissenting opinion and acknowledged by the majority opinion, no other trading country in the world has adopted such an extreme rule of law on this subject.

I introduce a copy of the majority decision and the dissent in the *Sabbatino* opinion at this point in the record, urging my colleagues to consider carefully the complete refutation of the majority's decision by Justice Byron White in his dissent.

This amendment is an exercise of our broad powers with respect to foreign commerce and investment and will restore the rule in our courts that acts of a foreign state are subject to international law. This supplement to section 620(e) of the Aid Act will discourage foreign expropriation by making sure that the United States cannot become a "thieves market" for the product of foreign expropriations. Since the United States is in many cases the principal market for the oil, minerals, or other products that might be expropriated, this supplement to section 620 (e) has a very direct relation to the security of foreign investment.

The State Department has declared its opposition to the amendment on the ground that it is not germane to the aid bill, that it could create embarrassment in the conduct of foreign relations and that it would get U.S. courts into sensitive issues they are not equipped to handle. These arguments overlook the facts that (1) an important part of the development assistance purposes of the Foreign Assistance Act is the protection of private investment and the act already contains investment guaranty and anti-expropriation provisions in sections 221, 601, and 620(e) related in purpose to our amendment, (2) the amendment, as well as giving the President ample discretion to defer any judicial scrutiny of an act of a foreign state, is in fact a useful alternative to state-to-state confrontations over violations of international law, and (3) it is settled U.S. judicial doctrine that international law is part of the law applied by U.S. courts.

As part of the legislative history, I am also introducing into the record a line-by-line explanation of this amendment. I want to emphasize that we expect a case-by-

case determination under the proviso if litigation is to be suspended.

I need not labor the point here that the State Department has invariably opposed the provisions we have in the past inserted in section 620(e) for the protection of foreign investment. You will recall the great fuss made in 1962 when we originally wrote section 620(e) and the bitter opposition of the State Department. Yet as a direct result of this amendment, we were able to bring about a favorable settlement of a very disturbing expropriation in Brazil and to forestall some others that were threatening to take place. It is true that the amendment did not solve the problem that arose in Ceylon but I do not think our case there has been at all hurt by taking a firm line. Within a year of the time we enacted the original 620(e), Secretary Rusk and also the members of General Clay's Committee on Foreign Aid told us that we had enacted a wise and useful provision. Again, last year when we amplified section 620(e) largely because of the threatened nullification of oil concession agreements in Argentina, the State Department again opposed our action. Yet within the last month there has been promising news that the Argentinian problem can be settled on favorable terms and I for one believe that our legislative provision has played a helpful part. I only cite these instances to suggest that the State Department has been wrong in the past in its flat opposition to our provisions for the protection of foreign investment and that I believe this is again the case with respect to the amendment to section 620(e) in this year's bill.

Mr. HICKENLOOPER. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a compilation entitled "Memorandum in the *Sabbatino* Case," discussing the issues involved.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM

In the *Sabbatino*¹ case, the Supreme Court made a rigid application of the so-called act of State doctrine with the result that the American judiciary, both State and Federal, is precluded from inquiring into the validity of the acts of foreign states. As a consequence, U.S. courts must automatically treat such acts of foreign countries as valid even though the State Department has declared that such acts violate international law and discriminate against Americans. Moreover, as a further consequence, if American property expropriated abroad later turns up within the territorial jurisdiction of the U.S. courts those courts are precluded by the *Sabbatino* decision from inquiring into the validity of the foreign act of state by which such property was seized.

The majority opinion in *Sabbatino*, however, recognized that this response was not required either by the Constitution² or by international law. Indeed, it also recognized that the judiciaries of most other countries do not adopt this response.

"That international law does not require application of the [act of state] doctrine is evidenced by the practice of nations. Most of the countries rendering decisions on the subject fail to follow the rule [of automatic effect] rigidly."³

Justice White, in dissent, emphasized that the response adopted by the majority was unique among the civilized countries of the world:

¹ *Banco Nacional de Cuba v. Sabbatino*, 376 U.S. 398 (1964).

² 376 U.S. 423 (1964).

³ 376 U.S. 421 (1964).

"No other civilized country has found such a rigid rule necessary for the survival of the executive branch of its government; the executive of no other government seems to require such insulation from international law adjudications in its courts; and no other judiciary is apparently so incompetent to ascertain and apply international law."⁴

Court decisions of Austria, Belgium, British Territories, Germany, France, Greece, Italy, the Netherlands, Switzerland, and the United Kingdom, briefly abstracted in appendix I, confirm both the majority's comment that most nations do not follow a rigid rule and Justice White's point that the holding in *Sabbatino* is unique. All of the named countries permit judicial inquiry into compliance of a foreign act with the standards of international law, and some permit measurement against the standards of public policy.

APPENDIX I

In the cases noted below takings of alien-owned property by foreign states have been reviewed by municipal courts under their own public policy or measured by standards of international law.

AUSTRIA

Dralle v. Republic of Czechoslovakia (1950) Ann. Dig. 155. The Supreme Court refused to recognize the confiscatory Czech nationalization of a Czech branch office of a German firm.

BELGIUM

Deville v. Servais, (1943-45) Ann. Dig. 448. The Court of Appeal of Liege in 1946 denied effect to a compulsory purchase by the German Government of occupation in Belgium.

BRITISH TERRITORIES

Aden: *Anglo-Iranian Oil Co. v. Jaffrate* (The Rose Mary) (1953) Int'l L. Rep. 316. The Supreme Court of Aden reviewed the Iranian nationalization of a British oil company. It held that the Government of Iran acquired no title to the oil nationalized because the nationalization, being without compensation, violated international law. *Luther v. Sagor* (1921) 3 K.B. 532, was distinguished by the court on the ground that in the case before them the property taken was of a British corporation whereas in *Luther v. Sagor* the property of a national of the confiscating state was involved. The court stated:

"For the reasons set out above I am satisfied that following international law as incorporated in the domestic law of Aden, this Court must refuse validity to the Persian oil nationalization law insofar as it relates to nationalized property of the plaintiffs which may come within its territorial jurisdiction. I find the oil in dispute to be still the property of the plaintiffs * * *."

Singapore: *N.V. De Bataafsche Petroleum Maatschappij v. The War Damage Commission* (1956) Int'l L. Rep. 810. The Singapore Court of Appeals held the Japanese seizure and exploitation of oil to be in violation of international laws of war and therefore ineffective to transfer title.

FEDERAL REPUBLIC OF GERMANY

M. v. Aktieselskabet K.H., 145 Entscheidungen des Reichsgerichts in Zivilsachen 16 (1934), (1933-1934) Ann. Dig. No. 217. The Reichsgericht (the former supreme court in Germany) refused to apply French law, otherwise applicable according to German conflict rules, because French law was held confiscatory and therefore to violate international law.

Confiscation of property of *Sudeten Germans* case (1948) Ann. Dig. 24, 25 (No. 12) (Amtsgericht of Dingolfing). The court held that plaintiff should recover property seized by the Czechoslovak authorities pursuant to a decree to that effect because the decree

⁴ 376 U.S. 440 (1964).

authorizing seizure of enemy property was contrary to international law in that it was discriminatory in nature and provided for no compensation. The court held:

"The expropriation without compensation of the property of nationals of a foreign state on the mere ground that they are nationals of that state or of that nation is, accordingly, contrary to international law."

Confiscation of German property in Czechoslovakia case (1953) Int'l L. Rep. 31. The Federal Supreme Court approved the decision of the Munich Court of Appeals which refused to recognize Czechoslovak confiscation of property of a German national, but remanded the case for reconsideration of an unrelated issue.

The Czechoslovakian expropriations of Sudeten-Germans cases uniformly held that discriminatory expropriation without compensation violated international law and was contrary to the public order of the forum. For comprehensive text authority concerning these expropriations and the disposition of cases by the German courts with respect to property taken—see Graue, Germany: Recognition of Foreign Expropriations, 3 Am. J. Comp. L. 93 (1954).

The cases after World War I holding that Russian nationals had validly transferred title were based on a recognition of the Russian expropriations by Germany in international agreements. See *Amtsgericht Berlin-Schoeneberg* (1928), (1928) I.P. Rspr. No. 16; *Caucasian Licorice Company v. Katz*, *Landgericht Hamburg* (1924), (1924) *Hanseatische Rechts-Zeitschrift* 750.

FRANCE

French courts consistently review foreign expropriations within the context of the public policy of the forum (ordre public).

Ropit case, Cour de Cassation (Supreme Court) (1928), (1929) *Recueil general des lois et des arrêts* (Sirey) Part I, 217,55 *Journal du droit international* (Clunet) 674 (1928), (1927-28) *Ann. Dig. No. 43*. The Supreme Court refused to apply Soviet law in a case involving a claim of the Soviet Russian Government to part of a nationalized merchant fleet which had escaped from Russia after the nationalization because confiscation without compensation was contrary to "one of the fundamental principles of our social institutions."

Volatron v. Moulon, Cour d'appel (court of appeals) of Aix (1939), (1939) *Recueil Dalloz*, *Recueil hebdomadaire de jurisprudence*, etc. 329 (1938-40) *Ann. Dig. No. 10*. The court held that plaintiff's claim to the proceeds of the sale of a consignment of potash (which consignment was part of the property of the plaintiff confiscated by the Government of Catalonia and sent to France) should be recognized because the expropriatory decree, in the absence of compensation was contrary to French public policy and therefore could not be rescinded by a French court.

Societe Potassas Ibericas v. Nathan Bloch, Supreme Court (1939), (1939) *Recueil Dalloz* 275, 66 *Clunet* 615 (1939), (1938-40) *Ann. Dig. No. 54*. The court in a case with substantially the same facts as in *Volatron v. Moulon* arrived at the same result:

"French courts may not recognize any divestment of a right of ownership, except with consent of the owner, without just and previous indemnity."

GREECE

Greek law applies foreign law under the reserve of "public order."

District Court of Piraeus (1937), (1937) *Edimeris Ellinon Nomicon* D, 560, reported by Massouridis, "The Effects of Confiscation, Expropriation, and Requisition by a Foreign Authority," 3 *Revue Hellenique de droit international* 62, 68 (1950). The court refused to recognize the expropriation of a ship seized by the Spanish Government on the

ground that the confiscation was incompatible with the "public order."

ITALY

Anglo-Iranian Oil Co. v. S.U.P.O.R. Co., Civil Tribunal of Venice (1953), (1955) Int'l L. Rep. 19, 47 Am. J. Int'l L. 509 (1953), 76 II *Foro Italiano* Part I, 719 (1953). The court reviewed the Iranian nationalization of property of a British oil company but held it did not violate Italian public order because of provision for compensation.

Anglo-Iranian Oil Co. v. S.U.P.O.R., Civil Tribunal of Rome (1954), (1955) Int'l L. Rep. 23, 49 Am. J. Int'l L. 259 (1955), 78 II *Foro Italiano*, Part I, 255 (1955). The court in reviewing the Iranian nationalization of property of a British oil company stated:

"As has been stated above, however, this court holds that the Italian courts have the right and the duty to examine a foreign law, from the point of view of its legality, so as to establish whether it is contrary to * * * international public policy or to any generally accepted principles of international law * * *. In consequence, the Italian courts must refuse to apply in Italy any foreign law which decrees an expropriation, not for reasons of public interest but for purely political, persecutory, discriminatory, racial, and confiscatory motives. Furthermore, the Italian courts must refuse to apply in Italy such foreign laws as may, even for non-political and nonpersecutory motives, decree expropriation of the property of any foreign national without compensation."

The court found that the Iranian law did not violate these principles.

JAPAN

Anglo-Iranian Oil Co. v. Idemitsu Kosan Kabushiki Kaisha (1953), (1953) Int'l L. Rep. 305, 312. The High Court of Tokyo reviewed the Iranian Oil nationalization under international law and public policy but found no violation of public policy.

THE NETHERLANDS

P. T. Escomptobank v. N. V. Assurantie Maatschappij de Nederlanden (June 6, 1963). The Court of Appeal at The Hague held that the Indonesian nationalization of Dutch corporations, being confiscatory and discriminatory, would not be recognized by Dutch courts.

"[W]hile respecting the rule that in general a Netherlands court may not pass judgment on the lawfulness of acts performed jure imperii by a foreign power, in a lawsuit between private companies that same court is bound to take no account of such acts of State and to regard them as non-existent if they are at variance with (unwritten) rules of international law for the protection of private interests; * * *

"[C]onfiscation of the Indonesian subsidiaries of the respondents without any compensation * * * constitutes a serious breach of the said rules of international law and as such accordingly cannot be recognized by the Netherlands courts and measures taken in that behalf must therefore be regarded as nonexistent."

Bank Indonesia v. Senembah Maatschappij N.V. and De Twentsche Bank N.V., (1959) *Nederlandse Jurisprudentie* 855, portions of decision quoted in 7 *Netherlands International Law Review* 400 (1960). The Court of Appeals at The Hague reviewed the Indonesian nationalization measures and finding them to be discriminatory and without compensation, held that the Indonesian action was in violation of international law and therefore without legal consequence.

SWITZERLAND

Rosenberg v. Fischer, (1948) *Ann. Dig.* 467. The Federal tribunal recognized a claim for the restitution of property seized by the German authorities of occupation in France pursuant to a German decree because the seizure of the property was contrary to international law.

"In fact, an object seized from its owner in a manner contrary to international law has, without doubt, the character of stolen or lost property in the meaning of Article 934, par. 1, of the Civil Code. * * *

UNITED KINGDOM

Wolff v. Oxholm (1817) 6 M. & S. 92. The court refused to recognize a Danish decree confiscating the debt of a Danish subject to a British national because the decree did not conform to the usage of nations.

In re Helbert Wagg & Co. Ltd., (1956) 1 ch. 323, 347-9 (1956). The court reviewed the German legislation which was under challenge, but found it did not involve a violation of international law. On the question of whether an English court is entitled to examine a foreign law, sought to be given effect, the court specifically held that " * * * this court is entitled to be satisfied that the foreign law * * * is not a law passed ostensibly with that object [protecting the economy], but in reality with some object not in accordance with the usage of nations."

Mr. HICKENLOOPER. Mr. President, I ask unanimous consent to have printed at this point in my remarks an additional memorandum, attached to which are questions and answers concerning this amendment. The body of the memorandum is entitled "Amendment to Foreign Assistance Act To Permit U.S. Courts To Apply International Law to Foreign Expropriations and Other 'Acts of State'."

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

AMENDMENT TO FOREIGN ASSISTANCE ACT TO PERMIT U.S. COURTS TO APPLY INTERNATIONAL LAW TO FOREIGN EXPROPRIATIONS AND OTHER "ACTS OF STATE"

1. Senators HICKENLOOPER and SPARKMAN have cosponsored an amendment (text attached) to section 620(e) of the Foreign Assistance Act that will assure that U.S. courts, in cases before them, may apply international law to foreign expropriations and other "acts of state"—except in those cases where the President determines that review of the validity of the act of a foreign state is contrary to the foreign policy interest of the United States. This amendment was adopted by a large margin in the Senate Foreign Relations Committee.

2. The amendment was made necessary by the sweeping decision of the Supreme Court in the recent case of *Banco Nacional de Cuba v. Sabbatino*. In that case sugar was expropriated by Castro in Cuba, sold outside of Cuba and the proceeds from the sale of the sugar came within the territorial jurisdiction of the U.S. District Court in New York. The sugar broker having turned these proceeds over to the receiver appointed under New York law on behalf of the former American owners of the sugar, the Castro government of Cuba brought suit to recover them. The lower court decided in favor of the former owners on the ground that the Cuban expropriation was invalid under international law. The court of appeals affirmed on somewhat different grounds, but the Supreme Court reversed on the ground that it was improper for U.S. courts to inquire into the validity of the Cuban expropriations even though the State Department had previously denounced the expropriations as contrary to international law. The decision therefore upheld the Cuban Government's claim. It reached this result by giving an extreme application to the so-called act-of-state doctrine which it applied, not on grounds of any requirement of international law or of any provision of the U.S. Constitution, but on the policy ground that the judiciary should

defer in matters of this nature to the political branches of the Government. As was pointed out by the dissenting opinion and acknowledged by the majority opinion, no other trading country in the world has adopted such an extreme rule of law on this subject.

3. The Hickenlooper-Sparkman amendment, which is an exercise of Congress broad powers with respect to foreign commerce and investment, restores the rule that acts of a foreign state are subject to international law in American courts. The amendment, which becomes part of a provision in the Aid Act designed to discourage foreign expropriations, is essential to make sure that the United States not become a "thieves market" for the product of foreign expropriations and to prevent an undermining of the concept that acts of state are subject to international law. Since the United States is in many cases the principal market for oil, minerals, or other products that might be expropriated, the Hickenlooper-Sparkman amendment has a very direct relation to the security of foreign investment.

4. The State Department has declared its opposition to the amendment on the ground that it is not germane to the aid bill, that it could create embarrassment in the conduct of foreign relations and that it would get U.S. courts into sensitive issues they are not equipped to handle. These arguments overlook the facts that (1) an important part of the development assistance purposes of the Foreign Assistance Act is the protection of private investment and the act already contains investment guaranty and antiexpropriation provisions in sections 221, 601 and 620(e) related in purpose to the Hickenlooper-Sparkman amendment, (2) the amendment, as well as giving the President ample discretion to defer any judicial scrutiny of an act of a foreign state, is in fact a useful alternative to state-to-state confrontations over violations of international law, and (3) it is settled U.S. judicial doctrine that international law is part of the law applied by U.S. courts.

5. The Hickenlooper-Sparkman amendment is regarded as of critical importance by a broad group of major U.S. companies with foreign operations. At the time of its consideration by the Senate Foreign Relations Committee, in addition to these companies, the National Foreign Trade Council and leading professors of international law communicated their endorsement of the amendment. The amendment is also in agreement with formal positions taken by the Association of the Bar of the City of New York and the Executive Committee of the American Branch of the International Law Association. In addition to its bipartisan sponsorship, the amendment has the support of leading members of both parties in both Houses of Congress.

HIGHLIGHTS OF PROPOSED AMENDMENT TO FOREIGN ASSISTANCE ACT CONFIRMING THAT U.S. COURTS ARE TO APPLY INTERNATIONAL LAW TO TAKINGS OF PROPERTY BY FOREIGN "ACTS OF STATE"

1. Question: "Is this amendment germane to the purposes of the foreign aid bill?"

Answer: Yes. The amendment is designed to discourage uncompensated expropriation of foreign investment by preserving the right of the original owners to attack any taking in violation of international law if the property involved comes before a U.S. court. Because the United States is the largest market for the products of many U.S. owned companies in foreign countries, the knowledge that this market will be denied to stolen property should discourage seizure of that investment.

"An important part of the development assistance purposes of the Foreign Assistance Act is the protection of private investment. Section 221 establishes an investment guar-

antee program for this purpose. Section 601 has a series of related provisions on the protection of private investment and enforcement of private rights under treaties and at international law. Section 620(e) requires the termination of aid if expropriations or other takings of private investment go unsettled.

"The executive branch has frequently stated that private investment is an essential partner of the foreign aid program. This amendment, promoting the stability of that investment, is therefore closely germane to the purposes of the foreign aid bill."

2. Question: "Does the proposed amendment overrule a decision of the Supreme Court?"

Answer: "The amendment will lead U.S. courts to a different result from that reached by the majority in the recent Supreme Court decision in *Banco Nacional de Cuba v. Sabbatino*. It does not change the Court's decision in that case. Rather, the amendment clarifies public policy applicable to such cases pursuant to Congress constitutional powers to legislate concerning the aid program, foreign commerce, and offenses against international law. The amendment will not embarrass the President in the conduct of foreign affairs because there is an express proviso under which the President can arrange for suspension of court proceedings if their continuance would embarrass the conduct of foreign affairs."

3. Question: "Does the amendment in any way change the jurisdiction of U.S. courts?"

Answer: "The amendment does not in any way change the existing jurisdiction of U.S. courts. Under the amendment they will continue to decide only "cases and controversies" before them. They will continue, as they have in the past, to apply international law as part of the law of the land. The function of the amendment is to see that they can continue to do these things and to give justice to the parties before them—except in those special cases where they are requested for foreign policy reasons to suspend proceedings."

4. Question: "Would the amendment disrupt international commerce by creating new uncertainties about title to property in that commerce?"

Answer: "No. The amendment, after all, would only bring U.S. courts to the position of courts in a majority of the industrialized nations of the world. By discouraging takings in violation of international law it would in fact tend to strengthen the flow of investment and commerce. The takings attacked under the amendment would in most cases be well publicized (such as the Cuban takings)."

5. Question: "Why does the amendment only apply to acts of foreign states since January 1, 1959?"

Answer: "Because January 1, 1959, is the date of the coming to power of the Castro regime in Cuba and the beginning of the greatest series of illegal takings of American property in recent history. Some cut-off date is desirable and it is clear that prior to the Supreme Court's reversal of the lower courts in the Sabbatino case parties were not relying on any such drastic application of the act of state doctrine."

6. Question: "Would the amendment work injustice in cases in which expropriated property comes into the hands of an innocent third party?"

Answer: "No. The amendment does not dictate any result other than that a court would reach by 'a determination on the merits.' In such a determination the rights of the innocent third party would be protected. The existence of the amendment would, however, discourage purchases of expropriated property since the purchasers would be unable to rely automatically on the act of state doctrine and would have to es-

tablish their lack of notice of the violation of international law that took place in the seizure."

7. Question: "Is the amendment's change in the act of state rule enunciated in the Sabbatino decision in conflict with the U.S. Constitution or international law?"

Answer: "No. The majority opinion in the Sabbatino opinion specifically stated that their enunciation of the act of state rule was required neither by the U.S. Constitution nor by international law."

8. Question: "Does the amendment infringe on the constitutional responsibilities of the executive branch with respect to foreign relations?"

Answer: "There can be no question that the amendment is a constitutional exercise of Congress powers with respect to the aid program, foreign commerce, and offenses against international law. There is nothing expressed or implied in the separation of powers that prohibits such an exercise of these powers. To forestall even embarrassment to the President from litigation with respect to a foreign act of state, an express Presidential power to secure suspension of such litigation in individual cases is provided."

9. Question: "Do the principles of compensation and the other standards set out in section 620(e) imply a rule that compensation must be paid in 6 months or that this amendment only applies to U.S.-owned property?"

Answer: "A distinction must be drawn between the principles of compensation and other standards of international law presently set out in section 620(e) and technical provisions inserted by Congress to guide the executive branch in applying the amendment to the aid program. The 6-month rule and the not less than 50 percent beneficially owned test are such technical provisions. They are not part of international law and are not included in the standards of international law referred to."

10. Question: "What bar groups support the principle of this amendment?"

Answer: "This amendment provides for the result argued for in the Sabbatino case by the Association of the Bar of the City of New York and the Executive Committee of the American Branch of the International Law Association."

MR. HICKENLOOPER. Mr. President, I ask unanimous consent to have printed at this point in the RECORD editorial comment entitled "The State Department and Sabbatino—'Ev'n Victors Are by Victories Undone,'" written by Editor John R. Stevenson, New York, N.Y., and published in volume 58, July 1964 edition of the American Journal of International Law, published by the American Society of International Law.

There being no objection, the editorial comment was ordered to be printed in the RECORD as follows:

"EDITORIAL COMMENT: THE STATE DEPARTMENT AND SABBATINO—'EV'N VICTORS ARE BY VICTORIES UNDONE'"

(By Editor John R. Stevenson, New York, N.Y., in vol. 58, July 1964, volume of the American Journal of International Law, published by the American Society of International Law)

(NOTE.—With special reference in the last paragraph, p. 711, to the possibility of "an act of Congress requiring the courts to apply international law—or a statutory declaration of the applicable principles thereof—as the rule of decision in 'act of state' cases.")

Editorial comment: The State Department and Sabbatino—"Ev'n Victors Are by Victories Undone."¹

¹ Dryden, Epistles.

Certainly among the more important long-run goals of U.S. foreign policy and of those charged with specific responsibility for legal aspects of such policy are (or should be) (1) encouraging general recognition of the vitality of customary international law as law and not as just the lowest common denominator of current state practice; (2) upholding established principles of international law against positivist assertions that non-acceptance of these principles by new governments and states render them obsolete; and (3) strengthening the present admittedly imperfect institutional structure for enforcing international law.

It thus is difficult to understand why the State Department, through the Solicitor General, should have contributed, by its brief on behalf of the United States as amicus curiae in *Banco Nacional de Cuba v. Sabbatino*, reported on page 779 below, to a decision and opinion of the U.S. Supreme Court which run counter to these basic goals, and which may be liberally quoted, to our lasting national detriment, by those who oppose these goals in international tribunals, international law commissions, and diplomatic negotiations.

The narrow holding of the Supreme Court was that "the judicial branch will not examine the validity of a taking of property within its own territory by a foreign sovereign government, extant and recognized by this country at the time of suit, in the absence of a treaty or other unambiguous agreement regarding controlling legal principles, even if the complaint alleges that the taking violates customary international law."

This is serious enough since it, in effect, requires that all the force of the U.S. judicial and executive agencies be utilized to protect property confiscated in violation of international law except where the confiscating government has itself expressly agreed to the principles it is violating. The writer's views in favor of judicial review of acts of state alleged to violate international law have been stated elsewhere and will not be repeated here.²

Even more discouraging, however, from the standpoint of the policy goals set forth above, are certain of the reasons advanced by the Supreme Court in reaching this conclusion.

In the first place, the Court has taken up with a vengeance the implication in the State Department's brief³ that U.S. courts are not appropriate forums for the resolution of controversial international law questions. While disclaiming in a footnote that "the courts of this country are broadly foreclosed from considering questions of international law," the Court would limit U.S. courts to cases involving a "greater * * * degree of codification or consensus concerning a particular area of international law"—to cases in which they can "focus on the application of an agreed principle to circumstances of fact rather than on the sensitive task of estab-

lishing a principle not inconsistent with the national interest or with international justice."

This rationale appears to ignore (understandably, perhaps, in view of the State Department's unqualified allegations of the success of our diplomacy in obtaining compensation for takings violating international law)⁴ the poverty of international remedies and of international forums for the determination of those very questions of international law most in need of judicial restatement, clarification, and application. Absent a state's consent to the jurisdiction of an international tribunal to determine the alleged violation of international law, the only opportunity for a judicial determination is in domestic courts. Any foreign criticism of "parochial" determinations of international law questions by U.S. courts can be met by agreeing to adjudication by an international tribunal of the alleged "denial of justice" resulting from any such determination. We share Justice White's dismay that "the Court has, with one broad stroke, declared the ascertainment and application of international law beyond the competence of the courts of the United States in a large and important category of cases."

Secondly, the emphasis by the Supreme Court on general agreement as "to the relevant international law standards" as the touchstone of justiciability is unfortunate, in that it may be taken as reflecting a positivist view that current state practice rather than established principles (to changes in which the United States has not acquiesced) is determinative of the international law standards themselves. While acknowledging that there is "authority, in international judicial and arbitral decisions, in the expressions of national governments, and among commentators for the view that a taking is improper under international law if it is not for a public purpose, is discriminatory, or is without provision for prompt, adequate, and effective compensation," the Court points out that "Communist countries * * * commonly recognize no obligation on the part of the taking country" and that "representatives of the newly independent and underdeveloped countries have questioned whether rules of state responsibility toward aliens can bind nations that have not consented to them." It is only in a footnote that we learn that these and other references to the "disagreement as to relevant international law standards" are not intended to indicate "that there is no international standard" but "only that the matter is not met for adjudication by domestic tribunals."

The problem of upholding, in diplomatic negotiations and international arbitral proceedings, the principle of just compensation will not be eased by the necessity of explaining away these references as having no relevance to the determination of international law standards but only to the Supreme Court's own standard for application of the self-imposed act of state doctrine.

What are the technical possibilities for dissipating this cloud that the decision may be taken to have cast on Secretary of State Hull's classic statement that "the Government of the United States merely adverts to a self-evident fact when it notes that the applicable precedents and recognized authorities on international law support its declaration that, under every rule of law and equity, no government is entitled to expropriate private property, for whatever purpose, without provision for prompt, adequate, and effective payment therefor. * * *

⁴U.S. brief, cited above, at 30-31. The grossly inadequate recovery from the Soviet Union (about 7 cents on the dollar) is ignored, as well as the current difficulties in effecting adequate settlements with Czechoslovakia and Hungary.

"The universal acceptance of this rule of the law of nations, which, in truth, is merely a statement of common justice and fair dealing, does not in the view of this Government admit of any divergence of opinion." * * *

The Court's decision leaves open the following situations in which U.S. courts (subject to ultimate review by the Supreme Court) might be permitted to determine whether a foreign government's taking of property within its own territory violates international law: (1) The foreign government at the time of suit is no longer "extant and recognized" by the United States; (2) the foreign government has by agreement expressly recognized the "controlling legal principles"; (3) the State Department has, by a letter satisfying the requirements of the so-called Bernstein exception,⁵ relieved the courts of any restraint on the exercise of their jurisdiction to pass on the question; and (4) Congress has by statute provided that the applicable international law principles (or a statute declaratory of such principles) shall be the rule of decision in act of state cases.

Certain preliminary observations are indicated in respect of each of these possibilities of obtaining a determination by a U.S. court of the validity under international law of a foreign state's taking of property.

(1) In the light of the State Department's insistence on diplomacy as the more appropriate remedy for takings violating international law, the maintenance of diplomatic relations rather than recognition would seem to be the more appropriate test, if indeed the exercise of jurisdiction is to be based on the status of the taking government.

(2) The practical possibility that a case may arise involving a taking by a government which has expressly recognized by agreement the "controlling legal principles" depends, in the first instance, on the extent of treaty recognition of these principles. The United States benefits from such treaty protection principally in other Western industrialized countries and only in a relatively small number of less-developed countries, including countries such as Nicaragua, Iran, Israel, Korea, Pakistan, Vietnam, Ethiopia, and Nationalist China. It is to be hoped that the relative advantage in U.S. courts enjoyed (as a result of *Sabbatino*) by countries which have not entered into such agreements will not adversely affect the State Department's efforts to negotiate such treaties with other developing countries.

In addition to international treaties there may, of course, be other agreements by foreign states, including agreements with foreign private investors, which recognize the controlling legal principles.

(3) Justice Harlan in his majority opinion explicitly reserved judgment on the validity of the Bernstein exception to the act of state doctrine, finding that there had been no State Department letter expressly relieving the Court of the restraint imposed by

⁵ Hackworth, *Digest of International Law* 658 (1942); 32 A.J.I.L. Supp. 193 (1938).

⁶ See *Bernstein v. Van Heyghen Freres, S. A.*, 163 F. 2d 246 (1947), 42 A.J.I.L. 217 (1948); *Bernstein v. N. V. Nederlandsche-Amerikaansche Stoomvaart Maatschappij*, 173 F. 2d 71 (1949), 44 A.J.I.L. 182 (1950); 210 F. 2d 375 (1954), 48 A.J.I.L. 499 (1954). The text of the State Department's letter submitted in the second Bernstein case was as follows:

"The policy of the Executive, with respect to claims asserted in the United States for the restitution of identifiable property (or compensation in lieu thereof) lost through force, coercion, or duress as a result of Nazi persecution in Germany, is to relieve American courts from any restraint upon the exercise of their jurisdiction to pass upon the validity of the acts of Nazi officials." 20 Dept. of State Bulletin 592, 593 (1949).

² "The Sabbatino Case—Three Steps Forward and Two Steps Back," 57 A.J.I.L. 97 (1963); Report: "A Reconsideration of the Act of State Doctrine in U.S. Courts, Committee on International Law (1959)," Association of the Bar of the City of New York.

³ Brief for the United States as amicus curiae (September 1963), pp. 27-28; 2 International Legal Materials 1009, 1018 (1963): "Decisions by American courts striking down foreign official acts of state which impair American property interests abroad will probably not be viewed abroad as dispassionate applications of neutral international law principles. More likely, they will be frequently seen in many other nations as reflecting merely parochial American views partisan to American national interests."

the act of state doctrine. While the Court did not acknowledge the validity of the Bernstein exception, the great weight given to the State Department's views would indicate that an appropriate expression of State Department policy in favor of reviewing the international law validity of a foreign act of state would be given effect.

It may be difficult to contemplate a more appropriate case for the expression of such a policy than that of the Cuban Government's confiscations, but, in the event a reconsideration of the State Department's position in this area is undertaken, the legal means of making a new policy effective remains available.

(4) The most felicitous part of the majority decision is its conclusion that the scope of the act of state doctrine is a matter of Federal rather than State law. Surely this is a logical corollary of the commitment of foreign affairs to the National Government rather than to the several States.

This conclusion, together with the Court's further determination that the act of state doctrine is judicial rather than constitutional,⁷ suggests that an act of Congress requiring the courts to apply international law (or a statutory declaration of the applicable principles thereof) as the rule of decision in "act of state" cases would be upheld.

JOHN R. STEVENSON.

Mr. HICKENLOOPER. Mr. President, in light of the fact that the Department of State is almost solely and on its own attempting to defeat the Sabbatino amendment—and I believe it will attempt to defeat it in conference committee, for some peculiar reason—I ask unanimous consent to have printed at this point in my remarks certain rebuttal information which I have prepared on the position of the executive branch.

There being no objection, the rebuttal was ordered to be printed in the RECORD, as follows:

REBUTTAL TO EXECUTIVE BRANCH POSITION PAPER OPPOSING "RULE OF LAW" AMENDMENT TO SECTION 620(e) OF FOREIGN ASSISTANCE ACT

EXECUTIVE BRANCH POSITION

The executive branch has stated that it strongly opposes an amendment to section 620(e) of the Foreign Assistance Act of 1961, as amended, which would permit U.S. courts to apply principles of international law in cases where the act of a foreign state, occurring after January 1, 1959, was alleged to be contrary to international law. This amendment carries a proviso that the President could suspend such inquiry in a case in which he determined that application of the "act of state doctrine" is required by the foreign policy interests of the United States. The arguments of the executive branch and the rebuttals to each are as follows:

1. Argument: Permitting U.S. courts to pass on the validity under international law of an act of a foreign state would embarrass the President in his conduct of U.S. foreign policy.

Rebuttal: The proposed amendment, of course, expressly provides that the President may suspend any inquiry into the validity of an act of a foreign state where he deems this necessary in the U.S. foreign policy interest.

The executive branch position paper in effect is asking that the State Department never be compelled to decide whether to invoke the "act of state doctrine" and suggesting that the U.S. foreign policy interest requires that U.S. courts abandon any attempt to do justice to the parties before them where the act of a foreign state is involved. One of the principal reasons for the proposed amendment is that it will serve notice that foreign states taking action against U.S. investment in violation of international law cannot market the product of their expropriation in the United States free from the risk of litigation. Thus, the amendment itself will do much to deter illegal takings and thereby exert a positive influence to avoid the embarrassment to U.S. foreign policy interests caused by such takings.

2. Argument: The amendment is unnecessary because the State Department has declared the Castro takings invalid at international law and because the Cuban assets in the United States have been blocked by a Treasury blocking order.

Rebuttal: The amendment would have worldwide application and is vitally important to protect U.S. investment in many countries other than Cuba. The executive branch argument with respect to action taken against Cuba therefore misses the point.

3. Argument: The amendment is undesirable because the courts of the United States should not be asked to pass on issues "which are politically sensitive and on which there is little consensus and few guiding precedents" and because the parties suffering from acts of foreign states contrary to international law should rely on executive branch remedies through diplomacy and political and economic sanctions.

Rebuttal: In the words of Justice Byron White in the Sabbatino case:

"No other civilized country has found such a rigid rule necessary for the executive branch of its government; the executive of no other government seems to require such insulation from international law adjudications in its courts; and no other judiciary is apparently so incompetent to ascertain and apply international law."

The very fact that private parties have available the normal protections of U.S. courts should be viewed by the executive branch as a helpful means of avoiding making every dispute over a foreign government action a case where nation-to-nation representations, submission to the U.N. or economic and political sanctions must be utilized.

4. Argument: Realistically, international law in the most important cases cannot be enforced in private litigation by local courts but should be applied through the practice of states.

Rebuttal: In effect, the executive branch is saying that international law is too important or too sensitive a matter for formulation or enforcement by the courts. Historically, the courts and international tribunals have in fact been a primary source of international law and its most effective proponents. It is hard to believe that the executive branch thinks that international law is better formulated and enforced by the day-to-day, momentary, ad hoc compromises of U.S. Ambassadors and the constantly changing succession of legal advisers to the State Department.

Mr. HICKENLOOPER. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an excerpt from an address delivered by Arthur H. Dean at the Southwestern Foundation, Dallas, Tex., July 23, 1964. The excerpt is entitled "Weakening of Customary International Law as a Force Promoting Dependability."

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

[Excerpt from address by Arthur H. Dean, Esq., at the Southwestern Foundation in Dallas, Tex., July 23, 1964]

WEAKENING OF CUSTOMARY INTERNATIONAL LAW AS A FORCE PROMOTING DEPENDABILITY

The desirability of some such coordinated action among the capital-exporting nations of the free world in order to promote acceptance of and compliance with certain minimum standards of conduct consistent with a dependable investment climate is suggested by the significant weakening of customary principles of international law as a force in promoting and protecting private foreign investments.

The positivist approach to this aspect of international law which has been expounded with increasing vigor by the Latin American and other developing nations has undermined this important source of dependability in respect of international private investment. And the inability of the developed and developing nations to fill this void through agreement upon the proper standards of conduct by treaty or convention is discouraging to private investors whose assistance in promoting the economic well-being of the developing nations is increasingly sought both by those nations and their own governments.

Traditional rules of customary international law pertaining to protection of citizens and their property abroad have been described as "ultimately concerned with the possibility of maintaining a unified economic and social order for the conduct of international trade and intercourse among independent political units of diverse cultures and stages of civilization, different legal and economic systems and varying degrees of physical power and prestige."

The rule of customary international law governing state responsibility for injuries to aliens is often referred to as the international minimum standard of justice, a standard of the "reasonable state," reasonable according to the criteria of the international community. The test of state responsibility for injuries to aliens was, and remains, "broadly speaking, whether aliens are treated in accordance with ordinary standards of civilization."

The Latin American and other developing nations have traditionally opposed this international minimum standard in favor of a standard that aliens only be entitled to equal treatment with nationals.

This opposition by the developing nations to principles of conduct consistent with customary international law standards is, I submit, opposed to both our and their own long-range interests in furthering conditions favorable to international trade and investment.

Although such interests were in the past confined to a few great commercial powers, the era of exploitation and colonialism is over so that these interests are today shared generally by practically all countries in the free world.

These countries include even those Latin American countries which have been the most vigilant exponents of the equal treatment standard, a standard which is deficient from an economic standpoint in that it overlooks the important fact that the potential exporter is not subject to the potential borrower's laws and must be both attracted and induced to come in and to like the investment climate.

The traditional international minimum standard of justice governing state responsibility of treatment of aliens in both their person and property and the requirement of adequate compensation in case of expropriation would, in practice, substantially

⁷ 376 U.S. 398, 427 (U.S. Supreme Court, March 23, 1964): "If the act of state doctrine is a principle of decision binding on Federal and State courts alike but compelled by neither international law nor the Constitution, its continuing vitality depends on its capacity to reflect the proper distribution of functions between the judicial and political branches of the Government on matters bearing upon foreign affairs."

strengthen the international investment climate generally and the climate for investment of private capital in the developing countries in particular.

In view of what appears to me to be our clear interest in encouraging more general recognition of the continued vitality of customary international law as law rather than the acceptance in its place of the lowest common denominator of state practice, the recognition of the positivist approach to this aspect of international law given by the U.S. Supreme Court this year in *Banco Nacional de Cuba v. Sabbatino* appears, to my mind at least, particularly unfortunate.

The actual holding of the Court in refusing to inquire whether Cuban expropriations of property of U.S. nationals violated customary international law was carefully limited to the narrow principle that the "judicial branch will not examine the validity of a taking of property within its own territory by a sovereign extant and recognized by this country at the time of suit, in the absence of a treaty or unambiguous agreement involving controlling legal principles."

The opinion may be attempted to be read, however, to support, despite its carefully enunciated holding, the view that in the absence of treaty or other consensual arrangements, customary international law principles have no continued vitality when a substantial number of nations assert that they refuse to accept them.

The Senate Committee on Foreign Relations has recently included in the Foreign Assistance Act of 1964 as reported by that committee, a provision intended to reverse the approach taken by the Court in *Sabbatino*. This provision would prevent U.S. courts from declining, on the ground of the Federal act of state doctrine, to review the merits of, or to apply principles of international law, a proceeding involving the allegedly wrongful expropriation of property of U.S. citizens unless the President determines that the application of the act of state doctrine is necessary and so advises the Court. This proposal appears to me to be an encouraging response to *Sabbatino*, and I am hopeful that it will be adopted by the Congress.

In the absence of effective customary international law standards in respect of international investments or of some substitute system of standards adequately serving the same function of assuring minimum standards of dependability, an increased burden is placed on other approaches to produce a dependable climate for private investment if such investment is to be successfully channeled into the economies of the developing nations.

Mr. HICKENLOOPER. Mr. President, as stated by Justice White in his strong dissent, this is the first time that the United States has ever applied this doctrine, a doctrine that most other nations do not apply. It is a dangerous doctrine, one which moves away from the application and the utility of international law in the settlement of international disputes, rather than toward it. Our philosophy in recent years has been to try to work more closely in the field of international law and its application in connection with disputes between nations and individuals in the various nations.

I again emphasize the overwhelming burden of disagreement on the part of prominent students of the law and of law deans and bar associations. There is a wealth of opposition to the decision in the *Sabbatino* case, a decision which

the amendment of the committee would correct.

In addition, there is a wealth of opposition throughout the United States, which has not been compiled; but I invite the attention of Senators to the almost spontaneous uprising by members of the bar, professors of law, and students of law throughout the country in opposition to the decision in the *Sabbatino* case. The feeling thus expressed is that the decision is not a wise one or a wise course for the Supreme Court to take; and that the Supreme Court has established a policy which may have dangerous repercussions in connection with our attempt to advance further for use of international law, in proper circumstances, in the settlement of disputes.

I place it in the RECORD now, so that Senators may read the background. I do not anticipate that the amendment will be taken out on the floor of the Senate; but I anticipate that a strong effort will be made by the State Department and by the administration—for some peculiar reason which I cannot fathom—to kill the amendment in conference, because it was not contained in the House version of the bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the Proxmire amendment (No. 1229) to the Dirksen-Mansfield amendment to House bill 11380.

CALL OF THE ROLL

Mr. DOUGLAS. Mr. President, I suggest the absence of a quorum, and ask that it be a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll; and the following Senators answered to their names:

[No. 545 Leg.]

Aiken	Gore	Morton
Allott	Gruening	Moss
Anderson	Hart	Mundt
Bartlett	Hayden	Muskie
Bayh	Hickenlooper	Nelson
Beall	Hill	Neuberger
Bennett	Holland	Pastore
Bible	Hruska	Pearson
Boggs	Humphrey	Pell
Brewster	Inouye	Prouty
Burdick	Jackson	Proxmire
Byrd, Va.	Javits	Randolph
Byrd, W. Va.	Johnston	Ribicoff
Carlson	Jordan, N.C.	Robertson
Case	Jordan, Idaho	Russell
Church	Keating	Salinger
Clark	Kuchel	Simpson
Cooper	Lausche	Smathers
Cotton	Long, Mo.	Smith
Curtis	Long, La.	Sparkman
Dirksen	Magnuson	Stennis
Dodd	Mansfield	Symington
Dominick	McCarthy	Talmadge
Douglas	McClellan	Thurmond
Eastland	McIntyre	Tower
Edmondson	McNamara	Walters
Ellender	Mechem	Williams, N.J.
Ervin	Metcalf	Williams, Del.
Fong	Miller	Young, N. Dak.
Fulbright	Monroney	Young, Ohio
Goldwater	Morse	

Mr. HUMPHREY. I announce that the Senator from Nevada [Mr. CANNON], the Senator from Indiana [Mr. HARTKE], the Senator from Wyoming [Mr. McGEE], the Senator from South Dakota

[Mr. McGOVERN], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I also announce that the Senator from Massachusetts [Mr. KENNEDY] is absent because of illness.

Mr. KUCHEL. I announce that the Senator from Massachusetts [Mr. SALTONSTALL] and the Senator from Pennsylvania [Mr. SCOTT] are necessarily absent.

The PRESIDING OFFICER. A quorum is present.

BLOCKED SPACE-AIR CARRIERS

Mr. MONRONEY. Mr. President, last Friday the Civil Aeronautics Board announced a significant and controversial major policy decision when it granted all-cargo carriers the exclusive right to sell blocked space to combination carriers, airfreight forwarders, and large volume shippers. Hardly was the ink dry before an appeal was filed with the Court of Appeals for the District of Columbia. Because of its explosive nature, this decision may be in dispute for some time. The carriers who are unhappy with the Board's decision will, of course, fight it with every legal means available, which is their right. But I believe the Board's policy decision is right and is necessary.

The decision is the first time the Board has given substance to its previous orders creating a separate class of carriers known as all-cargo carriers. It is the first time the Board has given this class of carriers an opportunity to put flesh on the barebones certificates issued to them. The order further delineates the functions which the separate classes of carriers created by the Board and the Congress are to perform. It opens the way for the kinds of specialization and development which are prerequisites to penetration of the bulk freight market by air carriers.

A hearing was held Thursday in the Federal Court of Appeals here in the District to determine whether the CAB's order should take effect immediately. I am confident that no existing segments of the Nation's transportation industry will be handicapped by this regulatory breakthrough which the CAB, after exhaustive study, has seen fit to approve. The major key to economic growth in this country is lower transportation rates. Air freight costs can and must be lowered, and this decision can trigger another surge in our phenomenal industrial growth.

Blocked space service will be of particular benefit to the large shipper. Under this concept the large shipper contracts at a wholesale rate for a minimum amount of cargo space on a regularly scheduled basis for a period of not less than 60 days. For example, an air freight forwarder could contract for 5,000 pounds of space three times a week between specific cities for a period of 3 months. In effect, a part of the airplane on a set schedule is chartered. This type of service should be valuable to those combination carriers who do not wish to engage directly in the movement

of bulk freight. It will thus provide regular service at a lower rate to large volume shippers, such as air freight forwarders and individual shippers with large freight requirements. This will encourage industrial shippers to convert to air distribution.

The first tariff which the Board has permitted to take effect conforms to the CAB policy calling for a shift of small package business from the all-cargo carriers to the combination carriers. This first tariff encourages the shipping of packages under 200 pounds by the combination carriers, based on higher rates via the all-cargo carrier for these smaller shipments.

The lower blocked space rates for the all-cargo carriers is based on at least once-weekly shipment of not less than 1,000 pounds for a period of 90 days, thus exceeding the 60-day minimum. This first tariff under the blocked space concept means that airlift will be provided to the large shipper at a rate of 12 or 13 cents a ton-mile. This is about 25 percent less than the current average air cargo rates. The all-cargo carriers are ideally suited to provide this service.

While I am aware of the consternation which this decision has caused some combination carriers, I do not believe the decision affects them any more than a mosquito biting an elephant.

The combination trunk carriers are a breed in themselves. They have grandfather rights to their certificates. Because they were in existence at the inception of commercial aviation, the certificates which were issued to them are limited only with respect to routes. Their certificates permit them to carry passengers; freight, both in large and small shipments; and mail. They can carry passengers either on regularly scheduled flights or on charter flights. They are not subjected to unlimited competition, because the routes over which they carry passengers are regulated by the Board and only a few carriers are permitted to compete on any one given route. They can carry both freight and mail on the same aircraft in which they fly passengers, thus supplementing their passenger revenues substantially. Except for an infinitesimal amount, they have a monopoly on the carriage of U.S. mail. The three largest combination carriers alone during the month of May transported over 65 percent of the U.S. airmail. Mail revenues of many combination carriers represent almost all their profit and in some cases the difference between profit and loss.

The progress made by the combination carriers has been due in part to the trial-and-error method of special rates to attract new business. We have had weekend rates, family rates, first-, second-, and third-class rates, excursion rates and so on.

The attraction of new types of freight that has customarily moved by surface is the only way that giant steps can move air cargo into the air and off the surface carriers. Today the vast volume of air cargo moving is in the category of "express type" packages, ranging between a few pounds up to 100- to 200-pound shipments.

In the trial of blocked space the all-cargo carriers asked for and received the right to go after the big shippers who were ready to contract over a period of time for regular shipments of large-scale freight. This type of freight movement is a far cry from the vast volume of air shipments now being handled by most carriers. It compares to a large degree to the difference in railroad shipments to carload lot versus less-than-carload lots both in weight minimums and rate differentials.

I hope the combination carriers will also not forget the large amount of help which was given to them by the United States for almost two decades. The subsidies, the unlimited certificate authority, the exclusive routes sheltered by regulation, the monopoly on mail—all these combined with undeniably strong and competent management enabled these combination carriers to reach the state of unparalleled prosperity which they now enjoy.

I mention these facts for two reasons. One, the Board's decision, although distasteful to the combination carriers, does not deal them a death blow, particularly since they are not excluded from blocked space service permanently; and second, because the experience of these combination carriers demonstrates the need for some form of government regulation to insure that all cargo certificates are not licenses to bankruptcy.

The Board in making this decision took into account the profits that would be derived by small businesses throughout the Nation through the lowering of air-cargo costs. I was pleased to learn that the chairman of the Senate Select Committee on Small Business, Senator SPARKMAN, congratulated the Civil Aeronautics Board upon its new policy statement. No single individual in this Nation has a better insight into the problems of our small businessmen. Several of the all-cargo carriers themselves are in the small business category and their services are economically beneficial to many small firms which deal in commodities or types of materials and processed or manufactured items that must be shipped rapidly over great distances in order to meet specialized needs.

The Civil Aeronautics Board faces many other problems, including the critical plight of supplemental carriers, the continual subsidy drain of local service airlines, the helicopter controversy, and numerous rate and route proposals and controversies. The Board's firm and forward-looking determination in favor of the blocked space concept proves that it is capable of meeting these additional challenges in a constructive and timely fashion. I hope that the effort now being made to set aside this statutory determination by the Board will not needlessly delay the economic benefits which the entire national business community stands to gain from the blocked space all-cargo service.

JULIAN A. ERSKINE

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the motion to reconsider the vote on passage of H.R.

5941, submitted on March 18 last, be now considered, and that the votes by which the bill was ordered to a third reading, was read the third time, and passed, be reconsidered, for the purpose of offering an amendment. It is necessary to have an amendment to that bill.

The PRESIDING OFFICER. (Mr. MCINTYRE in the chair). The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 5941) for the relief of Julian A. Erskine.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Carolina? The Chair hears none, and the bill is before the Senate.

Mr. JOHNSTON. Mr. President, I send an amendment to the desk which I ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from South Carolina will be stated.

The LEGISLATIVE CLERK. It is proposed to strike out all after the enacting clause and insert in lieu thereof the following:

That the estate of the late Julian A. Erskine, Master Sergeant, United States Army, retired, of Staples, Minnesota, is hereby relieved of all liability for repayment to the United States of the amount of \$601.07 representing overpayments of active duty pay as a member of the United States Army for the period from July 20, 1944, through August 9, 1959, which he received as a result of a typographical error made in the date of his original enlistment in the National Guard and the granting of subsequent longevity increases prior to entitlement.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Julian A. Erskine of Staples, Minnesota, the aggregate of amounts received or withheld from the late Master Sergeant Julian A. Erskine on account of the payments referred to in the first section of this Act. No part of the amount appropriated in this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of the preceding sentence shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. JOHNSTON. Mr. President, the bill provides for the cancellation of repayment to the United States of approximately \$600 in relief of Mr. Erskine. He died while the bill was being passed. We do not think it would be right to have the widow repay the money if the Government was not going to require it of the husband, who recently died.

Mr. DIRKSEN. Mr. President, the amendment has been cleared, and it is satisfactory.

Mr. JOHNSTON. All the bill does is transfer the relief to the widow's name.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

available for the national defense student loan program.

The Morse-Prouty bill which has passed the Senate and will probably be enacted into law would increase the loan funds from \$135 million a year to \$195 million by graduated steps.

Under existing law, the Federal Government provides assistance to the States for teaching equipment which may be used in the fields of science, mathematics, and modern foreign languages. The Morse-Prouty bill would add other subject matter areas for which equipment may be purchased. These include history, civics, geography, and remedial reading.

In addition, the new bill would provide Federal aid for guidance, counselling and testing to help students in the early elementary grades.

The bill S. 3060 would also permit institute programs for history, civics, geography and remedial reading and increase substantially the number of National Defense fellowships.

MIKE MANSFIELD, Senate Democratic majority leader, hailed S. 3060 as one of the major achievements of the 88th Congress and singled out Senator PROUTY as one of the two Senators most responsible for its passage.

CONCLUSION

The more complex our problems and responsibilities become, the more our educational system must be capable of meeting the new challenges.

It was wisely observed "human history becomes more and more a race between education and catastrophe." The longer Senator WINSTON L. PROUTY serves in the U.S. Senate, the better the chance that education will win the race.

His record calls to mind the eloquent words of Daniel Webster which are inscribed over the Speaker's chair in the House of Representatives in Washington:

Let us develop the resources of our land, call forth its power, build its institutions, promote all its great interests, and see whether we also in our day and generation may not perform something worthy to be remembered.

Vermont's junior Senator has won victories for education that mankind will remember always.

AIR POLLUTION BY EXHAUST FROM AUTOMOTIVE VEHICLES

Mr. MUSKIE. Mr. President, on Wednesday of this week the four major American automobile manufacturers announced that they had speeded up by 1 year their ability to design motors so as to reduce exhaust pollutants.

I think the industry is to be commended for its efforts to find a solution to the problem of air pollution caused by the exhaust from automotive vehicles. I think that the State of California is to be even more commended for its insistence that a solution be found and its leadership in bringing the automobile industry to accept the necessity of meeting standards which will reduce air pollution.

It would be my hope now that California's testing of the industry's motor

design will demonstrate success in meeting the State standard. It would be my further hope that the industry would then consider the feasibility of voluntarily fitting all of its production to meet the best standard available.

Recently, before the Special Subcommittee on Air and Water Pollution of the Senate Committee on Public Works, the industry indicated that it was not receptive to a national standard and that it preferred to meet local requirements as they developed. My own view is that this would appear to be less efficient from a production standpoint and certainly from the standpoint of reducing air pollution.

If the industry's proposed antipollution devices do work, we will have taken a significant step toward reducing one of the biggest causes of air pollution. We should not wait too long to take the same step with used vehicles. I think the recent development in California is significant and I ask unanimous consent that the article from the Wall Street Journal reporting the event be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AUTO FIRMS SAY SMOG UNIT CAN BE BUILT ON 1966 CARS

(California told most autos sold in State could have required control devices; plans moved up 1 year.)

SAN FRANCISCO.—The Nation's four major auto producers said they can build smog-control devices into most new cars sold in California beginning with 1966 models.

For the car producers, the announcement represents a 1-year speedup of previous plans. For California's Motor Vehicle Pollution Control Board it means a "tremendous achievement in smog control."

But for the producers of four devices for controlling automotive exhaust fumes the announcement signals the disappearance of a potential market estimated at \$40 million a year for service stations and control producers.

ACCELERATED RESEARCH CREDITED

In separate presentations to the California board, vice presidents of General Motors Corp., Ford Motor Co., Chrysler Corp. and American Motors Corp. credited accelerated research for the development of the systems. Each system entails basic engine modifications, unlike the attachment devices developed by the other manufacturers.

The auto men declined to estimate the extra cost to the buyer for the control system, except to say they will run less than the \$80 to \$100 quoted for the independents' installed devices. Some auto engineers have indicated the price would be about \$25. California's new car market currently stands at well over 500,000 cars annually.

If approved after testing by the State agency, the systems would be installed initially only in cars for sale in California, under the State's law requiring such controls by the 1966-model year.

But pressure is mounting in other States, too, such as New York and New Jersey, for similar auto exhaust controls. The auto men indicated the systems could be extended in the future to their entire production runs after results from California are available.

The auto men made their announcements at a crowded meeting of the pollution board, called to review progress in the effort to control smog-creating auto fumes. The problem is to burn fuel more thoroughly than is done by present engines.

Harry F. Barr, GM vice president, said the

company's system involves the injection of air directly into the exhaust port close to the exhaust valves, along with the engine design modifications. The required air flow, he said, is supplied by an engine-driven pump and is directed to impinge upon the hot exhaust valve by injecting air at this point. Mr. Barr said that the air mixes with the hot exhaust gases as they discharge from the engine cylinders, and oxidizes unburned hydrocarbon and carbon monoxide into carbon dioxide and water vapor.

A CLEANER AIR PACKAGE

Herbert L. Misch, Ford vice president, and R. H. Isbrandt, American Motors vice president, said their systems worked in a similar fashion. P. C. Ackerman, Chrysler vice president, said his company's cleaner air package involves modified engine design to prevent the formation of excessive hydrocarbons and carbon monoxide.

Only American Motors told the board that its system would be ready on all 1966 models. General Motors and Chrysler asked for exemptions on some low-volume cars, representing about 4 percent of their California sales, until 1967 models, while Ford sought exemptions on a yet undetermined number of low-volume cars.

The board will conduct extensive tests on the systems, expected to take several months, as well as decide after study whether to permit sale of the exemptions without control devices.

Representatives of the manufacturers which had their exhaust devices approved only 2 months ago were present at the meeting to report that they could meet production demands for the 1966 model cars. They are American Machine & Foundry Co., jointly with Chromalloy Corp.; Arvin Industries, Inc., and Universal Oil Products Co.; W. R. Grace & Co., and Norris-Thermador Corp.; and Walker Manufacturing Co., a subsidiary of Kern County Land Co., and American Cyanamid Co.

After the meeting, Charles E. Fisher, vice president and general manager of the air pollution control division for Norris-Thermador Corp., acknowledged that the independent manufacturers of the devices appeared all but shut out of the hefty new-car market. "But the handwriting was on the wall," he said resignedly.

Mr. Fisher estimated that the four manufacturers had spent about \$10 million researching exhaust control devices since 1954 when, he noted, auto makers "were not aggressively involved." He credited the independent research with spurring the auto industry into accelerated programs.

In the exemptions sought by the auto makers, he said, the 4 percent or so of cars represented by this wouldn't make device production feasible. "We've figured about 100,000 devices for the break-even point," he said. He added that foreign car sales made up such a relatively small part of the California market that research wasn't geared to these vehicles.

The independents still could go after the older car market.

Last June the pollution board approved one device, developed by American Machine-Chromalloy, for used cars dating back to 1962. A second device, however, must be approved before they will be required for used cars. The used-car market in California will total about 10 million by 1967, when such devices will probably be mandatory, the board estimates.

Mr. Fisher said that "all of us will have to take a close look at business in this field and determine whether the added amounts for research will be justified. We have to have a reasonable prospect for some return."

Spokesmen for the Norris-Thermador-Grace team and Arvin Industries-Universal Oil indicated they may move ahead in development of an exhaust device for used cars. Walker Cyanamid has already submitted a

proposal for a used-car device, but the board has ruled that the \$100-to-\$150-installed cost is too high. The American Machine-Chrom-alloy combine estimates its device, which has been approved, will cost the consumer an estimated \$81.50, including installation. The combine, however, said it is working to lower costs to \$65.

Some 70 percent of a car's fumes is emitted through the exhaust, the other 30 percent through the crankcase. Auto makers began voluntarily in 1961 installing crankcase devices on their cars. These devices became mandatory in California on all new cars with the 1963 model year and on all used cars in a 13-county area.

William Nissen, the pollution control board chairman, said that with combined crankcase devices and exhaust systems, some 90 percent of "smog-forming hydrocarbons" from autos would be controlled. This is expected to ease smog conditions in urban areas, but it won't eliminate the problem altogether. Smog also is caused by other irritants.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin [Mr. PROXMIRE].

Mr. MORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, the amendment which is now pending to the Dirksen amendment is my amendment. It provides that on page 2, line 15, after the word "shall," and before the words "be deemed," there be inserted the word "not," so that the section of the bill, in subsection (b), without reading all of it, would provide:

A stay for the period necessary * * * shall not be deemed to be in the public interest in the absence of highly unusual circumstances.

As I said before, this amendment of mine has a great deal of merit. The arguments I have heard so far in favor of the Dirksen-Mansfield amendment have been that throughout the country there are certain unusual situations—for example, in Oklahoma and elsewhere, where an election which had already taken place might be set aside, and where people who are holdover State Senators, for example, would be removed from office or would lose their office.

These circumstances are unusual; and it might be proper and desirable for Congress to prevent that kind of situation.

On the other hand, let us consider the situation in Wisconsin. In Wisconsin public officials won an apportionment, after a long struggle. It was a bipartisan struggle. Democrats and Repub-

licans were on both sides of the issue. We finally achieved an almost mathematically precise population representation in both the State senate and State assembly.

Under the Dirksen-Mansfield compromise proposal, our near perfect 1964 apportionment might be voided. All the struggle and solid achievement of years might be nullified. I talked on the phone this morning with Roland Day, the brilliant Madison lawyer who handled our successful reapportionment fight for the Governor before our State legislature. Mr. Day is deeply concerned that the Dirksen amendment might result in Federal court action in Wisconsin on the basis of a request by a member of the State legislature who has been apportioned out of his seat. This action could not only stay the election under the new apportionment, it could require that candidates for the Wisconsin Legislature would have to file again on the old legislative district basis. So this apportionment which we finally achieved after many years of great effort on the part of Democrats and Republicans, newspapers, and other agencies would be nullified.

I say that because the Mansfield-Dirksen amendment provides:

Any court of the United States having jurisdiction of an action in which the constitutionality of the apportionment of representation in a State legislature or either house thereof is drawn in question shall, upon application, stay the entry or execution of any order interfering with the conduct of the State government, the proceedings of any house of the legislature thereof, or of any convention, primary, or election, for such period as will be in the public interest.

Because of this provision any Federal court in Wisconsin would have jurisdiction.

The apportionment was effected in May or June of this year. Candidates for the State legislature filed in 100 assembly districts and in 16 or 17 State senate districts. July 11 was the deadline. They filed on the basis of the Wisconsin State Supreme Court apportionment.

Many of the candidates—not all of them, but many of them—would be filing in districts which are nonexistent, if the apportionment action by the Wisconsin Supreme Court were set aside. The Court would be in the position where it would be hard to comply with the law without setting it aside, in view of the Dirksen language that a stay shall be granted for the period necessary "to permit any State election of representatives occurring before January 1, 1966, to be conducted in accordance with the laws of such State in effect immediately preceding any adjudication of unconstitutionality."

That means that it would have to be based on the apportionment that preceded the apportionment by our State supreme court late this spring.

That would mean—and I cannot see any other construction which makes any sense, offhand—that our very painfully achieved and almost perfect apportionment would go out the window. There is a saving clause in the Dirksen amend-

ment in the words "in the absence of highly unusual circumstances," and I would be hopeful that that might sustain Wisconsin in the Court. But that is only a hope.

On the other hand, the distinguished junior Senator from Illinois [Mr. DIRKSEN], who is the author of the amendment, made a statement, according to the New York Times of Thursday, August 13.

The article states that the Senator from Illinois felt that the compromise "retained almost all of the mandatory character of the legislation he proposed last week as an amendment to the foreign aid bill."

The article continues:

Mr. DIRKSEN said the legislation was about 99 2/3-percent mandatory in requiring district judges to stay apportionment proceedings.

"This is about as mandatory as you can get," he said, "and still leave the door slightly open so that you don't absolutely foreclose the courts from considering [apportionment] cases. Otherwise, it might founder on the Constitution."

The article continues:

The only exception to these mandatory requirements, what Mr. DIRKSEN called "the slightly open door," was provided in a phrase saying that stays need not be granted in "highly unusual circumstances."

The 99 2/3-percent mandatory character is very discouraging for Wisconsin, and would make it very difficult for our State, in view of the fact that our primary election for the State legislature will be held in less than 4 weeks. It probably would have to be postponed. Attorney Day, my staff, and I went over the Wisconsin law this morning at some length. There is a possibility, under these circumstances, that, with the primary election postponed, and with all that would have to take place between the primary and the general election, our general election would have to be postponed, and the present sitting State legislature would simply carry over.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. LAUSCHE. If the situation is so critical, with only 4 weeks being available, why did not the Supreme Court give some consideration to that possible contingency, and allow, in its ruling, time under which, prudently and carefully, studies could be made and decisions rendered?

Mr. PROXMIRE. The Supreme Court acted with great prudence. The Supreme Court of Wisconsin provided apportionment in ample time late last spring, and candidates have filed in accordance with the Supreme Court decision. Now, under the Dirksen-Mansfield amendment, that action would have to be set aside, and they would have to start all over. They would have to go back to the districts in effect before May 14, 1964. We have a very serious problem.

Mr. LAUSCHE. That is a special situation. I am talking about the States which have not taken any action, and which are pressed for time. If the Court's order is to be obeyed, it can be done only after hasty judgment.

Mr. PROXMIRE. Under those circumstances, I believe that my amendment would meet the situation, although

I am sure the distinguished junior Senator from Illinois [Mr. DIRKSEN] will disagree. My amendment provides that a State shall not be deemed to be in the public interest in the absence of highly unusual circumstances. In Oklahoma, there may be highly unusual circumstances; perhaps in Ohio, too.

However, "highly unusual circumstances" would have to refer to a situation in which an election had been held, as is true in some States, and the court would otherwise throw out the election on the ground that the election was not in accordance with the one-vote, one-man principle. I believe that a stay under those circumstances would be logical. My amendment is drawn so that the basic principle would be upheld by Congress, but it would still leave the door open a little so that it would be possible to make adjustments where they would have to be made.

Mr. LAUSCHE. How would the members of the two houses be chosen?

Mr. PROXMIRE. We are very fortunate in Wisconsin. Both houses of the legislature in Wisconsin are apportioned strictly on the basis of population. We have not always been very good in complying with the law. We have at times let 20 or 30 years go by without complying with it. Now we have complied with it. This apportionment might now be thrown out by the Dirksen-Mansfield amendment.

Mr. LAUSCHE. In the case of Wisconsin, it is simple, in view of the constitutional provision. But what about the other States which, for more than 100 years, have proceeded on the theory that the upper house shall be chosen on the basis of geographical representation, and the lower house on the basis of population? Why not allow them time to solve the problem?

Mr. PROXMIRE. I believe that that is perfectly proper. In some cases, the courts have undoubtedly been too precipitous and requested or required action that is difficult to take. But I am sure the Senator from Ohio understands the position of the courts. This is the toughest kind of problem for a legislator to solve. Legislators are being asked to apportion themselves or their friends out of jobs. The tendency of legislatures is to slow down, to drag their feet. They always need to be pushed. There will always be that clash. The longer the remedy is postponed, the longer will circumstances exist in which serious difficulty is involved.

Merely to require deliberate action by the courts, to leave the door open, so that the legislatures can adjust on a gradual basis, makes sense.

There are some people—perhaps not a majority as I might hope—who do not think the one-man-one-vote legislature should be based on something other than population. Those who feel that way would be enthusiastic for the Dirksen proposal, so that a constitutional amendment could be submitted by Congress to the legislatures throughout the country, so as to knock out the one-man, one-vote principle forever. That would be the effect.

Mr. LAUSCHE. There are many who subscribe to the doctrine that there must be insurance that in a legislative body neither one segment of the economy nor another shall dominate. It is for that reason that for more than 100 years Ohio has had a two-house legislature, one house chosen on the basis of geographical representation, the other on the basis of population.

If the city man is complaining now, what about the rural man? When both houses have been completely dominated by the influence of metropolitan interests, and the rural groups will have nothing to say. What will the situation be then?

Mr. PROXMIRE. Wisconsin has had this system for many years. There has been no domination by labor leaders or domination by urban areas over city areas. We have had rural representation that has been strong, and continues to be strong. In principle, it seems to me, that there is no basis for giving one person more representation than any other person. But that is what is being done in many places. Why give labor, or farmers, or urban persons, or rich persons more representation? There is no fundamental basis in principle for saying that we must protect some people because they should have protection against others.

Mr. LAUSCHE. The fathers of the Constitution did not think so.

Mr. PROXMIRE. Oh, yes; they did.

Mr. LAUSCHE. I understand the argument that is made. There is no analogy between what is being done in the States and what is being done in the Federal Government. Consider a large State, like California. I do not know its exact population; perhaps it is 15 million. California has two votes in the U.S. Senate. Many other States, having much smaller population, also have two votes. It was intended that there should be equal influence in the Senate.

Mr. PROXMIRE. Any study of the Federalist Papers, and any study of the writings of Jefferson, will show how deeply those men felt about the one-man, one-vote principle. The reason they did provide for the Senate on a different basis was that there was a confederacy before 1787, and a very weak government. It was necessary to bring the States together on some basis. That was accomplished by compromise, which necessarily was imperfect.

Mr. LAUSCHE. The Founding Fathers said, in effect, that some States refused to join the Union unless they have equal representation in the Senate. Those who were seeking to form a union decided that in order to bring those States in, all States would have two votes in the Senate; but that in the House the number of votes should be proportionate to the population of the States.

Mr. PROXMIRE. I understand that; but it should be recognized that the States had a real element of sovereignty, which they still have. It is an important element of sovereignty and an important part of our Federal system. The

genius of our system is that we have federalism. We vest great power in the States. By the 10th amendment, the States received a reservoir of power, and still have it.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. PASTORE. Are we not missing the point completely? We are debating the question as though this were a constitutional convention. That is not the point. The point is that the Supreme Court, which is one of the three coordinate branches of our Government, has said that unless one man is given one vote, the Constitution of the United States will be violated under our republican form of government. The only way that condition can be changed is by amending the Constitution.

If it is desired to carry out the idea that within a State there is authority to have one branch represent the people and the other branch represent the State geographically constituted, that would have to be done under the terms of the Constitution itself. Therefore, the only way that could come about would be through a constitutional amendment.

As a practical matter, the serious problem that faces us is that the Supreme Court has spoken. I do not believe that Congress ought to say, by legislative fiat, that what the Supreme Court has said is unconstitutional, and that we declare the present practice to be constitutional for a certain period of time. If we did that, we would reach a ridiculous conclusion.

Mr. PROXMIRE. What the Senator has said is absolutely correct. What is extremely important, more important, even, than the reapportionment battle, is our relationship with the Supreme Court. We would be telling the Supreme Court that for more than a year it must not protect what they regard to be the basic rights of citizenship—the right to vote and the right to an equal vote.

Mr. PASTORE. That is correct.

Mr. PROXMIRE. We would be telling the Supreme Court that it must not protect that right. That would be extraordinary; it would be a bad precedent.

Mr. PASTORE. The only argument against it is that what we are trying to preserve for a short period of time, and for practical purposes, is something that we have lived with for a long period of time, until the Court rendered this decision. The argument has no legal value; I will admit that. But if it has not, how do we approach the problem?

We realize that we have a problem. I do not think any of us should take the position that we will tell the Supreme Court it has no right to declare something unconstitutional, and that if it does, we have the right to say that for a certain period of time it shall be constitutional. To take that position would be undemocratic.

How do we resolve this important issue in a sensible way, without impinging upon the constitutional prerogatives of the Court, and at the same time give

our citizenry an opportunity, in an orderly fashion, to conduct a sensible election on November 3? That is the question.

We can argue at length about what the Founding Fathers meant, but we shall get nowhere. The Supreme Court has spoken. Congress has no right to impinge upon the rights of the Supreme Court to say what is unconstitutional. Once the Court has said it, Congress has no right to say, "No. That edict under the Constitution shall not take effect for a period of 2 years, or 4 years, because it is impractical to carry out the American ideal."

Mr. PROXMIRE. That is correct; but I think it perfectly proper for those of us who feel strongly about it and also for those who disagree with us to discuss the fundamental principle at stake.

Mr. PASTORE. Yes; but the practical matter is that the Democratic National Convention is soon to be held. I am sorry the amendment has been proposed to the foreign aid bill; I do not believe it has any place in it.

The Senator from Ohio has raised his State's problem; and Wisconsin also has a problem. However, no hearings have been held; we have not heard from the Governors of the States; we do not know what the problems in each State are. Yet by means of this amendment we would be attempting to tell the country what should be done, without knowing the problem in each of the 50 States.

I believe the amendment should be brought forward as a separate bill; I do not believe it should be added to this bill.

Certainly we are confronted with a pressing problem. We should get busy about it. We should hold hearings on it, and we should quickly do something about it, before this session of Congress ends and before election day.

Mr. PROXMIRE. The Senator from Rhode Island is quite correct.

Mr. PASTORE. But I am afraid that by this means we shall not obtain the real answer; and then the Supreme Court will say, "This measure is unconstitutional." Then, after all the effort, day in and day out, we would end with nothing. That is what concerns me.

I hope we shall get to work on this problem, and shall hammer out a measure which will make sense. I do not believe it does much good to discuss the history of this matter.

Certainly this is a very serious constitutional problem, a legal problem, and a practical problem; and in the final analysis we must resolve the problem.

Mr. PROXMIRE. I believe all Senators will agree with me—although for different reasons—when I say we would like to end this debate now, and would like to pass the foreign aid bill now. But it would be terrible to pass the foreign aid bill with this rider on it, in view of the effect the rider would have on Wisconsin. Therefore, I believe I have a right to protest at length.

Mr. PASTORE. Certainly; I agree.

Mr. PROXMIRE. I believe that in doing so, I should discuss the fundamental reasons—on the basis of principle, on the basis of history, and so forth.

One of the reasons for opposing the addition of this provision to the foreign aid bill is that the amendment would deprive the President of his constitutional veto power, insofar as this provision is concerned. Everyone knows that the President would not veto the foreign aid bill. Certainly he should have a right to exercise his judgment on this particular matter, and should have an opportunity to veto the provision, on its merits, if he thought that best.

Mr. PASTORE. That is correct.

At this time, I do not know what the modified amendment would do to Rhode Island. I realize that the two leaders have discussed the matter carefully, and have tried to work out a provision which would make sense. But they do not know the situation in Rhode Island. No Member of the Senate has asked me or the Governor of Rhode Island or the Rhode Island Board of Elections or the Rhode Island Secretary of State. So I say frankly that I do not know whether this amendment would work in Rhode Island.

However, the unfortunate thing is that by means of the amendment, Congress would be telling each State how it should operate on the basis of what would satisfy the situation in the States of the sponsors of the amendment. That is what is wrong with the amendment.

Mr. PROXMIRE. That is another reason why I believe we should examine the effect of the amendment on each of the 50 States.

Mr. AIKEN. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. AIKEN. I have been much interested in the statement the Senator from Rhode Island has made. I realize that he does not know how the Supreme Court's decision would affect his State, because there has not been a specific case affecting his State.

However, there has been a case affecting Vermont; and the Federal Court has ordered that the Vermont Legislature—which will meet in January 1965—do absolutely nothing except to reapportion the State. After the State has been reapportioned, there would have to be new elections, before the legislature could meet again for the transaction of State business. In the meantime, the terms of the appointive officers of the State—except the terms of those who have 6-year terms—would expire, mostly on February 1. The terms of all the municipal judges and the terms of all the State judges would expire before the legislature could possibly complete its work on reapportionment and before new elections could be held. That would mean that during that period of time a state of chaos would exist in Vermont government. There would be no means of law enforcement, because no judge would be legally authorized to hear cases after the expiration of his term of office.

I agree that the amendment would be better considered by itself, as a separate bill. However, there is no chance to do so in time to avoid the chaos which the Court order would create.

I should like to vote for a foreign aid bill now; but I would prefer to have no

foreign aid bill at all than to create chaos and anarchy in the United States, because this country means more to me than any other country does, and the maintenance of a genuinely democratic form of government in our country means more to me than the establishment of democracy in other countries.

I am not so much concerned with the decision of the Supreme Court itself as I am to the assumption and exercise by the Court and of the lower Federal courts of powers which, so far as I know, can be delegated to such courts only in such manner and in such measure as Congress may determine. In my opinion, there is a serious question as to whether, instead of interpreting the Constitution, the Court has not just thrown it out the window in part, at least.

However, if we can handle this matter in an orderly manner, so as to prevent confusion in the United States, that is what we should do. After all, anarchy and disdain for law and order is now creeping into our cities. Violence and crime there are on a sharp increase. I notice that in the Metropolitan New York area many special policemen are being appointed to duty for this weekend. Yet those are the areas in which the entire responsibility for the Government of the United States would be concentrated should the philosophy of the Federal courts be carried to its logical conclusion. We should keep away from such a thing. Government to be healthy and just must be in fact fully controlled by the people.

If the Court's order were carried out as it could be, the probable result would be to disfranchise possibly as much as 25 percent of the people of the United States, insofar as representation in their own legislative bodies is concerned.

So, Mr. President, let us take the necessary time to do this work correctly and decently.

I concede that probably one or both houses of the legislatures of perhaps three-fourths of the States are malapportioned. This is the inevitable result of shifting populations. But I do not believe that both houses of our bicameral legislatures should be based on population alone.

It is of vital importance that not only should each qualified person be guaranteed the right to vote but should be guaranteed the right of legislative representation as well.

I wonder whether the Senator from Wisconsin knows of any major country in the world in which both houses of a bicameral legislature or parliament are based on the same criterion. I realize that some small countries—for example, Costa Rica, Israel, and Panama—have unicameral legislative bodies.

Mr. PROXMIRE. Our Presidential system is not a common one. The parliamentary system is more common. Great Britain still has some rotten boroughs; however, Britain is correcting that situation, and at least has the principle of a one-man, one-vote system, although with some defects. I suppose it is true that the British system is no longer de facto bicameral, even though

it is de jure bicameral; after all, the British House of Lords has no real power.

However, the fact is that our system is unique and different.

Mr. AIKEN. But what is the use of having a bicameral legislature if both houses are to be elected on exactly the same basis?

Mr. PROXMIRE. Because the system works well. It has worked well in Wisconsin. The senate does serve to give more mature and more careful consideration. The members of the senate have staggered terms. In Wisconsin, most of the members of the senate tend to be somewhat older, and perhaps serve longer, and have more mature judgment.

So there are some significant differences. Certainly, insofar as prudence is concerned, it is found in a bicameral body.

Mr. AIKEN. But the fact is that the Court's order will throw many of the State governments into confusion.

I would say Wisconsin would constitute a special circumstance. If its reapportionment has been satisfactory to both parties and to the people of the State, I know of no reason why the incoming legislature would not approve it. However, that is a matter for Wisconsin to decide, and I should not discuss it.

Instead, I speak of my own State.

Mr. PROXMIRE. Let me reply to the point the Senator from Vermont previously made by saying that I have before me a study made in 1962 by the Twentieth Century Fund. I shall read the first two sentences. They read:

In many countries with a long tradition of representative government, legislative apportionment is no longer a political issue. In Great Britain and some Commonwealth nations, for example, there is general agreement that parliamentary districts should contain approximately equal populations, and redistricting is accomplished regularly and on a nonpartisan basis. But in the United States, apportionment remains a vexing problem.

Mr. AIKEN. The appropriating authority, however, is also taken out of the hands of the people in some of those countries.

Mr. PROXMIRE. I do not argue that any other country is superior to our country. But I say that in this particular respect, some nations have adopted the principle of one man one vote. It has worked well. It has worked well in my State. I believe it would work well in the Nation.

I believe the analogy of the Federal Government and the 50 States is entirely different. The Federal system is extremely important. It delegates the residual power to the States. That is very important. But the Nation is really the creature of the States. It was created by the States. It is the very principle behind it. The State creates its own political bodies within its boundaries. It can expand or contract its cities, towns, villages, or counties. They are all creatures of the State. In any Federal system, this would have to be artificial.

We come down to a basic argument as to whether we believe every man in America, whether rich, poor, farmer, or

city dweller, should have an equal vote.

Mr. AIKEN. And also representation, as well as vote.

Mr. PROXMIRE. It seems to me that the Supreme Court's position can be supported.

Mr. AIKEN. We can have an equal vote for every person in the country, and still effectively disfranchise a fourth of the people, because they have no power of representation.

Mr. PROXMIRE. Certainly. And by my amendment we would help to solve this problem. It would make the Dirksen amendment operate in the exceptional circumstances that exist, perhaps, in Oklahoma and some other States. It would be put in effect for a period of time, perhaps a year, but under most circumstances, the door would be open. The Supreme Court would proceed as it has been proceeding—toward a one-man-one-vote principle in both houses.

Mr. AIKEN. What is wrong with giving the States a year? The Dirksen-Mansfield amendment, as I understand it, would give the incoming legislature of my State the power to perform necessary business to carry the State through on the usual basis, until reapportionment could be effected, probably later in the spring. But they have been told that they must have everything done by the 15th of March. That would be an impossibility without violating our own State constitution and statutes.

Mr. PROXMIRE. If my amendment were agreed to, it would mean that the courts would proceed with a little more gradual approach. We must recognize, however, that there will always be a clash. The legislatures will resist, for the most apparent, transparent reasons. The Senator and I know people in our own States whose jobs are at stake. They have been in the legislature for many years, and the only way to have it reapportioned is often to place two people in the same party from the same district up for election. That would be a painful thing to do. The people will fight it. They will oppose it. It will take a long time. But they will use this time to try to pass a constitutional amendment which would destroy any possibility of one man one vote at any time in this country.

Mr. AIKEN. I do not agree with that, as to the two houses of the legislature.

Mr. PROXMIRE. Once the amendment is written into the Constitution, it will not be removed.

Mr. AIKEN. I believe that every man, regardless of his status, should have representation and a voice in his legislative body. We could have an equal vote for each person, one vote for one person, and still effectively destroy his franchise.

Mr. PROXMIRE. Mr. President, I yield to the Senator from Illinois.

Mr. DOUGLAS. Mr. President, I wish to bring out precisely what the Supreme Court said with regard to the equality of representation.

It is sometimes said that the Supreme Court requires precise, arithmetical equality. I read from page 2 of the opinion in the Reynolds against Sims

case, the Alabama case. It is a passage from the majority opinion:

By holding that as a Federal constitutional requisite both houses of a State legislature must be apportioned on a population basis, we mean that the equal protection clause requires that a State make an honest and good faith effort to construct districts, in both houses of its legislature, as nearly of equal population as is practicable. We realize that it is a practical impossibility to arrange legislative districts so that each one has an identical number of residents, or citizens, or voters. Mathematical exactness or precision is hardly a workable constitutional requirement.

In other words, the court is saying that there should be approximate equality, with variations.

Mr. PROXMIRE. Yes, indeed.

Mr. DOUGLAS. I believe this is an important matter to clear up. Charges have been made that it is impossible to place the districts on a precise population equality basis.

Mr. PROXMIRE. I believe that is very important. The Court has been thoughtful, careful, and prudent. It is true that in some cases there seems to be haste, which creates difficulty. But we shall always encounter that kind of situation.

I wish to make one further point. The Senator from Vermont has stressed, as has the Senator from Illinois, that if we do not pass this measure, there will be chaos. If we do pass it, there will be much worse chaos. One reason for that is that there is no doubt in anybody's mind that the Supreme Court may not accept this provision. Federal judge after Federal judge will have to guess whether the Supreme Court will accept a law which may be ruled as unconstitutional. In the meanwhile, before they can act, there will be real chaos everywhere in the country. We now have a situation that is gradually becoming more and more settled. If my amendment should be agreed to, there would be an opportunity in exceptional cases involving difficulty, for the Court to provide a stay for a full year, or more.

Mr. AIKEN. Mr. President, it was not the Supreme Court that gave the order to the State of Vermont. It was a lower Federal court. In Vermont, it was held that the State senate was controlled by 47 percent of the people. There are only two or three States in the Union, as I recall, in which the senate is more nearly representative.

Mr. DOUGLAS. What about the lower house in Vermont?

Mr. AIKEN. The lower house has one vote for each town.

Mr. DOUGLAS. In what proportion?

Mr. AIKEN. Vermont and Connecticut have had approximately the same method of representation in both houses for approximately 125 years. The lower house has one representative for each town or city, while the senate is based on population. The States of Vermont and Connecticut have been better operated over the period of our statehood than any other two States in the Union. We yield to none in this respect.

Mr. DOUGLAS. The smallest district in Vermont has 36 people, and they elect

one legislator in the lower house. The largest district has 35,531. It elects one member of the lower house.

Mr. AIKEN. Exactly.

Mr. DOUGLAS. Just a moment.

In Vermont, one person in a small hamlet has as much voice as 1,000 people in the larger town.

Mr. AIKEN. Exactly.

Mr. DOUGLAS. And the fine Senator from Vermont has the extraordinary temerity to stand here and justify that.

Mr. AIKEN. I point out that the largest hamlet in Vermont has 20 percent of the membership of the State senate. The small hamlet to which the Senator refers has never had a State senator to my knowledge.

Mr. DOUGLAS. The State legislature can be controlled if one house of the legislature is controlled.

Mr. AIKEN. I am not defending the house of representatives of Vermont against any charge that it is malapportioned, because it is.

Mr. DOUGLAS. It started in 1793 and has never been changed.

Mr. AIKEN. We are handicapped by a 10-year time lock on the State constitution, which ought to be changed. The time lock became passé probably two generations ago. We have need for reform, but for Heaven's sake, give us an opportunity to do it properly. Do not say that we must do the impossible.

Mr. DOUGLAS. The Senator's State has had an opportunity since 1793. The constitution of Vermont took effect in 1793. It granted equality of representation to each town. The State has had 171 years to do something about it. How much more time does the Senator desire?

Mr. AIKEN. We should have at least 6 months after January 1, 1965. I point out—

Mr. PROXMIRE. I shall yield to the Senator from Vermont in a moment.

Mr. AIKEN. I wish to make one brief statement.

Mr. PROXMIRE. I yield.

Mr. AIKEN. Vermont has been a good State. It has been far more progressive than most States. It had a unicameral legislature for 40 or 50 years, and then that was abandoned because it did not work too well.

I know that the Senator from Wisconsin must be an admirer of Thomas Jefferson. I point out that a Vermont delegate in 1803 cast the vote which nominated Thomas Jefferson on the 38th or 39th ballot, I believe.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. PROXMIRE. Before the Senator from Illinois replies, I wish to say to the Senator from Vermont that I am delighted that he brought into the debate Thomas Jefferson, because Thomas Jefferson spoke on the issue again and again. Every time he spoke he said that he was for the principle of one man, one vote. He was for the principle of equal representation. He said that it was a cardinal tenet of democracy. He pointed out how people are deprived of effective enfranchisement in the absence of such a system.

Mr. AIKEN. Thomas Jefferson was not giving the Supreme Court superiority over the legislative branch of the Government.

Mr. PROXMIRE. He recognized, as every student must recognize, that the Supreme Court is in many respects, if not in most respects, the weakest branch of the Federal Government. Hamilton spelled it out clearly in the "Federalist Papers." He said that the Supreme Court is, by far, the weakest of the three branches of the Government for it has no purse, as does the Congress, and no sword as does the executive. Again and again, from Andrew Jackson's time, the Supreme Court has had to give in to the superior powers of the legislative branch or the executive branch. I shall develop that point at some length later.

Mr. AIKEN. Once more I point out that we do not pretend to be perfect, even if we have at times laid claim to being the nearest to perfection of any of the States. We do not pretend to be perfect. But we are not miracle workers and we do need time to do the required job of reapportionment. The Dirksen-Mansfield amendment would give us that time.

Mr. President, I would rather vote to kill the foreign aid bill completely than to take any steps which would lead to the ultimate destruction of our democratic form of government, whereby each person has the right to representation in State and Federal legislative bodies.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. DOUGLAS. I do not wish to poach on the time of the Senator from Wisconsin, but since my good friend from Vermont has introduced the name of Thomas Jefferson, I should like to say that I hold in my hands his famous work entitled "Notes on the State of Virginia," the Harvard edition. On page 112 of that edition Jefferson speaks of the representation in the Virginia Legislature, which, as I mentioned yesterday, over-represented the tidal counties and under-represented the back country, and he criticized it. He said:

This has been a capital defect which has been discovered in the Constitution of Virginia.

Jefferson argued in favor of the equality of representation on the basis of population in both Houses of the legislature. I am glad that Vermont was pro-Jefferson.

Mr. AIKEN. We were.

Mr. DOUGLAS. I am sorry that Vermont has departed from the tenets of Jefferson, largely because of the Civil War.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. PROXMIRE. Before the Senator from Vermont replies to the Senator from Illinois, I should like to underline what the Senator from Illinois has said. Jefferson protested a malapportionment in Virginia in which the low was 951 constituents and the high was 22,000. That was a ratio of about 20 to 1, or a little worse than 20 to 1. How does that ratio compare with Vermont?

Mr. DOUGLAS. In Vermont the ratio is 1,000 to 1. Thirty-six thousand people elect one member of the Vermont Legislature.

Mr. PROXMIRE. How would Thomas Jefferson feel about the Vermont situation today?

Mr. DOUGLAS. I believe he would feel that Vermont had fallen away from its early faith.

Mr. AIKEN. Now that the subject has been brought up, I should like to point out once more that when the Constitutional Convention met in 1789, the States of Virginia, Pennsylvania, Massachusetts, and New York insisted that representation in the Continental Congress should be based upon population alone, although some of the delegates thought that wealth should also carry weight. If these delegates had had their way, there would have been no United States of America. Fortunately, because of Delaware, New Jersey, and other less populated States, the wealthy-populous States did not get their way. We got a good Constitution. The United States became a great nation and that is the way we intend to keep it.

Mr. PROXMIRE. Mr. President, the principle has been brought up today. I do not know how we can get away from it. It must be discussed. Though it may not be articulated frequently on the floor, there is no question that there is an underlying feeling on the part of some Senators that a one-man one-vote rule is a basic, important, and central tenet of democracy. Others believe it is not. After all, if we do not believe in one person one vote, what other principle is there? If we are to dilute that principle, it means that one person must have more influence than another. I do not know how we could reason in any other way. The progress of democracy, from monarchies to the present day, has been to overcome the distinctions and the privileges in some cases involving, giving votes only to property owners, in some cases only to whites. And this is a battle we are continuing to fight with the civil rights bill. Up to 1919, when the country voted on the question of woman suffrage, franchise was given only to males, we have been gradually and slowly overcoming the dilution of democracy which has prevented people from being properly represented.

Now, as the Senator from Illinois in a brilliant statement last night documented in the greatest detail, we have a situation which is worse than it was 100 years ago. It is worse than it was 50 years ago. It is a situation which, as he said, results in some persons having 1,000 times the representation that other persons have.

Mr. President, property is a bad and invidious basis for enfranchisement. But at least there is the logic, however thin, based upon the tax burden which property carries, or the financial responsibility which comes as a result of the ownership of property. Property is a type of capital investment. It might be argued that since a man who owns property will have to pay more taxes than his neighbor who does not own similar property,

therefore he should have a greater vote. The logical basis exists although I oppose it. But there is no logical justification for the kind of county apportionment which was discussed so tellingly by the Senator from Illinois [Mr. DOUGLAS] last night, which resulted in serious disfranchisement in State after State.

Furthermore, as will be spelled out by other Senators in the debate, the existing malapportionment has a practical effect, because in State after State the legislature cannot do the job which it should for the suburban groups. For the urban groups the legislatures cannot solve problems related to slum clearance, education, and others. What happens? The cities must come to the Federal Government for assistance.

Mr. CLARK. Mr. President, will the Senator yield at that point?

Mr. PROXMIRE. I yield to the Senator from Pennsylvania.

Mr. CLARK. I commend the Senator from Wisconsin for the fine speech he is making. I have read with interest the amendment which he proposes. I personally believe that if we become desperate enough, his splendid amendment would help very much the "robber baron" Dirksen "rotten borough" amendment, which I believe to be bad in its entirety.

The Senator will, of course, be the judge of his own procedure. But, having made his case and having made it as well as he is presently doing, I would hope that he would give some thought to the desirability, for the time being, of withdrawing the amendment until some of the rest of us have had an opportunity to develop our cases and suggest certain other alternatives. It might well be that some time next week an initial motion to table will be made. Then the Senator could come back with the amendment at a later date, rather than putting it up to hazardous chance so early in the debate on the question, which to my way of thinking is one of the most important questions which has come before the Senate in many a long day. I merely offer the suggestion. If my friend does not think it is wise to take it, of course, I shall abide by his conclusion.

Mr. PROXMIRE. I thank the Senator. I shall seriously consider his suggestion.

Mr. President, it has been argued that if we do not act on the Dirksen amendment, we are going to have chaos in the States and great difficulties in the coming elections to the State legislatures. I would like to argue that if we do act favorably on it we are going to have far more serious chaos; and, as a matter of fact, bad as the situation is at the present time, because the Supreme Court has acted firmly and clearly, we are making progress toward a settled, orderly situation.

I think the State that has probably been referred to by more Senators than any other is Oklahoma, which has a very tough and serious problem. I noticed that the Washington Post today, in a dispatch from Oklahoma City, headed "To Prevent Chaos," reports that—

Gov. Henry Bellmon, saying he must act to prevent chaos, proclaimed a special primary for September 29 to elect a new legislature in compliance with a Federal court reapportionment order.

There will be no runoff. The filing period will run 5 days, beginning August 31. Bellmon also called a special general election for November 3 to complete the legislative elections.

The court declared last Friday that the State's entire legislature is vacant as of November 18. Under Oklahoma law, the Governor must call for elections to fill vacancies.

There may be a difficult situation in Oklahoma. As I pointed out before, my amendment would give the people there an escape valve. However, bad as the situation may be—Oklahoma is attempting to solve its problems.

If the Dirksen amendment were adopted, there would be a very difficult situation in every one of the 50 States, including Oklahoma and including States like Wisconsin, that have reapportioned. So the Dirksen amendment would negate the progress that has been made, and create a situation which would be particularly bad.

What are the courts going to do? Some courts are going to hold that the Dirksen amendment is constitutional and must be complied with. I am convinced that many courts will seriously doubt that it is constitutional for the Congress to say that the Supreme Court shall not protect what we must consider a fundamental American right—the right to equal representation.

If the courts do not consider this amendment to be proper—in some cases they will and in some cases they will not—we shall really have chaos and a difficult situation. I cannot see any alternative.

Fred Mohn, of United Press International, in the Washington Post of last Sunday, wrote a fine article analyzing the progress the States are making in inching along toward the one-man-one-vote rule. I read from that article:

The U.S. Supreme Court decision 2 months ago ordering "one person, one vote" legislative reapportionment has some States in legal and political turmoil.

Others complied quietly and still others ignored the ruling.

The Court's ruling that both houses of State legislatures must be reapportioned on the basis of population was a potentially heavy blow to the farm and "cow country" minorities that traditionally dominate some houses.

The biggest impact would be in the States with the larger cities and spreading suburbs that are now underrepresented, on the basis of population.

A United Press International survey of the States showed that most were in the process of carrying out the Court's ruling.

Let me repeat that:

A United Press International survey of the States showed that most were in the process of carrying out the Court's ruling.

Of course, the Dirksen amendment would stop that.

I continue to read:

But the change, if it comes, still was years away. The long process of amending State constitutions, plus the process of reapportionment itself, meant that legislatures made

up according to the Court's guidelines couldn't convene until 1969 in such States as Illinois and Massachusetts.

The Supreme Court decision of June 18 applied specifically to only six States—New York, Delaware, Maryland, Virginia, Alabama, and Colorado. But almost all States are affected. The ruling would outlaw such disparities as the Georgia house, where Fulton County's (Atlanta) 556,326 residents have 3 representatives, and Echols County, with 1,876 inhabitants, has one—a representation difference of almost 100 to 1.

It would affect such legislative decisions as who gets California's limited water resources and how much of the pork barrel goes to Hawaii's neighboring islands.

And it could mean the end of the line for some powerful figures in State political circles if their districts were expanded to include other incumbents.

How important that element is. We are all human. All of us have friends in State legislatures. We know how the proposal affects them. Most of them have given much of their lives to the service of their States. We know how reapportionment may end their careers. So it is human not to want to do anything that will affect them.

If we do not permit the Supreme Court to act now, we are never going to have an opportunity to have what Thomas Jefferson and others regarded as the basic tenet of democracy—equal representation and equal votes.

Mr. Mohn continues:

Congress has before it legislation that would require one legislative house to be based on population but would allow each State to decide for itself the basis for the other house's district boundaries.

Minnesota Gov. Karl Rolvaag, in appointing a citizens committee to devise a reapportionment plan, said the task was "enormously complicated and fraught with controversy."

The Supreme Court apparently was aware of the complications involved. It gave no specific instructions on how its ruling should be carried out, and Chief Justice Earl Warren said each State system should be judged on a case-by-case basis.

What is wrong with that?

I continue:

"What is marginally permissible in one State may be unsatisfactory in another," Warren said.

The dispute had no effect in Oregon, which reapportioned both houses on the basis of population in 1961 and consequently operates with area rather than population imbalances.

However, I understand that the Dirksen amendment may upset conditions in Oregon, too. I talked with some Oregon people this morning. This article was not written at the time the modified amendment which the minority leader has now placed before the Senate was introduced.

I continue to read:

While 8 of the State's 30 senators live within the Portland city limits, Senator Anthony Yturri represents a four-county area of nearly 28,000 square miles—a district as big as Vermont, New Hampshire, Rhode Island, and New Jersey combined.

And so forth.

Reapportionment may come to Vermont next year.

We have been discussing this matter with the distinguished Senator from Vermont.

The 1965 Vermont Legislature is under court orders to reapportion and then disband without acting on any other legislation.

In New York, Gov. Nelson A. Rockefeller named a special committee headed by Dean William H. Mulligan of the Fordham Law School to make reapportionment recommendations to him by December, when he was expected to call a special legislative session.

A three-judge Federal court last month gave New York until April 1 to pass a legislative reapportionment law based on the Supreme Court ruling.

There is a great deal more than I could read, but the fact is that after careful study and analysis by the United Press International and after direct inquiry by the press the survey details the progress being made in carrying out the Court's ruling.

In other words Congress, by this amendment, would be interfering with the Supreme Court order, which is being complied with, which is progressing, with great difficulty but progressing—it will always be with great difficulty—and is gradually, slowly, and definitely being met.

Mr. President, one of the most remarkable studies that has been made on intergovernmental relations was made by the Advisory Commission on Intergovernmental Relations on October 10, 1962. This was a study of apportionment of State legislatures made by a very distinguished panel, including several Senators. I should like to read the names of some of the outstanding members of the panel. It was a bipartisan group of outstanding men, including John Anderson, Jr., Governor of Kansas; Richard Y. Batteredton, mayor, Denver, Colo.; Neal S. Blaisdel, mayor, Honolulu, Hawaii; Howard R. Bowen, citizen member, Grinnell, Iowa; Anthony J. Celebrezze, Secretary of Health, Education, and Welfare; Edward Connor, supervisor, Wayne County, Mich.; C. Douglas Dillion, Secretary of the Treasury; Michael V. DiSalle, then Governor of Ohio; Robert B. Duncan, speaker, house of representatives, Salem, Oreg.; Florence P. Dwyer, Mrs., Member of the House of Representatives; Sam J. Ervin, Jr., Member of the Senate; L. H. Fountain, Member of the House of Representatives; Ernest F. Hollings, Governor of South Carolina; Eugene J. Keogh, Member of the House of Representatives; Karl E. Mundt, Member of the Senate; Edmund S. Muskie, Member of the Senate; Arthur Nafatalin, mayor, Minneapolis, Minn.; Graham S. Newell, member of the State senate, Montpelier, Vt.; John E. Powers, president, State senate, Boston, Mass.; Robert E. Smylie, Governor of Idaho; Raymond R. Tucker, mayor, St. Louis, Mo.; Robert C. Weaver, Administrator, Housing and Home Finance Agency; Barbara A. Wilcox, commissioner, Washington County, Oreg.

That is about as distinguished a group of people, representing various levels of government in our country, as it is possible to assemble. This group came to a very interesting conclusion. I shall discuss this study at some length a little later, because I think it is a most re-

markable analysis by outstandingly competent people. There were some dissenters. The dissenters included some distinguished Members of this body. However, the majority of this distinguished panel of Federal, State, and local representatives came to this conclusion:

Equal protection of the law would seem to presume, and considerations of political equity demand, that the apportionment of both houses in the State legislature be based strictly on population.

Let me repeat that, Mr. President. This distinguished group of people, after careful study and a comprehensive analysis of the history of the law and political realities, came to the conclusion:

Equal protection of the law would seem to presume, and considerations of political equity demand, that the apportionment of both houses in the State legislature be based strictly on population.

Governor Smylie, joined by Governor Anderson, Governor Hollings, and several others, would have preferred to have the Commission adopt the following statement of principle:

Equal protection of the law would presume, and political equity demand, that the apportionment of both houses in the State legislature be based strictly on population, unless the people directly demand otherwise.

This issue was argued, and the majority decided that even if the people did determine otherwise, nevertheless both houses should be based on population.

There was a clear dissent by Senator ERVIN of North Carolina, who said that he thought both houses should be based on population. There was a very interesting and thoughtful dissent by the distinguished Senator from Maine [Mr. MUSKIE], joined by the distinguished Senator from South Dakota [Mr. MUNDT]. However, both of these Senators indicated very strong support for the principle, although with some concern as to how the principle should be carried out.

Because these gentlemen discussed the situation at such length, and considered it so thoughtfully, the Senate should have the benefit of their views also.

After listening to the distinguished Senator from Illinois last night say that State legislatures have been badly malapportioned, I intend to show as conclusively as I can the ill effects which malapportionment has had on our system of government.

I should like to quote now from an excellent work entitled "The State Legislature—Politics and Practice," written by Malcolm E. Jewell, of the University of Kentucky. Speaking of divided government, he stated:

The other major cause of divided government is the system of representation. Most familiar is a constitutional formula for apportioning at least one legislative branch that discriminates against urban areas. In States like Connecticut, Rhode Island, New Jersey, and Michigan, this has usually prevented Democratic Governors from having complete legislative majorities, while in Maryland it has worked to the disadvantage of a Republican Governor. In both New York and Massachusetts the Democrats have been handicapped by two other factors. Re-

publican legislatures have gerrymandered the legislative districts, designing them so as to help Republican candidates. In both those States, and some others, the Democratic vote has been so heavily concentrated in metropolitan areas and so thinly spread throughout the rest of the State that, under the single-member district system, it has been difficult to gain Democratic majorities in the legislature.

According to all the studies I have seen, the cities have not been gaining in population. The people have been moving to the suburbs. They move to the suburbs because the suburbs are attractive places, but they are places where larger incomes are required than in cities or in rural areas. So the people who have been underrepresented, in the suburbs, are people with higher incomes, who are inclined to be conservative and Republican.

This is not an ideological argument or a partisan argument. It is an argument for equal justice.

I continue reading:

Illinois, Ohio, and New Jersey are other good examples of States where this has been true. In New York, where Democratic Governors have normally had to contend with Republican legislatures, the disparity appears to result primarily from gerrymandering and the drawing of unequal districts, as well as the heavy concentration of Democratic voters in a few metropolitan areas. In some States the underrepresentation of Republican suburbs may tend to offset the underrepresentation of Democratic cities. There has been evidence of such a trend in States like Illinois, New York, and Pennsylvania.

There are several States, and the number is likely to increase, where the apportionment system works to the disadvantage of the Republican Party. In some traditionally Democratic States where there is relatively little Republican strength in rural areas, the Republicans are dependent on growing strength in the urban and suburban areas to overcome their minority status. In such cases malapportionment helps to maintain Democratic dominance of the legislature. An example is Maryland, where Theodore McKeldin served as Republican Governor from 1951 through 1958 with a Democratic legislature; in the lower house the Republicans had only 20 to 30 percent of the members. Organizational factors were one cause, but the underrepresentation of suburban areas hurt the Republicans also. At present Baltimore City is slightly underrepresented in the house; it usually elects a full slate of Democrats. The three largest suburban counties (outside Baltimore and Washington) have 250,000 more people than Baltimore but together elect half as many representatives in each branch; two of these three counties elected predominantly Republicans at the height of Republican strength under McKeldin.

So, Mr. President, the bad effects of malapportionment are not only in the inability of the States to solve the problems that concern the urban and suburban population—the growing population, which is likely to create more problems—but also because malapportionment results in one house being represented by one party, having one viewpoint, one attitude, while the other house is represented by another party, having different views; or in some cases both houses being represented by one party, while the Governor is of another party.

However, most people, no matter how much they believe in independence and

checks and balances, recognize that we can go too far. They recognize that we can go too far when this situation continues year after year, and neither party can be responsible; neither party can put a program into effect; neither party can be responsive to the people who elect them.

There is no question that malapportionment is very likely to perpetuate that situation. As Mr. Jewell says:

The apportionment system may act as a deterrent to a minority party, discouraging it from contesting some of the legislative seats aggressively. It is most important politically when it produces divided government. If a Governor cannot command a legislative majority, and particularly if the apportionment system makes it unlikely that he will in the future, he is forced to bargain with the opposition party to enact his program. The result may be a stalemate, as in Michigan where the Democratic Governor and Republican legislature could not agree on the form of additional taxes.

How well all of us recall the situation in Michigan. Michigan had a wonderful Governor. He was one of the finest and ablest administrators of our time. Mennen Williams is an able, brilliant man. He won more popular support in Michigan than any other Governor of that State ever had. He was elected not once, not twice, but six times. He was the dean of Governors in America. He was a man who had clear, incisive ideas about the kind of program he wanted.

But unfortunately, in most of the years that Governor Williams was in office, there was a divided legislature. It was a predominantly Republican legislature, which disagreed with the Governor. The Republican program may have been just as good for Michigan as the Democratic program; but because one branch of the government was Republican and the Governor was a Democrat, it was extremely difficult for Governor Williams or the legislature to enact a program. There was a stalemate, and the result is well known throughout the country.

In my State of Wisconsin, we were frequently told by our Republican opponents about the Williams administration. We admired Williams; we liked him. We knew how able and efficient a man he was; what a fine administrator he was; what a good Governor he was; and the kind of popular support he had. But he was not able to do the job he wanted to do for the people of his State because he had a divided legislature.

Exactly the same situation could have arisen under a Republican Governor; and it does in many States. One reason for that is malrepresentation. There is malapportionment because there is a tendency, under those circumstances, for the majority of at least one house to be of one party, and a majority of the other house to be of the other party. I defy anyone, including the distinguished junior Senator from Iowa [Mr. MILLER], who is an expert in many of these areas and is also a good student of history, to give me any citation, anywhere, by any of our Founding Fathers or any of our political philosophers, which holds that it is good and healthy to have party responsibility divided; to have one branch of government dominated by one party,

and the other branch by the other party; or by having both branches of the legislature controlled by one party, and the Governor representing the other party.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield to the Senator from Iowa.

Mr. MILLER. First, I assure the distinguished Senator from Wisconsin that I was not about to make a comment regarding divided legislatures particularly. I wished to comment on the Senator's somewhat exaggerated praise of a former Governor of Michigan. It seems to me that I recall numerous articles having been written about the deplorable state of the finances of the State of Michigan. Michigan went deeply into debt. It piled up a debt of hundreds of millions of dollars during the long tenure of that Governor of Michigan.

I grant that problems arise when there is a division in party responsibility between the legislature and the executive. Nevertheless, for the purpose of trying, at least, to practice some semblance of fiscal integrity, so far as the people of the State or concerned, I have observed that in most States this has been done. But the State of Michigan was a flagrant example of how it was not done.

Mr. PROXMIRE. The distinguished Senator from Iowa has made my point beautifully, far better than I have made it. He has emphasized it well. He has pointed out that in Michigan, a big State, a rich State, a State that had a popular Governor—no one can deny that; he was elected six times, which is an alltime record—there was, nevertheless, a serious financial crisis. I would not deny that. The State did go into debt. But that was because the Governor and the legislature could not agree or get together. They could not operate as a team. Why not?

It was because the Governor felt strongly and deeply about the principles of the Democratic Party, what it was founded on, where it should go, and the manner in which taxes should be raised. The Governor and the legislature foundered again and again on the question whether a sales tax or an income tax should be enacted. This disagreement continued for years. There was tragedy for the people of Michigan; there is no question about it. The Governor knew about it. Democrats and Republicans agreed that it was a tragedy. They could not resolve it. One reason was that Michigan had a badly malapportioned legislature. It was composed of people who had been elected from rural constituencies and areas, who were, predominantly, from a party different from that of the Governor. They disagreed with the Governor and would not permit him to put his program into effect. The Governor was in a position of having either to sacrifice the principles about which he felt very deeply or to fight for his principles—which is what he chose to do—and fight for a program that he thought was based on equity, justice, and fair taxation.

Mr. MILLER. Mr. President, will the Senator further yield?

Mr. PROXMIRE. I yield.

Mr. MILLER. The Senator from Iowa

does not intend to reaffirm what the Senator from Wisconsin has said about the administration of that particular Governor of Michigan. What the Senator from Wisconsin just said, I believe, reaffirms what the Senator from Iowa said, namely, that that Governor felt so strongly and stubbornly about certain principles that, as a result, Michigan went hundreds of millions of dollars deeper into debt and became one of the classic examples of poor administration and unsound fiscal control.

I thought I ought to make this point so that the RECORD might show that there are two sides to the comment regarding the tenure of the former Governor of Michigan. I grant that he is a personable individual. I do not gainsay his sincerity. I do gainsay his administration having been a sound example of good administration.

I grant that he is a very personable individual, and I do not gainsay at all his sincerity. I do gainsay the effectiveness of his administration, in terms of good government. Certainly it was not a sound example of good administration. I am sure the Senator from Wisconsin, who is quite knowledgeable about such matters, well knows that if his own State of Wisconsin had gone into debt nearly as deeply as Michigan did, there would practically have been a revolution.

Today, I am pleased to say, the State of Michigan is proceeding, under a Republican administration, to go into the black for once, and it appears that it will continue to do so. In fact, a surplus has been built up.

So I could not remain silent when I heard high praise of the then Democratic Governor of Michigan, in view of the chaotic financial situation which was allowed to develop.

I served the legislature of my State when it had a Democratic Governor; and I grant that there were difficulties. In fact, difficulties now exist there, because Iowa now has a Democratic Governor and a Republican legislature. But regardless of their differences, they have been able to keep the State government in the black and out of the red.

So I believe this is a reflection on the sense of financial responsibility of both the executive branch and the legislative branch; and I regret very much, for the sake of the people of Michigan, that such a sense of responsibility did not exist during the term of that Governor.

Mr. PROXMIRE. This matter is not particularly relevant to the subject now before the Senate. However, I point out that the then Governor of Michigan is a brilliant man. He was an outstanding student in college and in law school, and at a remarkably early age he became a Governor.

The Senator from Iowa has spoken of the Governor's stubbornness. I believe he knows how we evaluate character in our society on the basis of Aristotle's Nicomachean Ethics, applying the golden mean. After all, if a man is brave—

Mr. MILLER. Perhaps we should say extremely brave.

Mr. PROXMIRE. Very well. If a man is extremely brave he may be regarded by people who do not like him as foolhardy.

Governor Williams was committed to a principle of justice in taxation, it may be said that he was stubborn because he fought for it.

I believe Governor Williams' administration had many good elements about it. But I believe we agree that the people of Michigan and the State of Michigan and the Governor of Michigan did suffer because there was then divided government.

My point is that when there is malapportionment—as now exists in State after State—there is divided government. That is one of the unfortunate circumstances. That happened in Michigan; and it could very easily happen to a Republican Governor who believes deeply in such principles and, for example, felt strongly that, for one reason or another, the State should not adopt a highly progressive income tax, whereas perhaps the Democratic legislature would take the opposite point of view. The result in those circumstances could be a financial crisis, a stalemate, unfortunate for all the State's citizens.

At any rate, in view of the situation prevailing in Michigan from 1960 to the present time, I believe there are strong arguments on both sides.

From what I know of Governor Williams, he is a fine person; and today he is doing a fine job as Assistant Secretary of State. Certainly, I would be very unhappy if, from this debate, anyone were to arrive at the conclusion that I have other than great admiration for the former Governor of Michigan, now an Assistant Secretary of State, G. Mennen Williams.

Mr. MILLER. Mr. President, will the Senator from Wisconsin yield further to me?

The PRESIDING OFFICER (Mr. WALTERS in the chair). Does the Senator from Wisconsin yield to the Senator from Iowa?

Mr. PROXMIRE. I am happy to yield.

Mr. MILLER. I do not question that Mr. Williams may be a wonderful man. I concede that he is a charming man. But both of us have known charming persons who have gone broke because they did not know how to handle their finances. The only difficulty in that situation was that although he did not go broke, the State of Michigan practically did. But I am willing to admit—as I believe the Senator from Wisconsin will concede—that we were speaking of an extremely stubborn Governor.

I fully realize that there are advantages in having both the executive branch and the legislative branch under the control of the same party. But I suggest that the mere fact that there is a split—with the executive branch in the control of one party, and the legislative branch in the control of the other party—does not necessarily mean that the people will suffer. For example, there was a split between the executive branch and the legislative branch of the Federal Government in 1959, as I recall—at the time when President Eisenhower was in the White House and the Democrats were in control of Congress. Yet because of the ability of those in the White House and the Members of Con-

gress, particularly the Members of the Senate, we were able to have a civil rights bill which I am sure the Senator from Wisconsin will admit was good for the people.

So I point this out merely to suggest that we not become too sweeping in our statements about divided responsibility.

Mr. PROXMIRE. I agree with the Senator from Iowa that there are many cases in which, with extraordinarily good leadership, forbearance, tolerance, and moderation on both sides, progress can be made with a divided government. However, divided government makes the situation much more difficult, and prevents either the one party or the other from putting a platform into effect.

During the Eisenhower administration, when there was a Democratic Congress from 1955 until 1960, we had a great leader in Lyndon Johnson. He made a very strong point of being as fair and as cooperative with the President as he possibly could. He did a magnificent job on foreign policy and on domestic policy, in working with President Eisenhower. Lyndon Johnson was the most powerful majority leader the Senate ever had. When we study history, we find there has rarely been a leader who had the great ability Lyndon Johnson had to get things done. That the country did not suffer more from divided government was a great tribute both to Lyndon Johnson and President Eisenhower.

Certainly there is a very difficult situation when, year after year, there is divided government. In that connection, I refer to the situation in 1947 and 1948, when Mr. Truman was President and when there was what he called "the do-nothing 80th Congress." Regardless of whether a good case can be made for either that Congress or the then President, certainly each one was of the opinion that the other was not doing a good job. The result was that the country did not get very much done.

My point is that if there is to be progress, it is much better to have one party have full responsibility. Then, at the next election, it can be thrown out of office if it is not doing a good job, or it can be continued in office if it is doing a good job.

Mr. MILLER. Mr. President, will the Senator from Wisconsin yield again to me?

Mr. PROXMIRE. I yield.

Mr. MILLER. I was about to take my seat. However, in view of the fact that the Senator from Wisconsin has spoken of the claim that the 80th Congress did nothing, I must point out that President Truman merely alleged that, whereas the 80th Congress was really an outstanding one, and did many excellent things. The RECORD clearly shows that.

Be that as it may, I emphasize that before we reach any conclusions on the pending business, I believe we had better be very careful that we do not base conclusions on generalities to which there are very numerous exceptions.

The Senator from Wisconsin pointed out the years when our present President, then the majority leader of the

Senate, worked out matters with a Republican administration.

I suggest that this is a very good example of what I referred to in suggesting that it does not necessarily follow that because we have a divided legislature and legislative branch the people will suffer. The people may indeed benefit.

Mr. PROXMIRE. Most objective historians 25 years from now will agree that even during that period, which was a period of some congressional accomplishment, if we had had a Democratic President instead of a Republican President, we would have been able to accomplish more, and very probably, if we had had a Republican Congress, instead of a Democratic Congress with a Republican President, we would have been able to have a more coherent Congress. But I believe the Senator is correct.

Of course, we cannot say that necessarily the people will suffer deeply and tragically. I am not arguing that. I am saying that one of the arguments in favor of having the one-man, one-vote situation in our States is that there will be the greater possibility in our States of having one party in control of the governorship, the upper house, and the lower house. The government can then better assume its responsibility and move ahead to solve its problems. Under the present situation, there are great discrepancies in apportionment.

Mr. MILLER. What the Senator just said represents one argument which some political scientists have advocated, for the United States to adopt the British parliamentary situation. But I am sure the Senator from Wisconsin would not be the first to make that suggestion.

Mr. PROXMIRE. The Senator from Wisconsin is completely opposed to the British Parliament as a proposal for this country to adopt. The American system, in my judgment, is very superior.

Mr. MILLER. That is also my judgment.

Mr. PROXMIRE. It is more flexible. At the same time, there are imperfections. I believe it is proper for the Supreme Court, with the help of the Congress, to try to solve its imperfections, to keep our system, but to try to improve it.

In my judgment, there is one way in which it can be improved. As the senior Senator from Illinois [Mr. DOUGLAS] has shown so well, a situation in which 1 person has 1,000 times as much representation as another is not right. But such malapportionment is a fact in our State legislatures over and over again.

Mr. MILLER. The Senator from Wisconsin and the Senator from Iowa share the same views with regard to misrepresentation. But I hope the Senator from Wisconsin and the Senator from Iowa will be around so that we can join and prepare the book to which the Senator referred with respect to the Eisenhower years, to see whether we would have reached the same conclusion—which I doubt—namely, that had we had a Democratic President to work with a Democratic Congress, we would have had a better performance. In my judgment, history will show that the American people benefited greatly from the fact that

we had a Republican administration, and they would have benefited much more if we had had a Republican Congress for the Republican administration to work with.

I hope that we shall both be around. If we are, I shall be happy to write a book with the Senator from Wisconsin on this subject, although, we may have a difficult time in agreeing on which chapter to write. But perhaps history will be such that the Senator from Wisconsin will reach the same view that the Senator from Iowa already has reached.

Mr. PROXMIRE. I am delighted that the Senator from Iowa and the Senator from Wisconsin are on all fours. The Senator from Iowa said that we would have had better performance in 1955 through 1960 if one party had been in control. The Senator wants the Republican Party. That is understandable. He is a Republican. I say that we would have been better off if one party, the Democratic Party, had been in control during that period. However, we agree that we should have one party. We should not have a divided government.

We also agree that because of the temperance, moderation, and good sense of President Eisenhower and the majority leaders in the House and Senate, the suffering endured by the people because of a divided government was not as great as it might have been.

Nevertheless, we agree on the fundamental principle that one of the difficulties with this malapportionment, and one of the reasons why the Proxmire amendment to the Dirksen amendment should pass—or, failing that, that the Dirksen amendment should be defeated—is that if we prolong the situation and permit a constitutional amendment to be passed, we shall prolong a divided government. We shall prevent the States from solving their own problems.

I believe the Senator from Iowa, as a good Republican, believes in federalism and believes in the State assuming responsibility and solving its own problems and not deferring to Washington.

Mr. MILLER. The Senator from Wisconsin has an amendment to a pending amendment by the Senator from Illinois and the Senator from Montana.

Mr. PROXMIRE. That is correct.

Mr. MILLER. The pending amendment has nothing to do with the change in the Constitution. He has just made a statement regarding a change in the Constitution. I am not sure that I know what change the Senator refers to.

Mr. PROXMIRE. As I understand, the change in the Constitution is the whole objective of the Dirksen amendment. He is not pressing the amendment merely to waste the time of the Senate and keep the foreign aid bill from coming to a vote. He wants to postpone for 1 year the effect of the Supreme Court action requiring the States to reapportion both houses on a population basis. The Senator is very frank about it. He has said—and I am sure publicly—that during that year it would be possible, if the States desired to do so, to pass a constitutional amendment which would

amend the Constitution and make it clear that the States can, if they wish to do so, have one house based on population and the other house on some other basis. I believe that is the prime objective of the amendment of the Senator from Illinois. That is the reason why I am opposed to it.

Mr. MILLER. The Senator from Wisconsin has precisely stated the matter. I regret that the distinguished senior Senator from Illinois is not in the Chamber at the moment. I regret that he did not have the same clear understanding of the constitutional amendment last night that the Senator from Wisconsin obviously has. It is said by some—perhaps the senior Senator from Illinois made this argument—that by reason of this delay, if Congress should pass a constitutional amendment early next year, it would go before the States for ratification by malapportioned legislatures.

Suppose they did. What would they be ratifying? They would be ratifying an amendment which provides that the people of a State—not the legislature, but the people of the State—will decide the composition of the second house. I cannot see anything wrong with that.

Mr. PROXMIRE. There is a great deal wrong with it. We know that this is one amendment that the State legislatures would ratify with great rapidity. They would do it because their jobs are at stake. The jobs of their friends are at stake. It affects them directly. They would not want anyone else to do the reapportioning. It will be to their benefit. They will act promptly. As was said last night, the people will decide the question. I think the Senator from Illinois was correct in saying that the majority of the people would be denied their equality of vote, and the right to have their vote count for so much. As the Senator from Illinois stated, this is an inalienable right that is possessed by everyone in the Nation.

It is absolutely fundamental in the situation which we are now discussing. The equality of vote is not only a central tenet of democracy, but it is also a right that should not be taken away even by a majority of the people. We should not do it.

My belief, as the Senator from Iowa well knows, is that we should not do it. We should abridge a person's right. This is a right that should not be denied, abridged, lessened, or reduced by the majority.

Mr. MILLER. The difficulty with the argument that the Senator has just made, and the completely non sequitur quality of the argument of the Senator from Illinois last night is that there are certain inalienable rights that should not be taken away by majority rule—we are not talking about those.

Mr. PROXMIRE. It is proposed to take them away. We are taking away the right to vote.

Mr. MILLER. Not quite.

Mr. PROXMIRE. An equal vote.

Mr. MILLER. The argument that the Senator from Wisconsin is making is that election to both houses of the State legislature should be on a popular basis. He is arguing that the second house, to

which the constitutional amendment that we are talking about would apply, should be on a population basis, and that there is an inalienable right of the people of a State to have it on a population basis. Yet the Senator is turning that argument around and saying that he does not wish the majority of the people to decide the question. That does not follow.

Mr. PROXMIRE. Of course it follows. The Senator from Wisconsin is saying that every person should have an equal opportunity to elect a State senator and a State assemblyman or his State representative. He should have an equal right. As the Senator from Illinois showed so brilliantly last night, in some cases one person will have a thousand times the right that another person has. That is as wrong as it can be. The Senator from Iowa knows that it is wrong.

Mr. MILLER. The Senator from Wisconsin will not get into an argument with the Senator from Iowa on that point.

Mr. PROXMIRE. That is what we are talking about. The Senator says that a State can apportion as a majority of the people want to do it. It would be perfectly possible, with newspaper support, party support, and so forth, in State after State, that one house would not have one-man one-vote representation but representation by each county or each town having one vote. If such a system should prevail, it would be even worse than the kind of bad representation that now exists. This is a technical situation that affects legislators mightily and rank-and-file voters only indirectly, although it is enormously important to all people. It is true that a majority of the people would have a right to upset that arrangement; but because the procedure is not directly attuned to their interests, and because people are very busy and very involved in other things, it is perfectly possible that a majority of the people would because they had had too little time or opportunity to study the issue, vote those rights away for themselves as well as for their fellow citizens. I do not believe that they should do so.

Mr. MILLER. The Senator from Iowa has more confidence in the judgment of the people than has just now been expressed. I emphasize that this business of saying that people have an inalienable right to have both Houses of the legislature on a population basis, and then turning around and saying, "Oh, we do not wish the people to decide that question for themselves," does not add up, because if a majority of the people should, as a matter of inalienable right, control both houses of the legislature, it seems to me that the people themselves are entitled to decide the question for themselves—certainly with respect to the second house.

Mr. PROXMIRE. That argument is always a very appealing one. It is often said, "Leave it to a majority of the people." Would the Senator from Iowa leave to a majority of the people the decision as to whether he could practice his religion, whether he could speak his mind, or whether a newspaper should be allowed to be printed?

Mr. MILLER. The Senator from Iowa would answer that question in the following way: If a majority of the people of the United States wished to adopt a constitutional amendment which would do what the Senator has said, they have the power to do so.

Mr. PROXMIRE. I do not deny that they have the power.

Mr. MILLER. They have the power.

Mr. PROXMIRE. Certainly they do.

Mr. MILLER. If they should take such action, the Senator from Wisconsin and the Senator from Iowa might not like it. If we do not, we shall have to go to some other country.

Mr. PROXMIRE. I am sure that the Senator from Iowa would stand on the floor of the Senate and take as long as he possibly could to oppose that kind of abridgement of the right to practice one's religion. He would fight such a constitutional amendment very hard. He would not wish to be a party to it.

Mr. MILLER. That is correct.

Mr. PROXMIRE. The Senator from Wisconsin is doing that with regard to a clear right that I think is just as fundamental, and that is the right of all citizens to an equal vote in the State legislature.

Mr. MILLER. The point is that the power of our Government ultimately resides in the people.

Mr. PROXMIRE. Of course, it does. I am not disputing that the power lies in the people. The Senate has a right to shut off debate by invoking cloture, to enable it to move ahead with the proposed amendment. The people of the country have the power to adopt almost any kind of constitutional amendment that they wish to adopt.

What I am debating is the merits of the question as to whether we should do it. I do not deny the power.

Mr. MILLER. The Senator from Wisconsin will not have to worry too much about letting a majority of the people decide whether or not a majority wishes to control a second house of a legislature. I think his concern on that point is completely unfounded. If a majority of the people decide for themselves that they do not wish to control both houses of a State legislature, and that there are other factors involved in a check-and-balance system of government which is quite traditional in our American system of government, they ought to have the right to follow that principle. That is all the constitutional amendment would do.

Mr. PROXMIRE. I do not have any idea what kind of constitutional amendment might be considered next year. But I can imagine that there might very well be a situation in which the people might be given an imperfect choice. They might have a choice between a population representation in the second house or they might not be given such a choice. At any rate, the Senator from Wisconsin feels, as the Senator from Illinois has said, that there are certain inalienable rights that I do not want any majority to take away from me or any citizen and this right to vote is one of them.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. MILLER. The Senator from Wisconsin and the Senator from Illinois, I believe, made the same error when they talked about the proposed constitutional amendment being ratified quickly by malapportioned legislatures, so that the legislators could perpetuate themselves in office. How could they possibly perpetuate themselves in office if the people should decide to put both houses on a population basis? It would be impossible. That is why I say, whether the legislatures concerned are malapportioned or apportioned to perfection, if they ratify the constitutional amendment and put both houses on a population basis, they leave it to the people to decide that question. I do not see how we would have anything to worry about.

Mr. PROXMIRE. I believe there may be more merit in some constitutional amendments than in others, but I shall certainly favor no constitutional amendment which would abridge the right to vote in any way. There is no guarantee that any constitutional amendment which would pass the Senate next year would provide that the people must have a choice in deciding whether one house or both houses were on a population basis. There is no guarantee of that. We do not know what kind of constitutional amendment might come before the Senate.

Mr. MILLER. Meanwhile there is no guarantee that any amendment would be adopted.

Mr. PROXMIRE. Meanwhile, the situation arises in which the Supreme Court is told that it cannot protect what the Supreme Court considers to be a fundamental right of American citizens—the right to have equal representation in the State legislatures. That is what the Dirksen amendment would do. There is no question about it.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. MILLER. I am afraid that the matter the Senator has referred to is more theoretical than practical. As I pointed out last night in a colloquy with the Senator from Illinois, I think most of the Federal courts will be reasonable and practical. I used the example of my own State, where a three-man court ordered the Iowa Legislature to do two things: first, to adopt an interim reapportionment plan to which nominations would be made in our primary election last June and to which Representatives and Senators would be elected in the general election in November, to meet next year; second, Iowa is to have a permanent reapportionment plan to go into effect thereafter.

I cannot believe that the Senator from Wisconsin would suggest that the court now, in view of the Reynolds against Sims Supreme Court ruling, would issue an order tomorrow or next week to the Iowa Legislature to reconvene, to have 10 days to place in effect a reapportionment plan in accordance with the Supreme Court's decision, to enact a law

for a special primary election 2 weeks after that, and then to have them all elected in November. I cannot believe the Senator from Wisconsin would suggest that a court is going to do that.

Mr. PROXMIRE. I agree wholeheartedly with what the Senator from Iowa has said. This is exactly why the amendment of the Senator from Illinois would be inappropriate. I rely on the prudence and wisdom of a Federal court that is on top of the situation to proceed properly. The Dirksen amendment would prevent that.

Mr. MILLER. No.

Mr. PROXMIRE. Just a moment. I have the floor. I am going to read the amendment. It provides for a stay for the period necessary—and anybody in legislature, or another, can apply for the stay—"to require any election occurring before January 1, 1966, to be conducted in accordance with the laws of such State in effect immediately preceding any adjudication of unconstitutionality and"—not only that, but in addition—"to allow the legislature of such State a reasonable opportunity in regular session or the people by constitutional amendment a reasonable opportunity following the adjudication of unconstitutionality to apportion representation in such legislature in accordance with the Constitution."

The Dirksen amendment would deny the court discretion. The court now has discretion. The courts can move ahead according to their own prudent ideas. As Chief Justice Warren said, the States can be handled on a case-by-case basis. That is being done. Now the proposal is to delay the procedure until January 1, 1966. Any member of the legislature who lost his seat because of reapportionment could stop reapportionment in his State. This is true in my own State. The amendment is going to be very destructive in Michigan and other States.

Let me read lines 6 to 9 on page 1 of the amendment:

Any court of the United States having jurisdiction—

They all have jurisdiction in these cases—

of an action in which the constitutionality of the apportionment of representation in a State legislature or either house thereof is drawn in question shall, upon application, stay the entry or execution of any order.

They have to stop it. This amendment deprives the courts of their discretion. That is the trouble. We are trying to do the job that the courts ought to do.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. MILLER. The Senator did not read far enough. It provides that there shall be a stay, but the Senator did not add these very important words. For how long? "A reasonable opportunity." Who is going to determine what is "a reasonable opportunity"?

Mr. PROXMIRE. Oh, no; the proposed law does that by providing that the Court is prevented from acting before January 1, 1966. That is the rest of this year and all of calendar 1965. The proposed law so provides specifically.

Mr. MILLER. The Senator from Iowa was referring to the second paragraph to which the Senator from Wisconsin referred. This was the point I thought we were talking about. The provision is that the States shall be granted a period to allow the legislature "a reasonable opportunity." The "reasonable opportunity" will be decided by the Court.

Mr. PROXMIRE. The Court could decide that now, without any interference by the Congress of the United States. On page 2, line 3, the amendment defines what a "stay" is. It reads:

A stay for the period necessary—

To permit any State election of representatives occurring before January 1, 1966.

On what basis? On the basis before the reapportionment took place. That means that the Wisconsin reapportionment, and I think that of Michigan, and I am sure of most States that are trying to comply with the order, will be thrown out the window. It would cause chaos. I think the Senator from Iowa has brought out why the Court cannot proceed prudently if the Dirksen amendment passes. Its hands are tied.

Mr. MILLER. I am pointing out that the Court is given power to proceed prudently, because the discretion of what is "a reasonable opportunity" is entirely up to the Court. It is this discretion which I think the Court ought to have and which the Dirksen amendment gives it.

Mr. PROXMIRE. If the Senator would offer an amendment, which I would be delighted to support, to strike out the language on page 2, lines 3 to 16, the amendment would not be nearly as bad as it is now. But that language is in the amendment very specifically. It provides that a stay for the period until January 1, 1966 shall be granted. There is no alternative. The stay must be granted. Reapportionment must be stopped. The States would have to go back to the situation in accordance with the laws in effect immediately preceding any adjudication of unconstitutionality. If that means anything, it means that all the reapportionments made in the States—and the UPI study said most States are complying, would be upset in order to comply with the amendment.

Mr. MILLER. The Senator apparently is referring to a part that I was not discussing.

Mr. PROXMIRE. The part I have been discussing affects the part the Senator from Iowa has been discussing.

Mr. MILLER. If the Senator were striking out anything, he would be striking out lines 9 to 16.

Mr. PROXMIRE. Would the Senator agree to eliminate lines 4 to 8?

Mr. MILLER. Would the Senator agree to leave lines 9 to 16 in?

Mr. PROXMIRE. I would be delighted to support an amendment to strike out lines 4 to 8, if that is the burden of it, because I think we would be making a little progress.

Mr. MILLER. Would the Senator leave the rest in? It provides that a reasonable opportunity will be granted.

It is obviously going to be decided by the Court. I think the Senator should be consistent.

Mr. PROXMIRE. If the Senator can persuade the Senator from Illinois to delete lines 4 to 7, the Senator from Wisconsin will not talk very much. While my vote does not count for much—

Mr. MILLER. It counts as much as that of any other Senator.

Mr. PROXMIRE. Perhaps 10 or 12 other Senators will agree with the Senator from Wisconsin. Perhaps there will be fewer. If the Senator will use his offices with the minority leader to persuade him to eliminate that language, we may progress. There may be a few scattered votes against the amendment, but it would be a vast improvement.

Mr. MILLER. While the Senator from Iowa attempts to use his good offices with the minority leader, will the Senator from Wisconsin attempt to use his good offices with the majority leader, who is also a sponsor of the amendment?

Mr. PROXMIRE. I shall be delighted to do so.

Mr. MILLER. I thank the Senator.

Mr. PROXMIRE. Mr. President, the Senator from Wisconsin has been trying to argue that the stalemate which results from divided government brings atrophy to State government, because it means that in case after case—one could cite many examples, especially anyone who has served in State legislatures—the State does not act.

One of the most conspicuous examples is Michigan. During many years a fine Governor was serving while the legislature was of another party. He was not able to move ahead in solving the problems, because he would not compromise his principle and the legislature would not compromise its principle. They were of opposite parties. The result was a deadlock.

This situation is not confined to Michigan. We know that it has happened in many States. This leads to an increase in power by the Federal Government. That is something that both parties have protested.

Perhaps Republicans have been more vehement than Democrats in their protests. All of us realize that these problems should be solved at the place that is closest to the people. If we believe that, it seems to me that we should do our best to see to it that the State legislatures are apportioned in a way that will make them more responsive to the people, and more likely to be of the same party as the Governor.

Probably the most frequently quoted statement concerning this point was made by the Kestnbaum Commission. This was an outstanding Commission appointed by President Eisenhower, and headed by one of the most brilliant business-statesmen of our country, Mr. Meyer Kestnbaum. This is what it had to say about this situation:

Reapportionment should not be thought of solely in terms of a conflict of interests between urban and rural areas. In the long run, the interests of all in an equitable system of representation that will strengthen

State government is far more important than any temporary advantage to an area enjoying overrepresentation.

It is unfortunate that this has not been emphasized sufficiently. There is a perfectly natural tendency on the part of many people who listen to this debate and on the part of reporters writing about the debate, whether in Congress or in State legislatures, to picture this situation as a clash between urban and suburban people on the one hand, and rural people on the other hand; between farmers and consumers; between the cow counties and the big urban counties. This is most unfortunate, because everyone gains under fair and equal apportionment, when there is a strong State government that can meet the problems, whether they be urban or farm problems.

I have seen many cases in which the failure of Congress to act or the failure of a State legislative body to act to solve an urban problem has resulted in the urban members of the State legislature retaliating by dragging their heels when rural problems came along.

One way of preventing this kind of situation is to see that both bodies are fairly proportioned with respect to population, so that one body does not feel that it has primarily an urban responsibility and the other a primarily rural responsibility which results in a deadlock.

The Kestnbaum Commission report stated:

The problem of reapportionment is important because legislative neglect of urban communities has led more and more people to look to Washington for more and more of the services and controls they desire.

This is something that legislatures must consider very deeply. The Eisenhower-appointed Kestnbaum Commission, after making the most comprehensive study of intergovernmental relations that has been made perhaps in this century—a very comprehensive and able study by the most competent people in America—said—and I wish to quote it again:

The problem of reapportionment is important because legislative neglect of urban communities has led more and more people to look to Washington for more and more of the services and controls they desire.

Because the problems are not solved on a local basis—and they must be solved on a local basis—we must meet very difficult problems in our cities in connection with employment, delinquency, and education. They are not solved because of bad apportionment. Everyone knows it. It is because they are not solved that people look more and more to Washington. The Commission report goes on to state:

One result of State neglect of the reapportionment problem is that urban governments have bypassed the States and made direct cooperative agreements with the National Government * * * the multiplication of the national-local relationships tends to weaken the State's proper control over its policies and its authority over its own political subdivisions.

We have often heard criticism, not only in the 1940's and 1950's, but also in the 1930's, and opposition on the part of

conservatives to the State-Federal aid programs, on the ground that the Federal Government's long hand was going to dominate the State and weaken the State. There is something to that contention. However, the answer is to strengthen the State government so that it can solve these problems on a State basis. One reason it is not done is because of malapportionment.

I am talking about something that is as fundamental as can be. If the Dirksen amendment is adopted, it will be used to pass a constitutional amendment, and we shall never have the principle of one man, one vote in this country. Everyone who has followed this situation knows this. That kind of constitutional amendment will not be upset, because it would be greatly against the interest of those who serve in the State legislatures.

The report continues:

The multiplication of national-local relations does, of course, weaken the State's proper control over its own policies and its authority over its own political subdivisions. The (Kestnbaum) Commission correctly pointed out that the National Government is often more responsive to urban needs, because urban interests are frequently more effectively represented in Congress than in their own State legislatures. The same shift in population which has made our State legislatures less representative has made the Congress more representative of urban areas. For, unlike most State legislatures, the National House of Representatives has been reapportioned after almost every decennial census. Moreover, since U.S. Senators are elected at large, they have become increasingly dependent on urban voters for their election to the Senate.

We are dealing with a very practical problem that will have a great effect on the Nation for a long time.

I should like to read from the Republican platform of 1964, which was adopted last month and on which, as I understand, the Republican candidate for President, BARRY GOLDWATER, and Republican candidates for the Senate and House of Representatives will run in the fall. Under the headline "Faith in Limited Government" and under the subtitle "In Furtherance of Our Faith in Limited, Frugal and Efficient Government," there appears the following:

We also pledge revitalization of municipal and county governments throughout America by encouraging them, and private citizens as well, to develop new solutions of their major concerns through a streamlining and modernizing of State and local processes of government, and by a renewed consciousness of their ability to reach these solutions, not through Federal action, but through their own capabilities.

These are beautiful words, and they are words that many millions of Americans will enthusiastically subscribe to. However, they do not mean a thing unless the States are able to handle their problems, and unless the legislatures are responsive to the people, and are properly apportioned to meet the problems of the State.

There is no question that when there is the kind of malapportionment, the

kind of emphasis on rural, antiurban apportionment that exists, these fine words in the Republican platform will not stand up. Let me repeat—"by a renewed consciousness of their ability to reach these solutions, not through Federal action, but through their own capabilities."

On that basis, it is difficult for the Senator from Wisconsin to understand how the distinguished minority leader, the leader of the Republican Party in the Senate, can propose such an amendment, when everyone who has made a study of intergovernmental relations, and everyone we can find who has made a scholarly study of apportionment agrees the State government will be more efficient, and can do a better job if it is apportioned on the basis of population.

Professor Jewell, in his recent book, copyrighted in 1962, on State legislatures, has written on this very subject. I should like to quote from him in emphasis of the fact that although many people may argue that this is a partisan issue, it definitely is not.

If anyone can believe in the sincerity of Governor Rockefeller, of New York—and I do—and of Governor Scranton, of Pennsylvania—and I do—the essence of their State responsibility creed, as they have said over and over again is that the States should solve their problems.

If this is to be done, I think we must recognize that both rural and urban persons should have an equal opportunity to be represented in State government. Professor Jewell comments briefly on that. He says:

There are essentially three ways in which a rural group might maintain its control over the legislature. Since the responsibility for reapportionment is usually delegated by the State constitution to the legislature, the majority group in the legislature could simply do nothing. A second strategy would be to secure constitutional standards for apportionment that would preserve rural control in one or both branches of the legislature. A third method would be to pass redistricting bills from time to time that gave proportionately greater representation to rural than to urban areas and perhaps favored a particular party. These techniques have sometimes been used in combination. In Illinois, for example, there was no reapportionment of the State legislature from 1901 until 1955, to the distinct disadvantage of Chicago and the other parts of Cook County. When reapportionment was finally achieved, downstate groups were able to exact a high price for it, a new constitutional provision guaranteed periodic reapportionment of the House on a population basis but established a Senate apportionment that assured a numerical majority to the downstate area.

This is another example of why the arguments that are used on the part of those who say, "Leave it to a referendum; after all, the people will decide whether they want one house based on population and the other house on some other basis," are fallacious. Those in a State legislature who believe deeply in the principle of one man, one vote, those who believe that urban people have a right to fair representation, can be

blackjacked, as they were in Illinois, in a situation in which the choice given the people was a choice that resulted in predictable support for one house that is based on area, and will be based forever on area, if the proposed constitutional amendment is adopted. There will be no way of changing such an amendment once it is placed on the books, because we know that once State legislatures are given one house that may be established on some basis other than population, it will never be possible to meet the constitutional requirements that three-quarters of the State legislatures give up the privilege which those legislators have and deny many of the people who are sitting in the legislatures, and deny friends of those sitting in the legislatures, their jobs, and end their careers. They will not do it. It will mean that the amendment will be just as permanent a part of the Constitution as the one part of the Constitution that cannot be changed, namely, the part which prevents depriving a State of its two votes in the Senate.

Continuing a little further from Mr. Jewell's statement:

Though apportionment systems vary greatly in the different States, the legislative districts are always based on existing units of government, usually the counties but sometimes cities and towns. Sometimes all counties (or cities and towns) are equally represented, but the apportionment generally bears some relationship to the population of these units and consequently is supposed to vary as population changes.

The Senator from Illinois [Mr. DOUGLAS] showed last night how wide the variations are. In some States, they are as much as 1,000 to 1—in other words, one person having only one-tenth of 1 percent of the representation in a State legislature that other persons have.

I continue the statement:

Most State constitutions require periodic reapportionment of one or both houses and delegate this responsibility to the legislature. Though the language of the constitution usually makes this reapportionment mandatory (normally after the Federal census), legislative bodies have frequently delayed for many years. The example of Illinois has already been cited. Although (or perhaps because) the Tennessee constitution provides for almost no distortion in the population principle for apportionment, the legislative seats in that State were last apportioned in 1903, and house districts there vary from 3,500 to 79,000 in population. There are several other States with apportionments at least 30 years out of date.

In my judgment, a fundamental, vital, and absolutely cardinal tenet of democracy is at stake in the issue on this amendment. That is the one-man, one-vote issue. It is one that has been discussed and considered by political philosophers for centuries. It is one in which the Founding Fathers, in whom we have so much faith, and whom we cite so often, and who, we feel, performed so brilliantly in establishing this Nation, had firm and definite convictions. Those

convictions come down overwhelmingly on the side of one man, one vote.

I shall discuss a little later the aspect of federalism and its nature, and why it was necessary to compromise, if there was to be a Union at all; and why, in a great national government such as ours, it is desirable to have a Federal system, a degree of sovereignty, and a basis for the delegation of power, because such a system diffuses power and prevents one big Central Government from dominating and prevents the kind of tyranny that can quickly develop, even in a democracy if there is not a Federal system.

But none of that is at stake in providing for equal apportionment in both houses of a State legislature.

As the Twentieth Century Fund stated the point:

The history of democratic institutions points compellingly in the direction of population as the only legitimate basis of representation today.

This is a study that was made by Prof. Gordon E. Baker, of the University of California; Dr. John E. Bebout, of Rutgers University; Prof. Paul T. David, of the University of Virginia; Stanley H. Friedelbaum, associate professor of political science at Rutgers; and Anthony Lewis, who is one of the outstanding correspondents in the Nation, a brilliant reporter for the New York Times. He has covered the Supreme Court for many years.

He understands as well as does any other person in the Nation the judicial aspects and the interrelationship between judicial and legislative government.

This is what this distinguished body found:

The history of democratic institutions points compellingly in the direction of population as the only legitimate basis of representation today. The first parliamentary institutions reflected their feudal origins. Social, economic, and political powers were in the hands of a few families. Communications and transportation were primitive. Government itself had only a marginal effect on most men's lives. In those circumstances it was natural that parliaments should represent not people but great estates, titles, wealth, geographic strongholds. But as feudal concepts of privilege ended and social and economic leveling took place, political responsibility spread also.

The Senator from Pennsylvania [Mr. CLARK], who not only is a wonderful Senator, but also is a very colorful and imaginative orator, said earlier that we were protesting baronies. Yesterday, he said we were talking about rotten boroughs. He is right, it is a fact that this area apportionment harks back to a feudal situation.

I read further from the conclusion of the panel:

Under generally accepted democratic theory, that responsibility falls today upon every citizen. At the same time, in an increasingly complex industrialized society, government becomes vastly more important and impinges more heavily on men's lives. It is no longer tolerable for a House of Lords to exercise real legislative power over a people with no voice in it. As transportation and

communications are revolutionized, the logic of separate representation for geographic strongholds disappears. The cry of "one man, one vote" heard today in the emerging new lands of Asia and Africa is no more than a reflection of democratic philosophy learned from the West.

In the year 1962—

The pamphlet was written in 1962—

no basis of representation other than population is defensible if candidly stated and examined for what it is. There is talk, for example, of "area representation." But acres do not vote, nor do trees. When a sparsely settled area is given as many representatives as one much more populous, it simply means that the people in the sparse area have more representation. No matter how stated, it is people who choose the representatives.

The issue here is whether we think some persons should have more influence than others with the State legislatures, whether we believe in "one man-one vote," or do not believe in it.

I continue to read from the 20th Century Fund study:

And so any forthright statement of a non-population theory of representation must rest on one of two propositions: Either there must be an implication that the residents of sparsely populated areas are more virtuous than other Americans and hence deserve more representation in legislatures, or else a contention that they have special needs which can only be met by giving them greater representation than that afforded others.

Belief in rural virtue does exist—

I certainly believe in rural virtue—

but that is not likely to be advanced seriously as a reason for nonpopulation apportionments. Not many legislators would stand up and argue openly that their constituents are so much more honest and intelligent than others that each should have 2 or 3 or 10 votes. In any case, it is impermissible in a mature democracy to start comparing the merits of different population groups for purposes of weighting their votes.

The principal reliance, then, of those who advance something other than population as a basis for representation must be on the argument that certain classes of citizens have special problems that justify giving them more than proportionate power in the legislature. This contention is indeed made in behalf of the rural areas which are now so generally overrepresented in State legislatures; it is often said that the rural population is a minority with special needs that would be neglected in a legislature faithfully representing the State's population as a whole. But surely the problems of cities and suburbs, and their need for government aid, have been as great as those of rural areas in recent decades; yet no one has been heard to argue that city and suburban voters should therefore have been given disproportionate weight in legislatures. As for the argument that rural citizens are a minority needing special protection, would anyone contend that in the States still predominantly rural—North Dakota, for example, or Mississippi—the urban minorities should be given extra legislative seats?

Mr. PEARSON. Mr. President, will the Senator from Wisconsin yield for a question?

Mr. PROXMIRE. I yield.

Mr. PEARSON. Not long ago, I received a letter from a constituent in

western Kansas who made what I consider to be a rather valid point on reapportionment. His point was that on the high plateaus and in the plains, where in some cases there are more cows than people, representation under the "one person, one vote" formula would result in a situation in which any constituent who wished to visit with his representative in the State legislature would have to travel many miles, and a representative who wished to maintain the necessary contacts with his constituents would likewise have to travel very long distances; and he said that the people in such areas are thinking very much about the problems thus involved.

I am sure the same is true in other States—for example, in western Nebraska.

Mr. PROXMIRE. That is a very legitimate point, and it should be given proper weight. The same problem exists in upper Wisconsin, where there are relatively few people in a large area.

I believe this point was a much stronger one before the advent of the automobile. But today there is no question that even though there are some large districts in Wisconsin and in other States, including Kansas, it is a fact that any representative can, by means of modern transportation, travel from one end of his State district to the other within an hour. Today, with the facilities of modern transportation, it is possible for a representative to cover his district in a relatively short time, and it is likewise possible for a constituent to see his representative without having to take too much time.

If a district is confined to a few blocks in a city, undoubtedly it is easier to do that; but today almost everyone either has an automobile or has access to an automobile; and the improved roads and the faster means of transportation make such communication easily possible, although the problem does exist. Nevertheless, I do not believe it compares in importance with the "one man, one vote" principle, which is basic and vital.

Mr. CURTIS. Mr. President, will the Senator from Wisconsin yield to me?

Mr. PROXMIRE. I yield.

Mr. CURTIS. Would the Senator from Wisconsin carry the theory of "one man, one vote" to the U.S. Senate?

Mr. PROXMIRE. No, indeed; and later I shall make that point clear, although I shall refer to it briefly now. I would not apply it to the U.S. Senate, because ours is a Federal Union composed of States which have a very definite and clear degree of sovereignty. The 10th amendment reserves to the States all the powers not expressly conferred by the Constitution upon the Federal Government. That was made clear in the Constitution. Before the adoption of the Constitution the individual States raised their own taxes and maintained their own armies. So the Union was created only by means of a compromise, which brought about the creation of a powerful central government which can wage war and can im-

pose taxes throughout the Nation; yet each State is to have as much sovereignty as possible. That is possible in important part, I believe, by having two Senators for each State. That arrangement is most wholesome, and I favor it.

Mr. CURTIS. Would not the Senator from Wisconsin agree that when the Federal Government was formed, the States delegated certain powers to it?

Mr. PROXMIRE. Yes.

Mr. CURTIS. In short, the Federal Government is one of delegated powers. The States never delegated to the Federal Government any power over the State constitutions—in this case, in regard to the establishment of their own legislatures—did they?

Mr. PROXMIRE. When the Constitution was written, as the Senator from Nebraska well knows, there were no constitutional amendments. The Constitution as initially created is not the same as the one we have today. As the Senator from Nebraska well knows, the original Constitution was amended, not only by the Bill of Rights—which many of us feel are among the most important provisions of the Constitution—but also by the 14th amendment, which I believe has correctly been construed by the Supreme Court of the United States as meaning that the States delegated to the Federal Government the responsibility to prohibit individual States from abridging the privileges of citizens of the United States. Certainly one such privilege is an equal vote. It is in my book just as important as the right of freedom of speech or the right of freedom of assembly or the right of freedom of the press.

Mr. CURTIS. The Senator from Wisconsin has a right to his views; but I point out that the States never provided the Federal Government with the right to provide for the State legislatures.

Mr. PROXMIRE. I think that was done my means of the 14th amendment.

Mr. CURTIS. Oh, no. The phrase "one person, one vote" is a catch phrase, but it does not have nearly the validity that is applied, for example, in a court of law, to the parties to a suit. Each party may be well represented by an attorney. The adversary party is just one person, and has perhaps one attorney; but that does not mean that the parties are denied equal rights, or that one of them has a 50-percent handicap.

The doctrine of the recent Supreme Court decision was just picked out of thin air. I do not believe there is any justification in the Constitution for the Federal Government to assert authority as to how the States shall make up their legislatures.

Mr. PROXMIRE. My answer is that I believe the 14th amendment does provide that. Some people would dispute that the 14th amendment was properly ratified; I understand that was disputed yesterday by a very distinguished Member of the other body.

I shall read the part of the amendment which I believe provides this protection:

ARTICLE XIV

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall an State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

I suppose one can construe that in various ways. But it seems to me that a proper construction—and I believe a highly desirable, perfectly proper, logical construction—is that privileges of American citizen—not to be abridged by the States—include the right to an equal vote for the State legislature, if privileges or citizenship mean anything.

Mr. CURTIS. No. Equal representation does not mean that. It means that the whole body of laws will give the same protection to one citizen that it gives to another. We cannot follow the argument that the Senator is advancing without coming to the conclusion that the Senate should no longer be constituted as it is, but that it should be on a population basis.

Mr. PROXMIRE. Oh, no indeed.

Mr. CURTIS. Is the 14th amendment not binding on the Federal Government?

Mr. PROXMIRE. There may be a contradiction, as there are in many of our documents. But I believe it is very clear that there are many reasons that the Senate of the United States is an eternal institution. As long as the Republic lasts, there will be a Senate of the United States. Because, of course, we cannot deprive a State of their two Senators, even by an amendment.

Mr. CURTIS. How do we know? The Supreme Court with one decision nullified many of the State constitutions. I contend that they had no authority to do it whatever. The States have never delegated authority to the Central Government to override State constitutions with regard to how the States set up their legislative bodies.

Mr. PROXMIRE. The Senator is making two arguments. One argument is that the States have never delegated the authority over a citizen's right to vote. I say that that authority was delegated in the 14th amendment. The other argument the Senator is making is that there is no real difference between the State right to have one body not based on population and the Federal right to have a Senate not based on population. I believe we all recognize that the Senate was established in the Constitution with great wisdom. I believe no one can deny that there is clear and proper element of sovereignty in the States. This is because the sovereign States surrendered part, but only part, of their sovereignty when they became States. Without this retention of sovereignty by individual States, there would have been no United States.

But where is the sovereignty of the

counties, or towns, or rural areas? Where? There is not any. No county has ever created a State. States create, abolish, extend, modify counties at will. To treat them as "little States" is ridiculous.

It is true the Federal Government may delegate some of its power to the States.

Mr. CURTIS. There is no delegation to the States. The States have the power of delegating to the Federal Government.

Mr. PROXMIRE. I recognize that the Senator is making a legal argument. I am making a practical political argument. The Federal Government may under some circumstances delegate part of its taxing authority, if it may wish to do so, under some certain circumstances, and delegate other power at times.

Mr. CURTIS. That is exercising power that the States have specifically delegated to the Federal Government.

Mr. PROXMIRE. That is correct.

Mr. CURTIS. From the very beginning it was given the power to tax. By amending the Constitution, it was given the power to tax income. But they have never given them power to set up the State legislature.

I believe it is time for the whole country to serve notice on the Supreme Court that it is not a legislative body, that it is not omnipotent. States do have sovereignty. The real sovereignty rests in people. The same people that brought forth the Constitution of the United States brought forth the State constitutions. The State constitutions existed before the Federal constitution. Every new State that comes into the Union has all of the powers that each of the original 13 States had.

Mr. PROXMIRE. In reply to the Senator from Nebraska, it seems to me it is just fundamental that we should recognize that the Supreme Court of the United States has a duty to provide a protection for individual citizens, of their fundamental right—the Senator from Illinois [Mr. DOUGLAS] calls it an inalienable right. Thomas Jefferson said that the principle is as clear as it can be that there is a right of equal representation in the State legislatures.

The Senator from Nebraska may feel that that is legislation by the Supreme Court. I feel that it is an action in complete compliance with their duty and obligation under the 14th amendment to the Constitution.

PUBLIC WORKS APROPRIATION BILL, 1965—CONFERENCE REPORT

Mr. ELLENDER. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1179) making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission,

is one great consideration for such a move.

I think Congress should provide that in the event of a move, the community should have an adequate period of time in which to present its case and to be heard by an arbitration board, which, although it could not control the move, could make recommendations. In that way, the people of the community would have an opportunity to express their views, and perhaps to offer to buy out the owners so the team could remain where it was.

ORDER FOR ADJOURNMENT TO 10 A.M., TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate concludes its session tonight, it adjourn until 10 a.m., tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. PROXMIRE. Mr. President, again I call attention to the excellent study of reapportionment made by the 20th Century Fund. In the study, the general argument in favor of representation on the basis of population—the “one-man, one-vote” argument—is made. Before I yielded the floor to several Senators, I was reading from a pamphlet. I continue to read from it:

Our constitutional system protects minorities by other means than giving them majority control of legislatures (as rural minorities now have in many States); and the claim that such legislative control is needed by the rural minority leads to some absurd results.

Of course, the protections for everyone equally are written into the Constitution, particularly into the Bill of Rights; and these apply without discrimination and without giving advantage to one group over another.

I read further from the pamphlet:

In Maryland rural counties containing less than 15 percent of the State's population elect a majority of the members of the State senate. This apportionment has been defended against legal attack on the ground that the rural counties must have such control for protection of their minority interests. But Negroes are a slightly larger minority in Maryland than the population of those rural counties; they make up almost 17 percent of the State's population. Logically it should follow that Negroes are entitled to elect a majority in one house of the Maryland legislature—if legislative control were the American method of protecting minority rights. But, of course, it is not and logically cannot be.

Obviously, if one followed a policy of trying to give minorities control of the legislatures, that would simply mean that there would be a rather transparent system of slowing down, blocking, and preventing the enactment of legislation. As I have pointed out many times, that is not in the interest of those who believe

in conservative principles, any more than it is in the interest of those who believe in progressive principles. If the States do not solve the problem, obviously the Federal Government is much more likely to do so.

I read further from the pamphlet:

Some other, less important arguments are also made in favor of “area representation”—i.e., a system that gives residents of sparsely populated areas extra weight at the polls. One is that campaigning is more difficult in a large, unpopulous district. But many politicians feel the contrary is true: It is easier to make news and get one's name known in country districts than in cities.

That was an objection which was made quite effectively, a few minutes ago, by the Senator from Kansas [Mr. PEARSON]. He pointed out, along with the Senator from Nebraska, that at least it is more difficult for constituents in rural areas to see their representatives, because they live farther apart; and if apportionment were strictly on a population basis, it might be necessary for the constituents or the representatives to travel great distances, at considerable inconvenience.

The point is that that argument was quite a persuasive one before the advent of the automobile; but I doubt that the argument applies today to many districts, even on the basis of apportionment on a population basis. At any rate, the argument is not nearly as important as the sacred principle that each man should have an equal vote.

I read further:

Another argument heard is that nonrural voters indulge in “bloc voting,” which is bad, and are under the control of political machines. Actually, “bloc voting”—or, at least, predictable voting on certain issues—seems about as prevalent in rural areas as in cities. At all events, this argument seems at heart simply a variant of the belief in the rural voter's superior virtue.

Regionalism remains a factor within States, but regional interests can be recognized without distortion of voting power. It is desirable to consider regional characteristics when drawing up districts for a State legislature, but it is neither necessary nor proper to give any one regional population group greater voting power than some other group. It is good for dairy farmers in New York, or Wisconsin, for example, to have a voice in the legislature through one or more members from dairy areas; it does not follow that the votes of dairy farmers should carry greater weight than those of businessmen or union members.

The central fact is that any basis of representation other than population gives one citizen's vote greater value than another's. There is no justification in our democratic heritage, in logic or in the practical requirements of government for choosing such a course.

A second major point on which the conferees were agreed.

That is the conference of the Twentieth Century Fund, a distinguished group of scholars and outstanding university professors, who made that study on the depth of apportionment with regard to the whole principle.

I read further:

is that the principle of apportionment on the basis of population is equally applicable in both houses of a State legislature. The fact that all voters have an equal voice in the choice of one house would be no reason

to give some voters more weight than others in electing the second chamber.

The arguments for basing representation in one State legislative chamber on something other than people are the familiar ones: principally, that the rural population has special interests requiring protection by disproportionate voting power. Two further arguments are made:

First, it is pointed out that in Congress the House represents people and the Senate States. This is said to provide precedent and justification for a similar “Federal plan” in the State legislature, with one house representing people and the other counties or some similar geographic unit. But the analogy is false. The United States was created by 13 Sovereign States, and the Constitution embodies a theory of federalism which divides sovereign power between the Nation and the States. A key device for protecting their residual sovereignty was the equal State voice in the Senate. Thus the Senate was a condition of union among a group of States which the Federal Government created by that union has no power to destroy. Counties, by contrast, were never independent or sovereign. They did not create the States but were created by them. They are wholly creatures of the States and may at any time be merged, divided, abolished, created, and recreated by State governments.

They are strictly subject to State legislative action.

Federalism as a political theory has had and continues to have value as a device of compromise permitting the joining of lesser sovereignties into greater unions; an example in process is the European Economic Community. But to speak of federalism within a State is to reduce a great principle to an absurdity. “The U.S. Senate is both irrelevant and improper as a model for representation within a State,” Prof. Paul David of the University of Virginia has written, because “a State is not a federal union of sovereign counties.”

Mr. President, it cannot be said often enough. The objection that we come back to again and again, and the only solid argument that seems to persist is that we should look at the body in which we are meeting at this moment. Look at the Senate. Every State, regardless of size, has two Senators. We all recognize that the Senate has served a magnificent purpose throughout our history. It is a body that has many characteristics that are a reflection of the kind of limited power that we have. But to say that therefore the State governments should have created counties that have the sovereignty that the States have is an absolutely false analogy.

There is no comparison. There is no purpose in it. It does not make sense. The State does not have the power that the Federal Government has, the enormous crushing power of the sword; the command over the Army, Navy, and Air Force; the ability to levy national taxes; the capacity, through the taxing power, to tax; the military power to impose the restrictions, voluntarily and at will, that it wants to impose. To say that this is true within the State is an analogy that has no basis. Reading further:

Too often, the argument for a “Federal plan” of representation in State legislatures is born of simple ignorance of its actual background and implications. At worst, it may be advanced as a disingenuous cover for the disenfranchisement of urban and suburban voters.

Second, it is contended that a bicameral legislature would have no purpose if both houses were representative of population. This argument assumes two propositions: that the only function of bicameralism is to provide contrasting bases of representation in the two houses (i.e., one people and the other "area"), and that making both houses representative of population would make the second house a mirror of the first and hence redundant. Neither proposition can be supported.

On the basis of 116 years of experience in the State of Wisconsin, I support and endorse that statement. The Senate of the State of Wisconsin is apportioned according to population. The State assembly is apportioned on the basis of population. They have served exactly the same bicameral purpose that houses of other State legislatures have. There have been the same kind of checks and balances, the same kind of mature and careful consideration in debates in the senate and the house. The assembly may be somewhat more responsive because it is elected for a shorter basis.

I read further:

The second house has a function quite apart from giving preferred political status to one population group—the function of providing checks and balances in the legislative process, of assuring more mature and deliberate consideration before a law is enacted. That was in fact the reasoning that underlay the adoption by many States during the 19th century of a population basis for both houses of their legislatures.

Later in that century, and in this, factors other than population were often introduced, by constitutional amendment or by failure to reapportion. Those who held political power abandoned population representation in order to retain their control in the face of population changes that they saw coming. Such philosophical justifications as the so-called "Federal plan" were designed to obscure the real motivation, just as today most of the elaborate arguments against representation on the basis of people are simply covers for a naked struggle to retain political power.

The justification for bicameralism remains the provision of checks and balances. Bicameralism may also serve to further the very objective of representing the people equitably in a legislature. In any districting, geographic features are bound to cause some inequalities of population among districts. When there are two houses, an area that is somewhat underrepresented in one may be given a compensating advantage in the other and minor inequities in apportionment thus be balanced off.

Nor is it true that two houses based on population will be mirror images of each other. They will, rather, present different reflections or combinations of the various elements that make up the population. For one thing, one house will have more members than the other, representing smaller districts.

That makes a great difference. In the smaller district, the representative is more likely to be closer to his constituents. He is likely to be closer and have perhaps a narrower view. On the other hand, one in a body that has a large district may not be quite as close. But he has a broader relationship, a more statewide view.

Reading further:

The length of terms will differ. In addition, members of one house may be elected from single-member districts, while multi-member constituencies are used in the other house. And, not least, politicians are hu-

man beings whose differing personalities produce institutions of differing qualities.

A number of States offer contemporary evidence that two houses based on population are by no means duplicates of one another. In Massachusetts both houses are apportioned on the basis of population; the two houses are among the most representative in the country. But the house has 240 members, the senate 40, and even under control of the same party the two bodies manage to disagree often enough. In Washington and Oregon both houses are based on population; though less disparate in size than the Massachusetts chambers (there are about half as many senators as representatives), the two houses are quite different in political outlook.

I have already cited Wisconsin. Reading further:

There is no justification for making one house of a State legislature reflect the will of all the voters and the other the will of particular regions or classes.

Mr. President, the argument has been made against representation based on population. I have just been discussing the case, trying to refute the arguments that have been listed in favor of having representation by population. I have been trying to support this argument. Now, to refute the argument against representation by area. I quote from a book by Andrew Hacker, entitled "Congressional Districting, The Issues of Equal Representation."

This is considered by scholars to be a truly definitive work. It is a publication of Brookings Institution, published in 1963. I believe everyone in this body has respect for the Brookings Institution and their objectivity, their capacity for enlisting experts to make the fine studies that they make. They are outstanding scholars and experts.

In the course of this analysis on congressional districting, the study by the Brookings Institute of last year stated:

The question of what is equitable representation is best summarized by considering the status of the second chamber of the State legislatures. The belief seems to be growing that at least one chamber will have to be apportioned on the sole basis of population, with each representative coming from districts of nearly equal size. By 1964, indeed in time for the primaries preceding the 1964 election, a majority of States in all likelihood will have completed cases requiring the redistricting of one house on a numerical basis. But 49 of the 50 States have a second chamber.¹ What rules govern its composition?

Most often heard is the argument that each State is a miniature "Federal" system. Under this analogy, one chamber of the legislature may represent population but the other should represent other units. These may be counties or towns or simply land area,² but usually it is the county. In a few

¹ Nebraska has a unicameral, or one-house legislature.

² The recently adopted Michigan constitution gives each of the 79 counties an "apportionment factor" determining how many State senators the county is to have. Eighty percent of the "factor" is based on population and 20 percent on the number of square miles in the county. Quite clearly it is not "land" that is being represented here; rather the sorts of people who live in sparsely settled areas are intended to be overrepresented. See William J. D. Boyd, "Patterns of Apportionment" (National Municipal League, 1962), pp. 17-18.

States each county has no more than one seat, for example, Los Angeles County has a single spokesman in the California Senate. But in most States, every county has at least one seat, with more populous counties getting extra seats. Almost all States have at least one county with population of less than 5,000, represented by a State senator with a voice and a vote equal to that of all his colleagues. The "Federal" view asserts that what usually amounts to county representation is legitimate for one chamber of the legislature. What is good for the U.S. Congress, it is reasoned, is good for the States. Judge O. Bowie Duckett of the Circuit Court of Anne Arundel County in Maryland inventoried the arguments for applying units of representation other than population to the State senate:

"Such an arrangement protects the minorities. It prevents hasty, although popular, legislation at the time. It is based upon history and reason and helps to protect the Republican form of government guaranteed by * * * the U.S. Constitution. It preserves the checks and balances of the State governments which has worked so well under the Federal. Moreover, there would be little advantage in having a bicameral legislature, if the composition and qualifications of the members were similar."

Mr. President, I intend to answer every single one of those arguments quite briefly. Before I do so, the distinguished Senator from South Carolina has asked me to yield to him. I ask unanimous consent that I may be permitted to do so without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I ask unanimous consent that I may be permitted to speak from the desk of the senior Senator from Arkansas [Mr. McCLELLAN].

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, out of the American Revolution sprang a new political order, dedicated to implementing the same high principles for which the Revolution was waged. The genius of the new political order lay in its combinations of carefully designed checks and balances, and divisions and separations of power for the protection of individual rights against the will of a majority, while retaining the ultimate power of decision on political questions in the people.

Unfortunately, our Nation is now experiencing a full blown counterrevolution which has already gone far toward destroying and undoing the accomplishments of the American Revolution.

Thomas Jefferson foresaw and predicted the main source of this counterrevolution, as is indicated by his statement in 1821 that:

The germ of dissolution of our Federal Government is in the * * * Federal judiciary; an irresponsible body * * * working like gravity * * * gaining a little today and a little tomorrow, and advancing its noiseless step like a thief, over the field of jurisdiction, until all shall be usurped from the States, and the government of all be consolidated into one. When all government * * * in little as in great things, shall be drawn to Washington as the center of all power, it will render powerless the checks provided of one government on another, and will become as venal and oppressive as the government from which we separated.

Thomas Jefferson through his wisdom rather than clairvoyance anticipated the

role and course of the Supreme Court with astonishing accuracy.

The most far reaching of the recent decisions of the Supreme Court are the cases on reapportionment of State legislatures handed down on June 15 of this year. Although only 6 States were parties to these cases, these decisions could ultimately destroy the existing political structure of at least 44 of 50 States. In the reapportionment decisions, the Court so construed the 14th amendment to the Constitution as to prohibit either body of State legislatures from being apportioned on any other basis than population. As applied to South Carolina, these decisions would not only require drastic reapportionment of the State house of representatives, but would virtually preclude the existence of the senate, unless it was a substantial duplication of the reapportioned house.

In discussing the reapportionment decisions, there is no need, and indeed, no way, to become involved in legal technicalities. This is because the fundamental issue involved is not a legal question, but a political one. Political questions are not within the jurisdiction of the Court. Political questions are for decision of the people, exercised by the ballot and through legislative bodies.

Justice Harlan, dissenting in the Alabama case, said:

What is done today deepens my conviction that judicial entry into this realm is profoundly ill advised and constitutionally impermissible * * *. I believe that the vitality of our political system, on which in the last analysis all else depends, is weakened by reliance on the judiciary for political reform.

Justice Harlan put his finger on the real key to the apportionment decisions—the Supreme Court is undermining our political system. In so doing, the Court took unto itself power which rightfully and constitutionally belongs to the people.

To understand the full consequence of this counterrevolutionary decision, we must look even beyond the Court's usurpation of the power of the people to decide the political question, however, and examine the substance of the new rule of political order sought to be imposed by the Court.

The new political principle sought to be imposed by the Court is characterized as "one person, one vote." In application, this "one person, one vote" would mean that numbers, or population, could be the only basis for representation.

The people, to whom the political decisions of apportionment rightfully belong, could, of course, decide to follow the "one person, one vote" idea. The fact is, however, that the people have never made such a choice. The Court arbitrarily assumed that the people had not made such a choice because they were powerless, under existing political structure, to do so. The Supreme Court never even recognized the possibility that the people had not adopted the "one person, one vote" concept because they did not believe that it was practical or sound. Yet the latter is obviously the case. Every State constitution which departs materially from the concept of

"one person, one vote"—and nearly all of them do—was originally adopted in an election or referendum where the rule of "one person, one vote" was followed.

Population is, of course, the principal basis for apportionment of legislative representation in all States. But the various States have found it practical, workable, just, and beneficial to weight the apportionment of legislative representation with various other factors in their own States, just as was done in framing the structure of the National Government.

Consider just one illustration, the one about which the Supreme Court had its sensibilities so shocked; that is, the heavier weighting in one body of bicameral State legislatures in favor of rural residents.

Let me point out initially that such departures from apportionment based purely on population result in purely defensive powers to those so favored. The U.S. Congress provides a good example. Each State has equal representation in the Senate, regardless of its population. Thus Delaware has equal representation in the Senate with New York, although New York has at least 35 times more population. But Delaware, even with its equal representation in the Senate, nor even in combination with other small population States which might give them a majority in the Senate, does not have the affirmative power to pass legislation; for the House of Representatives must also concur, and its membership is based on population, or "one person, one vote." Thus the equal representation of Delaware in the Senate gives it at most an increased defensive power to what it would have were representation in Congress based solely on "one person, one vote."

Similarly, the weighting of representation in favor of rural residents gives them an increased defensive power, leaving them less vulnerable to the whims of a majority.

By the very nature of their occupations, agricultural areas are necessarily less densely populated than nonagricultural areas. We in the United States, with our consistent departure from the concept of "one person, one vote," have progressed to the point where approximately 8 percent of the population of the Nation produces the entire food and fiber for its consumption, with a large margin for export. This progress has been undoubtedly due in part to the fact that the agricultural sector through its defensive power stemming from its weighted representation has managed to protect its vital interests in the intertwined political and economic order.

Nor is the nature of agricultural enterprise such that those engaged therein can protect their vital interests outside the formal political structure by combined economic action through organization, as is done by industrial labor through the means of labor unions. So long as political issues have been left to the decision of the people, where they rightfully belong, these factors have been recognized, and the departures from the "one person, one vote" concept have not only been toler-

ated, but affirmatively approved by the majority of the people.

The arbitrary imposition of an unadulterated "one person, one vote" rule of legislative apportionment, could well, therefore, insofar as the agricultural sector is concerned, start the United States back down the road of inefficiency toward the status of such nations as the Soviet Union, where it takes 60 percent of the population to raise food and fibers for the nation, and even then there are severe shortages.

In no instance is the counterrevolutionary conduct of the Supreme Court more obvious than in the reapportionment decisions, for these cases strike at the heart of our political structure.

Mr. President, it is the duty and responsibility of the Congress to protect the political structure of the States against what would amount to mere anarchy in many of them should the Supreme Court be allowed to continue enforcement of its reapportionment decisions, unbridled by legitimate legislative enactments. We are all aware that numerous bills and proposed constitutional amendments dealing with this subject have been introduced and are pending before Congress. We are also aware that the Congress moves more deliberately, and requires more time to responsibly perform its legitimate legislative function, than does the Court in practicing usurped legislative functions. It is, therefore, not only appropriate but, indeed, also essential that the Congress enact a legislative moratorium on the reapportionment question, so that both the Congress and the States may give mature and responsible consideration to the issues involved, in order that anarchy be averted.

I strongly urge adoption of the Dirksen-Mansfield amendment.

Does the Senator from Wisconsin wish to ask me a question?

Mr. PROXMIRE. I understand the Senator contends that we should not follow the one-person-one-vote principle which so many scholars and students feel is the only basis on which we can justify representation at all. What principle would the Senator from South Carolina propose to take the place of the one-person-one-vote principle?

Mr. THURMOND. I would propose to let each State handle the matter as the State deems advisable and as the Constitution provides. Our own national system, in Washington, provides that each State shall have two Senators. Representation in the House, of course, is based upon population. That means that the smallest States in the Nation have only one Member in the House. I believe Vermont has only one House Member. Delaware has only one. Wyoming has only one. Nevada has only one. Alaska has only one. I believe there are five States with only one House Member. All the 50 States have two Senators, but those small States have only one House Member each, because their population is very small.

This system acknowledges the States. It was the purpose of those who wrote the Constitution to acknowledge the

States. That is the reason why the Constitution provides that all powers not delegated to the National Government are reserved to the States. In the electoral college the States are acknowledged. South Carolina, for example, has eight Members in Congress, two Senators and six House Members. New York now has 43—it used to have 45—41 House Members and 2 Senators. One vote in the State of New York can throw all 43 of those one way. It is the same in smaller States. But the State is acknowledged.

There were 13 colonies 13 States before there was a Union. What some people seem to forget is that those States formed the Union. The Union did not form the States. Many people have the impression that the States are political subdivisions of the Union. That is not the fact. There are 51 governments in this country. There is a National Government in Washington, which was formed when the Constitution was written in Philadelphia in 1787.

When the States ratified that action in Philadelphia, the Union was formed. The number of States has increased until there are now 50 States. So there are 51 separate sovereign governments in this country. There is not a central government with 50 subdivisions. We must make that plain. We must recognize the States. Before the Union was formed, after the Revolutionary War was won, every one of those Thirteen Colonies was just as independent as Great Britain and France are today, and just as independent as Brazil or any other great nation on earth is today. They were independent nations. South Carolina had John Rutledge as President. We were an independent nation. But South Carolina, along with the other colonies, formed the Union. However, the colonies gave only certain powers to the Union. They reserved the other powers. They did not give to the Union the power of apportionment of State legislatures. Therefore, that power is reserved to the States. The composition of a State's government is a political question, not a legal question, and therefore the Supreme Court has no legal jurisdiction in the matter.

Mr. PROXMIER. Let me say to the distinguished Senator from South Carolina, in the first place, that almost everything he says supports the position of the Supreme Court and contradicts the Dirksen amendment. There is no analogy whatsoever between the Federal Government and a State government. And his statement shows this in depth. To say that because there is a Federal Government in which one body, the Senate, is composed of two representatives from each of the 50 States, that therefore the State governments should do the same kind of thing, wholly overlooks the facts which the Senator from South Carolina has so painfully and effectively and carefully adduced for us. He has pointed out that they were sovereign States. They were States when they were formed. They could wage war, raise money, had their own tariffs, and possessed every other aspect of sovereignty. In that confederation they were more loosely allied than is the European economic association or NATO.

Those were sovereign nations that came together.

There is no sovereignty within the State. The State creates the county, the cities, and the townships. The States can add any number they wish. They can wipe them out, expand them, or contract them. So there is no basis for independent sovereignty. There is no way to recognize the entity of a subdivision of a State the way the Federal Government recognizes the entity of the several States.

Furthermore, we must recognize that the Federal Government has good, solid, sound reason in principle for the Federal system. That reason in principle is that the Federal Government has a truly massive power, which the Senator from South Carolina has fought hard and well to contain, and indeed it should be watched. The Federal Government has a monopoly on military power. It has power to make war, to make arrangements with foreign countries, to raise taxes over the whole country. So the power the Federal Government has over the States, unless there is some dilution or reservation of power within the States, would make for too strong a central government.

The principle of federalism is a wise and good principle. We should do all we can to help the States and persuade the States to become as efficient as possible. One of the reasons why they cannot solve the problems which face them is that they have malapportionment, one of the houses being based on area representation and the other on population representation. As a result, not only are economic groups vying with one another, but one party may be in control of the legislature and the other party in control of the governorship. The States cannot solve their problems. So they come to Washington.

From the standpoint of principle which the Senator has argued so eloquently, he has argued that the States have a great deal of sovereignty, arguing that the 10th amendment made clear that all powers not specifically delegated to the Federal Government is reserved to the States.

Why should the Federal Government step in and fight for the right of every citizen to have an equal vote for his State legislature?

The answer is that there is no sovereignty more vital, more important, than that which is within citizens of the United States—the dignity of the individual and the right of the individual citizen to have his rights protected.

I am sure the Senator from South Carolina would agree with me, or I hope he would, that the Federal Government has every right to intervene, if a State should interfere with freedom of speech or the exercise of religion or the exercise of assembly of an American citizen within that State.

On the same basis, it seems to me it is absolutely essential that the Supreme Court of the United States have the responsibility, and treasure that responsibility to protect the citizen in his right to have

an equal voice in his own State legislature. That is what we are fighting for.

If the Senator feels there should be one house based on something besides population or area, he is saying that there should not be equal voting; there should not be the principle of one man, one vote. He is saying that one man should have a superior vote or a superior power.

What basis, what principle, what practical observation does the Senator from South Carolina give for giving any person, whether he be a farmer, a non-farmer, a laborer, or a propertied person any more power than any other individual?

Mr. THURMOND. That is up to the people of each State. If the people of the State want it that way, they ought to be allowed to have it that way. If a State wishes to have a unicameral legislature or a bicameral legislature, it ought to be permitted to make its choice. If it wishes, as is true in my State, to have one senator from each county, and base the representatives on population, it ought to be allowed to do so.

In other words, the States have that power. They have never given it to the Union. So long as the State government is republican in form, the National Government has no constitutional power to interfere.

The powers of the Federal Government are embraced in article I, section 8. That is the only power the Union has, besides those granted in the 24 amendments adopted following the adoption of the Constitution. Otherwise, the States have reserved power to themselves. This power has never been delegated to the Union and, therefore, is reserved to the States.

I thoroughly agree with the Senator when he says that only two entities of government are referred to: The Government at the National level and the government at the State level. There are subdivisions of States, but there are not divisions of the Central Government. There are 50 State governments, and the people of the several States have all the powers in the world except those that they have given to the Union in the Constitution. The Union can do only those things that the States have specifically delegated it the authority to do.

On this question, the power and authority have never been delegated; they have been reserved to the States.

I am sorry I must leave the Chamber at the moment. I thank the distinguished Senator for his courtesy in yielding to me.

Mr. PROXMIER. The Senator from South Carolina makes a strong, effective argument, but I say the obligation is as clear as it can be, in my judgment, and apparently in the judgment of the Supreme Court, under the 14th amendment of the Constitution, section 1, in which it is stated:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

If all this means anything, if equality before the law means anything, it seems to me that the right to vote, which is so fundamental—the right to vote for members of a State legislature, is something that must be protected, can be protected, and should be protected under the 14th amendment.

The distinguished Senator from South Carolina made a strong and effective plea, but he did not answer that fundamental question, because no one can answer it. If there is not representation based upon one person, one vote, what principle do we choose? If we do not take it on a one person, one vote basis, we are saying that some people, by legal action of the Government, should have more power than others. That is anathema to democracy. In this country we do not believe in social or economic equality, but we do believe in political equality. That is a fundamental principle of any democracy.

To return to the definitive analysis by Andrew Hacker of last year: In this outstanding Brookings Institution analysis of arguments such as those adduced by the Senator from South Carolina recently, the answer to those two questions, according to Mr. Hacker, is:

First, "Such an arrangement protects the minorities." This is so in the sense that it gives the residents of small towns and rural area the legislative power to veto bills that displease them. It also gives these minorities the opportunity to deny larger cities and suburban areas the resources needed to solve their own problems. It is one thing to protect yourself from oppression; it is quite another to harass other sections of the community because you think they are inferior or undeserving types of people. Moreover, only minorities—certain minorities in the less populous areas—are protected. Negroes are not sheltered, nor are white citizens who experience discrimination due to their national origin or family background. Minorities espousing unconventional views are hardly protected; and an important minority group the residents of suburbs—often unrecognized as a minority—are continually penalized because of underrepresentation. The question, very simply, is: Which minorities are allowed to safeguard their interests? The answer: Of all the minority groups that make up a State only a very few are given this advantage.

Second, "It prevents hasty, although popular, legislation." This has always been a persuasive argument. The theory—and it is only a theory—is that a lower chamber elected on the basis of population immediately translates mass sentiment into tyrannical or spendthrift legislation. The aristocratic second chamber then draws in the reins, wisely ponders the basic problem, and produces a rational solution by amending or rejecting the bill the lower house passed in haste. The trouble with this theory is that it has no basis in fact. For one thing, hasty legislation is difficult for either chamber because control of the agenda is usually in the hands of an entrenched group of party leaders or committee chairmen. State legislatures are not very susceptible to public opinions, temperate or interperate. But when such legislatures do reflect mass emotions, as has happened when lawmakers in the Deep South have rushed through new segregation barriers, then both upper and lower chambers usually exhibit this failing. At all events, it is difficult to enumerate instances of oppressive bills that sailed through lower State houses and were then stopped by the

upper house. And for such examples, matching cases can be shown where the lower house killed an excessive bill emanating from the upper chamber. One final rebuttal on this argument: Nebraska has had a unicameral legislature since the thirties, and its laws have been no more unreasoned than those of the other 49 States.

I might add that Wisconsin has had both houses of its legislature based on population. In Wisconsin we have had as many examples of bicameral interplay and checks and balances, as can be found in any State.

Perhaps Hacker states too strongly the argument that the upper house or the lower house is not likely to check the other. I think there is some checking. I have seen it in Wisconsin. Everyone who has served in a State legislature has observed it. But I think it occurs whether there is population representation strictly, as in our State and other States, or if one house is based on area and the other house is based on population.

Hacker continues:

Third, "It is based upon history and reason and helps to protect the republican form of government." The National Government has a bicameral Congress, with a Senate based on State representation, because this arrangement was necessary in order to establish the United States as a nation. Among the 13 States, the smaller ones would only agree to give up part of their sovereignty and join the Union if their interests were protected in a Senate where they would have an equal vote. There is nothing "reasonable" about the basis of representation of the Senate. What was reasonable was the action of the farmers in settling for a compromise that would induce all the States to throw in their lot with the new venture. Moreover, the States created the Union and, hence, could demand representation, as States, as the price of giving up some of their identity. Counties are not sovereign. They are created by States and can be abolished by them, as some have. Few counties have historic identities, and all are administrative devices for performing certain functions at the local level.

I do not subscribe to that view, but many people think this is the best way of regulating State government.

Certainly, the counties cannot claim to have created the States, as the States did the Union. Finally, the 14th amendment—requiring the States to grant equal protection to all their citizens—was adopted in 1868 and is evidence that the Constitution gives latest priority to personal equality. Representation of States in the Senate is a fact of history. But the general idea underlying it has neither been revived nor renewed.

Fourth: "It preserves the checks and balances of the State government which has worked so well under the Federal." Checks and balances refer to the mutual controls that the executive, legislative, and judicial branches have over each other. It is a somewhat new construction to assert that two houses of a legislature are also intended to check and balance one another. If this is so then the result will probably be stalemate and ultimate inaction. And the consequence will be that power will gravitate away from both houses of the legislature, either to administrative agencies in the State or to the bureaus of the Federal Government.

This is hardly the outcome that proponents of limited government want. On the contrary, their objectives could better be

achieved by greater coordination between the two houses of the State legislature. Only in that way will the real threats be held in check.

This is the final reason which is discussed—

"* * * there would be little advantage in having a bicameral legislature if the composition and qualifications of the members were similar." In this instance, those who find all virtue in the status quo are unable to think seriously of workable alternatives. Each citizen can be represented in more than one way, and each method may reflect his interests in a valid manner. Thus, part of his personality may be "local" and another part may be "national." Moreover, he may be one kind of person in 1958 and another kind in 1960. There is no reason why both chambers cannot be based on population, with districts of equal size for all senators. However, the lower house might have districts of 40,000—

In Wisconsin, the lower house has districts of 40,000—

and each upper house might have a district of 160,000—

In Wisconsin, each upper house district has about 115,000—

Covering four of the lower chamber districts.

In Wisconsin there are 33 senate districts.

In this way, a voter would have a "local" representative in the lower house and a spokesman with a "broader" view in the upper chamber. Furthermore, one house might be elected in 1961 and the other in 1963 so that the new thinking of the electorate would be reflected in one chamber at any given time. Or one could have 2-year terms and the other 6-year terms, thus sheltering one chamber from the necessity of worrying about reelection at frequent intervals. The point, of course, is that bicameralism can easily be based on an identical voting public. For that public can be represented in more than one way. Yet, no matter how deeply a voter's personality may be split or how much his moods vary over time, he is still a first-class citizen and is entitled to equal participation in electing the men who make his laws.

This is the finding of the Brookings Institution, on the basis of what is regarded by scholars in the field as one of the finest studies to be made of apportionment. The study was made last year.

I may state, briefly, the qualifications for making the study. I now read from the foreword to the study, which was written by the president of the Brookings Institution, Mr. Robert D. Calkins:

FOREWORD

The Supreme Court's decision in the case of *Baker v. Carr*, handed down in the spring of 1962, opened the way for reform of antiquated and inequitable patterns of representation in State legislatures. Over the ensuing 12 months, districting arrangements have been challenged in many States, and in several of them the legislatures have convened to draw up new districts which better reflect their actual population distribution.

The Court's decision has raised a number of issues, including the question whether the drive for more equal representation in the State legislatures will affect the U.S. Congress. The Brookings Institution therefore asked Prof. Andrew Hacker, of the Department of Government, Cornell University, to

prepare a problem paper that would examine the present congressional districts from the viewpoint of the problems that might arise in connection with reapportionment in the States. The objective was a brief informative analysis drawing largely on available materials, with an early deadline precluding much new research.

Mr. Hacker's report approaches this subject from several vantage points. Among these are: the constitutional and historical background of congressional districting;

And so forth.

So this is a very profound and thoughtful study. Those who read, reviewed and commented on the study and helped to make it, included—

George A. Graham, director of governmental studies, and Milton C. Cummings, Jr., Laurin L. Henry, M. Kent Jennings, F. P. Kilpatrick, and Harold Orlans of the Brookings staff; and also Stephen K. Bailey, Frank Munger, and Douglas Price of Syracuse University. Much of the preliminary statistical analysis was done by Mr. Hacker's students in his seminar on political behavior at Cornell University.

So this work, which is so highly regarded, and is the latest profound and searching work in this field, is most important.

Mr. President earlier today the distinguished Senator from Pennsylvania [Mr. CLARK] requested that I consider withdrawing this amendment when I finished my speech. I have not finished my speech. I have made a start. But I temporarily postpone speaking in deference to colleagues anxious to join the fray. He felt that the amendment had great merit. I think so, too. I believe the amendment should be considered at considerable length by the Senate and by Members of the Senate, because it would enable us to accomplish what those who advocate the Dirksen amendment say they want accomplished, above all—which is to prevent chaos in situations in which the court actions have been so precipitate that the elections should be set aside, and so forth. The amendment would do that simply by providing that the stay shall not be deemed to be in the public interest, in the absence of highly unusual circumstances. As worded now, the stay shall be put into effect unless there are highly unusual circumstances.

Therefore, I am saying that the States shall proceed—as the United Press dispatch showed that the States are moving along—and shall continue to move along, unless there is an unusual situation which is such that the courts would, on the basis of this provision, be constrained to make an exception. At the same time, that arrangement would permit the Supreme Court to protect the rights of American citizens, and it should satisfy those who wish to have a reasonable solution of this problem reached.

So, Mr. President, with that in mind, and in the firm conviction that we have a long way to go before we fully and adequately discuss this issue, which is vital to many States, I withdraw my amendment No. 1229 to the Mansfield-Dirksen amendment, and I yield the floor.

The PRESIDING OFFICER (Mr. SALINGER in the chair). The amendment

of the Senator from Wisconsin is withdrawn.

Mr. DOUGLAS. Mr. President, I congratulate the Senator from Wisconsin for the very able speech he has made. It throws a great deal of light upon the issue.

Yesterday, my colleague [Mr. DIRKSEN] said he wished to make a second speech on this subject. I know that all of us anxiously await that speech. I believe we should give him "a full house"; therefore, I suggest the absence of a quorum, and I request that it be a live quorum, so that there may be a full audience for my colleague.

Mr. DIRKSEN. Mr. President, will my colleague withhold for a moment the suggestion of the absence of a quorum?

Mr. DOUGLAS. Yes, indeed.

Mr. DIRKSEN. Mr. President, I do not ask for "a full house." I am ready to vote on the Mansfield-Dirksen proposal. It has now been fully explored by the Senator from Wisconsin. I think he has occupied the floor for at least 4 hours. I would hope that he would allow his amendment to stand.

I would request a quorum call long enough to obtain a sufficient show of hands to enable us to obtain an order for a yea-and-nay vote on the amendment; and then I would be delighted to have the vote taken.

The Senator from Pennsylvania suggested that the amendment of the Senator from Wisconsin be withdrawn. I am not sure that the Senator from Wisconsin would have withdrawn it, but for that suggestion.

However, in view of the fact that the Senator from Wisconsin has withdrawn his amendment—ostensibly to offer it at a later time—I am ready to have the vote taken now.

Therefore, for all practical purposes my senior colleague [Mr. DOUGLAS], in his usual spirit of generosity, does not have to ask for a live quorum, for I am ready to have him supply the speakers.

Last night there was difficulty in obtaining speakers.

So if my colleague wishes to have a quorum call, in order to obtain some other speaker—as, for example, my friend the Senator from Pennsylvania [Mr. CLARK], who this morning told me that this would be a full-fledged, full-blown, all-out effort that might go beyond the range of a convention which will take place in Atlantic City some time rather soon, I suggest that now these Senators supply the speakers; and I will take my own time, because I have never had difficulty in obtaining the time of the Senate when I wished to obtain it.

So perhaps my colleague would like to call on our friend, the Senator from Pennsylvania [Mr. CLARK] or our friend the Senator from Oregon [Mr. MORSE], if he is about, somewhere.

Therefore, why does not my colleague assemble his team now, get it coordinated, and proceed with the job?

Mr. DOUGLAS. Mr. President, I was impressed by the statement my colleague made yesterday. I now read from the CONGRESSIONAL RECORD, at page 18845, when he said:

But before I complete these preliminary remarks—and the next 2 or 3 hours I shall save for tomorrow, when Senators are fresher—and when I am fresher—

Then he discussed other features:

A little later he said:

Mr. President, this is the first chapter of my story. Like the old serials—"Continued in our next"—I trust that I shall get around to the rest of it tomorrow.

These statements caused me to feel that the junior Senator from Illinois wanted to continue today. He made a very witty and impressive speech, as he usually does. But he did not really touch on the meaning or effects of his amendment. His speech had his characteristic asides, and inimitable style, but it did not proceed to the argument. So I thought, especially in view of his specific statement that he wanted to speak today, that I had sufficiently answered the first part of his speech last night, and I wanted to hold myself in readiness to answer the second part today.

It is not compulsory in this body for any Senator to speak, of course. If my good friend does not wish to speak, we shall be very glad to continue. But I never knew him to refuse to joust in a cause in which he believed. I can hardly believe that he is now withdrawing from the contest. This is so unlike him.

Mr. DIRKSEN. Mr. President, will my colleague yield?

Mr. DOUGLAS. Yes, indeed.

Mr. DIRKSEN. The Senator forgets what was said to Julius Caesar, "The ides of March have come."

He replied, "Yes, but they have not gone."

It is still today. And it is going to be today until midnight. So I have plenty of time.

Mr. DOUGLAS. My good friend has confused his days. He said that yesterday.

Mr. DIRKSEN. Yes.

Mr. DOUGLAS. And when he spoke about tomorrow, that meant today.

Mr. DIRKSEN. It means today. And it is still today. Perhaps I had better look out of doors and see whether it is nightfall. I am becoming a sun dodger.

Mr. DOUGLAS. I cannot compel my colleague to speak. But I did want to offer him the opportunity of having a good attendance of Senators when he did speak. If my colleague does not wish to speak, we shall proceed with the argument. But I was trying to be courteous to my colleague, as he has always been courteous to me.

Mr. DIRKSEN. Yesterday no quorum call was needed, and yet the attendance was good.

Mr. DOUGLAS. There was a "live" quorum call.

Mr. DIRKSEN. I do not want to waste that much time.

Mr. DOUGLAS. Does the junior Senator from Illinois wish to discuss this subject today?

Mr. DIRKSEN. The Senator from Illinois always picks his own battlefield. Mr. DOUGLAS. I see.

Mr. HART. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. HART. I thought the junior Senator from Illinois had the floor.

Mr. DIRKSEN. My senior colleague had the floor. But I am ready to vote.

Mr. HART. The Senator from Michigan had hoped that the junior Senator from Illinois would reply to the question which the Senator from Michigan asked yesterday on page 18845 of the CONGRESSIONAL RECORD. The answer of the Senator from Illinois was—

Within the next 3 or 4 hours, I expect to get around to that.

Those of us who oppose the amendment of the junior Senator do so out of a deep conviction that very few Senators yet understand what is proposed. We though he would describe State by State the effects that would follow, in order that we might more intelligently respond.

Mr. DIRKSEN. Mr. President, I do not understand the concern about the junior Senator from Illinois. Why is everyone weeping about him, and why is there a sense of sympathy?

Senators are presumed to be able to read the English language. There is nothing very complicated about the language in this amendment. I am sure my distinguished friend, who joined in one of the meetings when there was a "hassle" on the proposal, is fully familiar with it. I do not care to speak. I am ready to vote now.

Mr. HART. There is nothing very complicated in the three words "ready, aim, fire." What is complicated is the question of who is to be shot down. We want to know that. The Senator from Illinois is the one who proposed the simple words. We want an explanation of those words.

Mr. DIRKSEN. The Senator can read the amendment.

Mr. HART. But we do not know who will be shot down.

Mr. CLARK. Mr. President, will the senior Senator from Illinois yield?

Mr. DOUGLAS. I shall be glad to yield. I may say that the Senator from Nevada [Mr. BIBLE] and the senior Senator from Missouri [Mr. SYMINGTON] are anxious to have me yield so that they may present the House amendments to S. 16. I shall be glad to do so. I do not want to hold them up.

Mr. CLARK. I would be only too happy to withhold a colloquy with the junior Senator from Illinois if I would be sure that the junior Senator from Illinois would not fly the coop in the meanwhile.

Mr. DIRKSEN. I am ready to break down and cry over this situation.

Mr. DOUGLAS. Mr. President, I am glad to yield to the Senator from Nevada, with the understanding that I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Missouri, and for other purposes, which were, to strike out all after the enacting clause and insert:

That, for the purpose of conserving and interpreting unique scenic and other natural values and objects of historic interest, including preservation of portions of the Current River and the Jacks Fork River in Missouri as free-flowing streams, preservation of springs and caves, management of wildlife, and provisions for use and enjoyment of the outdoor recreation resources thereof by the people of the United States, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall designate for establishment as the Ozark National Scenic Riverways the area (hereinafter referred to as "such area") generally depicted on map numbered NR OZA 7002 entitled "Proposed Ozark National Rivers" dated December 1963 which map is on file for public inspection in the office of the National Park Service, Department of the Interior: *Provided*, That the area so designated shall not include more than sixty-five thousand acres of land now in private ownership and that no lands shall be designated within two miles of the present boundaries of the municipalities of Eminence and Van Buren, Missouri. The Secretary, with the concurrence of the State, shall designate for inclusion in the Ozark National Scenic Riverways, the lands composing Big Springs, Alley Springs, and Round Spring State Parks, and the Secretary is hereby directed to negotiate with the State for the donation and the inclusion of such park lands in the Ozark National Scenic Riverways.

SEC. 2. The Secretary may, within the area designated or altered pursuant to section 4, acquire lands and interests therein, including scenic easements, by such means as he may deem to be in the public interest: *Provided*, That scenic easements may only be acquired with the consent of the owner of the lands or water thereof: *And provided further*, That any parcel of land containing not more than five hundred acres, which borders either the Current River or the Jacks Fork River, and which is being primarily used for agricultural purposes, shall be acquired by the Secretary in its entirety unless the owner of any such parcel consents to the acquisition of a part thereof. Property so acquired which lies outside the boundary generally depicted on the map referred to in section 1 of this Act may be exchanged by the Secretary for any land of approximately equal value within the boundaries. Lands and waters owned by the State of Missouri within such area may be acquired only with the consent of the State. Federally owned lands or waters lying within such area shall, upon establishment of the acre pursuant to section 4 hereof, be transferred to the administrative jurisdiction of the Secretary, without transfer of funds, for administration as part of the Ozark National Scenic Riverways.

SEC. 3. Any owner or owners, including beneficial owners (hereinafter in this section referred to as "owner"), of improved property on the date of its acquisition by the Secretary may, as a condition to such acquisition, retain the right of use and occupancy of the improved property for non-commercial residential purposes for a term ending at the death of such owner, or the death of his spouse, or at the death of the survivor of either of them. The owner shall elect the term to be reserved. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

SEC. 4. When the Secretary determines that lands and waters, or interests therein, have been acquired by the United States in sufficient quantity to provide an administrable unit, he shall declare establishment of the

Ozark National Scenic Riverways by publication of notice in the Federal Register. The Secretary may thereafter alter such boundaries from time to time, except that the total acreage in the Ozark National Scenic Riverways shall not exceed sixty-five thousand acres, exclusive of land donated by the State of Missouri or its political subdivisions and of federally owned land transferred pursuant to section 2 of this Act.

SEC. 5. (a) In furtherance of the purposes of this Act, the Secretary is authorized to cooperate with the State of Missouri, its political subdivisions, and other Federal agencies and organizations in formulating comprehensive plans for the Ozark National Scenic Riverways and for the related watershed of the Current and Jacks Fork Rivers in Missouri, and to enter into agreements for the implementation of such plans. Such plans may provide for land use and development programs, for preservation and enhancement of the natural beauty of the landscape, and for conservation of outdoor resources in the watersheds of the Current and Jacks Fork Rivers.

(b) The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the Ozark National Scenic Riverways area in accordance with applicable Federal and State laws. The Secretary may designate zones where, and establish periods when, no hunting shall be permitted, for reasons of public safety, administration, or public use and enjoyment and shall issue regulations after consultation with the Conservation Commission of the State of Missouri.

SEC. 6. The Ozark National Scenic Riverways shall be administered in accordance with the provision of the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, and in accordance with other laws of general application relating to the areas administered and supervised by the Secretary through the National Park Service; except that authority otherwise available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this Act.

SEC. 7. (a) There is hereby established an Ozark National Scenic Riverways Commission. The Commission shall cease to exist ten years after the date of establishment of the area pursuant to section 4 of this Act.

(b) The Commission shall be composed of seven members each appointed for a term of two years by the Secretary as follows:

(1) Four members to be appointed from recommendations made by the members of the county court in each of the counties in which the Ozark National Scenic Riverways is situated (Carter, Dent, Shannon, and Texas), one member from the recommendations made by each such court;

(2) Two members to be appointed from recommendations of the Governor of the State of Missouri; and

(3) One member to be designated by the Secretary.

(c) The Secretary shall designate one member to be chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) A member of the Commission shall serve without compensation. The Secretary shall reimburse members of the Commission for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(e) The Secretary or his designee shall from time to time consult with the members of the Commission with respect to matters relating to the development of the Ozark National Scenic Riverways, and shall consult with the members with respect to carrying out the provisions of this Act.

(f) It shall be the duty of the Commission to render advice to the Secretary from time

OZARK NATIONAL RIVERS IN MISSOURI

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 16) to provide for the establishment of the Ozark National Rivers in the State of

to time upon matters which the Secretary may refer to it for its consideration.

Sec. 8. There are hereby authorized to be appropriated such sums (but not more than \$7,000,000 for the acquisition of lands or interests in lands) as are necessary to carry out the purposes of this Act.

And to amend the title so as to read: "An Act to provide for the establishment of the Ozark National Scenic Riverways in the State of Missouri, and for other purposes."

Mr. BIBLE. Mr. President, I shall make a brief explanation as to the amendments which the House of Representatives made to the Senate bill.

I might say preliminarily that this is a bill sponsored by our distinguished colleague the senior Senator from Missouri [Mr. SYMINGTON] and the junior Senator from Missouri [Mr. LONG].

This is a most attractive area for preservation. Many hearings have been held on the measure. There have been field hearings. The bill should be enacted into law. The House of Representatives agrees that it should be enacted into law. It has made three main changes.

First, it has changed the name from the "Ozark National Rivers," to the "Ozark Scenic National Riverways." I have consulted with my colleagues on both sides of the aisle in the Committee on Interior and Insular Affairs. They are in complete agreement that that is a proper change.

The second change was a reduction in the amount of private property to be acquired. The change came about by redefining certain boundaries of the proposed area, which resulted in a reduction of 13,200 acres of land. Again, I believe the House of Representatives has made an improvement in the bill as it was passed by the Senate.

The third change made by the House of Representatives is a direct result of the change in the size of the area. This is a reduction in the amount of money required. The size of the acquisition is reduced. The acquisition cost is reduced from \$8.5 million to \$7 million. This is a natural result of the reduction of the principal acreage to be acquired. I believe this is worthwhile legislation. Our subcommittee has visited this great area. We are aware of its great beauty. I believe it should be preserved.

I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada.

Mr. DIRKSEN. Mr. President, I am quite sure this measure has the concurrence of the minority Members. Therefore, there is no objection.

Mr. BIBLE. I give this assurance to the distinguished minority leader. I have consulted with the ranking minority member of the subcommittee, the Senator from Colorado [Mr. ALLOTT]. He is in complete agreement.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada [Mr. BIBLE].

The motion was agreed to.

Mr. HART. Mr. President, I am delighted that the legislation on Ozark

Park is moving through and that it will be a fact.

I congratulate the senior Senator from Missouri [Mr. SYMINGTON] for his continued concern and effort. I am delighted to see the culmination of the measure.

Also, I compliment the junior Senator from Missouri [Mr. LONG] for his efforts in support of this bill. They will long be remembered. The benefits that accrue to the people of Missouri will be gratefully received by people who will someday not even know the names "SYMINGTON" or "LONG." That is the kind of contribution that both of these Senators have made in this effort.

I hope that this effort to add additional recreation acreage in the Midwest will continue. We in Michigan have high hopes that two such parks, Sleeping Bear and Pictured Rock, will become realities. For the very same reason that I support the Ozark Park, I hope that Congress will make a reality of Sleeping Bear and the Pictured Rock Park.

Mr. BIBLE. Mr. President, the Senator from Michigan is always an ardent advocate. He knows that we have worked our will in the Senate with regard to the Sleeping Bear Dune. That measure has been passed by the Senate and sent to the House of Representatives. I hope it will act on it. If the measure comes back, I hope it will be in such form that we can accept it without going to conference.

I am familiar with the section that the Senator refers to. The Senator knows that hearings were held a few weeks ago. It would be impossible to complete action at this session of Congress. But I hope that when Congress assembles in January, it can make headway with regard to those two great areas.

Mr. DOUGLAS. Mr. President, now that other recreation areas are being brought forward, I hope my colleague will not forget the Indiana Dunes, adjacent to the great northern Indiana-Illinois metropolitan area. I hope my colleague will persuade the Democratic policy committee to schedule it for consideration and passage.

Mr. BIBLE. Mr. President, the Senator from Illinois knows my views on this subject. The Indiana Dunes legislation has long been before the Congress. It has moved further in this particular session, the 2d session of the 88th Congress, than it has ever moved in any comparable session of Congress.

As the Senator knows, it is now on the calendar. I have urged the majority leader to try to schedule it for consideration. I do not know exactly how many more days we shall be here.

I am inclined to think that it will be few. I suppose the Senator from Illinois could speak on that point better than I. I do not know. But if it is scheduled—and I hope it is very quickly—I feel sure that the Senate will act on the very worthwhile project. It is a worthwhile area to preserve.

Mr. DOUGLAS. I thank my good friend from Nevada for the care which he has shown on the question. We in the

Middle West need more recreational areas. I am very glad to support the proposal for the Ozarks, but it is somewhat discouraging to see everyone else come under the mistletoe while the Indiana Dunes are forgotten.

Mr. BIBLE. If the Senator could arrange for the project to be scheduled tomorrow, I would be the first to schedule it tomorrow.

Mr. SYMINGTON. Mr. President, will the able senior Senator from Nevada yield?

Mr. BIBLE. I yield to the distinguished Senator from Missouri.

Mr. SYMINGTON. On behalf of my colleague [Mr. LONG], who is present in the Chamber at this time, I thank the distinguished Senator for all the care and wise effort he has shown in developing this great new contribution to the economy of Missouri and to the benefit of the people of Missouri and the United States. The Senator from Nevada first became sure that the project was handled in the way he believed, with all his experience, was the best way. He went out with some of his colleagues, and went over the ground thoroughly, the ground where this great new park will now be established. Although always sympathetic with the idea, he has always been equally anxious that it be accomplished on the best possible basis for all concerned. Everyone in our State of Missouri is grateful to him and his committee for the perseverance he has shown in making this latest approved national monument a reality.

I thank him, very much, for his interest and cooperation.

Mr. BIBLE. I am very happy to have been of help.

I now yield to the distinguished junior Senator from Missouri [Mr. LONG].

Mr. LONG of Missouri. Mr. President, I desire to associate myself with the remarks of my distinguished senior colleague from Missouri [Mr. SYMINGTON]. I had the pleasure of attending one of the field hearings with the distinguished Senator from Nevada [Mr. BIBLE], and I am personally grateful, as are all citizens of Missouri, to him for the time and the effort that he and his committee expended in working on that great project for us. It will mean much to us in Missouri and in the Middle West. We are very happy that we have now reached the end of the road on that great project.

Mr. BIBLE. Mr. President, it is a worthwhile project, and I am glad to see that it is reaching the end of the road.

PRESERVATION OF JURISDICTION OF THE CONGRESS OVER CONSTRUCTION OF CERTAIN HYDRO-ELECTRIC PROJECTS

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 502) to preserve the jurisdiction of the Congress over construction of hydroelectric projects on the Colorado River below Glen Canyon Dam, which was to strike out all after the enacting clause and insert:

That no licenses or permits shall be issued under the Federal Power Act (16 U.S.C. 791a-823) nor any applications for such licenses or permits be accepted for filing for the reach of the Colorado River between Glen Canyon Dam and Lake Mead during the period ending December 31, 1966: *Provided*, That nothing herein shall change or affect for the purposes of any action which may be taken subsequent to such date the present status, equities, position, rights, or priorities of any parties to applications pending on the date of the enactment of this Act.

Mr. HAYDEN. Mr. President, an almost identical bill has passed both Houses of Congress. The only difference between the bills is that the House-passed bill stated an expiration date in 1966 while the Senate bill stated an expiration in 1965.

Mr. DIRKSEN. Mr. President, as I understand, the proposal is to substitute one bill for the other.

Mr. HAYDEN. Yes. I move that the Senate concur in the amendment of the House of Representatives.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arizona.

The motion was agreed to.

FORT BOWIE NATIONAL HISTORIC SITE

Mr. HAYDEN. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on the bill (H.R. 946).

The PRESIDING OFFICER laid before the Senate the bill (H.R. 946), a bill to authorize the establishment of the Fort Bowie National Historic Site in the State of Arizona, and for other purposes, which was read twice by its title.

Mr. HAYDEN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the bill.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill.

Mr. HAYDEN. Mr. President, I ask unanimous consent that there be printed at this point in the RECORD an excerpt from page 2 of Senate Report No. 1280, which is the military record of George Washington Bowie, for whom Fort Bowie was named.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Fort Bowie was named for George Washington Bowie, 1824-1901, a native of Montgomery County, Md., whose military record is as follows:

Commissioned, 1st Lieutenant, U.S. Army, at Burlington, Iowa, April 1, 1847, where he was assigned to 15th U.S. Infantry; promoted to captain July 20, 1847; brevet major for gallant and meritorious conduct at the battles of Contreras and Churubusco, Mexico, August 20, 1847; distinguished himself in command of his company at the storming of Chapultepec, September 14, 1847; honorably discharged at Covington, Ky., August 4, 1848.

Mustered in as colonel, 5th California Infantry, at Sacramento, Calif., to date from November 8, 1861; stationed at Camp Union, near Sacramento, until February 1862, when he went to southern California and was in command at Camp Latham, near the Cienega between Los Angeles and Santa Monica; marched to Camp Wright, near Warner's

Ranch, San Diego County, arriving April 9; assumed command of the Military District of southern California with headquarters at Fort Yuma, May 17, 1862.

Marched via Fort Yuma, Tucson, and Apache Pass to the Rio Grande, February and March 1863; in command of the Military District of Arizona with headquarters at Franklin (new El Paso), Tex., April 15, 1863; stationed there until he was honorably discharged from the service at that place December 14, 1864; brevet brigadier general of volunteers for faithful and meritorious services during the war.

Fort Bowie, established July 28, 1862, Bowie Peak, and the town of Bowie, all in Cochise County, Ariz., named for him.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill was ordered for a third reading, was read the third time, and passed.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. DOUGLAS. Mr. President, I had intended to ask for a quorum call in order that my distinguished colleague might have an audience. But since he has stated that he does not wish to speak, and since I stated yesterday that I would speak at the conclusion of his second speech, I am now put in the position of asking for a quorum call in order that a group of Senators might be assembled to hear my speech. In that connection I hope that my request will not be regarded as an ungracious act on my part. My request is merely due to the fact that my colleague has disappointed us today, and instead of expatiating on the subject as he said yesterday he would do today, for one reason or another, perfectly well known to him—perfectly good reasons—he does not wish to do so. I am now compelled, Mr. President, to suggest the absence of a quorum and ask that it be a live quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 546 Leg.]

Aiken	Eastland	Lausche
Allott	Edmondson	Long, Mo.
Anderson	Ellender	Long, La.
Bartlett	Ervin	Magnuson
Bayh	Fong	Mansfield
Beall	Fulbright	McCarthy
Bennett	Goldwater	McClellan
Bible	Gore	McIntyre
Boggs	Gruening	McNamara
Brewster	Hart	Mechem
Burdick	Hayden	Metcalfe
Byrd, Va.	Hickenlooper	Miller
Byrd, W. Va.	Hill	Monroney
Carlson	Holland	Morse
Case	Hruska	Morton
Church	Humphrey	Moss
Clark	Inouye	Mundt
Cooper	Jackson	Muskie
Cotton	Javits	Nelson
Curtis	Johnston	Neuberger
Dirksen	Jordan, N.C.	Pastore
Dodd	Jordan, Idaho	Pearson
Dominick	Keating	Pell
Douglas	Kuchel	Prouty

Proxmire	Smathers	Tower
Randolph	Smith	Walters
Ribicoff	Sparkman	Williams, N.J.
Robertson	Stennis	Williams, Del.
Russell	Symington	Young, N. Dak.
Sallinger	Talmadge	Young, Ohio
Simpson	Thurmond	

The PRESIDING OFFICER. A quorum is present.

The Senator from Illinois [Mr. DOUGLAS] is recognized.

DIRKSEN AMENDMENT INTENDED TO DELAY COURT-ORDERED APPORTIONMENT UNTIL ROTEN-BOROUGH LEGISLATURES CAN PERMANENTLY FIX THEIR PRESENT MALAPPORTIONMENT

Mr. DOUGLAS. Mr. President, as I said earlier, I had thought my friend and colleague, the distinguished junior Senator from Illinois [Mr. DIRKSEN], would speak today, as he announced yesterday that he would. I announced at that time that I would like to follow him. Now the junior Senator from Illinois does not wish to speak at this time; therefore, it devolves upon me to speak. I shall not be quite fighting the air, however, because the junior Senator from Illinois, while he did not follow the plan he announced yesterday, has made his intention perfectly clear.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. DIRKSEN. A family from our common State is outside the Chamber. Have I the Senator's permission to leave the Chamber and shake hands with them?

Mr. DOUGLAS. My good friend does not need my permission to do so. I am sure he is a master of his own movements. Wherever he goes, he will carry with him my friendship and my blessing.

Mr. DIRKSEN. There is much solicitude about my well-being today; but joy cometh in the night, and the ides of March have come, but have not gone.

So I still have until midnight to talk. One columnist mentioned that once I left the floor when one of my colleagues was speaking. But I went for a purpose. Now a fine family is outside the Chamber, and I should like to be able to say "Hello" to them.

Mr. DOUGLAS. I shall not take advantage of the Senator during his absence, but I shall quote from a statement in his speech last night.

Mr. DIRKSEN. That is good. Be sure to get in the word "today" because I have until midnight.

Mr. DOUGLAS. My junior colleague, who has left the Chamber, frankly stated the purpose of his amendment in the closing paragraph of his speech last night. I should like to read that paragraph. Before I do so, I wish to commend my colleague for the frankness with which he spoke. My colleague said:

We believe that it—

The amendment which he proposed, and which is now the subject before this body—

would consummate the one objective which we have had constantly in mind—that is, to buy time at an awkward period when adjournment and the end of the year is imminent, so that as the 89th Congress comes into being, we shall be ready to launch a resolution for a constitutional amendment in the hope that it can be expedited through the Senate and the House of Representatives,

and that there will be ample time for the legislatures of the various States to quickly impress their will upon it. Then we shall have found a durable solution to the problem which emanated from the decision in *Reynolds v. Sims*.

This is precisely what the senior Senator from Illinois has been charging in the days which have elapsed since my colleague first submitted his amendment, and since its predecessor was first brought out of the Committee on the Judiciary. I have charged that this amendment was proposed to prevent the orders requiring reapportionment, of the Supreme Court and of the Federal courts, from going into effect for an indeterminate period of time. During that period of time the malapportioned State legislatures would urge the Congress to propose a constitutional amendment, or call a convention for this purpose, which they could then rush to ratification. This, in effect, would seal into existence for indefinite periods of time the present malapportionments, before the legislatures could be properly and justly reapportioned. That intention is what the senior Senator from Illinois has been charging; and the junior Senator has frankly admitted it.

Mr. DOMINICK. Mr. President, will the Senator yield at that point?

Mr. DOUGLAS. I yield.

Mr. DOMINICK. I did not mean to interrupt the Senator, but I have before me the map which has been placed on the desks of Senators.

Mr. DOUGLAS. I shall come to that in time.

Mr. DOMINICK. All I wish to say to the Senator from Illinois is that if the Colorado State senate is as it is described by the Senator from Illinois, it is pure white.

Mr. DOUGLAS. These figures change from day to day, but I think this information was true as of June 21 of this year. Perhaps the figures are a little behind, but they are substantially true as of the spring of this year. When I come to them, I shall be glad to discuss this point.

At the very end of the session last night, the senior Senator from Montana, the majority leader [Mr. MANSFIELD] evidently felt that he should dissociate himself from the remarks and the statement of the junior Senator from Illinois. He said:

However, I do not agree that the purpose of the additional time is to allow the passage of a constitutional amendment to overturn the *Reynolds* decision. In the first place, the time allowed by this amendment, which will in most cases end at the conclusion of the first State legislative session after the election this November, will probably not be long enough to complete the process required for the adoption of a new constitutional amendment.

Parenthetically, this does not follow at all, because the amendment of the junior Senator from Illinois provides for what is termed a reasonable opportunity; and no one quite knows what a "reasonable opportunity" would be.

Mr. MANSFIELD. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. MANSFIELD. The Senator has quoted me correctly; but the term "reasonable opportunity" is something which can be defined in many ways. This particular proposal of the distinguished minority leader and the Senator from Montana would allow the Court great flexibility. It faces up to a situation which is impending in the several States, and upholds the constitutional right of the Court to hand down decisions such as it has rendered in this instance.

I am delighted that the Senator has indicated that, so far as I am concerned, in offering the amendment there is no idea whatsoever in my mind that we are to seal or to delay until a constitutional amendment can be passed in this body, because I do not believe that is the way to face an issue. However, I believe something should be done to take care of the difficulties which confront the several States at the present time.

Mr. DOUGLAS. I thank the Senator from Montana. I am glad he said that I quoted him correctly. I am sure it was not the purpose of the Senator from Montana, when he gave his name to this most unfortunate amendment, that there would be a period of delay during which the present malapportioned State legislatures should finally cement their unjust and, in a sense, illegitimate composition. I know he did not mean this, and he properly draws back, with a certain degree of repugnance and horror, from giving—and I quote from the next paragraph: "an alleged malapportioned State legislature the power to validate itself, the right to pass upon its own validity, and the ability to perpetuate itself indefinitely."

The Senator from Montana went on to say:

That does not seem just to me.

I am sure that was not his purpose; but I want to emphasize the fact that such was the purpose of his cosponsor, as his cosponsor very frankly declared—and I honor my junior colleague from Illinois for the frankness with which he stated his purpose.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. CLARK. Does not the Senator from Illinois think it would be a fair conclusion that it is not only the purpose of the junior Senator from Illinois to gain time in order to try to rush through a constitutional amendment, but that one might assume that it would be the purpose of most of the Republican Members of the Senate, who support the junior Senator from Illinois, because they would be so obviously prejudiced by a fair one-vote-one-person provision in the constitutional laws of the several States that the inevitable result in most States of a one-vote-one-person provision would be to vastly strengthen the Democratic Party in most, if not all, of the States.

I know that in my own State, former Governor Lawrence told me yesterday that under our present apportionment, we could carry the State this fall for President Johnson by a majority of

600,000, but still not gain control of the legislature.

Mr. DOUGLAS. I appreciate what the Senator has said, but I made no such charges last night, and I make no such charges today. As a matter of fact, as I tried to explain last night, I am not at all certain that, taking the situation countrywide, a fair reapportionment would help the Democratic Party.

PROPER REAPPORTIONMENT WILL PROBABLY BENEFIT THE REPUBLICAN PARTY IN THE SOUTH

Let us take the South first. In the South the country districts and farm districts tend to be Democratic. The cities are increasingly becoming Republican. One has only to look at Dallas and Houston, which are two strong conservative Republican cities, and other cities, as well. They are grossly underrepresented both in the Texas Legislature, as well as in the U.S. Congress. So reapportionment would weaken the country Democrats in Texas and strengthen the city Republicans.

I think this is true in many other cities of the South. It might well be true in Georgia. I am inclined to believe it is true so far as western and central Tennessee are concerned. In east Tennessee, the country districts are already Republican.

Therefore, so far as the South is concerned, proper reapportionment would help the Republican Party. I favor proper reapportionment even if it does help the Republican Party.

I hope some of my Republican friends will at least consider what the practical consequences of their support of the Dirksen amendment will be. But I leave that up to them.

IN THE NORTH AS WELL, PROPER REAPPORTIONMENT MAY BENEFIT THE REPUBLICAN PARTY

Now, if I may touch upon the North, I pointed out last night that the suburbs of the country now have more people than the central cities.

In 1960, the suburbs had 57 million, as compared with 58 million in central cities. But since then, there has been a continued drift to the suburbs. I am confident that today the population in the suburbs substantially outnumbers that in the central cities.

We know that today the great strength of the Republican Party is in the rural areas and the suburbs, whereas the great strength of the Democratic Party is in the cities. I believe it will be found that the suburbs would gain more from proper apportionment than the central cities would gain, because the suburbs have grown more rapidly, and the failure to reapportion has confined them to the representation their areas had many years ago.

The Senator from Pennsylvania has spoken of his State. Let me speak now about my State.

Several weeks ago a very able political reporter for the Chicago Sun-Times, Mr. Tom Littlewood, made a study of what would happen to the Illinois Senate on the basis of proper reapportionment. He said that the downstate area—meaning everything outside Chicago, just as in New York "upstate" means everything

outside New York City, even if it includes Long Island—would lose eight Senators, and Chicago would gain two Senators. Of the eight Senators which would be lost by the downstate areas, two or three would be Democrats, because we Democrats are quite strong in southern Illinois, particularly in the chain of counties along Route 40, the old national highway. The people there are largely Kentuckians, Tennesseans, and Virginians, in origin. So the Democrats probably would lose two or three senatorial seats downstate, but we might gain two senatorial seats in Chicago. So there probably would be no net increase in the Democratic strength in the Illinois Senate, and possibly the Democrats would have a net loss of one seat.

There would be a gain of three seats in the suburbs of Chicago inside Cook County. Those suburbs are strongly Republican. They have been growing very rapidly. In 1960, there were 1,750,000 people in the suburbs inside Cook County, but outside Chicago. They would gain three seats. They are strongly Republican. Although we Democrats have hopes of redeeming the suburbs, and although we plan to carry on a vigorous campaign in attempting to do so, I think there is no immediate prospect that we shall be able to carry them. So these three seats would be a gain for the Republican Party.

Now, there is a chain of peripheral counties which circle Chicago and Cook County. To the south there is Will County, of which the chief city is Joliet. Then there is Du Page County, which is largely residential. It lies immediately to the west of Chicago. Incidentally, it is the strongest Republican County in the country—even stronger than Westchester County, N.Y.

To the north is Lake County. It fronts on Lake Michigan. West of Du Page County is Kane County. In Lake County, the central city is Waukegan. To the west of Lake County is McHenry County. These are mainly suburban counties, although some of the people who live in them do work there.

We Democrats are making strong gains in some of these counties, particularly in Lake County and Will County. Mr. Littlewood states that almost certainly the three additional senators from those areas would be Republicans.

So there would be six Republican senators and two Democratic senators, to replace the two or three Democratic senators and the five or six Republican senators who would be lost downstate; and, overall, the Democratic Party would make no gain, and might suffer a loss; and the Republican Party would not suffer a loss, and might make a gain.

But the metropolitan area would be represented in accordance with its population; and the senators from the metropolitan area would be able to consider more adequately the needs of that area.

SO QUESTION OF PARTY ADVANTAGE FROM PROPER APPOINTMENT IS SECONDARY

We have a big water problem in Chicago and the suburbs. I am not sure the Senator from Wisconsin fully appreciates our water problem in northern

Illinois. We also have a problem of smoke abatement, a problem of zoning, a problem of taxation, a problem of relief, and a housing problem. These problems affect the urban and the suburban areas alike.

Under reapportionment of our Senate, there would be more adequate representation for the presently underrepresented areas; namely, both the central cities and suburbs.

So I believe the question of party advantage is minor and secondary. If reapportionment helped the Democratic Party, I would still favor it; but I believe this issue is above the question of partisan advantage. I do not believe we should shrink from reapportionment if it were to help the Democratic Party; and I would not shrink from reapportionment if it were to help the Republican Party.

But on the basis of the figures for my State and an analysis of those for the country, I do not believe reapportionment would help the Democratic Party. Certainly it would hurt the Democratic Party in the South; and, except in certain States, it would help the Republican Party in the North.

Mr. PROXMIRE. Mr. President, will the Senator from Illinois yield to me

Mr. DOUGLAS. I yield.

Mr. PROXMIRE. Is it not true that if the one-man, one-vote principle were put into effect in full, throughout the Nation, although it would enable the States to be more efficient and to do a more competent job, it would not necessarily mean that conservatism would lose and liberalism would gain; but there would be an opportunity for those who feel very strongly about States' rights and about federalism and who feel very passionately that the Federal Government has too much power, to more effectively proceed to solve their problems at home. Obstructionists might be adversely affected—those who feel that it is a mistake to make progress on any level; but, in general, those who have a genuine and sincere feeling that the Federal Government is too large and that the States should assume more responsibility would be served by this change, would they not?

Mr. DOUGLAS. I believe that is true. The Senator from Wisconsin covered this point marvelously in the course of his speech today; and last night we dealt briefly with it.

PROPER APPOINTMENT WOULD STRENGTHEN THE STATES AND THE FEDERAL SYSTEM

One reason why the municipalities have been inclined to go to the Congress for assistance and to bypass the States is that the State legislatures do not take much interest in their needs. The municipalities have been compelled to go to the Federal Government. But if the municipalities feel that they are fairly represented in the State legislatures and that the States will give them a break, they will more and more turn to their State governments, and will less and less turn to the Central Government.

I have always felt that the malapportionment of the State legislatures has led to centralization, and that better apportionment would lead to decentraliza-

tion. I think I can speak about this matter, for my political experience began in city government. I believe that I realize the importance—other things taken into consideration—of having decisions, insofar as is practicable, handled locally. I think there is a very strong case for national action in many fields. Probably I would quarrel with many of my colleagues as to what these fields properly are. But I believe there has been much unnecessary calling on the Federal Government simply because the State legislatures are unrepresentative.

On the general question of liberalism versus conservatism, it is difficult to know what those terms mean. I designate myself a liberal, if I am permitted to define the term. People in rural areas tend to be suspicious of the liberals in the "big city." But I do not regard the suburbs as strongholds of liberalism. Quite the contrary, I believe that, on the whole, in regard to economic matters the suburbs probably are more conservative than the countryside.

It is interesting to note that while frequently the farmers and country people are very properly worried about certain issues the people in the suburbs are contented to have the situation continue as it is. The essence of conservatism—as Lord Hugh Cecil said 50 years ago—is satisfaction with things as they are, satisfaction with the situation in the past, and distrust of things unknown. Conservatism flourishes best in the suburbs. Therefore, proper and fair reapportionment would not increase the liberal forces in the suburbs, but it would increase and improve State action for the benefit of people who are faced with the new problems created by industrialization and by the rush of populations to the cities. I tried to document this last night.

Those who are interested in light reading will be able to study the tables which I had printed in the RECORD. They show the importance of the cities, the metropolitan areas, and the counties. The importance of the large counties has been steadily increasing, and the importance of the small counties, with populations of less than 25,000, has been steadily diminishing. Yet, in the main the small counties dominate the State legislatures. Sometimes they do not dominate both houses, but in nearly every State they dominate at least one house—generally the senate, although in New England there is an extraordinary variation. In Vermont, New Hampshire, and Connecticut it is the lower house, in which the cities are underrepresented.

CLEAR EVIDENCE THAT THE PURPOSE OF THE DIRKSEN AMENDMENT IS TO PERMIT AN INDEFINITE FREEZE OF THE PRESENT MALAPPORTIONMENT IN THE STATES

Mr. President, if I may, I shall turn back to the question as to what is behind the Dirksen amendment—and I do not like to call it the Dirksen-Mansfield amendment; so I shall call it the Dirksen amendment—and what its effect would be. I have said that its effect will be to prevent the decisions of the Supreme Court from going into effect for a period of time. During that period of time, a determined effort would be made to have

the Congress propose a constitutional amendment which would prevent the courts in the future from ever ruling on the question of apportionment. The malapportioned legislatures would rush to ratify such an amendment. The end purpose would be to freeze indefinitely the present malapportionments in the State legislatures and, indirectly, the malapportionment of districts for U.S. Representatives.

People have accused me—and there were some indirect accusations last night—of seeing hobgoblins.

Yesterday the House had a bill reported to it from the Committee on Rules, an extraordinary procedure. The bill was introduced by Representative TUCK of Virginia. We have read of the amendment in the newspapers, but I do not believe many of us have known what its text actually was.

We should have no inhibitions about mentioning the name of the other body. For some curious reason, the House never likes to refer to us as the Senate. It always refers to us as "the other body." The House occupies an honored position in the National Legislature. We are very glad to regard the Senate as an equal, but not superior, partner to them.

I should like to read the text of the Tuck bill which the Committee on Rules yesterday referred directly to the House—bypassing any hearings and consideration by the Committee on the Judiciary—and which may shortly be acted upon by the House, if, indeed, it has not been acted upon by the House today.

This is the text of the Tuck bill which would add a new section to title 28 of the United States Code:

"Supreme Court, limitation of appellate jurisdiction

"The Supreme Court shall not have the right to review the action of a Federal court or a State court of last resort concerning any action taken upon a petition or complaint seeking to apportion or reapportion any legislature of any State of the Union or any branch thereof."

SEC. 2. Amend title 28, section 1331 of the United States Code (28 U.S.C., sec. 1331) by adding at the end thereof a new subsection to read as follows:

"(c) The district courts shall not have jurisdiction to entertain any petition or complaint seeking to apportion or reapportion the legislature of any State of the Union or any branch thereof."

I do not know what the real purpose of the House Rules Committee's action was. The bill may have been intended as a cover to run interference for the Dirksen-Mansfield amendment. I doubt if it could be passed by both Houses at this session, although, of course, it might be. I am very dubious of its constitutional effect, if it were to be passed. I am doubtful whether Congress has the power to suspend the action of the courts, or to deny them jurisdiction in constitutional matters. I hope the Congress does not have such power.

But I think the action of the Rules Committee and the bill do indicate the shape of things to come. I believe the language of the Tuck bill indicates the probable nature of the constitutional amendment which would be proposed once the present orders of the Court are

suspended, and once reapportionment of the State legislatures is suspended.

I believe that this bill is the draft of the constitutional amendment which is desired. In this connection, I should like to call attention to two other Senate resolutions which are very similar in nature to the Tuck bill. One of them was introduced by our beloved colleague the junior Senator from Mississippi [Mr. STENNIS]. It would propose a new constitutional amendment reading:

Nothing in the Constitution of the United States shall prohibit a State, having a bicameral legislature, from apportioning the membership of the less numerous branch of its legislature on factors other than population.

SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

I invite the attention of Senators also to the bill of the junior Senator from South Carolina [Mr. THURMOND]. He submitted this bill on June 16. It would add a new chapter to title 28 of the United States Code, as follows:

Part VI of title 28, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER 181—STATE LEGISLATIVE APPORTIONMENT

"Sec.

"2691. Jurisdiction.

"§ 2691. Jurisdiction

"No court of the United States shall have jurisdiction to hear or determine any action or proceeding involving or relating to any matter concerning the composition of any legislative body or assembly of any State or the apportionment of the membership thereof, or to enter, enforce, or review any judgment, decree, or order in or relating to any such action or proceeding."

(b) The analysis of part VI of that title is amended by adding at the end thereof the following new item:

"181. State legislative apportionment... 2691".

I believe this is a pretty clear indication of what is contemplated if the Dirksen amendment were to be passed. There would certainly be strong and influential elements which would seek to get an amendment through to deny the Court the power to order any further reapportionment, or to sustain or maintain in operation any orders which they have already executed.

As we heard in the colloquy between the junior Senator from Illinois [Mr. DIRKSEN] and the senior Senator from Wisconsin [Mr. PROXMIRE], these elements would regard this as constitutional.

THERE CAN BE NO EQUAL PROTECTION OF THE LAWS WITHOUT SUBSTANTIALLY EQUAL APPORTIONMENT OF THE STATE LEGISLATURES

Our friends from the South—and they are our friends; we like them as individuals; we appreciate their problems—never really go beyond the 10th amendment of the Constitution. They quote the 10th amendment:

All powers not specifically granted to the Federal Government are presumed to rest with the States and with the people.

The Senator from South Carolina [Mr. THURMOND] asked: "Where is the Su-

preme Court given the power to order reapportionment?" What they fail to realize and what they tend to ignore is the existence of the 14th amendment. The 14th amendment was enacted not only after, but as a result of, the Civil War. The Civil War started as a war to save the Union, or to destroy the Union. It culminated in a pledge by the Northern States to free the slaves. Not only that, but after the war, there came a desire to give to the States more than freedom from chattel slavery. The country acted to make the Negro population of the country—including the Negro population of the South—full-fledged citizens of the United States.

I quoted last night the 14th amendment to the Constitution which provides that:

All persons born or naturalized in the United States * * * are citizens of the United States and of the State wherein they reside.

We regard that as very simple nowadays. It is fundamental in its nature. First, it provided that citizenship was national—not really local or State. Second, it drew no differentiation between States. It did not describe second-class citizens or first-class citizens. All were citizens of equal rank. All were first-class citizens.

There were the additional passages which have been quoted many times in this debate and during the debate on civil rights. I quote:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law.

That is the salient part.

Nor deny to any person within its jurisdiction the equal protection of the laws.

In the final section of the amendment it is provided:

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

The Supreme Court has properly, and I believe justly, held that we cannot have equal protection of the laws in the long run unless there is substantially equal representation in the State legislatures. If the membership of a State legislature is disproportionately drawn from certain sections of the community, the sections which are excluded, or grossly underrepresented, cannot have any assurance that they will have the equal protection of the laws.

This is the fundamental basis of the decisions of the Supreme Court, first in the Tennessee case; then in the Alabama case and the Colorado case. These decisions have been criticized as being, at least, somewhat hasty. But they were not hasty in terms of the delay which the legislatures of this country had practiced in refusing to reapportion.

I mentioned earlier to my good friend from Vermont [Mr. AIKEN] that Vermont has its lower house apportioned according to the Constitution of 1793. Since that time, 171 years have passed.

Mr. AIKEN. The Senator is not saying that was not a good constitution?

Mr. DOUGLAS. For its time, it was. But I am also saying that the present situation, in which 36 people elect one representative to the lower house of Vermont, and 36,000 people are permitted to elect only one—is not proper. It gives to one person in this lonely hamlet the same voice that 1,000 voters in the city—I assume it is Brattleboro—have.

I would dislike to have my good friend go up to Brattleboro and defend this unfair apportionment.

Mr. AIKEN. I explained to the Senator this morning that the large towns to which he has referred have control over the Vermont Senate.

Mr. DOUGLAS. But they do not have control over the house, or even a fair voice. They are grossly unrepresented in the House.

Mr. AIKEN. Why is the Senator from Illinois trying to prevent the people of the United States from voting on the question before us, either through their elected representatives to the Congress or by a vote of the people through their elected representatives in the States themselves?

Mr. DOUGLAS. Mr. friend realizes that the vote on a constitutional amendment would not be by a vote of the people. It would be by a vote of the already malapportioned State legislatures.

Mr. AIKEN. Is not the Senator trying to prevent a vote—an expression of opinion—by the people of the United States through their elected representatives in the Congress—or are we not supposed to represent them? They elected us to come here.

Mr. DOUGLAS. If the Senator from Vermont will see that the Dirksen amendment is introduced as a separate bill or resolution, and if hearings are conducted by the Judiciary Committee, I promise that it will be given good consideration on the floor of the Senate and not subjected to excessive debate. But the amendment has been sprung upon us without public hearings in the Judiciary Committee. It has been attached to the foreign aid authorization bill and placed beyond the power of a presidential veto, in all possibility; and we are told that we must approve it.

Mr. AIKEN. Is the Senator arguing that the people of Illinois and New York should have a greater voice in the Senate than, shall we say, the people of Rhode Island or Montana?

Mr. DOUGLAS. I have never made that claim. The Senator from Vermont is completely shifting the argument. We are talking about State legislatures.

Mr. AIKEN. I am coming to the ultimate argument. The Senator knows that if the decision of the Supreme Court is followed to its logical conclusion, representation of the smaller States of the United States will be done away with in this legislative body.

Mr. DOUGLAS. Not at all.

Mr. AIKEN. That would be the ultimate purpose. The Senator knows it; the Senator from Wisconsin [Mr. PROXMIER] knows it; the Senator from Pennsylvania [Mr. CLARK] knows it. That is the ultimate purpose.

Mr. DOUGLAS. May I answer the Senator?

Mr. AIKEN. Why did not the Senator from Illinois seek hearings on the civil rights bill that came to the Senate from the House of Representatives?

Mr. DOUGLAS. I somewhat suspected that the Judiciary Committee would kill it.

Mr. AIKEN. Why does the Senator desire hearings when he wants hearings, and avoid them when he wishes to do so?

Mr. DOUGLAS. The Senator from Vermont is moving from one argument to another. He presents a movable target. Will the Senator from Vermont permit me to reply to his first statement?

Mr. AIKEN. Let me repeat the question.

Mr. DOUGLAS. I should like to point out that it is absolutely impossible under the Constitution for either Congress or the Supreme Court to take away the equal representation of the States in the U.S. Senate.

The concluding clause of article V of the U.S. Constitution is as follows: "no State without its Consent, shall be deprived of its equal Suffrage in the Senate."

That is the one feature in the Federal Constitution which cannot be amended. That is a provision which the small States not only anchored in the Federal Constitution but also placed beyond the possibility of amendment. That was the price which they exacted for joining the Union. The delegate from Delaware in the Constitutional Convention, as Madison's Journal reports, threatened at one point that unless they obtained equal representation in at least one House, they would not join the Union and would make an alliance with a foreign power, presumably France or Great Britain.

Mr. AIKEN. I should like to ask the Senator one additional question. Would the Senator from Illinois offer a constitutional amendment which would allocate representation in the Senate of the United States according to the population of the State?

Mr. DOUGLAS. No; I would not. That is a burden which we in the big States bear—and it is a heavy burden, too, believe me—but we bear it in the cause of national unity. That issue was finally decided in 1787. It weighs very heavily upon the big States. The Senator knows that in this body, on the whole, Senators from the big States are second class citizens. The Senator knows very well that we occupy an inferior position. He also knows that the interests of the big States tend to be disregarded in the Senate. That is the price which we pay continually. The States have in their body the nails which were driven into them in 1787, and we have borne that burden manfully and without complaint. But we do not wish to have it extended inside the States. That is the point.

Mr. AIKEN. The Senator from Illinois means that he wishes the States themselves to be absolutely pure even if the Federation of States is not.

Mr. DOUGLAS. No. I repeat the same point which has been brought out time and time again, namely, there is no analogy between what was adopted in 1787 for representation in the U.S. Sen-

ate and the situation inside the States. The consent of the States was necessary in order to form the United States. The small States could be brought in only by giving them equal representation and preventing the arrangement from ever being changed. But as we have developed time and time again, the counties inside the States are not sovereign and the towns are not sovereign. They do not create the States; the States create them. The States can cut them off, expand them, or contract them. They are creatures of the State. It is not necessary to give them equality of representation in order to insure that the State of Vermont or the State of Illinois will continue.

Mr. AIKEN. It still is not clear why the Senator from Illinois is so insistent upon hearings by congressional committees on the apportionment measure, whereas the Senator from Illinois was equally insistent that there be no hearings on an equally important item of proposed legislation known as the civil rights bill.

Mr. DOUGLAS. The Senator is shifting to that subject. I point out that if the Senator is talking about consistency, what shall we say of Senators who protested to high heaven that there were no hearings on the civil rights bill, but who are supporting the amendment which comes up from the floor with no hearings? I simply say "Tu quoque"—to you also. If I am inconsistent—and I do not believe that I am—I am not more inconsistent than other Members of this body.

Mr. AIKEN. There is a great difference between a bill introduced in the Congress and a simple amendment which is being proposed to the pending bill.

Mr. DOUGLAS. Oh, is this a simple amendment? On the contrary, it is a very important, complex, and far-reaching amendment. It would anesthetize the courts so that presently unrepresentative State legislatures could perpetuate themselves with their present unjust and inequitable representation.

Mr. HART. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield to the Senator from Michigan.

Mr. HART. I was present while the Senator from Illinois and the Senator from Vermont were discussing the concern that some had with the civil rights bill being referred to the Committee on the Judiciary for hearings, and the resistance that some of us voiced to that proposal. That action was contrasted with the situation we are in today. I should like to ask the Senator from Illinois whether or not the Committee on the Judiciary has held any hearings on the amendment offered by the junior Senator from Illinois.

Mr. DOUGLAS. To the best of my knowledge, it has not. The Senator from Michigan is a member of that committee. He can answer his own question. What is the answer?

Mr. HART. If I am not charged with a speech, I shall be glad to answer the question.

Mr. DOUGLAS. Very good.

Mr. HART. The Committee on the Judiciary held no hearings on the bill. There is no record of such hearings.

My next question in the comparison is as follows: Does the Senator from Illinois know whether or not the Committee on Labor and Public Welfare held any hearings on the amendment offered by the junior Senator from Illinois?

Mr. DOUGLAS. Not that I know of.

Mr. HART. But that committee held extensive hearings on a substantial part of the civil rights bill, did it not?

Mr. DOUGLAS. That is true. It conducted hearings on the fair employment practices section.

Mr. HART. Did the Committee on Commerce hold any hearings on the measure introduced by the junior Senator from Illinois?

Mr. DOUGLAS. No, not at all; but it held careful hearings on what is called the public accommodations section of the civil rights bill.

Mr. HART. That is a distinction worth noting. Extensive hearings were held on the public accommodations section of the civil rights bill by the Committee on Commerce. Extensive, though inconclusive, hearings were held by the Committee on the Judiciary on the basic civil rights bill. Hearings were held on the fair employment practices section of the civil rights bill by the Committee on Labor and Public Welfare. But no such record is available to the Senate with respect to the pending bill.

Mr. DOUGLAS. I thank the Senator from Michigan for his very valuable contribution, which I believe is a better answer than the one I gave. He has correctly pointed out that while the Judiciary Committee did not hold specific hearings on the entire civil rights bill as it came from the House, it had held hearings on similar proposals before; concurrently, the Committee on Commerce had held hearings on a public accommodations bill and the Committee on Labor and Public Welfare had held hearings on the fair employment practices section of the bill. I believe that is a very good answer, and I am sure it will convert my friend the Senator from Vermont.

DIRKSEN AMENDMENT THE BETTER OF TWO EVILS AT BEST

Mr. President, I have been discussing the Tuck bill and the cognate bills here in the Senate. Yesterday my colleague the junior Senator from Illinois [Mr. DIRKSEN] quoted the statement by the able chairman of the House Judiciary Committee, Representative CELLER, that he preferred the Dirksen bill. This statement was correct, but the full context was not given. What Representative CELLER said was that he chose the Dirksen bill as the lesser of two evils; and that, as between the Tuck bill and the Dirksen bill, the Dirksen bill was not as bad.

I suggest that this was not a real choice. Suppose one were told by the authorities, "You are going to be killed. We are going to kill you. Which do you choose? Will you be killed by hanging or by shooting?" Suppose that person

replies, "Well, shooting is the lesser of the two evils. It is done more quickly and it is not as drawn out and painful."

I think that is about what Representative CELLER said. The point is that I think we should have neither the Dirksen amendment nor the Tuck bill. I am somewhat suspicious that the Tuck bill may be a cover, a threat, to induce some Members of the House to accept the Dirksen measure lest they be pushed to take the Tuck bill. Then if the Dirksen measure is put through the House—and I hope it will not be—and if the courts are anesthetized and prevented from continuing to order reapportionment, and if the State legislatures continue to prevent and refuse reapportionment, a bill modeled on the Tuck bill will be rammed through and submitted to the legislatures. This, in the words of the majority leader himself, would be inequitable.

The majority leader said:

That would give an alleged malapportioned State legislature the power to validate itself, the right to pass upon its own validity, and the ability to perpetuate itself indefinitely. That does not seem just to me.

It does not seem just to me. I do not think it seems just to anyone. But that is what the majority leader has gotten himself in for by sponsoring this amendment. I regret that, but those are the facts.

GREAT GROWTH OF THE URBAN AND SUBURBAN AREAS

Yesterday I pointed out that this problem had largely arisen from the growth of cities in big counties and the failure of the State legislatures to reapportion the legislatures in keeping with the movements of population. I cited the fact that from 1910 to 1960, 50 years, the population in the roughly 2,000 counties with a population under 25,000 had diminished from 27,421,000 to 23,064,000, or a decrease of 4.3 million, or roughly 14 percent.

At the same time, our population had increased from 91 million to 178 million, or had virtually doubled.

In other words, the small counties were losing 14 percent in population while the United States as a whole was doubling in population.

If we consider the counties of over 500,000, which numbered 15 in 1910, but 64 in 1960, their population increased from 14.8 million to 65.7 million, or had more than quadrupled by 1960. The population of the counties over 500,000 was 4½ times as much in 1960 as in 1910, or an increase of about 350 percent.

Or if we take the counties which are next to the metropolitan counties, counties with a population of 100,000 to 500,000, their number increased from 87 in 1910 to 238 in 1960. Their population had risen from 17 million to 48 million, or had increased almost 3 times.

Or if we consider all the counties with populations of 100,000 or more we find that their total population had risen from 31 million in 1910, a little over one-third of the population, to a population of 114 million in 1960, over 60

percent of the population. It is close to 64 or 65 percent of the population.

Those figures, along with the others I have given and shall give, tell the story of the population movement to the cities and the refusal of legislatures to reapportion in accordance with the movement of population.

Yet people are still thinking of America as a country of villages, where the village blacksmith works under a spreading chestnut tree. They are still thinking of the monthly packet boat which sailed from Boston Harbor to Liverpool. Their thinking has not kept up with the population growth and movement. Not only has their thinking not kept up with the population movement, but the action of the State legislatures has failed to keep up, as we have shown by citing the facts for case after case showing the failure of the legislatures to apportion according to population.

MALAPPORTIONMENT IN THE LOWER HOUSES OF THE 50 STATES

Messrs. Paul T. David and Ralph Eisenberg produced a very valuable study on this subject, and I would like to discuss their findings State by State, taking first the houses of the 50 States and then taking the 50 senates. They used census and apportionment figures as of 1960.

Let me start by saying that, in general, the lower houses in the States tend to be more equitably proportioned than the senates, with the exception of the old New England States of New Hampshire, Vermont, and Connecticut.

There are peculiar reasons for this, which I mentioned last night; namely, that originally the States were in competition, they had to bid for the allegiance of the border towns, and so promised them equal representation in the lower house.

ALABAMA

Let us start with Alabama. In the lower house, the smallest population per member was 6,731; the largest population per member was 104,767. In other words, one voter in the smallest district had 15.6 times the effect of one voter in the largest district. Putting it in another way, the representation in the lower house was 1,560 percent more concentrated per person than it was in the upper house.

Let us take the new State of Alaska. Alaska came into the Union recently, but their smallest population per member is 1,619; the largest, 10,354. One person in the smallest district had as much representation as 6.4 people in the largest district.

Consider Arizona, about which we have heard so much. The smallest population per member is 5,754; the largest population per member, 30,438. In other words, one person in the smallest district had as much representation as 5.3 in the largest, or an overrepresentation by 530 percent.

In Arkansas, the smallest district has 4,927; the largest district, 31,686. One voter in the smallest district has the same representation as 6.4 persons in the largest district.

I am speaking now of the lower houses.

CALIFORNIA

In California, 72,105 persons are in the smallest district; 443,892 in the largest. In the smallest district, one person had 6.2 times the representation of a person in the largest district.

As to Colorado, these figures were true as of the beginning of the year. The junior Senator from Colorado earlier implied that redistribution, ordered by the courts, has changed the ratio somewhat. Let us take the figures as of 1960.

The smallest district had a population of 7,807; the largest, 63,766. One person in the smallest district had the same representation as 8.1 people in the largest district.

CONNECTICUT

Now we come to Connecticut, which we discussed last night. The smallest district of Connecticut has only 191 people; the largest district, 81,889. In other words, 191 people in a Connecticut hamlet have as much representation in the lower house as 81,000 people have in one of the cities. In other words, they have 424 times as much representation; or, in percentage terms of comparison, 42,450 percent greater representation. Can anyone claim that that is fair? Can anyone speak of the superior virtues of those 191 people in the Connecticut Berkshires and say that they are that much greater than the 81,000 people in the towns and cities of Connecticut? Those figures cause the argument which my good friend from Vermont [Mr. AIKEN] tried to advance to fall completely to the ground.

I am proceeding State by State, alphabetically. Vermont comes toward the end of the list. But we have even more shocking figures for Vermont.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. DOUGLAS. I thought I would stir up my good friend from Vermont. The argument he made about Vermont falls to the ground.

Mr. AIKEN. But truth crushed to earth will rise again.

Mr. DOUGLAS. I said that the 81,000 people in the largest district of Connecticut had as much right to equal representation as the 191 people in the smallest district. The present arrangement is unfair. I cannot believe that the Senator from Vermont would ever defend it.

Mr. AIKEN. The Senator from Vermont likes his State. He likes the way his State is operated. He likes the way the United States is conducted, and he intends to stand up for both the United States and Vermont.

Mr. DOUGLAS. Is he going to stand for the present apportionment of the Vermont House?

Mr. AIKEN. Yes. I will stand for the right of Vermont to reapportion its lower house in an orderly and constitutional manner. If I can help it, I am not going to let any organization, set up for any purpose whatsoever, try to chisel away the rights of the people of my State or the United States.

Mr. DOUGLAS. If the Senator from Vermont approves the Dirksen amendment, would he refuse to permit Vermont to reapportion and cause it to perpetu-

ate itself in the same condition of representation which has existed since 1793?

Mr. AIKEN. That is not in accord with what I said earlier. The Senator from Vermont said that we wanted to get time in order to solve our own problem.

Mr. DOUGLAS. Vermont has had 171 years in which to do that. Vermont is a fine State, and the senior Senator from Vermont is a fine Senator and a fine man. It so happens that this happens to be an Achilles' heel in the government of Vermont, of course, we have our Achilles' heels in Illinois.

Mr. AIKEN. I understand there is a tremendous one in Chicago. About the rest of Illinois, I have not heard so much.

Mr. DOUGLAS. I will defend my city and my State.

Mr. AIKEN. I realize that Chicago is unique.

Mr. DOUGLAS. If my friend wishes to expatiate on that subject, I shall be glad to come later to the general emotional charge and prejudice which lie behind charges of that kind. But I shall pass over it for the time being.

DELAWARE

Consider the little State of Delaware. In the smallest district, 1,643 people elect 1 representative; the largest district requires 58,228. In other words, one person in the smallest district has more than 35 times the influence of a person in the largest district.

FLORIDA

Florida is a most interesting State. In the smallest district, only 2,868 people; in the largest district, 311,682. One person in the smallest district has 109 times the representation of a person in the largest district, or in terms of percentage, has 10,090 greater representation.

GEORGIA

Let us pass on to Georgia. The smallest district has 1,876 people, the largest district, 185,442; or 1 person in the smallest district has 99 times the voting influence of a person in the largest district.

This is characteristic of Georgia. There is underrepresentation in Atlanta and, indeed, all the other cities of Georgia, but overrepresentation of the hill counties. This situation has characterized Georgia politics for a long time. We all know this. A suit before the U.S. Supreme Court led to a change. A change was ordered, but adaptation has not fully resulted.

HAWAII

Consider the little State of Hawaii. The smallest district has 7,044 people; the largest district has 15,163. Compared with other States, that is not too bad, but one person in the smallest district has 2.2 times the influence of a person in the largest district.

IDAHO

Now we come to an interesting State—Idaho. The smallest district has only 915 people, the largest, 23,365. One person in the smallest district has 25.5 times the influence of a person in the largest district, or has 2,555 percent greater influence than a person in the

largest district, which I presume is Boise.

ILLINOIS

Take my own State of Illinois. It does not have the worst record of any State in the country, but the smallest district has 34,783 people, the largest district, 126,850—and this after a reapportionment in the middle 1950's. One person in the smallest district has 3.6 times the weight of a person in the largest district, or 360 percent greater.

It should be realized that I am now talking about lower houses of the various State legislatures.

In Indiana, there are 14,804 people in the smallest district; 79,538 in the largest. One person in the smallest district has 5.4 times the influence of a person in the largest district.

The next State is Iowa, about which my good friend, the junior Senator from Iowa [Mr. MILLER] spoke last night. The smallest district in Iowa has only 7,469 people; the largest district has 133,157 or 17.8 times as many.

It would take 17.8 persons in the largest district—presumably in Des Moines—to have the same influence in electing a member to the State legislature that a person in the smallest district would have.

KANSAS

In 1960, the smallest district in Kansas had 2,069 persons; the largest district, 68,646 persons—or 33.2 times as many. One person in the smallest district had the same influence that 33 in the largest one had.

KENTUCKY

I am sorry the gracious and beloved Senator from Kentucky [Mr. COOPER], who was in the Chamber earlier today, is not here now. In the smallest district, 11,364, could elect a member of the lower house; in the largest district, 67,789; or one person in the smallest district had as much influence as 6 persons had in the largest district—an influence 600 percent greater.

LOUISIANA

In the smallest district, 6,909; in the largest district, 120,205. So it took 17.4 times as many people in order to elect a representative from the largest district, as compared with the number required in the smallest district.

MAINE, THE PINE TREE STATE

In the smallest district, 2,298; in the largest district, 15,211; or it took 6.6 times as many people in order to elect a legislator from the largest district, as compared with the number required in order to elect a legislator from the smallest district.

MARYLAND

The situation in Maryland is interesting. Even in the lower house, the smallest district had 6,541 per member; the largest district had 82,071 per member; or it took 12.5 times as many persons in order to elect a representative from the largest district to the lower house in Maryland, as compared with the number required in the smallest district.

MASSACHUSETTS

Massachusetts is sometimes held up as a model State; but I wish to read the

figures for the lower house of Massachusetts: 3,559, in the smallest district; 49,478, in the largest district; or each person in the smallest district had approximately 14 times as much representation as each person in the largest district had—and that was the situation in Massachusetts.

MICHIGAN

As for Michigan, to which reference has been made, these figures are for the situation prior to the recent reapportionment, which was carried out under the threat of Court orders. In the lower house, which certainly has not been as inequitably apportioned as has the upper house, in 1960 it took 34,006 persons in the smallest district in order to elect a member; it took 135,268 persons, in the largest district; or 1 person in the smallest district had 4 times the representation which was had by 1 person in the largest district.

MINNESOTA

Minnesota, which is so excellently represented by its two Senators in this body: In the smallest district, 7,503 persons were required in order to elect 1 legislator; in the largest district, 99,446 persons were required; or more than 13 times as many were required in order to elect a representative from the largest district, as compared with the number required in order to elect a representative from the smallest district. I hope this summary will cause the two Senators from Minnesota to vote against the Dirksen amendment.

MISSISSIPPI

For the smallest district, 3,576 persons; for the largest district, 59,542 persons—or almost 17 times as many persons were required in order to elect a representative from the largest district, as compared with the number required in order to elect a representative from the smallest district. I shall not discuss the question of the proportion of persons who were permitted to vote there. I shall simply deal with the population figures, not the registration figures.

MISSOURI

In Missouri, 3,936 persons were required in order to elect a legislator from the smallest district; 87,474 persons were required in order to elect a legislator from the largest district. So more than 22 times as many persons were required in order to elect a representative from the largest district, as compared with the number required in order to elect a representative from the smallest district.

MONTANA

Montana, the State of our majority leader, the cosponsor of the Dirksen amendment: In the lower house, 894 persons were required in order to elect a representative from the smallest district; 12,537 persons were required in order to elect a representative from the largest district. So 14 times as many persons were required in order to elect a legislator from the largest district, as compared with the number required in order to elect a legislator from the smallest district.

NEBRASKA

Nebraska, as all of us know, is the one State in the Union which has

a unicameral legislature. That was put into effect by George W. Norris. It has not worked quite as well as he hoped it would; but, on the whole, it has worked quite satisfactorily. As the Senator from Wisconsin has said, the decisions by the Nebraska Legislature are no worse, and probably are somewhat better, than those of the average State legislature.

For the Nebraska unicameral legislature, it required 18,824 persons in order to elect a member of the legislature from the smallest district; it required 51,757 persons in order to elect a legislator from the largest district. So even in that model State, insofar as representation was concerned, one person in the smallest district had 2.7 times the influence that one person in the largest district had.

Nevada has the two cities of Las Vegas and Reno, which are well known throughout the country. Five hundred and sixty-eight persons were required in the smallest district in order to elect a member of the legislature; 17,829 were required in the largest district; or 1 person in the smallest district had more than 31 times the importance, in the election of representatives, than a person in the largest district had.

NEW HAMPSHIRE

New Hampshire—and the situation there was surely extraordinary. Last night I placed in the RECORD—and, so far as I know, they have not been denied—figures showing that in New Hampshire the smallest number of persons required per member of the legislature was three. I repeat, Mr. President, only 3 persons—not 3,000, not 300, not 30, but only 3—in 1 district only 3 persons were required in order to elect a member of the lower house of the New Hampshire Legislature.

That is somewhat like the parliamentary situation of Old Sarum, of which I spoke last night—located, in the days before the reform bill in England, outside Salisbury Cathedral. Old Sarum had no inhabitants, but it elected two Members of Parliament.

In New Hampshire, the largest district required 3,244 persons in order to elect a representative. In other words, one of the three persons in the smallest district had 1,081 times as much influence in electing a member of the legislature as a person in the largest district had—or, in percentage terms, 108,000 percent greater influence than the influence had by a person in the largest district.

NEW JERSEY

New Jersey—and I point out, Mr. President, that I am presenting the figures State by State, because there was objection on the ground that I was speaking only about general figures, and was not discussing the situation systematically. I am referring to the figures State by State so that we can see the disparities which exist in virtually every State in the Union.

In New Jersey, in the smallest district, it required 48,555 persons in order to elect a representative; in the largest district, it required 224,499 persons. In other words, one person in the smallest district had 4.6 times the importance, in the elec-

tion of members of the legislature, that a person in the largest district had.

NEW MEXICO

In New Mexico, the smallest district has a population of 1,874. The largest district has a population of 29,133. It takes 15½ times as many people in the largest district to elect a member of the lower house of New Mexico as are required in the smaller district.

NEW YORK

Let us now take New York. New York is held up as a model. The New York Legislature has stubbornly refused to redistrict these upstate legislative districts. And in this way they have perpetuated control over the New York assembly in the hands of the Republican Party for decades. The Democratic Party has in the past generally carried New York in presidential elections. I believe they have never carried the legislature since 1915. This malapportionment upstate is really the source of the Republican strength which they exercise through their control over the New York Legislature. The smallest district has a population of 15,044. The largest district has a population of 222,261. The person in the smallest district in New York, undoubtedly an upstate county, has 14.8 times the influence of a person in the largest district—probably in Manhattan, or possibly even in the suburbs.

NORTH CAROLINA

We come next to North Carolina. The smallest district in North Carolina has a population of 4,520 people. The largest district has a population of 85,674. In other words, one person in the smallest district has the same influence in representing a member of the lower house of North Carolina as 1,900 in the upper house, or 1,900 percent greater representation.

NORTH DAKOTA

In North Dakota, the smallest district has a population of 2,812. The largest district has a population of 20,955. One person in the smallest district has 7.5 times the influence in the election of a representative of one person has in the largest district.

OHIO

We come next to Ohio. The smallest district of Ohio has a population of 10,274. The largest district has a population of 148,700. It takes 14.5 people in the largest district—in one of the Ohio cities or metropolitan districts—to have the same influence that one person has in the more rural areas.

OKLAHOMA

Next is Oklahoma. Oklahoma is the State over which the previous Presiding Officer served as chief executive for a time. In my judgment, he served very well. In Oklahoma, the smallest district has a population of 4,496. The largest district has a population of 62,786. One person in the smallest district in Oklahoma had 14 times as much influence as a person in the largest district.

OREGON

Next we come to Oregon, which is in many respects almost an ideal State—not perfectly ideal, but an ideal State. Oregon may have been reapportioned

since 1960. But these are the latest figures that I could obtain. In Oregon, the smallest district has a population of 13,108 people. The largest district has a population of 39,165. One person in the smallest district had three times the influence of a person in the largest district.

PENNSYLVANIA

Next we come to Pennsylvania, to which the Senator from Pennsylvania recently referred. In the smallest district, there was a population of only 4,485 people. In the largest district, there was a population of 139,293. One person in the smallest district had 31 times the influence in the election of a representative as a person in the largest district.

RHODE ISLAND

Next we come to Rhode Island. Rhode Island is malrepresented in both the House and the Senate. But I am speaking now of the House. In Rhode Island, in the smallest district there was a population of 486 people. There was a population of 18,977 in the largest district. One person in the smallest district had 39 times the influence in an election to the lower house of the Rhode Island Legislature as one person did in the largest district.

SOUTH CAROLINA

In South Carolina, there was a population of 8,629 in the smallest district. There was a population of 20,013 in the largest. So 3.1 times as many people were required to elect a representative in the largest district as in the smallest district.

SOUTH DAKOTA

In South Dakota, there was a population of 3,531 in the smallest district. There was a population of 16,688 in the largest district. It required 4.7 times as many people to elect a member of the lower house of South Dakota as it required in the largest district.

TENNESSEE

Next is Tennessee. It was in Tennessee that the crucial apportionment case, Baker against Carr arose. In Tennessee, for the lower house—the smallest district had a population of 3,454 people. In the largest district, there was a population of 79,301 people. One person in the smallest district had the same influence as 23 people in the largest district.

TEXAS

Next we come to Texas. There was a population of 23,062 in the smallest district. There was a population of 155,394 in the largest district. It required 6.7 times as many people to have a representative to the legislature in the largest district as in the smallest district.

UTAH

Next is Utah. The smallest district had a population of 164. The largest district had a population of 33,280. It required 27.8 times as many people to elect a member of the lower house of Utah in the largest district as were required in the smallest district.

VERMONT

Now we come to Vermont, to which brief reference was made last night, and briefly this morning. I regret that my

good friend, the Senator from Vermont [Mr. AIKEN] has left the Chamber. Let us get the Vermont figures. In the smallest district in Vermont, there was a population of only 36 people. In the largest district there was a population of 35,531. It required approximately 1,000 times as many people to elect a member of the lower house of the Vermont Legislature in the largest district as were required in the smallest district.

Mr. AIKEN. Will the Senator yield once more?

Mr. DOUGLAS. Yes. I am glad that the Senator from Vermont has emerged from the cloakroom.

Mr. AIKEN. I think a great deal of the State of Vermont, just as I think a great deal of the United States. And I want to say once and for all that when the Senator from Illinois can assure us that all crime, violence, and political chicanery are cleaned out of the State of Illinois, I shall grant his right to make snide remarks about Vermont.

Mr. DOUGLAS. I am not making snide remarks. I am merely reciting figures.

Mr. AIKEN. Any kind of remarks.

Mr. DOUGLAS. And my figures strike home. By going over each State, I am not singling out any State. I am not singling out any one of the States. Vermont is a fine State. I have spent time there. I have visited the community in which the Senator lives. I like the State. The community produces fine people.

I grew up impressed with the Green Mountain boys. Ethan Allen was one of my boyhood heroes. I do not agree with all of his theological views, but he was a great hero. The Senator from Vermont is a fine man. But he has a justifiable inferiority complex on the subject of the malapportionment in the State of Vermont Legislature, which is still apportioned on the same basis that was laid down in 1793. It set up the original districts in 1793. But I do not think they had to continue it for 171 years. It is extraordinary that the Senator from Vermont defends this.

Mr. AIKEN. The Senator from Vermont must deny having an inferiority complex.

Mr. DOUGLAS. On this point.

Mr. AIKEN. The Senator from Vermont has very frequently and openly acknowledged that the community in which he lives is the intellectual center of the world. And I am glad to know that people from other sections of the country can come to Putney, Vt., once in a while in order to get some of that intellect rubbed off on themselves.

Mr. DOUGLAS. Sometimes an inferiority complex disguises itself as an apparent superiority complex. I do not suggest that my good friend, the Senator from Vermont, go to a psychiatrist. I am sure he does not need that attention. But I think a psychiatrist might offer that analysis to my good friend, that sometimes an apparent superiority complex is designed to cover up an inferiority complex—no relation to the present discussion is intended.

Mr. AIKEN. I am glad the Senator has just said what he did. His philosophy is perfectly understandable now.

Mr. DOUGLAS. I thank the Senator.

Next is Virginia.

Mr. AIKEN. That is better.

Mr. DOUGLAS. In the smallest district of Virginia, there is a population of 20,071. In the largest district, there is a population of 142,597. One person in the smallest district has over 7 times the representation of a person in the largest district.

Let us move toward Washington.

There was no animus in my mentioning Vermont. I was merely considering the States alphabetically and came to Vermont relatively late in order.

I point out that in the smallest district in Washington, there were 12,399 people, and in the largest district 57,648 people, so in Washington 4.6 times as many people were required to elect a member of the lower house in the largest districts as in the smallest district.

At one time the situation in Washington was much worse than it is. For a long time—I think it was from 1891 to 1931—it did not redistrict.

The figures for West Virginia, which sends two very good Senators to this body, show that there were 4,391 people in the smallest district, and 39,615 in the largest district, so one person in the smallest district has 9 times as much influence in electing a member of the State legislature as in the largest district.

CHARLESTON GAZETTE OPPOSES DIRKSEN AMENDMENT

Today I was informed that one of the great newspapers of the country, the Charleston Gazette—and it is truly a great newspaper, though it is located in a comparatively small city—has published an editorial which I am seeking to obtain. The editorial is strongly against the Dirksen amendment. It opposes it on the ground that the amendment would permit the legislatures of West Virginia and other States to freeze their present malapportioned representation.

I congratulate the publisher and editor of the Charleston Gazette, Mr. W. E. Chilton III, one of the great newspaper publishers of this country. It is reassuring to know that the Charleston Gazette has joined the ranks of the great newspapers of the country now opposing the Dirksen amendment.

WISCONSIN

In Wisconsin, which is indeed a very good State—and I am speaking of the time prior to the last reapportionment; I am speaking of 1960—the smallest district at that time had 22,268 people and the largest district 87,486 people, or one person in the smallest district had approximately four times the representation of the one in the largest district.

This morning, the Senator from Wisconsin [Mr. PROXMIER] pointed out that this inequitable condition, together with the pressure of court decisions, led the Wisconsin Legislature to reapportion. I congratulate them on that. The Senator from Wisconsin also expressed the fear that if the Dirksen amendment were adopted, it would invalidate the apportionment which has already taken place and which was designed to cure the condition which I have described.

The last State is Wyoming. There are 2,930 people in the smallest district and 10,024 in the largest, so that one person in the smallest district has 3.4 times the representation of the person in the largest district.

In order to refute the charge that I merely selected a few horrible examples, I have considered the lower house of every State in the Union and have contrasted the number of persons in the smallest district and the number of persons in the largest district.

MALAPPORTIONMENT OF THE SENATES OF THE 50 STATES

Now I should like to do the same thing in respect to the senates, the upper houses. In general, representation in the senates of the country is apportioned in a much worse fashion, and in a more unjust fashion, than even the houses, with the exception of the three New England States which I have mentioned—Vermont, New Hampshire, and Connecticut. But let us take the figures for the senates.

In Alabama, the smallest district required 15,417 people to elect one member. The largest district—presumably the Birmingham district—has a population of 634,864 people; or 41 times as many people were required to elect an Alabama State senator in the largest district as in the smallest district.

That was one of the facts which caused the Supreme Court in the Alabama case to order reapportionment. I read a quotation from that case earlier in the day and it is already in the RECORD. But it is a fact that that malrepresentation, both in the house and in the senate, but particularly in the senate, caused Federal courts to order reapportionment in Alabama.

In Alaska, the smallest district had a population per member of 3,236; the largest district had a population per member of 34,864, which required almost 11 times as many people to elect a State senator from the largest district as from the smallest.

ARIZONA

I ask Senators to note the following: Arizona: the smallest district has a population of 3,868; the largest district, 331,755. I repeat. The smallest district has a population of 3,868 people; the largest district, 331,755. One person in the smallest district had 422 times as much representation as a person in the largest district. It required 422 people in the largest district to have the same effect in electing a member of the Arizona Senate as one person in the smallest district.

When people speak of turning things back to the State government of Arizona, what are they speaking about? They would turn things back to the small counties and small districts, the sagebrush counties, denying adequate representation to the cities of Phoenix and Tucson.

Mr. HART. Mr. President, will the Senator yield for a question?

Mr. DOUGLAS. I am glad to yield.

Mr. HART. I know that the Senator is familiar with a question which is often asked. I should like to use Arizona as an example rather than Illinois or Michigan. I have just had a delightful visit

with two constituents of mine off the floor. They raised the following question: Why do we want to turn the decisions in our State governments over to the people in Tucson and Phoenix? The question is often asked in that form.

The reaction is that unless there is maintained this disproportionate representation, we would turn State decisions over to the metropolitan senators. Has the Senator often been confronted with that question?

PREJUDICE AGAINST CITY FOLK

Mr. DOUGLAS. Yes. I shall deal with the question later, but this reaction is fundamentally based upon the assumption that a person in the city is not as good a person as a person in a country district. It is fundamentally based upon the premise that a person in a small county is more virtuous than a person in a city. That is the basic assumption. People do not like to disclose it, but that is what is assumed. This reaction fundamentally comes from prejudice against city folk and a belief that they are inferior. I shall deal with the question in more detail later.

Mr. HART. Is it not true that there are people of good will who feel that perhaps, unconsciously, those are the reasons, but who feel, and quite sincerely, that the questions which affect them most intimately in their small communities could not be understood by the representatives in their State capitals which we would assemble if there were one vote for one man?

Mr. DOUGLAS. Country folk may feel that way, but the people in the cities feel that their problems are not understood by those who live in smaller communities. Whether such misunderstanding must necessarily result or not, we must still ask: Which is the larger number whose problems are not understood?

Mr. HART. Is it not true also that the only way that the dilemma can be resolved—the suspicion, that is what it is—is the way which the Supreme Court has directed in the Reynolds case?

Mr. DOUGLAS. I believe that is correct. After I state the statistics, I shall then take up the question, "Why have the State legislatures refused to reapportion? Why can we not expect them to reapportion in the future?"

Mr. HART. Does the Senator hope that he may develop that aspect of his argument at a later time when there is a greater attendance of Senators in the Chamber?

Mr. DOUGLAS. Yes, if necessary. On the question the Senator has raised, let me say also that Jefferson has often been quoted in that respect. It is true that Jefferson did not like city people. He feared the cities. But Jefferson would not have denied to the cities equality of representation, as his writings clearly show.

ARIZONA

In Arizona, one person in the smallest district has approximately 86 times as much influence in electing a member of the upper House as a person in the largest district.

Now we come to Arkansas. The smallest district had a population of 35,983, the largest district, 80,993; or 2.3 times

as many persons are required to elect a legislature from the largest district as from the smallest.

(At this point Mr. EDMONDSON took the Chair as Presiding Officer.)

Mr. DOUGLAS. It is unfortunate that when I refer to Oklahoma, the Senator from California [Mr. SALINGER] is in the Chair; when I refer to California, the Senator from Oklahoma [Mr. EDMONDSON] is in the Chair. I know that this is an unpleasant stint for both of them, but I shall now discuss the figures related to California. They are truly startling.

In the smallest central district of California, only 14,294 people live. They elect one senator.

In the largest district, Los Angeles County, 6,038,771 people live. Or 14,294 people have the same representation as 6 million people. Or they have 422 times the representation per person or group of persons as those in the County of Los Angeles. That would be 42,200 percent greater representation.

Let us now consider Colorado. These figures are as of 1960, and not as of the moment. The figure is 17,481 for the smallest district and 127,520 for the largest district. Or there is 7.3 times the representation per person in the smallest district as there is in the largest.

Next, Connecticut. The senate is more evenly apportioned than is the house, but even so, in Connecticut, the smallest district contains 26,297, and the largest district 175,940. One person in the smallest district has about seven times the influence of a person in the largest district in electing members to the State senate.

We come next to Delaware, where the representation in the house of the State Legislature of Delaware is grossly inequitable, and where it is also inequitable in the senate. In Delaware in the smallest district there are 4,177 people, and in the largest district there are 70,000. One person in the smallest district of Delaware has about 17 times the influence of one person in the largest district in election to the State senate.

Let us come next to Florida. Florida is a State where the representation in both house and senate are grossly inequitable. So far as the house is concerned, one person in the smallest district is 109 times as important as one in the largest district. So far as the senate is concerned, the smallest district has a population of 9,543, and the largest district 935,047. I presume that is Miami. Or one person in the smallest district has the same influence as 98 persons in the largest.

In Georgia, where there is malrepresentation in the house, there is also malrepresentation in the senate. The smallest district in which the people elect a person to the State senate has a population of 13,050, and the largest district, presumably Atlanta, has a population of 556,326. A person in the smallest district has approximately 43 times the effect a person has in the largest district of Georgia, presumably Atlanta. Or there is a representation 4,300 percent greater in the smallest district than in the largest.

Let us next consider Hawaii, and the Senate of Hawaii. The smallest district has a population of 8,515, and the largest district of population of 50,040. Or one person in the smallest district has approximately six times the influence of one person in the largest.

IDAHO

Now let us consider Idaho, which gives us a startling example. There are 915 people in the smallest senatorial district, and 93,460 in the largest district, which I presume is Boise. Or it requires 102 persons in the largest district to exercise the same influence in electing a State senator as one person in the smallest district.

ILLINOIS

In Illinois, the smallest district has a population of 53,502, the largest district a population of 505,076. It requires nine times as many persons in the largest district to elect a State senator as in the smallest district.

I call attention to the fact that I mention this situation in my own State. I do not spare my own State when it is at fault. This is a weakness in our Illinois system. We have a great State. The city of Chicago is truly a great city. I make no apologies in general for it. The State senate is malapportioned, just as I said the Vermont House is even worse apportioned, although the Vermont Senate is apportioned better on the whole than the Illinois Senate.

Let us take the neighboring State of Indiana. The smallest district has a population of 39,011; the largest, 171,089. Or one person in the smallest district has the same representation as 4.4 persons in the largest district.

Now we come to Iowa, about which there was discussion last night. I quoted the figures for the house. Now I quote the figures for the senate. The smallest district has a population of 17,756, while the largest district has a population of 266,315. Or it requires 15 persons in the largest district—presumably Des Moines—to have the same influence in electing a State senator in Iowa as is required of 1 person in the smallest district.

I come now to the State of Kansas. Again I wish to state that the figures which I give for Kansas are true as of 1960; there may have been a reapportionment which may have changed these figures.

Mr. President, I understand that the majority leader would like to make a calendar call. I am ready either to continue, for I have a great deal of valuable material which I would like to present, or I am willing to yield the floor on the condition that I be recognized at the beginning of the session tomorrow, or next week, on this matter, and permit the majority leader to conduct some minor business of the Senate. I would like to suit the convenience of the majority leader.

Mr. MANSFIELD. Mr. President, the Senator from Montana will suit himself to the convenience of the Senator from Illinois, because the calendar items are measures to which there is no objection, and they can be passed in a hurry.

Mr. DOUGLAS. I am ready to do that, or if the Senator from Montana would prefer, I can continue for several hours more.

Mr. MANSFIELD. Whichever the Senator from Illinois would like to do is all right with me. I wish he would make the choice.

Mr. DOUGLAS. Let me continue for a time.

In Kansas, the figures for 1960 show there was a population of 16,083 in the smallest district, and a population of 343,231 in the largest district. Or it required 21 times as many people to elect a member of the Kansas State Senate, in 1960, in the largest district as it did in the smallest.

In Kentucky, the smallest district had a population of 45,122. The largest district—I presume Louisville—had a population of 131,906. Or a person in the smallest district had an influence 2.9 times as great as a person in the largest district in voting for a State senator.

In Louisiana the smallest district had a population of 31,175, and the largest district had a population of 248,427—a ratio of 8 to 1. In other words, eight times as many persons in the largest district were required to elect a Louisiana State senator as were required in the smallest district.

In Maine the smallest district had a population of 16,146. The largest district had a population of 45,687. Or 2.8 times as many people were required to elect a State senator in the largest district as in the smallest.

MARYLAND

Last night I spoke about representation in the Maryland Senate, and pointed out that one senator from one county on the Eastern Shore of Maryland, with a population of 15,000, cast the same vote in the Maryland Senate as a senator from Baltimore County with a population of 492,000.

The 9 counties of the Eastern Shore had 9 times the representation of the County of Baltimore, although their total population was only 220,000 as compared with 550,000. If we add the counties of Baltimore, Montgomery, and Prince Georges, we get a total of about 1,250,000. They have only three senators, or one-third the number of senators, that the nine Eastern Shore counties, with only one-sixth of the population, have.

I shall now read only the relative figures, not the absolutes; but the accuracy of these comparisons and computations can be derived by the size of the population of the various State senates.

In Massachusetts, the smallest district, per person, has 2.3 times the representation of the largest district.

In Michigan—I know the distinguished junior Senator from Michigan [Mr. HART] is deeply informed on this subject—the smallest district had 12.4 times the representation of the largest district. I ask the Senator from Michigan if that is not substantially correct.

Mr. HART. That was substantially true as of the date the Senator computed the figures. Subsequently, under a new constitution, a body of four members, two from each political party, was cre-

ated and charged with developing an apportionment plan.

The constitution provided further that in the event they failed to settle upon a program, the Supreme Court would act. There was a series of events. Ultimately, the court, in line with the recent Supreme Court decision, approved the plan which gave us approximately equal representation in both Houses.

Mr. DOUGLAS. Does the Senator from Michigan think that that would have been done without prompting or the threat of the decisions of the U.S. Supreme Court?

Mr. HART. It is my recollection that for a good many years citizens attempted, by court action, to obtain this relief.

Over the years efforts have been made to persuade the legislature truly to act. Absent leadership of the courts, I fear that our situation would not have been as happy as it is now.

Mr. DOUGLAS. The Senator from Michigan acted as Presiding Officer, as I recall, of the Michigan State Senate when he served as Lieutenant Governor of Michigan.

Mr. HART. That is correct.

Mr. DOUGLAS. So his testimony is firsthand on this subject, not derivative.

Mr. HART. The composition of the Michigan State Senate during the 4 years it was my privilege to preside over that body was not representative. I hesitate to draw on memory to give extremes; but one of the senatorial districts was composed of a shockingly fewer number of persons than the largest district.

Mr. DOUGLAS. The largest district was in Detroit?

Mr. HART. The largest district was in Detroit, and the smallest was in our Upper Peninsula. The figures would make one's hair stand on end, but they did not persuade us to do much about it.

Mr. DOUGLAS. I thank the Senator from Michigan.

In Minnesota, the ratio of malapportionment between the smallest and the largest district was 5.8 times. I do not believe it is necessary for me to explain that; namely, that one person in the smallest district would have as much influence in electing a member of the Minnesota Senate as 5.8 persons in the largest district.

In Mississippi, the ratio was 8.8 to 1; in Missouri, 2.8 to 1; in Montana, 88.4 to 1. In Montana, the smallest district, in 1960, had only 894 persons; the largest district, presumably Butte, had 79,016. So one person in the smallest district had 88 times the influence of one person in the largest district, presumably Butte.

The figures for Nevada are truly startling. In the smallest senatorial district in Nevada—there are only 17 senatorial districts in Nevada—there were, in 1960, only 568 people. In the largest district, presumably Reno, there were 127,016 persons. In other words, one person in the smallest district had 224 times the influence of a person in the largest district.

In New Hampshire, which had a terribly unrepresentative house situation,

it was by no means so bad. There the ratio between the smallest and the largest districts was 3.2 to 1.

In New Jersey, where south Jersey dominates the legislature, just as the Eastern Shore dominates the Legislature of Maryland, the smallest district had 48,555; the largest district, 923,545; or a ratio between the smallest and the largest, in influence per person, was 19 to 1.

NEW MEXICO

New Mexico is similar to Nevada. In the smallest district there were 1,874; in the largest district, 262,199—either Albuquerque or Santa Fe; I do not know which. In other words, one person in the smallest district had 140 times the affect in electing a member of the New Mexico Senate as a person in the largest district.

In New York, the ratio was 4 to 1. I wish to emphasize that New York is badly apportioned in both the house and the senate. This is one of the things that the political rulers of New York fear. They fear that the decisions of the Supreme Court will force them to reapportion, and that they will lose control of the legislature and, therefore, of the State. Any amount of hand washing cannot wash that away.

In North Carolina, one person in the smallest district has six times the influence in electing a member of the North Carolina State Senate as a person in the largest district.

The North Dakota ratio is 10 to 1.

In Ohio, the ratio is 2.2 to 1.

In Oklahoma—and I observe in the chair of the Presiding Officer my good friend, the junior Senator from Oklahoma [Mr. EDMONDSON]; he can correct me if I am wrong, because the Presiding Officer, as a Member of the Senate, has the right to comment—according to the 1960 figures, the smallest district had a population of 13,725; the largest district, 346,038. In other words, one person in the smallest district had 26 times the effect of one person in the largest district.

In Oregon, which, again, is a very fine State, as I have said, one person in the smallest district has 3.5 times the effect of one in the largest.

In Pennsylvania, one person in the smallest district has 10.7 times the influence of one in the largest.

RHODE ISLAND

Now we come to Rhode Island, which really has "rotten boroughs" for the State senate. The smallest senatorial district has 486 people; the largest, 608,504. In the largest district, a voter had only 1/141 of the influence of a voter in the smallest district. In other words, a voter in the smallest district had 141 times the influence of one in the largest district, which is some improvement.

I remember when I town in Rhode Island, with 236 people, had a State senator, while Providence, with a population of 236,000 had 1 State senator. The representation was so grossly disproportionate that demands were made for reapportionment. Ruling powers in Rhode Island resisted this with all their strength, but some addition to the representation was made for Providence, Pawtucket, and Woonsocket; but even so, there is a disparity of 141 times.

In South Carolina, the smallest district has a population of a little over 1,000; the largest district, 216,000; in other words, 1 voter in the smallest district has 25 times the influence of a person in the largest district.

In South Dakota, a voter in the smallest district has 5.8 times the influence of one in the largest district.

In Tennessee, a voter in the smallest district has six times the influence of one in the largest district. This was also a factor which led to a decision in the Supreme Court case of Baker against Carr.

In Texas, a voter in the smallest district has 9.4 times the influence of one in the largest district.

In Utah, a voter in the smallest district has 6.9 times the influence of one in the largest district.

In Vermont, a voter in the smallest district has 6.4 times the influence of one in the largest district—which is much better than in the House.

In Virginia, a voter in the smallest district has 5.5 times the influence of one in the largest district.

In the State of Washington, a voter in the smallest district has 7.3 times the influence of one in the largest district.

In West Virginia, a voter in the smallest district has 3.4 times the influence of one in the larger district.

In Wisconsin, a voter in the smallest district has 2.8 times the influence of one in the largest district.

In Wyoming, a voter in the smallest district has 9.8 times the influence of one in the largest district—virtually 10 times as much.

I have taken every State in the Union, with the population figure for 1960, and the reduction in that year or the year after it, for both the lower house and the upper house. I think this shows that this malrepresentation in terms of the smallest districts and the largest districts is universal. It differs only in degree. In all cases, it is really shocking; but in some cases, it is especially shocking. This is not confined to a few States; it is universal, over the country.

Mr. President, I have enough material to enable me to proceed for many hours; but this happens to be a convenient breaking point, and I am ready to yield the floor, with the understanding that I will resume on another day. It is my intention at that time to discuss the percentage of the population which can elect a majority of the house in each of the 50 States and the percentage of the population which can elect a majority of the senate in each of the 50 States. Then I intend to discuss the question of why the States have not reapportioned in the past, why the Supreme Court ordered reapportionment and the constitutional justification for reapportionment, the points made in the various decisions by the Supreme Court, the real reasons why so many persons fear reapportionment, and why there is so much prejudice and why there is so much feeling in opposition to reapportionment; and I intend to consider the emotional and other factors which lie behind this.

Mr. President, I believe this subject should be much more fully debated than

it has been. I regret that my colleague [Mr. DIRKSEN] did not take the floor this afternoon. He implied that he might take the floor at a later hour tonight.

However, since I have been speaking for approximately 2 hours, I do not wish to fatigue my listeners by proceeding too long. I do not see many Senators on the floor. So I shall be glad to yield the floor, with the understanding that I shall resume on another day.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside, for the consideration of certain measures on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

On motion by Mr. MANSFIELD, the following calendar measures were considered and acted on, and excerpts from the reports were ordered printed in the RECORD, as follows:

ETHEL R. LOOP

The bill (S. 284) for the relief of Ethel R. Loop, the widow of Carl R. Loop was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of section 5 of the Act entitled "An Act to make certain increases in the annuities of annuitants under the Foreign Service retirement and disability system", approved May 1, 1956, as amended (22 U.S.C. 1079d), Carl R. Loop, who died in 1923, while serving as consular officer at Catania, Italy, shall be held and considered to have been a participant under the Foreign Service retirement and disability system at the time of his death.

SEC. 2. No annuity shall be payable as a result of the enactment of this Act for any period prior to the date of such enactment.

EXCERPT FROM REPORT

This bill, would grant to Mrs. Loop, widow of Carl R. Loop, a consular officer in the Foreign Service, the sum of \$2,400 per annum under the Foreign Service retirement and disability system as the result of her husband's death in Italy in 1923. His death followed a series of painful operations from an infection of the lungs suffered as a result of his action in saving a Sicilian girl from drowning in polluted sea water. Mr. Loop's name appears on the memorial plaque in the Department of State Building as one of the diplomatic and consular officers of the United States who lost his life in heroic or tragic circumstances.

Mrs. Loop received the sum of \$4,000, approximately the total of 1 year's salary of her husband, in 1924. Inasmuch as her husband died prior to the establishment of the Foreign Service retirement system, she does not qualify for an annuity under the act subsequently adopted for the provision of annuities to needy widows.

Mrs. Loop is now 86 years of age, and in dire financial straits. She has had three recent major operations and is unable to support herself even with what help is offered by relatives.

A similar case is that of Mrs. Mary Leute, the widow of a vice consul, who died in

Senate Aug 15, 1964

11. ADJOURNED until Mon., Aug. 17. p. 191905

HOUSE - Aug. 15

12. STATE, JUSTICE, COMMERCE, JUDICIARY APPROPRIATION BILL, 1965. The "Daily Digest" states that the conferees agreed to file a report on this bill, H. R. 11134. p. D702

SENATE - Aug. 14

13. INDEPENDENT OFFICES APPROPRIATION BILL, 1965. Agreed to the conference report on this bill, H. R. 11296, and concurred in House amendments to two items in disagreement. This bill will now be sent to the President. pp. 18929-34

14. HOUSING. Disagreed to the House amendment to S. 3049, the housing bill. Conferees were appointed. pp. 18980-90

15. POVERTY. Sen. Simpson inserted an article critical of the poverty bill. pp. 18920-1

16. FOREIGN AID. Continued debate on H. R. 11380, the foreign-aid authorization bill. pp. 18935-49, 18954-68, 18993-9, 19001-12

17. NATIONAL PARK. Concurred in the House amendments to S. 16, establishing the Ozark National Rivers, Mo. This bill will now be sent to the President. pp. 18999-19000

Passed without amendment H. R. 946, to authorize the establishment of the Fort Bowie National Historic Site, Ariz. This bill will now be sent to the President. p. 19001

18. ELECTRIFICATION. Concurred in the House amendment to S. 502, to preserve the jurisdiction of the Congress over construction of hydroelectric projects on the Colorado River below Glen Canyon Dam. This bill will now be sent to the President. pp. 19000-1

19. ACCOUNTING. Passed without amendment H. R. 10446, to permit the use of statistical sampling procedures in the examination of vouchers. This bill will now be sent to the President. p. 19014

20. CLAIMS. Passed as reported H. R. 6910, to provide for the settlement of claims against the U. S. by members of the uniformed services and civilian officers and employees of the U. S. for damage to, or loss of, personal property incident to their service. p. 19014

Received a letter from this Department reporting tort claims paid in fiscal year 1964; to Judiciary Committee. p. 18903

21. CONTAINERS. Passed without amendment H. R. 9334, to amend the Standard Container Act of 1928 relating to standards of containers for fruits and vegetables, so as to permit the use of additional standard containers. This bill will now be sent to the President. p. 19015

22. ECONOMICS. Sen. Humphrey inserted his statement supporting S. 2274, to establish a National Economic Conversion Commission. pp. 19018-20

23. HOLIDAY. The Judiciary Committee reported without amendment S. 108, making Columbus Day a legal holiday (S. Rept. 1438). p. 18903

24. VEHICLES. The Commerce Committee reported without amendment H. R. 1341, to re-

quire passenger-carrying motor vehicles purchased for use by the Federal Government to meet certain safety standards (S. Rept. 1440). p. 18903

25. EDUCATION. The Labor and Public Welfare Committee ordered reported (but did not actually report) an original bill, the higher education student assistance bill of 1964. p. D697

SENATE - Aug. 15

26. PUBLIC LANDS. The Interior and Insular Affairs Committee reported with amendments H. R. 8070, to establish a Public Land Law Review Commission to study existing laws and procedures relating to the administration of the public lands of the U. S. (S. Rept. 1444). p. 19108
27. AUDIT. Passed without amendment H. R. 4223, to provide for an audit of accounts of private corporations established under Federal law. This bill will now be sent to the President. p. 19133
28. HOLIDAY. Passed without amendment S. 108, making Columbus Day a legal holiday. p. 19136

29. FOREIGN AID. Continued debate on H. R. 11380, the foreign-aid authorization bill. pp. 19123-8, 19140-5, 19147-50

30. FISH PROTEIN. Sen. Douglas urged approval for sale of high protein fish concentrate. pp. 19116-7

31. PAY. Sen. Johnston inserted the remarks of President Johnson when he signed the pay bill. p. 19151

32. EXPOSITIONS. Passed without amendment S. J. Res. 162, authorizing the President to call upon the States and foreign countries in the International Exposition for southern Calif. p. 19128

ITEMS IN APPENDIX

33. MEAT IMPORTS. Extension of remarks of Rep. Burke opposing the meat-import restriction bill, and stating "the rigid import bill will not help the cattlemen, and at the same time it will adversely affect our farm and industrial exports." pp. A4313-4

34. HOLIDAY. Extension of remarks of Rep. Carey expressing his support for the bill to make Columbus Day a national holiday. pp. A4316-7

35. APPALACHIA; ROADS. Extension of remarks of Rep. Saylor inserting correspondence with the Dept. of Commerce concerning his proposal that all highways in the Appalachia region be constructed on a 90-percent Federal and 10-percent State ration. pp. A4319-20

36. POVERTY. Rep. Edmondson inserted Sargent Shriver's address before Georgetown University in which he discussed the Peace Corps and the proposed poverty program. pp. A4324-6

37. FOOD STAMPS. Rep. Sullivan inserted an article, "Congress Clears Food Stamp Plan for the Needy--Nationwide Program Would Provide Assistance for Any Area Asking It." p. A4330

studies by actual or potential teachers thus offers a promising line of attack on current deficiencies in the schools. The following kinds of support are required:

1. Grants to acquaint teachers in training or already at work with good teaching practices, by offering them the opportunity to observe or join in successful programs and to pursue their own advanced study or creative work.
2. Fellowships for graduate study and for attendance at summer institutes.
3. Support to individuals for experiments and demonstration projects in the schools.
4. Travel grants to give carefully selected teachers a chance for direct contact with the language, art forms, or other aspects of their subject matter.
5. Fellowships for school administrators to increase their appreciation of the values and responsibilities inherent in humanities teaching.

The Foundation may wish to act directly through individual grants to applicants screened by its own committees, or indirectly through organizations devoted to these same ends in whose selection processes the Foundation has confidence.

In the colleges and universities there is a great need for graduate scholarships and fellowships for the preliminary training of scholars, teachers, and artists at all stages; likewise, for postdoctoral fellowships in the humanities. The selection of individuals to receive these fellowships should be based upon the judgment of committees or juries composed of scholars, writers, and artists whose work has achieved distinction, with the majority of the members still productive.

B. Support of groups and organizations: In addition to the authority to provide scholarships and fellowships for individuals, the Foundation should be empowered to make grants to and conclude contracts with any corporate or private body involved in the humanities or the arts for the promoting of research, teaching, performance, and publication. Some examples are:

1. Summer or full academic-year institutes for the training of elementary and secondary schoolteachers. Such programs should be directed primarily toward improving the participants' knowledge of their subjects, but in addition they should be concerned with developing techniques to bring the humanities and the arts to children of all levels of ability or cultural background.
2. The Foundation should support improved teaching at all levels of education. It should encourage experiments in presentation and organization, including interdisciplinary studies where many fruitful advances may be made. This support should extend to the development of new curricular materials.

(3) Facilities:

(a) Buildings: Many cultural and educational organizations in this country stand in great need of new and expanded libraries and space for instruction, research, creation, performance, and exhibition. The Foundation should be empowered to support the planning and construction of such buildings.

(b) Libraries: Good libraries are needed at all levels in all subjects for teaching and research. Scholars in nearly all humanistic fields deal almost entirely with information preserved and organized in book form, and they, therefore, need large and complex libraries. Improved methods of instruction are making the library more and more important to the schools as well as the colleges and universities. The habit of using libraries begins in the school, but most school libraries are pitifully inadequate. They must be developed and extended and must be designed to lead students into the local public libraries. Since most public libraries already are incapable of supporting the de-

mands upon them, they too must be more generously supported, not only in the interests of the schools, but in the interests of the general public. Libraries are a source not only of learning but also of pleasure.

Fortunately, the recent extension of the Library Services Act can be expected to stimulate the improvement of public library services throughout the country. In this legislation the Congress recognized the need for Federal aid on a substantial scale for public libraries in urban as well as rural communities. Each State, in order to derive the maximum benefit from this wise legislation, should establish a comprehensive public library system.

The Library of Congress is the cornerstone of the country's system of libraries and should, therefore, be strengthened, but this by itself is not enough; all major research libraries should be recognized as integral parts of this system. Each disseminates information on its holdings, each lends and films copies for the benefit of scholars throughout the United States, and each should seek to avoid needless duplication of the others. Undernourishment tends to force each library to throw all of its inadequate resources into a losing battle to meet the most urgent demands of its own institution. If libraries were adequately supported, however, further achievements in cooperation and even more effective services could confidently be anticipated. Strength and health will enable American research libraries to work together as they must, if scholarship is to prosper nationally and if the record of civilization is to be preserved for coming generations, not only as a memory of the past but as a base for creative thought in the future.

We emphasize that not only should the Foundation be able to assist research libraries but also it should contribute to the development of public and school libraries, which are of equal importance in the cultural life of our people.

(c) Facilities of exchange and publication: The Foundation should be authorized to make grants and contracts for the exchange of scholarly and artistic personnel and information both internally within the United States and with other countries. Conferences and publications should be eligible for support, though it is understood that the Foundation should concentrate its subsidies for publication in university presses or in experimental and scholarly works which under present circumstances cannot be financed.

5. Organization of the Foundation

A. The board: The Board of the National Humanities Foundation should consist of 24 members who would be chosen for a term of 6 years each by the President of the United States, with the advice and consent of the Senate. These persons should be selected for their general cultivation and competence in the humanities as such, in the arts, in education, or in the direction of libraries and organizations concerned with the arts, and they should represent a wide spectrum of American life. Appropriate organizations should be requested to nominate candidates. The terms of the first 24 selected should be staggered to permit replacement of one-third of the members every 2 years.

B. The Director: The Director of the Foundation, who would be a member of the Board ex officio, should be appointed by the President of the United States with the advice and consent of the Senate. The Board should make recommendations to the President, and the President ought not to act until the Board has had an opportunity to do so. Because of the Director's vital role in the conduct of the Foundation, the members of the Commission on the Humanities place the greatest stress upon the need

to select for the office of Director a man of the highest distinction in the Foundation's areas of concern. He should serve for a term of 6 years, unless the President should wish to replace him.

C. Commissions, committees, and divisions: The Director, with the approval of the Board, should appoint a staff, and the Board should organize the Foundation into divisions appropriate to its work. At the discretion of the Board, each division might well have an advisory committee composed of eminent persons in the field involved. In addition, there should be regional and national committees charged with judging applications for grants. When necessary, the Board might appoint special commissions to make recommendations upon matters of policy.

6. General authority of the Foundation

The Foundation should be empowered to administer funds through governmental appropriations, through the transfer from other departments of government of funds whose use falls within the scope of the Foundation, and through gifts from private foundations, corporations, and individuals. Such funds should be used by the Foundation in such ways as it sees fit, within the terms of the appropriation, gift, or grant, and under the general provisions establishing the Foundation. It should also be able to contact with profitmaking organizations or nonprofit-making organizations and to publish or support publication.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The PRESIDING OFFICER. Without objection, the Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. STENNIS. Mr. President, the subject presented by the Dirksen-Mansfield amendment is very close to my heart, based upon a tenure of public service that extends over a good many years, starting at the county level as a member of the State legislature.

I point out, too, that so far as apportionment in my State is concerned, for the lower house the percentage is very favorable indeed, among the better ones in the Nation, according to the map taken from the New York Times.

As to the State senate, the proportion is not as favorable as it should be according to the interpretation of those who oppose the amendment. But it is certainly among the better ones and among the higher percentages with reference to the number of voters required to elect the membership of the State senate. So our State has not lagged, according to the standards of those who oppose the amendment.

I address myself to the principle of government involved, and to what I think is an unwarranted invasion by the Supreme Court into the policymaking department of our government. I say that with deference to the Court as a court. I do not want to discredit it. I always want to enhance the prestige of the judicial branch of our Government. But I be-

lieve that if the latest opinion stands, it will be a complete reversal of the democratic processes in connection with our State, local, and Federal governments, because it will be a milestone in the trend rapidly developing of letting our laws and policies be changed and made in large part by men who have not been elected to the policymaking branch of the Government. They have not been selected directly by the voters.

They hold office apart from the electorate, they are not accountable politically for their decisions, and their tenure is for life. That is the basic problem that is raised by this issue.

Mr. President, I rise to support the pending amendment offered by the distinguished majority and minority leaders. It embodies limited relief for the several States from what I believe to be a most dangerous and unwise series of opinions rendered by the U.S. Supreme Court on June 15 of this year. Speaking for the Court in *Reynolds v. Sims*, 84 S. Ct. 1362 (1964), Mr. Chief Justice Warren advanced a wholly new principle when he stated:

We hold that, as a basic constitutional standard, the equal protection clause requires that the seats in both houses of a bicameral State legislature must be apportioned on a population basis. Simply stated, an individual's right to vote for State legislators is unconstitutionally impaired when its weight is in a substantial fashion diluted when compared with votes of citizens living in other parts of the State.

Thus the Court extended even further its jurisdiction over legislative apportionment of the respective States, first assumed only 2 years ago in *Baker et al., v. Carr et al.*, 369 U.S. 186 (1962).

There are two fundamental questions involved in these decisions: first, does the Constitution of the United States grant to the Federal courts jurisdiction over the subject matter of legislative apportionment; and, second, does the Constitution of the United States require that not only one, but both houses of a State legislature be strictly apportioned on a basis of population.

In an unanswerable dissent in *Baker* against Carr, Mr. Justice Frankfurter destroyed the majority argument that questions of legislative apportionment present justiciable issues over which the Federal Courts may exercise jurisdiction. Despite the logical and historical validity of Mr. Justice Frankfurter's opinion, however, the Supreme Court has nevertheless continued to entertain these cases since *Baker*. In so doing the Court summarily reverses and ignores a uniform course of decisions prior to its 1962 holding to the contrary.

In *Reynolds* against *Sims* and companion cases decided on June 15, 1964, the Court again assumed jurisdiction of this question and extended its prior decisions to hold that the Constitution not only requires that one branch of the respective State legislatures must reflect the "one person-one vote concept," but it further advanced this theory to hold that in States having a bicameral legislature, both houses must be apportioned on a population basis. The effect of this decision can hardly be seen in the States which were parties to the cases decided

on June 15 of this year. In Colorado, for example, the people of that State had, by referendum, approved an apportionment plan; the Court, however, refused to accept that plan.

Mr. President, we could argue a long time about various principles of government and interpretations of the Constitution of the United States, but I believe everyone agrees that this is an entirely new field which the Supreme Court has entered, and involves an entirely new precedent, contrary to the historical points that were made in the adoption of the 14th amendment to the Constitution.

The case in Colorado is a striking example of how far such new action goes, when we see the Court stepping in and overruling an apportionment plan which had been approved by the people of that State.

We can talk about rotten boroughs and we can talk about manipulations in State legislatures; we can talk about a controlled Governor, and we can even talk about corruption of any kind, but certainly all that goes by the board and has no bearing on a situation such as that in Colorado, where the people themselves had approved the apportionment plan submitted to them.

Mr. SIMPSON. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the Senator from Wyoming. I know of his deep interest in this subject.

Mr. SIMPSON. Is it the understanding of the Senator from Mississippi that all 63 counties in Colorado had voted in favor of the apportionment plan?

Mr. STENNIS. That is a new fact which I am glad to have the Senator give me. That fact escaped my attention. I knew that the State as a whole had voted in favor of the plan. The Senator has given me a new fact, and that is a further confirmation of what I have said.

Mr. SIMPSON. All 63 counties were in favor of the apportionment plan. In Wyoming an apportionment was made in 1962. Subsequently a suit was brought to determine the validity of the apportionment. Upon the Supreme Court's decision, the Governor of Wyoming called both houses of the legislature into a special session to enact a new constitutional amendment to the Wyoming constitution, to bring it in line with the Supreme Court decision. The legislature became involved in politics, and could not muster a two-thirds attendance. As a result, the special session went for naught. So we are confronted with that situation in Wyoming.

Is it not the idea and attitude of the Senator from Mississippi that we are in need of the Dirksen-Mansfield amendment, so that we can determine what each State wishes to do?

Mr. STENNIS. The Senator has correctly stated the issue. It is an absolute necessity. That is shown by the fact that no similar provision was written into its decision by the Court. With all respect to the Court, the Court really did not understand the practical application of this problem.

Mr. SIMPSON. I invite attention to the fact—and I am sure the Senator al-

ready knows this—that a group of law deans, without expressing any opinion as to the validity of the Supreme Court's opinion, expressed the thought that what we are trying to do is not the proper method of proceeding. The Supreme Court, in effect, assumed a legislative prerogative, and consequently there is a necessity for Congress to reassert its authority in this field.

Mr. STENNIS. The Senator has given the complete and perfect answer; namely, that we must resort to some means to correct the situation. This is not the ideal procedure, but we must resort to some practical means to forestall the evils that flow from the Supreme Court's decision.

Mr. SIMPSON. I wholeheartedly agree with the Senator from Mississippi. I appreciate his allowing me to interrupt him.

Mr. STENNIS. I thank the Senator for his great contribution. I am always delighted to yield to the Senator from Wyoming.

Under the doctrine laid down by the Supreme Court, the Federal district court then ordered the State of Colorado to reapportion its legislature within 2 weeks.

The Senator from Wyoming has already mentioned the difficulty of getting at problems of this kind which uproot and reverse policies of State governments.

Likewise, in the State of New York, the Federal district court has directed that the members of the legislature of that State who are elected this fall shall serve only during one session, despite the State constitutional provision providing for 2-year terms.

I do not know of any decision which shows less respect for the basic concepts of State government and powers that belong to the States than this Supreme Court opinion. One can be in favor of the amendment without in any way defending some instances of abuse of legislative power or the failure to act by the legislature. This is an attempt to give the States the right to make adjustments in their own time and in their own way at the State level.

Mr. President, the people of New York elect their legislative officeholders for 2-year terms under the provisions of the State constitution. That provision was not challenged at all. And yet Federal Court has said: "We will let your legislators serve 1-year terms for one session only."

How can that be? Certainly the State Legislature of New York, in the most populous State and still the richest State in the Nation, knows what to do with apportionment. Yet the Court has stated, in effect, "Because you did not do certain things in connection with reapportionment, we will clip off your term and let you serve for one session. That will be the end of your term."

How far can the Court stray from its basic jurisdiction, and how far afield can it go with reference to these fundamental principles?

These are only examples of the encroachment on duly constituted State authority, and the confusion which has resulted and will continue to result from the latest decisions of the Supreme

Court. An examination of the legislative history and original meaning of the 14th amendment clearly discloses that the equal protection clause does not grant to the Federal courts the authority which has now been assumed.

Mr. Justice Harlan in his dissenting opinion in Reynolds against Simms fully develops the debate in Congress on the question of the adoption of the 14th amendment. That dissenting opinion is a classic and will, I believe, go down in history as a turning point in the present trend of the Court to move over into new fields. I believe that that dissenting opinion will awaken and arouse the electorate, and that the leaders of the people at the State and National levels will rally. It is so sound and logical that it cannot be overcome, but will be the starting point on the way back.

The very wording of the 14th amendment demonstrates that its authors and the Members of Congress who voted for its adoption did not intend to take from the respective States the right which they had previously exercised to determine the composition of their legislatures. I shall not discuss the legislative history in detail, but I would refer each Member of the Senate to Justice Harlan's brilliant and incisive dissenting opinion.

In addition to the unequivocal language of the 14th amendment, the practices of the States at the time of the ratification of the amendment, soon after the Civil War, substantiate the opinion that the States are free to apportion their legislatures on factors other than population. For example, of the 23 loyal States which ratified the amendment, 5 had constitutional provisions providing for apportionment of at least one house on the basis of factors other than population; 10 more of those States gave primary emphasis to population, but also considered other factors. As a condition for readmission to the Union, the 10 States that attempted to secede were required to ratify the 14th amendment. As Mr. Justice Harlan states, the constitution of each of those States was studied, and debate over reapportionment was extensive; yet 6 of the 10 States had constitutional provisions which substantially departed from the method of apportionment now required by the Supreme Court.

As Mr. Justice Harlan so well stated in his dissenting opinion:

It is incredible that Congress would have exacted ratification of the 14th amendment as the price of readmission, would have studied the State constitutions for compliance with the amendment, and would then have disregarded violations of it.

The inescapable conclusion of this legislative history and experience, as well as the judicial precedents prior to the rendering of these decisions on June 15, is that the Constitution does not prohibit the respective States from determining the apportionment and composition of both houses of their legislatures.

In addition to the legal attacks on the constitutional validity of these decisions, I submit that there are other compelling reasons to correct the decisions of the Supreme Court. This is a nation com-

posed of many elements and population groups, each having economic, political, and social interests peculiar to its own circumstances. In a republican form of government, each of these group interests is entitled to recognition in its legislative representation. Citizens in rural areas, for example, have interests different from those of urban and semi-urban population groups. Agricultural interests differ from those of industrial organizations, and similar distinctions can be made for the interests of many other groups throughout our Nation.

The factors which should be considered in providing representation for these various interests are susceptible of recognition and definition only by the State and local governments. No judicial body, State, or Federal, is qualified to pass on these questions and arrive at fair and workable solutions. Our entire legal and historical background substantiates this fact.

There are many fields in which I would not try to set myself up as one qualified to speak with more than ordinary knowledge or comprehension; but the subject of rural people, people in areas somewhat remote, people away from the great organization centers of the State, is a subject on which I am informed. I was born and reared in one of those areas. I have lived with the people there. I have represented them in the State legislature. I was at one time a prosecuting attorney, and then a judge.

One group is no better than others. None has more virtue than another. I do not speak of the problem in that way. But I know that most of the fundamental principles of our form of government came from men with an agricultural background. Thomas Jefferson, perhaps the greatest political philosopher this Nation has ever produced, is an outstanding example of that group.

Our theory of government, the feel of it, and the idea behind it, are based upon the idea that every group will have a part; that every area will be a part.

In addition to this political philosophy, which has continued to characterize those groups to a greater extent, in proportion, than other groups, I believe those areas have served also, as a great spiritual reservoir of the Nation. They have contributed their share of the people who became spiritual leaders, not only of their own areas, but throughout their States and throughout the Nation. To cut them off, as the proposed head-count philosophy would do, to the point where they would have no appreciable part to play in the affairs of their State government or influence in their affairs, would be to give them the "dry rot" treatment, so to speak, and would dry up one of the main fountainheads of some of the finest, soundest, most logical political thought of the Nation, as well as the spring of spiritual resources and development for our great Nation.

To speak of the "one person—one vote" theory is to speak in terms of what might be said to be the individual rights of one person standing alone. I point out that people have collective rights; that when one enters any form of government, he gives up some of his individual rights.

When one enters our form of Government, he cannot continue to carry with him every single, individual right that he might be considered to have solely as an individual. But in fact, we strengthen our individual rights, our civil rights, by becoming a part of the Government.

Therefore, we cannot correctly contend that everyone must be counted on a head-and-head basis, in order to give all people so-called equality with reference to the impact or weight of their votes. The Court's decision would put everything on an individual basis, and would deny the validity of what I call the collective rights of people who live in the less populated counties or for any other reason are not part of a large group.

Only yesterday, I was discussing this matter with the Senator from Alaska. He told me—and this is an amazing story, because it shows the consistency of human nature—that when Alaska achieved statehood, under the procedure for apportionment for the legislature, even though the Eskimos were not numerous, and lived on the fringe of the State, they were given representation in the Alaska Legislature far beyond their numerical strength, because the Alaska Legislature in its wisdom decided that the Eskimos were entitled to that representation as a group, and that it was an asset to both the State of Alaska and to the Nation to make the Eskimos feel that they belonged to the State and had responsibilities to carry out.

I thought of how far it was from the borders of my State to Alaska and the Eskimo people; but the principles of government are all the same. However, all this was swept aside by one stroke of the pen by the branch of our Government that is invading the legislative responsibility.

Mr. SIMPSON. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am glad to yield to the Senator from Wyoming.

Mr. SIMPSON. Does the Senator from Mississippi know that the Chief Justice of the Supreme Court once held the same doctrine which Senators have been expounding here? Does the Senator from Mississippi realize that the Chief Justice of the Supreme Court held that doctrine with respect to representation by areas in California when he was Governor of California—a doctrine which is in total contradiction to the present attitude of the Chief Justice in connection with the opinions he delivered on June 15, 1964?

Mr. STENNIS. I was not aware of that. Perhaps the Senator from Wyoming will state the details.

Mr. SIMPSON. He made a very distinct enunciation of the philosophy which he, himself, then endorsed, as Governor of California, and which all of us hold so dearly in our States.

The statement he made at that time is as follows:

The agricultural counties of California are far more important in the life of our State than the relationship their population bears to the entire population of the State. It is for this reason that I never have been in

favor of restricting their representation in our State senate to a strictly population basis. It is the same reason that the Founding Fathers of our country gave balanced representation to the States of the Union, equal representation in one house and proportionate representation based upon population in the other.

That was in 1948, when he was Governor Warren, the Republican Governor of California. It was a statement with which almost all elective officeholders could agree.

Mr. STENNIS. The Senator from Wyoming has made a definite contribution to the debate; and I thank him. The statement he has quoted is sound logic and sound governmental philosophy, and I cannot understand the reversal of Mr. Warren's thinking. I speak with due deference of the Chief Justice; but that was a significant announcement by the chief executive of California. It was made at a time when he had his feet on the ground and felt a responsibility to the people, and when he recognized the soundness of the position that the contribution to Government from those areas is not in proportion to the number of people who may live there.

Mr. SIMPSON. That is exactly in keeping with the philosophy now being expressed in the very fine presentation being made by the Senator from Mississippi.

Mr. STENNIS. I thank the Senator very much.

Mr. President, in recognition of the clear usurpation of power by the Federal courts and the danger of the decisions rendered by the Supreme Court on June 15, I and other Members of the Congress have proposed to the Constitution, amendments guaranteeing to the respective States the right to apportion their State legislatures. These proposals embody various provisions; but each of them recognizes the general principle that questions of legislative apportionment are peculiarly susceptible of solution at the local level, by legislative bodies, rather than judicial tribunals. In my opinion, it is incumbent on Congress to study these proposals and, with all due speed, present to the States an appropriate amendment for ratification.

It will, of course, be impossible for this action to be taken during the current session of Congress. Therefore, unless some temporary action is taken, the confusion and uncertainty which now exist among the various States will cause the validity of the actions of many State legislative bodies to be brought into question. In the meantime, Federal courts will continue to assume jurisdiction of these cases and will continue to abrogate the constitutional and legislative powers of numerous States. The judgment of the Federal judiciary will be substituted for the judgment of the people of the respective States and the actions of their respective legislative bodies. The overall effect of these actions will be to deprive the residents of many rural areas and small towns of their representation in their respective State legislatures.

These facts make it mandatory that Congress act immediately to provide temporary relief for a brief period of

time, during which Congress and the States can consider further appropriate action. I was, therefore, pleased to join as a cosponsor, with Senator DIRKSEN and other Senators, in introducing S. 3069, to temporarily restrict the jurisdiction of the Federal courts in apportionment cases.

Mr. AIKEN. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am glad to yield to the Senator from Vermont.

Mr. AIKEN. Can the Senator from Mississippi tell us how many countries in the world permit their courts to reverse acts of their legislative branches of Government? I understand that there are virtually no other countries in which reversal by the courts of acts by the legislative branch has been tolerated.

Mr. STENNIS. I think the Senator from Vermont is correct. They would be few and far between.

Mr. AIKEN. I believe that in some countries a separate commission, established by the legislative branch itself, interprets the laws, when their meaning is in dispute; and the courts are prohibited from any such act, and are restricted to the administration of justice.

Mr. STENNIS. Yes. The wisdom of the ages has developed the soundness of that system.

Mr. AIKEN. Can the Senator from Mississippi tell us what part of the Constitution authorizes the Supreme Court to reverse acts of the Congress?

Mr. STENNIS. A long history is involved—

Mr. AIKEN. I refer to the Constitution itself; I do not mean any decisions which a judge may have rightfully or wrongfully reached in the last 170 years. What part of the Constitution gives that authority?

Mr. STENNIS. The Constitution does not contain any express words to that effect, as the Senator from Vermont already knows. It is only an implied power that has been assented to.

Mr. AIKEN. It was a preempted power.

Mr. STENNIS. That is correct. In a large measure, it is based plainly on the principle that the Constitution and the laws that are passed in pursuance thereto shall be the supreme law of the land.

Mr. AIKEN. The Constitution had a gap in it which did not cover this situation. Has the Congress undertaken to limit or define the powers of the Court so far as concerns interpretation of acts of Congress?

Mr. STENNIS. Not directly. Many times the Congress has reversed the ruling announced by a court. But when it is a constitutional interpretation, we are in the awkward position.

Mr. AIKEN. Does the Senator from Mississippi not think that the time has come for a complete review of our Court system, to define and limit the authority of the Court?

Mr. STENNIS. The Senator from Mississippi agrees. I believe that time has come. I have been a very devoted follower of the Constitution as I understood it. It is a part of my thinking that we should enhance the dignity of

the judiciary. As the Senator knows, there have been some decisions that were very vigorously opposed by people in my area of the country. I have thought about that at length. Perhaps I could have been biased on that subject. There are many decisions that are entirely removed from the decisions in the so-called civil rights cases. The decision on apportionment is an outstanding illustration. But I am convinced from all of the civil rights controversy that something must be done along the lines that the Senator suggests.

I do not know whether we should change the life tenure or change the method of selection. But something must be done. We are gradually losing our basic fundamentals in the Constitution.

Mr. AIKEN. Do I correctly understand that the Constitution gave Congress the authority to establish and ordain Federal courts that might be needed?

Mr. STENNIS. The Senator is correct. The Constitution gives the Supreme Court only certain limited original jurisdiction. It then leaves up to Congress the question as to what the appellate jurisdiction should be.

Mr. AIKEN. That is correct. The appellate and district courts exist by authorization of Congress.

Mr. STENNIS. That is correct. They are entirely creatures of Congress. There is an express provision in the Constitution stating that Congress shall have that power.

Mr. AIKEN. Does the Senator from Mississippi have any question whatever in his mind that Congress, being the only body that can establish such courts, also has the power to define their powers and limit their jurisdiction?

Mr. STENNIS. There is no question about it. There is no reservation about it in the mind of the Senator from Mississippi. The only argument that could be made with any plausibility, as I understand, is as to something positive—something that has already been decided. It could be argued that Congress was trying to pass an ex-post facto law. But the law of necessity applies. I believe we are fully within our bounds.

Mr. AIKEN. In the past we have enacted retroactive legislation to cover violations of law which had been committed by Federal officers. That was done very extensively during the late 1930's.

Mr. STENNIS. I do not believe we could go back and make a crime out of any past action.

Mr. AIKEN. No. I do not want to do that. But I do not believe that if a Federal judge made a mistake 100 years ago, the people of the country are bound to honor that mistake forever afterward.

I believe that it is high time for Congress to review the court system of the United States and decided what the realm of operation may be, and what the limitation may be.

Yesterday the Senator from Illinois [Mr. DOUGLAS] repeatedly called attention to the fact that the State of Vermont has been in existence for 173 years and had not revised its method of elect-

ing members of the lower house of the legislature.

I call attention to the fact that the United States has been in existence for 173 years. It has not defined the limits of jurisdiction of the courts. It is high time that that be done. I believe we can perform no greater service than remaining here through the fall, if necessary, to enact such legislation and submit such constitutional amendments as may be necessary to place our court system in its proper perspective, and not permit the courts to override other branches of the Government.

Mr. STENNIS. I thank the Senator. The subject must be reviewed. I would not want to restrict myself to any particular pattern of activity.

Mr. AIKEN. Congress should do now what Congress failed to do 173 years ago.

Mr. SIMPSON. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. SIMPSON. What are the qualifications for membership on the Supreme Court of the United States? Are they set forth in any document?

Mr. STENNIS. There are no qualifications set forth in the Constitution. It simply provides that such officers shall be appointed by the President, with the advice and consent of the Senate. The qualifications of Supreme Court Justices therefore depend on the appointing officer and on Members of the Senate. There is no requirement that the man must have a legal education or that he must be a member of the bar. No definite requirement is set out. He does not even have to be an attorney.

I thank the two Senators for their contributions.

This measure was reported by the Senate Committee on Judiciary on August 5, 1964, by a vote of 10 to 2, and was subsequently introduced as an amendment to the Foreign Assistance Act of 1964.

The purpose of S. 3069 is to temporarily restrict the jurisdiction of the Federal courts to entertain questions of legislative apportionment in the several States. It was offered as a stopgap measure, designed not to affect the permanent jurisdiction of the courts but only to provide a period for deliberation and study by responsible officials, free from confusion and the threat of an immediate court action. In my opinion, the enactment of this proposal would be a legitimate exercise of congressional control over the appellate jurisdiction of the Supreme Court and of the original and appellate jurisdiction of the lower Federal courts. Article III of the Constitution established the judicial power of the United States, established the Supreme Court, and empowers the Congress to establish inferior courts. Section 2, clause 2 of said article III further provides:

In all cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

That is pertinent to the questions that have been asked by the Senator from Vermont.

This provision of the Constitution is a clear, express, and direct mandate to the Congress. The original wording of the Constitution of the United States gave Congress the direct responsibility of making exceptions and regulations regarding the jurisdiction not only of the Supreme Court, but also of the lower Federal courts the only exception being a few instances in which the Supreme Court is given original jurisdiction.

The clear meaning of this provision compels the conclusion that the Founding Fathers recognized the probable necessity of congressional action to restrict the appellate jurisdiction of the Supreme Court. It likewise cannot be questioned that Congress has the authority, not only to establish a system of lower Federal courts, but also to prescribe both the original and appellate jurisdiction of those courts. Let it therefore not be said that the enactment of S. 3069 would be an unconstitutional encroachment by the Congress on the authority of the Federal judiciary. To the contrary, the enactment of this measure would be an exercise of congressional responsibility clearly set forth in the Constitution, if the Congress in its wisdom determines that the Supreme Court has exceeded its jurisdiction and rendered a decision not in harmony with the Constitution. There is nothing sacred and untouchable about judicial decisions, Mr. President, and unwise and unconstitutional actions of the judiciary should and must be corrected by the wise exercise of legislative responsibility.

I am talking about responsibility that is authorized and a duty which the Constitution of the United States has placed upon us. That is one of the real values of our check and balance system of Government.

Of course, all members of this body are familiar with what has transpired since the introduction of S. 3069. A great hue and cry has gone up that the sponsors of that measure and the subsequent amendment to the Foreign Assistance Act are motivated by self-interest. Threats have been made that the opponents of this proposal will filibuster and that they will oppose the enactment of the foreign aid bill. We have been told that this is an election year and that we must adjourn prior to August 24. My reply, Mr. President, is that this measure is far more important than many other bills being considered in the closing weeks of this session of Congress, and in my opinion, we should remain in session as long as necessary to resolve this question.

But I am aware, Mr. President, of the realities of the legislative process. The Congress will adjourn soon, and unless some measure is adopted, nothing will be done. It is for this reason that I support the adoption of the Dirksen-Mansfield compromise amendment, although I entertain some strong reservations about its effectiveness. In the first place, it is not absolutely binding on the Federal courts. Although it provides that an action involving the constitutionality of the apportionment of representation in a State legislature may be stayed "for such a period as will be in the public interest," there are no guidelines for the courts to determine what is

the "public interest" and how long a stay is necessary to effectuate the public interest. In addition, the amendment provides that a stay order shall be in the public interest for certain specified purposes "in the absence of highly unusual circumstances." Again there are no guidelines for the courts to determine what may constitute a highly unusual circumstance. In my opinion, this is a highly vague and indefinite phrase and one which is devoid of proper legislative definition.

Nevertheless we are up against the realities of this situation and some kind of action is necessary.

My second objection to this proposal is that it constitutes a recognition on the part of Congress that State legislative apportionment is amendable to constitutional standards established by the equal protection clause of the 14th amendment. In my opinion, the Constitution does not give to the Federal Government the authority to intervene in the apportionment of the legislature by the duly constituted authority of the respective States.

My support of the amendment therefore should not be interpreted as approval of the doctrine advanced by the Supreme Court in Reynolds against Sims and companion cases decided on June 15.

I think that point is clear with a great number of Senators who wholeheartedly support the amendment. The question now is one of emergency. We are trying to rescue the States, with their powers and responsibilities, from the onrushing hands of the courts. As a practical question, something must be done in that respect rather quickly.

Mr. GORE. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the Senator from Tennessee.

Mr. GORE. I have listened with interest to the eloquent address of the senior Senator from Mississippi.

Mr. STENNIS. I thank the Senator.

Mr. GORE. I wondered whether the reference in paragraph (d) beginning at line 22, page 2, of the Dirksen amendment, did not in fact tend to give legislative approval or sanction to the course of action upon which the court is embarked. I wonder if the Senator would give me the benefit of his views. If the Senator will yield, I should like to read that paragraph.

Mr. STENNIS. I am glad to yield to the Senator from Tennessee.

Mr. GORE. The paragraph reads as follows:

(d) In the event that a State fails to apportion representation in the legislature in accordance with the Constitution within the time allowed by any stay granted pursuant to this section, the district court having jurisdiction of the action shall apportion representation in such legislature among appropriate districts so as to conform to the constitution and laws of such State insofar as is possible consistent with the requirements of the Constitution of the United States, and the court may make such further orders pertaining thereto and to the conduct of elections as may be appropriate.

I would appreciate having the views of the able Senator on that paragraph.

Mr. STENNIS. The only frank answer that I can give to the Senator from Tennessee is that the provision is com-

promise language. It is unfortunate. That language recognizes the power of the Court under the Constitution to make the proposed apportionments.

As I have said, I do not like that phase of it at all. As I see it, we could afford to agree to language of that kind only to meet an emergency.

We are trying to gain time to stay these proceedings to the extent that the States will still have their powers preserved, and so that we shall have time to formulate a constitutional amendment which would go to the heart of the problem. The amendment would be submitted to the Congress and then to the States, respectively. We are up against the proposal which the Supreme Court of the United States has made. The Court has said that it has jurisdiction of the question, and has power that it can use. The Supreme Court has already used that power. The proposed provision is compromise language.

Mr. GORE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from Tennessee.

Mr. GORE. It seems to me that a contradiction is presented if one says on the one hand that the Court has acted beyond the Constitution, and therefore the amendment must be adopted, when the amendment itself contains an affirmation and a provision which would authorize and direct the Court to proceed upon a course which some say is unconstitutional.

Mr. STENNIS. Let me answer the Senator in this way: The Senator raises a serious point that goes to the heart of the matter. If this question were being considered prior to a decision by the Supreme Court, his argument would apply—namely, that Congress was giving its interpretation that the Court has such power. But that is not the case today. We are up against a situation in which the Court already has assumed this power. We are trying to stay temporarily, by this proposal, the implementation of that power. I do not like the idea, either, that this proposal recognizes the principle, but it is a fact of life under the present holding of the Supreme Court of the United States. Senators who vote for the amendment ought to point out, as the Senator from Tennessee has pointed out, that while it may seem to be a contradiction, that is due only to the fact that the power has been assumed.

Mr. GORE. I thank the Senator from Mississippi.

Mr. STENNIS. I thank the Senator from Tennessee for his contribution.

The question before us is of such importance that it demands immediate action, and, under the circumstances, I believe it necessary that this amendment be adopted. It at least expresses the dissatisfaction of Congress with these latest decisions of the Court and offers the best possible hope of immediate relief. I therefore support the adoption of this amendment, but serve notice that I intend to diligently work for the adoption of an appropriate constitutional amendment during the 89th Congress to be convened in January next.

I thank the majority leader for his understanding. I yield the floor.

THE CALENDAR

On request of Mr. MANSFIELD, and by unanimous consent, the following measures were considered and acted upon, as indicated:

INTERNATIONAL EXPOSITION FOR SOUTHERN CALIFORNIA IN 1968

The joint resolution (S.J. Res. 162) extending recognition to the International Exposition for Southern California in the year 1968 and authorizing the President to issue a proclamation calling upon the several States of the Union and foreign countries to take part in the exposition was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby recognizes the International Exposition for South California in the year 1968 as an event designed to develop and intensify a climate of good will and understanding among men and nations, thereby promoting a lasting peace among all people on the planet of the Earth.

Sec. 2. To implement the recognition declared in the first section of this Act, the President, at such time as he deems appropriate, is authorized and requested to issue a proclamation calling upon the several States of the Union and foreign countries to take part in the exposition.

Sec. 3. The joint resolution approved August 31, 1962 (76 Stat. 414), is repealed.

The preamble was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1384), explaining the purposes of the joint resolution.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The Committee on Foreign Relations, having had under consideration the joint resolution (S.J. Res. 162), extending recognition to the International Exposition for Southern California in the year 1968 and authorizing the President to issue a proclamation calling upon the several States of the Union and foreign countries to take part in the exposition, report the same favorably without amendment and recommend that it be passed by the Senate.

The purpose of the joint resolution is stated by its title. It also repeals a joint resolution approved August 31, 1962 (76 Stat. 414), which is identical to Senate Joint Resolution 162, except for the year. The earlier resolution referred to the year 1966 but unavoidable delays have occurred and endorsement for the year 1968 is now being sought by the sponsors of the exposition. No expenditures of Federal funds are involved in approval of this measure.

MOTOR FUELS CONSUMED BY INTERSTATE BUSES

The Senate proceeded to consider the bill (S. 2208) granting the consent of Congress to a compact relating to taxation of motor fuels consumed by interstate buses and to an agreement relating to bus taxation proration and reciprocity which had been reported from the Com-

mittee on the Judiciary, with amendments, on page 6, after line 12, to strike out:

(1) the term "Administrator" shall mean Supervisor of Sales, Use, and Excise Taxes;

At the beginning of line 15, to strike out "(2)" and insert "(1)"; at the beginning of line 17, to strike out "(3)" and insert "(2)"; in line 20, after the word "Columbia", to strike out "is hereby authorized and directed to" and insert "shall"; in line 22, after the word "and", to strike out "to"; on page 7, line 1, after the word "compact", to insert "Notwithstanding any provision of this Act, nothing herein shall be construed so as to affect the authority vested in the Board of Commissioners of the District of Columbia by Reorganization Plan Numbered 5 of 1952 (66 Stat. 824). The performance of any function vested by this Act in the Board of Commissioners (other than the entry into a compact authorized by this Act) or in any office or agency under the jurisdiction and control of said Board of Commissioners may be delegated by said Board of Commissioners in accordance with section 3 of such plan."; on page 19, after line 17, to strike out:

Sec. 202. As used in the agreement, with reference to the District of Columbia, the term "Administrator" shall mean Director of Department of Motor Vehicles.

At the beginning of line 21, to strike out "Sec. 203." and insert "Sec. 202."; in the same line, after the amendment just above stated, to strike out "The Director of Department of Motor Vehicles" and insert "The Board of Commissioners"; on page 20, at the beginning of line 8, to strike out "Sec. 204." and insert "Sec. 203."; in line 9, after the word "Columbia", to strike out "is hereby authorized and directed to" and insert "shall"; in line 12, after the word "and", to strike out "to"; in line 13, after the word "agreement.", to insert "Notwithstanding any provision of this Act, nothing herein shall be construed so as to affect the authority vested in the Board of Commissioners of the District of Columbia by Reorganization Plan Numbered 5 of 1952 (66 Stat. 824). The performance of any function vested by this Act in the Board of Commissioners (other than the entry into a compact authorized by this Act) or in any office or agency under the jurisdiction and control of said Board of Commissioners may be delegated by said Board of Commissioners in accordance with section 3 of such plan."; at the beginning of line 24, to strike out "Sec. 205." and insert "Sec. 204."; on page 21, at the beginning of line 5, to strike out "Sec. 206." and insert "Sec. 205."; and at the beginning of line 10, to strike out "Sec. 207." and insert "Sec. 206."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SECTION 101. The consent of Congress is hereby given to any of the several States and to the District of Columbia to enter into a compact on taxation of motor fuels consumed by interstate buses and to the participation in such compact of the Provinces of Canada and the States, territories, and Federal District of Mexico. Such compact shall be in substantially the following form:

United States on the subject, a reply from his special assistant, Mr. O'Brien, my further correspondence with Mr. O'Brien commenting on that reply, and a copy of the letter which I sent to the chairman of the Committee on Finance, the esteemed Senator from Virginia [Mr. BYRD].

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, August 11, 1964.

HON. HARRY F. BYRD,
Chairman, Committee on Finance,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: Please bring to the attention of the Committee on Finance the enclosed exchange of correspondence between this Senator and the White House on the subject of health care for aged citizens through amendments to H.R. 11865, social security amendments of 1964.

My position, as well as that represented to be the position of the President of the United States, is that the provisions of the King-Anderson bill are the preferred approaches to the formulation of a program of health care for senior citizens.

I call attention, however, to the assurances I have given in communicating with the President and his staff that I am prepared to support a compromise or substitute which would provide for an option allowing elderly social security annuitants to choose either an additional monthly cash benefit or a Government-paid hospital insurance policy.

It is my hope that the Committee on Finance will take affirmative action by accepting and reporting favorably an amendment to H.R. 11865 establishing a beginning elder citizens' health care program under the social security system.

Sincerely,

JENNINGS RANDOLPH.

U.S. SENATE,
Washington, D.C., August 5, 1964.

THE PRESIDENT,
The White House.

DEAR MR. PRESIDENT: The social security amendments of 1964 (H.R. 11865, as passed by the House on July 29) commendably would provide 20 million social security beneficiaries with a 5-percent increase in monthly payments. I will support these provisions in the Senate if we cannot attain refinements of the program which I would consider to be improvements for our elderly citizens. I refer especially to the need for health care provisions for our senior citizens under the social security system.

There are no special problems in this legislation for West Virginia such as were involved in the Welfare Amendments Act of 1962 when a medicare amendment was offered in the Senate. At that time the vital program of aid for dependent children of unemployed parents already had lapsed as of June 30, 1962, and thousands of West Virginians faced deprivation. Controversy over the medicare amendment created an inordinate time loss in the progress of the measure embracing the welfare amendments. Slowness in restoring the ADCU program was intolerable. Consequently, I voted to table the amendment which would have had the effect of further delaying restoration of the ADCU work relief and cash benefit provisions and thereby compound the deprivation of thousands of our people.

Now that the social security amendments of 1964 have passed to the Senate from the House, I am ready to support a substitution which would provide (1) a flat basic increase in social security cash retirement benefits, and (2) a provision for an option

allowing elderly beneficiaries to choose either an additional monthly cash benefit or a Government-paid hospital insurance policy.

In the House of Representatives in 1935, I voted for the original social security program. As in the past, I continue to believe it needs updating and expansion. H.R. 11865 is a means of accomplishing such a mission. But I do not believe H.R. 11865 is enough. Hence, I refer also to S. 880, introduced by Senator CLINTON ANDERSON, of New Mexico, and cosponsored by 36 Senators of whom I am one. It embraces a plan for health care of the aged which I believe can be appropriately modified and blended into H.R. 11865 by Senate action.

I feel that the Social Security Amendments Act of 1964 is a suitable and available measure to utilize as a base for making a beginning on a much needed plan of health care for elderly citizens to be financed by the social security trust fund which, in turn, would be augmented by adjustments in the rate of taxes dedicated to that fund. This differs from my position in 1962. As conditions developed in the late summer of that year, I could not agree then that the Welfare Amendments Act of 1962 was suitable legislation for this purpose, and for reasons which I explained earlier in this communication.

Mr. President, I urge active administration leadership in a movement for the inclusion of provisions for limited health care for aged retired persons in the Social Security Amendments of 1964. These provisions in the act are urgently needed. I reiterate that they will have my support and my vote, especially if the beneficiary has the option of selecting either increased cash benefits or hospital insurance paid from the social security trust fund.

Respectfully yours,

JENNINGS RANDOLPH.

THE WHITE HOUSE,
Washington, August 10, 1964.

HON. JENNINGS RANDOLPH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I have been asked to acknowledge your letter of August 5 containing your views with respect to the desirability of enacting legislation which would institute a modified medical care program when H.R. 11865 reaches the Senate floor.

As you know, the Senate Finance Committee is now holding hearings on H.R. 11865. We are hopeful that something will come out of these hearings which will enable the Senate to take action. The President, of course, continues to support the King-Anderson bill as the best approach to this problem.

With kind personal regards.

Sincerely,

LAWRENCE F. O'BRIEN,
Special Assistant to the President.

U.S. SENATE,
Washington, August 11, 1964.

HON. LAWRENCE F. O'BRIEN,
Special Assistant to the President,
The White House.

DEAR LARRY: Thanks for the August 10, 1964, response to my letter of August 5 to the President on the subject of health care for aged citizens.

I share the hope expressed in your communication that something will come out of the current Senate Finance Committee hearings and deliberations on H.R. 11865 (the social security amendments of 1964) which will enable the Senate to take action on a vitally needed program of health care for the elderly.

Your letter notes that "the President, of course, continues to support the King-Anderson bill as the best approach to this problem." I agree, and it is for this reason that I am a cosponsor of S. 880. Senator GORE,

of Tennessee, has submitted amendment 1178 to H.R. 11865. It is a slightly modified version of S. 880. I hope the Committee on Finance will accept it as a committee amendment and report it favorably to the Senate.

But, as set forth in my August 5 letter to the President, I am ready to support a compromise or substitute proposal, such as one which would include a provision for an option allowing elderly social security annuitants to choose either an additional monthly cash benefit or a Government-paid hospital insurance policy.

If there is no committee amendment, I am prepared to support an amendment offered from the floor of the Senate if it provides health care for the aged citizens as a beginning social security system supplement to the Kerr-Mills program.

With best wishes.

Sincerely,

JENNINGS RANDOLPH.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. RANDOLPH. I am delighted to yield to the capable Senator from Rhode Island.

Mr. PASTORE. I believe the RECORD should be a little more explicit as to exactly what the new version or the new proposal would do. As I understand, originally President Kennedy's plan was for medicare supported by social security contributions. Then some question arose in the House as to whether an alternative could be found. I believe the alternative that was developed was to the effect that there would be an increase in the payment of social security benefits to recipients who are entitled to them. I believe the suggested increase was 5 percent.

Mr. RANDOLPH. The Senator is essentially correct.

Mr. PASTORE. The new proposal would use both the new alternative and the original plan, and leave it up to the recipient to take on or the other, without being told which one to take. Is that correct?

Mr. RANDOLPH. The Senator states the matter correctly. The Senator from Rhode Island is always very explicit and most helpful. He brings the issue into focus.

Mr. President, I ask also unanimous consent to have printed in the RECORD the article to which I have made reference. It is entitled "Medicare Option Plan Would Give Health Aid, Cash," written by Eve Edstrom, and published in this morning's Washington Post.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MEDICARE OPTION PLAN WOULD GIVE HEALTH AID, CASH—ADMINISTRATION BACKS PROPOSAL BY SENATOR RIBICOFF

(By Eve Edstrom)

The Nation's 18 million aged could get both health insurance and increased cash benefits under a new, optional medicare plan which was introduced in the Senate with the administration's blessing yesterday.

This last-ditch move to obtain health care through social security was made after Democratic Senate leaders met with Special Presidential Assistant Lawrence F. O'Brien and Presidential Administrative Assistant Mike N. Manatos.

At the meeting were Senator ABRAHAM A. RIBICOFF, of Connecticut, author of the new proposal, and three of the measure's co-

sponsors, Senate Majority Leader MIKE MANSFIELD, of Montana; Senate Democratic Whip HUBERT H. HUMPHREY, of Minnesota; and Senator CLINTON P. ANDERSON, of New Mexico.

OLD BILL FEARED DEAD

ANDERSON's cosponsorship of the measure does not mean he is dropping support of the administration's broader medicare bill, which ANDERSON coauthored, a spokesman for the Senator said.

But the spokesman noted that it will be practically impossible to pass that bill. This is because the House already has voted increased cash benefits for social security.

In the view of many, these cash benefits plus the full range of health benefits which the administration initially had sought would place too much of a financial burden on the social security structure.

Thus, the Senate leadership feels it can rally more support behind RIBICOFF's "free choice health insurance" plan which scales down some benefits. It reduces the amount of nursing home care and visiting nurse services, and omits outpatient diagnostic services.

RETAINS BASIC BENEFITS

However, it retains the same hospital benefits as the administration's original proposal. Ninety days of hospitalization with a 2½-day deductible or 45 days of hospitalization with no deductible would be provided.

The most politically palatable feature of the RIBICOFF plan is that it gives the social security beneficiary at age 65 a choice. The beneficiary could elect to receive a \$7 monthly increase in cash benefits with no health insurance, or a \$2 monthly increase with the health benefits.

Persons over 65 who are not covered by social security would be given health insurance benefits financed out of general revenues.

RIBICOFF's proposal also provides for a national private organization to administer the health care plan. This is interpreted to mean that Blue Cross probably would be selected to deal with the hospitals.

WAGE BASE INCREASED

Both the increased cash benefits and the hospital plan would not go into effect until next July. They would be financed by raising the taxable wage base from the present \$4,800 to \$5,400. The tax rate for both employees and employers would go up from the current 3.6 to 3.9 percent. By 1971, the tax rate would be 5 percent for both employees and employers.

Under the social security measure which has passed the House, beneficiaries would get 5 percent monthly cash increases, beginning in October, but no health benefits. These increases would range from 80 cents to \$6.40. They would be financed by raising the taxable wage base to \$5,400 and the tax rate to 3.8 percent in January and 4.8 percent by 1971.

That bill is now before the Senate Finance Committee, which concluded hearings yesterday. When the committee meets in executive session Monday to begin marking up the bill, attempts will be made to add the administration's broad medicare proposal or the Ribicoff measure to it.

These attempts are expected to fail in committee but the administration has enough votes to add the optional health plan when the issue comes to a showdown vote on the Senate floor.

Mr. PASTORE. Mr. President, will the Senator yield further?

Mr. RANDOLPH. I yield.

Mr. PASTORE. I should like to have the RECORD show that the Senator from Rhode Island has not as yet determined in his own mind whether he will support the alternative plan. However, it is

worthy of serious consideration. I have always felt that the better way to do it would be by medicare under the social security system. That was the suggestion which was originally made by President Kennedy. However, I understand that the administration is now looking rather favorably and kindly on the new proposal as a way of accomplishing something. In that spirit it ought to be given serious consideration. What appeals to me about it particularly is that the choice is left up to the recipient.

Mr. RANDOLPH. Yes. I commend the Senator from Rhode Island, and especially join with him in his expression that there is certain value in the personal determination by the aged citizen as to the program to be used.

Mr. President, before taking my seat I wish to indicate the presence in the Chamber of the Senator from New Mexico [Mr. ANDERSON]. I have been discussing, in his absence, his leadership in the program of medical care for the aged, and of the conferences in which he has presumably been engaged. He has the hope for realization, if not of the King-Anderson bill, which I support and of which I am a cosponsor, then of the modified plan, which would allow the recipient an option.

I express to him, as I have in the past, my appreciation for his continued effort.

Mr. ANDERSON. Mr. President, I wish to express to the Senator from West Virginia my sincere appreciation for what he has had to say, and also for his action in being a cosponsor of the new proposal by the Senator from Connecticut [Mr. RIBICOFF].

Mr. RANDOLPH. I thank the Senator from New Mexico, and entertain the hope that this problem—a real one for millions of people—can be adjusted with justice and realism.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mrs. NEUBERGER. Mr. President, what is the pending business?

The PRESIDING OFFICER (Mr. BURDICK in the chair). The pending question is on agreeing to the Dirksen-Mansfield amendment to the foreign aid bill.

Mrs. NEUBERGER. I believe the amendment is proposed as an appendage to the foreign aid bill?

The PRESIDING OFFICER. The Senator is correct.

Mrs. NEUBERGER. Since the basic business before the Senate is the foreign aid program, and since there is now a proposal to make as a basic part of that program the rescinding or placing in cold storage of a decision of the Supreme Court, there may be some doubt around the country as to how those two ideas are related. It would be rather difficult for us to demonstrate that they are related. We need to explain that the Senate does not have a rule of germaneness and that it is possible to attach an unrelated amendment to a bill and make it an integral part of the bill, so that those

who oppose one phase of the bill are hamstrung if they believe in the main issue, and vice versa.

Speaking of the obvious incongruity of attaching a reapportionment amendment to the foreign aid bill, I am reminded of another incongruous situation that occurred in the Chamber recently when we received from the House a bill relating to the importation of animals for zoos. The bill which passed the House was referred to the Committee of Finance, where an amendment having to do with quotas for the importation of beef was attached. The bill came to the Senate with its original title; but when the bill left the Senate, the original text and title were missing, and only the Senate amendment was left.

That situation will not happen exactly in that way with the bill under consideration; but there is a certain amount of ridiculousness about it.

I have tried to think what justification there could be for talking about "the rotten borough legislative system" in many of our States at the same time when we consider our aid to countries on other continents. I suppose someone might say, "So long as we are aiding Nigeria, we might as well aid Iowa."

But my point is that the attempt of those who support the amendment to interrupt the usual process of the Court and of the legislative branch may not be of much aid to the very area which those who make the attempt purport to help.

As I view this matter, two issues are at stake in this debate—both of enormous consequence to the political scene in the United States:

The first is whether we are going to allow unconstitutionally elected State legislatures to perpetuate themselves in office, by being their own constitutional judges, and, in so doing, deprive their own constituents of the constitutional right of equal representation.

The second issue is the question of making the States strong partners of the Federal Government in meeting the needs of the citizenry.

Mr. President, I have been in this reapportionment fight for quite some time. That is why today I am delighted to speak about it, in part based on my own experience and observation.

Of course, I was influenced a great deal by my membership in the Oregon Legislature, where this issue was so long a burning one, and, I may say, a successfully concluded one. At that time, my husband was a very deep student of the situation existing in the State legislatures; and he wrote many articles, which received national acclaim, and are still quoted as authorities on this subject. Since I worked a great deal with him on them, at this time I shall read a portion of an article he wrote for the New York Times magazine in October 1952, at the time when this issue was a fomenting one in our State. I now quote from his article:

"States rights" is still a battle cry of freedom to many Americans in public life.

I hope I shall be pardoned if I interpolate along the way, to point out—al-

though I hardly need do so—that these truisms are just as effective in 1964 as they were in 1952, when this article was written. Almost every week we hear that battle cry in this Chamber.

I continue to read from the article:

These men and women deplore the rise of a vast centralized government, and they yearn for the era when basic political and economic decisions were made beneath the 50 State capitol domes rather than at the White House or in marble conference rooms in Washington, D.C. To zealous sponsors of States rights, America never has been the same since Federal sovereignty emerged supreme in such varied realms as taxation, natural resources, labor relations and even housing and aid to the needy.

Of course, it was assumed that voting rights were naturally indicated in the Constitution, and that there was no question about them. If this article had been written this year, I am sure the question of people's civil rights and political rights would also have been covered in the article. I read further from it:

Yet, when all is said and done, the march toward an increasingly powerful Federal Government is never going to be deterred by speeches or political maneuvering. It can be halted only by the States themselves. They must demonstrate that they are capable of governing effectively, honestly, and with reasonable haste in time of crisis. When their State government falls down on an essential chore, voters inevitably look to big government in Washington to step into the breach. Federal authority under the New Deal originally crowded out States rights because the States, meaning principally their legislatures, failed utterly even to scratch the crucial problems of misery, unemployment, and farm surpluses stemming from the industrial depression of the 1930's.

Will legislatures in 1964 be better equipped to grapple with a great emergency? Can they exercise the States rights which are so often a subject of legislative oratory? In each State the legislature is the supreme policymaking arm of government. But is this arm sinewy and strong—or is it shriveled and weak?

I am reminded of an expression we often used after a bout with cancer and medical research: "Where would we who suffer from cancer have been if we had depended upon the individual States to conduct research that has brought about the reduction in the mortality of our people from such dread diseases as cancer?" One cannot buy cancer research at the corner drugstore; the great arm of the Federal Government is necessary. Where would our States be if we depended on the great arm of the Federal Government for all the necessary developments and progress, including the various social-political benefits?

Instead of fighting the battle of State versus the Federal Government, we should realize that each year there is more to be gained by cooperating our activities. I fear that in all too many States the legislative arm is weak and unresponsive to the need for action. If ever there was an opportunity for the advocates of meaningful States rights, as opposed to slogans, to stand up and be counted, this is the time. A vote to sustain the reapportionment decision of the U.S. Supreme Court will be a vote to revitalize State and local government.

A vote to support the amendment of the Senator from Illinois [Mr. DIRKSEN] is a vote to centralize more power in the Federal Government.

Another article—carrying the same theme fits in well today, as it did in 1959. It was written by the eminent journalist, Mr. Richard Strout, and appeared in Harper's Magazine. But these are mosquito bites compared to the real problem in the United States great super cities of forming not metropolises, megalopolises, already one vast urban region stretching 600 miles from New Hampshire to Washington, D.C. holds one-fifth of the country's population.

Similar conglomerations will run from Los Angeles to San Diego, and from Cleveland to Pittsburgh. They will include most of the cities along the St. Lawrence Freeway—Detroit, Toledo, Chicago, and Milwaukee. How can rural lawmakers, men who never rode a subway, deal with the super cities' staggering transportation, industrial, housing, and other such problem? In fact, they do not.

It is appropriate at this point to relate an anecdote that I cherish in some ways. My State is quite a rural State. We have one large city—Portland. I presume that local pride would require one to say that Portland has a population of 400,000. There is then a very sudden drop down to cities with populations of 50,000, 20,000, and finally 4,000 and 5,000. The rural atmosphere of the State is unquestioned.

My anecdote deals with a school superintendent from a small county in my State. He came here to serve on the President's Committee on Education, which committee is called the White House Conference. The school superintendent stated to me, "You know, I was born in Oregon. My 12-year-old son was born in Oregon. Neither of us was ever out of the State until we came to Washington. I decided to bring my little boy with me."

I asked him, "Where is he? What does he do all day while you are at meetings and conferences?"

He said, "He stays in the hotel and rides up and down on the elevator. There is not one elevator in our whole county. My son had never seen an elevator before and he is absolutely fascinated with it."

It is hard to believe in this day of advancement in communications, transportation, and other fields that there are people who find such fascination in riding an elevator. People—not the school superintendent, fortunately—who are patrons of his school have no conception of urban problems of mass transportation.

During our recent debate on these problems affecting the large cities, I received a good many telegrams and letters from constituents in my State, urging me to oppose such legislation. They stated that the matter did not affect Oregon, that not 1 cent of the money would be spent there. They showed a complete lack of understanding of the problems that face millions of people in our country.

Returning to the Richard Strout article, commenting on this subject he stated:

In 1953, President Eisenhower was determined to scale down centralized Government by returning more functions to the State. So he set up a Commission on Intergovernment Relations headed by one of his special assistants, Meyer Kestnbaum, a much respected business magnate. The Kestnbaum report proclaimed facts which college professors had vainly tried to tell the Nation for years. Cities are bringing problems to Washington because State legislatures won't handle them.

In a majority of the States, said the report, city dwellers outnumber the citizens of rural areas. Yet in most States the rural voters are overwhelmingly in control of one legislative house, and overweighted, if not dominant, in the other. If the States do not give the cities their rightful allocation of seats in the legislature, the tendency will be toward direct Federal municipal dealing.

I have been identified with this problem. Fortunately I have been in the middle of it in Oregon. It was an exciting procedure in our political history.

Our experience in finally bringing about reapportionment, after many years of quoting our own constitutional requirement, was made the subject of an article—really it was more than an article; it was a thesis—written by Gordon Baker, of the University of California. It was entitled, "Reapportionment by Initiative in Oregon."

I read from the article:

One of the most persistent and knotty problems of State government is the periodic apportionment of legislative seats to keep pace with population shifts. Few States, if any, have solved the problem in so apparently satisfactory a way as has Oregon. The fact that the solution was arrived at by means of the Oregon system of direct democracy makes this accomplishment a matter of special interest to students of government.

The implement which appears satisfactory to most Oregonians did not materialize until 1952 and did not take effect until 1954. Indeed, for nearly half a century the question of reapportionment had been the subject of frequent legislative struggle, political discord, and public debate. As the State's population pattern shifted over the years, Oregon changed from a rural society to a largely urban one. Yet, successive legislatures, reflecting an apportionment dating primarily to the first decade of this century failed to carry out the State constitution's provisions for decennial reallocation of legislative seats according to population changes.

These many years of inaction worked to the particular disadvantage of Multnomah County, which contains most of the Portland metropolitan region. From 1910 onward this single county contained approximately one-third of Oregon's total population, yet it elected less than one-fourth of each house of the State legislature. However, population shifts throughout the State eventually resulted in other counties being substantially underrepresented as well. The earlier apportionments contained some strange disparities even for their time, and by 1950 the number of inequities in district strength had multiplied. Some of the areas absorbing Portland's suburban growth had shown dramatic population increases, while to the south, counties such as Lane and Klamath were proportionately underrepresented even more than the metropolis.

Geographically, the area which benefited most from the status quo was the sparsely populated eastern two-thirds of the State, separated by the Cascade Mountain range from Oregon's main urban centers to the west. While portions of eastern Oregon had kept pace with (or even exceeded) the State's population growth, most of these 18 counties had lagged far behind. By the 1950 census the region as a whole contained only 16 percent of the State's population, yet elected close to 27 percent of each house of the legislature. With slightly more than half the number of inhabitants as Multnomah County, eastern Oregon could handily outvote that metropolitan center in legislative matters.

At that point I began to feel almost emotional about the whole business of reapportionment. As a citizen, a member of the League of Women Voters, and one who had read journals of the Council of State Governments for many years, I had been philosophically concerned with the problem. But, as we all know, when a thing strikes home to us or to someone close to us, our attitude takes on a personal approach and our fervor becomes unbounded.

I went to the State legislature as a result of a rather sudden decision. However, it was a decision for which I have always been thankful. I had a zeal to correct certain social problems in my State, namely, problems in the field of education, civil rights, and benefits for teachers. I had been one.

I finally saw that we were sending the same people back to the legislature every year, and they were perpetuating a bad system. I felt that perhaps we could change it.

When I went to the legislature, I made a very good friend who was the country editor of a small county newspaper in the sparsely populated part of our State to which I have just referred in Mr. Baker's article. That editor was considered the sage of the area. He published pithy statements in his newspaper. But needless to say, he was violently opposed to changing the status quo.

My husband often said, "Politicians hesitate to change the system by which they themselves survive."

That editor was an example of that statement.

As I said, we became very good friends. He sat next to me. By actual count, his county had a population of 2,129. The county I represented had a population of 500,000. Yet the vote of the editor had exactly the same value as mine. Other than our good personal relationships, we were at opposite poles on every issues that came before that legislature.

In his county the people had no conception of the problems of juvenile delinquency that we in Portland faced. They had no minority groups to be concerned about. They did not have a shifting population. The population of slightly over 2,000, including every baby, consisted of fourth and fifth generation citizens who had come to Oregon as pioneers and homesteaders. They had settled on ranches, and had contributed a great deal to the wealth of our State. We recognized that they did, but they were also people who could not see what was happening in the shifting sands of population.

It was useless for me to argue with my friend that by changing the reapportionment of our State we would not impose a big city on small counties. Portland was, and still is, the port of our State. Through its beautiful, fresh water port, to the sea at Astoria, all the wealth produced in that vast, wonderful and beautiful wheat land and cattle land is shipped.

I am glad to say that I can bring the story to the Senate, because reapportionment prevailed. Our State has continued to grow and prosper. Eastern Oregon and the county represented by my friend have not suffered one iota. The people of that area have had no big city politics or bossism pushed down their throats. The grains of golden wheat continue to be shipped through our port, and we are all living happily together.

I have told the story of reapportionment in my State and how it finally came about. I hope that the anecdote has shown Senators that we cannot expect legislatures to reapportion themselves. It is not within the realm of possibility, human nature being what it is. My country newspaper editor would never vote to eliminate his own seat in the legislature. The people who were there were not going to change the system by which they maintained a "rotten borough" legislature during all the years since Oregon became a State. Such organizations as the League of Women Voters, the Young Republicans, and the Young Democrats, working together in such harmony as we have not seen since, were able to bring about this amazing change in our political climate.

I continue to read from Mr. Baker's article entitled "Reapportionment by Initiative in Oregon":

Ferment over the question of legislative representation became increasingly intense in 1949 and 1950. Richard Neuberger, who was then a State senator from Portland (later elected to the U.S. Senate), authored proposed legislation as well as several articles in national journals about urban underrepresentation in Oregon. Neuberger's bill to carry out reapportionment according to the provisions of the constitution failed after a lengthy and bitter legislative battle.

With the legislature apparently unable to agree on a reshuffling of its own seats, two diverse groups then resorted to the initiative process in 1950. The first of these, mainly representing urban and labor interests, would have enforced decennial reapportionment of both houses largely on a population basis.

This movement's petitions failed by some 2,000 signatures to gain a place on the ballot. A competing organization, styled the "Nonpartisan Committee for Balanced Apportionment" was more successful and qualified its proposal for the 1950 election.

This is the one I just referred to.

The interesting thing about this battle was that there was spirited opposition from a group that now are our great allies. I refer to the AFL-CIO, the Oregon State Grange, and the Farmers Union. It is a tribute to those groups that they have come full circle, and not only support us, but realize that what happened in Oregon was most successful. They are now pleading with me and hoping that I will continue my belief in equal representation in the U.S. Senate.

I continue to read:

After this double failure, a joint committee of Young Democrats and Young Republicans met in 1950 to see if the members could draft a new initiative petition. A number of conferences produced agreement on an effort to enforce the existing constitutional provisions. In order to form a non-partisan rather than a bipartisan campaign, the original conferees approached the League of Women Voters. At its previous annual convention the league had adopted a resolution urging reapportionment according to the intent of the State constitution, together with a workable method of enforcement.

Early in 1952, representatives of the three groups met to form the Nonpartisan Committee for Constitutional Reapportionment. The committee decided to approach personally a number of influential persons in strategic places throughout the State as an advisory committee. The Young Democrats and Young Republicans were to raise whatever campaign funds would be needed, while the League of Women Voters assumed responsibility for circulating initiative petitions for the 26,282 signatures required.

The initiative itself was a carefully drafted document drawn up primarily by a Portland attorney, John C. Beatty, Jr. (a Young Democrat), assisted by Miss Shirley Field (a Young Republican, member of the League of Women Voters, and later a State legislator), and Philip Levin (attorney and Young Democrat). The proposed amendment to the constitution retained the spirit of the original provisions written in 1857, which called for a reapportionment of legislative seats after each Federal census among the counties "according to the white population in each." The initiative proposed three changes: (1) deletion of the archaic reference to "white" population; (2) enforcement provisions to overcome the problem of legislative inaction or malapportionment; (3) a temporary reapportionment of both houses of the legislature to continue in effect until the next Federal census in 1960.

The heart of the initiative amendment is the method designed to enforce decennial redistricting. As is the case in many other States, the major problem in Oregon had been failure of the legislature to act. Under the new procedure the legislature retains the duty of reapportionment initially, but if it fails to act by July 1 of the year of the legislative session next following the Federal census, the task is to be performed by the secretary of state and filed with the Governor as law by August 1 of the same year. Presumably, any legislature would be sufficiently jealous of its prerogatives to try earnestly to avoid allowing an executive official to act in its place; and, an executive would scarcely risk mandamus proceedings through a refusal to comply.

A second potential problem was assurance that future reapportionment statutes comply with the provisions of the constitution. Without proper safeguards a legislature might pass only a token measure or one otherwise not meeting constitutional requirements. To circumvent such possibilities, the initiative amendment vests original jurisdiction in the State supreme court, on the petition of any qualified voter, to review reapportionment measures drafted by either the legislature or the secretary of state. In the event that the court should determine such a legislative measure null and void, it would direct the Secretary of State to draft a reapportionment in compliance with constitutional provisions. Finally, if any measure authored by the secretary of state is found to be inadequate, the supreme court "shall return it forthwith to the Secretary of state accompanied by a written opinion specifying with particularity wherein the draft fails to comply with the requirements." The executive official is to "correct the draft

in these particulars and in no others," and file the corrected reapportionment with the Governor.

It can be seen that in our State we have carefully worked out a plan for reapportionment. Great faith was reposed in the Supreme Court or the judiciary for the fair handling of any questions that might arise.

I continue to read:

This constitutes one of the most explicit and detailed "automatic" redistricting plans to be found; and, the judiciary is brought into the picture to an extent seldom paralleled.

That is why the present situation seems like such an anomaly to me.

I continue to read:

While the court is not authorized to do the actual drafting of reapportionment statutes, it is directed to supervise the process closely in accordance with constitutional requirements. In fact, the spirit of the constitutional amendments treats decennial reapportionment as more of a ministerial or technical function than a political one. Actually, it should be emphasized that the degree of discretion permitted the apportioning agent (whether legislature or secretary of state) in Oregon is narrowed by several considerations. The most important of these is the fact that counties which receive more than one representative or senator have not been divided internally into single-member districts—they are either allocated a number of at-large seats; or, in the case of Multnomah County since 1956, 5 subdistricts, each electing three or four representatives-at-large, have been created. Another limiting factor is the retention of the original constitution's method of apportioning both houses by "major fractions"—i.e., a county or district with more than half a ratio would ordinarily be entitled to a seat; those with less than a half ratio would be attached to adjoining counties.

Since the enforcement provisions just outlined are not to take effect until after the 1960 Federal census, the initiative amendment specified a temporary reapportionment to begin in the 1954 elections. This arrangement substantially equalized districts in both houses. The size of the legislature remained the same as the existing constitutional maximum—30 senators and 60 representatives. Eastern Oregon lost an aggregate of two senate and three house seats. In the west, Multnomah County (Portland area) gained two representatives, and in addition gained full title to one seat in each house formerly shared with adjoining counties. Other shifts in western Oregon took account of population changes since the prior apportionment.

With the league of women voters supplying the missionary zeal needed to collect signatures throughout the State, the proposed initiative qualified for a place on the 1952 ballot. In spite of a limited budget the the nonpartisan committee for constitutional reapportionment had several advantages working in its favor. For one thing, the very makeup of the sponsoring group indicated that it was in fact nonpartisan. Newspaper support was forthcoming from both of Portland's dailies, the Oregonian and the Oregon Journal, and in the State capital at Salem from the influential Oregon Statesman.

Press support even included two of eastern Oregon's most important dailies, the Bend Bulletin and the Pendleton East Oregonian. Organized labor backed the initiative, but was not so intimately associated with the campaign as to arouse the suspicion or opposition of the business community.

Finally, the movement for reapportionment received a form of backing that would be impossible in virtually all other States.

Oregon's most influential farm organization, the Oregon State Grange, lent its support to the measure. The grange's executive committee, in favoring reapportionment, called for accompanying legislation to direct multi-member constituencies in order to give rural areas of these counties adequate representation. Support from the traditionally liberal grange can be explained by several factors. Under the proposed initiative, several counties with substantial agricultural areas would gain representation. The grange's proposal for subdistricting the more populous counties to avoid urban monopoly of entire at-large delegations is understandable.

Proponents of the reapportionment initiative waged a vigorous and well-organized campaign. In speeches and pamphlets they represented the principle of reapportionment by "major fractions" of population as a compromise between an area-based plan and an "equal proportions" population method. To calm the fears of voters outside the Portland area, initiative sponsors pointed out that many counties would increase their representation, and that several would gain proportionately more than Multnomah.

On November 4, 1952, the electorate endorsed the reapportionment initiative by a substantial majority of 357,550 to 194,292. The statewide effectiveness of the campaign for the amendment is indicated by the fact that it carried 20 of Oregon's 36 counties. Heavy support came not only from urban areas but from several farming counties as well. The opposition centered in eastern Oregon, though three of these counties favored the initiative. Only one county in western Oregon failed to cast a majority for the measure.

I have always been proud of Oregon for the way it has handled this matter, because, from a purely selfish viewpoint, I did not think that the eastern Oregon counties would have voted for it. I do not know quite how to explain it; whether it attests to the wonderful educational system, to the lack of a provincial attitude that we thought prevailed, to the good sense and good judgment of our people, or to an effective campaign. However something contrived to bring about this remarkable victory.

In spite of this decisive victory, the leaders of the amendment campaign soon had their handiwork to defend. Some legislators were less enthusiastic about the new districts than the electorate had been. In 1953, David Baum, Republican representative from La Grande in eastern Oregon, initiated a pro-

ceeding in circuit court for a declaratory judgment against the validity of the new measure. Baum asserted that his rights would be affected under reapportionment by the enlarging of his constituency to include an additional county. Officers of the Non-Partisan Committee for Constitutional Reapportionment, concerned lest the case receive routine and possibly inadequate defense by the State's Attorney General's office, successfully entered the litigation as intervenors. On October 9, 1953, the circuit court upheld the new sections of the constitution.

After lying dormant for several months, the case was suddenly revived about a month before the filing deadline for the 1954 primary elections. Opponents of reapportionment filed a lengthy brief appealing the circuit court's decision of the previous autumn. On this occasion Representative Baum elaborated on the same line of argument that had failed earlier. His primary contention was that the new amendment violated the principle of separation of powers by allocating legislative functions to the Secretary of State and the Supreme Court; furthermore, that the separation of powers is unamendable, because otherwise "our freedoms may be short lived." In addition, it was argued that the initiative amendment covered more than one subject and did not clearly indicate to the electorate the nature of the change proposed. Finally, the appellant struggled for a Federal ground by insisting that the principle of separation of powers is protected by the U.S. Constitution's guarantee of a republican form of government and the 14th amendment's due process and equal protection clause.

Contesting the appeal was the State's Attorney General's office, plus several attorneys from the Non-Partisan Committee for Constitutional Reapportionment who, though on short notice, filed an elaborate brief as intervenors. On March 2, 1954, the Oregon Supreme Court unanimously upheld the lower court and thus the amendment.

With the final obstacle of litigation removed, the new apportionment went into effect with the 1954 elections. While a substantial number of districts remained unaffected, there were several important shifts. The status of Multnomah County improved slightly in the senate and substantially in the lower house. Sectionally speaking, most of the losses in political power occurred in the northern portion of eastern Oregon. The comparative legislative strength of both the metropolis and eastern Oregon before and after the 1954 reapportionment is indicated by the following table:

TABLE I

	1950 population	Percent of State population	Percent of representation			
			House		Senate	
			Before	After	Before	After
Multnomah County.....	471,357	31.0	23.0	26.7	22.8	23.3
Eastern Oregon.....	247,383	16.3	26.7	21.7	26.7	20.0

Moreover, as important as the allocation of a few added seats to the most populous county was the substantial equalization of districts throughout the State. Under the old apportionment, house districts varied in population per representative from a low of 6,952 to a high of 41,925. These extremes were narrowed to 12,740 and 31,570 respectively. In the senate, districts formerly varied from 8,401 to 85,138; the new apportionment adjusted the disparity to 26,317 as the smallest and 67,362 as the largest population groupings. However, these figures il-

lustrate the extremes only. Most of the new districts fall within a much closer range. And, since the "major fractions" method makes a concession from a pure population basis, some disparities are inevitable.

One further yardstick of a State legislature's representative character is found by calculating the smallest percentage of the State's population which could theoretically elect a majority of each house. This can be done by totaling districts beginning with the least populous until a bare legislative majority is reached. This procedure does not assume that the smallest districts necessarily

act in unison to produce legislative majorities. It is merely a theoretical construct which indicates how broadly or narrowly based potential majorities can be.

The addition of legislative strength to the larger counties accentuated one situation that had long been criticized in Oregon, namely, the election of multimember delegations at large. Multnomah County voters now had substantial representative equality, but they also had an even longer ballot than before, with 16 representatives and 7 senators to elect at large. Each primary and general election would ordinarily find at least twice that number of candidates. This condition placed an unusual condition on name-familiarity or on the party label.

This was true. In a certain city in Oregon there is a street named after a pioneer family. It is a main streetcar artery that goes through the heart of a big fringe area that is residential, on the fringe of the business area. I dare not mention the name of the street; but it so happened that there was a family, not related to the pioneer family after whom the street was named, but who had the same name. There was no political experience or background in this family, but the family enjoyed remarkable political success in Multnomah County for years because, somehow, there was familiarity with that name.

However, in the very year that a separation of this populous county into subdivisions went into effect, that family disappeared from representation in the legislature, because people had a chance to examine the voting record. It is not that there was anything at all reprehensible about their service in the legislature; but the incident showed how much it had been tied to familiarity with the name.

Reading further:

It also made a rational choice difficult, especially in the primaries, since a voter entitled to ballot for as many as 16 names could help defeat his favorite candidates if he used all of his available choices. This frequently resulted in "bullet voting" by factions which favored one group of candidates only and would vote no further. In the larger counties the minority party found it difficult to win seats proportionate to its strength, facing a majority party slate in the general elections. However, there seemed to be little if any sentiment for creating urban single-member districts, with the consequent potential for gerrymandering.

I know that before we could get separate districts as one phase of political reform, we were trying to educate voters that by voting for all 16 names that were allowed then, they were actually defeating some candidate whom they wished very much to have succeed. But it was difficult to instruct the voter that a single shot was the same as giving that man or woman 16 votes. But in view of the cases in which it was necessary to bring about some changes, this activity finally proved to be successful.

Reading further:

At the 1953 session of the Oregon Legislature, an interim committee recommended legislation to meet the problem. It proposed that the larger counties be divided into subdistricts, each electing from two to four representatives, and each as equal in proportionate population as possible. Specifically, the legislature was asked to divide Multnomah County into four large four-member districts, and two downstate counties into

subdistricts largely corresponding to urban-rural lines. In addition, the committee recommended that candidates file by position number and reside in the district in which they file.

The legislature declined to enact the above proposals, partly due to doubts as to the constitutionality of subdistricting. However, it did submit to the electorate a constitutional amendment giving the legislature power to divide counties into subdistricts of contiguous territory and proportionately equal population (for both houses). This amendment was ratified in the general election of 1954.

The following year the legislature passed a statute dividing Multnomah County into five large subdistricts for representatives, effective with the 1956 elections. Voting for senators-at-large was retained.

Similar legislation in some of the other large counties failed.

One of the groups that opposed such legislation was the members of the Republican Party. I was a member of a committee hearing this proposal, and I remember meeting Republicans from Portland who came to testify against it. The irony of it was that as soon as Portland was divided, Republicans were elected to the legislature. They even gained strength in what we thought were predominantly Democratic areas. But the reapportionment contributed to what I call good government, in that the Republican candidate was able to meet his Democratic opponent in small parish halls or small gatherings, where the electorate at least had a chance to see their two candidates and make their own decision. In this case they chose a Republican. I think that is good government, even if my State lost some membership in the legislature. I presume I may say that with a grandiose gesture because, of course, there were other areas in which Democrats prevailed.

Oregon's reapportionment of 1954 has so far survived several attempts to change the constitution again to provide for a more rural-oriented legislature. The legislative sessions of both 1955 and 1957 saw determined but unsuccessful efforts of some lawmakers to gain approval for a one-senator-per-county plan.

I used to listen to some of them. I had the feeling that their hearts were not really in it, because they themselves did not suffer. They were there; but, of course, it always makes good reading at home if one can show that he is attempting to upset the status quo. Reading further:

After one legislative rebuff, proponents of such a change resorted to the initiative process in 1955 and 1956. Sponsored primarily by agricultural interests in eastern Oregon, this proposal would have limited urban legislative power far more severely than the "balanced apportionment" initiative defeated in 1950. Leaders of the movement labeled their new project the "Federal plan," possibly having been impressed by the semantic advantages the term had enjoyed in some other States.

California, Arizona, Nevada, and New Mexico feel that there is some virtue in this arrangement. However, this failed to collect signatures for the ballot; and every time an attempt is brought up now to change the constitutional reapportionment, it grows weaker and weaker. I continue to read:

Reapportionment by initiative in Oregon provides a fruitful case study of how effective this direct democratic device can be in circumventing legislative inaction on a fundamental problem of free government. It offers a refreshing contrast to the ill-fated initiative campaign in California a few years earlier to reconstitute that State's rural-dominated Senate. There the electorate, even in urban areas, rejected the measure to increase urban representation. After analyzing that emotion-laden contest, Prof. Thomas Barclay pessimistically concluded: "The campaign for the adoption of the amendment gave meager support for the dogma that man is a rational being." Yet, both the campaign and the electorate's voting behavior in Oregon displayed a high degree of rationality.

What accounts for the success of the reapportionment campaign in Oregon? The most important consideration was the unusually broad basis of support for the initiative amendment, which was able to claim effective backing from individuals and groups representing a wide diversity of interests. One reason for this remarkable feat seems to be the strength of constitutionalism as a principle. The argument that the provisions of the State constitution should not be ignored had an appeal—and properly so—even to many conservatives.

It is usually the conservatives who wave the banner of the Constitution.

Reading further:

It was an undoubted advantage that the proponents of reapportionment were attempting to enforce the existing constitution rather than to introduce a new basis of representation.

We were trying to go forward, in the way our forefathers had decided upon:

The avoidance of a partisan clash was also crucial. In so many States political party strength divides sharply along urban-rural lines, making a bipartisan or nonpartisan reapportionment movement difficult if not impossible. This type of urban-rural split is not characteristic of Oregon. As a result, support for the reapportionment amendment came from leaders in both parties. Moreover, the campaign coincided with a propitious period when a number of younger Democrats and Republicans were beginning to assume positions of leadership in both party and State office. These able and energetic individuals welcomed the opportunity to join forces in what they regarded as the cause of responsible State government. Their rally and cosponsor, the League of Women Voters, played a central role throughout. The League's grassroots network of dedicated workers contributed time and energy in circulating petitions for signatures and in educating various lay groups about the issues involved. Moreover, the League's status as a public-spirited, nonpartisan organization gave the initiative campaign a prestige which cannot be underestimated. Last, but far from least, the support of Oregon's most influential newspapers was instrumental to the success of reapportionment.

Enumerating these various components of victory is far easier than answering the more basic question posed: What accounts for this broad degree of consensus in Oregon in favor of the ideal of "one man, one vote" as compared with its frequent absence elsewhere? To explore this problem would require the kind of analysis that is beyond the scope of this present article. When more is known about this facet of State politics we shall be able to assess more adequately the possible effectiveness of the initiative process in resolving the persistent problem of making and keeping legislatures representative. In any case, Oregon's experience offers an example worthy of study and possibly of emulation.

Mr. DOUGLAS. Mr. President, will the Senator from Oregon yield for a question?

The PRESIDING OFFICER (Mr. EDMONDSON in the chair). Does the Senator from Oregon yield to the Senator from Illinois?

Mrs. NEUBERGER. I am glad to yield.

Mr. DOUGLAS. First, let me say that the Senator from Oregon is giving very eloquent testimony, because, as she has said, she was a member of the Oregon Legislature at the same time when her husband was also a member of that legislature. Both of them served with great distinction.

Does the Senator from Oregon believe that that achievement would have been possible without the initiative?

Mrs. NEUBERGER. Never.

Mr. DOUGLAS. In other words, if the legislature itself had been the one to act, it would not have reformed itself, would it?

Mrs. NEUBERGER. No. That has been tried many times. It was not possible. That was where our great referendum and initiative system proved to be invaluable.

Mr. DOUGLAS. It was started more than half a century ago by William S. U'Ren.

Of course the initiative has never come into use east of the Mississippi River, with the possible exception of Wisconsin. In the main, it has spread through the West, but has not spread over the remainder of the country. Indeed, it has fallen into a good deal of desuetude in the States where it is legal, and therefore it is not a remedy which can be used in a great many States.

Mrs. NEUBERGER. The Senator from Illinois is quite correct.

Of course, when one works for a cause, he becomes a part of it. Everyone who carried a petition or signed a petition or participated in the fight in other ways, involved himself in it; and that resulted in more good government in our States than was obtained from many other activities in connection with politics.

Mr. McCLELLAN. Mr. President, will the Senator from Oregon yield, so that I may call up a conference report?

Mrs. NEUBERGER. I am glad to yield.

E. A. ROLFE, JR.—CONFERENCE REPORT

Mr. McCLELLAN. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2215) for the relief of E. A. Rolfe, Jr. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2215) for the relief of E. A. Rolfe, Jr., having met, after full and free conference, have

agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment and agree to the same.

OLIN D. JOHNSTON,
JOHN L. McCLELLAN,
ROMAN L. HRUSKA,

Managers on the Part of the Senate.

ROBERT T. ASHMORE,
JOHN DOWDY,
ROLAND V. LIBONATI,
GARNER E. SHRIVER,
CARLETON J. KING,

Managers on the Part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. McCLELLAN. Mr. President, I ask for the adoption of the report.

Mr. MILLER. Mr. President, will the Senator from Arkansas yield for a question?

Mr. McCLELLAN. I am glad to yield to the Senator from Iowa.

Mr. MILLER. I thank the Senator from Arkansas.

During the consideration of the bill by the Senate, a few weeks ago, I offered an amendment. In brief, the bill waives the statute of limitations for certain years, so that the claimant can obtain a refund of taxes allegedly overpaid for those years.

The general policy of legislation of this type is that if the statute of limitations is waived in favor of the taxpayer, so that he can obtain a refund, the statute of limitations should also be waived in favor of the Government, so that the Government can obtain an overpayment for those years, if, indeed, there was one.

My amendment would have waived the statute in favor of both the taxpayer and the Government.

I understand that the House refused to concur in the amendment, that conferees were duly appointed, and that they reached the conclusion that the amendment should not be agreed to, because, in their opinion, it would delay disposition of the refund.

The distinguished Senator from Arkansas was gracious enough to inform me of the conferees' opinion. As a result, I consulted the office of the Secretary of the Treasury, and I received a letter, dated August 14, signed by Lawrence M. Stone, tax legislative counsel. I read from the letter:

In view of the foregoing, it is our opinion that your amendment would not delay any determination with respect to any refund that might be owing to the taxpayer if the above-mentioned bill is passed.

Mr. President, I ask unanimous consent that the entire letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Re: H.R. 2215

OFFICE OF THE SECRETARY
OF THE TREASURY,

Washington, D.C., August 14, 1964.

HON. JACK MILLER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MILLER: It is our understanding that the amendment filed by you to

the above bill would provide that the waiver of the statute of limitations would run to the Government's assessment of a net deficiency as well as to the taxpayer's collection of a refund.

Without an opportunity for consultation with the field personnel of the Internal Revenue Service, it cannot be determined at this time whether or not there is a likelihood of a net deficiency rather than a net refund in this case for the years covered by the bill.

We would point out, however, that the bill merely provides for a waiver of the statute of limitations and the determination of any refund or deficiency for any of the years involved would have to be made by an audit. Under the Internal Revenue Code, the Internal Revenue Service may offset additional deficiencies which it claims for a taxable year against any refund claim for that year. This is true even though the statute of limitations may have run against the Government's right to assess a net deficiency against the taxpayer for that year. Thus a full audit would be required with or without your amendment. Of course, in any event, if after audit the taxpayer and the Government are not agreed as to the appropriate settlement amount, the matter would then have to be litigated.

In view of the foregoing, it is our opinion that your amendment would not delay any determination with respect to any refund that might be owing to the taxpayer if the above-mentioned bill is passed.

These comments relate only to the effects of your amendment. The position of the Treasury Department in opposition to this bill remains unchanged. We should also like to point out that this bill, unlike the normal relief bill, would allow the taxpayer to recover interest on any refund found to be owing to him. The Treasury Department would also oppose the bill on this additional ground.

Very truly yours,

LAWRENCE M. STONE,
Tax Legislative Counsel.

Mr. MILLER. I also wish to point out that, granted the sincerity of the conferees in reaching the opinion that my amendment would delay the disposition of this case, the opinion of the conferees is obviously in error, because the policy of the Treasury Department is clearly set forth in the letter, which indicates very definitely that my amendment would not delay the disposition of the case.

I do not propose to interpose objection to the conference report. All I wish to do is point out that the general policy in cases of this sort is to waive the statute of limitations for both sides. That is the only fair thing to do. I regret that apparently the conferees arrived at a decision which was completely erroneous, in light of the Treasury Department's policy, which I believe the conferees could have ascertained as readily as I have.

I thank the Senator from Arkansas for his courtesy in yielding to me.

Mr. McCLELLAN. I have been glad to yield to the Senator from Iowa.

Mr. President, in order to make the RECORD complete, I believe I should have printed at this point in the RECORD—and I so request—the letter from Mr. John DornBlaser, a certified public accountant representing Mr. Rolfe. The letter is addressed to Representative E. C. GATHINGS, and is dated May 7, 1962. At-

tached to the letter is a sheet which shows the computation and basis of an agreement—to which the letter refers—reached between the accountant for the taxpayer and Mr. Ralph W. Charlton, technical adviser, U.S. Treasury Department, Internal Revenue Office of the Regional Commissioner, Houston, Tex.

There being no objection, the letter and the tabulation were ordered to be printed in the RECORD, as follows:

JOHN DORNBLASER & ASSOCIATES,
Little Rock, Ark., May 7, 1962.

Re E. A. Rolfe, Jr., Parkin, Ark., income tax refund claims

Hon. E. C. GATHINGS,
House of Representatives,
Washington, D.C.

SIR: We have today completed a further conference with Mr. Ralph Charlton of the Houston office of the Internal Revenue Service, Appellate Division.

The outcome of that conference, and the correspondence preceding it, is that Mr. Rolfe's only source of relief must be from congressional action.

Briefly to restate the case: Mr. Rolfe was assessed and paid income taxes for the years 1949 through 1954, the assessment of which was later found to be erroneous and the error being admitted by the Internal Revenue Service. Claims for refund of the tax were filed, but were apparently not timely filed. The Internal Revenue Code and the regulations are clear that in the event of failure to make timely filing of claims, the Service is prohibited from making refunds. In the absence of ability under the law for the Internal Revenue Service to make a refund in such a case, the only relief must come from direct congressional action on this specific case.

We are glad to state to you that any possible misunderstandings arising from prior conferences have been entirely cleared up at this time, and we are further glad to state that the Appellate Division has, we think, been most cooperative with us and has been most efficient in following up on your request to them to report to you on this case.

In our conference today, the Service has outlined two courses of procedure. (1) They can realine certain payments made by Mr. Rolfe and possibly approve an additional refund of \$2,843.28 including interest to April 19, 1962; or (2) specific legislation of relief in this case in the amount of \$23,672.93 must be introduced for congressional action.

In the first case there is still some doubt that such a refund can be made by the Internal Revenue Service, and because we felt that the taxpayer's best interest would be best served by placing the matter in your hands, this doubt was not resolved at this time.

We believe our letter of February 5 presented you with all pertinent facts and computations; however, for your ready reference we are attaching an additional copy of the computations.

It is my understanding from today's conference that the taxpayer and the Internal Revenue Service are now in agreement on the points raised in the computations submitted on February 5 and also enclosed herein, and are also in agreement on the merits of the case and the procedure which must be followed for equitable relief for the taxpayer.

If we can furnish you with any additional information to assist you in handling this legislation, please feel free to so notify us.

Very truly yours,

JOHN DORNBLASER.

E. A. Rolfe, Jr., Parkin, Ark.

	Taxable year—			
	1948	1949	1951	1954
Income tax erroneously assessed.....	\$708.73	\$13,940.64	\$2,289.90	\$2,704.87
Interest computed and paid on tax erroneously assessed.....	298.36	5,032.38	551.83	151.43
Total.....	1,007.09	18,973.02	2,841.73	2,856.30
Additional interest computed and added to original assessment and collection notices.....	8.11	151.73	22.72	22.80
Total paid by taxpayer at June 28, 1956, settlement date in cash or in note agreement.....	1,015.20	19,124.75	2,864.45	2,879.10
Amount subject to claim for refunds, claims filed either June or December 1958. Dates disputed.....	1,015.20	19,124.75	2,864.45	2,879.10
Total claims.....			25,883.50	
Interest at 6 percent from Dec. 15, 1958 (date that Commissioner admits claims filed), to Commissioner's settlement date of July 7, 1961.....			3,974.46	
Total due taxpayer.....			29,857.96	
Settlement tendered July 7, 1961.....			6,185.03	
Balance due taxpayer.....			23,672.93	

Mr. McCLELLAN. The letter to Congressman GATHINGS is dated May 7, 1962. A copy of that letter was sent to Mr. Charlton, to whom I have referred. Thereafter, Mr. Charlton answered the letter on May 23, 1962. He addressed his letter to Mr. DornBlaser.

I read from the letter:

Thank you for your letter and attachments. The facts related in your letter of May 7, 1962, to the Honorable E. C. GATHINGS are in accord with the understanding we reached at the conclusion of the recent conference.

We are interested in this matter and would appreciate hearing from you regarding the final outcome.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the letter from Mr. John DornBlaser, certified public accountant, to Mr. Ralph Charlton, of the Internal Revenue Service, under date of May 21, 1962, with attachment; and the letter under date of May 23, 1962, from Mr. Ralph W. Charlton to Mr. DornBlaser.

There being no objection, the letters and attachment were ordered to be printed in the RECORD, as follows:

U.S. TREASURY DEPARTMENT,
INTERNAL REVENUE SERVICE,
Houston, Tex., May 23, 1962.

Mr. JOHN DORNBLASER,
John DornBlaser & Associates,
Little Rock, Ark.

Taxpayer: E. A. Rolfe, Jr.,
Parkin, Ark.

DEAR MR. DORNBLASER: Thank you for your letter and attachments. The facts related in your letter of May 7, 1962, to the Honorable E. C. GATHINGS are in accord with the understanding we reached at the conclusion of the recent conference.

We are interested in this matter and would appreciate hearing from you regarding the final outcome.

Sincerely yours,

RALPH W. CHARLTON,
Technical Adviser.

JOHN DORNBLASER & ASSOCIATES,
Little Rock, Ark., May 21, 1962.

Ref: Ap:H:RWC E. A. Rolfe, Jr., Parkin, Ark.
Mr. RALPH CHARLTON,
Appellate Division, Internal Revenue Service, Houston, Tex.

DEAR MR. CHARLTON: Things have moved quite rapidly since our recent conference and this is my first occasion to thank you for the time you have given this case and also (even though belatedly) to ask if the transmittal letter to Congressman GATHINGS was in accord with the agreements you and I reached.

For your files I am sending you photo copies of the materials received recently on this case.

With kindest regards,

Very truly yours,

JOHN DORNBLASER.

E. A. Rolfe, Jr., Parkin, Ark.

	Taxable year—			
	1948	1949	1951	1954
Income tax erroneously assessed.....	\$708.73	\$13,940.64	\$2,289.90	\$2,704.87
Interest computed and paid on tax erroneously assessed.....	298.36	5,032.38	551.83	151.43
Total.....	1,007.09	18,973.02	2,841.73	2,856.30
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Amount subject to claim for refunds, claims filed either June or December 1958. Dates disputed.....	1,015.20	19,124.75	2,864.45	2,879.10
Total claims.....			25,883.50	
Interest at 6 percent from Dec. 15, 1958 (date that Commissioner admits claims filed), to Commissioner's settlement date of July 7, 1961.....			3,974.46	
Total due taxpayer.....			29,857.96	
Settlement tendered July 7, 1961.....			6,185.03	
Balance due taxpayer.....			23,672.93	

Mr. McCLELLAN. An agreement was reached between representatives of the Treasury Department and the taxpayers' representative, a certified public accountant, with respect to the issues involved. I realize that the Treasury could overrule the man in the field. But in this instance, everything appears to be in order. Congress has asserted its authority to enact this legislation.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mrs. NEUBERGER. Mr. President, referring to the fast-becoming-famous case of Baker against Carr, in 1962, it is well to review some of the opinions of the Justices. Justice Clark's concurring opinion reads:

Although I find the Tennessee apportionment statute offends the equal protection clause, I would not consider intervention by this Court into so delicate a field if there were any other relief available to the people of Tennessee.

This is the very point that has just been made by the distinguished Senator from Illinois [Mr. DOUGLAS] in his discussion with me, as to how reapportionment finally came about in Oregon.

As the Senator pointed out, the need created the initiative, by which the people can find recourse if the legislature fails to act.

Justice Clark bases his concurring opinion on the fact that there was no other relief to the people of Tennessee.

His opinion reads:

But the majority of the people of Tennessee have no "practical opportunities for exerting their political weight at the polls" to correct the existing "invidious discrimination." Tennessee has no initiative and referendum. I have searched diligently for other "practical opportunities" present under the law. I find none other than through the Federal courts. The majority of the voters have been caught up in a legislative straitjacket. Tennessee has an "informed, civically militant electorate" and "an aroused popular conscience," but it does not sear "the conscience of the people's representatives." This is because the legislative policy has riveted the present seats in the assembly to their respective constituencies, and by the votes of their incumbents a reapportionment of any kind is prevented. The people have been rebuffed at the hands of the assembly; they have tried the constitutional convention route, but since the call must originate in the assembly it, too, has been fruitless. They have tried Tennessee courts with the same result, and Governors have fought the tide only to flounder. It is said that there is recourse in Congress and perhaps that may be, but from a practical standpoint this is without substance. To date Congress has never undertaken such a task in any State. We therefore must conclude that the people of Tennessee are stymied and without judicial intervention will be saddled with the present discrimination in the affairs of their State government.

I quote next from one of the most penetrating and fair essays available on the issue of federalist relations. This has to do with the new pluralism and the relative decline of the States. It is an article written by Mr. William T. Carleton, professor of political science and head professor of social sciences at the University of Florida. It reads:

In 1952, the theme of Dwight Eisenhower's presidential campaign, at least in domestic politics, was the reawakening of the States, the restoration of their traditional place in the Federal system, a return to the values and practices of decentralized federalism. Even scholars took another look at the Federal system, and some became moderately optimistic about the prospects of revitalizing the States.

Among those who shared this optimism was the late Leonard D. White, one of our most distinguished scholars in the field of public administration. In a series of lectures at Louisiana State University, published in book form in early 1953 under the title "The States and the Nation," Professor White set forth the grounds for believing that the Federal Government would relinquish some of its tax sources to the States, among others the gasoline tax, and that the States themselves would also explore new sources of tax revenue.

Professor White believed that the States would probably revitalize themselves in other ways. First, they would relinquish some Federal grants-in-aid and assume independently some of the services they now render jointly with the Federal Government. Second, the States would experiment more widely with the interstate compact. Third, they would make a much fuller use of their own powers in two general ways—they would enlarge their traditional services and keep these abreast of the great advances being made in criminology, penology, mental health and education; and they would resume their old role as laboratories of experimentation by taking on new functions such as adult education and training, government aid to superior students, health insurance, possibly even disability insurance.

As I read again from the printed page, I am thinking about how ideal it is and how wonderful it would be if Professor White's theory and projection had prevailed.

As I read it, a smile crosses my face. I think of how the opposite has happened, and I wonder why.

Continuing to read:

This emphasis in 1952-53 on the bright future of the States was, of course, a reaction from the enormous growth of Federal power during the 1930's and 1940's. As late as the turn of the century, the Federal Government had affected the national economy only through its simple excise taxes, its protective tariff, its uniform currency, its marketing of Federal bonds, the limited functions of the national banking system, and an inconclusive regulation of interstate carriers. By 1950, however, the activities of the Federal Government had come to touch vitally every aspect of American life. The old and original powers of the Federal Government had been prodigiously expanded by new demands in foreign affairs and national defense. And the New Deal and the Fair Deal, building on the earlier New Nationalism and New Freedom, had charged the Federal Government with vast new functions so as to assure a smooth functioning of the American economy. By 1950, American constitutional theory and practice had come to accept this and American opinion overwhelmingly to expect it.

In 1960, it looks as if the anticipation of a revived federalism in its old forms were unfounded. Aside from tidelands oil, there has been no significant return of functions or tax sources to the States. Since 1953, it is true, there have been demands for an enlargement of old State functions and for the initiation of new State functions, but most of the States fail to respond to the demands. At the same time, the Federal Government has been taking on and expanding functions hitherto regarded as largely State or private matters.

We all know of the wonderful Interstate Highway System which has now spread its ribbons across our country. We know the welfare, housing, slum clearance, urban renewal, individual and public health, hospital, and education programs that have been undertaken. Yet very few of those who oppose the Federal Government and preach States rights would change any of those programs.

Continuing to read:

The Federal Government has been concerning itself more and more with these activities, either directly or indirectly through grants-in-aid. Older grants-in-aid are expanding, new grants-in-aid are being adopted, and Federal money appropriations for grants-in-aid are increasing enormously. In 1901, they amounted to less than \$3 million. In 1931, they amounted to about \$220 million. In 1941, they rose to \$615 million. By 1951, they had expanded to \$2,280 million. Today, they are running close to \$7 billion, counting the so-called highway trust fund.

In effect, the centralization-decentralization issue has now shifted from the American economy to the American society. A new rationale to justify a new expansion of Federal power is developing. More and more, it is being said that our society is national, that as a society we are becoming more interrelated and interdependent, that we are a more mobile people than ever before, that health and education in one State affect health and education in all the States and in the Nation.

As an experienced educator, I must pause here and recall that I taught in the schools in Oregon during the war years and the postwar years, when there was a big shipbuilding industry. There was a great movement of families. Children came to work in the shipyards and in the defense industries. Those children were immediately put into our school system. They did not easily assimilate.

For the first time, Oregonians became proud and aware of their wonderful school system. They had had a certain feeling of inferiority about Oregon being a State of small population, until children came to Oregon either from immense urban areas in the big cities of the East, where classrooms were crowded, or from other sections of our country, where there had not been equal opportunity for good education and a good foundation, and where one side of the population received more emphasis in education than another.

It became necessary in every class in our school system to set up ungraded rolls to bring those children up to standard. That meant taking teachers and supplies away from our own students, who had grown up through the system. That is when I became a real convert to

the need for Federal aid to education and equal opportunity for children everywhere, because the children were no less able to learn than Oregon children. They merely had been denied the opportunity. More and more we saw the role of the Federal Government in things that used to be left to the States.

I continue to read:

At the turn of the century it would have taken a bold man to declare that since our economy was national, the Government most concerned with that economy must be the National Government and not the State. Today this is a commonplace. Now it is being said that because our society is national, the Government most concerned with that society must be the National Government and not the State. Today this is an advanced attitude, but tomorrow it may be a commonplace.

I can think of another example. When hearings were being held on water pollution and air pollution, especially the latter, some representatives of American chemical companies who came before the Senate committee did not want a Federal program for the control of air pollution.

We asked them what they suggested. They said, "Why, it should be left up to the individual States." Then someone asked, "Since when does the movement of air confine itself to State borders?"

If Portland should spend a great deal of money controlling air pollution in its area, and our neighboring State on the other side of the narrow Columbia River did not do so, would we have all of their pollution?

I never did get a satisfactory answer from them. But, of course, the problem is a Federal problem, as is danger of water pollution if water crosses State lines.

Continuing to read:

From many sides are coming demands for enlarged and new Government services. Here are a few straws in the wind. In a recent series of articles on urban renewal, the Christian Science Monitor estimated that 1 out of every 4 city dwellers in the United States live in a slum. A short time ago the New York State Department of Labor, commenting on the rising costs of health services, reported that today \$2 out of every \$3 spent for medical and hospital services in the United States are still borne by the individual, that only \$1 in every \$3 is covered by some kind of insurance.

That situation might change if we were to update it, according to the insurance companies. I am sure it would change.

Continuing to read:

The National Education Association is insisting that our public schools need an additional \$8 billion each year if American education is to be what it should be quantitatively and qualitatively, and it strongly implies that all estimates of Federal aid up to this time have been trifling in comparison with existing need. From all sides come reports of skyrocketing costs for college and professional training.

There is the much-publicized article of Benjamin Fine, who estimates that about 200,000 of our most gifted high school graduates each year cannot go on for college or technical or professional training for lack of financial help. And the Nation is reacting to all this differently from what it would formerly. Yesterday people would have said: "But advanced education is for

the individual to provide for himself." Today people increasingly say: "What a waste of national brain power."

Along that line, I remember talking to Mr. Arthur Goldberg, now Associate Justice of the Supreme Court, when he was Secretary of Labor in President Kennedy's Cabinet. One day we were discussing the problem of unemployment. I have never forgotten something he said—"More and more we are going to find the ranks of the unemployed in the ranks of the uneducated."

I continue to read:

These new demands are coming out of new conditions. What are these conditions?

I do not think I have to go on and on with Professor Carelton's comments on that point, which have been stated many times. It concerns our mobile population, combining of family farms, growing urban areas, and demands of the people for better health services, expecting to have each baby born in a hospital. In some parts of our country at one time that was never assumed.

I come back to the main theme without all this background. It is:

Will the States do their part in meeting the Nation's growing expectations? Have the optimistic predictions about the future of the States been borne out by subsequent developments? The evidence seems to be that they have not, that the States will not sufficiently revitalize themselves, that the trend to Federal centralization will continue.

True, all States are making some progress; and a few States have taken constructive, even heroic, measures to tap water supplies, find new tax sources, provide regional planning, and reapportion their legislative seats. But what was the record of most of the legislatures meeting during 1959? It was largely a record of economy, retrenchment, and the slashing of budgets submitted by the executives.

I know it has happened in Oregon.

I continue to read:

The truth is that most of the States are barely able to keep the old services abreast of increasing costs, increasing population, and the shifts of population to the cities.

Few of the things envisaged by Professor White have taken place. Have the States relinquished any Federal grants-in-aid? Not at all. Not a single grant-in-aid has been relinquished. Here is the typical story. First, a grant-in-aid is made so as to get a necessary or desirable Government service started and to soften opposition to it in the States. Then it becomes a going concern, vested interests are created, the controversial becomes customary, and the opposition vanishes. Therefore, grants-in-aid do not diminish; instead, they multiply.

We see that happen in the Senate daily. I remember that, in respect to title 7 in the recently passed civil rights bill, which suggested that not only grants, but installations of Government activities in certain States would be removed if there was not integration, a great plea was made not to allow this to happen.

Once in a while I, as a Member of the Senate, receive a plea from a constituent of mine, not necessarily a supporter of mine, to have the Government do something when there is a windstorm or flood. All the rest of the time he berates everything else I am doing and what many of my colleagues are doing. But when there is an emergency a State

cannot meet, he wants action, and we work together at that time.

I resume reading:

What of the interstate compact? It still remains largely a potentiality rather than an actuality, although there is an encouraging tendency by the States to experiment with it more widely. The truth seems to be that the interstate compact works most successfully in the noncontroversial, that is, the relatively unimportant, areas of activity such as the regional educational councils, the return of parolees, and so forth. In the controversial areas—such as electric power, tapping water supplies, preventing water pollution, conserving soil and other natural resources—it has been less successful, although longer and wider experience may bring greater achievement. At the present time what is most impressive, considering the many possibilities for the use of interstate compacts, is this: how few are attempted; of the few attempted, how many founder in the process of negotiation and ratification; of the very few that materialize, how prolonged and difficult the process of negotiation and ratification. Proposed interstate compacts must be watched closely, for they sometimes contain built-in devices for local vetoes, disguises for obstruction. It is instructive that one of the reasons for calling the Constitutional Convention of 1787, to form a stronger General Government, was the failure of the Potomac River States to conclude an interstate compact. In the light of the total situation and the many opportunities for employing this device, the use of the interstate compact is still negligible.

Are the States making an adequately fuller use of their own powers? They are not, emphatically not. This is so, chiefly because of the realities of group politics in the States. It is true that the groups that press for the expansion of government services to meet new conditions can be found in all States, but it is only in the industrial States that they can exert much influence. Generally speaking, they are more numerous and better organized on the National than on the State level. On the State level they frequently run into structural barriers erected by 19th century horse-and-buggy constitutions. Some of these are so long and involved as to be in effect codes of law rather than constitutions. They place prohibitions on the taxing power, the borrowing power, the spending power and rigid limitations on the powers of the cities. Above all they provide for flagrant malapportionment of the legislatures.

Malapportionment of State legislatures is by now an old and a familiar story: how the rural areas are overrepresented and the urban areas underrepresented; how as little as 30 or 25 or 20 percent or even less of a State's population frequently makes a majority in the legislature; how one vote in a rural area often equals 100 or 200 or even 300 votes in an urban area.

What is not so well known is the extent of this malapportionment, how general it is, how flagrant, how today some of our States are as undemocratic as Great Britain was before the reform bill of 1832.

The consequences of all this are even less well known. Overrepresentation of the rural areas means not so much the rule of the rural folk as it does the rule of the rural politicians, who largely reflect the interests and values of the county rings, the large landowners, the small-scale and local-minded businessmen of the county-seat towns, and certain corporate businesses (themselves located in the cities) which would rather deal with a legislative oligarchy than a broadly representative and democratic legislature.

Earlier in my remarks, I cited the case of my friend, a seatmate in the Oregon

Legislature, who had 2,000-plus constituents. What was the effect of his attitude toward some progressive legislation? He was prevailed upon by the rich landowners who controlled the big wheat ranches to do everything possible to keep taxes down. At that time our State was more dependent upon the property tax than it is now. Now it is dependent on the income tax. That was the only purpose in life of some representatives from the wheat country and cattle country—keep property taxes down. How are property taxes kept down? In those areas it was done by keeping schools small and inadequate. When I was going to normal school, training to be a teacher, a horror which members of my graduating class had was to be stuck in one of the schools in that county. No provision was made for a place in which the teacher could live. She had to live at the home of a school board member or a rancher. She had a long distance to travel to get to school. She was never provided with janitor service. I am not talking about the 1800's. I am talking about when I started to teach. That was not too long ago. It was pitiful to see the conditions under which teachers had to teach.

Those youngsters were never privileged to go to college because they did not have the necessary background or training.

Lo and behold, one of the members of the legislature who came from this area finally saw that his children, attractive and intelligent, and exposed to the schools in the State capital when he brought them there during the session, were not getting the education that he had long espoused in the little red schoolhouse. He sent his wife and four children into the nearby city of The Dalles, where they spent the winter, so that the children could go to school and have educational opportunities. He is now converted to the need for a reexamination of the "rotten borough" legislature.

Reading further:

It is the legislatures dominated by rural politicians that favor the unrealistic proposals to amend the U.S. Constitution so as to limit the Federal income tax, particularly in the higher income brackets. It is these legislatures which spawn the so-called right-to-work laws and other legislation designed to hamper the legitimate aspirations of organized labor. It is these legislatures which have a peculiarly tender regard for the small loan companies. (Recently, a bill sponsored by no one except the small loan companies was passed by the Legislature of Florida; the "aye" votes in the house represented constituencies totaling 600,000 persons, while the "no" votes, which failed to stop the bill, represented constituencies totaling over 2 million people.)

Domination of the legislatures by rotten-borough rural politicians is especially dangerous in the one-party States, where these politicians become still more inbred and form a ruling clique unchecked by even a rival party clique. Nor does this situation prevail only in the South. About one-half of all the States can be called one-party States, at least so far as State matters, especially the legislatures, are concerned.

These conditions are all roadblocks on the way to making the changes that would have to be made before the States could embark on that fuller use of their powers that was predicted by Professor White. Let us list some of these necessary changes: constitutional revision; genuine reapportionment;

the exploration of new sources of taxation; the establishment of adequate civil service and merit systems in the States so that they could compete with private enterprise and the Federal Government for administrative personnel; emancipation of the cities from neglect and exploitation.

Thus the formidable task in most of the States is a twofold one. First, the structural barriers must be removed. Then the constructive battle must be fought to expand old services and introduce new ones.

The chances are that it will be another case of "too little and too late" since in the meantime the Federal Government will be moving in with new or expanded services which are given either directly, or indirectly through additional grants-in-aid. In fact, we may be nearer than many of us suspect to another great spurt in Federal expansion. If the present Congress were not checked by Presidential veto, we would be in the midst of it right now. After January 1961, a Mr. Veto may no longer be in the White House.

This work goes on at some length to quote from other eminent political scientists, to bring out the picture of our antiquated State legislatures.

Serious students of State government tend to believe that reform of most State legislatures is overdue.

In all the writings which deal with this subject, going back over the past 20 years, writers from various viewpoints and from various sections of the country seem to agree on the same answer.

A fascinating article along this line is "Inflation in Your Ballot Box," by Mr. John Creecy, in which he takes a different viewpoint from the one that I had grown up with and worked with. The style is at variance from the tomes from which I have been quoting. I hope Senators will like the change of pace, as I do. He writes in Harpers for 1953:

As a city dweller, I'm becoming rather piqued at my rural neighbors' stolid conviction that I'm not fit to be trusted with a full vote in matters of State government.

I'm from Michigan where Joe Smith, who traps muskrats in the Keweenaw Peninsula, has nine times as much representation in the State senate, and three times as much in the house, as his brother Jim, who moved to Detroit a couple of years ago and got a job in an auto plant.

Before you squander any sympathy on me or Jim, allow me to point out that if you live in a big city you're probably in pretty much the same fix. In most States our country cousins have the legislature sewed up tighter than Joe Smith's winter underwear and seem to regard this as a natural and socially desirable condition. In many cases the framework of representative democracy with which the States began has been subtly wrenched and prodded out of shape, the better to protect the special interests of the rural people. City dwellers pay an increasingly major share of the taxes, but the benefits they receive therefrom seem gaged by a sort of State law of diminishing returns.

URBAN "IMMORALITY"

Perhaps the most candid expositor of the rural viewpoint in Michigan is State Senator Alpheus P. Decker, of Deckerville (population 719, including numerous Deckers). He has argued that "it would be a crime to the State of Michigan to give Detroit full representation on a population basis."

In seeking to prevent this misdeed he has zealously circulated, among citizens pondering reapportionment, reprints of an article by Roger W. Babson uttering the complaint that "Large cities are the main sources of poverty, gangsters, and immorality" and that

"most big city voters are ignorant about government and are controlled largely by unscrupulous ward heelers."

On the other hand, the author concludes, "rural people have much better character and more time to think and read than do large city people. . . . the votes of people in small cities and rural communities should count more than the vote of the ordinary city man."

This statement, with its apparent implication that full franchise might be permissible for the extraordinary city man, appears rather on the daring side when contrasted with usual apportionment practice as followed by our rustic lawgivers.

LEGISLATIVE REAPPORTIONMENT

Most legislatures are supposed to be reapportioned every few years on a population basis. Actually this seldom gets done, despite great and continuing shifts from rural to urban areas.

Of the 26 States whose constitutions require reapportionment after each decennial census, only 8 have complied since 1950. Sixteen have not complied since 1940; 10 not since 1930. Seven States have not been reapportioned in half a century.

Even where the constitution are obeyed the city people are often deprived of an even break by sly clauses foresightedly inserted by the country slickers. Sometimes—as is California, New York, and Pennsylvania—it is an arbitrary limit on the amount of representation any one city or county can have. Sometimes—as in Michigan—it is the granting of a seat to any county or group of counties which can muster half the regular population ratio.

Such gimmicks add up to a form of ballot box inflation, which cuts the value of a vote as effectively as monetary inflation cuts the value of a dollar.

And if, as a desperate measure, the issue is carried to the voters as it was in Michigan last fall, it becomes clear that the embattled farmers still have a trick or two up their sleeves to pull on the city voters.

THIS HAPPENED IN MICHIGAN

It also becomes disillusioningly clear that full representation for city dwellers is the last thing that some city dwellers want, and that when the chips are down the farmers are able to find powerful allies in the camp of the enemy.

Wherever plans for balanced legislatures have been proposed in many States besides mine, the newspapers showered them with abuse and took the side of the rural-dominated legislatures. But in many of those cases, after an educational program, they always came around.

There are enough urban citizens in Michigan, not closely connected with top-level business management, to have adopted the plan which would have given us full representation. If the fact that we failed to support it is not to be written down as a triumph of the rural strategy of confusion, it would seem we are entitled to be credited with a high minded, philosophical renunciation of our selfish interests—an acceptance of the arguments that we are not rightfully entitled to equal representation.

Aren't we? What is there to these arguments?

It was claimed that city voters are often influenced by labor leaders, and it is true.

It was claimed that city voters are often less well informed and less thoughtful about the candidates and election issues than are rural voters. This could be disputed on the ground the city voter generally has more candidates to select from, and less opportunity to know them.

But, assuming the claim to be valid—what of it? Is the extent of our franchise to be

governed by the degree to which we can be expected to vote wisely? Is a citizen's vote to be cut in half or less because he is likely to vote Democratic, or Republican, or Vegetarian? Or because he belongs to the United Auto Workers or the Detroit Board of Commerce? And if so, who is to be the arbiter of these qualifications?

It was claimed that area and socio-economic factors, rather than population, should be the base at least one house of the legislature, in order to provide the checks and balances which are essential to good government.

If the legislature were merely a business or industrial council this might make a good deal of sense. But it is of course far more than that. It deals with interests that transcend area and economic classification.

If interests, rather than numbers of people, are to be fairly represented, some definite formula would have to be found for doing so. But how would you go about it? Everybody has legislative interests and many of them have no connection with the way in which he makes his living.

It is true that the city taxpayer in States such as Michigan, if given representational equality, could outvote the country taxpayer. And it may be true that rural interests would suffer. But I still can't see why this entitles the rural minority to a majority vote.

Obviously a fine solution for the problems of any minority is for it to acquire a majority voice in the Government. It is a solution that has been employed effectively in many lands, in many centuries; but I do not believe it is one to be thoughtfully endorsed by many people in this century, in this land where men are created free and equal.

Changing the rules to remove antiurban bias will probably turn out to be a good deal harder. Such a proposal would, of course, have to be tailored to the individual State. One generalization can be made. The proposal should be as simple as possible.

As rural people move to the cities, they find they are no different than they were when they lived in the rural areas, and that they are just as intelligent, they can figure out just as well how to vote, and they jolly well want their votes to count.

With respect to the decay of State governments, which has been referred to in some of the other articles from which I have quoted, my husband wrote in Harper's magazine that State government in America has fallen upon such sorry days that a substantial body of public opinion regards any natural resources interests of the State as practically gone forever. Opponents of the Eisenhower administration used the opprobrious term "giveaway" on the assumption that State governments lack both the will and the capacity to hold the people's heritage in escrow for the next generation.

We in the West remember, somewhat to our sorrow, that we had to look to the great populous areas of the East, especially to Pennsylvania and its Governor Pinchot, to save our forests, which now are the backbone of the great national forest system, from the local politicians and legislators who could not see the broad national viewpoint, and who moved into those forests and cut indiscriminately until it was almost too late to save some of the virgin timber.

There is now a constant fight in our State to preserve our other natural resources, until today, in 1964, the value

of the national forests has been established; and now it is the recreational and scenic beauties of our State which we have to save from our own citizens.

The obvious alarm among campers, sportsmen, fishermen, and botanists over the transfer of some of these Federal lands to our own State, supposedly so righteous, so close to the people, can mean only one thing. The people who revel in the outdoors fear destruction by sawmills, and livestock operators of their last tree and blade of grass. They believe that the State government should replace the Federal Government as the custodian of our woodland reserves.

Several Senators have joined me in introducing in the Senate bills for the creation of national seashore parks. Why should we have to come our colleagues to set aside these beauty areas of our own States, in desperation to save them from the encroachment of unrestrained civilization?

One would think the asset—the tourist-attracting qualities—of the Oregon dunes would of itself induce the Governor and the legislature to set stakes around the dunes, to prevent their demolition. But there is something about unwillingness to confront the local gasoline station operator and the local signboard painter that makes us have to turn to the Federal Government, so that these scenic spots can be preserved for all the people.

I always like to think, when I am fighting for such preservation in my own State, that some taxi driver in Brooklyn, N.Y., whose taxi will help pay for the natural resource being preserved, takes great pride in it, and that even though he may never see it, his children may some day have an opportunity to enjoy some of America as it was a century ago.

Mr. President, in my summation and conclusion, I believe I could quote from no better authority than Anthony Lewis, when writing in the Harvard Law Review:

V. THE COURT SHOULD ACT

Unequal districts have been part of the American political scene, as Mr. Justice Frankfurter observed in *Colegrove*, for generations. Why, then, should the Federal courts undertake at this time to deal with the problem? The preliminary observation may be made that no legitimate interests or expectations have become settled as a result of past judicial inaction. But there are affirmative reasons for intervention now by the Federal courts.

First, the provisions of a Constitution drawn with purposeful vagueness have always been interpreted and enforced by the Supreme Court in accordance with the changing needs of government and society. Interests which at one time received no judicial protection have been given that protection when their importance emerged. It was almost 60 years, for example, before the Supreme Court found any protection for free speech in the 14th amendment.

The effects of malapportionment are much graver today than they were a century ago. In a day when the Federal Government subsisted primarily on tariff revenues, unequal representation could be regarded as an insignificant evil; government itself has a less significant impact on society. But when the Federal and State Governments spend a third of the national income, when they are relied upon to regulate every aspect of a complex industrial civilization, the consequences of unequal representation are corre-

spondingly more severe. The rapid growth of our population and change in its character make even more urgent the need for regular, equitable adjustment of representation.

Second, in weighing the appropriateness of judicial intervention, courts consider not only the gravity of the evil assailed but the unlikelihood of its correction by other means.

As I earlier quoted from Mr. Justice Clark:

This is the teaching of the Supreme Court's tentative efforts to outline a modern philosophy of judicial review. These efforts at articulation began with the suggestion by Mr. Justice Stone, in his footnote to *Carolene Products*, that courts should be "more exacting" in their view of restrictions on political liberties. Just before he went on the Court, Robert H. Jackson commented:

"[W]hen the channels of opinion and of peaceful persuasion are corrupted or clogged, these political correctives can no longer be relied on, and the democratic system is threatened at its most vital point. In that event the Court, by intervening, restores the processes of democratic government; it does not disrupt them. * * *

"[A] court which is governed by a sense of self-restraint does not thereby become paralyzed. It simply conserves its strength to strike more telling blows in the cause of a working democracy."

Particular formulations have been the subject of dispute, but there would seem to be general agreement in the Supreme Court today that what Mr. Justice Frankfurter has called "the indispensable conditions of a free society" deserve special judicial protection. Perhaps the most useful conception suggested so far is that the courts should be free to step in when the political process provides no inner check, as in the case of legislation affecting interests which have no voice in the legislature.

The Supreme Court has applied these principles especially in the area of free speech. If speech by a dissident minority is of sufficient importance to the political health of society to deserve special judicial protection, surely there is greater warrant for intervention by the courts when "the streams of legislation * * * become poisoned at the source." Of what use is the right of a minority—or a majority, as is often the case in malapportioned districts—to apply persuasion if the very machinery of government prevents political change?

Mr. President, I yield the floor.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 1006) to amend the act of June 12, 1960, for the correction of inequities in the construction of fishing vessels, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 3060) to amend and extend the National Defense Education Act of 1958 and to extend Public Laws 815 and 874, 81st Congress (federally affected areas), with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 2500. An act to equalize the treatment of Reserves and Regulars in the payment of per diem;

Digest of CONGRESSIONAL PROCEEDINGS

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE

Washington, D. C. 20250

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U. S. Department of Agriculture

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CONTENTS

Administrative law.....4	Expositions.....16	Meat imports.....25,38
Alaska.....15	Farm labor.....22	Milk program.....8
Animals.....39	Farm loans.....21	Minerals.....7,9,13
Appalachia.....10	Feed relief.....14	National parks.....21
Appropriations..5,10,23,24	Food-for-peace.....10	Nomination.....1
ASC committeemen.....8,17	Food grain.....8,18	Opinion poll.....36
Bank for cooperatives....8	Foreign aid.....2	Personnel.....11
Beef imports.....38	Forestry.....8,12	Poverty.....35,40
CCC Board.....1	Housing.....10	Public Law 480.....8,31
Coffee prices.....37	Humane treatment.....39	Reclamation.....9,29
Committees.....40	Irrigation.....9	Recreation.....6,32
Community development...20	Land and water	Stockpile.....19
Continuing	conservation.....10	Tariffs.....26
appropriations.....23	Lands.....8,9,33	Vehicles.....3
Education.....10	Legislative program.....10	Watersheds.....8
Electrification.....28	Loans.....30	Wilderness.....10,27,34

HIGHLIGHTS: Senate committee voted to report Public Law 480 bill. Senate committee reported bill to extend Armed Forces special milk program. Senate committee voted to report Schnittker nomination as member of CCC Board. Senate debated foreign-aid authorization bill. House failed to pass Public Law 480 bill under suspension of the rules. House passed farm labor contractor registration bill. House received conference report on meat-import bill. Rep. Dorn opposed land-water conservation fund bill. House conferees agreed to file report on wilderness bill. Rep. May described consumers interest in beef imports. Rep. Ayres criticized "political implications" of poverty bill.

SENATE

1. NOMINATION. The Agriculture and Forestry Committee voted to report (but did not actually report) the nomination of John A. Schnittker as a member of the CCC Board. p. D704
2. FOREIGN AID. Continued debate on H. R. 11380, the foreign-aid authorization bill. pp. 19187-97, 19203-212, 19227-33, 19239-40, 19246
3. VEHICLES. Passed without amendment H. R. 1341, to require passenger-carrying motor vehicles purchased for use by the Government to meet certain passenger safety standards. This bill will now be sent to the President. pp. 19220-1

4. ADMINISTRATIVE LAW. Concurred in the House amendment to S. 1664, to provide for continuous improvement of the administrative procedure of Federal agencies by creating an Administrative Conference of the U. S. This bill will now be sent to the President. p. 19221
5. LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATION BILL, 1965. The Appropriations Committee reported with amendments this bill, H. R. 10809 (S. Rept. 1460). p. 19170
6. RECREATION. The Interior and Insular Affairs Committee reported without amendment H. R. 8135, to provide for establishment and administration of public recreational facilities at the Sanford Reservoir area, Canadian River project, Tex. (S. Rept. 1461). p. 19169
7. MINERAL LEASES. The Interior and Insular Affairs Committee reported without amendment S. 2500, to promote the development of phosphate on public lands (S. Rept. 1459). p. 19170
8. THE AGRICULTURE AND FORESTRY COMMITTEE reported without amendment the following bills: H. R. 7588, to provide for enforcement of rules and regulations for the protection, development, and administration of the national forests and national grasslands (S. Rept. 1447); H. R. 10069, to authorize the exchange of lands adjacent to the Lassen National Forest, Calif. (S. Rept. 1448); S. 2634, to permit purchase of processed food grain products in addition to purchase of flour and cornmeal and donating the same for certain domestic and foreign purposes (S. Rept. 1446); H. R. 9747, to extend the special milk programs for the Armed Forces and veterans hospitals (S. Rept. 1454); H. R. 10419, to amend further the Farm Credit Act of 1933 to provide that part of the patronage refunds paid by a bank for cooperatives shall be in money instead of class C stock after the bank becomes subject to Federal income tax (S. Rept. 1453); and H. R. 4242, to provide for the release and transfer of all right, title, and interest of the U. S. in and to certain tracts of land in Pender County, N. C. (S. Rept. 1452). p. 19170

The following bills were reported with amendment: H. R. 6601, to authorize the Secretary of Agriculture to sell certain land in Grand Junction, Colo. (S. Rept. 1449); S. 1253, to amend section 8(b) of the Soil Conservation and Domestic Allotment Act regarding election and terms of ASC committeemen (S. Rept. 1451); H. R. 1642, to provide for the sale of the U. S. Animal Quarantine Station, Clifton, N. J., to the city of Clifton and to provide for establishment of a new station (S. Rept. 1450). p. 19170

The Committee ordered reported (but did not actually report) S. 2687, to extend for 2 years Public Law 480, and approved 17 watershed projects. p. D704

9. THE INTERIOR AND INSULAR AFFAIRS COMMITTEE voted to report (but did not actually report) the following bills: S. 2327, increasing the limit on acreage of coal leases that may be held by any person, association, or corporation in a State (amended); S. 883, to amend the Mineral Leasing Act to authorize geothermal steam leases (amended); S. J. Res. 6, to cancel unpaid reimbursable construction costs of the Wind River irrigation project, Wyo., chargeable against certain non-Indian lands; S. 3053, to increase authorizations for construction of the Riverton Federal reclamation project; S. 770, providing for construction and operation of the Savery-Pot Hook Federal reclamation project, Colo. and Wyo. (amended); H. R. 130, providing for payment of compensation, including severance damages, for rights-of-way acquired by the U. S. in connection with reclamation projects begun after January 1, 1961. p. D705

The "Daily Digest" states that the Committee also reconsidered its action of July 31, when it voted to report H. R. 5498, authorizing sale of public lands not needed for Federal program requirements, agreed to amend the bill, and again voted to report (but did not actually report) the bill. p. D705

bers polled and responding were in favor of S. 1236. This is, in my judgment, an overwhelming demonstration of small business support for the principle of educational expense deductions.

Proposals similar to S. 1236, which I also sponsored in this Congress, were offered as Senate amendments to what is now the Revenue Act of 1964 but failed of approval only by the narrowest of margins. I have every confidence, however, that the firm base of commitment which has already been established will be enlarged upon in the coming months, and that the principle of tax deductions in this field will be carried out in legislation at an early date in the 89th Congress.

I ask unanimous consent, Mr. President, that the text of a press release from the National Federation of Independent Business, reporting the result of its poll on S. 1236, be printed in the RECORD.

There being no objection, the text of the press release was ordered to be printed in the RECORD, as follows:

TAX DEDUCTION FOR EDUCATIONAL PURPOSES

The desire to keep alive the spirit of Horatio Alger still burns brightly in the land, C. Wilson Harder, president of the National Federation of Independent Business reports. A just completed nationwide poll reveals that the nation's independent business proprietors believe that a break should be given to those pursuing a college education by the classic way of working their way through. This is evidenced by the vote which showed a majority support of 72 percent of Senate bill 1236, introduced by Senator KENNETH KEATING of New York which would permit students working their way through school to deduct up to \$300 from income tax on their earnings.

The bill by Senator KEATING would permit not only students working their way through college to deduct the \$300 from any tax they may owe on their earnings while going to school, but would also permit parents who are sending children to college to deduct up to \$300 for money spent on tuition and fees.

Commenting on the results of this vote, Mr. Harder said, "A vast proportion, if not the great majority, of the college graduates who have achieved outstanding success in life, either worked their way through, or had only minor aid from parents who could not afford to pick up the tab for a gold-plated collegiate career. To tax every dime a student makes working nights and summers to acquire an education, or to tax parents who are scrimping to help children secure an education, only tends to make colleges clubs for the sons of the rich."

THE EARTHQUAKE COULD NOT STAY THE COURIERS

Mr. BARTLETT. Mr. President, during the terrible days of the Alaska disaster, acts of quiet courage and bravery were legion.

Since then I have tried to bring the story of these acts to the attention of the Senate whenever they came to light.

Last month the Postmaster General, John Gronouski, in a visit to Alaska, presented citations and awards to Alaska postal employees "for their magnificent performance beyond the call of duty" at the time of the earthquake, fire, and tidal wave. He read a letter which he had received from the President which said in part:

Please extend my personal appreciation to our Alaskan postal service for their magnificent performance beyond the call of duty following the tragic earthquake which hit Alaska.

This is high praise, well earned.

I ask unanimous consent that the President's letter and a press release setting forth the citations and the awards may be made a part of the RECORD.

There being no objection, the letter and press release were ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, June 25, 1964.

The Honorable POSTMASTER GENERAL,
Washington, D.C.

DEAR MR. POSTMASTER GENERAL: Please extend my personal appreciation to our Alaskan postal service for their magnificent performance beyond the call of duty following the tragic earthquake which hit Alaska.

During their extremely trying experience they rose to the occasion in the finest tradition of the postal service.

As a result of their untiring dedication, the mails, in many places, offered the only means of communication between families and friends for several days following the disaster.

On behalf of the American people, I salute these outstanding Federal employees and wish them God speed in helping to rebuild our 48th State.

Sincerely,

LYNDON B. JOHNSON.

CITATIONS AND AWARDS

ANCHORAGE, ALASKA, July 9.—Citations for service beyond the call of duty were presented to 219 Alaska postal employees today by Postmaster General John A. Gronouski for exemplary conduct during the earthquake that rocked Alaska last March.

The awards were made at a special luncheon sponsored by the Anchorage Chamber of Commerce.

President Lyndon B. Johnson, in a letter to Mr. Gronouski which he read during the ceremony, commended the Alaskan postal employees "for their magnificent performance beyond the call of duty." Without regard to their own safety, the letter stated, "they rose to the occasion in the finest tradition of the postal service."

The Postmaster General in commenting on the tremendous bravery and selfless actions on the part of Alaskan employees, said, "Neither words nor awards could ever express the gratitude of the people of Alaska or their fellow Americans. These employees deserve the highest praise and honor for their outstanding contributions made during one of the greatest disasters known to man."

The awards represented a number of firsts in postal service commendations recorded by Mr. Gronouski in recognition of the outstanding achievements of these employees. Among the firsts were:

1. Distinguished Service Awards—the highest honor that can be bestowed by the Post Office Department—were presented to four career employees for the first time in postal history. Previously only 20 awards had been granted and all of those to Presidential appointees.

2. A lump sum of \$23,500, which accompanied the citations, is the largest amount ever given to a group of postal employees for a single performance of duty during an emergency.

3. Special postal citations went to three private citizens for their contributions beyond the call of duty to the postal service.

Receiving the Distinguished Service Awards were Postal Inspectors Kenneth E. Johnson and Billy J. Sparks, and Postal Service Officers Bryant D. Brady and Richard J. Trott, all Anchorage residents.

"These employees, in the face of personal losses and against almost insurmountable obstacles, took immediate action following the quake to assess the damage and to restore service to some semblance of usability," Mr. Gronouski said.

For their ingenuity, initiative, and the exercise of professional ability, each received a cash award of \$500 in addition to the citation.

In Anchorage, where preferential mail service was delivered wherever possible within 72 hours after the quake, Postmaster George S. Schwamm accepted a total amount of \$19,700 in awards on behalf of the Anchorage postal employees. Special citations were presented and every employee received a lapel pin reading "Beyond the Call of Duty."

Several postal citations were presented to the following three private citizens, who in the face of danger, helped to protect postal property and to maintain service:

1. In Girdwood, where the post office was completely destroyed by fire, Mr. Joyce C. Hibbs, husband of the postmaster, at the risk of his life, removed from the building the outgoing mail, cash drawer, postage stock, money order forms, and other equipment.

2. At the Whittier rural station, Mrs. Helen Ireland, operating under contract to the Post Office Department, immediately salvaged what she could, obtained new quarters and resumed operations. The building housing the rural station had been destroyed.

3. In Kodiak, Mr. Robert Hall, owner of Kodiak Airways, ignored his business and personal property to insure the safety of the mail which he had stored in his warehouse.

These awards marked the first time in history that nonemployees have ever received this award for outstanding service to the Post Office. The law does not provide cash awards for other than employees.

Special citation plaques and cash awards of \$100 were given to each postmaster at the following five offices:

In Portage Junction, located in south central Alaska, Acting Postmaster Nancy M. Upchurch was cited for her exemplary conduct and devotion to duty when her post office was struck by the quake. While she was evacuated to Anchorage on Friday, the day of the quake, she returned on Sunday, walking the last 14 miles, to resume service to her patrons.

Chenega, located on a small island off the coast of the Kenai Peninsula, was completely destroyed by the seismic waves, except for the school building which was 90 feet above normal water level. Mrs. Anne Jackson, postmaster, after all villagers had been evacuated, moved all postal supplies and mail to Cordova, where she immediately continued to serve her patrons.

In the village of Valdez, located at the head of Prince William Sound, Postmaster Durwood F. Huls, in complete disregard of personal safety, continued to provide mail service to his patrons. Mr. Huls was one of the few men who remained in the community after it was evacuated.

At Old Harbor, which was completely demolished, Mrs. Sophia J. Simeonoff, postmaster, prior to evacuating to Kodiak Naval Station, saved most of the postal property placed under her trust.

At Ouzinkie, where the quake was not as severe, but the water began to rise rapidly, Mrs. Merrie Carpenter, acting postmaster, saved postal cash and stamps prior to evacuating to higher ground, and then salvaged other postal property between tides.

In Kodiak, a special citation and a cash award of \$700 to be divided among Postmaster William H. Lamme and six employees, were presented for their efforts in providing continuous postal service throughout the entire period of emergency—3 days—dispatching mail on all flights and providing window service. This was the only line of commu-

nication available to the people during this period. Each employee received a lapel pin.

In Seward, where the seismic waves completely knocked out the heating, lights, and water facilities of the post office, Postmaster Clarence T. Larsen and four employees continued to keep the facility in operation throughout the entire emergency. A special citation, a cash award of \$500 to be divided among the individuals, and lapel pins were presented.

THE WORLD BANK

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD an excellent article about the World Bank. The article was published in the New York Times; and it is good to read about one of the really successful international organizations.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GENERATOR OF DEVELOPMENT

In formally announcing that it will use a greater portion of its growing income for the benefit of the developing countries, the International Bank for Reconstruction and Development is taking on a more liberal and ambitious role.

The World Bank has been among the most successful and profitable of international institutions. But the developing nations have accused it of suffering from an embarrassment of riches, of being too strict and conservative in its lending policies.

Its latest measures indicate that the Bank is looking ahead. It will be turning over more than 50 percent of its earnings for the current fiscal year to the International Development Association, its subsidiary that makes low-cost, long-term loans. And it will make borrowing cheaper by reducing the cost of charges levied on unutilized portions of its loans.

These steps are part of a significant and necessary transformation. In its early years, the Bank concentrated on assisting in the reconstruction of wartorn Europe, a task made easier by Marshall plan aid and the fact that its borrowers possessed both organizational and technical skills. It also devoted considerable energy to raising funds in private capital markets. Until these goals were accomplished, the Bank felt that it could not effectively embark on the much more difficult job of pioneering in development financing.

Now it is displaying the kind of flexible and imaginative leadership that will be required to cope with the multitude of problems facing the developing countries. Still more changes are in prospect, for there is literally no end to the development process. The Bank cannot be considered unsound or risky in modifying its policies to meet this challenge.

Indeed, its position as the leading international institution in the development field would be threatened and its operations curtailed if it simply sat on its moneybags. In recognizing that its riches and experience must be put to use, the Bank is living up to its original concept as the dynamic generator of economic development.

"BEWARE OF FALSE PROPHETS"— SERMON BY REV. LESLIE LANG

Mr. PELL. Mr. President, a few days ago I heard a remarkable sermon by the Reverend Leslie J. A. Lang, S.T.D., vicar, Chapel of the Intercession of Trinity Parish, New York City, stressing our need to "beware of false prophets," and to entrust our future to those who under-

stand it, who will conserve the values we have gained and achieved, and who can walk and talk honestly and intelligently in the light of reason and of the day.

Because I was so much struck by this sermon, I ask unanimous consent that it be printed at this point in the RECORD, as being of possible interest to my colleagues.

There being no objection, the sermon was ordered to be printed in the RECORD, as follows:

BEWARE OF FALSE PROPHETS

(Text: Matthew 7: 15)

Last month was the month of roses and weddings and graduations. The roses are going; the weddings are over; but the commencement day addresses and prophecies linger on, as many of their themes and prophecies have been repeated this past week, and will be repeated by the statesmen, or at least, the politicians, all over the land for some months to come.

Thirty-eight years ago last month I was a member of the of the graduating class of a classical high school in a small New England city. The picture of it is somewhat blurred, over the long years, though I do vaguely recall the auditorium and very clearly the speaker for the occasion. He was what we could call a "silver tongued orator"—some kind of clergyman, I think. I don't remember his name at all, but I do remember what he said, and for all the unpleasant reasons.

He told us that we were about to leave those local halls of learning to go out to create—150 of us—a great and glorious new world. This is a characteristic thought of American and English speaking civilization. This idea, in religious language, is called the heresy (that is, the false opinion) of Pelagianism. Pelagius was a man who lived long, long ago, and who thought and taught that you could lift yourselves up by your own bootstrap; that is, you can get there on your own; you don't need the saving grace of God.

What that graduation speaker forgot—and we all forget it—is that God has created a great and glorious world, already, and that when "the new heaven and the new earth come," it is God who will bring them about.

I recall, also, that the commencement speaker, obviously familiar with the Bible, likened each one of us to the boy David, who went out to slay the giant, Goliath, and with only five smooth stones. He had a name for each of these stones—and here I think he departed from Holy Scripture—and for each stone he indicated specific magic powers.

At this point my memory does fail me, but, in effect, what we were to do was to throw these stones—at somebody or something evil—and the world would then be transformed.

And here we are, almost 40 years later.

We older people cannot be so obtuse as to believe this or to speak to younger people like that. We cannot be so selfish as to expect of them the impossible or to ease our consciences by casting the burden of our failures and mistakes upon others. We cannot ask anybody, young or old, or expect of ourselves, to create a great and glorious new world, but rather, simply to recognize and to realize deeply, all of us, that the world is already both great and glorious, and good. The evil in the world is only so apparent and stares us in the face because it is so contrary to the goodness and the glorious possibilities that are also in the world—that is, in human life. For what is true of the world is true of people, too.

What about the world of today and tomorrow? If, as the radio and the newspapers and the television assure us day by day and hour by hour, it is a world in turmoil and

revolution, we must not be dismayed. "In the world ye shall have tribulation, but be of good cheer, I have overcome the world." The main difference between the world of today and the world as we think of it in the past is that the tempo of life has quickened. Whereas we used to look back in our history books to such revolutions as the invention of the cotton gin, and the discovery of gunpowder, and the proclamation of the American Bill of Rights, as events which changed the course of the world—and there was always a comfortable space of years in between these revolutions for us to get used to them—today, all the revolutions seem to be happening at once.

I would mention three, briefly.

The development of thousands of machines so fast that we can't keep up with them—automation—machines which could lift the burden of physical and mental strain from human bodies and minds. There will be the pain of adjustment to this new situation but let us see in it all the hand of God, leading us to the possibility of a fuller, richer, and more satisfying life.

Secondly, the development of indescribable weapons capable of destruction unimaginable. Let us try to heed the voice of God telling us that all the knowledge and money and scientific advance represented, can be applied to the relief of human poverty and disease, in a world in which war shall be no more.

And, finally, let us see in and through and behind the struggle for human rights with all its fiery passion and shedding of blood, God, holding out the hope, and indeed the promise, that one day the lion shall lie down with the lamb.

We do not ask our young people or ourselves to create a perfect world; we hope and pray that they and we may be able to help, by God's grace, to see the world for what it is and what it may become.

It is not the privilege or the right of the organized church or of churchmen or of anybody else to tell people for whom they are to cast a vote.

But it is the duty of the Christian minister, the priest, and the steward of the mysteries of God, to prophesy, that is, to tell forth, the truth as he sees it. If the world is as we have thought of it and described it this morning, then as Christian men and women it is our duty to "beware of false prophets" and to entrust its future and our future to those who understand it, who will conserve what must never be lost, but who can walk and talk honestly and intelligently in the light of a new day.

FOREIGN AID

Mr. BAYH. Mr. President, for more than 15 years the United States has performed a magnificent and memorable role in providing financial and material aid to needy nations of the world. History has witnessed few counterparts to the diversified assistance which our country has extended so widely in the post-World War II era. Although there have been some dissident voices, on the whole most of the foreign aid programs have met with general approval by a majority of the American people.

In recent years, however, there has been an increasing amount of criticism of, and dissatisfaction with, certain aspects of U.S. foreign aid. The very proliferation and complexity of these programs have contributed to confusion and misunderstanding. Moreover, the passage of time has to some extent lessened the need for military and politically motivated assistance, and has

brought more into focus the requirement for aid to underdeveloped countries.

Recently, more than 50 experts in the development field subscribed to a statement which, with fresh and penetrating insight, examines our current foreign-aid policy and suggests a number of basic ways in which to improve and implement its effectiveness. This is such a significant document that I wish to call all of it to the attention of my colleagues; and I ask unanimous consent that the complete statement be printed at the conclusion of my remarks.

Mr. President, there is time now to mention briefly only two or three recommendations advocated by this group of experts. As future guidelines, they stress the need for a better informed public, fully aware of the uncertain returns to be derived from investment in foreign aid. They urge the employment of a wide variety of means to help transform underdeveloped areas and to stimulate a better balance between private and public sectors of a nation's economy. They emphasize, as an essential goal, continued improvement in the administration of foreign aid, fortified by large-scale research efforts and independent field evaluations.

I am happy to point out that this project was made possible by a grant from the Indiana University Foundation, and that on the committee which drafted this statement entitled "New Directions in Foreign Aid," were two outstanding members of the faculty at Indiana University, Profs. Walter H. C. Laves and Stefan H. Robock. Among those who signed the document were five other Indiana University professors: Lynton K. Caldwell, Lee C. Nehrt, Fred W. Riggs, Warren D. Stevens, and George J. Stoltz. Many other prominent leaders in higher education were cosigners, only a few of whom can be singled out for mention here: Stephen K. Bailey, dean of the Maxwell School, Syracuse University; Vincent M. Barnett, Jr., president, Colgate University; Andrew Cordier, dean, Graduate School of International Affairs, Columbia University; Ferrel Heady, director, Institute of Public Administration, University of Michigan; Waldemar A. Nielsen, president, African-American Institute; and Donald C. Stone, dean, Graduate School of Public and International Affairs, University of Pittsburgh.

There being no objection, the statement and list of individual signers were ordered to be printed in the RECORD, as follows:

NEW DIRECTIONS IN FOREIGN AID

(A statement subscribed to by more than 50 U.S. experts in the development field)

One of the most important movements of this century is the accelerated awakening of hundreds of millions of people in the world and the reaching out, by many of them, for greater opportunity and greater ability to use resources. The American people must continue to participate in this movement despite current dissatisfaction with the U.S. foreign aid program.

The world is in an inexorable state of change—change being brought about partly by the impact of the Western technology, science, education, and value systems on the

traditional social structures and value systems of the less-developed countries, and partly by the emergence of potent political forces after the liquidation of most of the colonial system.

We do not know what the end result of this change will be. But we do know most vividly that change is taking place, that the phenomenon will persist for many decades, and that the United States cannot escape its consequences. The outcome of this worldwide irreversible process is bound to affect the security and well-being of our country. It is therefore in the national interest of the United States to attempt to participate in the process of transformation of the underdeveloped countries so that the results are better for us, rather than worse.

The gap between levels of living in the rich and the poor countries remains extremely wide and may be widening. Modern means of communication are making people everywhere more aware of the differences and impatient for the gap to be narrowed. Unfortunately, however, the transfers between countries of the many skills and other resources critical to the development process are not occurring on a wide enough scale through normal international trade and investment.

The bipolar cold war lent support to the belief that U.S. Government aid was necessary to prevent the poor countries from falling into the hands of the Communists. But the relations between the American people and the less-developed countries of the world involve a wider range of issues than those of the cold war.

It is of vital concern to the United States that the current crisis in foreign aid does not become a justification for withdrawal from this activity. Instead, the crisis should underline the urgent need to improve and make more effective the full range of U.S. relations—both private and public—with the millions of people of the world who are aspiring to improve their economic, social, and political welfare.

Toward this end, the U.S. Government and the American people must broaden and deepen their understanding of the nature of the transformation going on in the underdeveloped world. The interrelationships between trade and aid, military and economic development assistance, and governmental and nongovernmental activities by the United States must be better recognized. At the same time, the direct relationship between transformation of underdeveloped countries and the further development of our own society must be understood—foreign aid is no longer foreign. The sources of U.S. frustration and fatigue with these aid programs must be identified. And the effectiveness of the full spectrum of institutional and individual efforts must be significantly improved.

THE ROLE OF GOVERNMENT

The American people feel strongly that as many as possible of their relationships with the peoples of other countries should be carried on directly, with a minimum of intervention by governments either here or abroad. We, the undersigned, share fully in this view. Self-propelling forces and private initiative should be encouraged both in the United States and elsewhere to carry major responsibility in the development process. Our governmental development assistance should, both in nature and in amount, be only that which cannot better be supplied through private trade, private investment, and private voluntary agencies.

Nevertheless, there is a component of governmental development assistance that is an important element in our total involvement in this movement, and it is not a negligible component. This essential element is in jeopardy because it is inadequately understood, because of exaggerated hopes of the speed with which an impact can be made,

and because developmental assistance is being confused with other international activities of the U.S. Government. Because the governmental component is in jeopardy, the entire effort of the American people, as well as the prospects for success by the new countries, are endangered.

GOVERNMENTAL DEVELOPMENT ASSISTANCE

This generation lies between two worlds; an old world in which sovereign national states regard each other as allies or enemies; and a new world, still adolescent, in which nation states recognize their interdependence and engage cooperatively in tasks of mutual benefit and concern.

What is commonly called foreign aid is a mixture of governmental measures appropriate to the old world and of others quite different that are appropriate to the new. Military aid and short-term politically motivated economic aid (primarily to strengthen friendly alliances or weaken those considered to be unfriendly or hostile) could suffice to the old world. Developmental assistance (to achieve greater skill and opportunity for individuals, and greater utilization of the natural and human resources of the world for human welfare) is an essential additional activity of the new world of increasingly interdependent states.

The chief similarity between the two types of aid is that each constitutes a transfer of goods and services between people in different countries outside the mechanism of the market: that is, they are not buying and selling in the usual sense. Beyond this, they differ profoundly (1) in what they are intended to accomplish; (2) in how they operate; and, most important, (3) in the time-span within which they may have their effect.

Military and politically motivated economic aid are generally for the purpose of meeting immediate or short-run crises. Their purpose is to maintain international military and political stability in a dangerous world. Their emphasis shifts as the threat to stability shifts. Essentially, they buy time, and not development. And they are useful only if the time gained is used for the more fundamental development of the nation.

Developmental assistance is cooperation in the constructive process of development of persons, societies, economies, and nations. These processes are much slower in their movement, despite frequent dramatic spurts forward alternating with disheartening reversals.

Roughly one-half of recent appropriations for the Agency for International Development is for each of these two major types of activities. The old world is not dead: We do not question the need for military aid and for politically motivated economic aid in response to short-run considerations of the self-interest of the United States. We are concerned, however, with the apparent confusion between these and developmental assistance with its much longer term self-interest, and with its underlying necessity despite inevitable mistakes and setbacks.

TRADE AND AID

Trade and aid are interdependent. Yet, it is a curious fact that the interconnection of the aid and trade needs of the developing countries has long been obscured. Even today, the two kinds of needs are occupying the attention of different agencies within national governments and of physically separated, relatively autonomous international bodies.

The fact is that, for the less developed countries, foreign aid and foreign trade are both ways of meeting the foreign exchange shortages and the needed transfer of resources that development efforts typically engender. It is logical for the two to be systematically—and in part, sequentially—related in the same comprehensive develop-

ment programs. Neither in U.S. policy formulation nor in the conduct of our foreign economic affairs has the relationship been sufficiently appreciated.

The United States must better integrate its trade and aid policies toward the less developed countries. It must better coordinate the AID and other assistance programs within the Government. And it must also improve the coordination of U.S. programs and policies with similar activities of other donor nations and with international organizations. While the response of other developed countries to the needs of the developing countries has been gratifying, the multiplication of sources of finance and technical assistance, each determining its policies and practices with little regard to what others are doing or planning, can result in inequities and in haphazard allocation of resources.

WHY THE CURRENT FRUSTRATION?

Current dissatisfaction with the U.S. foreign aid program is pervasive and sharp. And, it is not limited to the traditional opponents of foreign aid efforts. Unfortunately, much of the frustration has been channeled into proposals for organization reshuffling and into frantic searches for new gimmicks. It is our strong conviction that the recent difficulties arise out of more fundamental problems and that considerable reorientation in official and popular thinking is needed.

The immediate causes of the present crisis are not hard to identify. Our foreign aid programs have had a proliferation of purposes some of which are conflicting and not all of which could be expected to be fulfilled in the shorter term. It was assumed that the modernization of the less developed countries could be accomplished quickly with mass transfers of capital and know-how and that the results would rapidly become apparent. Foreign aid was accepted as the missing catalyst necessary for transforming economic stagnation into self-sustaining growth, and political immaturity into modern forms of free and representative government. When foreign aid failed to produce these results, public opinion became disillusioned.

Unrealistic expectations are central to the whole series of frustrations. Time horizons in our thinking and action have been much too short. We are dealing with the development century and not the development decade. The almost exclusive emphasis on capital transfers has been naive and erroneous. The development process does not produce with mathematical certainty a given increase in output for every increase in capital input. Political development does not follow automatically from economic growth. And above all, external development assistance can contribute only marginally, though significantly, to the attainment of sustained, self-supporting growth by the less developed countries. The task of political, economic, and social modernization in the less developed countries is primarily the responsibility of the people in those societies.

NEW DIRECTIONS IN FOREIGN AID

Since the transformation going on in the underdeveloped world will affect us whatever we do, both prudence and a concern for the survival of our institutions and values require that we continue and improve our efforts to influence the nature and direction of this transformation. It is in the interest of the United States to make a long-term commitment to assist in the complicated nation-building process. The unacceptable alternative is to follow a passive role and allow others to determine the future conditions of the world in which we will have to defend our national interests.

In fulfillment of the U.S. interest, we present the following suggestions as a basis for improving the effectiveness of U.S. rela-

tions with the less developed nations of the free world. We recognize that the principal U.S. agency for carrying out these suggestions—the Agency for International Development—is already following them to some degree. But an even greater effort within the Government and a more receptive domestic environment for moving in the new directions is needed.

1. The American public must become better informed on the case for developmental assistance and on the uncertain payoff inherent in this activity.

The case for developmental assistance rests squarely on our Nation's international political and security interests. A tangible demonstration of U.S. support for the economic aspirations of developing nations is a valuable buttress to our foreign policy. Moreover, instability and unrest in the less developed areas constitute an ever-present threat to our security. The case for developmental assistance is also supported by our economic interests—the benefits of good markets and dependable sources of supply for a wide variety of imports. Finally, there have always been strong humanitarian elements in our motivation; it is right that the rich should provide constructive help for the poor.

At the same time, the American people and Government officials must become fully aware of the difficulties and uncertainties inherent in making the effort. And, we must also recognize that the risks and uncertainties in not making the effort are even greater.

The idea of a necessary effort with uncertain payoff is widely accepted in science, business, and national defense. Such an approach is also appropriate and essential in formulating, implementing, and evaluating the complex relations of the United States with the less developed countries.

2. The United States must use a wide variety of means in assisting the transformation of the underdeveloped world.

The U.S. strategy must recognize that a wide variety of means are available and that each can make a specific contribution either in the short or the long run. These include international programs; private, public, and joint investments or grants; Government guarantees for private investment and trade; commodity surplus programs; tax concessions and other special inducements; the exchange of persons; technical assistance and the use of universities and other nongovernmental agencies. Military aid, as a policy instrument concerned with short-term problems, must be harmonized with, but kept separate from, developmental assistance.

The United States must keep an open mind toward improved ways of introducing relevant technologies and of transferring financial, commodity, and human resources to the underdeveloped countries. Commodity stabilization programs and market guarantees that will channel foreign exchange directly to development agencies rather than to commercial exporters should be considered. Regional mechanisms for development—economic commissions, development banks, common markets—should be supported and strengthened as a means for improving conditions in the underdeveloped countries. The regional agencies permit us to achieve important foreign policy objectives while enlarging the efforts and contributions of the underdeveloped areas themselves toward common goals.

3. The United States must give greater attention to the way in which external assistance is channeled within the underdeveloped countries.

If the United States is trying to influence nation building and modernization of the underdeveloped countries, it should have as a primary objective the promotion of built-in mechanisms for both initiative and self-restraint in emerging countries. The experi-

ence of the United States argues for pluralistic societies with many power centers, constrained by some system of checks and balances. Societies of this type appear to be capable of dynamic growth, of effective democratic government, and of living together in comparative peace and security.

The United States, therefore, must endeavor to stimulate within the underdeveloped countries a proper balance (which will vary from country to country) between the private and public sector. External assistance should foster private and decentralized economic decisionmaking and activity as well as improve the ability of the Government to play an effective role in guiding and fostering the nation's development. In fact, the strengthening of nongovernmental institutions and private responsibility will help most governments by relieving them of a tremendous burden of operating details.

Most important is the need of relating external assistance to the dynamic forces within the society which have the potential for broadening the base of participation in the nation-building process.

4. The United States must exercise great flexibility in its relations with the underdeveloped countries to deal more effectively with the variety of situations and needs encountered.

In particular, the United States must avoid making the task of developmental assistance impossible by setting impossible preconditions for receipt of aid. The American people might as well reconcile themselves to the fact that they will never be called upon to give aid to a country unless it is afflicted with many, more or less loosely interrelated, facets of backwardness or obstacles to development. In this view, aid is a way of getting involved in the recipient country's battle against these obstacles.

If we insist on preconditions, such as financial stability, social and tax reforms, a comprehensive long-range development plan, a favorable investment climate, or any others of a long and changing list, we are binding our own hands and making ourselves prisoners of our own policies. And, in many cases, we will be making it easy for the hold-outs of reaction and backwardness in the receiving country to use these conditions as an excuse for preventing change by rejecting development assistance. The United States must follow flexible and sophisticated policies that permit it to become involved as opportunities arise, even before the desired preconditions are established. For it is frequently the case that a country in which the preconditions are found to be present could easily dispense with foreign financial and technical assistance.

5. The administration of the foreign aid programs must be continuously improved.

A better popular and official understanding of the inherently difficult nature of efforts to influence the transformation underway in the underdeveloped world, the acceptance of less ambitious but more reasonable expectations, and the adoption of a philosophy that sustained efforts are necessary even though the payoff is uncertain should all help to improve the environment for more effective administration. However, the suggestions for making use of the full range of means, for being more concerned with the character of the social and economic institutions evolving within the underdeveloped countries, and for following a flexible strategy, rather than a pattern of preconditions for aid, may make the administrative task much more difficult. Therefore, in order to improve the administration of aid, direct operating programs must be simplified both here and in the underdeveloped countries. At the same time, the capability of foreign aid personnel must be substantially upgraded through technical training and a professionalization of staff.

Several avenues for simplifying the program come to mind:

(a) Greater selectivity both as to country and as to type of program. The United States may not need a program in every non-Communist underdeveloped country. In fact, it would help if we publicly and firmly withdrew from certain countries. We must be selective because of the limitations in administrative capacity at both the giving and receiving ends of the foreign aid relationship and because of limitations in realistic opportunities to exert useful influence. In some cases foreign aid does more harm than good.

There has been too much emphasis in the past on the availability of U.S. funds—rather than on administrative or absorptive capacity—as the criterion for the scale of the program, on the mounting of a wide range of activities in every country, and on the desirability of a U.S. presence in almost every non-Communist underdeveloped country.

(b) The purpose of country analysis or programing by the United States should be to gain an insight into the nature of the society of the underdeveloped country and of its potentialities for change; to illuminate the real opportunities open to the United States to exert useful influence, and to evaluate the administrative feasibility of undertaking various alternatives. In line with evolving AID practice, such country analysis should be a multidimensional diagnosis of a country's economic, political, and social structure and dynamic processes rather than a detailed blueprint or program for economic development. It should illuminate the real choices open to the aid donors, as well as to the aid receiver.

It follows that such country analysis presupposes great flexibility in the means and objects of assistance which may be chosen from country to country, and the avoidance of a priori judgments about the priority which should be attached to various economic sectors or social programs irrespective of country.

(c) The United States should initiate a major effort to increase the technical competence of foreign aid personnel and to improve their understanding of the nature and complexities of the developmental process. The United States must also undertake programs to increase the U.S. supply of types of technicians and administrators that we do not have in sufficient number to meet the urgent needs of our foreign aid program. The United States cannot continue to operate on the assumption that the quantity and quality of U.S. personnel needed are automatically available or can be quickly created.

The professionalization of personnel for administering and participating in the relations of the United States with the underdeveloped areas is fundamental for improving all aspects of these relations. The United States has sponsored and financed a myriad of programs to train nationals of the underdeveloped countries. But, it has made only feeble and spasmodic attempts to train and enlarge the supply of U.S. officials and technicians working in the foreign aid field. The United States is long on money and surplus food but short on trained and experienced economic development technicians and foreign aid administrators.

(d) The administrative burden of the foreign aid agencies should be reduced by using presently available and new devices to encourage the transfer of financial and human resources through the private sectors in both the donor and recipient countries; through greater use of private agencies, profit and nonprofit, and of foundations for technical assistance and pilot operations; through contracts with universities, independent research institutions, other governmental agencies and private firms; through the use of guarantees, tax concessions and other ways of reducing the direct administrative involvement in the entire effort; and through

increasing reliance upon resources of international and regional organizations.

(e) It would be highly desirable to isolate the operational programs from the time perspectives of the annual appropriation process in the United States, which has no necessary relation to the time perspective of development activities. This general approach might result in new organizational arrangements, such as an Overseas Development Corporation, or several flexible quasi-governmental devices, such as the ones used so effectively in the field of defense and space activities.

6. The United States should initiate an effective program to promote necessary research on the developmental process.

It is clearly apparent that the expectations of Government officials as well as of the general public have been unrealistic as to time horizons, the capacity of external aid to resolve essentially internal problems, the influence of economic improvement on political behavior, the degree of success that might be expected from specific projects, etc. And, for operating purposes, the state of present knowledge is not adequate.

We need a large scale and continuing research effort to answer such questions as whether a specific country is economically viable despite its small size. How long does it take to carry out a land reform program under specific circumstances? How can food expansion programs be related to health programs which increase the rate of population growth? What conditions are necessary for stimulating entrepreneurship? What kinds of political patterns are likely to emerge from the values, precedents, and current situation of particular nations? We must know more about the time required for political, economic, and social changes and the phases that countries are likely to pass through in their process of fundamental transformation. We need to know more about the ways in which assistance to achieve economic, social, and political change can be provided. Such knowledge will make for realistic expectations and reduce the popular frustration because unlikely results and timing were expected. Such knowledge can help greatly to improve the effectiveness of the various programs and provide operational criteria against which performance can be continually measured.

7. A final recommendation is that the Government establish a major technical unit for continuing field evaluation of foreign aid, developmental assistance, and other relations with the underdeveloped countries. Such a unit should be independent of the aid administering agencies and should be nongovernmental if possible. It should document good as well as unsatisfactory performance. It would fill a serious gap that now exists in providing objective and balanced information for the operating agencies, the Congress, and the public.

Foreign assistance programs, unlike most domestic programs, do not actively involve or directly touch large numbers of U.S. citizens and thus provide semiautomatic evaluation opportunities for the general public. It is necessary, therefore, to insure through special efforts that adequate evaluations are made and brought to the attention of our citizens as well as the Congress. Despite the many years of foreign assistance activity and the billions of dollars spent for such programs, there are only a handful of objective and scholarly studies of the successes and failures in specific operating areas.

LIST OF SIGNERS

We, the undersigned, are in general agreement with the foregoing statement and have signed it as individuals rather than as representatives of the organizations with which we are affiliated:

DRAFTING COMMITTEE

Robert E. Asher, foreign policy studies, Brookings Institution.

Theodore Geiger, chief of international studies, National Planning Association.

Albert O. Hirschman, professor of international economic relations, Columbia University.

Walter H. C. Laves, professor of government, Indiana University.

John Lindeman, adjunct professor of economics, Syracuse University.

Arthur T. Mosher, executive director, the Agricultural Development Council.

John D. Montgomery, professor of government, Harvard University.

Stefan H. Robock, professor of international business, Indiana University.

Irving Swerdlow, director, Center for Overseas Operations and Research, Syracuse University.

Lawrence W. Witt, professor of agricultural economics, Michigan State University.

OTHER SIGNERS

Stanley Andrews, consultant, international agriculture and economic development, Alamo, Tex.

Charles S. Ascher, professor of political science, Brooklyn College.

Werner Baer, assistant professor of economics, Yale University.

Stephen K. Bailey, dean, Maxwell School, Syracuse University.

Vincent M. Barnett, Jr., president, Colgate University.

Charles E. Bishop, head, Department of Agricultural Economics, North Carolina State University.

Lynton K. Caldwell, professor of government, Indiana University.

Marion Clawson, director, land use and management studies, Resources for the Future.

Robert W. Clower, professor and chairman, Department of Economics, Northwestern University.

Gerhard Colm, chief economist, National Planning Association.

Andrew Cordier, dean, Graduate School of International Affairs, Columbia University.

Milton J. Esman, professor of public and international affairs, University of Pittsburgh.

Issiah Frank, Clayton professor of international economics, School of Advanced International Studies, the Johns Hopkins University.

Wolfgang Friedmann, director, international legal research, Columbia University.

Clifford Geertz, associate professor of anthropology, University of Chicago.

Hubert S. Gibbs, chairman, Department of Government, Boston University.

Robert A. Gordon, professor of economics, University of California, Berkeley.

Earl O. Heady, executive director, Center for Agricultural and Economic Development, Iowa State University.

Ferrel Heady, director, Institute of Public Administration, University of Michigan.

Benjamin Higgins, Ashbel Smith professor of economics, University of Texas.

Bert F. Hoselitz, professor of economics and social science, University of Chicago.

Rufus B. Hughes, professor and chairman, Department of Economics, Colorado State University.

Peter B. Kenen, professor of economics, Columbia University.

Harvey Leibenstein, professor of economics, University of California, Berkeley.

Edward S. Mason, university professor, Harvard University.

Karl Mathiasen, senior staff, Brookings Institution.

John W. Mellor, associate director, Center for International Studies, Cornell University.

Lee C. Nehrt, assistant professor of international business, Indiana University.

Waldemar A. Nielsen, president, African-American Institute.

Douglas S. Paauw, director, Center for Development Planning, National Planning Association.

W. Nelson Peach, professor of economics, the University of Oklahoma.

Gustav Ranis, associate professor of economics, Yale University.

Andrew E. Rice, executive secretary, Society for International Development.

Fred W. Riggs, Arthur F. Bentley, professor of Government, Indiana University.

Alvin Roseman, associate dean, Graduate School of Public and International Affairs, University of Pittsburgh.

I. Milton Sacks, associate professor of politics, Brandeis University.

T. C. Schelling, professor of economics, Harvard University.

Theodore W. Schultz, Charles S. Hutchinson distinguished service professor, University of Chicago.

Warren D. Stevens, coordinator, international contracts and training, Audio-Visual Center, Indiana University.

George J. Stolnitz, professor of economics, Indiana University.

Donald C. Stone, dean, Graduate School of Public and International Affairs, University of Pittsburgh.

Frayn (Mrs.) Utley, director, midwest office, Institute of International Education.

Raymond Vernon, professor of international trade and investment, Harvard Business School.

Louis J. Walinsky, economic development consultant, Washington, D.C.

Robert R. Nathan, president, Robert R. Nathan Associates.

Wilfred Owen, director, transport research program, Brookings Institution.

(This project was made possible by a grant from the Indiana University Foundation.)

MANUFACTURER OBJECTS TO MAGAZINE'S INACCURACY

Mr. BAYH. Mr. President, in an article dealing with the Area Redevelopment Administration, a national magazine implied that an Indiana applicant, the North Vernon Processing Co., had misstated the number of jobs which would result from an ARA project. Although the magazine reported that this Hoosier firm has only 50 employees, the actual number is close to 100.

In order to correct this inaccuracy, and in fairness to both the ARA and the North Vernon Processing Co., I ask for publication in the RECORD of a letter from Mr. Gil Reagan, vice president of the firm.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

On several occasions nonfactual data has appeared in the press relating to certain conditions inherent in our application for an ARA loan to help in rebuilding our forging plant which was destroyed in a fire in February 1963.

I would like to call to your attention that North Vernon Processing Co. of North Vernon, Ind., has two divisions—a plating division and a forging division. The plating division customarily employs from 25 to 40 men.

The forging division was a bankrupt plant purchased by North Vernon Process Co. in 1958. It had no customers, no employees, and no prospects.

At great sacrifice the forging division was rehabilitated so that by the time of the fire it was employing around 25 men and doing

approximately \$40,000 a month gross business.

In our application for an ARA we stated that if the forge was rebuilt, that North Vernon Processing Co. would, within a year, employ approximately 100 persons. We further stated that these men would be skilled and that they would be paid a wage considered above average by local standards.

I am pleased to report that in the year that has elapsed since completion of the rebuilding program we have built employment in North Vernon Processing Co. to almost 100 men.

In addition, it is my pleasure to inform you that North Vernon Processing Co. is making a profit, has a 4-month backlog of orders, has completely rehabilitated its plant and is now a regular supplier of equipment to Chrysler Motor Co., Cummins Engine, Borg-Warner, and International Harvester.

North Vernon Processing Co. has its own line of mechanic's handtools sold nationally through jobbers. North Vernon Processing Co. also is a major producer of universal joints for the automobile replacement market.

I say to you very frankly and with great sincerity that estimates and conditions involved in our application for an ARA loan for our forging division have been met and we honestly feel that Government assistance to our plant in North Vernon, where no commercial or private finance was available in an amount and in time to be of assistance to us and to the community in salvaging this plant, is in the correct tradition of Government assistance.

Frankly, as a private concern, we would prefer doing our banking business with private financial institutions. This would be desirable if only to escape the necessary but burdensome redtape surrounding Government assistance. But where other devices fail survival is still inherent in human endeavor. We chose to come to ARA for assistance. We were pleased to receive your effective and timely cooperation. We have nothing but the best to say for the dedicated men who are attempting to make ARA an instrument of service to this community. We feel we have a great responsibility to you and to the Government to see to it that commitments which we made in securing this loan are honorably fulfilled. We believe we have done so and this letter is to convey our feelings as such to you.

GIL REAGAN,

Vice President, North Vernon Processing Co., Inc., North Vernon, Ind.

NATIONAL ASSOCIATION OF GOVERNMENT ENGINEERS

Mr. JOHNSTON. Mr. President, as chairman of the Post Office and Civil Service Committee, I would like to invite the attention of the Senate to the fact that a new Federal employee organization has recently been formed and chartered in the District of Columbia. This group, the National Association of Government Engineers, is similar to the Federal Bar Association for Government Attorneys in that it will serve one special group of Federal employees, in this case, engineers.

It is my information that this new organization, the National Association of Government Engineers, will be dedicated to uplifting the character and ability of engineers in the Federal service, and so, as chairman of the Post Office and Civil Service Committee, it is my pleasure to welcome this new association to the family of Government employee organizations.

The aims and objectives of NAGE include the upholding of high standards for engineers in Government service, which, of course, is the aim of all of us in all professions. However, it takes special effort for any association to succeed in such endeavors and therefore I wish this new organization every success.

As an article in the Anderson Independent of Saturday, August 15, 1964, entitled "Engineers Association Names Riddle Director" indicates, a South Carolinian and friend of mine, Roy Riddle, now of Washington, D.C., has been appointed executive director of this association by the charter members. The president of the NAGE, elected by the charter members at their initial meeting, is Ted M. Moody, P.E., of Ashburn, Va.

Mr. President, I ask unanimous consent to have printed in the RECORD, together with my remarks, this news item from the Anderson Independent which contains additional and complete information concerning this organization.

There being no objection, the news item was ordered to be printed in the RECORD, as follows:

ENGINEERS ASSOCIATION NAMES RIDDLE DIRECTOR

WASHINGTON.—The formation of an organization known as National Association of Government Engineers has been chartered in the District of Columbia. The association headquarters are located on Capitol Hill, at 200 Maryland Avenue NE., suite 301, Washington, D.C.

The charter members have elected Ted M. Moody, P.E., of Ashburn, Va., as its first president, and appointed Roy E. Riddle of Washington, D.C., as executive director.

The National Association of Government Engineers (NAGE) is a nonprofit organization, and unlike many other Federal professional employee groups, will serve only the engineers in government service, so as to conduct broader and more specific programs to meet the particular needs of its membership. Membership will be open to professional engineers in the U.S. Government, State government, county government, municipal government, and other public service.

The aims and objectives of NAGE are to advance the profession of engineering; to enhance its recognition; to uphold high standards for engineers in government service; to encourage the proper staffing of engineering functions in government agencies; to stimulate cordial and friendly relations throughout the engineering profession; to provide a government engineer placement service; to encourage the continuing education of engineers; to assist government engineers who wish to become registered; and to promote their professional well-being in general.

NAGE will work closely with the NSPE and other professional organizations to improve the stature of the engineering profession in government. A 1960 National Science Foundation survey reported 61,000 engineers in Federal Government service alone. More recent studies indicate a potential membership of 146,000, a significant element of the approximately 800,000 engineers in the United States.

THE LAWLESS SITUATION IN THE DISTRICT OF COLUMBIA

Mr. ALLOTT. Mr. President, from time to time in the past few weeks the senior Senator from Colorado has commented on the lawless situation in the District of Columbia—which, I suppose, is not any worse than it is in many other

big cities. I scarcely thought that the situation would come as close to home as it has within the past few hours.

About 5 o'clock this morning a young man, who is either 17 or 21—and it has not been determined yet—broke the door and the chain in the apartment of Miss Joyce Morgan, who is a secretary in the legislative section of my office. She is not sure what awoke her. But she thought she saw someone go by the door of her bedroom. She got up, went to the front door and saw that her door was broken open. She went back to her bedroom, and picked up a pistol which she keeps for protection. The young man by that time had gone into the dressing room. When he saw that she was awake, he turned off a light under which he was rifling her purse. She fired one shot through the door. He was not hit. However, he thought he was because some of the splinters from the door apparently struck him.

I do not believe I need to remind Senators of the incident which occurred a few weeks ago involving one of the fine young ladies from the office of Senator CURTIS. I am not sure that that young lady is out of bed yet. She was horribly beaten, and perhaps the scars, psychologically as well as physically, will be with her for the rest of her life.

I believe Miss Joyce Morgan deserves a pat on the back, first of all, for a kind of bravery which is very rare these days, and for having the kind of spirit to take the initiative upon her own instead of waiting for what might conceivably have happened. No one knows what might have happened had she not had the gun and the courage to take action.

After she had shot through the door, the young man pleaded for mercy. He opened the door. She held the gun on him while she phoned for the police. The police took the young man into custody.

I rather believe that, no matter what the court does in this situation, it will be some time before this young man attempts to enter an apartment or any other dwelling in this city, or any other city.

I rise to pay tribute to Miss Morgan for the courage she has shown. I do not know what will stop the rampage of crime which seems to be in progress throughout the country. We have spent millions of dollars on the problem of juvenile delinquency. We have not solved it. The courts do not seem to be able to deal with it. I do not agree with some of the Supreme Court decisions of the past few years which, I believe, over-protect the criminal.

I say again that it is time to start weeping for the innocent, and not for the guilty. We must start respecting law. We must accord to our law enforcement officers the respect which is due them. We must realize that they are not whipping boys for the public, but that they are our bastions between lawlessness and anarchy and a society which lives by law and order and is characterized by orderliness.

Mr. MORSE. Mr. President, I am very glad that the Senator from Colorado gave us that account. As a member of

the Committee on the District of Columbia, whose subcommittee has jurisdiction over the general problem of lawlessness which confronts us in the District, I join in complimenting Miss Morgan for a bravery and courage that too often is not exhibited by many in like circumstances—and for very good reasons, many times, because of the great individual differences in people. But she performed a very courageous act. I wish the Senator would express to her my high compliments and congratulations for the courage and the high citizenship that she displayed under very difficult circumstances.

Mr. ALLOTT. I certainly will and I thank the Senator very much.

The ACTING PRESIDENT pro tempore. Is there any further morning business? If not, morning business is closed.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The ACTING PRESIDENT pro tempore. Without objection, the Chair lays before the Senate the unfinished business, which will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

The Senate resumed the consideration of the bill.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment (No. 1215) offered by the Senator from Illinois [Mr. DIRKSEN] for himself and the Senator from Montana [Mr. MANSFIELD].

Mr. MORSE. Mr. President, the Presiding Officer and I will have the pleasure of being almost alone in the Chamber for the next few minutes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum without the senior Senator from Oregon losing his right to the floor.

The PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MORSE. Mr. President, the Presiding Officer [Mr. METCALF] and I will have the delightful pleasure of each other's company for a while in the Senate. I observe also my friend, the Senator from New York [Mr. KEATING]. I hope that the Senator from New York will find it possible to remain, although I assure him that he need not keep a watchdog on the Republican side of the aisle, for I give him my word that I shall merely talk, and ask for no action. I shall make no unanimous-consent requests or requests for votes. The Senator from New York is a very busy man these days. He should spend his time where his efforts will be most productive. Therefore, although I am always flat-

tered to have the presence of the Senator from New York, it will not be necessary for him to remain.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. MORSE. I am happy to yield to the distinguished Senator from New York.

Mr. KEATING. I always gain from listening to the distinguished Senator from Oregon as long as my time permits. I cannot imagine using it to greater advantage than in listening to the pearls that fall from the lips of the Senator from Oregon.

Mr. MORSE. They still have their shells on, too. I thank the Senator very much. I am delighted.

Mr. President, I am against the amendment, and I shall give my reasons forthwith, but I ought to advise the Presiding Officer as to the parliamentary strategy.

I was highly complimented when the leaders of the debate in opposition to the Dirksen amendment called me. A couple of them came to see me. They were concerned about obtaining a speaker for this morning, because for some reason the group that is leading the fight against the Dirksen amendment found themselves with many conflicting engagements, some out of the city. They asked, "Will you help?"

Within reason, I always try to help. I said, "Are you gentlemen filibustering?" I am still the only liberal who admits that he filibusters.

They replied, "We are going to speak at some length." I asked, "Is this another of those prolonged debate situations?"

I believe the answer, in a variety of word forms, was in the affirmative.

I said, "I have a few things to say in opposition to the amendment. I have a few more things to say about foreign aid, which would make anything that I might say germane."

I shall speak for some time. But I think it is a mistake to try to beat the Dirksen amendment by a filibuster, although if filibustering it would give us some assurance that we could get rule XXII amended so as to bring to an end filibustering in the Senate of the type that seeks to prevent a vote from ever occurring, I would be willing to speak at greater length than I now contemplate doing.

If we could get adopted the Morse antifilibuster resolution, the Clark-Douglas-Neuberger measure, the old Lehman amendment, or any of the others that would have the effect of fixing a time certain for the Senate eventually to vote—which, of course, is what is necessary in order to outlaw the filibuster in the Senate—if there were some assurance that filibustering, or prolonged debate, against the Dirksen amendment would hasten that day, for that purpose I would speak longer than I now intend to speak.

There are a great many reasons why I do not find myself enthusiastic about filibustering the Dirksen amendment, although I think it must be defeated, if at all possible, for reasons which I shall

state shortly. But I wish to confine my attention to the question of procedure.

I good-naturedly said to those who asked me to participate in the debate this morning that I knew how they felt, for I had been in that position many times in recent years only to find my liberal friends in the Senate taking on a parliamentary cloak more pure than snow and declining to be of assistance to me in trying at least to assure full debate on certain questions.

I shall never forget how many of them left us in the greatest political steal in my 20 years in the Senate—the communication satellite steal. There was an interesting series of rollcalls on the part of the alleged liberals in the Senate. I observed in yesterday's newspaper that the monopolistic corporation, which was formed with the help of many liberals and at a great loss to the American people, got its hand in the till, and then put it farther into the till, to get more free assistance from the Federal Government to carry out the nefarious program of the Satellite Communications Act. But I suppose that goes along with the parliamentary process, although certain liberals who joined in that nefarious communication program disappointed some of us very much, for we needed their help.

How well I remember the number of liberals in the Senate who joined in the gag rule at the time of the satellite communications steal, and who supported a motion for dropping in triphammer fashion, the parliamentary guillotine on the necks of those of us who were seeking to have full debate against the satellite communications program, when there was no rush whatever except that it was felt that the sooner it was placed under cover, so the American people would know as little as possible about that shocking legislation, the better. In time, it will cost the taxpayers not billions of dollars, but trillions. I remember all the propaganda, misleading in nature, that went into that political steal and sucked many liberals along with it.

I remembered that over the weekend when I was asked to participate in the debate against the Dirksen amendment. But I never let past differences cause me to refuse assistance in a meritorious effort in the present.

Some of the opponents of the Dirksen amendment stood with us on the satellite fight. I believe all the opponents, without exception, are completely right and deserve a great deal of credit for the fight they are putting up against the Dirksen amendment. But I say to them from the floor of the Senate, as I have said to them privately, first, that they cannot beat it with prolonged debate, or what I call a filibuster, unless they really can gather together a group of Senators who will commit themselves in advance to stay put and agree to no parliamentary compromises.

I have been through this process so many times that I despair of having enough Senators who would stay put. Three or four times I organized a filibuster against a wiretapping bill. There was much enthusiasm at the beginning, but it did not take very long until Sena-

tors who had assured me they would stand firm found one excuse or another to straggle off, to desert, only to appear shortly thereafter as soldiers in opposition in the interparliamentary army.

As the Acting President pro tempore [Mr. METCALF] will recall, we had enough on those occasions to stop and to beat a wiretapping bill that sought to destroy the precious rights of privacy of freemen and freewomen. But we were aided not by numbers in the Senate, but by time. The attempts were made late in the session. The Presiding Officer will remember that the then Senator from Colorado, Mr. Carroll, and I, on the last night of the session, 3 or 4 years ago, opposed that bill. The Judiciary Committee of the Senate had held an extraordinary, special meeting of the committee in the early evening of the night it was planned to adjourn sine die, and voted out a wiretapping bill. The leadership of the Senate announced that it would put the bill on the calendar of the Senate for passage that night. The House already had passed a bill, which, with the passage of the Senate bill, offered good prospects that an agreement could easily be reached between the two Houses to accept one or the other of the bills.

The Senator from Colorado and I, who had been given assurance that a considerable number of Senators would stand with us, found, within 3 or 4 hours, that we stood alone. That never dismays me, although one does not like it. But the CONGRESSIONAL RECORD will show that we decided to beat it by a filibuster, if necessary. I said to Senator Carroll, "If you are good for 4-hour speeches, with my 10-hour speeches, we can keep it here for a few days, and I think that will end it."

Then we talked to the Parliamentarian about a point of order we thought we could raise. The RECORD will show that late that night, or in the early morning hours, it was agreed that our point of order would be sustained. That ended the invasion of the privacy of the American people through a wiretapping bill on that occasion.

But, Mr. President, that is tough going. It is not easy. It is disappointing to find that so few Senators are willing to take an all-out stand for civil liberties, the preservation of which will determine in no small measure the freedoms of the American people.

I cite this example because it is one of many in which I have made use of the filibuster to prevent steamroller tactics in the Senate. I never have engaged, and never will engage, in a filibuster that seeks to prevent a vote ever occurring on a piece of legislation. In the example I referred to steamroller tactics were used in the 11th hour of the session. I could cite other examples. The record was perfectly clear that no committee hearings had been held on that bill. I asked for the citation of the name of one recognized constitutional law expert in the entire country who had ever testified. Certain police leaders and Department of Justice leaders who have a prosecutor's complex, were all for the bill. There had never been adequate hearings.

The record will show that I said that I agreed to enter into an agreement,

come the next session of the Congress, after there had been full committee hearings, that would limit to a reasonable extent the debate on a wiretapping bill and then proceed to a vote on it; but I did not intend that night, if I could prevent it, to let the wiretapping bill be steamrolled through the Senate when there had not been adequate hearings.

It will be recalled that on another occasion, late one Friday afternoon, my good friend the then Senator from Texas, Mr. Johnson, who was majority leader of the Senate, attempted to get through the Senate, without even a half dozen Members on the floor, the Price Daniel narcotics control bill.

I was in favor of more stringent control of narcotics, but not for a bill containing a wiretapping section, and not with a capital punishment section in it. That bill contained a section which provided for capital punishment for anyone who sold narcotics to anyone 18 years of age or younger. Not only was it irreconcilable with my religious faith and beliefs, but I thought that proposal would defeat the very purpose of a more stringent administration of the narcotics law.

So I asked a page boy to go to the Senate restaurant and get me a red rose. I would have the Presiding Officer note that today I am not wearing a red rose, which is notice that I am not engaging in a filibuster. If I put it on, Senators will know that the fight has started.

The page boy brought me the rose and I put it on. My beloved majority leader was very unhappy. He said I had not given him any warning. I said, "When did you give me any warning that you were going to try to put through the Price Daniel narcotics bill?"

Of course, I realized at that time that Price Daniel was a candidate for Governor of Texas. This was near the end of the session, again, and apparently it was thought that the passage of the bill would be very helpful to him in his race for Governor. But I never permit the political interests of any of my colleagues in the Senate to interfere with what I consider to be a matter of public policy and public interest.

So I made it perfectly clear that we would talk over the weekend. I suggested to the majority leader that he might set the record of being the first majority leader to hold the Senate in session on a Sunday. It was then 4 o'clock in the afternoon, and I said to him, "At 6 o'clock I shall call for a live quorum. I doubt if you can get one this side of New York City." It was then Friday afternoon. I said, "I will enter into an agreement with you that to limit debate next Tuesday on the bill to 2 hours on a side, and come to a vote on Tuesday, but I do not intend to let you come to a vote tonight, because I am satisfied that a majority of Senators are against the bill, and if I can get them back here, they will vote against it so far as the capital punishment and wiretapping sections of the bill are concerned."

My friend the majority leader was not prone to give me that agreement. So I proceeded to discuss it. In a few moments he came over and said he would

give me the agreement. I said, "I am sorry. It is necessary for me to finish this segment of my speech now, because I would not want to break it off in the middle. Some Ph. D. candidate 20 years from now would be puzzled if I did. This wiretapping issue is all important."

He asked, "How long will it take you to finish this segment of the speech?"

I said, "A couple of hours. Then I will be very glad to stop until Tuesday."

The majority leader accepted that understanding. As the RECORD will show, I completed the speech. On the next Tuesday, by a substantial majority, both the wiretapping and the capital punishment sections of the bill were deleted, and the remainder of the bill, which had had my support from the beginning, was passed.

I cite this example to point out to my critics that a use of what my liberal friends in the Senate call prolonged debate is justifiable to prevent a steamroller from pushing through the Senate, without adequate consideration, a bill which many consider not in the public interest, and is also justifiable to buy time, if one wishes to put it that way, to make the record on the merits of an issue for the information of the American people.

After all, the Senate is a great school. It is a great schoolroom not only for political education, but also for education on the merits and demerits of proposed legislation. I shall never vote in the Senate to deny to any Senator adequate time to debate the merits or demerits of any pending legislation. My critics can continue to call that by any name they wish. If we are to retain the Senate as the greatest parliamentary body in the world, we must strike a balance between adequate and inadequate debate, between adequate and inadequate protection of a minority, so that a minority may, in ample time, seek, on the merits, to change itself into a majority, and to prevent a denial to the minority of adequate time for full debate.

Such a balance is struck fairly and equitably by any of the major proposals for an amendment to rule XXII, such as the Douglas proposal, which, if I am correct in my mathematics, would provide, in round numbers, 15 days of debate, at a maximum, after a cloture motion had been filed, or my antifilibuster resolution, which I have submitted now for a good many years, which would provide for 100 hours of debate after cloture had been obtained with one difference so far as the present rule is concerned; namely, that the 100 hours would be 100 hours that Senators could farm out, so to speak. In other words, a Senator could yield his time or a part of his time to other Senators. We all know that the rules of courtesy in the Senate are such that even if a Senator is opposed to a measure, but does not intend to use his time, he will give another Senator his share of the time, or a part of his time.

If I thought that engaging in prolonged debate for the next couple of weeks would result in a modification of rule XXII, I might join for that purpose. But I do not contemplate, at least at the present, joining in prolonged debate in

the next few days in order to stall action on the Dirksen amendment prior to the Democratic convention—although I seriously doubt that there will be any action on it prior to the Democratic convention. The amendment should be withdrawn. Obviously, it has no place in the foreign aid bill. It is clearly a rider to the foreign aid bill. I have never been happy with a procedure that called for legislating by a rider. In my opinion, the Dirksen amendment should be referred to committee for hearings. The Senator from Illinois [Mr. DIRKSEN] should call it up next January and have it referred for hearings. Then the Senate should be given the benefit of the recent discourse about the standing constitutional law authorities. We know that bar association after bar association, as stated by the Senator from Wisconsin [Mr. PROXMIER] earlier in the debate, is opposed to the Dirksen amendment on constitutional grounds. I believe they are right. We know that an appropriate committee of the American Bar Association is opposed to the Dirksen amendment on constitutional and legal grounds.

I am at a loss to understand why the Senator from Illinois is following this parliamentary course of action. Time and time again in our years of service together in the Senate I have heard him plead to refer a major piece of proposed legislation to committee for hearings. Many times I have heard him defend the hearings process of the Senate—not always, but many times. Every time he has, he has been obviously correct procedurally; every time he has not, he has been just as wrong as he is about this amendment.

We all know much politics is involved in this amendment. It is too bad, merely because an election is in the offing, that the legislative process on the floor of the Senate should be used to any degree whatsoever for election purposes. The Senate ought to be kept immune from political activities, so far as campaign strategy is concerned.

These are days when there is much confusion in American public opinion. The people are concerned and puzzled. There is strong opposition to foreign aid, and rightly so. I believe there is more opposition to foreign aid than most Senators fully realize. I am against the foreign aid bill, and I shall vote against it. So when my colleagues who urge me to do more than I have agreed to do and intend to do—at the present time, at least—in the thought that I might be persuaded with a carrot that could help to defeat the foreign aid bill, my reply is: I want to defeat the foreign aid bill on its demerits. I am not interested in defeating the foreign aid bill, if we could—and I do not think we could—by way of supporting a strategy that would seek either to prevent a vote on it or to send it down to defeat via the Dirksen amendment. That is not a good legislative process. We should not work our will in that way.

There is enough that is bad enough about the foreign aid bill without our adding a nongermane, irrelevant rider amendment to it and urging that it be rejected for that reason.

I had breakfast this morning with some Members of the House. They said, "We think you will be pleased to know that about 70 of us in the House have signed a petition in which we are announcing"—I believe they have already announced it—"that we will not vote for foreign aid if the Dirksen amendment is attached to the bill."

"But, I said, 'you will if it is not attached to the bill?'"

They said that most of them would.

I said, "Then, I am not interested in your suggestion that I in any way implicate myself in any program to defeat the foreign aid bill merely because the Dirksen amendment may be attached to it."

That was a rather difficult decision for me to make, Mr. President. In my judgment, if I went along with that suggestion, I would be doing something that I never knowingly and intentionally ever do. I would be agreeing to support a legislative expediency; and I do not believe there is any place in this body for expediency. The American people, who sent us here, have a right to expect us to vote strictly on matters of principle; and we always know when we are acting on principle. We do not need an interpreter to tell us the difference between principle and expediency.

The foreign aid bill, devoid of the Dirksen amendment, raises a clear choice for each Senator to vote upon—whether he wants to support the foreign aid bill in its present form or whether he wants to support the foreign aid program in the face of the devastating, irrefutable proof that has been mustered against it, in many of the undeveloped areas of the world. Senators have a clear choice in voting on the merits and demerits of the bill. They are put in the position of voting their convictions on principles.

(At this point Mr. JORDAN of Idaho took the chair as Presiding Officer.)

Mr. MORSE. Mr. President, when we encumber the foreign aid bill with the Dirksen amendment, which has no relationship to the foreign aid program, which is merely an expedient legislative device to drag in, by its ears or its tail, a reversal of the U.S. Supreme Court, or to place in indefinite suspension a decision of the U.S. Supreme Court dealing with the precious constitutional rights of the American people, we have a proposal which is an act of expediency. I believe that every time we act on the basis of expediency and sacrifice principle at the altar of expedient compromise, we do something bad to our whole legislative process.

We should not do it. We should stand up against it. We should vote against it. The amendment should either be sent to committee to report back at an appropriate time in the next Congress, or it should be laid on the table, which will give Senators an opportunity to stand up and be counted on whether they are for or against political expediency in the Senate.

In due course of time in the debate, I intend to make one or both of those motions, unless other Senators make them first.

I do not intend to support an amendment which is bottomed upon a foundation of political expediency. I judge from some of the things reported in the press and on radio broadcasts and television telecasts over the weekend, that some Republican strategists believe that they have put the Democrats in a difficult position. One referred to putting us behind the political eight ball.

Those who hold that point of view reflect upon and insult the intelligence of the American voter. In my State, I would have no hesitancy in taking my opposition to the Dirksen amendment to any farm group in the State. It is obvious that the Republicans believe that the Dirksen amendment will sweep the Farm Belt like a prairie fire. I believe that they are mistaken. The farmers are just as dedicated to our constitutional processes as are the people living in urban or metropolitan areas.

Once the people in the rural areas come to understand the constitutional implications of the Dirksen amendment, they will react against it. I do not feel that once the farm population comes to understand the constitutional implications of the Supreme Court decision they are going to insist upon the perpetuation of an electoral system that weighs the vote of a voter in the rural area as more than one vote.

Do Senators know why? Because the people of the rural areas believe in fair play just as much as do the people in any other area of the country. What the Supreme Court has said, in effect, is that the present apportionment system violates the rules of fair play. It gives a greater weight in many areas of the country to the rural voter, which is hard to reconcile with our democratic conception of majority rule. Majority rule means exactly that. It means that each voting citizen is allowed the same voice, as far as his vote is concerned, as any other citizen.

I say to some of my Democratic friends who seem to be of the opinion that a compromise must be arrived at with the election staring us in the face: "What are you afraid of? Do you really wish to win an election based upon that kind of compromise of principle? Do you have so little faith in the intelligence of the American voter that you feel you must support quickly a hush-hush program in the Senate and get the matter behind you as fast as possible?"

I say to Senators who are pushing for a prolonged debate on the issue that there is much which can be said in support of the strategy so far as concerns hammering away at the facts involved in the Supreme Court decision and the consequences that would flow from the Dirksen amendment.

That is why I have given the Senate no irrevocable commitment as to what my parliamentary course of action will be, so far as speaking at length is concerned, if I believe it can be constructive in connection with the educational processes needed with regard to both the Supreme Court decision and the Dirksen amendment. I intend to deal with the Supreme Court decision before I finish.

I shall read it and discuss its major paragraphs, paragraph by paragraph.

I was opposed to the Supreme Court packing of the 1930's. At that time, I was dean of the law school at the University of Oregon. I spoke out against the plan. I thought it was a mistake.

This is a sort of Supreme Court packing plan in reverse.

The objective is the same. Those who wished to put favorable judges on the Supreme Court used a rather ugly word at the time. It was described as amounting to prostituting the judicial processes of the Constitution.

Those who wish to deny the application of the apportionment ruling of the Supreme Court, and all of the constitutional protections which the Court made clear it was seeking to guarantee, are really attempting to substitute themselves for the Supreme Court.

I have great respect for my colleagues in the Senate. But it is nothing less than ludicrous for Senators to play at being justices on the Supreme Court, without even a committee hearing, without even an opportunity to hear from witnesses who are expert in constitutional law, and, without even listening to nonpolitical authorities expound on the meaning and the implication of the Supreme Court decision, to decide that they are qualified to substitute themselves for the overwhelming majority of the Supreme Court in this matter. That attitude on the part of the legislative politicians is highly presumptuous.

The Dirksen amendment, in effect, would tell the Supreme Court how to decide its cases. I am as opposed to it as a matter of public policy as I was opposed in the 1930's to the proposal of Franklin D. Roosevelt to pack the Supreme Court.

Our system of government, consisting of three coordinate and coequal branches of the Government, works very well. No other system of government in all the history of the world has worked as well from the standpoint of reserving for, granting to, and protecting basic human rights of free men and women guaranteed by the Constitution. The Constitution, in effect, and in practice, gives assurance that the people of this Republic shall be the masters and not the servants of the Government.

In my judgment, the Dirksen amendment is an unwarranted attack upon the constitutional powers of the Supreme Court. We all know that in 1803 after a period of controversy, debate, and discussion as to where the ultimate authority in decreeing constitutional rights really vested, the great Chief Justice of the Supreme Court, Chief Justice Marshall, of Virginia, in *Marbury against Madison* removed, I hope for all time, any doubt as to that constitutional question. He ruled that the Supreme Court was the final arbiter of the constitutional rights of American people, subject only to the important check of a constitutional amendment.

Mr. President, I would that the Senator from Illinois would see his way clear to follow a suggestion that I read in this morning's newspaper offered by the Senator from Minnesota [Mr. HUMPHREY], which, if I read it correctly, seeks to give

assurance to the Senator from Illinois that the issue which he raises in his amendment will be taken up forthwith by the appropriate committee of the Senate come January.

I would go further than that, in keeping with what I have already said about having no desire to participate in a debate or a parliamentary strategy that would prevent a vote from ever occurring on this or any other issue. I am perfectly willing to see if an agreement could not be arrived at that the committee receive the instructions of the Senate to report to the Senate not later than a date certain—March 15 or April 1—after there has been an opportunity to have full hearings in the committee. That certainly is a reasonable request. It is certainly in keeping with the orderly handling of the subject. I have tried to satisfy myself that there would be some good reason for opposing such a proposal, and I have not been able to find one. As legislators, we shall set a pretty messy example to the American people if we, in the absence of full committee hearings and a report, proceed to "curbstone" on this subject by voting on the Dirksen amendment.

We lawyers believe that a case should be tried on its merits. That is pretty basic, particularly to lawyers, in the administration of American jurisprudence. Every nonlawyer in the Senate should see the wisdom of it. Particularly, the lawyers in the Senate should support some such proposal as that made by the Senator from Minnesota [Mr. HUMPHREY].

Let me say to the Senator from Wisconsin [Mr. PROXMIER], who has just joined us, that immediately prior to his coming into the Chamber from the party meeting that he has attended, and which I could not attend because of my commitment to hold the floor until at least noon, I had suggested that we ought to adopt the proposal that the press carried this morning, offered by the Senator from Minnesota [Mr. HUMPHREY], which if I read it right, suggests that the issue be postponed until the next Congress, when hearings could be held and constitutional experts could be called upon to testify. I said that I would propose a modification of that suggestion, so far as I am concerned, by agreeing that some date certain be fixed by way of instructions to the Senate committee—March 15 or April 1—to report back to the Senate whatever the committee might decide upon, favorably or unfavorably, or a modified proposal. The Senator from Illinois has supported—although not always—proposals to have a question referred to a committee. Many times he has supported such a proposal, and I believe it is a sound practice. However, I judge that the Senator from Illinois is not interested in the Humphrey proposal because, if he was correctly quoted in the press this morning, he was opposed to it because the proposal had no teeth in it.

Of course it has teeth in it. It provides assurance to the country that the question will go to hearing. But meanwhile we should not play the role of Supreme Court and substitute ourselves for the Supreme Court. I speak most re-

spectfully when I say that we are not qualified to do so on the basis of a comparison of our knowledge of the case and the knowledge of the case by the Supreme Court.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. PROXMIRE. Would the Senator agree that on a matter which so clearly places the Congress in the position of moving in on the Supreme Court, directing or restraining the Supreme Court, that it is particularly imperative that we rely on our Judiciary Committee, the Senate's committee of legal experts that is supposed to advise the Senate?

The Senator from Oregon has served the Senate and the country very well. On this issue of consistent committee referral. I have deserted him at times on civil rights measures that would otherwise be killed but I think he has been right in general in insisting that we rely on our committees on legislative matters of great importance. There have been times we have not done so because it was clear to many of us that a committee would bury legislation. But in this case, in view of the fact that the committee reported a variation of this measure without any hearings, it is clear the Judiciary Committee would not only have not buried it but would have hurried it through. So there would not have been any practical reason, let alone reason or principle, for not having the Judiciary Committee consider the matter and give us its advice.

Does that make sense?

Mr. MORSE. As the Senator will see when he reads in the RECORD of tomorrow my earlier remarks, that is one of the premises I am expressing today. I think the proposal should go to committee. It should not be passed as a rider. It should not be passed in the absence of hearings. I respect the Senator's views, but as he knows, I take the position that we never have to worry about a committee burying anything if the Senate exercises its authority over its agents. Each committee is naught but the agent of the Senate. If we give instructions to the committee such as I have suggested, if the Judiciary Committee is asked to hold hearings starting early next session and report either favorably or adversely on the amendment of the Senator from Illinois by March 15 or April 1, or whatever date the Senate in its wisdom wants to agree upon, the measure cannot be buried.

I have checked this procedure in previous debates. Each time the Parliamentarian has assured me that never in the history of the Senate has a committee refused to carry out the instruction of its parent or principal body.

I do not believe that time will ever come, for the obvious reason that if a committee ever did it, the Senate has authority to take a matter away from it. It also has the authority under those circumstances to impose whatever restrictions upon the actions of the committee the Senate might wish to impose.

The suggestion of the Senator from Wisconsin is unanswerable.

Mrs. NEUBERGER. Mr. President, will the Senator yield?

Mr. MORSE. I am delighted to yield to my colleague.

Mrs. NEUBERGER. I must return to the Agriculture Committee. It is hoped that action can be taken today on Public Law 480. But I wished to make a comment.

I was glad to hear my colleague comment about the use of the committee being refused as a device in the Senate. My colleague has presented an argument for considering a bill of this importance in committee, but some Senators who said it was used as a device to kill certain legislation are now supporting the principle that it should go to committee. It reminds us of the saying that the devil can cite scripture for his own purposes.

There have been cases in which every Senator knew what the merits of a bill were. If it had been fully discussed by the other body, it might perhaps be felt that the Senate could depart from the committee procedure. Even then I did not approve of it. My colleague and I come from a State which has been through a reapportionment fight, and we know that the shibboleths used against it never came to be true. It never hurt the farmers of our State. But we do not know what the situation is in other States. So it seems that a slap at the courts, and a violation of the rules and traditions of the Senate are being attempted.

Mr. MORSE. I thank my colleague for her intervention. While she is still in the Chamber, I express my compliment to her for the very able and fine speech she made Saturday afternoon on this subject matter. I was able to hear only a part of it.

I have followed an absolutely consistent policy in my years in the Senate of always supporting the preservation of the committee process. Bills should go to committee. It is perfectly proper for the Senate to commit under instructions such as I am suggesting with regard to the Dirksen amendment. But it is a good safety valve, a good check, a safety first measure, to have a committee examine even bills of innocent appearance. Sometimes even the most innocent looking bill has some legislative sleepers embedded in it, and I am for requiring committee clearance of them.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. PROXMIRE. Is it not true that one of the prime reasons for an extended discussion on the floor, for exploring the subject in detail on the floor, is that there have not been committee hearings?

Mr. MORSE. Certainly.

Mr. PROXMIRE. This is a highly complicated question. It not only involves deep constitutional principles on which the Supreme Court has spoken a number of times, but also involves a serious effect on all our States. So if the Judiciary Committee has not heard constitutional experts, if it has not heard arguments as to what the effect will be on Oregon, Wisconsin, Michigan and Oklahoma, for example, it is necessary

for those of us who are deeply concerned about this proposal to explore it, to discuss it, to examine it, to try to challenge those who are trying to have the Dirksen amendment adopted, in much greater detail than we would have had to do it if there had been a hearing, and a record had been made.

One of the reasons why we feel impelled to have this discussion at substantial length is that there is no record, and we feel we have a duty to make a record.

Mr. MORSE. The Senator's position is unanswerable.

My colleague [Mrs. NEUBERGER] pointed out in her speech on Saturday—and I hope Members of the Senate who were not present will read it—that we have been through this procedure in Oregon. It has been stated in the press that Oregon has gone further in carrying out the principles of reapportionment than has any other State. Although Oregon will have some problems in redistricting congressional districts, that problem is somewhat ancillary to the heart of the issue. The basic principle of the decision has been recognized in Oregon, and bears out what I said earlier in this speech—namely, we have the assurance that once the people understand, in the rural areas, in the urban areas, and in the metropolitan areas, they will not want to perpetuate an apportionment system that violates the rules of fair play.

We are pretty thoroughly unified in support of the proposition that democracy cannot work if we seek to defend the maintenance of discriminatory practices that give an advantage to certain voters because of the location of their voting residence in a given State.

Many of the arguments we are hearing now about what the reaction of the farmers will be have vanished into thin air in my State. When the farmers come to understand that what is sought to be accomplished is that each citizen shall have one vote, and that it shall be weighted only as one vote, and have the effect of only one vote, they accede to the fairness of that principle, because it coincides with the rules of the playground on which they were brought up. It is a homely truism, but it is true—that when all is said and done, our democratic system rests on the rules of the playground.

We do more teaching of democracy on the playgrounds and gymnasiums of America and in all the competitive enterprises in which boys and girls participate, than we do anywhere else; at least, we teach young people as much about the principles of democracy in action on the playground—using that broad descriptive term—as we do in the classrooms. That principle is involved in this apportionment fight. Many people have not looked at it from that standpoint. However, some people think they wish to keep an advantage, and think they wish to protect themselves, so to speak, from what they call city slickers—and we know what kind of prejudice that involves in connection with that kind of public opinion in some areas of our country. Yet when at last such people come to grips with the controlling question, "Do you

really think that you should count for more than anyone else in the voting process of this democracy?" they will say, "I do not look at it that way. I had not thought of it that way. I did not realize that."

We must have faith that people will insist that the rules of the playground be applied to others in the same way that they are subject to those rules; just as they are being asked in this instance to have the rules of the playground applied to them, so that they will not have an unfair advantage over someone else who, by accident of residence in our State, is being placed at a disadvantage.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. PROXMIRE. Can the Senator imagine what would happen on any playground if it were suggested that in a baseball game one side should have four strikes or five strikes instead of three; or what would happen if it were suggested that in a football game one side had first and 10 and the other side first and 30?

Mr. MORSE. The advocates of the Dirksen amendment do not want any referee in the game.

Mr. PROXMIRE. That is exactly correct. The Senator from Illinois [Mr. DOUGLAS] pointed out that in some cases the advantage in State legislative representation is sometimes 30 to 1 or 40 to 1; and that it is as high as 1,000 to 1, in favor of 1 group over others.

Mr. MORSE. Under our constitutional system, the Supreme Court is the referee. The referee decides whether any transgressions have occurred against constitutional rights. Some people do not like the referee. They are not proposing to substitute another referee; they are proposing to kick out the referee. What kind of rules would we have then?

The whole idea is really absurd. The advocates of the amendment are taking advantage of the parliamentary situation. Otherwise they would get nowhere. If they had tried the same tactics last January or February, at the beginning of the session, they could not have prevailed. Everyone would have said, "Of course this question must go to committee. There is a great deal of time available in which to get a committee recommendation."

It would be salutary to adopt the modification that I understand has been put forward by the Senator from Minnesota [Mr. HUMPHREY]. I do not wish to hold the Senator from Minnesota to it, and I will assume the responsibility of making the suggestion myself if I do not understand correctly the modification that the Senator from Minnesota is putting forward.

Be that as it may, I would offer the proposal as my own, with the RECORD showing that I am relying on the Senator's proposal as the original source. If what I say is not a fair interpretation of the proposal of the Senator from Minnesota, I offer it as my own. It is that the matter go over until January, with the understanding that the Dirksen proposal be offered then, either in the present form or in any modification of it that he may wish to offer between now

and then; that it be referred to the Judiciary Committee, with instructions that hearings be held; and that a report, favorable or unfavorable be made to the Senate not later than March 15 or April 1.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. PROXMIRE. The Senator is correct about our having a great deal of time available, in another sense, too. There is no question that we shall not go home at the end of this week, or that there will be no sine die adjournment by the end of this week. We cannot do it. It is impossible. I am positive it is impossible, because the Committee on Finance has just now acted on medicare and medichoice. By a vote of 11 to 6 it has voted not to report a bill with medicare or medichoice in it. That will mean an extended floor fight on one of the most critical issues to come before the Senate. That will take a day or two or three. Also, there are at least two big appropriation bills still to be considered. They are controversial. They will account for at least a day or two each. Then there will be a supplemental appropriation bill to be considered, on which hearings have started. Those bills will have to be debated while the Senate sets aside the present discussion. I am as positive as of anything I know that Congress will not adjourn sine die by the end of the week. We have lined up speeches for a number of days on the Dirksen amendment. We have only started. Many Senators feel very deeply about this matter, and will talk for a long time on it.

Under those circumstances, it seems to me it would certainly serve the interest of Senators if the advice of the Senator from Oregon were followed promptly, with the Dirksen amendment being withdrawn and the Judiciary Committee giving it its prompt attention, with the understanding that it will be returned to the Senate. I would greatly prefer to see happen what the Senator has suggested. The fundamental principle that the Senator is arguing so well is that the Judiciary Committee give its attention to the matter in hearings, that it call experts, and persuade them to testify. Then we would have something to act on, and then at least a big part of our procedural objections to the bill would have been met.

Mr. MORSE. I agree with the Senator from Wisconsin. There is no possibility of a sine die adjournment before the Democratic convention, or, as was suggested in one newspaper article, by Labor Day. I believe that we shall do well to get out by October 1. Some Senators are running for reelection and are concerned about that. The Senator from Wisconsin [Mr. PROXMIRE] is running for reelection. But I have some gratuitous advice to give them. I remember when I was a candidate for reelection in 1962, and had the short space of about 3 weeks for campaigning. That was cut down a few days because I was called back on the Cuban crisis. So I had about two and a half weeks or so. I was worried; I thought it might be unfortunate.

Perhaps it was fortunate. I turned over a substantial part of my campaign speaking and itinerary to my wife and one of my daughters. I am sure they did a better job than I could have done. The results were highly favorable. My percentage of victory was increased over what it had been 6 years earlier.

We have a task to perform here. I am for staying until it is completed. If it means staying here until October 1, then it will be October 1. We shall do everything we can to accommodate Senators by granting pairs and by giving as much notice as we can, so that Senators who live at least no farther away than does the Senator from Wisconsin may go out and campaign over long weekends.

But we are inclined to overrate the importance of long, stretched-out campaigns. Perhaps the American people would appreciate it if we reduced the amount of campaigning, and would particularly appreciate it this year if we stayed here and attended to legislative business. Speaking from a partisan viewpoint, and possibly with a bit of prejudice, I do not believe a long campaign is needed this year, so far as the Democratic side of the aisle is concerned. We can send out the information. The people will reach their own intelligent judgments without any protracted campaigning.

Time spent in opposition to the Dirksen amendment would probably be time well spent. That is why I am willing to set forth in this speech today my broad general position concerning it. When I come to the decision itself, I shall set forth some of my more specific legal objections.

Mr. PROXMIRE. Mr. President, will the Senator from Oregon yield on a point he made earlier?

Mr. MORSE. I yield.

Mr. PROXMIRE. Does Oregon have population apportionment in both houses of its legislature?

Mr. MORSE. The State constitution requires it for both houses. For many years, that requirement was ignored, but in recent months we have proceeded to enforce the principle of population apportionment.

Mr. PROXMIRE. Some Senators with whom I have spoken have expressed the concern that if both houses of State legislatures are elected on the basis of population apportionment, the farmers will be forgotten; that the rural areas, which are losing population, will lose influence in the State government.

The Senator from Oregon is a native of my State of Wisconsin. We are proud of him. He knows that Wisconsin has always had population apportionment in both houses of the State legislature. In 1848, under the Northwest Ordinance, we were required to provide it. Wisconsin has always had strong agricultural representation in the legislature in spite of the fact that it has been on a population basis. That representation has not been weakened.

Wisconsin's State Department of Agriculture is one of its strongest departments. It still is.

I am sure that on this basis, the Senator from Oregon might agree that the

farmer has nothing to fear from putting everybody on the same basis and giving everyone in this bali game three strikes, instead of giving some four or five strikes.

Mr. MORSE. I completely agree. Let me add the other argument that goes along with the argument of the Senator from Wisconsin, which he states he has heard in the cloakroom. Some of the opponents of population apportionment say that there might as well be unicameral legislatures if both the senate and house are selected upon the basis or principle of population apportionment, with one person having only one vote, and not a vote and a quarter or a vote and a half. As the Senator from Illinois [Mr. DOUGLAS] has pointed out, due to the inequities that the Supreme Court struck down, some rural areas have several votes per person, in weighted effect.

Giving that kind of advantage to rural areas is not necessary to guarantee them fair legislative treatment. One sees that in the Wisconsin Legislature. I was brought up on the great progressive record of the Wisconsin Legislature. The farmers of Wisconsin have never suffered, and the farmers of any other State would not suffer, because the interesting thing is that some of the leaders in the legislatures from the metropolitan areas are the first to go to the defense of the agricultural interests. They recognize how important it is to have a strong agricultural influence in the State for the benefit of the economic welfare of the whole State.

The argument that is being used against population apportionment is purely an argument from fear; it is purely a bogymen. It is a scarecrow argument. In my judgment, two branches of the legislature are necessary to carry out the system of checks and balances on the State level, because, as we know, it makes much difference in the checking system whether one sits representing the whole State in Congress or representing a congressional district of a State. The individual Member of Congress often gets, on a district level, information that a Senator does not get. It works out the same way on the State basis. That is an important part of our system of legislative checks and balances.

I am not at all moved by the argument that if there is the same type of selection, populationwise, of two branches of a legislature, we might well do away with one of the branches. That does not make sense at all. It completely overlooks the interplay of political representative forces within the State, communitywise, countywise, districtwise, and ultimately statewide. The framers of Oregon's constitution certainly did not think population as the basis for both legislative bodies rendered either of them useless. The different length of terms and the difference in areas represented makes the houses different, from each other, even though both are apportioned according to population.

A more legitimate and reasonable exercise of congressional authority in prescribing for the judicial branch of

the Government than the pending Dirksen amendment would be the resurrection of the Roosevelt Court-packing plan of 1937. Increasing the number of judges is a less blatant interference in the activities and decisions of the Supreme Court than is the effort to direct a verdict. That is all the Dirksen amendment is—a directed verdict.

There is no congressional authority over the composition of State legislatures. This body is not competent to legislate on matters of State apportionment. Yet that is exactly what is called for in this amendment. I am astonished that Members of Congress who for years have bemoaned and condemned the expansion of Federal laws into matters traditionally reserved to the States are now pressing for a statute that will once and for all create a precedent for Federal legislative action in the most vital area of all—apportionment of the State legislature.

The whole reapportionment issue has arisen between the States and the Federal courts. Its source is the mandate of the 14th amendment that the States shall not deny to their citizens the equal protection of the law.

How, then, does Congress "get into the act?" It is being dragged into it by the back door. It is apparently being dragged into it through that section of the Constitution which authorizes Congress to constitute tribunals inferior to the Supreme Court, and that section which authorizes Congress to regulate the appellate jurisdiction of the Supreme Court. Perhaps the enforcement clause of the 14th amendment could serve as a basis for congressional action, but this is not an enforcement measure.

The Dirksen amendment does not constitute or organize any inferior tribunals; and it does not authorize or deny specific appellate jurisdiction to the high court. It does not enforce the equal protection clause.

Instead, it tells the Federal district courts how they shall dispose of a certain class of cases; namely, State reapportionment cases.

I should say that it seeks to tell them how to dispose of certain cases, because I am highly skeptical that a statute of this nature can be binding on any Federal court.

Listen to the language:

Any court of the United States having jurisdiction of an action in which the constitutionality of the apportionment of representation in a State legislature or either house thereof is drawn in question shall, upon application, stay the entry or execution of any order interfering with the conduct of any State government, the proceedings of any house of the legislature thereof, or of any convention, primary, or election, for such period as will be in the public interest.

(At this point Mr. McINTYRE took the chair as Presiding Officer.)

Mr. MORSE. Mr. President, then, the Dirksen amendment continues: "the stay for the time necessary to permit reapportionment shall be deemed to be in the public interest in the absence of

highly unusual circumstances." The Dirksen amendment calls for a stay "for the period necessary—to allow the legislature of such State a reasonable opportunity in regular session or the people by constitutional amendment a reasonable opportunity following the adjudication of unconstitutionality to apportion representation in such legislature in accordance with the Constitution."

That is a stay which Congress is going to tell the courts is "in the public interest."

So, having directed a verdict of stay of execution, Congress helpfully advises the courts that the duration of the stay shall be for such period as will be in the public interest.

I am sure the Federal courts are going to find that advice most useful. It assumes that the courts do not now prescribe for the public interest. It assumes that the courts do not understand or recognize the public interest until Congress points it out to them.

I do not know of a single reapportionment case in a single State where the courts have not patiently waited for the State legislatures or the State courts to take care of reapportionment themselves. I do not know of a single instance where "the public interest" does not call for enforcement, after considerable delay, of the equal protection clause.

It is interesting that the Dirksen amendment makes no mention of that. It is interesting that the Dirksen amendment says nothing about the public interest to be served by enforcement of the equal protection clause. I ask the question: Why not?

If we are to advise the courts on how to do their job, we at least should advise them to uphold and enforce the Constitution, not to postpone and further delay its enforcement.

Section (a) of this amendment is a directed verdict. But the standard it uses wherein it calls for a stay "for such period as will be in the public interest" is a useless, advisory opinion.

So is all of section (b) an advisory opinion. It calls for an undertermined period of stay which would permit the States to act themselves. But I do not know of a single case where the courts have not given the States opportunity after opportunity to act for themselves. Read the history of these cases. The courts have stayed the execution of reapportionment orders time and again in the hope the States would act.

In fact, if I were to offer any criticism of the courts in this matter it would be that they have stayed execution of some of these orders for too long. Justice delayed is still justice denied, and all the Dirksen amendment proposes to do is to delay justice a little longer.

I see not a word in this amendment that would be of any guidance to the courts at all, even if it were in the province of Congress to give guidance to the courts, which it is not.

The amendment is nothing more than a heavy-handed attempt to intervene in

the administration of justice. It is intervention far more direct than the court-packing plan of nearly 30 years ago. I wonder what the backers of this amendment would have said 30 years ago, had Franklin Roosevelt urged Congress to pass a bill directing the Supreme Court to stay execution of its decisions overturning New Deal statutes. The objections to that kind of interference would have been even more violent than were the objections to the additions to the Court sought by Roosevelt.

So my basic objection to the Dirksen amendment is that it seeks to put Congress into the judicial business, in addition to its legislative business. This is a flagrant violation of the separation-of-powers clause of the Constitution.

But I also oppose the amendment because far from protecting the States in any of their functions, it is destructive of the powers and function of the States.

The decline of the State as an effective unit of Government has been in direct ratio to their refusal, or perhaps their inability, to reflect the interests and opinions of a majority of their people. The control of State legislatures, year in and year out, by rural and smalltown minorities has compelled the metropolitan areas to turn to the Federal Government for assistance in coping with the rising problems of urban growth.

Malapportionment has cost this country the effective services of our States. It has thrown a burden upon the Federal Government that has not always been sought by the Federal Government. It has brought big-city mayors to the Nation's Capital to obtain what should have been done at the State capital.

The Federal courts have done the States the greatest service of the century by requiring them, at long last, to get back into the mainstream of American life. Baker against Carr, and the decisions that have followed it, will do more than any Congress could ever do to restore vitality to the States.

I am at a great loss to understand why those who tout themselves as advocates of States rights should be trying to stop the one thing that has reinvigorated the States. They should be cheering Baker against Carr. They should be trying to speed up the application of these decisions, because they are the salvation of the States.

Let it be remembered that the prairie, the mountains, and the small towns of America are no long representative of our people. Their virtues are many, and rural and small town life is cherished by many of us. But the great bulk of the American people no longer live on the farm or in small towns. If the American people, as they move into metropolitan living, do not take control of political affairs at the State level with them, they will appeal to Washington.

In any case, the effort by minorities to retain control of the State legislatures is a losing effort. If they succeed in controlling their States they will steadily lose power to Washington.

The needs of the American people are going to be served. If they cannot be served at the State level, they will be served at the Federal level.

In my own State, we did not wait for the courts to point out our duty. The Oregon Constitution calls for apportionment of both houses by population. But the legislature itself did not abide by the directive of the State constitution. It took the people, by use of the initiative, to carry out reapportionment.

The press indicates that Oregon is the only State that will not be affected by Baker against Carr, and I ask unanimous consent to have printed in the RECORD an article published in the New York Times entitled "Oregon Is Spared Redistricting Job."

I also ask unanimous consent to have printed a telegram I received today from Mayor Willard Marshall, of Salem, Oreg., in opposition to the Dirksen amendment.

There being no objection, the article and telegram were ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 9, 1964]

OREGON IS SPARED REDISTRICTING JOB

SALEM, OREG., August 8.—Oregon is watching smugly as other States face the responsibility of reapportioning State legislative districts.

So far as Oregon is concerned the recent decision by the U.S. Supreme Court requiring States to realign legislative districts on the basis of population merely formalized a system adopted by the State in 1961.

As a result Multnomah County, which includes Portland, the State's largest city, elects 17 of Oregon's 60 representatives and 8 of the State's 30 senators.

On the other side of the State, where the population is lower, one State senator, Anthony Yturri, represents a four-county area of nearly 28,000 square miles—and area equal to that covered by Vermont, New Jersey, New Hampshire, and Rhode Island combined.

In the same part of Oregon, State Representative Robert Burns represents a two-county area of 20,000 square miles—an area nearly the combined sizes of Maryland, Hawaii, and Connecticut.

Mr. Yturri represents about as many people as each of the eight Multnomah County senators. And Mr. Burns' vote is backed up by about the same number of people as each of Multnomah County's 17 representatives.

It does give legislative weight to the cities. But that's what it's supposed to do, because that's where most Oregonians live.

SALEM, OREG.,
August 14, 1964.

Senator WAYNE MORSE,
U.S. Senate, Washington, D.C.:

Request you oppose by all possible means any restriction on Federal court authority or any delay regarding State legislative reapportionment.

WILLARD C. MARSHALL,
Mayor of Salem.

Mr. MORSE. Mr. President, this amendment should be rejected. If there is to be any change in the relationship of the Federal courts to the States, it should be accomplished by constitutional amendment. That is the recourse for those who wish to overturn or vitiate Baker against Carr.

I do not believe any foreign aid bill is worth the Dirksen amendment. There is more than \$6 billion in the foreign aid pipeline. As I shall point out momentarily in another subsection of this speech, it is closer to \$7 billion than \$6 billion. The country could get along without a foreign aid bill until January. We could get along without a foreign aid

bill until well on into the spring. We have ample time to consider a new bill. And I shall discuss that momentarily. After all, it was the end of December last year before action on foreign aid was completed. There is nothing we get from foreign aid that is worth this destructive and flagrant violation of the separation of powers, this rejection of the equal protection clause, this effort to retain minority control of the State legislatures.

Better that foreign aid go over to January than that we upset so many elements of our constitutional system in order to get it passed. I am not talking about filibustering. I am simply saying that if the Dirksen amendment is approved, the foreign aid bill should be defeated by Congress or vetoed by the President. I hope it will not come to that because the Dirksen amendment deserves to be voted down.

Mr. President, that causes me to comment on the foreign aid bill, vis-a-vis the Dirksen amendment. About an hour and a half ago I deplored the attempt to shackle the foreign aid bill with the Dirksen rider.

I point out that when one of my good friends in the Senate tried to argue with me that I should give unlimited support to what he called a prolonged debate in order to help kill the foreign aid bill by battling away against the Dirksen amendment, I good-naturedly remarked to him that we should keep the issues separate. I am against the foreign aid bill. I shall vote against the foreign aid bill for reasons that I shall summarize shortly. That will not cause me to connect the Dirksen amendment with my desire to beat the foreign aid bill. The foreign aid bill ought to be beaten on its own demerits. That is my position. And I shall hold fast to that position. And the Dirksen amendment should be defeated on its own demerits.

The Dirksen amendment is another form of a Court-packing proposal. It is really an attempt on the part of the Congress, through a legislative rider by the Senate, to play the game of pretense that we are Justices of the Supreme Court.

We do not have the qualifications to be Justices of the Supreme Court in this matter. We are not versed on it. To be frank about it, we do not know. That is why I said that I could not understand how lawyers in the Senate could vote for it. They would be guilty of what we try to teach young lawyers never to do—to "curbstone" on a complicated legal question before they have been to the law library, before they have done their legal research.

This amendment needs a great deal of legal research. The place to have such legal research done is in a committee hearing, in which we can bring in the leading legal experts on constitutional law and on legislative process to advise us as to the merits and demerits of the Dirksen amendment.

One of the front leaders of the American Bar Association who has been very active in the American Bar Association activities, particularly in the field of the doctrine of separation of powers and

in the field of criminal law administration and public law administration, is a distinguished lawyer from St. Louis, Mo.—Arthur Freund. As long as 6 weeks ago, he foresaw that this subject would arise. Arthur Freund wrote me and said, in effect:

Be on guard against an attempt to get legislative action that will scuttle *Baker v. Carr*.

I was surprised. I wrote back. I said:

I have doubt that any such attempt will be made before this session of Congress adjourns.

That did not satisfy him. He sent me some more material on this subject matter. He informed me that many members of the American Bar Association were alarmed about what they were satisfied were plans—as he put it—to scuttle the Supreme Court decision.

He was right. I was mistaken in being a doubting Thomas. I do not know why I was such a doubting Thomas. I suppose the reason was an abiding faith that such parliamentary tactics as are involved in this rider would not be attempted on a matter as far removed as foreign aid.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. CLARK. I congratulate the Senator on his excellent speech. Unfortunately, I could not be present in the Chamber to hear him deliver most of it. I heard the closing portion of his speech. I had an opportunity to read the remarks which the Senator prepared for release. I believe it is an excellent exposition of a number of the most important reasons why this incredibly bad amendment should not be approved by the Senate.

The senior Senator from Oregon has been a distinguished law school dean. He is known to be one of the outstanding experts in the Senate, not only on constitutional law, but also on legislative procedure.

Does the senior Senator from Oregon agree with my view that the legislative procedure utilized to bring the modified Dirksen amendment to the floor of the Senate is not only highly unusual, but is also practically indefensible?

Mr. MORSE. I said that earlier in my speech. I believe the whole procedure is indefensible. We ought not to be a party to it.

Before the Senator came on the floor, I knew that he and other colleagues were at a Democratic conference meeting that was held at 11 o'clock this morning, which I could not attend.

I have already discussed the wisdom of referring all these proposals to committee, with some directive that they will be reported back at a time certain. We need the benefit of legal scholarships on the many issues imbedded in the amendment and we can only get it by the hearing procedure of a committee.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. MORSE. I yield.

Mr. CLARK. Is the Senator aware that the original Dirksen proposal which

came from the Judiciary Committee not only was subjected to no hearings then, but also that the meeting of the committee in which the Dirksen original amendment was ordered reported lasted only 45 minutes?

Mr. MORSE. I was not aware of the time factor that the Senator has outlined. I was aware of the fact that the committee had not subjected the amendment to thorough hearings.

Mr. CLARK. I have been advised by members of the Judiciary Committee who voted against reporting the amendment that there was really no discussion of the wording of the amendment whatever, that a large majority of the committee apparently had made up their minds to report the amendment favorably—it was then in bill form—and that there was only desultory discussion in which the Senator from Michigan [Mr. HART] and the Senator from North Dakota [Mr. BURDICK] indicated their serious dissatisfaction and suggested hearings. They pointed out the constitutional implications and the vast amount of literature which is extant on the subject from the civic organizations which have interested themselves in the subject for many a long year.

I happen to have in my hand three of those pamphlets. One is entitled "Reapportionment and Redistricting," issued in 1962 by the Institute of Public Administration of the Pennsylvania State University, and two separate brochures issued under the authority of the National Municipal League, one of them by William J. D. Boyd entitled "Patterns of Apportionment," and the other entitled "Reapportionment and the Federal Analogy," by Robert B. McKay.

Surely this type of careful scholarly work is entitled to consideration by the Judiciary Committee.

I would hazard a guess—and perhaps I am being unfair to my colleagues—that not all members of the Judiciary Committee have taken the trouble to read the outstanding opinion of Chief Justice Warren in the Reynolds case or even the concurring or dissenting opinions of the other judges. There was no indication, so I am informed, at the Judiciary Committee meeting that the question had been given any consideration in depth.

The Senator from Oregon is aware, I am sure, of the vast differences between the present Dirksen amendment and the original Dirksen amendment; is he not?

Mr. MORSE. Yes. It seems to me that if the Senator from Illinois thought that his original amendment was sound, he should have wanted to take that to the committee rather than the compromise amendment that he has agreed upon in an endeavor to get a vote on the proposed rider.

Mr. CLARK. The so-called compromise amendment which is now before the Senate has never been considered by any committee of the Senate.

Mr. MORSE. That is correct.

Mr. CLARK. My understanding, which I have obtained only from the press, is that the amendment was concocted with the assistance of able counsel

whom the minority leader was able to command, and the Solicitor General and the Deputy Attorney General, Messrs. Cox and Katzenbach—working under some pressure to try to concoct something that would be less objectionable than the original amendment and might conceivably stand the test of constitutionality.

It is my understanding that hardly anyone among those who would be expected to take a strong view against the amendment was called into consultation. Certainly I was not. I wonder if the Senator from Oregon was.

Mr. MORSE. The Senator can take judicial notice that the Senator from Oregon would not be consulted with regard to such a question. I can best describe it as an amendment that was sired by expediency and born from the womb of politics.

Mr. CLARK. I wonder if my friend from Oregon does not think it odd that a measure purporting to reverse, at least in part, carefully considered opinions of the Supreme Court of the United States—not one but almost 8 or 10 opinions, including Baker against Carr, the Wesberry case, the Gray case, and all the decisions handed down on the 15th of June and the decisions which have come down since then—has not been given the slightest consideration by the Judiciary Committee in the first instance or in the second instance.

I wonder if the Senator from Oregon does not believe that in terms of legislative procedure the subject is one which would result in justifiable criticism from those who do not believe that either the original proposal or the substitute is in any way sound?

Mr. MORSE. I agree with the Senator. I hold in my hand the landmark decision protecting the basic constitutional rights of all the American people—the Baker against Carr decision. Earlier I had said that I intended to discuss large segments of that opinion, but I have been so full of my subject since 10 o'clock this morning that I have not been able to reach the decision, which means that in a subsequent speech I shall have to discuss the decision.

Let me say to the Senator from Pennsylvania that the decision is a scholarly piece of juridical work. I would not reflect on anyone. I merely ask a rhetorical question. I wonder if the advocates of the Dirksen amendment have read the decisions that have been cited by the Supreme Court setting forth the historical and the constitutional background of the decision itself.

I quickly add that I have not read them all yet. I intend to do so before the debate is over. But I have made substantial progress in reading them; and as one reads this great juridical account of American constitutional history set forth in the long line of Supreme Court decisions, he becomes all the more aghast over the opposition that we are running into at the suggestion that we let that great landmark decision go to Senate hearings, for that is all we are asking when we suggest hearings on the issue. We are really suggesting that Senators know what they are talking

about before they vote. I do not speak disrespectfully when I say that the Senate would not know what it was doing if it voted on the subject before Senate hearings.

There is a whole line of Supreme Court decisions that should be submitted to a committee seminar, over a period of a good many committee sessions, because we are dealing with a matter that is very precious to the perpetuation and protection of the constitutional rights of the American people. If Senators will read the decisions I have already read, they will find it is true not only in respect of the 14th amendment but in respect of many other parts of the Constitution. I am pleading as a lawyer in the Senate to my colleagues, not to turn themselves into "curbstoners," because the odds are all against them if they start to curbstone on anything both as basic and precious to the rights of the American people as Baker against Carr. This is not a subject that ought to be a matter of legislative rider on a foreign aid bill, without any hearings on it.

Mr. CLARK. I concur in what my friend from Oregon has just said about the desirability, if we are to legislate in a mature way, of Members of the Senate familiarizing themselves with these great decisions of the Supreme Court. In my opinion, the line of decisions starting with Baker against Carr and ending, for the time being at least, with the Reynolds case, represents one of the great landmarks in constitutional law in my lifetime, the other being the case of Brown against Board of Education, which established the right of every American child to go to an integrated school. In two of these landmark cases, Reynolds, and Brown against Board of Education, in which the Chief Justice wrote the opinions, the great Chief Justice took the lead when Congress showed itself to be the sapless branch in not taking the lead.

Instead of striking down the Chief Justice of the United States, without giving an opportunity for an appearance before a committee, I concur in the opinion of the Senator from Oregon that this amendment should go back to the Judiciary Committee for serious hearings, not only as to its effect, but also as to its constitutionality.

I will detain the Senate only a moment longer to ask the distinguished Senator how there can be any legitimate justification for proposing a matter of such grave constitutional import as this without hearing, with only 45 minutes of discussion, the amendment being entirely rewritten and offered in its present form on the floor, as a rider to the foreign aid bill. What kind of procedures do mature men utilize in the Senate? They could not get away with it for one-half a minute in the House of Representatives. I do not believe they could get away with it for one-half a minute in any one of the legislatures of the 50 States. Yet they come in here—and I use the word advisedly—and have the effrontery to tack a proposed measure of such great constitutional importance to a foreign aid bill. Their motivation is clear. I do not ordinarily discuss the motivations of my

colleagues, and I shall not do so now. But the inevitable result of what they want to do would be to hold a gun at the head of the President of the United States and say, "you shall not veto what you know is unconscionable." The Senate should not let that happen.

Mr. MORSE. It cannot be justified, but Senators had better take a look at what they are trying to do. They are seeking to put legislative clothing on what I consider to be an illegitimate child born out of legislative wedlock as a result of parenthood of illegitimacy.

Mr. CLARK. I thank the Senator for yielding to me.

Mr. MORSE. Mr. President, before I turn to a matter related to the general proposition, I make my last point in this speech before I discuss Baker against Carr at a later time.

I am greatly concerned about what will happen in the thinking off the American people, if this rider is passed by the Congress, with regard to their respect for the courts. Let us face the issue. If the Congress of the United States is willing to deliver this slap in the face at the Supreme Court of the United States, what do Senators think popular reaction to such action will be? It is unfair. It is unjustified. It starts raising serious questions of doubt as to the good faith of the Supreme Court, and as to its courageous, serious attempts to carry out its constitutional responsibility.

There is very much of an emotional reaction to a decision of the Court; and that cannot give birth to sound legislation. I fear that this course of action would divide us more in this country, develop more and more lack of respect for our judicial processes, create more schisms in our body politic, and be a disservice to the whole juridical system.

Unless there is high respect for the courts, unless a legislature always takes the position that when the courts speak, that is the law until the people, by way of their checks, by way of their constitutional amendment process, take action, in my judgment it would weaken the citadel of government in this great Republic. We have a constitutional system built upon the foundation of the establishment of three coordinate and coequal branches of government. This proposal is an attack on that system. I think we would pay dearly, so far as public reaction to judicial processes is concerned, for those who do not want to pay respect to the courts are going to build this issue up into a balloon type attack upon government by law.

Government by law requires obedience to court decision until the constitutional processes have run their course. Government by law would never justify an expedient course of action on the part of the Senate in this case, or on the part of the House if it takes the Tuck bill, seeking to make itself legislatively supreme in connection with constitutional determination.

That is what is sought to be done. It is sought to supplant the Supreme Court in regard to the determination of constitutional rights. In my judgment, there is only one way to do that. If the people themselves do not like a decision

of the Supreme Court and feel that a decree of the Supreme Court in regard to the Constitution should be reversed, let them amend the Constitution, for there is no denying the fact that ever since Marbury against Madison in 1803 the Supreme Court has had the jurisdiction and authority to hand down the decision in Baker against Carr. When Chief Justice Marshall spoke in Marbury against Madison, he bespoke decades ahead the jurisdiction of the Court in Baker against Carr. That decision of the Supreme Court remains final, under our Constitution, until the people themselves decide that they want to reverse it by way of a constitutional amendment.

In my judgment it is improper, it is out of place, and it is a false assumption of legislative power on the part of the Senate to seek to reverse the Supreme Court, short of the people themselves acting on a constitutional amendment. We reverse the Supreme Court if we set aside for 1 hour, for 1 minute, or for 1 second the application of a Supreme Court decision in respect to a decree dealing with the constitutional rights of the American people.

As politicians we may not like it, as politicians we may not support a constitutional amendment, but as a politician, even though elected to the Senate, I charge that it is an abuse of our senatorial prerogatives to seek to substitute ourselves for the Justices of the Supreme Court and to set aside for any period of time a decision of that Court dealing with the constitutional rights of the American people.

I shall speak at a later date on my interpretation of the legal effects of Baker against Carr. However, I wish to say a word about foreign aid. Then I shall close for the day.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. DOUGLAS. I congratulate the Senator from Oregon for his extremely able address. The Senator from Oregon is one of the great constitutional lawyers of this body. He knows whereof he speaks. I am very much impressed by the fact that the views which the Senator from Oregon has advanced concerning the unconstitutional nature of the proposed action of the Senate as embodied in the Dirksen amendment is also increasingly the judgment of the most respected newspapers of the country.

I wonder whether the Senator from Oregon would permit me to ask that, at the conclusion of his address, excerpts from recent editorials in the Atlanta Journal, the Cleveland Plain Dealer, the Providence Journal, and the Philadelphia Inquirer may be printed in the RECORD.

Mr. MORSE. I am delighted to have the Senator do that.

Mr. DOUGLAS. I ask unanimous consent that the excerpts from editorials be printed in the RECORD at the conclusion of the Senator's remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOUGLAS. I also ask unanimous consent that there may appear in the RECORD at the conclusion of the Senator's remarks an article on this subject, written by Mr. Anthony Lewis, which discusses primarily the constitutional issue, and which appeared in the New York Times, of August 16, 1964.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. MORSE. Mr. President, I appreciate very much the kind words of the Senator from Illinois. I thank him for his leadership in opposition to the Dirksen amendment. He knows the very high regard in which I hold him as a legislator and the deep affection I have for him as a friend.

Once again he has been willing to row against the current, in seeking to stop what I am satisfied would prove to be a horrendous legislative mistake on the part of the Senate if it should adopt the Dirksen amendment. I am delighted that he and Senator CLARK, Senator PROXMIER, Senator HART, and other Senators seek to have this question postponed for committee meetings come January.

U.S. INVOLVEMENT IN VIETNAM

Mr. MORSE. Mr. President, I ask unanimous consent that there be published in the CONGRESSIONAL RECORD a letter to the editor which appeared in the Washington Post of recent date. Let the RECORD show that the writer of the letter to the editor of the Washington Evening Star is Mark W. Cornelis. It deals with the Vietnam situation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

RESPONSE ON VIETNAM

To those who have taken the time and effort to inform themselves on the background of U.S. involvement in Vietnam and the alternatives which were open to us to resolve the situation, the military escalation directed by President Johnson comes as an appalling shock.

With only Senators MORSE and GRUENING voicing opposition to our policy, at this writing, it occurred to me to inquire at their respective offices as to the response being registered by their constituents, via letter and telegram, to their dissenting position. I was informed that Senator MORSE had received 200 telegrams by 11 a.m. on the morning of August 6, and that all but one or two congratulated him on his stand, taken the previous afternoon, condemning the actions in Vietnam. Senator GRUENING's office reported on the same morning that of several thousand letters received during the past few weeks on Vietnam the percentage was between 400 and 500 to 1 in support of the Senator.

It may be that the constituents of Senators GRUENING and MORSE are better informed than most of the American public, but a poll of the general electorate in this country might well reveal, on the basis of the above statistics, that our war in Vietnam is not only stupid and unjust, but lacks the support of the average American citizen.

MARK W. CORNELIS.

WASHINGTON.

Mr. MORSE. In yesterday's Washington Post Mr. Jack Anderson wrote an article on the Tonkin Gulf snafu dealing

with the fact that the captain of the *Maddox* did not know that the South Vietnamese were raiding the coast of North Vietnam.

I shall ask later to have the entire article published in the RECORD, but first I should like to make a few comments on it.

The research of Mr. Jack Anderson, whether he fully realizes it or not, has borne out completely the position which the senior Senator from Oregon took at the time of the speech in opposition to the South Vietnam resolution and at the time of his protesting the provocative activity of the United States in not only Tonkin Bay but in southeast Asia at the time of the attacks upon the *Maddox* in Tonkin Bay.

The RECORD will show that I said at the time that the briefings indicated that the captain of the *Maddox* was not aware of the bombing of the two small North Vietnam islands by South Vietnam naval ships. The RECORD will show that I pointed out that these naval ships were supplied by the United States as a part of the American military aid, in complete violation of the Geneva accords.

Many proponents and apologists of the administration's action in South Vietnam did not like to face the ugly fact that we have violated the Geneva accords for almost 10 years. The statement of that fact has always met with hush-hush, and has always met with a coverup. We do not help the cause of peace by trying to cover up our wrongdoing. Of course, Red China and North Vietnam and the Pathet Lao in Laos have been violating the Geneva accords. But I never thought I would live so long as to hear the apologists for this administration seek to justify outlawry on the part of the United States because Red China, North Vietnam, and the Pathet Lao in Laos are also outlaws.

The supplying of such arms and naval ships to the South Vietnamese was itself a violation of the Geneva accords.

It is an old story that two wrongs can never make a right. What I pointed out at the time of that debate, I reassert now. It is verified again, by the Anderson article. Before I am through, it will be verified by an article in the Manchester Guardian, as it has been verified by writer after writer since the bombing of the coast of North Vietnam.

It is true that the captain of the *Maddox* did not know of the bombing of the two South Vietnam islands. But of course he was operating under constant, complete, 24-hour-per-day radio communication and electronic communication with the American officials in Saigon and in Washington. They knew about it. Let us get this fact before the American people once again. Their American officials, who have been aiding and abetting our dictator puppet in South Vietnam, knew in advance of the escalating of the war into North Vietnam by the bombing by South Vietnamese naval ships of the two North Vietnam islands. We aided and abetted; we are implicated, and we have helped to provoke an act of outlawry against those two Vietnamese islands. I said so at the time, and every verification since bears

out the soundness and accuracy of the report of the Senator from Oregon.

McNamara finally had his way. This has been McNamara's war from the beginning, and still is. He is still calling the tune and the shots.

As I said the other day, as we now remember to the discredit of the United States, the slogan "Remember the Maine," grew out of an unfortunate incident that threw the United States into a war with Spain, when the United States had little cause to go to war with Spain, so I am satisfied that historians of the future in regard to this dark page in American history will record the slogan, "Remember McNamara." In history, McNamara will have to assume the chief blame for the unconscionable and inexcusable action of the United States in joining with the South Vietnamese in escalating the war into North Vietnam.

American officials knew where the *Maddox* was. There had been a bombing of the North Vietnamese islands, carried out by that shameful military dictator puppet in South Vietnam—General Khanh. American officials knew where the *Maddox* was. She was entirely too close to those islands not to have produced the result that her presence as a provocateur produced.

I said days ago that the United States was a provocateur in connection with the bombing of the North Vietnamese islands. I repeat that statement today. The hands of the United States are bloody because of our provoking action by escalating the war in North Vietnam. American leaders have protested that they have been against escalating that war; but what their lips have said is quite different from what their hands have done. The United States has participated in the handiwork of escalating that war into North Vietnam.

The presence of the *Maddox* in Tonkin Gulf waters, even though they were international waters, was perfectly proper. National waters extend only 3 miles. Nevertheless, the fact is that the *Maddox* was allowed by American military and diplomatic leaders in Saigon to be in Tonkin Gulf so close to the mainland of North Vietnam that no one should have been surprised that the North Vietnamese looked upon the action as provocation—and they obviously did.

The evidence is also clear that when the PT boats of North Vietnam started out to the vicinity and location of the *Maddox*, the *Maddox* took to sea and was not overtaken by the PT boats until she was some 30 miles out. There is a dispute as to how far out she was, but I say that 75 miles would have been too close. The *Maddox* was satisfied from intelligence reports that had been obtained that the PT boats with their torpedos were after her. She had a perfect right to fire when attacked. I have always said that. Also, at the time of the second attack, she had the right to sink the boats. But the United States had no right under international law to commit war against the mainland of North Vietnam, for that was an act of aggression. That act was not necessary to protect the *Maddox* or any other

American ship on the high seas. We had North Vietnam dead to rights.

North Vietnam was in clear violation of international law. But if we wanted to commit an act of war, we had the duty to declare war. That the President of the United States has not proposed to do, and obviously does not intend to do. Instead, we as a Congress have given him the right to make war without declaring war. History will not record that act to our credit either. We now begin to see that in the course of time this illegal act on the part of the United States will come home to roost.

In the course of his article, Mr. Anderson says:

3. The *Maddox* intercepted Communist messages, and therefore had a 2-hour warning that the three North Vietnamese PT boats attacked.

Pieced together from naval intelligence reports, here is the inside story of what happened:

On August 1, the South Vietnamese Navy landed a raiding party on the Island Hon Me about 10 miles off the coast of North Vietnam. American advisers in Saigon were given advance notice of the attack but neglected to inform the U.S. 7th Fleet, which polices these waters.

Mr. President, that was where we should have stopped Khanh. That was where we should have served notice that any escalating of that war into North Vietnam would mean the end of American support. That was where McNamara pulled his "sleeper" on the American people. That was where the Secretary of Defense failed the American people and, in my judgment, failed the American President. In my judgment, it was at that point that McNamara owed it to the world to do what he could to stop escalating the war into North Vietnam, for this was a clear, formal attack on the part of South Vietnam upon North Vietnam, obviously with the blessing of the American command in Saigon.

I continue to read from Mr. Anderson's article:

The destroyer *Maddox*, meanwhile, had entered Tonkin Gulf on a routine elint mission. This is the abbreviation for "electronic intelligence" and means that the *Maddox* carried supersensitive electronic gear which could scout the North Vietnamese coast from outside the international boundary.

The *Maddox* was steaming 13 miles off the North Vietnamese shore, which is 1 mile beyond the 12-mile limit which Herbert Hoover established as the American off-shore limit during rum-running prohibition days.

Actually, we have considered 3 miles the international boundary, but the *Maddox* was playing it safe. She was 13 miles off while sniffing Communist radar stations along the coast.

Very casually, the *Maddox* sailed past Hon Me Island, unaware that it had been hit by dynamite-carrying South Vietnamese commandos.

The destroyer was about 10 miles away from the island. But its electronic equipment easily spotted a concentration of North Vietnamese junks and PT boats scurrying around Hon Me like ants whose ant hill has just been stepped on. The *Maddox* crew ignored the flurry until the radio room intercepted an order from the Communist Navy for three torpedo boats to attack.

The *Maddox* skipper, Comdr. Herbert Ogler, sounded general quarters. For 3

hours, the crew waited at their battle stations while they tracked the approaching Soviet-made PT boats on the destroyer's radar screen.

Commander Ogler kept the destroyer's stern turned toward the approaching boats in order to present as slim a target as possible for the deadly torpedos. When the boats came within range, the *Maddox* fired three warning shots, then banged away at the speedy little hornets as they continued to bore in.

The *Maddox* had a clear right and duty to do that. This was an exercise of American rights in self-defense, when the American flag was being attacked on the high seas:

Ogler easily maneuvered out of the path of the launched torpedos, sank one boat with a direct hit.

A careful reading of the intelligence reports convinces diplomats and naval authorities that the North Vietnamese associated the destroyer *Maddox* with the earlier commando attack on Hon Me.

They believe the PT boats were sent to sink the destroyer in retaliation.

Does anyone really believe that if the tables had been reversed and Castro had attacked Key West, with Russian submarines 60 miles off the coast of Key West, we would not have attacked them as provocateurs? Of course, we would have. We would have chosen to do it that way, to get them out of our parts. It is interesting how the flag wavers in this country will wave the flag into tatters when the tables are turned. We never should have had the *Maddox* where she was when this act of war and aggression was committed by the South Vietnamese with boats we had supplied them on the islands belonging to the North Vietnamese.

Mr. Anderson points out further:

President Johnson ordered no retaliation for the first attack on the *Maddox*. It was not until the next day, when both the *Maddox* and the U.S.S. *C. Turner Joy* were fired upon, that the President ordered the retaliatory bombing of PT boat concentrations in North Vietnam.

And when he did, he made a horrendous and historical mistake.

I do not intend to defend the President committing an act of aggression upon the North Vietnamese mainland because there had been an attack on American destroyers. To the contrary, the President of the United States should have taken our case immediately, under our rights under international law, to the United Nations and put these Communists where they belong; namely, on the spot for violating international law. Of course, we should have had to answer for our provocateur conduct in Tonkin Bay, and I wonder whether that is not one of the reasons why we are not so enthusiastic about having the rules of law and reason applied to our shocking warmaking policies in southeast Asia.

Mr. President, I ask unanimous consent that three interesting articles published in the Manchester Guardian of August 13, 1964, one entitled "What Happened in the Gulf of Tonkin?" another written by Wayland Young, and entitled "Debt of Blood"; and another article entitled "A Briefing on Vietnam," be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

WHAT HAPPENED IN THE GULF OF TONKIN?

A new account of last week's events in the Gulf of Tonkin is now emerging in Washington, and it makes a good deal more sense than the original version. According to that, as it was put in statements by President Johnson, Mr. McNamara, and others, the North Vietnamese Government deliberately challenged the 7th Fleet on two occasions by attacking its ships with torpedoes. No one could explain what death wish prompted it to so suicidal a couple of gestures. Its interests, after all, were being served very nicely by the continuous Vietcong successes in South Vietnam, and the Saigon government's increasing weakness; why should its ends be forwarded by an extension of the war—into territory in which it was most vulnerable? General Khanh might want that (indeed he says so, frequently); some U.S. advisers are believed to want it, although not, one has assumed, those controlling policy; but surely not President Ho Chi Minh?

Western commentators made many ingenious attempts to solve this enigma, but the very tortuousness of their answers suggested that something was wrong with the question. To explain the incredible, they sometimes had recourse to the still more incredible, and so we were told, for instance, that the North Vietnamese, like General Khanh in reverse, might be preparing to pour south across the 17th parallel, or that the Chinese for some incalculable reason, might have in mind a world crisis on Korean lines.

Now, however, we are told (still unofficially) that it was all a series of mistakes by North Vietnamese naval officers. The North Vietnamese islands of Hon Me and Hon Ngu had indeed been attacked from the sea, as Hanoi had alleged, before the crisis blew up; this is now admitted in Washington. The attackers were South Vietnamese ships, not the 7th Fleet, but that distinction may not seem so significant in Hanoi as in Saigon, and when at that point the U.S. destroyer *Maddox* sailed into the Gulf of Tonkin (apparently after an absence), the torpedo boat commander jumped to the wrong conclusions. The rest of the story, it is now suggested, was a mixture of misapprehensions on both sides, of muddles, and of decisions taken on the spur of the moment. This new account does not explain everything, but as a working hypothesis it is a great improvement on the old one.

Then what has become of the message that the U.S. airstrike was intended to convey? Well, the North Vietnamese Government has been taught what it can be presumed to have known already: that if you take on the 7th Fleet you are likely to get hurt. But the 25 torpedo boats put out of action were not the main source of American anxieties in Vietnam, and the real test of the theory behind the airstrike will be its effect on the guerrilla campaign in the south. If that now ceases, then those Americans who advocate a strike north will have gone far toward proving their point; if it carries on entirely undisturbed by the loss of northern torpedo boats, then other people's analysis of the war (President de Gaulle's, for instance) will look the more convincing. That need not mean, however, that the U.S. airstrike was a wholly wasted effort. If it makes negotiations easier for the U.S. administration to embark on, then it will indeed have furthered American national interests.

DEBT OF BLOOD

(By Wayland Young)

If the American bombing of the North Vietnamese bases was what it has been pro-

Whether Congress has the constitutional power to limit the functions of the courts in these ways by simple statutes is a question debated by scholars. Congress has done so only once before, in 1868, when it cut off the Supreme Court's jurisdiction to hear habeas corpus appeals because it believed the Court was about to declare Reconstruction laws unconstitutional in a habeas corpus case known as *ex parte McCardle*. The Court upheld Congress action then.

The Tuck measure follows the *McCardle* approach. Experts disagree sharply on whether it would hold up now.

For one thing the *McCardle* decision has been much criticized as inconsistent with the independence of the judicial process. For another, some argue that the *McCardle* statute, a removal of Supreme Court jurisdiction in a general class of cases, habeas corpus appeals, was less a violation of the separation of powers than would be a bar to judicial enforcement of one particular constitutional right.

A PRECEDENT

Foreclosing enforcement of the right to equal representation would be a precedent for picking out any other constitutional right that Congress did not like at the moment and excluding it from the courts.

On the other side, scholars point out that article III of the Constitution gives Congress specific powers to regulate the appellate jurisdiction of the Supreme Court and to fix the jurisdiction of all lower Federal tribunals. As to the latter, indeed, it is up to Congress which, if any, to establish.

The Dirksen rider as redrafted rests on a different constitutional basis—the section of the 14th amendment saying that Congress may enforce the amendment by legislation. The theory is that since the Court has now construed the amendment to require equity in districts, Congress may exercise its power to lay down a rule of decision requiring a reasonable delay for legislatures to act. The argument on the other side is that the measure violates the separation of powers.

POWER AND WISDOM

Some suggested that the Justice Department really considered the Dirksen rider unconstitutional but went along on the theory it would fall in a court test. That is not correct. High officials of the Department, at least, believe that the rider is a valid invocation of Congress powers under the 14th amendment.

The wisdom of the Dirksen proposal is another matter, and there the Justice Department certainly does not agree with the Senator from Illinois. The administration supports the Supreme Court's apportionment decision and would prefer to have no legislative interference with it. The compromise was made with Senator DIRKSEN for one blunt reason: Officials were afraid that they would get something worse if they did not take this. The subsequent progress of the Tuck bill suggested that they were right.

Should the Dirksen rider become law in some form, the next question would be whether a constitutional amendment would be adopted during the period delay. That might well depend on whether President Johnson is reelected this fall and, if so, whether he took a strong position against any constitutional change. Thus far in the current battle he has not spoken out.

The question posed by the present conflict between Congress and Court is in any event larger than the apportionment problem. What is now at issue is the status of the Supreme Court and the continuance unimpaired of its historic power to enforce the citizen's constitutional rights.

MEASURE SCORED

That the issue is the Court as an institution explains the willingness of 15 prominent law deans and professors last week to at-

tack such proposed curbs on the apportionment decision as the Tuck bill. A telegram from them called the proposals drastic ones that would dangerously threaten the integrity of our judicial process.

Some of the signers of that telegram had themselves opposed the apportionment decision. Some have sharply criticized the present Court as too hasty, too confident of its own wisdom, too ready to use bootstrap history in its opinions. The professors can be just as sharp as politicians in their criticism. The difference is that they do not lose their reverence for the institution of the Court.

It is easy for sophisticated analysts to the law to condemn sweeping, ill-considered personal attacks on the Justices who so evidently are trying honestly to tackle the intolerably difficult problems put to them.

But, as Prof. Louis Jaffe of the Harvard Law School has said, the Supreme Court cannot expect only careful appraisals. It must justify itself in the crude marketplace of public opinion precisely because it deals not only with esoteric lawyers' questions but with great social issues.

What is about to be tested is whether the recent line of Supreme Court decisions protecting individual liberty has offended public opinion so much that the political forces arrayed against the apportionment decision will be able to limit or overcome it. On the answer depends not only a good measure of the States' future political makeup but the great role of the Supreme Court in the American system of government. It is hard to imagine a more fascinating or more vital struggle.

CALL OF THE ROLL

Mr. DOUGLAS. Mr. President, I suggest the absence of a quorum, and ask that the quorum be a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 547 Leg.]

Aiken	Gore	Mundt
Allott	Gruening	Maskie
Anderson	Hart	Nelson
Bartlett	Hartke	Neuberger
Bayh	Hayden	Pastore
Beall	Holland	Pearson
Bennett	Hruska	Pell
Bible	Inouye	Prouty
Boggs	Jackson	Proxmire
Brewster	Javits	Randolph
Burdick	Johnston	Ribicoff
Byrd, Va.	Jordan, N.C.	Robertson
Byrd, W. Va.	Jordan, Idaho	Russell
Carlson	Keating	Salinger
Case	Kuchel	Saltonstall
Church	Lausche	Scott
Clark	Long, Mo.	Simpson
Cooper	Long, La.	Smathers
Cotton	Magnuson	Smith
Curtis	Mansfield	Sparkman
Dirksen	McCarthy	Stennis
Dodd	McClellan	Symington
Dominick	McGovern	Talmadge
Douglas	McIntyre	Thurmond
Eastland	McNamara	Tower
Edmondson	Mechem	Walters
Ellender	Metcalf	Williams, N.J.
Ervin	Miller	Williams, Del.
Fong	Monroney	Young, N. Dak.
Fulbright	Morse	Young, Ohio
Goldwater	Morton	

Mr. MANSFIELD. I announce that the Senator from Minnesota [Mr. HUMPHREY], the Senator from Alabama [Mr. HILL], the Senator from Utah [Mr. MOSS], and the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

I also announce that the Senator from Massachusetts [Mr. KENNEDY] is absent

because of illness. I further announce that the Senator from Nevada [Mr. CANNON] and the Senator from Wyoming [Mr. MCGEE] are necessarily absent.

Mr. KUCHEL. I announce that the Senator from Iowa [Mr. HICKENLOOPER] is absent on official business as a delegate to attend the meetings of the Interparliamentary Union at Copenhagen, Denmark.

The PRESIDING OFFICER. A quorum is present.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 1380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. JAVITS. Mr. President, on behalf of myself and the Senator from Minnesota [Mr. MCCARTHY], I send to the desk a proposed substitute for the amendment offered by the Senator from Illinois [Mr. DIRKSEN] and ask that it be printed under the rule.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. JAVITS. Mr. President, the amendment in the nature of a substitute (No. 1215), proposes a sense of Congress resolution, as follows:

It is proposed to strike out all on and after line 1, page 1, and insert in lieu thereof the following:

SEC. 402. It is the sense of the Congress that in any action or proceeding in any court of the United States or before any justice or judge of the United States in which there is placed in question the validity of the composition of any house of the legislature of any State or the apportionment of the membership thereof, adequate time should be accorded first, to such State to conform to the requirements of the Constitution of the United States relating to such composition or apportionment consistently with its electoral procedures and proceedings and with its procedure and proceedings for the amendment of the constitution of such State, and second, for consideration by the States of any proposed amendment to the Constitution of the United States relating to the composition of the legislatures of the several States, or to the apportionment of the membership thereof, which shall have been duly submitted by the Congress to the States for ratification.

Mr. President, I will, in consultation with the Senator from Minnesota [Mr. MCCARTHY], call up the amendment in the nature of a substitute at the appropriate time for consideration by the Senate.

The first proper question is, Why submit the amendment? Perhaps the corollary to that question has already been put in his usual picturesque way by my leader, the Senator from Illinois [Mr. DIRKSEN], who, I understand from the press, called it meaningless.

There is a very real purpose in submitting the amendment. I believe it would avoid a grave danger to the constitutional establishment of our Government posed by the so-called Dirksen amendment, in which the Senator from Montana [Mr. MANSFIELD] is joined. As I shall develop in a few moments, the

Senator from Montana [Mr. MANSFIELD] joins in it on very different grounds from those relied on by the Senator from Illinois [Mr. DIRKSEN]. I believe that the sense-of-Congress resolution which the Senator from Minnesota [Mr. McCARTHY] and I propose as a substitute is entirely in accord with the constitutional separation of powers as between the legislative and judicial branches of the Federal Government. It would not jeopardize our governmental establishment but it would frankly meet what I recognize to be a difficult issue. Most importantly, it would have the desired effect without the deleterious effects upon our system of government which I see in the Dirksen amendment.

It is also assumed, in saying that a "sense" resolution is "meaningless," that the Dirksen amendment would be meaningless. In my judgment, the Dirksen amendment would not have the operative effect of law which is claimed for it, if that is what is meant by "meaningful," but would purport to have such operative effect without in fact having it. Hence it would work an injury both to the prestige of the Congress and, by an effort which would miscarry or misfire, to the relationships between the Congress and the judiciary. Therefore, a frank statement of what we have the power to do—namely, to request the Court to stay its hand for appropriate reasons—is the most honest procedure in this situation.

There is a real situation of difficulty which faces the Nation in the State legislative reapportionment decision of the U.S. Supreme Court, the so-called "one-man-one-vote" decision. The problems which are thereby created are twofold. First is the problem of conformance without unduly upsetting our whole society.

I should like to say just a word on that subject, because I believe it is important. There has been altogether too much loose talk about the possibility that the enactments of State legislatures which are organized on bases different from the one-man-one-vote concept, including those which are subject to the mandate of the Supreme Court in the six cases which the Court has already decided are unconstitutional, void, illegal, invalid, or in question.

One can speak as a lawyer only with considered judgment, and I speak in that way. I cannot conceive of the Supreme Court upsetting the acts of a State legislature which is organized in a way which is not approved by one of these decisions. I can understand the Court making every effort to bring about the organization of a legislature upon a proper apportionment, but I consider it inconceivable that the Court would invalidate the enactments of a legislature functioning for decades, in the case of many of them, and organized along lines of which the Court disapproves.

That is a very important point, because if we did not grant that point, we would face a great national crisis and emergency; but no one, including the Supreme Court, has given any indication that this will be the fact.

If we do not face that danger—that the acts of our State legislatures are in-

valid because they are not organized according to the principles laid down in those cases which have brought on the present problem, then we are entitled to proceed with such speed—or deliberate speed, if we want to use the words of the civil rights case—as to balance the public interest and the stability of governmental organisms with the requirement of the Supreme Court that legislatures be organized based upon lawful apportionment.

The assumption on which I am proceeding would also include approval by a legislature of a proposed amendment to the U.S. Constitution. It should always be kept in mind that in every State—if the U.S. Constitution is to be amended to allow one house of the State legislature to be organized on a basis other than population—which is the effort to be made by the Senator from Illinois [Mr. DIRKSEN] and other Senators who are seeking time for such a constitutional amendment to take effect—it will be a question, in the final analysis, for the people of that State to decide. Once such a constitutional amendment is adopted, the people of each State will have to decide whether they will avail themselves of it or not.

The fact that a State legislature will or will not approve a constitutional amendment permitting the people of each State to make their choice represents only one element of the constitutional process—the people of each State must decide on their State constitutions. At this time no legislature can organize one house of its State legislature on the basis of population and the other house on some other basis without running afoul of the 14th amendment, under the Supreme Court decision. Something should be done, under the Constitution, for the people to be able to act in each State upon that matter as they deem advisable.

The other point is that the lower Federal courts have proceeded to press the matter of reapportionment in some cases in a manner which can turn out to be inimical to the very objective to be served. Let us remember that these malapportionments have been going on for decades, in many cases over a century, and somehow or other we have managed to survive. I am all for changing the system and for giving proper representation to our urban and suburban areas, which have grown so much larger in population, but I am not for tearing the country up by the roots. Hence, the Senator from Minnesota [Mr. McCARTHY] and I have offered what we consider to be a fair compromise.

The question is being pressed by some of the lower courts too hard. For example, in my State of New York the State has been given, under Court order, the direction to reapportion by April 1, 1965. In the interim the Court has ordered three separate elections in 2 years. Our State legislators hold office for 2 years. The court in New York has held that they shall hold office for only 1 year, and that we shall have an election this fall, one next fall, and one the fall after that. It is rather difficult when a Federal court tells a State that it must

curtail the constitutional term of its legislators. That is pressing the matter a little further than it should be pressed. I hope the Supreme Court will hear me and others like me who have been indefatigable in its defense, when the Court considers, as it will, whether these mandates are really what is intended.

There are other States in which the courts have held that there should be weighted voting in the State legislature—that is, one senator or one assemblyman shall have one and a half votes, or one and three-quarter votes, and another shall have half a vote. Again, this is completely inimical to the American system. We have never operated that way, and I do not see why the Court should impose such a system on us.

There are other cases. In Vermont the Court has told the legislature it must meet and reapportion and then must adjourn, that the legislators must go home and cannot transact any other business. Mr. President, that is straining the judicial authority a little bit further than it should be strained.

However, that does not mean that we in our turn must be guilty of the same thing. We must express ourselves very clearly, and the residual power, even if we have it, must be very sparingly and very judiciously exercised.

Mr. NELSON. Mr. President, will the Senator yield for a question?

Mr. JAVITS. I yield.

Mr. NELSON. As I understand this resolution it purports effectively to act as a kind of interlocutory decree running against the Supreme Court and postponing the effect of its decision. Is that correct?

Mr. JAVITS. When the Senator says "this resolution," does he mean the Dirksen amendment?

Mr. NELSON. Yes.

Mr. JAVITS. Yes; it purports to do that. I had intended to develop that point a little later. Perhaps it is just as well that I tell the Senator now what I have in mind. It purports to do what the Senator has indicated. However, it contains an escape hatch. The escape hatch is "in the absence of highly unusual circumstances." If the Court finds highly unusual circumstances, it may deny the application for a stay.

In my judgment, had the Dirksen amendment omitted that provision, it would have run directly in the face of at least two U.S. Supreme Court decisions, which I shall cite in the course of my speech this afternoon, and would have been held to be unconstitutional. It would therefore have been thrown out by the Court. That is my considered judgment as a lawyer.

The Justice Department felt that the addition of the words, "in the absence of highly unusual circumstances" meant that a court could say, "We are not absolutely bound, because of the language highly unusual circumstances, and we can therefore deny the stay."

I feel that the original Dirksen proposal, which lacked such an escape clause, would have been thrown out as unconstitutional, or run the danger of a serious confrontation between the power of the Supreme Court and the

power of Congress to invade the Supreme Court's power. This would be a confrontation similar to the one which occurred in the previous century, which almost led to the impeachment of a President and to a dismemberment of the organs of our Government. I do not want to see anything like that happen.

I believe that the Court will have to say one of two things about the amended Dirksen proposal. The proposal requires the Court to issue a stay order unless it finds highly unusual circumstances, as a fact. But when we consider the nature of the cases involved, highly unusual circumstances already exist when there is malapportionment, and therefore it is difficult for me to imagine what else would be highly unusual circumstances, if the Court were honestly to administer these words. It is therefore my judgment that the Court would either strike down the stay amendment on the ground that it is a usurpation of the judicial power, especially in already pending cases in which decrees have been handed down and to some extent complied with, for these are equity cases, in which the courts may retain jurisdiction until the decrees have been fully complied with or longer; or the Court will say, "We shall treat the amendment as a request, because it is not really binding upon us in view of the exclusionary language, 'highly unusual circumstances.' We will treat it as a request, and because we now have the sentiment of Congress, we shall honor it as a request."

I answer the Senator as follows: It would be much more dignified and sound and in the interest of our Government, since the Court must treat it as only a request in order to uphold it, to remake the amendment in the form of a request.

Does any Senator believe that the Supreme Court would treat a considered request of Congress, enacted by both Houses of Congress and signed by the President, as a nullity? It would do no such thing. But the dignity and integrity of both the judiciary and the Congress would be upheld.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. NELSON. I read from page 2 of the amendment, as follows:

(1) to permit any State election of representatives occurring before January 1, 1966, to be conducted in accordance with the laws of such State in effect immediately preceding any adjudication of unconstitutionality—

Does not the language clearly provide that in any case where the law of any State has been declared unconstitutional, they can now go back and conduct elections under their laws preceding the decision?

Mr. JAVITS. That is exactly it. The Senator has chosen a situation which could represent highly unusual circumstances and in which the Court should therefore refuse to issue a stay.

I should like to tell the Senator, if he does not mind bearing with me a few minutes, exactly what the situation is in a number of States which have already acted in pursuance of the Court's decision that their State legislatures must be reapportioned.

Mr. NELSON. May I ask the Senator one brief question?

Mr. JAVITS. Certainly.

Mr. NELSON. Under this paragraph, the amendment provides that any appropriate elector or party may file a petition, and even though the State has been ordered to conduct an election on a different basis, it may go back to the old basis. Is this not considered in the amendment a highly unusual circumstance?

Mr. JAVITS. The answer is "Yes." I do not believe the Court would require that. I believe the Court would then invoke the words "highly unusual circumstances." Where a decree has been issued in an apportionment case and compliance with that decree is under way, it would read "highly unusual circumstances" to mean that it should not issue a stay order, and therefore would not issue one.

This bears upon the argument I made a moment ago, that the Court may strain to sustain this amendment, if we adopt it—and I understand there is some chance we shall. After all, to be realistic, when the majority leader and the minority leader join in sponsoring an amendment, it has a pretty good chance of success, although I understand from what I have read in the newspapers that they may differ as to the reason why they have submitted the amendment. One account I have read says that the minority leader believes it will afford time for the States to approve a constitutional amendment partially revising the Court's decision; and that the majority leader believes it will afford time for the States to comply with the decision.

In any event, if the Court will hold that "highly unusual circumstances" is an escape hatch, I am sure that the Court could sustain the amendment in such a case as the Senator has described, but the amendment then would be, in effect, nothing more than a request. That is the only basis upon which the Court could sustain it.

On the other hand, if it is held that this language is binding, and that the "highly unusual circumstances" must have occurred in connection with the original lawsuit which challenged the State's apportionment system and that the issuance of a decree and compliance with that decree is not in the category of "highly unusual circumstances," then I go back to my original proposition that this amendment would be thrown out on the ground that it represented an effort to make a rule of decision for the Court in pending cases.

In my judgment, the precedents are clear that the Court will not let that stand; and I do not see anything in social philosophy or anything else which would induce me to believe that the Court would abandon these precedents. On the contrary, I think the Court will hold with them. If not, we shall have what I am deeply concerned about: A confrontation between the power of the Court and the power of Congress, which, in my judgment, does not bode very well for either.

Mr. NELSON. What is the Senator's interpretation of the effect of the amend-

ment, if adopted, on a case that is raised subsequently and considered by the Court? Suppose a legislature meets next January and an order is made that the State be reapportioned. Can the Court issue such an order in October 1964 directing the legislature to act when it meets in January 1965? Does the Senator interpret the amendment to mean that the Court is deprived of jurisdiction? What is the unusual circumstance?

Mr. JAVITS. Yes; in my judgment, if we adopt this amendment and the Court upholds this as a valid exercise of constitutional power, it will be required to stay the effect of its order until January 1, 1966, at least.

Mr. NELSON. If some validity or credence is given to the authority of Congress to pass upon the effective date, one way or another, of the Supreme Court decision—and I understand the minority leader to say that this is more than 99 percent mandatory. What kind of violence, then, would we be doing to the concept of separation of powers? Would this not set a precedent, so that every single time the Supreme Court made an interpretation of the Constitution that Congress did not like, Congress could then adopt an amendment like this, which has strong and persuasive influence, without even the adoption of a constitutional amendment, to postpone the effective date of the order? If we can do that, are we not, in effect, constituting ourselves as a kind of super Supreme Court to review the actions of the Supreme Court?

Mr. JAVITS. That is so. I have already stated that it is my considered judgment that the Dirksen amendment as originally offered, until redrafted in consultation, as I understand—and I have no inside knowledge except that which is generally available—with the Department of Justice, would, in my judgment, have been unconstitutional as violating the separation of powers. It may or may not be saved by the phrase with respect to "highly unusual circumstances." If it is saved by that clause, it would only be because the Court construes the whole amendment as being a request.

If that is the case—and I deeply believe it is—I ask, why not adopt a dignified course, a course more honoring the separation of powers, and put it in the form of a request, because that is the only chance of its being sustained?

I point to the cases which, in my judgment, decide this issue. The first case which decided it is the case of *United States v. Klein*, 13 Wall. 128, decided in 1871. That case related to a Reconstruction controversy with respect to the indemnification of Southerners who had been granted amnesty, for property seized during the Civil War pursuant to law. Congress endeavored to deprive the court of jurisdiction to indemnify claimants in connection with pending cases. The Court in the *Klein* case refused to accept that legislation and declared it unconstitutional. That case was decided after the *McCardle* case, which is being very heavily relied upon by the proponents of the Dirksen

amendment. The distinction between the McCordle case and the Klein case and the distinction between the McCordle case and the Dirksen amendment is that in McCordle the appellate jurisdiction was taken away from the Court. No effort was made to impose upon the Court a rule of decision in a pending case; whereas, that was exactly the purport of the legislation in the Klein case and is also the purport of the Dirksen amendment, if it is to have operative effect and is not to be treated merely as a request.

In my judgment, the Klein case is decisive. The Klein case was succeeded by the case of *Glidden v. Zdanok*, 370 U.S. 530, a case decided as recently as 1962, in which the majority opinion in the Klein case was cited with approval. The Glidden case concerned the power to assign a judge of the Court of Claims to a statutory 3-judge court, a constitutional court, as it is called. The Court invoked the doctrine of the Klein case in order to sustain its judgment that the assignment was properly made.

Almost 100 years elapsed between the Klein and Glidden cases, and the Court stood by the Klein decision. It did not invoke the McCordle case, and that is very insignificant, in my judgment.

I have given the Senator from Wisconsin my considered judgment—which is the best each of us can go by—as to what the Supreme Court would do in respect to the particular approach which we are discussing. That is why I came to the conclusion that the only honest thing to do—and I do not use that term invidiously; the Senator from Illinois [Mr. DIRKSEN] is an excellent lawyer, and his judgment is as good as mine; I am speaking of integrity to act based upon my concept of what will or will not be upheld as constitutional—would be to make a request of what, in order to be sustained, would have to be considered a request in any event, instead of seeking power which in my judgment we do not have and should not have under our constitutional form of government. It is only another way to pack the Supreme Court, if we are going to try to tell it what to do in interlocutory proceedings in a pending case. That is exactly what the Klein case held.

Mr. NELSON. This is precisely the point I was getting at. If the plain language of the resolution means what it says it requires the Court to make a finding of fact that it is in the public interest to postpone the effective date of the Court decision unless it finds highly unusual circumstances. Since the specific finding must be based on some kind of substance, it would appear that we are then superimposing our judgment upon the Supreme Court's judgment in cases that are pending and cases that have been adjudicated, and, in effect, are making a judicial decision eroding away the powers of the Supreme Court.

(At this point Mr. SALINGER took the chair as Presiding Officer.)

Mr. JAVITS. That turns on what the Court will hold with respect to the words "highly unusual circumstances."

If I may develop that point with the Senator for a moment, we have already

covered the point that if there has been a decree and partial or total compliance with the decree, the Court could then say that even though those circumstances occurred after the entry of the decree, those are highly unusual circumstances which entitled the Court to refrain from issuing the stay which would be authorized by this amendment.

I can conceive also of highly unusual circumstances preceding the litigation itself, if a State legislature gave every indication of not cooperating in an effort to reapportion. The Court might deal with that situation as it has certain civil rights cases in which the Court has held that there is no use going to the local authorities to obtain relief when the entire history of the local authorities, such as a voting registrar, for example, has been characterized by discrimination on racial grounds. Therefore, the Court has held it would be fruitless to require that the plaintiff exhaust the remedy provided by State or local law by appealing to those authorities.

Such a situation might constitute "highly unusual circumstances"; and I believe that they are important. I mention them because they bear upon the answer to the Senator's question. But laying aside the meaning of the words, "in the absence of highly unusual circumstances," unless the Court uses that as an escape hatch, the amendment would run afoul of the separation of powers, in my judgment, and would endeavor, in defiance of the decisions which I have mentioned, to impose a rule of decision upon the Supreme Court.

I do not believe that a discussion of the McCordle case avails to save this type of legislation. It is for that reason that I state that it is my considered judgment that the only thing which places it in some doubt is the meaning of the words, "in the absence of highly unusual circumstances." If the Court were to give those words the weight it needs to give them in order to hold the legislation constitutional, it would have to treat the whole thing as a request. So long as that is what the Court must consider it, why not frankly face the question now and ourselves maintain the principle of separation of powers and make the request which is the purport of the amendment which the Senator from Minnesota [Mr. MCCARTHY] and I have offered.

I believe that if Senators will search their own minds on the subject, they must perforce agree that that kind of request will be honored by the Supreme Court in accordance with the spirit in which it is made.

I point out, too, that the amendment as I have proposed it, in the form of a request, covers the problem of interfering in pending cases. The proceedings which have taken place in a pending case give the Court an opportunity, pursuant to our expressed wish, to defer decrees of the lower courts which in my judgment have been oppressive. The amendment does not challenge the good faith, the sincerity, or fidelity to duty of any lower court. However, I believe that in effect we have a right to say to the Supreme Court that we believe this issue is being ridden too hard, especially if we

do not believe that the acts of these legislatures are per se invalid because the legislatures are apportioned on a basis of which the Supreme Court disapproves.

Therefore, sufficient time should be given so that adequate Government processes may operate in an orderly and judicious way.

I have given some examples of the types of order so far issued by some lower courts which are ill-advised in terms of bringing about the reapportionment reform ordered by the Supreme Court.

I shall now refer to the situation in a number of States in which the effort to apply the naked power contained in the Dirksen amendment will upset steps already taken to comply with the Supreme Court decree.

In the State of Colorado, for example, the Supreme Court held on June 22 that the legislature was malapportioned. On July 8 the legislature reapportioned both Houses on a population basis and on July 9 a three-judge Federal district court issued an order upholding that reapportionment. The supreme court of the State has now held that action invalid under the State constitution. The matter is thereby very much in the status of the courts having it under consideration for future decision, with the necessity of reconciling Federal and State court decisions. To introduce into the situation the kind of naked stay which is incorporated in the Dirksen amendment would be disruptive and unwise.

A similar situation exists in Kansas, where a plan for the reapportionment of both houses was upheld by the State supreme court on March 30, 1964. It is now awaiting implementation.

The same situation exists in the State of New York, where a three-judge court ordered reapportionment. Although I disapprove of the idea of three elections in 2 years as ordered by the court—which I mentioned a minute ago—this question will be before the Supreme court; and I believe that to attempt to stay those proceedings by congressional fiat would be distinctly ex post facto.

In North Dakota, the legislature is acting on four proposals for reapportionment, pursuant to a court order.

In Tennessee, the State of the original decision in the case of Baker against Carr, a court proceeding and legislative proceedings are pending to reapportion, pursuant to court decree.

In Vermont, I have already stated that there is a lower court order ordering the legislature to reapportion and to disband without transacting further business.

The Wisconsin Supreme Court has ordered reapportionment with various provisions respecting the 1964 elections and thereafter, until the legislature and the Governor bring about the enactment of a valid reapportionment plan.

There are many other States—in which various proceedings involving this issue are in the process of litigation. In approximately 16 States there have already been court orders entered. In approximately 23 others litigation has already begun. In many of these 39 States, as well as in some of the other 11, some

legislative or executive action has already been taken toward reapportionment. All those judicial proceedings would be placed in jeopardy unless the Supreme Court were to hold the Dirksen amendment to be ineffective to change a rule of decision in a pending case.

At the same time, on the merits, the situation which we face is not at all an open-and-shut issue of one man, one vote. There is the Federal compact, which is constantly in the minds of the people of all our States, which gives the Senate two representatives from each State, regardless of population. How often have many of us from the great populous States, like New York and California, the State of the distinguished Presiding Officer, the junior Senator from California [Mr. SALINGER], felt ourselves frustrated by the fact that actions, which we consider inimical to our States, are brought about by a vote of Senators from very much smaller States. But this Federal compact has worked well for almost two centuries. And we wish to see it continue.

There is no reason, in my judgment, why the people of the respective States should not have the same opportunity. I emphasize the word "opportunity." Many States may not wish to follow the Federal pattern. The State of Nebraska has a unicameral legislature. There are other States in which a one-house legislature is now contemplated for simplicity or for other reasons pleasing to the people of those States. Our great sister free nation, the United Kingdom, has functioned for centuries, for all practical purposes, with one house. It has worked very well. It has been a model of parliamentary government, indeed, for the whole world.

On the other hand, consider the situation which obtains in the State of Oregon, which reapportioned both of its houses on the basis of population a few years ago. Now it has encountered a new form of discrimination in terms of representation. That situation involves discrimination against areas in favor of the one-man, one-vote concept. For example, 8 of the 30 Senators in the State Senate of Oregon live within the city limits of Portland, Oreg. One State senator represents 28,000 square miles—a district as big as Vermont, New Hampshire, Rhode Island, and New Jersey combined. The question raised is, Should the people of the State of Oregon have a right to say, "We enjoy these tremendous areas, too. We want them to be worked, cultivated, and developed. We want to have people brought into those areas. We want them to be given agricultural and industrial opportunity." I emphasize that word "want." Should the people have a right to say, "We want more than one voice in one of the houses in our State legislature with respect to the resources concentrated in such an enormous area."

I see no reason why the people of a State should not so decide. They ought to have that opportunity. I can see a very orderly pattern worked out to effectuate the mandate of the Supreme

Court and conform to the desire of all of us to see that it is worked out in such a way as to be not unduly disruptive of our social order and State governments, to give the people the opportunity, if they wish, within a very proximate time to enact a State constitution which will apportion one house on a basis other than population. They might express themselves by turning down the proposal and proclaiming that they want an apportionment of both of the houses on the basis of population, which is their privilege.

I do not see why we cannot effect all those purposes by requesting the Supreme Court—as a coordinate branch of the Government along with ourselves—to stay its hand. The Supreme Court is acquainted with our plans. We should ask the Court to stay its hand until we act with prompt and deliberate speed. I use the phrase which the Court itself used in the civil rights case of *Brown versus Board of Education*. We would thus avoid the need for placing the Supreme Court in the position of turning down an act of Congress which purports to have a statutorily operative effect, but which, in my judgment, if it had such an effect, would have to be struck down by the Court as unconstitutional because it interferes with the prerogatives of the judiciary.

Why should we have that confrontation when it is not necessary? How often do we see in a decision of the U.S. Supreme Court the phrases: "We are sympathetic with what the losing party is claiming. But this is a problem for Congress. We invite the attention of Congress to this problem." How often have we seen Congress thereafter legislate in that field? Why not, in a historic moment in American history, do the same thing with the Supreme Court? Why should we not say to the Supreme Court, "This procedure is being crowded too hard and too fast by the lower courts. We do not expect you to declare the acts of our State legislatures to be invalid, nullities, or void, even if the State legislatures are elected on a malapportioned basis. Therefore, we ask for time within which our plan or legislative scheme for dealing with this problem can be worked out."

That is the dignified, respectful way in which to do it. It is the way in which the Supreme Court has dealt with us. It is the way in which, in my judgment, we ought to deal with the Court. I believe that a confrontation between the power of the Supreme Court and the power of Congress is so dangerous that it could be disruptive of the American system.

We are operating in the atmosphere of a presidential campaign. It is a presidential campaign in which there will be sufficient overtones of attacks upon the Supreme Court and dissatisfaction with Supreme Court decisions in the civil rights field, the school prayer field, and other fields. This will impose more than an adequate strain upon the body politic in the United States.

Why add another? That is the question I ask. Why add another when we

can accomplish a legitimate result by being respectful ourselves, as we expect the Supreme Court to be respectful of the orders, views, and plans of Congress?

At best, we shall be home for 3 months. Since Baker against Carr, when this whole process was initiated, a period of years has elapsed. Therefore, what harm would there be in waiting to see if the approach which the junior Senator from Minnesota [Mr. McCARTHY] and I have suggested works. We shall soon find out if it does not work. There is plenty of time in which to apply power, if power is necessary. There is plenty of time to apply power, if the request does not work.

It is upon that ground that the junior Senator from Minnesota [Mr. McCARTHY] and I believe that the amendment in the nature of a substitute, which we have proposed, represents a fair way for Congress to work its will, and at the same time to respect faithfully the institutions established by the Constitution, of coordinate power to rule our people.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McNAMARA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McNAMARA. Mr. President, in my opinion, the proposed amendment to circumvent the Constitution of the United States is ill-conceived, misbegotten, misguided, and mischievous.

It is also destructive of the rights of the American people to full and equal representation in their State legislatures.

Until this belated effort was mounted to bludgeon the Congress, under pressure of adjournment deadlines, into a nullification of the Supreme Court decision on legislative reapportionment, I had hoped that the year 1964 would be remembered for two great milestones along the road to equality.

One, of course, is the recently enacted Civil Rights Act of 1964, the other, the Supreme Court's decision on legislative apportionment.

Both of these great achievements bolster the same basic principle that equality of citizenship, dignity, and opportunity for all Americans is fundamental to our Nation's heritage, and that it is guaranteed by our fundamental laws; and that basic to everything else is the right to vote—fully, fairly, without dilution, and at every level—from township supervisor to President of the United States.

It is tragic irony, therefore, that within a few weeks of the triumphant passage of the Civil Rights Act of 1964 the Congress should be considering its effective repeal.

And I mean just that, because if this amendment should be enacted into law, we would establish as the American rule that some men are created half equal, and that they are entitled to only half-protection of the laws.

It would be a discrimination, based not upon the color of your skin; the church where you worship, or the country from which your ancestors came, but upon where you now live.

Mr. President, I intend to examine in some detail the absurd premise that gross discrimination in one house of a bicameral legislature, based on factors other than people, be it pine stumps, cows, inland lakes or what, does not really matter as long as some kind of quality is preserved in the other house of the legislature.

We have had considerable experience with this situation in Michigan, where a malapportioned State senate, isolated and insulated from the needs, aspiration and desires of the majority of the people, effectively throttled all attempts at social reform and economic progress, proposed by Governors elected at large and representing the majority of the people.

I am indebted for this documentation to one of the nationally recognized leaders in the fight for equal representation—Mr. August Scholle, president of the Michigan AFL-CIO Council.

Mr. Scholle has been waging the "one-man, one-vote" battle for years, and his efforts have now succeeded in Michigan, where we now have a legislature that is fairly representative of the people in both the State senate and house of representatives.

Mr. Scholle had prepared testimony in opposition to this destructive effort now before us which he had hoped to present to the House Judiciary Committee. He was unable to do so.

However, his carefully documented testimony presents such a powerful argument against the pending amendment that I intend to quote extensively from it.

Before doing so, however, I wish to refute some of the rationalizations advanced on behalf of legislative malapportionment, which are nothing more than smoke screens for maintaining a status quo situation of minority control in our State capitols.

The first might be described as "The people's right to be wrong." The gist of this proposition is that the most wildly unfair and unjust malapportionment of one house of a State legislature is perfectly all right as long as it has been approved in a referendum election, regardless of the constitutional rights that are trampled upon in the process.

This is, of course, absurd. No State or city could pass a law denying a citizen elector the right to vote because of race, color, or creed. And should such a law be approved in a referendum vote, it would be thrown out by the courts.

Why then should a law be upheld that dilutes or denies a citizen an equal voice in his State legislature on the basis of where he lives?

I would just comment, in passing, on the discredited "Federal analogy" rationalization that there is a valid parallel between State legislatures and the Federal Congress.

The Supreme Court of the United States has eloquently held to the contrary, explaining that the sovereign

States joined initially in the Great Compromise to form the Federal Union, representing people in one House and "sovereign" States in the other.

But, Mr. President, there is not now, and never has been, such a thing as a "sovereign" county.

Equally disreputable is the argument that at least one house of a State legislature must be unequal in order to represent diverse interests of the State in both or to achieve a system of checks and balances.

Any districting plan in a bicameral legislature of different-sized houses will automatically meet this problem—even if both houses are based on population. This is true because of the overlapping districts' different personalities; different terms of office; and the mere necessity that measures must successively pass two houses to become law.

This brings me to the key fallacy of the pending proposal that fair representation in one house of a legislature will suffice:

Fair representation—which means majority control—in one house only will not pass a bill.

An entrenched minority in the other house can kill it—and often does—as I will soon demonstrate.

Equally important, that second, minority-controlled house is likely to have exclusive life-and-death power over gubernatorial appointments. And when it also is granted the power of legislative review over State agency actions, the stranglehold is complete.

I know too well, from the experience of my own State, of what I speak.

Michigan, in its 1908 constitution had relatively fair provisions for legislative apportionment and for reapportionment every 10 years. The basic problem was that these provisions were judicially unenforceable.

As the metropolitan areas of Michigan grew tremendously after World War I, the State changed from agrarian to industrial in nature.

But the legislators charged with the duty of decennial reapportionment simply refused to act for fear of voting themselves out of office.

Our senate was last reapportioned under the 1908 constitution in 1925, supposedly under the 1920 census, but only roughly at that. The reapportionment constitutionally required in 1930, 1940, and 1950 were flagrantly denied by a Republican-minority-controlled legislature fearful of Democratic urban strength.

A petition drive in 1952 for correction failed—through a campaign of abuse, vilification, and misrepresentation that demonstrates how useless is protection of referendum assumed to exist in the amendment we are discussing.

A counterproposal freezing the 1920 districts carried, and even its proponents a dozen years later conceded the tragic errors involved. For, in the ensuing decade one house, the Michigan Senate, controlled by a destructive minority block, elected by a minority of the people, frus-

trated legislation proposed by a popular governor, elected at large for six consecutive terms, more times than ever before in the country's history.

But because of Senate malapportionment, he could not translate the popular will into law.

And a minority-controlled State senate served for years as a graveyard for progressive legislation, frustrating the popular will, unresponsive to the needs of the State, and unaccountable for their actions to the majority of citizens in the State.

In his statement, Mr. Scholle noted that he has helped sponsor two petition drives for legislative reapportionment in Michigan. He also was plaintiff in a court suit that went to the U.S. Supreme Court and resulted in a modern, fair, and equitable legislative reapportionment this year in Michigan.

He said:

Reapportionment and equality of citizenship are inseparable. What we are actually discussing when we pose this problem is the age-old struggle of men to achieve equality and thereby freedom and dignity. This struggle is without beginning and seemingly without end.

Throughout our country, and throughout the world today men are struggling for freedom; freedom of opportunity and freedom of choice, both of which are unattainable unless there is equality of citizenship. Citizens are unequal where equality is most essential—at the ballot box.

What happens when an unresponsive, uncaring, and unreachable minority controls one house of a State legislature?

I think the Michigan experience might be illuminating here, not only in terms of denying needed legislation, but also in the redistribution of tax moneys collected for all State governmental functions.

A study in Michigan of tax collections and redistributions in a carefully selected representative group of 26 Michigan counties for the fiscal year of 1960-61 showed that in the small senatorial districts that had the least number of people, we had a per capita collection in one district of \$90.33 while the State redistributed in that area \$98.63.

In another much overrepresented district the per capita collection of tax dollars was \$89.59 and the redistribution was \$107.06 per capita.

Contrast this with the districts which were very much underrepresented with a much larger population.

For example, in one district, the State collected \$99.17 per capita and the legislature redistributed only \$72.56.

In Wayne County, the most populous area in the State, and one of the most underrepresented in the State senate, per capita collections were \$108.61 and the redistribution was only \$66.45.

For further information on collection and redistribution based on Michigan Senate and House districts, I am attaching exhibit "A," prepared by Mr. Scholle, and ask unanimous consent that it be inserted at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Senatorial districts within 25 counties

[Figures based on 76 percent of revenue from counties and all direct payments to local units of government from State]

State collections, \$799,147,880.98; State distributions, \$565,753,745.45

	1960 popula- tion	Collections from county	Per capita collec- tions	Distributions to counties	Per capita distribu- tions		1960 popula- tion	Collections from county	Per capita collec- tions	Distributions to counties	Per capita distribu- tions
32d senatorial district:						12th senatorial district:					
Ontonagon.....	10,584	\$945,273.80	\$89.31	\$1,052,505.73	\$99.44	Oakland.....	690,583	\$68,486,736.31	\$99.17	\$50,109,430.00	\$72.56
Baraga.....	7,151	638,031.32	89.22	863,604.72	120.76	13th senatorial district:					
Houghton.....	35,654	3,307,030.47	92.75	3,350,958.73	93.98	Genesee.....	374,313	36,268,457.39	96.89	26,068,756.00	69.64
Keweenaw.....	2,417	241,131.70	99.76	335,774.72	138.92	33rd senatorial district:					
Total.....	55,806	5,131,467.29	90.33	5,602,843.90	98.63	Washtenaw.....	172,440	16,177,392.79	93.81	9,867,099.00	57.22
26th senatorial district:						16th and 17th senatorial					
Mason.....	21,929	2,088,368.36	95.23	2,786,549.39	127.07	districts:					
Newaygo.....	24,160	2,009,466.24	83.17	2,434,909.06	100.78	Kent.....	363,187	39,153,019.54	107.80	23,440,538.92	64.54
Oceana.....	16,547	1,362,976.56	82.37	1,599,285.06	96.65	Per Senator.....		19,576,509.77		11,720,269.46	
Lake.....	5,338	453,198.42	84.90	807,324.06	151.24	Wayne County sena-					
Manistee.....	19,042	1,792,519.32	94.13	1,687,899.39	88.64	torial districts (1, 2,					
Total.....	87,016	7,796,508.90	89.59	9,315,966.96	107.06	3, 4, 5, 18, and 21):					
23d senatorial district:						Wayne.....	2,666,739	289,648,288.00	108.61	177,226,542.00	66.45
Muskegon.....	149,943	14,148,703.19	94.36	11,712,156.95	78.11	Per Senator.....		41,378,326.85		25,318,077.42	
Ottawa.....	98,719	8,849,436.72	89.64	4,071,883.39	41.42	11th senatorial district:					
Total.....	248,662	22,998,139.91	92.48	15,784,040.34	63.47	Macomb.....	405,804	31,390,352.23	77.35	25,387,365.00	62.56
						15th senatorial district:					
						Clinton.....	37,969	2,556,816.75	67.33	2,823,035.00	74.35
						Eaton.....	49,684	3,613,503.61	72.72	4,252,668.39	85.59
						Shiawassee.....	53,446	4,503,576.36	84.26	4,362,903.39	81.63
						Total.....	141,099	10,673,896.72	75.64	11,438,606.78	81.06

Representative districts within 25 counties

[Figures based on 76 percent of revenue from counties and all direct payments to local units of government from State]

State collections, \$799,147,880.98; State distributions, \$565,753,745.45

	1960 popula- tion	Collections from county	Per capita collec- tions	Distributions to counties	Per capita distribu- tions		1960 popula- tion	Collections from county	Per capita collec- tions	Distributions to counties	Per capita distribu- tions
Iron district:						Macomb County, 1st,					
Alger.....	9,250	\$790,757.46	\$85.48	\$1,008,120.39	\$108.98	2d, and 3d districts					
Baraga.....	7,151	638,031.32	89.22	863,604.72	120.76	(3 Representatives):					
Iron.....	17,184	1,724,273.55	100.34	1,661,850.39	96.70	Macomb.....	405,804	\$31,390,352.33	\$77.35	\$25,387,365.00	\$62.56
Schoolcraft.....	8,953	1,036,956.14	105.24	936,497.39	104.60	Per Representative.....	135,268	10,463,450.77		8,462,455.00	
Total.....	42,538	4,190,018.47	98.50	4,470,072.89	105.08	Monroe County:					
Houghton district:						Monroe.....	101,120	7,819,448.91	77.32	6,930,758.00	68.53
Houghton.....	35,654	3,307,030.47	92.75	3,350,958.73	93.98	Muskegon County, 1st,					
Keweenaw.....	2,417	241,131.70	99.76	335,774.72	138.92	and 2d districts (2					
Total.....	38,071	3,548,162.17	93.19	3,686,733.45	96.83	Representatives):					
Newaygo district:						Muskegon.....	149,943	14,148,703.19	94.36	11,712,156.95	78.11
Newaygo.....	24,160	2,009,466.24	83.17	2,434,909.06	100.78	Per Representative.....	74,971	7,074,351.59		5,856,078.47	
Oceana.....	16,547	1,362,976.56	82.37	1,599,285.06	96.65	Oakland County, 1st,					
Total.....	40,707	3,372,422.80	82.84	4,034,194.12	99.10	2d, 3d, 4th, 5th, 6th					
Genesee County, 1st						districts (6 Represent-					
and 2d districts (4						atives):					
Representatives):						Oakland.....	690,583	68,486,736.31	99.17	50,109,430.00	72.56
Genesee.....	374,313	36,268,457.39	96.89	26,068,756.00	69.94	Per Representative.....	115,097	11,414,456.05		8,351,571.66	
Per Representative.....	93,578	9,067,114.34		6,517,189.00		Ottawa County:					
Kent County, 1st, 2d,						Ottawa.....	98,719	8,849,436.72	89.64	4,071,883.39	41.24
and 3d districts (5						Washtenaw County, 1st					
Representatives):						and 2d districts (2					
Kent.....	363,187	39,153,019.54	107.80	23,440,538.92	64.54	Representatives):					
Per Representative.....	72,637	7,830,603.90		4,688,107.78		Washtenaw.....	172,440	16,177,392.79	93.81	9,867,099.00	57.22
Shiawassee District:						Per Representative.....	86,220	8,088,696.39		4,933,549.50	
Livingston.....	38,233	3,163,212.08	82.73	2,823,602.00	73.85	Wayne County, dist-					
Shiawassee.....	53,446	4,503,576.36	84.26	4,362,903.39	81.63	tricts 1 to 21, inclu-					
Total.....	91,679	7,666,788.44	83.62	7,186,505.39	78.38	sive (38 Represent-					
						atives):					
						Wayne.....	2,666,739	289,648,288.00	108.61	177,226,542.00	66.45
						Per Representative.....	70,177	7,622,323.36		4,663,856.36	

Mr. McNAMARA. Mr. President, often, the representatives from these districts who give preferential treatment in appropriating moneys to spend in their own counties are the ones, with few exceptions, who are outraged at any proposal to adopt social legislation for the well-being of the residents of the populous counties which are the greatest sources of income for the State.

Let me give some specific examples:

In 1958, the Michigan State Senate voted on an amendment which would have provided for free polio shots for needy children. The 19 Republican

members, representing 2,848,423 people, voted against the measure, and the 12 Democrats, representing 3,193,417 people, voted for it. The proposal lost, even though it was favored by representatives of the majority of the people, who felt that this legislation was beneficial to the State and its people.

In 1953, the Michigan Senate voted on a \$3 increase in unemployment insurance. The vote was 14 votes for and 14 votes against and the bill was killed. However, 14 senators voting for the \$3 increase represented 3,542,407 people, while the votes cast against the bill rep-

resented only 2,421,631. In other words, 1,120,776 more people were represented by the 14 senators voting for the amendment.

This increase was denied even though Michigan had one of the lowest average rates of unemployment compensation in the country. We still have this dubious distinction as a result of the continued minority control of our State legislature.

An amendment to the Workmen's Compensation Act to improve and clarify the language of the act and to aid the unfortunate victims of industrial accidents was voted down by 18 senators rep-

representing 2,859,918 people while the 14 senators who voted for it represented 3,510,849 people.

In 1955, a budget of \$50,000 for preparation of the St. Lawrence Seaway was proposed by the Governor. This was cut to \$500. Nevertheless, when an amendment was introduced to reinstate the original \$50,000, it was killed by a vote of 19 senators representing 2,674,214 people, while the 12 senators who voted for it represented 3,266,215. In other words, 592,000 more people were represented by the 12 senators voting for it than the 19 senators voting against it. Yet it lost.

In 1957, when mental health facilities in the State of Michigan were sorely needed, particularly in the populous areas which provide the bulk of tax moneys collected by the State, legislation was introduced to add 220 beds at Plymouth State Home and Training School in the Detroit Metropolitan area. Despite the obvious need for these beds, the proposal was killed by a vote of 20 senators representing 2,770,198 people while the 11 senators who voted for it, represented 3,132,404 people.

During the 1959-60 session of the legislature, a bill was introduced which would have enabled development credit corporations to secure the benefits provided by the Federal Small Business Investment Act of 1956, helping small business in Michigan.

This bill was defeated in the senate by 17-15. There were 3,558,821 people represented by the 15 senators voting for this bill which would have helped small business in Michigan, while the 17 senators voting against this measure represented only 2,554,206.

Again in the 1959-60 session of the Michigan Legislature a bill was introduced to exempt food and medicine from the 4-percent sales tax with the objective of relieving retirees and persons with fixed incomes from this grossly unfair burden of taxes. This proposal was killed in the State senate by a vote of 20 to 14. The senators voting against represented 3,279,700 people, while the 14 senators who voted for this relief for retirees and fixed-income groups represented 4,957,298.

In other words, 1,677,598 more people were represented by the 14 senators voting for this measure than the 20 senators voting against. But it was defeated.

Perhaps the most outrageous example of "tyranny by the minority" occurred in the apportionment of Michigan's legislative districts in the early 1950's.

The Michigan constitution—at that time—provided that representative districts be drawn with an equal number of inhabitants and consisting of "convenient and contiguous territory."

The dictionary definition of "contiguous" is: 1. bordering upon; to touch upon, and in physical contact touching; 2. Near, adjoining."

But the minority-controlled Michigan legislature, in a burst of gerrymandering zeal unmatched before or since, ignored this constitutional directive to create the four-county Iron Legislative District in the Upper Peninsula which is contiguous only by water, off the coast of Lake Superior.

That is right: Two of the counties—Baraga and Iron—are 72½ miles distant from Alger and Schoolcraft, the other two counties of the Iron District. Interposed between them are Marquette and Delta Counties which comprise another district.

The only way to get from one part of this "contiguous" district to another, without crossing another district, is to go by boat.

The legislators who created this malapportioned monstrosity thought it was very funny. They turned it into a cloak-room joke, asserting that the four counties of the Iron District "are contiguous by the waters of Lake Superior."

As might be expected, this same minority-controlled legislature followed a similar gerrymandering pattern in drawing congressional district lines. The result was that this legislature created—in Michigan—the smallest congressional district in the Nation, containing only 178,251 people under the 1950 census.

The largest congressional district in the State—in the Detroit metropolitan area—contained more than 500,000 people, almost three times as many people as the smallest in the Nation.

Another evil effect of a minority-controlled legislative house is that it is likely to have exclusive life and death power over appointments by the Governor.

The Michigan constitution provides clearly for the appointive power of the Governor, with the advice and consent of the Senate.

But during the 12 years that G. Mennen Williams served as Governor of Michigan, being elected and reelected with substantial majorities, the minority-controlled State senate arrogantly usurped his appointive power, by rejecting or refusing to confirm many of his key appointees.

This is clearly demonstrated by the fact that senatorial refusal to confirm appointees of the Governor was very rare from 1901 to 1948. A total of only nine appointees were rejected. But in the 12-year period of 1949-60, the senate rejected 24 appointees of Governor Williams.

For example, one member of the appeals board of the Michigan Employment Security Commission, who was appointed in 1946 for a 6-year term, remained in office until 1960, or 8 years after Governor Williams had attempted to replace him. The senate achieved this by simply refusing to confirm the appointment of those named by the Governor to replace him.

This was clearly a senatorial usurpation of the Executive power of appointment. It is but one example of many such instances. Since the Senators themselves did not accuse the appointees of lacking qualifications, the conclusion is inescapable that they were motivated by political considerations—at the expense of good government.

As a matter of fact, on many occasions, it was blatantly admitted that in a majority of the cases the appointments were denied for partisan political advantage.

In 1963, Michigan adopted a new Con-

stitution. It included apportionment provisions unique in the Nation's history. One house, said to be based on population, approached, but did not achieve, that description. The other, the Senate, did not, but admittedly was not intended to, for it literally represented area under a so-called 80-20 formula which, in application, meant that 19 acres literally had the voting strength of a human being, and the votes of some citizens were potentially worth up to 3 times those of others.

These 1963 provisions, like the adopted 1952 Michigan proposals, were fortunately thrown out by the U.S. Supreme Court, as a violation of our citizens' rights.

But their application under a formula, which could have been applied with only slight modification to deny democracy to every State in the Union, illustrates the fallacy of thinking that good government can be achieved when only one house is responsive to majority will.

Our Michigan experience repudiates also the outrageous argument that any abuse of constitutional rights can be permitted if enough people vote for it. Majority rule means constitutional majority rule, and our right to free speech, free press, free religion, and the free ballot box does not depend on majority approval or sufferance of our fellow citizens, as the Supreme Court has just reaffirmed.

Our 1963 apportionment provisions were adopted not alone, but as one section among hundreds in a totally new State constitution. The campaign to adopt that constitution, led by our present Governor, was pitched out-State on the theme that the apportionment provisions would restrict Detroit area influence, and, in Detroit, on the approach that citizens should vote for a generally good constitution despite the apportionment provisions, whose validity "would after all be a question for the courts." Wholesale misrepresentation abounded. When the constitution finally carried by a margin after recount, of one-half of 1 percent, the apportionment provisions were urged by their proponents to the courts as a great expression of the popular will and no longer a legal, but a voter-preempted question.

If these represent the standards of fairness the present proposals are designed to achieve, and if such proposals should carry, our Republic is in danger.

It will further be in danger because of another aspect of the proposed amendment—the notion that we strip the courts of power when we disagree with them. This proposal, probably unconstitutional, is shockingly dangerous, for it runs contrary to our heritage of obeying laws until they are changed, and of recognizing and respecting judicial authority. Moreover, these proposals constitute the gravest threat to judicial independence and the separation of powers within recent memory.

It was because of the courts and the great decisions in Baker against Carr and Reynolds against Sims that we stand in Michigan and elsewhere on the threshold of real democracy, living State gov-

ernment, and the ability to meet the needs of our citizens.

If we do not have faith and confidence in abiding by the will of the majority of the people; if we do not believe that the majority will of the people should be reflected by our legislative bodies; if we do not believe that 50-percent-plus of the people should govern, then what percentage of the minority of the people do we determine should govern the majority?

Should 49 percent govern the 51 percent, or as has prevailed in Michigan, should 29.4 percent of the population be able to govern through control of one house, the other 70.6 percent of the people?

Or should we Sovietize the State legislative bodies and have 7 percent of the people dominate the other 93 percent, as prevails in the Soviet Union?

Regardless of all of the fine academic, hypothetical, theoretical arguments that can be made, when a clear perspective is taken of this question it boils down again to this simple question: "What percentage of the minority of the people should control the majority?"

Is the tyranny of majority rule over the minority ever likely to be more obnoxious than the tyranny of a minority over the majority? If minority control over people is to be approved, then a grave and serious question can be raised as to the morality of our spending billions of dollars a year of the people's money to defend ourselves from foreign ideologies.

There is absolutely no separation of the question of combating dictatorships, whether nazism, fascism, or communism, and of combating any other ideology wherein a minority of the people can govern the majority.

Some of our most difficult international problems could be solved if the people who lived under the iron heel of dictatorship were to be given equality at the ballot box and the majority of the people were permitted to cast a ballot to determine the form of government they wanted to live under.

Certainly we all know that the Berlin wall would be torn down by the East Germans within a week if the East German people were permitted to vote and the wishes of the majority of the East German people were abided by.

I have always firmly believed that if the various States ever achieved truly representative government that the many frictions which prevail today in areas such as civil rights, the arguments about States rights against the propaganda of concentration of power in Washington would, to a major extent, be resolved.

If the legislature actually reflects the sentiment of the majority of the people, the legislatures of each State would be concerning themselves with cooperating and working in harmony with the Federal Government to meet the problems of the pockets of poverty, illhousing, old-age security, mental health, and the many other social problems which we face as a nation today.

If we approve the pending proposal and the proposed constitutional amendment for which it is supposed to buy time, we

shall have to go back to the people and tell them that we do not believe in equality of citizenship at the ballot box.

We will be in the position of advocating to our constituents that they sacrifice their most cherished basic symbol of freedom—equality.

If we are going to be honest, we will have to say to the people, "We don't believe that a majority of the people should govern, but that a minority should govern." We will be advocating an oligarchy, or some type of despotism, or some other tyrannical form of government to substitute for majority rule. We will resume the dreary argument over just what percentage of the minority of the people should govern the majority.

We will make a mockery of the words in Lincoln's famous Gettysburg Address, "that government of the people, by the people, and for the people shall not perish from the earth."

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCARTHY. Mr. President, I ask unanimous consent that the order for the quorum call may be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCARTHY. Mr. President, I commend the Senator from Michigan [Mr. McNAMARA] for his excellent presentation of the case for apportionment in his State. The examples which he cites could be found in many other States in the Union. If we need any practical demonstration of the justification for the court's action, that justification was contained in the statement which the Senator from Michigan has just completed.

Along with his statement, of course, was the theoretical case made for the Supreme Court's action by the Senator from Oregon [Mr. MORSE] in the presentation which he made to this body's few days ago, in which he inquired into the constitutional aspects of the case, and the constitutional aspect of the application of the Court's decision.

Today the Senator from New York [Mr. JAVITS] and I submitted an amendment in the nature of a substitute for the Mansfield-Dirksen amendment, which is under consideration by the Senate.

It is my opinion that the Court has ruled quite properly in this case that the principle of one vote for each person is fundamental to American democracy.

The principle that the majority shall rule is fundamental to American democracy.

This was clearly expressed by the men who drafted the Constitution of the United States. One of them, James Madison, said that once the will of the people has been determined, even though the majority was by a single vote, that decision should be held as sacred as if it were unanimous.

The RECORD clearly shows that under existing practices in many States, it is impossible to determine what the will of the majority is.

The original Dirksen proposal to the Senate was, I believe, without question,

clearly unconstitutional, because it would have had the Congress overriding Supreme Court decisions—decisions which were not related to the statutes which had been enacted by the Congress, but decisions based upon their interpretation of the Constitution. Certainly, the Senate and the other body do not have any right or any power to override or overrule constitutionally based decisions of the Supreme Court.

The Mansfield-Dirksen substitute is somewhat less brazen and somewhat less open in its challenge to the Court, but in my opinion, if in the Mansfield-Dirksen substitute we move to the point where the legislative branch establishes real power or control over the Court's decisions, at that very point we shall move into the area of the unconstitutional.

If we stay short of that, we remain in the area of making a recommendation and a suggestion to the Supreme Court and the inferior courts as to how they should proceed in this case.

In my judgment there is no "between" ground in this case, unless we were to proceed to amend the Constitution; but short of that, there is no intermediate area between that which is unconstitutional and that which is a mere recommendation on the part of the Congress to the courts in their dealings with the execution of the decision which has been made with regard to reapportionment.

It is my opinion, therefore, that the best approach—an honest and open approach—is that which is proposed in the amendment which the Senator from New York and I have offered. It would express the sense of Congress with regard to proceeding under the Supreme Court decision on reapportionment.

I sincerely hope that Senators will give thought to the distinctions which the Senator from New York made in his remarks earlier today and to the points which I am now making.

I should like to emphasize the point that Senators who were most concerned about the effectiveness of State government and the integrity of States, and who spoke so often of keeping government as close to the people as possible—those who are prone to quote Abraham Lincoln that government should do for the people only what the people cannot do as well for themselves or what they cannot do at all—have in this case an opportunity to eliminate an obstacle to effective State government. This obstacle has prevented the people from doing for themselves what they saw they could do just as well as the Federal Government, but which they have been kept from doing because they do not have equal representation in the lower and upper bodies of State legislatures.

So, let us eliminate that obstacle—an obstacle in the way of the people in the States, an obstacle which keeps them from doing for themselves what they could do, and what they would do if they had reapportionment and proper representation in their State legislature.

To protect the integrity and effectiveness of State governments, to protect the integrity of the Constitution of the United States, to protect the integrity of the Supreme Court, and, along with

that, the integrity of the U.S. Senate, the proposal that the Senator from New York [Mr. JAVITS] and I have offered should be adopted in this body.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. JAVITS. I am pleased to have been able to join with the Senator from Minnesota in this effort. There are two approaches to this situation. The first approach is one which, in my judgment, was struck down in 1871 in the case of United States against Klein. It is the approach of the Mansfield-Dirksen amendment—as the Senator calls it—undiluted—that is, without the addition of the clause “highly unusual circumstances”—which perhaps gives the Court an escape mechanism. The other approach is the more condign approach, of depriving the appellate court of jurisdiction entirely, which was the course pursued in the McCardle case, a very old case which predated the Klein case. There is grave doubt in my mind that the Supreme Court would follow the McCardle precedent with respect to pending cases in the Federal courts, even though those pending cases were in the lower courts.

There may be some States—but very few of the 50 States—the apportionment of which has not now been called into question in the Federal courts. Therefore, if the McCardle doctrine, which has been questioned in later cases, were not to stand up, we would again be running the risk of a direct confrontation between the judiciary and Congress in an area in which it is not necessary to have a confrontation. It is my conviction that in the cases which are already pending before the Federal courts, if the Supreme Court would have to regard the Mansfield-Dirksen amendment as more than merely precatory, they would therefore strike it down. The amendment which the Senator from Minnesota and I recommend would best square with existing law, the likelihood of a new decision on this legislation by the Supreme Court, and the substantive result which we have a right to expect from the Court, of crowding the whole situation quite so hard in terms of implementation of the law which the Court has laid down.

Mr. McCARTHY. I believe that this is the best course of action for Congress to take insofar as it would have any bearing on decisions and rulings which have been made with respect to cases in the process of being appealed, and certainly with reference to any recent decisions that might be made with reference to other States. It is my opinion that this is as far as Congress should go in attempting to give direction or to influence the judicial process in this proceeding.

Mr. JAVITS. I thank the Senator for his intercession. The idea of a “sense” resolution was very much the idea of the Senator from Minnesota. I was honored when the Senator felt that I should take the laboring oar in it. I know that it will be regarded as our joint endeavor. I hope it might have some helpful result in resolving the question

before Congress. I know the Senator joins me in the realization that it is a real problem that has to be coped with. No matter what should happen to the legislation here, it would be most unfortunate if the Supreme Court allowed the situation to be dealt with quite as hard as some lower courts seem to think it must be.

Mr. McCARTHY. I agree with the views of the Senator from New York, and I am pleased to work with him on this particular bill. I know that the Senator shares with me the conviction that the processes of democracy are not self-operating and that we need to pay continuous attention to the procedures and relationships which exist in our Government among the three branches.

The Senator from New York has joined me in the past—perhaps not in the same kind of joint effort—in trying to protect the integrity of the legislative branch as against the executive branch, and also the integrity of the executive branch as against a challenge from the judicial or legislative branch of the Government. This becomes increasingly more important as we move into many areas in which it is more difficult to draw a line between executive and legislative authority, as in the case of earlier proceedings under the civil rights issue when Congress failed to take action which it should have. In this instance we placed a great burden on the executive branch of the Government. We placed a great burden upon the judicial branch of the Government and asked them to carry out legislative functions, or almost legislative functions, because Congress had failed to act.

The Senator from New York was one of those who pressed hard for the enactment of the civil rights bill to assist the executive branch of the Government in meeting its responsibility in this area, and also to make it easier for the court to carry out its responsibility regarding this problem.

I am glad to join the Senator in drawing the line, under the limited right that Congress has, to give direction on this basis.

Mr. JAVITS. If one wants to be respected, he must give respect. That is why I appreciate the approach which we have both adopted.

I thank the Senator.

Mr. McCARTHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 548 Leg.]

Aiken	Curtis	Inouye
Allott	Dirksen	Jackson
Anderson	Dodd	Javits
Bartlett	Dominick	Johnston
Bayh	Douglas	Jordan, N.C.
Beall	Eastland	Jordan, Idaho
Bennett	Edmondson	Keating
Bible	Ellender	Kuchel
Boggs	Ervin	Lausche
Brewster	Fong	Long, Mo.
Burdick	Fulbright	Long, La.
Byrd, Va.	Goldwater	Magnuson
Byrd, W. Va.	Gore	Mansfield
Carlson	Gruening	McCarthy
Case	Hart	McClellan
Church	Hartke	McGovern
Clark	Hayden	McIntyre
Cooper	Holland	McNamara
Cotton	Hruska	Mechem

Metcalf
Miller
Monroney
Morton
Morse
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell

Prouty
Proxmire
Randolph
Ribicoff
Robertson
Russell
Salinger
Saltanstill
Scott
Simpson
Smathers
Smith

Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Walters
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER. A quorum is present.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER (Mr. SALINGER in the chair). The Chair, on behalf of the President pro tempore, announces the following appointments:

To attend the third United Nations Conference on Peaceful Uses of Atomic Energy at Geneva, August 31 through September 9, 1964: Senators PASTORE, ANDERSON, HICKENLOOPER, and AIKEN, with Senators CHURCH, McINTYRE, JORDAN of Idaho, and CASE as alternatives.

To attend the British Commonwealth Parliamentary Conference at Jamaica, November 15 through 22, 1964: Senators FULBRIGHT, NELSON, BOGGS, and MILLER.

The Chair, also on behalf of the President pro tempore, announces the following appointments to the Committee on Arrangements for the Abraham Lincoln Second Inaugural Address: Senators DOUGLAS, HARTKE, DIRKSEN, and COOPER.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11134) making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1965, and for other purposes; and that the House receded from its disagreement to the amendment of the Senate numbered 7 to the bill, and concurred therein.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION BILL, 1965—CONFERENCE REPORT

Mr. McCLELLAN. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11134) making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1965, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of Aug. 15, 1964, p. 19167, CONGRESSIONAL RECORD.)

A SPEECH TO THE TALENTED

(By Harry Golden)

So you are the special talent students, eh? The elite? Well, you are in for an interesting life. The most amazing development of which, as thinkers as diverse as Mark Twain and Aristotle observed, is how much more intelligent your father becomes as you grow older.

I congratulate you. I congratulate you on achieving this special class, and I offer only one bit of advice which may be the essential secret between success and failure: do not take yourself too seriously.

For though you have been designated as specially talented, the category has only a relative significance. Fifty years ago, on the Lower East Side of New York City, immigrant boys and girls who a few years before had been unable to speak a word of English were reading and understanding John Milton in the seventh grade. We had already studied three plays of William Shakespeare and had committed to memory Gray's "Elegy Written in a Country Churchyard." We were neither an elite nor were we especially smart.

The curriculum standards have been lowered over these past five decades. Although you will attend school for more years than the students of 50 years ago, you enjoy a shorter schoolday. More of you will finish high school and college than ever dreamed of it in the America of 50 years ago but alas, only a small portion will ever read "Paradise Lost," as we did in the seventh grade, yet.

I do not tell you this to shame you nor to make you look upon yourself as less than you are. There is nothing to be ashamed of in the fact that standards have been lowered. Over a 100 years ago, a great American educator, Horace Mann, laid down a new principal of education. He decreed that in a democracy the entire population should be educated, or at least exposed to the prospects of an education. Listening to the critics of any educational system in 20th century America should make you always remember that for the first time in the history of the world one society has undertaken to educate the entire mass of population. No one has ever tried this before, let alone succeeded. You are all part of the experiment. Indeed it is a noble experiment, undertaken nowhere else, not even in our sister democracy, England.

It is also necessary that I explain something about the special talents of immigrant boys and girls. Because they couldn't speak English when they debarked on Ellis Island explains a good deal about their reading Milton in the 7th grade. The stranger feels himself inferior. He fears unless he acquires a complete education he will remain forever alien so he goes about learning hammer and tongs, with a great intensity of purpose. This pattern applies not only to America but to every country whose borders have admitted immigrants. The immigrant must make good, and it is this which gives him a special vitality.

Immigrant mothers, mine included, who could not speak a word of English, used to go to the nearest public library and by holding up the fingers of one hand, tell the librarian how many children she had. The librarian issued her the requisite library cards and the immigrant mothers hurried home and handed them with great solemnity saying to each of her children, "Here. Go! Learn! Become an American! Quick."

Once comfortable in an environment, a student will not have habits, religion, or attitudes appreciably different from the habits, religion and attitudes of his neighbor. He relaxes. But he must realize relaxation brings with it great dangers. The compulsions and drives that animate the stranger no longer animate him. The drive toward

becoming a complete man and a complete citizen must come from within and must be called forth by an act of will and intelligence rather than pushed forth by social pressures. This takes more out of you, sitting here this morning than was required of the immigrant boys.

You must call forth these energies, all of you, because today whether you will it or no, you are involved in a tremendous sociological struggle. You are entirely surrounded by this struggle. You bear the burden of all that has transpired over the past 20 years in the matter of civil rights and the cold war. The men who wage these struggles, both pro and contra, are old men, certainly old in comparison to you. Soon they will disappear, either into senility or into death and you will be left to contend pro or contra all by yourselves. You will be the inheritors of what these men have done or what they have tried not to do. But this has always been the case. Every new generation inherits the follies and the courage of the previous one and makes of these its own fortune.

There are fellows on the platforms today who charge that we burden our children with a great debt to persevere in our contentions. But we are not evil nor should our children charge us for their inconvenience.

When the Congress passed the first of its anti-immigration bills, one of the arguments to which it harkened was that the Italians came to America and worked here for 10 or 15 years, saved every nickel, and departed then for home. Congressmen even gave President Woodrow Wilson a carefully documented survey of how many billions of dollars this cost America, money which left here and entered Italy. President Wilson read this document, then vetoed the bill, saying, "Yes, but they left us the subways, didn't they?"

One generation leaves another the subways, the highways, and new schools which a succeeding generation must pay for. And this is all to the good. It means there will be marvels we cannot dream of that children as yet unborn will some day take for granted. Once upon a time in the history of this country children and grandchildren had nothing to pay for. There was a time when President Rutherford B. Hayes was able to divvy up the Federal surplus with the States. Of course, these were the days when a skilled mechanic only commanded a dollar a day and the rich men could be counted on the fingers of one hand. There were Morgan, Rockefeller, and Carnegie, and you were indeed well informed if you knew Vanderbilt and Harriman were as rich. Today, you could not begin to count the men of great wealth in Charlotte, N.C., Indianapolis, Ind., let alone those who live in Houston, Tex., Larchmont, N.Y., and everywhere else in the land.

Though we are wishing you a huge debt we are also permitting you a tremendous chance for great wealth. And of course we wish on to you this great sociological struggle. And as you grow older you may even come to appreciate the dimensions this struggle not only gives America but the dimensions it gives you yourself. You will be lawyers, doctors, clergymen, professors, and salesmen and you will be this because of the classmates you met in this school, and in college, and the voices you heard and the language you heard spoken. Thus, this great struggle will actually make you. You may not admit or realize this, but it is true.

The Jews lived in the ghettos of Europe for 1,500 years and survived, but survived as an essentially parochial people, learned only in their religious books. Nothing happened to them until the ghetto walls came down and they passed for the first time freely into the outer world. Only then did they produce the Einsteins and the Heines and the Disraels and the Cardozas and the Jonas Salks and Selman Waxman who discovered

the cure for tuberculosis, and hundreds of others I can name. In a way, these people became what they were because of the different ideas they both gave and received. Mind you, this was a century and a half ago. It is cruel and evil and unfair to deny others who are part of our society the chance all of us here in this auditorium have had. Some of you, I hope, will go on in life to chronicle this great social revolution. You will be writers, journalists, editors, and poets. No matter what claims your skills, you will perforce be aware of this struggle. You will be hopeful of exchanging your ideas to the mass of your fellow citizens.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the following bills and joint resolution of the Senate:

S. 51. An act to authorize the Secretary of Agriculture to relinquish to the State of Wyoming jurisdiction over those lands within the Medicine Bow National Forest known as the Pole Mountain District;

S. 1046. An act to provide hospital, domiciliary, and medical care for non-service-connected disabilities to recipients of the Medal of Honor;

S. 1363. An act to increase the participation by counties in revenues from the National Wildlife Refuge System by amending the act of June 15, 1935, relating to such participation, and for other purposes;

S. 2369. An act to retrocede to the State of Kansas exclusive jurisdiction over certain State highways bordering Fort Leavenworth Military Reservation and the U.S. penitentiary at Leavenworth;

S. 2419. An act to authorize the Secretary of the Interior to condemn certain property in the city of St. Augustine, Fla., within the boundary of the Castillo de San Marcos National Monument, and for other purposes; and

S.J. Res. 162. Joint resolution extending recognition to the International Exposition for southern California in the year 1968 and authorizing the President to issue a proclamation calling upon the several States of the Union and foreign countries to take part in the exposition.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. WILLIAMS of New Jersey. Mr. President, the State of New Jersey that I am so proud to have the opportunity to represent in the Senate is, I believe, one of the classic examples of the harsh effect of geographical selection for members of the State senate. We have the one county, one senator rule in our State. New Jersey is the most densely populated State in the Union. I believe it is the fourth or fifth smallest State geographically. Yet, we have a population approaching 7 million people.

It is a varying State, running from the magnificence of the dairy farms of northern Sussex County, Hunterdon, and Warren Counties, through the vast complex of metropolitan, central New Jersey, and on to that part of the State that is rural and agricultural. It produces some of the finest and best farm products of

the Nation. Fruits and vegetables are grown there. Because of magnificence of our agriculture, New Jersey has been named the Garden State.

While I say such fine things about agriculture, I am reminded of reading some criticism of me in the Farm Bureau Journal. They consider that I am hostile to agriculture for some reason or other—all because of the migratory farm worker legislation that I am responsible for here in the Senate because of my chairmanship of the Migratory Labor Subcommittee.

I feel no hostility for the Farm Bureau Journal. But they certainly heaped abuse on me for my stand on the inequity of the amendment now before us, that would take from us our fundamental constitutional right of one person, one vote, and preserve us in the inequitable status quo that gives us a vote on the basis of geography. Our counties, as far as our voters are concerned, range from 3 or 4 counties where less than 20 percent of the people voted in the last gubernatorial election in 1961, to counties that are prepared now to vote almost 500,000 people. Disparity is obvious, indeed.

I believe that New Jersey is one State where less than 20 percent of the population can elect a majority of the State senate. The only opposition that has been sounded to my position in opposition to Senator DIRKSEN's proposal has come from the Farm Bureau. I am happily burdened with communications that urge my vote against the Dirksen proposal. Shortly, I shall review some of these opinions that have come to me. I believe they are important, for they are from voters in my State, many of whom speak for some of our most thoughtful civic groups and organizations, such as the League of Women Voters. I am sure there is not a Senator here who does not have a feeling of highest respect for the ladies of our country who gather themselves together for the highly important work of understanding and addressing themselves to public issues.

I shall call the honor roll of the League of Women Voters of the State of New Jersey, shortly. I shall place them in the RECORD, one by one, because I am proud, indeed, of them. Before I do so, I should like to analyze as best I can my opposition to the Dirksen amendment.

Dangerous as the present amendment is, it could be the prelude to even greater dangers. I think we all know that one of its major purposes is to win time in which to introduce in the next Congress a constitutional amendment that would deprive the U.S. Supreme Court and the Federal district courts of the right to review actions brought to correct malapportionment of State legislatures. If this move should ever succeed, we would be parties to a most destructive attack upon our judicial system.

The recent Supreme Court reapportionment decisions, to which this amendment is a hastily considered reaction, have been bitterly criticized in this chamber. We have been told they will lead to chaos. But I think those decisions are fresh evidence that our democracy works. They reaffirm the fact that orderly legal process can and does, sooner

or later, lead to the correction of evils. For, unsettling as the effects of those decisions may be, they do open the way to a long-needed correction of abuses.

Unequal representation in our State legislatures has long been an outrageous abridgement of democracy. If we do anything to interfere with the swiftest possible correction of such misrepresentation, we are guilty of a shameful and disgraceful act—one which places partisan political considerations above such fundamental American principles as majority rule and the equality of all citizens before the law.

This is not a partisan issue. The inequities struck down by the Supreme Court victimize all of us, regardless of party. I would remind this body that the Solicitor General's Office became involved in the historic case of Baker against Carr during the Republican administration of President Eisenhower and carried its work to a successful conclusion in the Democratic administration of President John F. Kennedy.

Two years before his election, the late President, speaking of unequal representation in State legislatures, said:

None of us, rural or urban, benefits in the long run from this situation. Our politics should not become a battle for power between town and country, between city-dweller and farmer. The principles at stake go much deeper than that. For whenever a large part of the population is denied its full and fair voice in Government, the only result can be frustration of progress, bitterness, and a diminution of the democratic ideal. Country and city are interdependent; conflict and discrimination cannot serve the interests of either.

Those are the words of our late great President.

The present Republican candidate for President of the United States, when asked if he approved of the Supreme Court's decision in Baker against Carr said "yes." Senator GOLDWATER then went on to make the following comment:

I think that is a function of the courts. They have probably waited too long. I think they should do it. When anything affects a Federal election, then the Federal Courts have the right (to exercise jurisdiction). They have every right to move further in, in my opinion.

That is a quotation from the distinguished candidate of the Republican Party. I would hope that all people from California to Maine would take heed. Perhaps we would not be seeking the advice of the Senator from Arizona [Mr. GOLDWATER] on many subjects, but on the present subject I find it very valuable.

When asked if he would favor the proposed constitutional amendment to prohibit Federal courts from exercising jurisdiction over State legislative apportionment cases, the Senator said, "I wouldn't be for that."

He has spoken in opposition on another occasion to the proposal that is embodied in the amendment that is before the Senate.

Regardless of one's personal or political stake in either eliminating or perpetuating malapportionment, fairness demands that we recognize the simple fact that unequal representation is un-

fair representation. This is the gist of what the Supreme Court did in its decisions of June 15. It concluded that:

As a basic constitutional standard, the equal protection clause requires that the seats in both houses of a bicameral State legislature must be apportioned on a population basis.

I think any American who approaches the issue objectively must agree with this doctrine of one vote for every citizen. I cite as an example of this a recent editorial in a rural newspaper, the Palladium-Times of Oswego, in up-State New York. The day following the Supreme Court ruling, the paper declared:

Unpleasant the thought may be that the sleazy liberal wastrels within New York City's Democratic organization could eventually control the State * * * it is hard to argue with the fundamental thesis the Supreme Court laid down—namely, that votes should be equally effective in terms of representation, no matter where in the State they may be cast. In all truth, they haven't been in the past.

As I said, that statement comes from a rural area of upstate New York. Their language in describing the city government of New York is reckless, but their conclusion in my judgment is sound, indeed.

But of course there are other issues involved here besides fair play. Proponents of this amendment and of the many bills before this Congress dealing with Federal review of State apportionment, present a number of arguments in support of their position. I would like to consider two that are frequently advanced. First, it is argued that it is logical and even desirable for one house of a State legislature to be apportioned on a basis other than population. It is argued further that even if it were not logical or desirable, the citizens of a State should have the right to establish by majority vote any scheme of apportionment they prefer.

Let us consider first the proposition that it is a good thing to permit the use of criteria other than population in apportioning the representation in at least one house of a bicameral State legislature. In theory it sounds reasonable enough. In practice, limiting apportionment on the basis of population to only one house would, in most States, result in little correction of unequal representation. For what would still remain would be a situation in which an adverse vote in either house would still be sufficient to block legislation. Overweighting the votes of any segment of the population gives that segment a virtual veto power over legislation. Equality in one house alone is not "half a loaf." It is scarcely more than a few crumbs.

This is particularly true when the issue is considered in terms of rural versus metropolitan areas. While it may be argued that fair representation of city and suburban majorities in one house gives them veto power, too, the fact is that on most substantive questions, whatever metropolitan legislators propose is generally opposed by their rural counterparts. The problems of our growing metropolitan areas generally require positive action. Such action re-

quires majorities in both houses. But a majority in only one house is sufficient to sustain a negative position. This fact is well understood by the forces behind the various proposals advanced in this Congress for limiting judicial action on reapportionment. These forces and these proposals do not seek a middle ground between two extremes. They seek nothing less than the restoration of the status quo.

Actually, the proposal to permit one house to be apportioned on a basis other than population could lead to a situation that, in at least one respect, would be even worse than the status quo. Such a system would almost inevitably lead to a greatly increased number of politically "stalelated" State governments; situations in which it is difficult if not impossible for any point of view to win effective control of the State government.

We already have ample evidence from many States of the difficulties that result from such situations. Give one faction or one political party virtually permanent control of either house of a State legislature, and the other party, regardless of how often it wins the governorship or wins majorities in one house of the legislature, is never in a position to put its policies into effect.

My own State of New Jersey provides an excellent example of this kind of situation. There the State senate is set up on the basis of one member per county. Although the majority of New Jersey's counties are Republican, the State as a whole has voted Democratic more often than not in recent years. As a result, in spite of the fact that the State has had Democratic Governors for the last 12 years, the Governors have always had to deal with a legislature in which at least one house was controlled by the opposition. For 6 of those 12 years, the Governor's party held majorities in the lower house of the legislature, but the State senate has remained resistant to all changes of political fortune.

Other States have similar situations. In Michigan, such a situation almost brought the entire machinery of State government to a complete standstill a few years ago.

I was up there once when the very dynamic, progressive Governor, G. Mennen Williams puts before the legislature a very humane piece of legislation—dealing with the regular education of our friends on the farm, the migratory farm workers. The question was on approving a \$15,000 pilot project in education for children who would otherwise be out of school—and this was in the fall of the year when other children were in school. That legislature turned down that \$15,000 pilot program.

In New York, one party has held the Governorship and the other party has controlled at least one house of the legislature for more than half the time during the last 50 years.

Of course, such situations cut both ways, politically. In a number of border and Southwestern States, such as Maryland, Kentucky, Oklahoma, and Arizona, Republicans have won Governorships without winning majorities in any of the State legislatures.

It hardly seems logical or desirable to perpetuate these stalemates. In spite of that, those who support the idea of apportioning at least one house on a basis other than population, seek support for their view by drawing an analogy with the Federal Government and by arguing that such an apportionment is necessary in order to assure representation to sparsely populated areas. There are large fallacies in both of these arguments.

Yet I must say they must be analyzed, because the superficial reaction of so many to the Supreme Court decision was exactly that—comparing it with the Federal system. I should like to express my views of the latent fallacies therein.

The "Federal analogy" argument runs that because representation in one House of the Federal Legislature, the Senate, is based upon States and not population, one house of our bicameral State legislatures should logically be based upon counties, without regard to population. The trouble with the analogy is that the relationship between counties and State governments is neither historically nor functionally comparable to that between States and the Federal Government. The original States existed as sovereign units before the Federal Government existed. They voluntarily limited their sovereignty. Before they would agree to enter the Federal Union, the smaller States insisted on having equal representation in one House of the National Legislature. They were able to make conditions. Counties cannot make conditions. They are simply administrative units created by the States. The States can establish, subdivide, or liquidate them according to their convenience.

The State breathes the entire life into the county units of government, whereas at the outset of our country it was the States that breathed the entire life into the Federal Government and our Union of States.

In its recent decision in the Alabama reapportionment case the Supreme Court considered the Federal analogy argument and rejected it. Speaking for the majority, Chief Justice Earl Warren pronounced the Federal analogy "inapposite and irrelevant to State legislative districting schemes."

"Attempted reliance on the Federal analogy," he said:

Appears often to be little more than an after-the-fact rationalization offered in defense of maladjusted State apportionment arrangements. The original constitutions of 36 of our States provided that representation in both houses of the State legislature would be based completely, or predominantly, on population. And the Founding Fathers clearly had no intention of establishing a pattern or model for the apportionment of seats in State legislatures when the system of representation in the Federal Congress was adopted. Demonstrative of this is the fact that the Northwest Ordinance, adopted in the same year, 1787, as the Federal Constitution, provided for the apportionment of seats in territorial legislatures solely on the basis of population.

The Court went on to say, in a footnote, that:

Thomas Jefferson repeatedly denounced the inequality of representation provided for under the 1776 Virginia constitution and

frequently proposed changing the State constitution to provide that both houses be apportioned on the basis of population. In 1816 he wrote that "a government is republican in proportion as every member composing it has his equal voice in the direction of its concerns by representatives chosen by himself."

In further discussion of the historic origins of our federal system, the Supreme Court, in the same opinion, drew the very distinction between State and county that I have attempted to draw.

The Court observed:

Admittedly, the Original Thirteen States surrendered some of their sovereignty in agreeing to join together "to form a more perfect union." But at the heart of our constitutional system remains the concept of separate and distinct governmental entities which have delegated some, but not all, of their formerly held powers to the single National Government.

But—

Political subdivisions of States—counties, cities or whatever—never were and never have been considered as sovereign entities. Rather, they have been traditionally created by the State to assist in the carrying out of State governmental functions.

Just as specious as the "Federal analogy" argument is the contention that one house must be based on something other than population in order that sparsely populated sections of a State will be adequately represented. There is a great difference, however, between adequate representation and overrepresentation.

What we have in many of our States are legislatures in which sparsely populated areas tend to be overrepresented. No one wishes to deny these areas a voice in State government. But they tend to have the dominant voice.

So much for the logic and desirability of limiting population representation to one house in a State bicameral legislature.

A second proposition proponents of legislation such as this amendment often advance, is that even if the present systems result in overweighted representation of rural areas they should be permitted if a majority of a State's voters approve of them.

The trouble with this argument is that it would permit a majority, by approving a system that gave their votes an overweighted value, to take away the voting rights of the minority of citizens that opposed such a legislative arrangement.

If a State adopted, by majority vote, a system in which each voter of certain racial and religious groups could cast five votes in subsequent elections and all other voters could cast only one, there would be little question that such a scheme is improper. Any action by a majority to lessen the value of the votes of any citizen is equally improper.

The present situation in most of our State legislatures is bad enough. The real danger of the present amendment is, as I have said, that it can make that situation worse. It can only fortify those interests in our States that thrive on keeping things as they are. We are in the midst of a summer full of incidents that demonstrate the gravity of our urban problems. There are cities in my State that offer vivid and terrifying ex-

amples of the explosive forces that build up when we are unable to provide adequate housing, welfare, labor, and education programs for the frustrated thousands in our city slums.

How can we deal with those problems on a State level, in legislatures dominated by men who have no real conception of the terrible problems that confront our growing metropolitan areas?

It strikes me as ironic that the supporters of this amendment and of the bills that would bar the courts from reviewing State legislative apportionment cases, are often men who are ardent champions of States rights.

Nothing seems better calculated to undermine States rights than a series of proposals whose ultimate purpose is to make it more and more difficult for State legislatures to become responsive to the needs of all their citizens. The effect of this can only be to increase urban disillusion with State legislatures and incline millions of city dwellers to look to the Federal Government for help.

That is absolutely the case. We have seen many examples already. We have seen many mayors of our great cities come directly to Washington. They have given up on their State legislatures. In connection with the pending legislation we hear a minority say that the State should do all this. It is the same group and the same thinking that says, "No" to the urban area and their position on this apportionment. To be consistent, those who are deeply concerned with burgeoning Federal Government and diminishing State responsibilities should oppose the amendment before us.

I have a copy of a letter that has been sent to all of us in Congress, from the United States Conference of Mayors, signed by Raymond R. Tucker, president of the conference. Mr. Tucker is one of our greatest mayors. He is the mayor of the beautiful and really developing city of St. Louis. In part, he says:

The various proposals in Congress to destroy, deflect or delay the application of Supreme Court decisions in State legislative reapportionment issues are aimed at the very heart of our system of representative government.

The concern of every Member of the Congress should betoward the implementation of the mandate of the Supreme Court affirming for our State legislatures the basic one-man-one-vote principle.

The Supreme Court has acted to strengthen democracy in the United States, and every effort should be made toward early action by our State legislatures to redress malapportionment which has too long deprived our cities and towns of their fair share in the activities of State government.

Let us not act to perpetuate the old system, but let us add strength to the Federal system of government, in which strong State governments should be a key element. Nothing can better secure and enhance the position of the States in the Federal system than genuinely representative legislative bodies. Urban and metropolitan areas are where most of our population lives and this trend will continue. Proper representation of these areas is essential if we are adequately to cope with the problems of an urban society.

I urge the Congress to let the mandate of the Supreme Court be pursued. Let us not attempt to frustrate the constitutional process by which deprived citizens have at long last obtained affirmation by our last Court

of appeal that the one-man-one-vote doctrine is basic to our way of life.

No matter what the professed good intentions of their sponsors, the proposals in Congress are objectionable to the United States Conference of Mayors and to all citizens who have fought—as the conference has—for fair legislative representation, for federalism against centralism, for home rule.

To repeat messages which were sent by the conference's president on August 6 to majority and minority leaders of the Senate: "Urban citizens have too long suffered from malapportionment. Now that redress is at hand Congress should not attempt to prolong or perpetuate this discrimination."

These are the words of Mayor Tucker, of St. Louis. He makes the point that I was trying to make, and makes it much more strongly and with greater understanding, because this mayor has been on the battleline of local government for a long time. I do not know what the situation is in Missouri, at the State legislative level, but certainly Mayor Tucker has wrought miracles of beauty and development and growth in St. Louis.

What we need is not delay in legislative reform but greater speed. The need for such reform becomes increasingly imperative. Our cities are growing at such a rate, it is estimated that by 1975 at least 75 percent of our people will be living in urban areas. What we need to fear is not the "chaos" of the Supreme Court decision, which I think would be no more than transitory as States continued their programs of correcting malapportionment; but rather that chaos we may face if we are unable to deal, swiftly and fairly in our own States with the many dilemmas urbanization has brought us.

The reasoning behind the amendment is woefully shortsighted. Chalmers M. Roberts, in a recent article published in the Washington Post, pointed this out. I ask unanimous consent that the article be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WILLIAMS of New Jersey. Mr. Roberts points out that the move to keep our largely antiquated State legislative situation is a threat to the political power of the suburbs. And this, he says, is in the interest of neither party.

His article observes:

Republicans who fear one man, one vote for both houses say it would mean city (and therefore Democratic) domination of their States; Chicago and Cook County, for example, in Illinois. But that is based on a false reading of what is happening in this country.

In fact, the cities where populations are declining, with a few exceptions would be the losers along with rural areas under one-man-one-vote reapportionment. The gainers would be the suburbs. And the suburbs have not settled down, if they ever will, to any single party loyalty.

It is a fact that Dwight D. Eisenhower twice swept the suburbs in two presidential elections * * * but * * * they swung back close to political parity in the 1960 Kennedy-Nixon contest.

The suburbs have grown immense and are now becoming diverse; their residents tend to be more politically active in larger numbers than those in either city cores or rural

areas. Today they are the key swing areas in national elections and that is true for this year's presidential contest.

Hence, if one man, one vote prevails in State senates as well as in the lower houses of legislatures, the focus of State power will move rapidly to the suburbs and will increasingly flow there in decades to come.

This does not guarantee either Republican or Democratic control. But it should guarantee a better citizen participation in government. And it should guarantee control by those in both parties who want much more action on the seemingly endless problems of urban sprawl, from education to mass transportation, from police to preserving open spaces.

It is something of a paradox that * * * Republicans * * * who condemn the Federal Government for doing so much they believe should be left to the States, now would destroy the one great opportunity to make sure the States would indeed do their jobs.

Mr. Roberts is there making the point that was made earlier.

The considerations presented in this article are largely matters of self-interest for all of us in public life. I would hope, however, that when we each weigh within ourselves how to deal with this amendment, our conduct will be governed by what will best serve the country's interest. I think it is best served by rejecting an amendment that was hastily drawn, without benefit of hearings, and that can cause serious injury to our judicial system.

In the end, the possibility of such injury is the overriding issue. Fifteen prominent law school deans and professors saw this threat in the proposal to delay action in legislative apportionment cases and said so in a recent telegram to Senate leaders.

While they dealt with an earlier version of this amendment, their warning is still apropos.

The proposal, they said:

Entirely apart from the merits of the recent Supreme Court decisions on apportionment * * * unwisely and indeed dangerously threatens the integrity of our judicial process.

The effect of these proposals is not, as has sometimes been said, merely to limit the jurisdiction of the Federal courts. It is to declare by statute, without constitutional amendment, that for a period of time certain constitutional rights may not be vindicated in any court, State or Federal.

They saw the proposal as "a drastic interference with the power and duty of the State courts to enforce the Federal Constitution and of the Supreme Court to insure uniformity of interpretation."

The Supreme Court, itself, put the issue clearly in the congressional apportionment case of Wesberry against Sanders, decided earlier this year. It said:

The right to vote is too important in our free society to be stripped of judicial protection.

For all these reasons, I earnestly hope that this amendment will not be adopted.

Mr. President, I shall conclude by asking unanimous consent to have printed at this point in the RECORD what I call my honor roll of communications that I have received from the State of New Jersey. They include communications from many chairmen and presidents of

civic organizations, such as the League of Women Voters. Because of the importance of these organizations in the public life of our country, they should be made a part of the RECORD.

I also ask unanimous consent to have printed in the RECORD communications from some other organizations, the purpose of whose existence is to preserve a high quality of public policy. These should be useful not only to me but to Senators from other States, who may benefit by some of the statements.

There being no objection, the communications were ordered to be printed in the RECORD, as follows:

JERSEY CITY, N.J.,
August 10, 1964.

Senator HARRISON WILLIAMS,
Senate Office Building,
Washington, D.C.:

The New Jersey State conference, NAACP opposes the Dirksen proposal on reapportionment.

AUGUSTUS B. HARRISON,
President.

JOHN F. DAVIS,
Chairman Political Action.

TEANECK, N.J.,
August 7, 1964.

Hon. HARRISON A. WILLIAMS,
Senate Office Building,
Washington, D.C.:

The Teaneck League of Women Voters urges you to work for defeat of the apportionment rider on foreign aid bill.

Mrs. FENMORE BOOKMAN,
President.

MORRISTOWN, N.J.,
August 7, 1964.

Hon. HARRISON A. WILLIAMS, JR.,
Senate Office Building,
Washington, D.C.:

Strong urge defeat Dirksen rider Senate foreign aid authorization bill.

Mrs. ROBERT KLEIN,
League of Women Voters.

TENAFLY, N.J.,
August 7, 1964.

Hon. HARRISON A. WILLIAMS,
Senate Office Building,
Washington, D.C.:

The Tenaflly League of Women Voters urges you to work for the defeat of the reapportionment rider on the foreign aid bill.

Mrs. H. E. KROOSS,
President.

SPRINGFIELD, N.J.,
August 7, 1964.

Senator HARRISON A. WILLIAMS, JR.,
Senate Office Building,
Washington, D.C.:

The League of Women Voters of Springfield, N.J. is opposed to the Dirksen rider to the foreign aid bill.

Very truly yours,

Mrs. S. BENO,
President.

WASHINGTON, D.C.,
August 4, 1964.

Hon. HARRISON A. WILLIAMS, JR.,
Senate Office Building,
Washington, D.C.:

Adoption of legislation at this time restricting power of Federal courts to order State legislative reapportionment, either by separate bill or by amendment to pending legislation, would be totally adverse to the best interests of the Nation. An issue of this importance requires careful consideration by appropriate committees, and ample opportunity to express opinions ought to be granted to all interested citizens. On behalf of the Industrial Union Department of the AFL-CIO, I urge you to insure equality

of franchise by voting against reapportionment legislation during the remainder of the 88th Congress.

WALTER P. REUTHER,
President, Industrial Union Department
AFL-CIO.

SUMMIT, N.J.,
August 7, 1964.

Hon. HARRISON WILLIAMS,
Senate Office Building,
Washington, D.C.:

Summit, N.J., League of Women Voters reaffirms support of foreign aid bill, opposes reapportionment rider.

Mrs. ROBERT L. BUTTLE,
President.

MOORESTOWN, N.J.,
August 7, 1964.

Senator HARRISON WILLIAMS,
Senate Office Building,
Washington, D.C.:

Moorestown League of Women's Voters strongly opposes DIRKSEN's redistricting amendment to foreign aid bill.

MOORESTOWN LEAGUE OF
WOMEN VOTERS.

WESTFIELD, N.J., August 7, 1964.

Senator HARRISON WILLIAMS,
Senate Office Building,
Washington, D.C.:

Believe reapportionment rider to foreign aid authorization jeopardizes whole program. We urge your strong opposition.

MARY LOUISE NUELSEN,
President, League of Women Voters of
New Jersey.

MURRAYHILL, N.J., August 7, 1964.

Senator HARRISON WILLIAMS,
Senate Office Building,
Washington, D.C.:

Urge defeat of reapportionment rider to foreign aid appropriation bill and support of foreign aid appropriation.

LEAGUE OF WOMEN VOTERS
OF NEW PROVIDENCE, N. J.

TRENTON, N.J., August 7, 1964.

Senator HARRISON WILLIAMS,
U.S. Senate, Washington, D.C.:

Your vote against Dirksen amendment urgent for New Jersey's future welfare.

SHEILA BERKELHAMMER,
President, League of Women Voters
of Ewing.

TRENTON, N.J., August 7, 1964.

Senator WILLIAMS,
Senate Office Building,
Washington, D.C.:

Urge defeat of amendment today.

LEAGUE OF WOMEN VOTERS
OF HOPEWELL VALLEY.

HIGHLAND PARK, N.J.,
August 7, 1964.

Hon. HARRISON A. WILLIAMS,
Senate Office Building,
Washington, D.C.:

We urge defeat of Dirksen rider to foreign aid authorization bill.

Mrs. ULRICH STRAUSS,
President, Highland Park League
Women Voters.

SUMMIT, N.J.,
August 7, 1964.

HARRISON A. WILLIAMS,
U.S. Senate,
Washington, D.C.:

Strongly urge opposition Dirksen amendment to foreign aid authorization bill. Apportionment unrelated to foreign aid and should be considered separately without endangering passage of needed aid authorization.

Mrs. JULIUS L. MALLOR,
President, Berkley Heights League
of Women Voters.

HILLSIDE, N.J.,
August 7, 1964.

Senator HARRISON A. WILLIAMS, JR.,
Senate Office Building,
Washington, D.C.:

Help defeat apportionment rider to aid bill. Aid should not be endangered Senate or House.

Mrs. S. P. OSTRIN,
President, League of Women Voters
of Newark.

ENGLEWOOD, N.J.,
August 7, 1964.

Senator HARRISON A. WILLIAMS,
Senate Office Building,
Washington, D.C.:

The Englewood LWV urges you defeat reapportionment rider to foreign aid authorization.

Mrs. MURRAY COHEN,
President.

WOODBURY, N.J.,
August 7, 1964.

Senator HARRISON A. WILLIAMS, JR.,
Senate Office Building,
Washington, D.C.:

The League of Women Voters of Woodbury urges you vote "no" on the Dirksen rider to the foreign aid authorization bill.

Mrs. NORTON D. WORTHINGTON,
President.

ASBURY PARK, N.J.,
August 7, 1964.

Hon. HARRISON A. WILLIAMS,
Senate Office Building,
Washington, D.C.:

Urge you to defeat the rider proposed by Senator DIRKSEN attached to the foreign aid authorization bill voted on today.

Mrs. HENRY A. SHULTZ,
President, League of Women Voters,
Asbury Park Region.

HADDONFIELD, N.J.,
August 7, 1964.

Hon. HARRISON WILLIAMS,
Senate Office Building,
Washington, D.C.:

League of Women Voters of Camden County strongly urges defeat of Dirksen rider on foreign aid authorization bill.

Mrs. SHERMAN C. WARD, JR.,
President.

CHATHAM, N.J.,
August 7, 1964.

HARRISON WILLIAMS,
Senate Office Building,
Washington, D.C.:

Reaffirm support of foreign aid bill; register strong opposition to Dirksen rider.

LEAGUE OF WOMEN VOTERS OF CHATHAM, N.J.

UPPER MONTCLAIR, N.J.,
August 7, 1964.

Hon. HARRISON WILLIAMS, JR.,
Senate Office Building,
Washington, D.C.:

The Montclair League of Women Voters strongly urges vote against reapportionment rider to foreign aid bill.

Mrs. NORMAN E. WOLDMAN,
Foreign Policy Chairman, League of
Womens Voters.

WASHINGTON, D.C.,
August 4, 1964.

Hon. HARRISON A. WILLIAMS,
U.S. Senate,
Washington, D.C.:

Any attempt to forestall State legislative reapportionment in accord with Federal court decisions by congressional act during this session of Congress would be unconscionable. An issue of this importance should receive full consideration by appropriate committees, with ample opportunity for all interested persons to be heard.

AFL-CIO executive council yesterday unanimously stated: "We call upon the Congress, in its wise understanding of the American government, to reject all efforts to diminish or dilute the true processes of democracy in this country, and to stand firm for the principle of one man, one vote."

AFL-CIO therefore urges you to oppose any attempt to pass reapportionment legislation during the remaining weeks of this session of Congress.

ANDREW J. BIEMILLER,
Director, Department of Legislation,
AFL-CIO.

PRINCETON, N.J.,
August 7, 1964.

Senator HARRISON A. WILLIAMS, Jr.,
Washington, D.C.:

Urge defeat of Dirksen amendment to foreign aid bill could cause defeat of entire measure.

Mr. A. J. FENTON, Jr.,
President, League of Women Voters,
Princeton.

WASHINGTON, D.C.,
August 6, 1964.

Hon. HARRISON A. WILLIAMS, Jr.,
Senate Office Building,
Washington, D.C.:

We express strong protest against the Senate Judiciary Committee's effort to frustrate plans to make State legislatures more representative of the voting population. Many of the same Senators who were responsible for the long drawn out anticivil rights filibuster are now proposing that Senator DIRKSEN's bill to halt reapportionment be considered as a rider to must legislation. We respectfully urge that you oppose the Dirksen move. By so doing you will permit the matter of legislative reapportionment to be considered in an orderly manner through the courts and the regular procedures of Congress.

CLARENCE MITCHELL,
Director, Washington Bureau NAACP.

NEWARK, N.J.,
August 7, 1964.

Senator HARRISON A. WILLIAMS,
Senate Office Building,
Washington, D.C.:

Urge you strongly oppose Dirksen rider delaying reapportionment. Don't delay one man one vote principle.

SAM ZITTER,
Americans for Democratic Action.

WASHINGTON, D.C.,
August 5, 1964.

Hon. HARRISON A. WILLIAMS, Jr.,
Senate Office Building,
Washington, D.C.:

Urge you vote against Dirksen bill S. 3069 staying court proceedings in State legislative reapportionment suits the bill is not only unwise and discriminatory but also unconstitutional such precipitous action with no hearings one day after introduction is not legislation but panic.

LAWRENCE SPEISER,
Director, Washington Office American Civil Liberties Union.

WASHINGTON, D.C.,
August 10, 1964.

HARRISON A. WILLIAMS,
U.S. Senate,
Washington, D.C.:

Strongly urge you vigorously oppose Dirksen rider or any other statutory effort to counter reapportionment. It is incredible that Senate would consider without committee hearings and only week after introduction bill which would do untold damage to constitutional system.

Reapportionment issue simply consists of question whether vote of one American citizen is equal to that of another American citizen. We believe "one man, one vote"

rule must be preserved for sake of American democracy even if it causes inconvenience to some State legislators or some special interests.

THOMAS J. LLOYD,
President.

PATRICK E. GORMAN,
Secretary-Treasurer.

Amalgamated Meat Cutters and Butcher Workmen (AFL-CIO).

NEW YORK, N.Y.,
August 11, 1964.

Senator HARRISON A. WILLIAMS,
Senate Office Building,
Washington, D.C.:

Urge you to oppose Dirksen rider to Foreign Aid Bill for long and drawn out delay in implementing recent Supreme Court decision on apportionment in State legislatures. The proposed rider threatens fundamental individual rights and would also destroy the traditional concepts of the separation of powers. Such a proposal deserves proper hearings and adequate debate and certainly ought not to be handled as "a rider" on a vital piece of major legislation.

DAVID DUBINSKY,
President, International Ladies' Garment Workers' Union.

AMERICAN ASSOCIATION OF
UNIVERSITY WOMEN,
Washington, D.C., August 7, 1964.

Hon. HARRISON A. WILLIAMS, Jr.,
U.S. Senate,
Washington, D.C.:

DEAR SENATOR WILLIAMS: We have read in the press of Senator DIRKSEN's intent to add a rider to the Foreign Assistance Act authorization bill, S. 2658. We believe such a rider would be likely to influence votes on the foreign assistance bill to its detriment. The American Association of University Women has this year, as in the past, supported this legislation as a vital instrument of U.S. foreign policy in carrying on economic and social assistance programs to promote conditions favorable to democracy, security, and peace throughout the world.

We urge Senate approval of the authorization recommended by the Foreign Relations Committee and appropriation of the full amount authorized. In our opinion, this "bare bones" request for next year's program should not suffer further reduction.

We oppose the Dirksen rider for several reasons: First, that it could harm the AID legislation; second, that the rider on reapportionment is not germane to S. 2658. We also firmly believe that such a serious matter as representation and reapportionment, so long overdue in many States, should be discussed on its own merits rather than as a rider to an unrelated and important piece of legislation.

In addition to our opposition to the addition of DIRKSEN's rider, we also wish to express our sincere hope that any further amendments to S. 2658 which would complicate the implementation of the AID program can be avoided.

Respectfully,
Mrs. GEORGE C. HAHN,
Chairman, Legislative Program Committee.
Dr. ALONA E. EVANS,
Area Representative, World Problems.

CLIFTON, N.J.,
August 10, 1964.

Hon. HARRISON A. WILLIAMS, Jr.,
Senate Office Building,
Washington, D.C.:

My DEAR SIR: I am resolute in my opposition of Senator DIRKSEN's rider to the foreign appropriations bill which I understand is a moratorium on reapportionment.

I will appreciate it if you would advise as to what your position would be with regard to the moratorium rider on reapportionment by Senator DIRKSEN.

Thank you very much for your kind consideration of my inquiries in the past.

Respectfully,
M. HAROLD NADLER.

MAPLEWOOD, N.J.

DEAR MR. SENATOR: I urge you to vote against the proposed rider to the foreign aid bill which would restrict the jurisdiction of the Supreme Court in redistricting cases. Such a curtailment would be an unfortunate precedent which would open the way for other attempts to limit the Court's absolute jurisdiction over all questions arising under the Constitution.

ROBERT D. JOFFE.

NEW BRUNSWICK, N.J.,
August 13, 1964.

Hon. HARRISON WILLIAMS,
Senate Office Building,
Washington, D.C.:

DEAR SIR: Strongly urge that you vote against any Dirksen rider to the foreign aid bill which would delay effectuation of the Supreme Court decision on redistricting. The rider is undemocratic and unfair to the great majority of the American people.

DONALD M. RIPPEY.

HACKENSACK, N.J.,
August 12, 1964.

Senator HARRISON WILLIAMS,
Senate Office Building,
Washington, D.C.:

On behalf of myself and a group of interested citizens I want to register our opposition and disapproval of the S. 369 amendment (rider amendment) to foreign aid authorization bill which would jeopardize this legislation and injure U.S. foreign policy commitments.

Mrs. G. GREENBERG,
Cochairman, Public Affairs Study Group,
Teaneck Chapter Evening Division,
Council of Jewish Women.

WASHINGTON, D.C.,
August 13, 1964.

Hon. HARRISON A. WILLIAMS, Jr.,
Senate Office Building,
Washington, D.C.:

Pending proposal to stay Court orders affecting reapportionment of State legislatures is derogatory of U.S. Constitution which provides for separation of powers between branches of Federal Government. It is unthinkable that the Congress should deem a suspension of constitutional rights to be in the public interest, as this amendment specifically states. The Senate is considering this revolutionary proposal without any hearings whatsoever. The most elementary considerations of due process require that interested citizens be granted an opportunity to present their views to the appropriate committee. AFL-CIO Executive Council is unanimously on record opposing any legislative interference with the judicial branch. Therefore I strongly urge you to vote against any such proposal and to exert every effort to assure adequate hearings on this highly important question.

ANDREW J. BIEMILLER,
Director, Department
of Legislation, AFL-CIO.

NEWARK, N.J.,
August 13, 1964.

Senator HARRISON WILLIAMS,
U.S. Senate, Washington, D.C.:

DEAR MR. WILLIAMS: I am a resident of Essex County. My vote for a State senator is about one-nineteenth as effective as that of my counterpart in Cape May. Relief has been granted me by the Supreme Court. Please defend my right to equal suffrage by stopping Mr. DIRKSEN's ill-advised redistricting bill.

Yours truly,

R. B. TRAUIG, D.D.S.

PARSIPPANY, N.J.,
August 12, 1964.

DEAR SENATOR WILLIAMS: I am writing to you relative to the districting amendment to the foreign aid bill, proposed by Senator DIRKSEN.

Please be advised that we are unalterably opposed to such an amendment, and even though we favor the foreign aid bill we would rather see its defeat than to see it used as a vehicle for the passage of such an amendment, that is so repulsive to the liberties and rights of all Americans.

Yours very truly,

Mr. and Mrs. J. LOUGHLIN.

PATERSON, N.J.,
August 13, 1964.

Senator HARRISON A. WILLIAMS, Jr.,
U.S. Senate,
Washington, D.C.:

Please vote against all measures to delay or prohibit Court-directed reapportionment. Thank you.

ANN GARDNER SCHAAAM.

WASHINGTON, D.C.,
August 13, 1964.

Hon. HARRISON A. WILLIAMS, Jr.,
Senate Office Building,
Washington, D.C.:

We urge you to vote against new "compromise" proposal for holding up reapportionment of State legislatures. Produced without hearing in secret conferences unrepresentative of any broad range of Senate views, it still amounts to congressional interference with judicial process. The whole matter deserves a great deal more consideration than it can be given this late in the session. We urge you not to be stampeded into acting hastily.

WALTER P. REUTHER,

President, Industrial Union Department, AFL-CIO.

LEONIA, N.J.,
August 13, 1964.

Senator HARRISON WILLIAMS,
Washington, D.C.:

Urge your vote against redistricting amendment to foreign aid bill. If amendment passes please vote against bill. Fully realize importance foreign aid but we must not relinquish possible only chance to obtain proper representation State legislatures for any other goal.

E. J. ROLLINS.

LINDEN, N.J.,
August 14, 1964.

Senator HARRISON WILLIAMS,
Senate Office Building,
Washington, D.C.:

Central Parkway Section, National Council Jewish Women urge opposition to S. 3069 rider amendment tacked on to foreign aid authorization bill.

Mrs. HAL MILOVSKY,
Chairman, Public Affairs Committee.

EXHIBIT 1

[From the Washington Post, Aug. 11, 1964]

BLOCKING OF REAPPORTIONMENT: DIRKSEN
MOVE SEEN AS SHORTSIGHTED
(By Chalmers M. Roberts)

The political power of America's phenomenal suburbs, the fastest growing areas of the United States, is being threatened because Senator EVERETT DIRKSEN, the Illinois Republican, is worried about the fate of his own GOP-dominated State senate.

Some observers, both Republican and Democratic, figure that DIRKSEN has embarked on a very shortsighted move, strictly from the GOP political point of view. Certainly the issue he has created in these closing days of the 88th Congress is one of the most impor-

tant in decades, affecting as it does nearly all the States of the Union.

Illinois State Senate reapportionment is now before a district court under a June 22 order that the State act in line with the highest Court's earlier one-man, one-vote ruling for both houses of State legislatures.

DELAY DRAWS SUPPORT

This means that next year (but not before next November's election) the State will have to alter the Illinois Senate's composition so that population alone and not the open spaces of DIRKSEN's own downstate area will be the determining factor.

DIRKSEN has found a lot of allies in both Senate and House for his proposal. He would force the district courts to delay the Supreme Court mandate in his and other States until it can be voided entirely by a new constitutional amendment. The amendment he has in mind would allow one house of a legislature to continue to be based on those open spaces with, in many cases, dwindling population.

Such a constitutional amendment, if it could be quickly passed by Congress next year, conceivably could win sufficient State legislative ratifications in the next 2 years to end all hopes of one man, one vote for both houses of legislatures. The effect would be to perpetuate rural domination of at least one house in almost all the States.

PRESSURE FROM HOME

The pressures on DIRKSEN and others in Congress today are coming, Members say, from affected politicians back home. Naturally they don't relish being put out of office by reapportionment. Naturally, too, they could be counted on to ratify an amendment saving their jobs. It is not a matter of political science but of political survival.

Such an amendment, a lot of people reason, would assure continuation of rural Republican power in many States, for generations a major GOP power base.

But is that really in the interest of the Republican Party? An effective argument can be made to the contrary.

Republicans who fear one-man-one-vote for both houses often say it would mean city (and therefore Democratic) domination of their States: Chicago and Cook County, for example, in Illinois. But this is based on a false reading of what is happening in this country.

SUBURBS KEY AREAS

In fact, the cities where populations are declining, with a few exceptions, would be the losers along with rural areas under one-man-one-vote reapportionment. The gainers would be the suburbs. And the suburbs have not settled down, if they ever will, to any single party loyalty.

It is a fact that Dwight D. Eisenhower twice swept the suburbs in two presidential elections, with few exceptions, but that they swung back close to political parity in the 1960 Kennedy-Nixon contest.

The suburbs have grown immense and are now becoming diverse; their residents tend to be more politically active in larger numbers than those in either city cores or rural areas. Today they are the key swing areas in national elections and that is true for this year's presidential contest.

Hence, if one man, one vote prevails in State senates as well as in the lower houses of legislatures, the focus of State power will move rapidly to the suburbs and will increasingly flow there in decades to come.

PARADOXICAL MOVE

This does not guarantee either Republican or Democratic control. But it should guarantee a better citizen participation in government. And it should guarantee control by those in both parties who want much more action on the seemingly endless prob-

lems of urban sprawl, from education to mass transportation, from police to preserving open spaces.

It is something of a paradox that such Republicans as DIRKSEN, who condemn the Federal Government for doing so much they believe should be left to the States, now would destroy the one great opportunity to make sure the States would indeed do their jobs.

Those in the legislatures from both the rural areas and the city cores have generally been far too reluctant to do much for the suburbs.

The critical question now before the Senate thus is whether it will let the Supreme Court mandate stand and give the suburbs the tool by which to manage their own affairs in modern fashions or whether the Senate will follow DIRKSEN and force the suburbs to count on Washington alone for help.

Mr. WILLIAMS of New Jersey. Mr. President, there is much more that could be said on this issue. However, I understand that some other legislative business is to be transacted at this hour. For that reason, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call may be rescinded.

The PRESIDING OFFICER (Mr. EDMONDSON in the chair). Without objection, it is so ordered.

A JAPANESE-AMERICAN SUCCESS STORY

Mr. GRUENING. Mr. President, a true life story that illustrates many things was published in the July 31 issue of Medical World News.

It exemplifies the value of the GI bill of rights, whose 20th anniversary revealed a record of great benefits to mankind.

It exemplifies how a nation's error can be rectified. I refer to the tragically mistaken policy, during World War II, of moving our citizens of Japanese origin from the Pacific Coast into internment camps.

It exemplifies how that wartime error was indirectly compensated for in the later and better treatment of these victims of war hysteria.

It exemplifies how one of these victims took advantage of the opportunities afforded by Uncle Sam, and developed a useful career in medicine, beneficial to his profession, his patients, his adopted city—Juneau, the capital of Alaska—and to the 49th State.

This is the story of Dr. Henry I. Akiyama.

I ask unanimous consent to have this article printed at this point in the RECORD. The article is entitled "Nisei M.D. Thanks GI Bill of Rights"; the subtitle is "Alaskan Is One of 86,000 Doctors Trained Under Historic Law, Now 20 Years Old."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

**NISEI M.D. THANKS GI BILL OF RIGHTS
ALASKAN IS ONE OF 86,000 DOCTORS TRAINED
UNDER HISTORIC LAW, NOW 20 YEARS OLD**

Under the GI bill of rights, the Government pays for the tuition, books, fees, and similar authorized costs for eligible veterans seeking higher education. More than 7.8 million World War II veterans—including 86,000 M.D.'s—have received some part of their college and graduate training through the program.

Many physicians who owe their M.D. degree to the GI bill last month noted the 20th anniversary of the historic law with quiet gratitude. But few could respond with as much thanks as Japanese-American Dr. Henry I. Akiyama, city health officer in Juneau, Alaska, and president of the State board of medical examiners. Dr. Akiyama was once a prisoner of the United States.

Early in 1942, he and his parents were taken from their home in Hood River, Oreg., and placed in the Tule Lake Internment Camp for Japanese in California. Several months later, Dr. Akiyama and his family were transferred to the Minidoka Relocation Center, which was in Idaho.

The Juneau internist discusses his years in U.S. internment camps without any trace of bitterness. "As far as I'm concerned, that's all in the past," he says. "Uncle Sam has been good to me ever since."

In 1945, Akiyama was released from the center to join the Army. As a member of the famed Nisei 442d Infantry Regiment, he was assigned to occupation duty in Italy and honorably discharged 2 years later. Using his education rights under the GI bill to attend Reed College in Portland, Oreg., he received a B.S. degree. He went on to the University of Oregon Medical School, graduated in 1957, and then spent his internship and residency at St. Vincent's Hospital in Portland.

Dr. Akiyama estimates that the GI bill underwrote about 50 percent of the cost of his higher education. "To pay for the rest, I had to take a lot of odd jobs," he recalls. "I always had at least two. I was a janitor, a grocery clerk, and for a time I strung badminton rackets for a sporting goods store."

Dr. Akiyama originally had planned to join a clinic in Oregon after his residency there. But Dr. James A. Wilson, a friend who practices in Ketchikan, Alaska, recommended him to the Juneau Medical Clinic. Dr. Akiyama made the trip to the north country, liked what he saw, and made the decision to settle down there with his wife and two children.

"Alaska presented a challenge," he explains. "The motto of the Alaska Centennial Committee is also my motto. 'North to the Future' was what I had in mind when I brought my family here."

Practicing internal medicine in Juneau is particularly rewarding, says Dr. Akiyama, because Alaska is desperately short of specialists. For this reason, he feels that Alaskan MD's with qualified specialty training carry a greater responsibility than their counterparts in built-up metropolitan areas.

He notes that Alaska is no longer a frontier settlement, at least from a medical viewpoint. "Here in Juneau, we have the same up-to-date equipment from anywhere, including the latest diagnostic and X-ray apparatus. Our diseases also are the same as those found in other States—the usual heart, ulcer, and lung problems."

Modern air travel now makes it possible to take medical aid to Alaskan areas that formerly were inaccessible, points out Dr. Akiyama. When a citizen in an outlying district becomes ill, an SOS is transmitted by radio and a plane is immediately dispatched to transport the patient to a medical center.

Dr. Akiyama was elected president of the Alaska Board of Medical Examiners in April 1963. At 37, he is also vice president of the

medical staff at St. Ann's Hospital. One of his most vocal admirers is Juneau's Mayor Lauris Parker, who says that the transplanted Oregonian "is a welcome addition to our city. As health officer—besides his clinic work—he recently cooperated with State authorities in conducting a food-handler's school, which I'm sure will prove invaluable in upgrading the health standards of Juneau restaurants."

Adds the mayor: "Dr. Akiyama has served us well."

BOREN CLAY PRODUCTS CO.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 665, H.R. 4766.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 4766) for the relief of the Boren Clay Products Co.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. ERVIN. Mr. President, this bill was called up on a call of the calendar, and objection was made. I understand now that the objection has been withdrawn. I therefore ask unanimous consent that a statement in the form of a letter addressed to the Senator from North Carolina [Mr. JORDAN] from the accountant of the Boren Clay Products Co. may be printed in the RECORD to show the basis of the claim.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

A. M. PULLEN & Co.

CERTIFIED PUBLIC ACCOUNTANTS,

Greensboro, N.C., December 31, 1963.

In re bill S. 985 for the relief of Boren Clay Products Co.

Senator B. E. JORDAN,
c/o Sellers Manufacturing Co.,
Saxapahaw, N.C.

DEAR SENATOR JORDAN: This is written following your conversation with Mr. Perrin to provide you with a brief summary of the events that have resulted in the application for the special remedial legislation provided in bill S. 985.

Percentage depletion applicable to the brick and tile industry was first claimed by Boren Clay Products Co. for its fiscal year ended March 31, 1952 on the basis of 5 percent of the sales price of the finished brick. At this time the Internal Revenue Service insisted that this 5 percent must be applied only to the proportionate part of the sales price that would be allocated to the processed clay, which would represent about 20 to 25 percent of the total sales price. Accordingly, Boren Clay Products Co. was dealt with on this basis upon an examination of this issue in the field and the percentage depletion claimed on its returns was reduced to approximately 20 to 25 percent of the amount taken as a deduction thereon. The corporation paid the income tax on this basis for the fiscal years 1952, 1953, 1954, and 1955 and filed claims to be used as a foundation for refund suits.

The basis for the claim was the provision of the statute that the percentage depletion was to be applied to the amount received for the "commercially marketable mineral product or products," which in the case of the brick and tile industry was considered to

be the brick itself when finally completed. Thirty or 40 courts of competent jurisdiction, both Federal district and appellate, had ruled in favor of the taxpayer on this point and called for the computation of percentage depletion in the brick and tile industry on the basis of the full sales price of the finished brick. All of these cases held that the brick was the first marketable mineral product, the sales price of which, according to the Internal Revenue Code, should be used in making the percentage depletion calculation. One of the key cases in establishing this principle was that of Merry Brothers Brick and Tile Co. No single court ever ruled against the taxpayer in the brick and tile industry on this issue.

After a very lengthy and unsuccessful period of litigation, the Internal Revenue Service appealed the brick and tile percentage depletion cases to the Supreme Court, and the Supreme Court refused to grant certiorari. The Internal Revenue Service then on October 18, 1957, issued Technical Information Release 62. This release stated that the Internal Revenue Service intended to dispose of its pending litigation and claims as required under the Merry Brothers and related decisions (these cases requiring the computation of percentage depletion on the basis of the finished brick price), and would conform Treasury regulations and outstanding rulings accordingly. The ruling said that "This should permit the expeditious disposition of a great majority of such cases."

For a number of months thereafter, the Internal Revenue Service was processing and allowing claims on this basis. Claims of Boren Clay Products Co. were examined and the full allowances proposed. The refund was not made, however, because the Internal Revenue Service insisted on holding up the disposition of these cases because of a totally unrelated issue involving depreciation in later years. This depreciation issue arose in the fiscal year 1956 and extended through subsequent years. No income tax deficiency was paid on this percentage depletion issue for the years following the fiscal year 1955, but this question was held open for these later years pending the settlement of the depreciation issue. Acting in reliance upon the representations contained in Technical Information Release 62, Boren Clay Products Co. refrained from pressing its suit and considered that the Service would honor its announced policy, making allowance on the basis of the full sales price in accordance with the Merry Brothers decision and the other numerous cases in point.

The case of the Cannelton Sewer Pipe Co. arose in a later year. This dealt with a manufacturer in the field of fire clay where there was an extensive market for raw material of this nature and the rate for computing percentage depletion was 15 percent instead of 5 percent as the rate applies in the brick and tile industry. Certiorari was granted by the Supreme Court in this case, but not until December 1959, more than 2 years after the issuance of Technical Release No. 62, upon which the taxpayer was relying. During this period of more than 2 years, Boren Clay Products Co. refund was held up because of an unrelated issue. Suits had been filed in the Federal district court for the years ended March 31, 1952, and March 31, 1953, because the claims of the taxpayer for these years had been rejected and notice of the rejection had been issued by registered mail, making it mandatory that these suits be filed if consideration of the claims was to be given. These suits are still being held in abeyance.

The decision of the Supreme Court in the case of the Cannelton Sewer Pipe Company was handed down in June 1960. There is serious doubt concerning its applicability to the brick and tile industry; however, acting upon its interpretation of certain language

and that, therefore, there could be no refund for those years based upon the depletion allowance discussed in this report. In the light of the events outlined above, the depletion allowance at the time would have been based upon a percentage of the full gross income attributable to the finished manufactured product. The delay so created operated to the benefit of the Government, for ultimately the company could only claim a percentage of one-half the income attributable to the finished manufactured product. In connection with the hearing, the subcommittee was advised that the amount involved in this bill is \$113,152.65. The Treasury Department has advised the committee that this is the amount that Boren Clay Products Co. would recoup for the taxable years covered by the bill which are the fiscal years 1952 through 1957. This is computed by excluding any income attributable to the delivery of the finished product and does not include any amount for interest.

"In view of the particular circumstances of this case, the committee recommends that the bill be considered favorably."

The committee has considered the record made before the subcommittee of the Committee on the Judiciary of the House of Representatives and the recommendation of the subcommittee of the Committee on the Judiciary of the Senate and recommends the bill favorably.

Mr. ERVIN. I thank the Senator for his kindness in withdrawing his objection.

Mr. MILLER. I thank the Senator from North Carolina for his gracious comments.

I should like the RECORD to show that, based upon the letter from the Treasury Department's legislative counsel, the total amount of benefits covered by the bill will be approximately \$179,400, which includes interest. The committee report shows only the basic tax amount.

The bill (H.R. 4766) was ordered to a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ERVIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. HART. Mr. President—

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. MANSFIELD. Mr. President, will the Senator from Michigan yield, provided that in doing so he shall not lose his right to the floor?

Mr. HART. I am happy to yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, I yield to the Senator from Illinois.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, I ask the majority leader [Mr. MANSFIELD] about the calendar for the remainder of the day, tomorrow, and possibly for the remainder of the week.

Mr. MANSFIELD. Mr. President, I am glad that the Senator did not ask me about the calendar for next month, and possibly October.

In response to the question raised by the distinguished minority leader, it had been anticipated that today in addition to the conference report on the State, Justice, and judicial appropriation bill, we might have had the Northwest power intertie, and the tax equalization conference reports, both of which have been approved. But in both instances, the House has to act first.

We hope there will be further conference reports during the week. They will be taken up at any time, soon after they are sent here. Among these are conference reports on the wilderness bill; appropriations covering agricultural, military construction, housing, land conservation, and the National Defense Education Act amendments.

It is anticipated that tomorrow the Senate will very likely take up the food-for-peace, and the Labor, HEW appropriations. Later in the week, we may have the social security bill, reported out of the Finance Committee today, and the Appalachia legislation.

There is also a supplemental appropriation bill which I had hoped would be available, although I am doubtful of that at the moment.

We shall try to do as much as we possibly can before the Senate recesses on Friday night next, to come back on August 31. The only real difficulty that I can see at the present time is with respect to the pending amendment to the Foreign Assistance Act.

ORDER OF BUSINESS

Mr. DIRKSEN. Mr. President, I ask the distinguished Senator from Michigan [Mr. HART] whether he can advise us how many more speeches and speakers there are to belabor this amendment for the remainder of the week.

Mr. HART. I would dislike to respond to a question which includes in it the word "belabor."

There are a number of us who feel that we have yet to develop a record against which the Senate will be in a position to judge the full effect of the proposed amendment.

Mr. DIRKSEN. Let me modify the term I used, and say "profoundly argue."

Mr. HART. I would not even buy the "profoundly."

I anticipate that there are perhaps seven or eight Senators who at the moment intend to make every effort to clarify, so far as the opponents of the amendment are in a position to do so, the effect of the amendment. I anticipate that the Senator from Illinois [Mr. DIRKSEN] might wish to explain what he intends the amendment to do.

Mr. DIRKSEN. My speech shall be very short. I doubt very much if I need to consume more than 10 or 15 minutes to speak on what is considered at the moment to be a highly important subject.

May I now inquire of the distinguished Senator whether he is the last speaker this evening?

Mr. HART. With respect to the discussion of the pending amendment, I am the last speaker, as far as I know. I feel sure that I can reassure the Senator that I am the last speaker on the amendment.

Mr. DIRKSEN. How long does the Senator expect to illuminate the Senate?

Mr. HART. Until 8 o'clock.

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be permitted to sit during the session of the Senate tomorrow until 12 o'clock noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. HART. Mr. President, the distinguished minority leader earlier inquired as to the length at which those of us who have serious concern about the pending amendment which he offered intended to speak. As I indicated in my reply, I felt that there were some of us who are sufficiently concerned lest the Senate act on the amendment without an explanation in full in the RECORD of the effect that the amendment would have on each of the 50 States, and that there will be full discussion conceivably for the remainder of this week on the amendment.

Tonight I should like to attempt to describe the consequences that the

amendment might have in the State with which I am most familiar and which I am privileged in part to represent. Before doing so, I should like to underscore one paragraph of the Supreme Court decision which so alarmed the Senator from Illinois. It is the decision in the case of Reynolds against Sims. It has been described as, and in truth it is, a landmark decision.

If we listen to some, we might think that the Supreme Court in concluding that the 14th amendment "equal protection of the laws" means that one person's vote should not have more or less effect than any other person's vote in the State legislature had required that the implementing of the decision be done in precipitate fashion. I submit that that is not the case. It is for that reason that I should like to read one paragraph which expresses the Supreme Court's attitude with respect to the actions that the district courts should take in implementing its decision. The paragraph is to be found on page 50 of the decision. It is a decision written, as I believe the RECORD earlier shows, by Mr. Chief Justice Warren.

Parenthetically, I have heard the minority decision described as a superlative expression of a point of view. Indeed it is. I should like to say that the majority opinion as written by the Chief Justice is a superlative expression of the other and the constitutional point of view.

In this paragraph, which I believe eliminates, or should eliminate, the suggestion that the Supreme Court was unmindful of the consequences that its decision would occasion, the Chief Justice said:

We do not consider here the difficult question of the proper remedial devices which Federal courts should utilize in State legislative apportionment cases. Remedial technique in this new and developing area of the law will probably often differ with the circumstances of the challenged apportionment and a variety of local conditions. It is enough to say now that, once a State's legislative apportionment scheme has been found to be unconstitutional, it would be the unusual case in which a court would be justified in not taking appropriate action to insure that no further elections are conducted under the invalid plan.

Now to the important language of conditions. The Chief Justice then wrote:

However, under certain circumstances, such as where an impending election is imminent and a State's election machinery is already in progress, equitable considerations might justify a court in withholding the granting of immediately effective relief in a legislative apportionment case, even though the existing apportionment scheme was found invalid. In awarding or withholding immediate relief, a court is entitled to and should consider the proximity of a forthcoming election and the mechanics and complexities of State election laws, and should act and rely upon general equitable principles. With respect to the timing of relief, a court can reasonably endeavor to avoid a disruption of the election process which

might result from requiring precipitate changes that could make unreasonable or embarrassing demands on a State in adjusting to the requirements of the court's decree. As stated by Mr. Justice Douglas, in concurring in *Baker v. Carr*, "any relief accorded can be fashioned in the light of well-known principles of equity."

It seems to me that any lawyer reading that language of the Court would say, "That is exactly as it should be. The Court has acted prudently and with restraint." Any legislator or any Member of the Congress would reach a sounder conclusion if he were to say, "A Federal district court somewhere in this land is more familiar with the circumstances that affect the implementation of this constitutional requirement than the Congress sitting in Washington."

I believe that, at root, what we are asked to do in the amendment now pending is to say to the many scores of district courts across the country, "Move over. We think that we here in Washington have a better time schedule and a clearer understanding of the equitable claims in your district than you do."

People will jump up and say, "Oh, but we are not telling the Court that." Because of the concentrated effort to adopt the amendment, I am persuaded that its proponents must believe that they are influencing, affecting, and telling the Court something, and that is exactly what we are telling them: "We know better than you the schedule that should apply. We here in Washington can suggest a more prudent course than you, situated locally, can apply."

That is a rather harsh thing to say about the proposed amendment, but I think at root that is exactly what we are asked to do. It is for that reason, among others, that there are some of us who are determined that there be full understanding of the implications of what we are doing before the roll is called.

Mr. President, year after year we answer a good many rollcalls, and while at the moment most of them seem to have a vital and important effect upon our society, I suggest that in history's long-term view the roll that is to be called on the amendment will have greater significance than virtually any other that we shall ever respond to save the rollcall on the question of peace and war.

Mr. President, in my opening comments I suggested that it would be essential that the Senate have before it an analysis of the effect that this amendment would have in each of the several States. Had the matter been reviewed by a standing committee of the Senate, this would have been the first order of that committee's business. The Senate would have expected its committee, first, to ascertain what the circumstances were in each of the States, and then it would have the judgment of the committee as to the consequences in those 50 States that would follow if the Congress added to the foreign aid bill the Dirksen amendment.

Very unfortunately, in my view, there were no committee hearings. There is no committee report. That leaves us, then, with the responsibility for developing, State by State, some understanding of the situation in each State with respect to the apportionment and any proposed reapportionment of its legislature.

One highly significant reason for having this material available is to assess the argument made in support of the amendment that it is essential that we avoid chaos across the country. I suggest that, until we know the facts in each of the States, it is no less likely that the adoption of this amendment will produce equal or greater chaos. Indeed, it might well be easier to argue and a stronger case might be made that the adoption of this amendment would increase rather than reduce what its proponents describe as chaos.

Let me now attempt to review briefly the chronology of legislative apportionment in Michigan. Before doing so, I suggest that a similar review be prepared and placed in the RECORD analyzing the proceedings that are pending, if any, and the nature of the apportionment in each of the other States. Absent these specific facts, how are we to judge, how can we to conscientiously conclude, that an amendment such as this is desirable?

Mr. CHURCH. Mr. President, will the distinguished Senator from Michigan yield for the purpose of permitting the Senate to consider a conference report on the Seneca Indian bill?

Mr. HART. I am glad to yield to the distinguished Senator from Idaho. I do so conscious of the importance and of some highly emotional interest in the bill on which he is now about to present a conference report. It may well be that, in the analysis of that conference report, we shall find that the time will have run to the point it was indicated the Senate would be sitting. In that case, I shall be glad to place in the RECORD at a later time an analysis of the Michigan apportionment situation.

Mr. CHURCH. I thank the Senator for yielding.

FLOWAGE EASEMENT AND RIGHTS-OF-WAY OVER LANDS WITHIN THE ALLEGANY INDIAN RESERVATION—CONFERENCE REPORT

Mr. CHURCH. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1794) to authorize the acquisition of and the payment for a flowage easement and rights-of-way over lands within the Allegany Indian Reservation in New York, required by the United States for the Allegheny River (Kinzua Dam) project, to provide for the relocation, rehabilitation, social and economic development of the members of the Seneca Nation, and for other purposes. I ask unanimous consent for the present consideration of the report.

access to the river bottom. In the case of the Senecas, the indirect damages also includes the loss of sand and gravel in the river bed, the cost of supplying domestic water at the two relocation sites, together with the leveling, planning, staking, survey, and acquisition of the relocation lots. Also included are the costs of moving, plus possible loss of earnings while moving, for the individual Indians concerned. The House approved \$1,033,275 for these items of indirect damages. The Senate recommended \$824,273. The conference has allowed \$945,573, slightly more than 6 percent of the total authorized by the bill.

To put it another way, about 15 percent of the total award made to the Senecas under the bill, relates, either directly or indirectly, to the damages inflicted upon the Senecas through the construction of the Kinzua Dam and Reservoir; the balance, some 85 percent, takes the form of a Federal subsidy to finance an extensive development program for the special use and benefit of the Seneca tribe, called rehabilitation.

3. REHABILITATION

The third class of money is contained in section 4 of the bill and is to be used to rehabilitate members of the Seneca Nation. The House had recommended \$16,931,000 for this item. The Senate allowed \$6,116,500. The conferees recommended the sum of \$12,128,917 for rehabilitation. Among the programs for which this money may be used are individual and family plans, including relocation, resettlement, education, and the construction of roads, utilities, sanitation facilities, new houses, and related structures. It may be used also for the construction of community buildings and industrial and recreational development on the Allegany, Cattaraugus, and Oil Springs Reservations. The funds are to be expended in accordance with plans and programs approved by the Seneca Nation and the Secretary of the Interior.

In the earlier Indian cases, involving similar reservoir takings, sizable Federal subsidies have been authorized for what we have chosen to call rehabilitation, the same term as used in this bill. However, neither in the earlier cases, nor in this, is the word accurately employed. To "rehabilitate," according to Webster, is "to restore to a former capacity; reinstate." This, of course, is the very opposite of what is intended by the "rehabilitation" features of this bill. The subsidy restores nothing that has been taken away; the direct and indirect damages fully compensate for whatever deprivation has been caused the Senecas by virtue of the penetration of their reservation by the Kinzua Reservoir. The purpose of the subsidy is to improve economic, social, and educational conditions for all the enrolled members of the Seneca Nation, regardless of whether or not they were personally affected by the Federal project; the purpose is to furnish investment capital with which to lift living standards above the level which existed prior to the construction of the dam and reservoir, so that the Senecas might be generally better off afterward than they were before.

The rehabilitation funds contained in the bill include \$1,029,000 for constructing new, modern homes for the displaced Seneca families; \$970,000 for the erection of new tribal community buildings; \$2,300,000 to provide for a 20-year scholarship program, along with vocational training and counseling services; and \$194,000 for a resurvey of the congressional villages.

With this money, the Senecas will be able to construct fine, new homes, worth from \$12,000 to \$14,000 apiece, apart from the value of the acreage on which each one will be built. I have seen a model of one of these houses nearly completed. It boasted a living room with a picture window, a dining alcove, a fully equipped electrical kitchen, two bathrooms with copper plumbing, three bedrooms, and a built-in garage. These houses are the equivalent of the kind being built in many a typical subdivision development in the outskirts of this very city. Compared to the average dwelling-place, cabin, or shack, which the affected families are being forced to vacate, these new residences will be splendid indeed.

Besides these new homes for the displaced Senecas, the rehabilitation fund is also ample to cover the erection of the aforementioned tribal buildings, the scholarships, the vocational training, the counseling, and the resurveys.

After these objectives have been served, there will still remain some \$7,635,917 in the rehabilitation fund, which the Senecas may use to promote economic development, if they so choose. This is more than enough money to finance the whole of an elaborate Williamsburg-type Indian village, complete with exhibit halls furnished with their exhibits, a motel, swimming pool, restaurants, outdoor amphitheater, parking lots, landscaping, and supporting services, as envisaged in the original House-passed bill.

I ask unanimous consent that a schedule of these proposed facilities be published at this point in the RECORD.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

EXHIBIT FACILITIES	
Indian village and stockade-----	\$300,000
American Indian heritage:	
Indian place name exhibit; Indian influence on great events in American history; Indian influence on American food; the Indian art and literature; Indian trading post and country store:	
Construction-----	1,100,000
Contents-----	1,500,000
Information center, reception and administrative office building-----	500,000
Amphitheater (1,000 seats)-----	135,000
Motel and pool (75 units)-----	600,000
Cafeteria (150-seat capacity)-----	200,000
Snackbar-----	12,000
Retail shop, arts and crafts, etc.--	100,000
Automobile service station-----	40,000
Total-----	4,487,000
SERVICE FACILITIES	
Roads exhibit area-----	100,000
Water, treatment, storage, distribution-----	100,000

Sewage, collection and treatment--	\$106,000
Dam-----	150,000
Pump works-----	50,000
Culverts and gutters-----	15,000
Electric distribution-----	85,000
Parking (2,000 cars)-----	170,000
Landscaping, paths, gardens, etc--	200,000
Firehouse and truck-----	75,000
Maintenance, garage and equipment-----	150,000
Subtotal-----	1,201,000
Cost exhibit facilities-----	4,487,000
Subtotal-----	5,688,000
Architects' and engineers' fees--	568,800
Contingencies-----	853,200
Grand total-----	7,110,000

Mr. CHURCH. The \$12,128,917 rehabilitation provision contained in this bill is the largest amount ever authorized in legislation of this nature. It amounts to approximately \$2,900 for every enrolled member of the tribe, whether living on or off the reservation. Previously, the highest amount given was \$2,250 for each enrollee. So, I think it can be said that Congress, by making this larger sum available to the Senecas, has sought to be generous in furnishing them ample money with which to improve their living standards. The wise use of these funds should bring about a substantial betterment in the economic and social wellbeing of the tribe and its individual members.

In the Senate version of H.R. 1794, a new section was added to the bill providing that the tribal council of the Seneca Nation would submit to the Secretary of the Interior within 2 years, proposed legislation providing for the termination of Federal supervision over the affairs and property of the tribe and its members within a reasonable time after the submission of the legislation. Primarily, this section was designed to prevent a large build-up of Bureau of Indian Affairs personnel on the reservation to administer the rehabilitation program. The conferees have agreed on substitute language which in place of termination directs the Department of the Interior not to enlarge services to the Senecas except as specifically required to carry out the provisions of H.R. 1794. Further, the Secretary of the Interior is directed, after consultation with the tribe, to submit to Congress a plan for complete withdrawal of Federal supervision over the property and affairs of the Senecas within 3 years from the effective date of this act.

As has been previously noted, the Bureau of Indian Affairs has rendered virtually no services to the Senecas since 1949. These Indians have demonstrated that they are able to handle their own individual and tribal affairs without Government interference. The conferees are in complete agreement that the programs authorized by this bill should not be the wedge to set up a large and permanent staff of Indian Bureau personnel on the Seneca Reservation.

Other technical amendments we agreed to are contained in the conference report.

Mr. President, I want to conclude by saying that this has been a controversial

matter, charged with a great deal of emotion. All of us concerned have tried to be just to the Seneca Indians, as well as to the country at large, by striking a figure which seemed to us to fully cover every possible damage sustained by the Senecas by virtue of the construction of this reservoir, plus a rehabilitation fund which would permit large-scale commercial tourist development, educational funds for scholarships, vocational training, and guidance counseling, new housing, new tribal utility, and sanitary facilities, and more money besides, to substantially improve the living standards of the Seneca Nation well beyond anything known before the reservoir was built.

We think the amount is fully adequate to achieve that purpose, but we recognize that, in striking a compromise figure, it has not been possible to obtain unanimity of opinion.

In the judgment of the majority of the conferees of both the Senate and the House, this bill represents a just and generous settlement; and it is in that spirit that I commend it to my colleagues and urge the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution:

S. 16. An act to provide for the establishment of the Ozark National Scenic Riverways in the State of Missouri, and for other purposes;

S. 502. An act to preserve the jurisdiction of the Congress over construction of hydroelectric projects on the Colorado River below Glen Canyon Dam;

H.R. 946. An act to authorize the establishment of the Fort Bowie National Historic Site in the State of Arizona, and for other purposes;

H.R. 5543. An act to extend the provisions of the act of October 11, 1949 (63 Stat. 759, ch. 672; 32 D.C. Code 417), to authorize the commitment of persons of unsound mind found on Federal reservations in Loudoun County, Va., to St. Elizabeths Hospital in the District of Columbia;

H.R. 7662. An act to amend the Federal Employees' Compensation Act, as amended, to provide appeal rights to employees of the Canal Zone Government and the Panama Canal Company;

H.R. 9334. An act to amend the act of May 21, 1928, relating to standards of containers for fruits and vegetables, to permit the use of additional standard containers;

H.R. 9436. An act to amend the act of September 2, 1958, to establish a Commission and Advisory Committee on International Rules of Judicial Procedure, as amended:

H.R. 10199. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1965, and for other purposes;

H.R. 10446. An act to permit the use of statistical sampling procedures in the examination of vouchers;

H.R. 10705. An act to amend the Government Corporation Control Act to change the General Accounting Office audit to a calendar year basis in the case of the Federal home loan banks and the Federal Savings and Loan Insurance Corporation;

H.R. 11052. An act to declare that 80 acres of land acquired for the Flandreau Boarding School is held by the United States in trust for the Flandreau Santee Sioux Tribe;

H.R. 11211. An act to provide authority for the payment of certain amounts to offset certain expenses of Federal employees assigned to duty on the California offshore islands, and for other purposes;

H.R. 11652. An act to exempt from taxation certain property of the United Supreme Council, 33d Degree, Ancient and Accepted Scottish Rite of Freemasonry, Southern Jurisdiction—Prince Hall Affiliation; and

H.J. Res. 1026. Joint resolution to amend section 316 of the Agricultural Adjustment Act of 1938 to extend the time by which a lease transferring a tobacco acreage allotment may be filed.

AMENDMENT OF THE TARIFF ACT OF 1930 WITH RESPECT TO RATE OF DUTY ON BROOMS MADE OF BROOMCORN—AMENDMENT (AMENDMENT NO. 1236)

Mr. WILLIAMS of New Jersey submitted an amendment, intended to be proposed by him, to the bill (H.R. 5986) to amend the Tariff Act of 1930 with respect to the rate of duty on brooms made of broomcorn, which was ordered to lie on the table and to be printed.

FOREIGN ASSISTANCE ACT OF 1961—AMENDMENT (AMENDMENT NO. 1237)

Mr. AIKEN. Mr. President, I send to the desk an amendment and ask to have it printed.

Mr. President, this amendment is almost exactly like a part of the wording inserted in the so-called poverty bill. It would require the officials of all corporations who have contracts under the AID program and of banks which have insured loans under AID programs and others who benefit from the AID program to take exactly the same loyalty oath that the beneficiaries of the so-called poverty program will be required to do under legislation which was recently enacted by Congress.

I am sure that no one can logically object to the adoption of the amendment and so I am sending it to the desk and ask to have it printed.

The PRESIDING OFFICER. The amendment will be received, printed, and will lie on the table.

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. CHURCH. Mr. President, in accordance with the order previously entered, I now move that the Senate stand

adjourned until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 7 o'clock and 36 minutes p.m.) the Senate, under the order previously entered, adjourned until tomorrow, Tuesday, August 18, 1964, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate August 17, 1964:

U.S. DISTRICT JUDGE

Francis C. Whelan, of California, to be U.S. district judge for the southern district of California, vice Leon R. Yankwich, retired.

Charles A. Muecke, of Arizona, to be U.S. district judge for the district of Arizona, vice Dave W. Ling, retiring.

PUBLIC HEALTH SERVICE

The following candidates for personnel action in the Regular Corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

FOR APPOINTMENT

To be senior surgeons

Mark S. Beaubien	William L. Roberson
Hector P. Gutierrez	Joe L. Stockard

To be surgeons

Jack Butler	Peter Gouras
Dennis G. Carlson	Robert I. Gregerman
William A. Cherry	Peter D. Olch

To be senior assistant surgeons

Norman Abramson	Thomas A. Coppinger
Stephen E. Adelman	Bert N. Corley
Jack J. Adler	Willard D. Corley, Jr.
Robert S. Alexander	Lyle E. Crecelius
Donald W. Altig	Crille Crisler
Lawrence K. Altman	Uel D. Crosby, Jr.
Douglas R. Anderson	Lewis W. Culp
Fred G. Anderson	La Rue V. Dahlquist
John B. Anderson	David W. Dain
Robert S. Ascheim	William J. Daly
Marc A. Asher	Julius D. Davidson
Newell Augur, Jr.	James W. Debnam, Jr.
William J. Austin	William C. Deskins
Raymond D. Bahr	Dexter D. DeWitt, Jr.
Charles R. Baker	Charles T. Dolan
Johnson J. Baker	Richard K. Donabedian
John E. Bakos	Robert E. Edmands
T. Carey Barr, Jr.	Robert E. Fay
John A. Baumann	Leonard J. Figelman
Robert P. Beasley	Joel D. Fisler
Robert G. Beegle	Robert D. Flaig
Alan E. Beer	Michael R. Fogel
Richard A. Bell	Ben R. Forsyth
Randall G. Benson	William N. Fortescue, Jr.
Robert J. Bielen	Louis A. Fragola, Jr.
Michael A. Bloom	Richard E. Frasier
Robert B. Bokat	Richard B. Freeman
Charles C. Bollinger	Allan Fried
Vincent H. Bono, Jr.	Anthony V. Furano
William G. Bouman	Gregory J. Gallivan
Frank R. Bowers	Arthur S. Geller
John E. Boyd	Edwin J. Gevirtz
Michael W. Brandriss	Robert S. Gilgor
Eugene M. Brown	Robert M. Glasser
Robert L. Brown	M. Michael Glovsky
Ronald D. Brown	Stephen R. Gluck
Ralph W. Bubeck	Donald P. Goldstein
John U. Buchman	Herbert B. Goodman
George E. Burgermeister	Charles W. Goredetzky
Robert C. Burns	William B. Greenough
William J. Carey	III
William T. Carpenter, Jr.	Paul R. Gross
Ronald A. Castellino	Lloyd C. Guthrie
Jerry L. Cates	Lorenzo Guzman
Leverett L. Chapin	Jack D. Halpin
F. Lawrence Clare	Douglas I. Hammer
Barnett L. Cline	Warren A. Heffron
John S. Coldiron	David Lynn Helges
Herbert L. Cooper	R. Michael Henderson
James K. Cooper	

Digest of CONGRESSIONAL PROCEEDINGS

OFFICE OF
BUDGET AND FINANCE

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OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE

Washington, D. C. 20250

Official business Postage and fees paid.
U. S. Department of Agriculture

Issued Aug. 19, 1964
For actions of Aug. 18, 1964
88th-2nd, No. 162

CONTENTS

Agriculture	Farm income.....31	Minerals.....9,15
appropriations.....19	Farm programs.....2	Opinion poll.....34
Appalachia.....3,29	Fisheries.....12	Personnel.....14,21
Appropriations	Food-for-peace.....16	Pollution.....20
.....4,13,16,18,19	Foreign aid.....1	Poverty.....38
Awards.....21	Forests.....8,9	Public Law 480.....6
Balance of payments.....30	Housing.....16,26,36	Public works.....37
Budget.....20	Irrigation.....15	Quarantine.....10
Census.....14	Lands.....9	Reclamation.....27
Coffee.....5,22	Legislative program.....16	Research.....10,23,32
Committees.....15	Life insurance.....14	Tariffs.....28
Continuing resolution...18	Meat-imports.....17	Weather bureau.....13
Cooperatives.....11	Meat prices.....35	Wheat.....33
Electrification.....16,24	Milk.....7	Wilderness.....16
		Wildlife.....24

HIGHLIGHTS: Both Houses passed resolution for continuing appropriations. Both Houses agreed to conference report on meat-import bill. House received conference report on housing bill. Sen. Humphrey discussed farm program. Sen. Hruska criticized grazing land subsidy provision in Appalachia bill. Senate committee reported bill to extend Public Law 480. Senate passed bill to extend Armed Forces special milk program.

SENATE

1. FOREIGN AID. Continued debate on H. R. 11380, the foreign-aid authorization bill. pp. 19361-75, 19381-3, 19386-9
2. FARM PROGRAM. Sen. Humphrey called for a reexamination of "our entire governmental control mechanism to see whether it is helping us to develop a rational agricultural policy," and urged the formation of a "bipartisan blue ribbon commission" to examine past agricultural policies and to develop policies for the future. pp. 19424-7

3. APPALACHIA. Sen. Hruska criticized the section of the Appalachia bill which would permit subsidy payments for the development or improvement of pasture to increase the production of beef cattle in Appalachia, and submitted an amendment intended to be proposed by him eliminating this section. p. 19435
4. HEALTH, EDUCATION, AND WELFARE APPROPRIATION BILL, 1965. Sen. Lausche submitted an amendment, intended to be proposed by him, to eliminate the \$1.5 million item for preliminary work on an Environmental Health Center in D. C. p. 19383
5. COFFEE. Insisted upon its amendments to H. R. 8864, implementing the International Coffee Agreement of 1962, and agreed to a further conference. Conferencees were appointed. p. 19414
6. PUBLIC LAW 480. The Agriculture and Forestry Committee reported with amendment S. 2687, to extend Public Law 480 (S. Rept. 1467). p. 19352
7. MILK. Passed without amendment H. R. 9747, to extend for 3 years the special milk programs for the Armed Forces and veterans hospitals. This bill will now be sent to the President. p. 19419
8. FORESTS. Passed without amendment H. R. 7588, to provide for enforcement of rules and regulations for the protection, development, and administration of the national forests and national grasslands. This bill will now be sent to the President. p. 19408
9. LANDS. Passed without amendment H. R. 10069, to authorize the exchange of lands adjacent to the Lassen National Forest, Calif. This bill will now be sent to the President. pp. 19408-9
Passed as reported H. R. 6601, to authorize the Secretary of Agriculture to sell certain land in Grand Junction, Colo. p. 19409
Passed without amendment S. 2500, to amend section 27 of the Mineral Leasing Act to promote the development of phosphate on public domain. p. 19418
Passed without amendment H. R. 4242, to provide for the release and transfer of all right, title, and interest of the U. S. in and to certain tracts of land in Pender County, N. C. This bill will now be sent to the President. p. 19416
10. RESEARCH; QUARANTINE. Passed as reported H. R. 1642, to provide for the sale of the U. S. Animal Quarantine Station, Clifton, N. J., to the city of Clifton to provide for the establishment of a new station. p. 19409
11. COOPERATIVES. Passed without amendment H. R. 10419, to amend further the Farm Credit Act of 1933 to provide that part of the patronage refunds paid by a bank for cooperatives shall be in money instead of class C stock after the bank becomes subject to Federal income tax. This bill will now be sent to the President. p. 19416
12. FISHERIES. The Commerce Committee reported with amendments S. J. Res. 174, to authorize and direct the Bureau of Commercial Fisheries to conduct a survey of the marine and fresh-water commercial fishery resources of the U. S., its territories, and possessions (S. Rept. 1469). p. 19353
13. WEATHER BUREAU. The Commerce Committee reported without amendment S. 2315, to authorize the Weather Bureau to make appropriate reimbursement between the respective appropriations available to the Bureau (S. Rept. 1470). p. 19352

The mystery of the church is not a mere object of theological knowledge; it is something to be lived.

This passage, it seems to me, is profoundly applicable to all religious experience.

Near the beginning of the encyclical Pope Paul offers to assist as a mediator, "where an opportunity presents itself," in international conflicts, so that an honorable peace may be secured; and toward the conclusion, in writing of the dialogue he proposes, he urges "new fervor, new themes and speakers."

Mr. President, in the highest traditions of other great encyclicals, "Ecclesiam Suam" contains a moving message for all mankind.

The PRESIDING OFFICER (Mr. EDMONDSON in the chair). Is there further morning business? If not, morning business is closed.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The PRESIDING OFFICER. Without objection, the Chair lays before the Senate the unfinished business, which will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

The Senate resumed the consideration of the bill.

Mr. NELSON. Mr. President, I intend to discuss this morning the case of Reynolds against Sims. The decision was written by Chief Justice Earl Warren.

In discussing the Supreme Court decision with a number of people in my State, and in looking at my mail, it is perfectly clear that there is a widespread misunderstanding of what the Supreme Court said in the case of Reynolds against Sims. It seems to me that the RECORD ought to be clear as to the basis on which the Supreme Court made its decision. It is a very compelling argument. It should be made a part of the RECORD. And I intend to read the Supreme Court decision into the RECORD, making appropriate comments as I go along.

Mr. Chief Justice Warren delivered the opinion of the Court in this case in the October term, 1963. It reads:

Involved in these cases are an appeal and two cross-appeals from a decision of the Federal District Court for the Middle District of Alabama holding invalid, under the Equal Protection Clause of the Federal Constitution, the existing and two legislatively proposed plans for the apportionment of seats in the two houses of the Alabama Legislature, and ordering into effect a temporary reapportionment plan comprised of parts of the proposed but judicially disapproved measures.¹

I

On August 26, 1961, the original plaintiffs (appellees in No. 23), residents, taxpayers and voters of Jefferson County, Alabama, filed a complaint in the United States District Court for the Middle District of Alabama, in their own behalf and on behalf of all similarly situated Alabama voters, chal-

lenging the apportionment of the Alabama Legislature. Defendants below (appellants in No. 23), sued in their representative capacities, were various state and political party officials charged with the performance of certain duties in connection with state elections.² The complaint alleged a deprivation of rights under the Alabama Constitution and under the Equal Protection Clause of the Fourteenth Amendment, and asserted that the District Court had jurisdiction under provisions of the Civil Rights Act, 42 U.S.C. §§ 1983, 1988, as well as under 28 U.S.C. § 1343(3).

The complaint stated that the Alabama Legislature was composed of a Senate of 35 members and a House of Representatives of 106 members. It set out relevant portions of the 1901 Alabama Constitution, which prescribe the number of members of the two bodies of the State Legislature and the method of apportioning the seats among the State's 67 counties, and provide as follows:

"Art. IV, Sec. 50. The legislature shall consist of not more than thirty-five senators and not more than one hundred and five members of the house of representatives, to be apportioned among the several districts and counties, as prescribed in this Constitution; provided that in addition to the above number of representatives, each new county hereafter created shall be entitled to one representative.

"Art. IX, Sec. 197. The whole number of senators shall be not less than one-fourth or more than one-third of the whole number of representatives.

"Art. IX, Sec. 198. The house of representatives shall consist of not more than one hundred and five members, unless new counties shall be created, in which event each new county shall be entitled to one representative. The members of the house of representatives shall be apportioned by the legislature among the several counties of the state, according to the number of inhabitants in them, respectively, as ascertained by the decennial census of the United States, which apportionment, when made, shall not be subject to alteration until the next session of the legislature after the next decennial census of the United States shall have been taken.

"Art. IX, Sec. 199. It shall be the duty of the legislature at its first session after the taking of the decennial census of the United States in the year nineteen hundred and ten, and after each subsequent decennial census, to fix by law the number of representatives and apportion them among the several counties of the state, according to the number of inhabitants in them, respectively; provided, that each county shall be entitled to at least one representative.

"Art. IX, Sec. 200. It shall be the duty of the legislature at its first session after taking of the decennial census of the United States in the year nineteen hundred and ten, and after each subsequent decennial census, to fix by law the number of senators, and to divide the state into as many senatorial districts as there are senators, which districts shall be as nearly equal to each other in the number of inhabitants as may be, and each shall be entitled to one senator, and no more; and such districts, when formed, shall not be changed until the next apportioning session of the legislature, after the next decennial census of the United States shall have been taken; provided, that counties created after the next preceding apportioning

² Included among the defendants were the Secretary of State and the Attorney General of Alabama, the Chairmen and Secretaries of the Alabama State Democratic Executive Committee and the State Republican Executive Committee, and three Judges of Probate of three counties, as representatives of all probate judges of Alabama.

session of the legislature may be attached to senatorial districts. No county shall be divided between two districts, and no district shall be made up of two or more counties not contiguous to each other.

"Art. XVIII, Sec. 284. * * * Representation in the legislature shall be based upon population, and such basis of representation shall not be changed by constitutional amendments."

The maximum size of the Alabama House was increased from 105 to 106 with the creation of a new county in 1903, pursuant to the constitutional provision which states that, in addition to the prescribed 105 House seats, each county thereafter created shall be entitled to one representative. Article IX, sections 202 and 203, of the Alabama Constitution established precisely the boundaries of the State's senatorial and representative districts until the enactment of a new reapportionment plan by the legislature.

These 1901 constitutional provisions, specifically describing the composition of the senatorial districts and detailing the number of House seats allocated to each county, were periodically enacted as statutory measures by the Alabama Legislature, as modified only by the creation of an additional county in 1903, and provided the plan of legislative apportionment existing at the time this litigation was commenced.³

Plaintiffs below alleged that the last apportionment of the Alabama Legislature was based on the 1900 federal census, despite the requirement of the State Constitution that the legislature be reapportioned decennially. They asserted that, since the population growth in the State from 1900 to 1960 had been uneven, Jefferson and other counties were now victims of serious discrimination with respect to the allocation of legislative representation. As a result of the failure of the legislature to reapportion itself, plaintiffs asserted, they were denied "equal suffrage in free and equal elections * * * and the equal protection of the laws" in violation of the Alabama Constitution and the Fourteenth Amendment to the Federal Constitution. The complaint asserted that plaintiffs had no other adequate remedy, and that they had exhausted all forms of relief other than that available through the federal courts. They alleged that the Alabama Legislature had established a pattern of prolonged inaction from 1911 to the present which "clearly demonstrates that no reapportionment * * * shall be effected"; that representation at any future constitutional convention would be established by the legislature, making it unlikely that the membership of any such convention would be fairly representative; and that, while the Alabama Supreme Court had found that the legislature had not complied with the State Constitution in failing to reapportion according to population decennially,⁴ that court had nevertheless indicated that it would not interfere with matters of legislative reapportionment.⁵

³ Provisions virtually identical to those contained in Art. IX, secs. 202 and 203, were enacted into the Alabama Codes of 1907 and 1923, and were most recently reenacted as statutory provisions in secs. 1 and 2 of title 32 of the 1940 Alabama Code (as recompiled in 1958).

⁴ See *Opinion of the Justices*, 263 Ala. 158, 164, 81 So. 2d 881, 887 (1955), and *Opinion of the Justices*, 254 Ala. 185, 187, 47 So. 2d 714, 717 (1950), referred to by the District Court in its preliminary opinion. 205 F. Supp., at 247.

⁵ See *Ex parte Rice*, 143 So. 2d 248 (Ala. Sup. Ct. 1962), where the Alabama Supreme Court, on May 9, 1962, subsequent to the District Court's preliminary order in the instant litigation as well as our decision in *Baker v. Carr*, 369 U.S. 186, refused to review

¹ *Sims v. Frink*, 208 F. Supp. 431 (D.C.M.D. Ala. 1962). All decisions of the District Court in this litigation are reported *sub nom. Sims v. Frink*.

Plaintiffs requested that a three-judge District Court be convened.⁶ With respect to relief, they sought a declaration that the existing constitutional and statutory provisions, establishing the present apportionment of seats in the Alabama Legislature, were unconstitutional under the Alabama and Federal Constitutions, and an injunction against the holding of future elections for legislators until the legislature reapportioned itself in accordance with the State Constitution. They further requested the issuance of a mandatory injunction, effective until such time as the legislature properly reapportioned, requiring the conducting of the 1962 election for legislators at large over the entire State, and any other relief which "may seem just, equitable and proper."

A three-judge District Court was convened, and three groups of voters, taxpayers and residents of Jefferson, Mobile, and Etowah Counties were permitted to intervene in the action as intervenor-plaintiffs. Two of the groups are cross-appellants in Nos. 27 and 41. With minor exceptions, all of the intervenors adopted the allegations of and sought the same relief as the original plaintiffs.

On March 29, 1962, just three days after this Court had decided *Baker v. Carr*, 369 U.S. 186, plaintiffs moved for a preliminary injunction requiring defendants to conduct at large the May 1962 Democratic primary election and the November 1962 general election for members of the Alabama Legislature. The District Court set the motion for hearing in an order stating its tentative views that an injunction was not required before the May 1962 primary election to protect plaintiffs' constitutional rights, and that the Court should take no action which was not "absolutely essential" for the protection of the asserted constitutional rights, before the Alabama Legislature had had a "further reasonable but prompt opportunity to comply with its duty" under the Alabama Constitution.

On April 14, 1962, the District Court, after reiterating the views expressed in its earlier order, reset the case for hearing on July 16, noting that the importance of the case, together with the necessity for effective action within a limited period of time, required an early announcement of its views. 205 F. Supp. 245. Relying on our decision in *Baker v. Carr*, the Court found jurisdiction, justiciability and standing. It stated that it was taking judicial notice of the facts that there had been population changes in Alabama's counties since 1901, that the present representation in the State Legislature was not on a population basis, and that the legislature had never reapportioned its membership as required by the Alabama Constitution.⁷ Continuing, the Court stated that if the legislature complied with the Alabama constitutional provision requiring legislative representation to be based on population

there could be no objection on federal constitutional grounds to such an apportionment. The Court further indicated that, if the legislature failed to act, or its actions did not meet constitutional standards, it would be under a "clear duty" to take some action on the matter prior to the November 1962 general election. The District Court stated that its "present thinking" was to follow an approach suggested by Mr. Justice Clark in his concurring opinion in *Baker v. Carr*⁸—awarding seats released by the consolidation or re-vamping of existing districts to counties suffering "the most egregious discrimination," thereby releasing the strangle hold on the legislature sufficiently so as to permit the newly elected body to enact a constitutionally valid and permanent reapportionment plan, and allowing eventual dismissal of the case. Subsequently, plaintiffs were permitted to amend their complaint by adding a further prayer for relief, which asked the District Court to reapportion the Alabama Legislature provisionally so that the rural strangle hold would be relaxed enough to permit it to reapportion itself.

On July 12, 1962, an extraordinary session of the Alabama Legislature adopted two reapportionment plans to take effect for the 1966 elections. One was a proposed constitutional amendment, referred to as the "67-Senator Amendment."⁹ It provided for a House of Representatives consisting of 106 members, apportioned by giving one seat to each of Alabama's 67 counties and distributing the others according to population by the "equal proportions" method.¹⁰ Using this formula, the constitutional amendment specified the number of representatives allotted to each county until a new apportionment could be made on the basis of the 1970 census. The Senate was to be composed of 67 members, one from each county. The legislation provided that the proposed amendment should be submitted to the voters for ratification at the November 1962 general election.

The other reapportionment plan was embodied in a statutory measure adopted by the legislature and signed into law by the Alabama Governor, and was referred to as the "Crawford-Webb Act."¹¹ It was enacted as standby legislation to take effect in 1966 if the proposed constitutional amendment should fall of passage by a majority of the State's voters, or should the federal courts refuse to accept the proposed amendment (though not rejected by the voters) as effective action in compliance with the requirements of the Fourteenth Amendment. The act provided for a Senate consisting of 35 members, representing 35 senatorial districts established along county lines, and altered only a few of the former districts. In apportioning the 106 seats in the Alabama House of Representatives, the statutory measure gave each county one seat, and apportioned the remaining 39 on a rough popu-

lation basis, under a formula requiring increasingly more population for a county to be accorded additional seats. The Crawford-Webb Act also provided that it would be effective "until the legislature is reapportioned according to law," but provided no standards for such a reapportionment. Future apportionments would presumably be based on the existing provisions of the Alabama Constitution which the statute, unlike the proposed constitutional amendment, would not affect.

The evidence adduced at trial before the three-judge panel consisted primarily of figures showing the population of each Alabama county and senatorial district according to the 1960 census, and the number of representatives allocated to each county under each of the three plans at issue in the litigation—the existing apportionment (under the 1901 constitutional provisions and the current statutory measures substantially reenacting the same plan), the proposed 67-Senator constitutional amendment, and the Crawford-Webb Act. Under all three plans, each senatorial district would be represented by only one senator.

On July 21, 1962, the District Court held that the inequality of the existing representation in the Alabama Legislature violated the Equal Protection Clause of the Fourteenth Amendment, a finding which the Court noted had been "generally conceded" by the parties to the litigation, since population growth and shifts had converted the 1901 scheme, as perpetuated some 60 years later, into an invidiously discriminatory plan completely lacking in rationality. 208 F. Supp. 431. Under the existing provisions, applying 1960 census figures, only 25.1% of the State's total population resided in districts represented by a majority of the members of the Senate, and only 25.7% lived in counties which could elect a majority of the members of the House of Representatives. Population-variance ratios of up to about 41-to-1 existed in the Senate, and up to about 16-to-1 in the House. Bullock County, with a population of only 13,462, and Henry County, with a population of only 15,286, each were allocated two seats in the Alabama House, whereas Mobile County, with a population of 314,301, was given only three seats, and Jefferson County, with 634,864 people, had only seven representatives.¹² With respect to senatorial apportionment, since the pertinent Alabama constitutional provisions had been consistently construed as prohibiting the giving of more than one Senate seat to any one county,¹³ Jefferson County, with

a denial of injunctive relief sought against the conducting of the 1962 primary election until after reapportionment of the Alabama Legislature, stating that "this matter is a legislative function, and * * * the Court has no jurisdiction." And in *Waid v. Pool*, 255 Ala. 441; 51 So. 2d 869 (1951), the Alabama Supreme Court, in a similar suit, had stated that the lower court had properly refused to grant injunctive relief because "appellants * * * are seeking interference by the judicial department of the state in respect to matters committed by the constitution to the legislative department." 255 Ala. at 442, 51 So. 2d, at 870.

⁶ Under 28 U.S.C. §§ 2281 and 2284.

⁷ During the over 60 years since the last substantial reapportionment in Alabama, the State's population increased from 1,828,697 to 3,244,286. Virtually all of the population gain occurred in urban counties, and many of the rural counties incurred sizable losses in population.

⁸ See 369 U.S., at 260 (Clark, J., concurring).

⁹ Proposed Constitutional Amendment No. 1 of 1962, Alabama Senate Bill No. 29, Act No. 93, Acts of Alabama, Special Session, 1962, p. 124. The text of the proposed amendment is set out as Appendix B to the lower court's opinion. 208 F. Supp., at 443-444.

¹⁰ For a discussion of this method of apportionment, used in distributing seats in the Federal House of Representatives among the States, and other commonly used apportionment methods, see Schmeckebier, *The Method of Equal Proportions*, 17 Law and Contemp. Prob. 302 (1952).

¹¹ Alabama Reapportionment Act of 1962, Alabama House Bill No. 59, Act No. 91, Acts of Alabama, Special Session, 1962, p. 121. The text of the act is reproduced as Appendix C to the lower court's opinion. 208 F. Supp., at 445-446.

¹² A comprehensive chart showing the representation by counties in the Alabama House of Representatives under the existing apportionment provisions is set out as Appendix D to the lower court's opinion. 208 F. Supp., at 447-449. This chart includes the number of House seats given to each county, and the populations of the 67 Alabama counties under the 1900, 1950, and 1960 censuses.

¹³ Although cross-appellants in No. 27 assert that the Alabama Constitution forbids the division of a county, in forming senatorial districts, only when one or both pieces will be joined with another county to form a multicounty district, this view appears to be contrary to the language of Art. IX, § 200, of the Alabama Constitution and the practice under it. Cross-appellants contend that counties entitled by population to two or more senators can be split into the appropriate number of districts, and argue that prior to the adoption of the 1901 provisions the Alabama Constitution so provided and there is no reason to believe that the language of the present provision was intended to effect any change. However, the only apportionments under the 1901 Alabama Constitution—the 1901 provisions and the Crawford-Webb Act—gave no more than one seat

over 600,000 people, was given only one senator, as was Lowndes County, with a 1960 population of only 15,417, and Wilcox County, with only 18,739 people.¹⁴

The Court then considered both the proposed constitutional amendment and the Crawford-Webb Act to ascertain whether the legislature had taken effective action to remedy the unconstitutional aspects of the existing apportionment. In initially summarizing the result which it had reached, the Court stated:

"This Court has reached the conclusion that neither the '67-Senator Amendment' nor the 'Crawford-Webb Act' meets the necessary constitutional requirements. We find that each of the legislative acts, when considered as a whole, is so obviously discriminatory, arbitrary and irrational that it becomes unnecessary to pursue a detailed development of each of the relevant factors of the [federal constitutional] test."¹⁵

The Court stated that the apportionment of the senator to each county, under the proposed constitutional amendment, would "make the discrimination in the Senate even more invidious than at present." Under the 67-Senator Amendment, as pointed out by the court below, "the present control of the Senate by members representing 25.1 percent of the people of Alabama would be reduced to control by members representing 19.4 percent of the people of the State," the 34 smallest counties, with a total population of less than that of Jefferson County, would have a majority of the senatorial seats, and senators elected by only about 14 percent of the State's population could prevent the submission to the electorate of any future proposals to amend the State Constitution (since a vote of two-fifths of the members of one house can defeat a proposal to amend the Alabama Constitution).

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. PROXMIRE. Mr. President, first I commend my colleague from Wisconsin for reading this landmark decision into the RECORD, because it is such a masterful and brilliant work by Chief Justice Warren, who wrote the majority opinion. Second, I should like to ask my colleague, in view of what he has read from the Supreme Court's views on what the Alabama Legislature proposed, whether this is not an excellent answer to the arguments that have been made, including the argument that was made earlier today by the Senator from Nebraska [Mr. CURTIS], that all we need do is to leave this question to the States and the States will solve their problems; that they will provide for a constitutional reapportionment according to their own State constitutions. Is it not true in this particular case that not only did Alabama, after 60 years, not take care of the situation, but that the Alabama Legislature proposed two acts which would have made the situation even less fair?

Mr. NELSON. The Senator is absolutely correct. One thing that is not

understood across the country is that this landmark decision relates to a case in which the Alabama constitution itself provided for a population apportionment. That was a constitution adopted by the people of Alabama. But for 60 years, the Alabama Legislature refused to reapportion itself, until a stage was reached where 25 percent of the people were electing more than 50 percent of the representatives. The legislature simply refuses to comply with Alabama's own constitution. This is not a case in which the Supreme Court of the United States was upsetting the constitution of a State; this is a case in which the Supreme Court in fact upheld the constitution of the State of Alabama.

Mr. PROXMIRE. That point is highly important. It is easy for us in considering these cases to argue that the Supreme Court is moving in on a State supreme court or is moving in on a State legislature, disregarding the prudent action by a State legislature. The facts that the Senator from Wisconsin has just given to the Senate by reading the decision of Chief Justice Warren seem to me to be absolutely unanswerable. I do not know how anyone who really believes in fair representation, even if he does not accept the principle of one man, one vote, but feels there should be some kind of balance, as some like to put it, could possibly accept as a fair basis for representation what the Alabama legislature provided as a solution. What other remedy was there for Alabama citizens except the U.S. Supreme Court? The State supreme court had refused to act.

The service the Senator from Wisconsin is performing today is most helpful. I hope that Senators who are at all interested in the subject will take the time to read the decision which the Senator from Wisconsin is placing in the RECORD. Without a knowledge of what Chief Justice Warren is saying in this crucial decision, it is difficult to evaluate the Dirksen amendment.

Mr. NELSON. I thank the Senator. It is interesting to note also that under the proposed apportionment State senators representing only 14 percent of the people of the State of Alabama could prevent any constitutional amendment from being submitted to the people of that State. The Supreme Court of the United States, far from taking rights away, was implementing the rights of the people of Alabama. It was the legislature itself, controlled by a small percentage of members, which was effectively denying to the majority of the people of Alabama their rights.

I should think the people of this country would welcome the opportunity that the Supreme Court gives them in this case to take control of their own legislative situation. In this particular case the people were being deprived of their constitutional rights by the legislature.

Mr. PROXMIRE. The Senator is correct. We are inclined to overlook the fact that whereas members of State legislatures—and the junior Senator from Wisconsin served for 10 years in the legislature of Wisconsin—are, by and large, fine, thoughtful people, still this apportionment problem is a subject that

directly affects their own particular interests. It affects their own careers. It affects the careers of their friends, and those with whom they have served in State legislatures for a long time. So they are very strongly inclined to resist a change. Whereas in many other cases they would be perfectly openminded and fairminded, acting in the interests of the whole State, when it comes to reapportionment and a change in which the makeup of their own legislative body could be made more representative, the human element enters. It is a perfectly natural, predictable human element. Thus it can be seen that what the Alabama Legislature did in this case will be reflected in the actions of the legislatures of most other States.

The junior Senator from Wisconsin knows this well, because he served for 10 years as a State senator and also served 4 years as Governor of Wisconsin, he was in the middle of the difficult, complicated problem of the reapportionment of the Wisconsin legislature. We had every advantage in Wisconsin, because there was a tradition of apportionment in our State to remove the inequity. In spite of that, the Senator knows how difficult it was to get action, finally, in Wisconsin. It was necessary to rely on an outside body having some objectivity—our State supreme court—before we could get a favorable decision and provide equal representation in Wisconsin.

Mr. NELSON. That is correct. I further point out—and I think the public should understand this—that the proposed apportionment was in violation of the Alabama constitution. Eighty-six percent of the people of Alabama could desire an opportunity to be represented on a population basis under their constitution or could desire a constitutional amendment; yet Senators representing 14 percent of the people could deny that opportunity. The only remedy the people of Alabama had was to apply to the U.S. Supreme Court. Otherwise, this situation could have continued for endless years in violation of the Alabama constitution.

I continue to read:

Noting that the "only conceivable rationalization" of the senatorial apportionment scheme is that it was based on equal representation of political subdivisions within the State and is thus analogous to the Federal Senate, the District Court rejected the analogy on the ground that Alabama counties are merely involuntary political units of the State created by statute to aid in the administration of State government. In finding the so-called Federal analogy irrelevant, the District Court stated:

"The analogy cannot survive the most superficial examination into the history of the requirement of the Federal Constitution and the diametrically opposing history of the requirement of the Alabama constitution that representation shall be based on population. Nor can it survive a comparison of the different political natures of States and counties."¹⁶

The Court also noted that the senatorial apportionment proposal "may not have complied with the State Constitution," since not only is it explicitly provided that the population basis of legislative representation "shall not be changed by constitutional

to a county even though by population several counties would have been entitled to additional senatorial representation.

¹⁴ A chart showing the composition, by counties, of the 35 senatorial districts provided for under the existing apportionment, and the population of each according to the 1900, 1950, and 1960 censuses, is reproduced as Appendix E to the lower court's opinion, 208 F. Supp., at 450.

¹⁵ 208 F. Supp., at 437.

¹⁶ Id., at 438.

amendments,"¹⁷ but the Alabama Supreme Court had previously indicated that that requirement could probably be altered only by constitutional convention.¹⁸ The Court concluded, however, that the apportionment of seats in the Alabama House, under the proposed constitutional amendment, was "based upon reason, with a rational regard for known and accepted standards of apportionment."¹⁹ Under the proposed apportionment of representatives, each of the 67 counties was given one seat and the remaining 39 were allocated on a population basis. About 43% of the State's total population would live in counties which could elect a majority in that body. And, under the provisions of the 67-Senator Amendment, while the maximum population-variance ratio was increased to about 59-to-1 in the Senate, it was significantly reduced to about 4.7-to-1 in the House of Representatives. Jefferson County was given 17 House seats, an addition of 10, and Mobile County was allotted eight, an increase of five. The increased representation of the urban counties was achieved primarily by limiting the State's 55 least populous counties to one House seat each, and the net effect was to take 19 seats away from rural counties and allocate them to the more populous counties. Even so, serious disparities from a population-based standard remained. Montgomery County, with 169,210 people, was given only four seats, while Coosa County, with a population of only 10,726, and Cleburne County, with only 10,911, were each allocated one representative.

Turning next to the provisions of the Crawford-Webb Act, the District Court found that its apportionment of the 106 seats in the Alabama House of Representatives, by allocating one seat to each county and distributing the remaining 39 to the more populous counties in diminishing ratio to their populations, was "totally unacceptable."²⁰ Under this plan, about 37% of the State's total population would reside in counties electing a majority of the members of the Alabama House, with a maximum population-variance ratio of about 5-to-1. Each representative from Jefferson and Mobile

Counties would represent over 52,000 persons while representatives from eight rural counties would each represent less than 20,000 people. The Court regarded the senatorial apportionment provided in the Crawford-Webb Act as "a step in the right direction, but an extremely short step," and but a "slight improvement over the present system of representation."²¹ The net effect of combining a few of the less populous counties into two-county districts and splitting up several of the larger districts into smaller ones would be merely to increase the minority which would be represented by a majority of the members of the Senate from 25.1% to only 27.6% of the State's population.²² The Court pointed out that under the Crawford-Webb Act, the vote of a person in the senatorial district consisting of Bibb and Perry Counties would be worth 20 times that of a citizen in Jefferson County, and that the vote of a citizen in the six smallest districts would be worth 15 or more times that of a Jefferson County voter. The Court concluded that the Crawford-Webb Act was "totally unacceptable" as a "piece of permanent legislation" which, under the Alabama Constitution, would have remained in effect without alteration at least until after the next decennial census.

Under the detailed requirements of the various constitutional provisions relating to the apportionment of seats in the Alabama Senate and House of Representatives, the Court found, the membership of neither house can be apportioned solely on a population basis, despite the provision in Art. XVIII, § 284, which states that "representation in the legislature shall be based upon population." In dealing with the conflicting and somewhat paradoxical requirements (under which the number of seats in the House is limited to 106 but each of the 67 counties is required to be given at least one representative, and the size of the Senate is limited to 35 but it is required to have at least one-fourth of the members of the House, although no county can be given more than one senator), the District Court stated its view that "the controlling or dominant provision of the Alabama Constitution on the subject of representation in the Legislature" is the previously referred to language of § 284. The Court stated that the detailed requirements of Art. IX, §§ 197-200, "make it obvious that in neither the House nor the Senate can representation be based strictly and entirely upon population. The result may well be that representation according to population to some extent must be required in both Houses if invidious discrimination in the legislative systems as a whole is to be avoided. Indeed * * * it is the policy and theme of the Alabama Constitution to require representation according to population in both Houses as nearly as may be, while still complying with more detailed provisions."²³

The District Court then directed its concern to the providing of an effective remedy. It indicated that it was adopting and ordering into effect for the November 1962 elec-

tion a provisional and temporary reapportionment plan composed of the provisions relating to the House of Representatives contained in the 67-Senator Amendment and the provisions of the Crawford-Webb Act relating to the Senate. The Court noted, however, that "the proposed reapportionment of the Senate in the 'Crawford-Webb Act,' unacceptable as a piece of permanent legislation, may not even break the stranglehold." Stating that it was retaining jurisdiction and deferring any hearing on plaintiffs' motion for a permanent injunction "until the Legislature, as provisionally reapportioned * * * has an opportunity to provide for a true reapportionment of both Houses of the Alabama Legislature," the Court emphasized that its "moderate" action was designed to break the stranglehold by the smaller counties on the Alabama Legislature and would not suffice as a permanent reapportionment. On July 25, 1962, the Court entered its decree in accordance with its previously stated determinations, concluding that "plaintiffs * * * are denied * * * equal protection * * * by virtue of the debasement of their votes since the Legislature of the State of Alabama has failed and continues to fail to reapportion itself as required by law." It enjoined the defendant state officials from holding any future elections under any of the apportionment plans that it had found invalid, and stated that the 1962 election of Alabama legislators could validly be conducted only under the apportionment scheme specified in the Court's order.

After the District Court's decision, new primary elections were held pursuant to legislation enacted in 1962 at the same special session as the proposed constitutional amendment and the Crawford-Webb Act, to be effective in the event the Court itself ordered a particular reapportionment plan into immediate effect. The November 1962 general election was likewise conducted on the basis of the District Court's ordered apportionment of legislative seats, as Mr. Justice Black refused to stay the District Court's order. Consequently, the present Alabama Legislature is apportioned in accordance with the temporary plan prescribed by the District Court's decree. All members of both houses of the Alabama Legislature serve four-year terms, so that the next regularly scheduled election of legislators will not be held until 1966. The 1963 regular session of the Alabama Legislature produced no legislation relating to legislative apportionment,²⁴ and the legislature, which meets biennially, will not hold another regular session until 1965.

No effective political remedy to obtain relief against the alleged malapportionment of the Alabama Legislature appears to have been available.²⁵ No initiative procedure exists under Alabama law. Amendment of the State Constitution can be achieved only after a proposal is adopted by three-fifths of the members of both houses of the legislature

²⁴ Possibly this resulted from an understandable desire on the part of the Alabama Legislature to await a final determination by this Court in the instant litigation before proceeding to enact a permanent apportionment plan.

²⁵ However, a proposed constitutional amendment, which would have made the Alabama House of Representatives somewhat more representative of population but the Senate substantially less so, was rejected by the people in a 1956 referendum, with the more populous counties accounting for the defeat.

See the discussion in *Lucas v. The Forty-Fourth General Assembly of the State of Colorado*, — U.S. —, —, decided also this date, with respect to the lack of federal constitutional significance of the presence or absence of an available political remedy.

¹⁷ According to the District Court, in the interval between its preliminary order and its decision on the merits, the Alabama Legislature, despite adopting this constitutional amendment proposal, "refused to inquire of the Supreme Court of the State of Alabama whether this provision in the Constitution of the State of Alabama could be changed by constitutional amendment as the '67-Senator Amendment' proposes." 208 F. Supp., at 437.

¹⁸ At least this is the reading of the District Court of two somewhat conflicting decisions by the Alabama Supreme Court, resulting in a "manifest uncertainty of the legality of the proposed constitutional amendment, as measured by State standards * * *." 208 F. Supp., at 438. Compare *Opinion of the Justices*, 254 Ala. 183, 184, 47 So. 2d 713, 714 (1950) with *Opinion of the Justices*, 263 Ala. 158, 164, 81 So. 2d 881, 887 (1955).

¹⁹ See the later discussion, *infra*, at —, and note 68, *infra*, where we reject the lower court's apparent conclusion that the apportionment of the Alabama House, under the 67-Senator Amendment, comported with the requirements of the Equal Protection Clause.

²⁰ While no formula for the statute's apportionment of representatives is expressly stated, one can be extrapolated. Counties with less than 45,000 people are given one seat; those with 45,000 to 90,000 receive two seats; counties with 90,000 to 150,000, three seats; those with 150,000 to 300,000, four seats; counties with 300,000 to 600,000, six seats; and counties with over 600,000 are given 12 seats.

²¹ Appendix F to the lower court's opinion sets out a chart showing the populations of the 35 senatorial districts provided for under the Crawford-Webb Act and the composition, by counties, of the various districts. 208 F. Supp., at 451.

²² Cross-appellants in No. 27 assert that the Crawford-Webb Act was a "minimum-change measure" which merely redrew new senatorial district lines around the nominees of the May 1962 Democratic primary so as to retain the seats of 34 of the 35 nominees, and resulted, in practical effect, in the shift of only one Senate seat from an overrepresented district to another underpopulated, newly created district.

²³ 208 F. Supp., at 439.

and is approved by a majority of the people,²⁶ or as a result of a constitutional convention convened after approval by the people of a convention call initiated by a majority of both houses of the Alabama Legislature.²⁷

Notices of appeal to this Court from the District Court's decision were timely filed by defendants below (appellants in No. 23) and by two groups of intervenor-plaintiffs (cross-appellants in Nos. 27 and 41). Appellants in No. 23 contend that the District Court erred in holding the existing and the two proposed plans for the apportionment of seats in the Alabama Legislature unconstitutional, and that a federal court lacks the power to affirmatively reapportion seats in a state legislature. Cross-appellants in No. 27 assert that the court below erred in failing to compel reapportionment of the Alabama Senate on a population basis as allegedly required by the Alabama Constitution and the Equal Protection Clause of the Federal Constitution. Cross-appellants in No. 41 contend that the District Court should have required and ordered into effect the apportionment of seats in both houses of the Alabama Legislature on a population basis. We noted probable jurisdiction on June 10, 1963. 374 U.S. 802.

II

Undeniably the Constitution of the United States protects the right of all qualified citizens to vote, in State as well as in Federal elections. A consistent line of decisions by this Court in cases involving attempts to deny or restrict the right of suffrage has made this indelibly clear. It has been repeatedly recognized that all qualified voters have a constitutionally protected right to vote, *Ex parte Yarbrough*, 110 U.S. 651, and to have their votes counted, *United States v. Mosely*, 238 U.S. 383. In *Mosely* the Court stated that it is "as equally unquestionable that the right to have one's vote counted is as open to protection * * * as the right to put a ballot in a box." 238 U.S., at 386. The right to vote can neither be denied outright, *Guinn v. United States*, 238 U.S. 347, *Lane v. Wilson*, 307 U.S. 268, nor can it be destroyed by alteration of ballots, see *United States v. Classic*, 313 U.S. 299, 315, nor diluted by ballot-box stuffing, *Ex parte Siebold*, 100 U.S. 371, *United States v. Saylor*, 322 U.S. 385. As the Court stated in *Classic*, "Obviously included within the right to choose, secured by the Constitution, is the right of qualified voters within a State to cast their ballots and have them counted." 315 U.S. at 315. Racially based gerrymandering, *Gomillion v. Lightfoot*, 364 U.S. 339, and the conducting of white primaries, *Nixon v. Herndon*, 273 U.S. 536, *Nixon v. Condon*, 286 U.S. 73, *Smith v. Allwright*, 321 U.S. 649, *Terry v. Adams*, 345 U.S. 461, both of which result in denying to some citizens their right to vote, have been held to be constitutionally impermissible. And history has seen a continuing expansion of the scope of the right of suffrage in this country.²⁸ The right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government. And the right of suffrage can be denied by a debasement or dilution of the weight of a citizen's vote just as effectively as by wholly prohibiting the free exercise of the franchise.²⁹

²⁶ Ala. Const., Art. XVIII, § 284.

²⁷ Ala. Const., Art. XVIII, § 286.

²⁸ The 15th, 17th, 19th, 23d, and 24th amendments to the Federal Constitution all involve expansions of the right of suffrage. Also relevant, in this regard, is the civil rights legislation enacted by Congress in 1957 and 1960.

²⁹ As stated by Mr. Justice Douglas in *South v. Peters*, 339 U.S. 276, 279:

"There is more to the right to vote than the right to mark a piece of paper and drop it in a box or the right to pull a lever in a

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. PROXMIRE. I interrupt the Senator, although I dislike to do so, because I believe that what he has just read is absolutely crucial in answering what I believe is one of the main challenges to the one-man, one-vote thesis that has been advanced by some Senators and by the Supreme Court.

The Senator from Nebraska made a strong challenge the other day, and again today, on this point. People frequently argue that this is not a right similar to the right of freedom of speech, the right of worship, the right of assembly, and so forth.

In the two sentences that the Senator has just read, it seems to me that we get to the crux only not of the question of the right to vote, but also the right to have the vote counted, and counted equally with the vote of other persons.

If the Senator will permit me, I should like to read those two sentences again. They read:

The right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government. And the right of suffrage can be denied by a debasement or dilution of the weight of a citizen's vote just as effectively as by wholly prohibiting the free exercise of the franchise.

The junior Senator from Wisconsin is rendering a great service to the Senate in reading this decision. It is most important to stress the crucial point which Chief Justice Warren makes so clear in those two sentences. This is a statement on which we must base our opposition to the Dirksen proposal. The Dirksen proposal is frankly designed to permit a constitutional referendum which would destroy forever our one-man-one-vote principle in the State legislatures.

The two sentences that the Senator has read are a direct and convincing answer to those who argue that this right somehow is not one that needs constitutional protection—the kind of protection that the Court has given in this case.

Mr. NELSON. I am glad that the senior Senator from Wisconsin called special attention to these two sentences. The two pages from this part of the decision, pages 19 and 20, recite a long series of cases, pointing out that there are all kinds of ways in which to deny the right to citizens to have their voice heard appropriately through the ballot box. It is pointed out that all of the ways are unconstitutional. It is unconstitutional to deny some people the right to vote, as has been done in many places. It is a denial of their constitutional right if their vote is not counted, once it is placed in the ballot box. It is a denial of their constitutional right if the ballot

voting booth. The right to vote includes the right to have the ballot counted. It also includes the right to have the vote counted at full value without dilution or discount. That federally protected right suffers substantial dilution * * * [where a] favored group has full voting strength * * * [and] the groups not in favor have their votes discounted." (Douglas, J., dissenting.)

box is stuffed so that there is a disproportionate weight given to the ballot stuffer's box.

It is further pointed out, as the senior Senator from Wisconsin has emphasized, that there are all kinds of ways to debase the constitutional right of the ballot box. One of the ways is to have one voter's vote count for more than another voter's vote. That is no different from stuffing a ballot box or denying people a right to vote.

If I were to live in a rural area and my vote were the equivalent of 50 votes in a city, that would be an effective denial of the rights of the people who live in that city area.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. LAUSCHE. I have listened to the dialog between the Senators from Wisconsin. Would the Senator go so far as to say that the rights of Ohio voters in the deliberative process of law-passing proceedings in the Congress had been denied to them? I point out that Ohio has a population of 10.5 million and has 2 Senators in the U.S. Senate. Rhode Island, with a population of about 900,000, also has 2 Senators. How would the Senator from Wisconsin rationalize that difference in the representation of 11 million people in Ohio, having 2 Senators in the Senate, with the representation of 900,000 people in Rhode Island, which likewise is entitled to 2 Senators?

Mr. NELSON. I suppose that the issue raised by the Senator from Ohio has been rehashed on the floor of the Senate dozens of times. The other day I heard a discussion of it.

As the Senator well knows, at the time the Constitution of the United States was formed there was 13 sovereign Colonies. There was no U.S. Government. There was no U.S. Constitution. Those sovereign nations—Colonies—got together. Each individual Colony had all the constitutional powers to govern within its particular geographic area. The sovereign Colonies delegated to a Federal Government certain powers and reserved certain powers to themselves.

As a former distinguished Governor, the Senator from Ohio is well aware of the fact that States are sovereign States and have certain sovereign powers. They reserved to themselves the right to have the representation of two Senators for each State to speak for the sovereign rights of the States in return for their joining in a Federal union.

That is an entirely different question from the question of giving to counties, as Alabama and many other States do, a representative status. As the Senator knows, a county is naught but for the authority given to it by the State. A county is a creature of the State. The Supreme Court flatly rejected the argument. The Court dealt with that exact question.

Mr. LAUSCHE. Will the Senator direct my attention to the page of the opinion to which he refers? I know I read it.

Mr. NELSON. The analogy which the Senator has raised appears on page 13 of the opinion. I shall read it:

The analogy cannot survive the most superficial examination into the history of the requirement of the Federal Constitution and the diametrically opposing history of the requirement of the Alabama constitution that representation shall be based on population. Nor can it survive a comparison of the different political natures of States and counties.

Of course, as the Senator is well aware, the Reynolds against Sims case—

Mr. LAUSCHE. I understand that the Court said that the States are sovereign, and therefore, we may not draw an analogy with the situation of counties, which are not sovereign. But my question is, how does the Senator explain away the fact that 900,000 citizens of Rhode Island have 2 Senators, and 11 million people of Ohio have 2 Senators? Are not the votes of the citizens of Ohio diluted? If the Senator's argument is sound, that every citizen should have one vote, and that his vote should not be diluted in any manner, are not the votes of the 16 million people in California, which is entitled to only 2 Senators—1 Senator for 8 million people—diluted with the votes of the 2 Senators from Rhode Island, which has 900,000 citizens—1 Senator for 450,000?

Does not the Constitution of the United States debase the votes of the citizens of Ohio, California, New York, Illinois, Texas, Michigan, Pennsylvania, and other States?

Mr. NELSON. As the Senator is well aware, when the Colonies met in Constitutional Convention, they enumerated the powers which they were willing to delegate to the Federal Government and reserved all the remainder of the powers to themselves. That became a provision of the Federal Constitution.

In Reynolds against Sims, the Alabama constitution is dealt with. That constitution provides that apportionment in that State, in both the house of representatives and the senate, shall be on a population basis. For 60 years the Alabama Legislature has ignored its own constitution.

What the Supreme Court really did was to enforce the Alabama constitution.

Mr. LAUSCHE. But Ohio has been affected by the decision. For 61 years each county in Ohio has been entitled to at least one representative. That means there are 88 representatives, since 1 is guaranteed for each county. But under the constitutional provision we are entitled to 137. So the 88 subtracted from 137 left 49 that were distributed to the larger cities. For 61 years Ohio proceeded on the assumption that it was acting constitutionally.

The Supreme Court came along and ruled, "What you have done is invalid. You have been violating the law, although you wrote into your constitution that there shall be one representative for each county."

My inquiry is as follows: Why should not Ohio, and the other 49 States, if they so desire, within the next 2 years, be given the opportunity of amending the Constitution of the United States so that there shall be representation geographically and by population?

Mr. NELSON. As the Senator knows, the States and the people of this country are entitled to initiate a constitutional amendment at any time they wish. That is not what we are doing here. What we are trying to do here is to take a decision that has already been rendered by the U.S. Supreme Court and then, by legislative fiat, so to speak, enter a kind of interlocutory decree against the effective date of the implementation of the U.S. Supreme Court decision. It seems to me that that is a dangerous assault upon the whole theory and concept of the separation of powers of this country. When the resolution was first proposed, it was absolutely mandatory. As it was first proposed, it set the U.S. Congress up as a kind of supreme court handling appeals from the U.S. Supreme Court.

As first proposed, without that tiny, little escape clause, it would mean that we could postpone the effective date of any decision the Supreme Court makes at any time. I think this is a dangerous business to become involved in. That is why I am opposed to it. I am not opposed to any State amending its own constitution as the people wish to have it amended. I am for giving the people of the States that opportunity, but I am not for using the power of Congress to suspend the effective date of the implementation of decisions of the Supreme Court. Let the Constitution be amended so as to take that power away if that is what the people of the country want.

Mr. LAUSCHE. Mr. President, will the Senator yield further?

Mr. NELSON. I yield.

Mr. LAUSCHE. In Ohio there is a provision that every 20 years there must be submitted to the people the issue of whether they shall have a constitutional convention. This question has been submitted to the people of Ohio since 1903—when the constitution so provided—three times, and each time the people have said, "We want no change in the constitution." Suddenly, in 1964, they are told that what they have been doing is wrong; that they have been violating the Constitution. Why should not the people of Ohio have enough time to proceed, before the Supreme Court decision goes into effect, to determine whether they want to follow what the Supreme Court says is the Constitution or whether they want to change it?

Mr. NELSON. My answer to that question is that we have created under our Constitution a method for amending the Constitution, and the Supreme Court of the United States has said what the law is. The Supreme Court has ruled that these malapportionments are a violation of the Federal Constitution, and that they deny the people the equal protection of the law. Now what it is attempted to have Congress do is to have the implementation of the decision of the Supreme Court delayed. We must have some arbiter, some interpreter, of the Constitution, as the Senator from Ohio well knows. The Supreme Court is such an agency. When the Supreme Court interprets the Constitution on an issue brought before it, that interpretation then becomes the law of the land. There is a procedure for amending the

Constitution. The procedure is not the kind of interlocutory decree overruling the Supreme Court or postponing the effective date of the decision as this resolution purports to do.

Mr. LAUSCHE. I would subscribe to that statement if it were not for the fact that the pronouncement of the Supreme Court caught State after State by complete surprise. There was no expectation that the pronouncement would be made that the States were acting in violation of the law. Since the States have been caught by surprise, since they have been unexpectedly told that what they have been doing is wrong, the States ought to have an opportunity to remedy the unexpected assertion made by the Court of what the Constitution meant.

Mr. NELSON. I may say to the distinguished Senator from Ohio that it ought not to have surprised Alabama. Alabama had been violating its own constitution for 60 years. How much notice does Alabama want? This is true of other States. Therefore, some people in Alabama, who felt they were being deprived of their constitutional rights, brought suit. Everyone knew the constitution was being violated. The legislature knew it. How much time should be given the State to continue to deny the people their rights?

Mr. LAUSCHE. There are many States that do not fall into the category of the Southern States that have been mentioned. I do not think it is sound to lump them together, because a bit of coloring enters into the question by making it appear that only Alabama is involved. Ohio also is involved. Many other States have for years had one branch of their legislature chosen on the basis of geographical representation and the other on the basis of population.

Mr. NELSON. The reason I mentioned Alabama is that I am discussing the case of Reynolds against Sims, which is the Alabama case. However, the Senator is absolutely correct. A large number of States in the East, West and the North have been violating their constitutions. My own State of Wisconsin did not comply strictly with our constitution for many years, although we were not as malapportioned as were many other States. We are apportioned now as well as can be on a population basis.

Mr. LAUSCHE. Does the Senator have in mind which judges on the Supreme Court dissented from that opinion?

Mr. NELSON. I think the Justice who dissented in this opinion was Justice Harlan.

Mr. LAUSCHE. I know that Justice Harlan dissented. He wrote the dissenting opinion.

In the Ohio case, which also went to the Supreme Court, three judges of the Circuit Court of Appeals in Cincinnati held that what Ohio was doing was valid and in conformity with its constitution and in conformity with the Constitution of the United States.

I ask the question because when one begins adding individuals, if there were three dissents in the Supreme Court, if there were three minds on the Supreme Court who said what had been done was

valid, and three minds on the Circuit Court of Appeals in Cincinnati who also said so, that would leave the score at six against six, showing how close the question is.

I thank the Senator for yielding.

Mr. NELSON. Nobody would suggest that in any of these highly involved and emotional and controversial questions there is not a division of opinion. There is a division of opinion on this question. What I am saying to the Senator is that, as a distinguished lawyer and as a former Governor, he is well aware of what the role and function of the Supreme Court is. I say it is a serious business for Congress to put itself in the position of trying to force a postponement of the effective date of a Supreme Court's decision. We ought to follow the proper procedures to amend the Constitution, if that is what we want to do.

I continue reading from Reynolds against Sims:

In *Baker v. Carr*, 369 U.S. 186, we held that a claim asserted under the Equal Protection Clause challenging the constitutionality of a State's apportionment of seats in its legislature, on the ground that the right to vote of certain citizens was effectively impaired since debased and diluted in effect, presented a justiciable controversy subject to adjudication by federal courts. The spate of similar cases filed and decided by lower courts since our decision in *Baker* amply shows that the problem of state legislative malapportionment is one that is perceived to exist in a large number of the States.³⁰ In *Baker*, a suit involving an attack on the apportionment of seats in the Tennessee Legislature, we remanded to the District Court, which had dismissed the action, for consideration on the merits. We intimated no view as to the proper constitutional standards for evaluating the validity of a state legislative apportionment scheme. Nor did we give any consideration to the question of appropriate remedies. Rather, we simply stated:

"Beyond noting that we have no cause at this stage to doubt the District Court will be able to fashion relief if violations of constitutional rights are found, it is improper now to consider what remedy would be most appropriate if appellants prevail at trial."³¹

We indicated in *Baker*, however, that the Equal Protection Clause provides discoverable and manageable standards for use by lower courts in determining the constitutionality of a state legislative apportionment scheme, and we stated:

"Nor need the appellants, in order to succeed in this action, ask the Court to enter upon policy determinations for which judicially manageable standards are lacking. Judicial standards under the Equal Protection Clause are well developed and familiar, and it has been open to courts since the enactment of the Fourteenth Amendment to determine, if on the particular facts they

must, that a discrimination reflects no policy, but simply arbitrary and capricious action."³²

Subsequent to *Baker*, we remanded several cases to the courts below for reconsideration in light of that decision.³³

In *Gray v. Sanders*, 372 U.S. 368, we held that the Georgia county unit system, applicable in statewide primary elections, was unconstitutional since it resulted in a dilution of the weight of the votes of certain Georgia voters merely because of where they resided. After indicating that the Fifteenth and Nineteenth Amendments prohibit a State from overweighing or diluting votes on the basis of race or sex, we stated:

"How then can one person be given twice or ten times the voting power of another person in a statewide election merely because he lives in a rural area or because he lives in the smallest rural county? Once the geographical unit for which a representative is to be chosen is designated, all who participate in the election are to have an equal vote—whatever their race, whatever their sex, whatever their occupation, whatever their income, and wherever their home may be in that geographical unit. This is required by the Equal Protection Clause of the Fourteenth Amendment. The concept of 'we the people' under the Constitution visualizes no preferred class of voters but equality among those who meet the basic qualifications. The idea that every voter is equal to every other voter in his State, when he casts his ballot in favor of one of several competing candidates, underlies many of our decisions."³⁴

Continuing, we stated that "there is no indication in the Constitution that home-site or occupation affords a permissible basis for distinguishing between qualified voters within the State." And, finally, we concluded: "The conception of political equality from the Declaration of Independence, to Lincoln's Gettysburg Address, to the Fifteenth, Seventeenth and Nineteenth Amendments can mean only one thing—one person, one vote."³⁵

We stated in *Gray*, however, that that case, "unlike *Baker v. Carr* * * * does not involve a question of the degree to which the Equal Protection Clause of the Fourteenth Amendment limits the authority of a State legislature in designing the geographical districts from which representatives are chosen either for the State Legislature or for the Federal House of Representatives. Nor does it present the question, inherent in the bicameral form of our Federal Government, whether a State may have one house chosen without regard to population."³⁶

Of course, in these cases we are faced with the problem not presented in *Gray*—that of determining the basic standards and stating the applicable guidelines for implementing our decision in *Baker v. Carr*.

In *Wesberry v. Sanders*, 376 U.S. 1, decided earlier this Term, we held that attacks on the constitutionality of congressional districting plans enacted by state legislatures do not present nonjusticiable questions and should not be dismissed generally for "want of equity." We determined that the con-

stitutional test for the validity of congressional districting schemes was one of substantial equality of population among the various districts established by a state legislature for the election of members of the Federal House of Representatives.

In that case we decided that an apportionment of congressional seats which "contracts the value of some votes and expands that of others" is unconstitutional, since "the Federal Constitution intends that when qualified voters elect members of Congress each vote be given as much weight as any other vote." We concluded that the constitutional prescription for election of members of the House of Representatives "by the People," construed in its historical context, "means that as nearly as is practicable one man's vote in a congressional election is to be worth as much as another's." We further stated:

"It would defeat the principle solemnly embodied in the Great Compromise—equal representation in the House for equal numbers of people—for us to hold that, within the States, legislatures may draw the lines of congressional districts in such a way as to give some voters a greater voice in choosing a Congressman than others."³⁷

We found further, in *Wesberry*, that "our Constitution's plain objective" was that "of making equal representation for equal numbers of people the fundamental goal." We concluded by stating:

"No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined. Our Constitution leaves no room for classification of people in a way that unnecessarily abridges this right."³⁸

Gray and *Wesberry* are of course not dispositive of or directly controlling on our decision in these cases involving State legislative apportionment controversies. Admittedly, those decisions, in which we held that, in statewide and in congressional elections, one person's vote must be counted equally with those of all other voters in a State, were based on different constitutional considerations and were addressed to rather distinct problems. But neither are they wholly inapposite. *Gray*, though not determinative here since involving the weighing of votes in statewide elections, established the basic principle of equality among voters within a State, and held that voters cannot be classified, constitutionally, on the basis of where they live, at least with respect to voting in statewide elections. And our decision in *Wesberry* was of course grounded on that language of the Constitution which prescribes that members of the Federal House of Representatives are to be chosen "by the People," while attacks on state legislative apportionment schemes, such as that involved in the instant cases, are principally based on the Equal Protection Clause of the Fourteenth Amendment. Nevertheless, *Wesberry* clearly established that the fundamental principle of representative government in this country is one of equal representation for equal numbers of people, without regard to race, sex, economic status, or place of residence within a State. Our problem, then, is to ascertain, in the instant cases, whether there are any constitutionally cognizable principles which would justify departures from the basic standard of equality among voters in the apportionment of seats in State legislatures.

III

A predominant consideration in determining whether a State's legislative apportion-

³⁰ Litigation challenging the constitutionality of state legislative apportionment schemes had been instituted in at least 34 States prior to end of 1962—within nine months of our decision in *Baker v. Carr*. See McKay, Political Thickets and Crazy Quilts: Reapportionment and Equal Protection, 61 Mich. L. Rev. 645, 706-710 (1963), which contains an appendix summarizing reapportionment litigation through the end of 1962. See also David and Eisenberg, Devaluation of the Urban and Suburban Vote (1961); Goldberg, The Statistics of Malapportionment, 72 Yale L. J. 90 (1962).

³¹ 369 U.S., at 198.

³² Id., at 226.

³³ *Scholle v. Hare*, 369 U.S. 429 (Michigan); *WMCA, Inc., v. Simon*, 370 U.S. 190 (New York).

³⁴ 372 U.S., at 379-380.

³⁵ Id., at 381.

³⁶ Id., at 376. Later in the opinion we again stated:

"Nor does the question here have anything to do with the composition of the state or federal legislature. And we intimate no opinion on the constitutional phases of that problem beyond what we said in *Baker v. Carr*." Id., at 378.

³⁷ 376 U.S., at 14.

³⁸ Id., at 17-18.

ment scheme constitutes an invidious discrimination violative of rights asserted under the Equal Protection Clause is that the rights allegedly impaired are individual and personal in nature. As stated by the Court in *United States v. Bathgate*, 246 U.S. 220, 227, "the right to vote is personal."³⁹ While the result of a court decision in a state legislative apportionment controversy may be to require the restructuring of the geographical distribution of seats in a state legislature, the judicial focus must be concentrated upon ascertaining whether there has been any discrimination against certain of the State's citizens which constitutes an impermissible impairment of their constitutionally protected right to vote. Like *Skinner v. Oklahoma*, 316 U.S. 535, such a case "touches a sensitive and important area of human rights," and "involves one of the basic civil rights of man," presenting questions of alleged "invidious discriminations * * * against groups or types of individuals in violation of the constitutional guaranty of just and equal laws." 316 U.S., at 536, 541. Undoubtedly, the right of suffrage is a fundamental matter in a free and democratic society. Especially since the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights, any alleged infringement of the right of citizens to vote must be carefully and meticulously scrutinized. Almost a century ago, in *Yick Wo v. Hopkins*, 118 U.S. 356, the Court referred to "the political franchise of voting" as "a fundamental political right, because preservative of all rights." 118 U.S., at 370.

Legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests. As long as ours is a representative form of government, and our legislatures are those instruments of government elected directly by and directly representative of the people, the right to elect legislators in a free and unimpaired fashion is a bedrock of our political system. It could hardly be gainsaid that a constitutional claim had been asserted by an allegation that certain otherwise qualified voters had been entirely prohibited from voting for members of their State legislature. And, if a State should provide that the votes of citizens in one part of the State should be given 2 times, or 5 times, or 10 times the weight of votes of citizens in another part of the State, it could hardly be contended that the right to vote of those residing in the disfavored areas had not been effectively diluted. It would appear extraordinary to suggest that a State could be constitutionally permitted to enact a law providing that certain of the State's voters could vote 2, 5, or 10 times for their legislative representatives, while voters living elsewhere could vote only once. And it is inconceivable that a State law to the effect that, in counting votes for legislators, the votes of citizens in one part of the State would be multiplied by 2, 5, or 10, while the votes of persons in another area would be counted only at face value, could be constitutionally sustainable. Of course, the effect of State legislative districting schemes which give the same number of representatives to unequal numbers of constituents is identical.⁴⁰ Overweighing and

overvaluation of the votes of those living here has the certain effect of dilution and undervaluation of the votes of those living there. The resulting discrimination against those individual voters living in disfavored areas is easily demonstrable mathematically. Their right to vote is simply not the same right to vote as that of those living in a favored part of the State. Two, five, or ten of them must vote before the effect of their voting is equivalent to that of their favored neighbor. Weighing the votes of citizens differently, by any method or means, merely because of where they happen to reside, hardly seems justifiable. One must be ever aware that the Constitution forbids "sophisticated as well as simple-minded modes of discrimination." *Lane v. Wilson*, 307 U.S. 268, 275, *Gomillion v. Lightfoot*, 364 U.S. 339, 342. As we stated in *Wesberry v. Sanders*, *supra*:

"We do not believe that the Framers of the Constitution intended to permit the same vote-diluting discrimination to be accomplished through the device of districts containing widely varied numbers of inhabitants. To say that a vote is worth more in one district than in another would * * * run counter to our fundamental ideas of democratic government."⁴¹

State legislatures are, historically, the fountainhead of representative government in this country. A number of them have their roots in colonial times, and substantially antedate the creation of our Nation and our Federal Government. In fact, the first formal stirrings of American political

stitutionally guaranteed right to vote and the right to have one's vote counted clearly imply the policy that State election systems, no matter what their form, should be designed to give approximately equal weight to each vote cast. [A] State legislature cannot deny eligible voters the right to vote for Congressmen and the right to have their vote counted. It can no more destroy the effectiveness of their vote in part and no more accomplish this in the name of 'apportionment' than under any other name." (Black, J., dissenting.)

⁴¹ 376 U.S., at 8. See also *id.*, at 17, quoting from James Wilson, a delegate to the Constitutional Convention and later an Associate Justice of this Court, who stated:

"[A]ll elections ought to be equal. Elections are equal, when a given number of citizens, in one part of the state, choose as many representatives, as are chosen by the same number of citizens, in any other part of the state. In this manner, the proportion of the representatives and of the constituents will remain invariably the same." 2 The Works of James Wilson (Andrews ed. 1896) 15.

And, as stated by Mr. Justice Douglas in *MacDougall v. Green*, 355 U.S., at 288, 290: "[A] regulation * * * [which] discriminates against the residents of the populous counties of the state in favor of rural sections * * * lacks the equality to which the exercise of political rights is entitled under the Fourteenth Amendment.

"Free and honest elections are the very foundation of our republican form of government. Discrimination against any group or class of citizens in the exercise of these constitutionally protected rights of citizenship deprives the electoral process of integrity.

"None would deny that a state law giving some citizens twice the vote of other citizens in either the primary or general election would lack that equality which the Fourteenth Amendment guarantees. * * * The theme of the Constitution is equality among citizens in the exercise of their political rights. The notion that one group can be granted greater voting strength than another is hostile to our standards for popular representative government." (Douglas, J. dissenting.)

Independence are to be found, in large part, in the views and actions of several of the colonial legislative bodies. With the birth of our National Government, and the adoption and ratification of the Federal Constitution, State legislatures retained a most important place in our Nation's governmental structure. But representative government is in essence self-government through the medium of elected representatives of the people, and each and every citizen has an inalienable right to full and effective participation in the political processes of his State's legislative bodies. Most citizens can achieve this participation only as qualified voters through the election of legislators to represent them. Full and effective participation by all citizens in State government requires, therefore, that each citizen has an equally effective voice in the election of members of his State legislature. Modern and viable State government needs, and the Constitution demands, no less.

Logically, in a society ostensibly grounded on representative government, it would seem reasonable that a majority of the people of a State could elect a majority of that State's legislators.

Mr. LAUSCHE. Mr. President, will the Senator from Wisconsin yield for a question?

The PRESIDING OFFICER (Mr. SALINGER in the chair). Does the Senator from Wisconsin yield to the Senator from Ohio?

Mr. NELSON. I am glad to yield for a question.

Mr. LAUSCHE. I invite the attention of the Senator to page 29 of the decision. I wish to paraphrase what is in the second footnote and ask the Senator's opinion about the philosophic soundness of what was said.

My paraphrasing is that all elections ought to be equal. Elections are equal when a given number of citizens in one part of the country choose as many Senators as are chosen by the same number of citizens in any other part of the country. In this manner, the proportion of the representatives and of the constituents will remain invariably the same.

The Senator of Wisconsin will notice that instead of the word "State" I have inserted the word "country."

If it is philosophically sound that a citizen in one part of the State ought to have the same voting power as a citizen in another part of the State—forgetting the Constitution as it is now written—would that same principle of necessity be sound when applied to the country as a whole?

Mr. NELSON. In the first place, there is no comparison between the two. There is no rationale to the proposition that one location within a State should increase the power of one's vote and another location decrease it. Upon what rationale would the Senator do that?

Mr. LAUSCHE. I am forgetting that. I am speaking of the philosophy of one human being having one vote and that there be no debasing of anyone's vote. Does it follow that if we follow this philosophy of the Supreme Court we are, in effect, saying, "Repeal the provision of the Constitution which gives Rhode Island 2 Senators and some Western States with a population of 300,000, 2 Senators, and let Senators be chosen on the basis of population throughout the whole country so as not to debase the vote of any citizen."

³⁹ As stated by Mr. Justice Douglas, the rights sought to be vindicated in a suit challenging an apportionment scheme are "personal and individual," *South v. Peters*, 339 U.S., at 280, and are "important political rights of the people," *MacDougall v. Green*, 355 U.S. 281, 288. (Douglas, J., dissenting.)

⁴⁰ As stated by Mr. Justice Black in *Colegrove v. Green*, 328 U.S. 549, 569-571:

"No one would deny that the equal protection clause would * * * prohibit a law that would expressly give certain citizens a half-vote and others a full vote. [T]he con-

Mr. NELSON. That proposition may be argued on either side rationally, but each State has two Senators because of the fundamental proposition that when the Constitution was formulated it was intended by the framers thereof that the sovereign rights of the Colonies being formed into a Federal Union must be protected, and that the sovereign rights of the States must also be protected. It is not comparable to say that within a State we may rationally deprive people of the equality of their vote. I do not see that they are in any way comparable.

To put the question back to the Senator, what principle is promoted within a State to make one person's vote equal to the votes of 500 people? There have been cases like that. On what ground does the Senator defend the proposition?

Mr. LAUSCHE. I do not defend it, but I do state that when the Constitution of the United States was adopted, it provided that each State should have two Senators, which was a representation of geographical areas, and the fact that Members of the House shall be chosen on the basis of population had other reasons than the sovereignty of States.

Madison's papers clearly show in the discussions that there was fear that the populous States would overpower the less populous States, and hence there should be equal representation in the Senate for each State. It was definitely intended that we should not create a legislative body in which the big States would dominate the situation. That was the philosophy which was followed at that time.

Mr. NELSON. The debate at the time shows that powerful persuasive arguments were made against the proposition that each State should have two Senators, and that those of that persuasion lost the cause. I emphasize to the Senator from Ohio that the intent and purpose of having two Senators from each State, regardless of size, was for the specific purpose of protecting the sovereignty and the sovereign rights of those colonies which had joined the Union. That is the rational purpose. It is the one which we might debate, but it is the rational purpose; whereas, there is no rational purpose within a State, in my judgment, to allow these great disparities. They are quite frightening when some cities with 4 million population—I will stand corrected if I am wrong—but I believe that Los Angeles, a city of some several million people, has one Senator; yet another county, with only 200,000 population, also has one Senator. There is no rational way to defend that system and still claim that people's rights under the Constitution are being protected.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. PROXMIRE. Mr. President, the Senator from Ohio [Mr. LAUSCHE] was a great Governor of the State of Ohio for many years. As a Senator, he has been a great champion of the Federal system of federalism, and of States assuming more responsibility.

It seems to me that two Senators for each State was not only something that was a compromise at the time of the

Constitutional Convention, but it was also a very good, sound, solid, reasonable, and practical device, to provide to States a definite and specific power. They must be enabled to assume powers that are quite substantial, truly comparable with what the Federal Government has. States must have authority to resist Federal encroachment to a considerable extent. Our Federal Government has a massive power. It has almost a monopoly on military power within our Nation. It has enormous taxing power, of which the Senator from Ohio is well aware. With these two powers, if there were no clear constitutional reservation of powers to the States, the Federal Government's imposition of its authority on an individual citizen would be much greater. I believe our Federal system, in giving recognition to our States, giving them two Senators, and so forth, is right.

There is no legitimate analogy. The State does not have this monopoly of power. The Federal Government has it. I believe it is not at all unreasonable to say that there are some citizens within a State who possess 20, 50, 100, or, in some cases documented by the senior Senator from Illinois [Mr. DOUGLAS], 1,000 times as much influence in choosing a State representative as other citizens. On a historic basis, it is not sound. It is not sound on a practical basis. There is good reason for giving the States authority, dignity, and recognition of certain power. The right to have two Senators is one of the elements of their authority. They should be in a position to resist Federal encroachment.

Mr. LAUSCHE. I am not trying to defend the inequitable allocation of power. My position is that there should exist within the States an ability to prevent big cities, on the one hand, and farm areas on the other, from absolutely dominating the situation.

A system should be set up which would give the farm areas a voice that cannot lightly be overpowered by the city people. And the city people should be given a voice that cannot be overpowered by the rural people.

I believe that a bicameral system could be devised within 2 years' time, within which neither the city nor the rural citizens would have domination. That is my object.

The Supreme Court proclaimed that "The voters represent the people, not trees or acres." Do Senators represent trees and acres?

Mr. PROXMIRE. We represent States. And, in a sense, we are regarded as ambassadors from our States. At any rate, we represent our States. And our representation is quite different than that of a representative in a State legislature.

I served in the Wisconsin State Legislature. And I represented the people of a particular district. That district could be changed or modified. Philosophically, we as Senators represent our States as distinct sovereign entities.

Mr. LAUSCHE. The Supreme Court also proclaimed that "Legislators are elect by voters, not by farms, or cities, or economic interests." What about Senators? Are we elected by mountains and

rivers? Or, are we elected by people, each one having an equal voice in the selection of a Senator?

Mr. PROXMIRE. There undoubtedly is an element of inequity in the Federal Constitution. I think everyone recognizes that there is inequity. It gives an advantage to people who live in the smaller States. That is true. This situation arose as a result of compromise. In order to have a Federal system, there had to be a compromise. This system permits the States to have real authority. It permits the States to resist Federal encroachment. It permits the States to have certain power, which is one of the big elements in the protection of liberties. Such protection is not based alone on the first 10 amendments to the Constitution; but also on the fact that a State government can, to a limited extent, interpose itself and resist the power of the concentrated Federal Government, with its vast power, in its attempt to impose that power on an individual. This is important. I believe it is perfectly legitimate. It is worthwhile. We had to make a compromise. We must give up something when we make a compromise.

So far as domination by the city is concerned, I feel that the Senator from Ohio does not have anything to fear. We had the same problem in Wisconsin that was experienced in Ohio and many other States.

Years ago we were a predominantly rural State. We now have 10 or 12 percent of our people who engage in farming in one aspect or another. We experienced this trend away from the farms. Both bodies of our State legislature reflected that. There is no question in my mind—and I believe in the minds of others who have studied the Wisconsin government—that the farmers have not become weak in their representation. We have for example a strong State department of agriculture. Wisconsin farmers are well represented in both the State senate and the assembly. Their interests are considered. There is no domination by the big cities in our State. On the basis of apportionment, there is always accommodation afforded by the city people to the farm people. There is a much more wholesome accommodation. It is much better than if there were one house, considered the impregnable stronghold of rural areas and one represented the cities. In a population-apportioned situation, as in Wisconsin, there is not the tendency toward the bloc vote, the kind of situation that exists in a number of cities. In Wisconsin we can pass tax programs and educational programs for our cities and rural areas.

I believe that the system has worked well in our State. I believe it can work elsewhere.

Mr. LAUSCHE. I want to set the record straight. In my judgment, the Federal system is sound. I do not want any change. The Senate should represent States. The House is constituted on the basis of population. But I believe that the same principle that has been applied to Congress should be applied with respect to the States. I was mayor of Cleveland. If the city bosses

were to get control of the legislature, I would fear it greatly.

While I was Governor, if I had been confronted with that type of situation, my problem would have been far greater than it was. We need the influence of the rural man, the man who works in the soil. He is down to earth. Of course, we also need the influence of the city man. But the combination of the two is the blending of good government.

Some city leaders would spend the government into bankruptcy so quickly that we would not realize that it was happening.

I point out that the Supreme Court, when it approached this subject philosophically, got into trouble when it said that legislators do not represent trees nor farms; they represent people.

Senators represent States. It was so intended. The result is that Rhode Island, with 900,000 people, has two Senators—about which I do not complain—and Ohio, with 11 million people has two Senators. I would strive with all my might in my State to develop a constitutional provision that would have representatives chosen on the basis of geographical representation, and Senators on the basis of population.

As a result of that check and balance system neither the State's farmers nor the city's union leaders would dominate the government.

Mr. NELSON. I wonder if the Senator from Ohio will respond to a question. In Alabama, the last proposal showed that 19 percent of the people in that State would control more than 50 percent of the representatives. Is that what the Senator believes would be a fair apportionment? What kind of percentage would the Senator propose?

Mr. LAUSCHE. No; I do not subscribe to that. Ohio has suffered from disproportionate representation. In a measure, I believe there is improper representation in one house. But three times the issue was submitted to the people of Ohio. The people were asked if they desired to change it. They refused to do so. Improper apportionment can be demonstrated by figures, but three times the people were asked, "Shall we have a constitutional convention?" The people voted overwhelmingly not to change the constitution.

The Supreme Court then came along and changed it—perhaps properly. I am not complaining about the analysis of the Constitution by the Supreme Court.

I can see how the Supreme Court could come to the conclusion at which it arrived. But I likewise say that we ought to give the States adequate time to look into the question and determine up which avenue they wish to go. That is why I am supporting the amendment.

Mr. NELSON. Before I continue, I should like to make an observation about what I understood the Senator to say a few moments ago. I understood the Senator to say that he would not like to see the cities dominate the legislature in Ohio because the State would be spent into trouble very quickly.

Mr. LAUSCHE. I think we need both. We need the brakes to be applied by the farmers and we need the proclivity of

the city dweller to go ahead in leaps and bounds. Out of the two we get a proper blend of good government. It would be wrong to take away the influence of the cities; likewise, it would be wrong to take away the farmer's influence.

Mr. NELSON. If we apportion, giving representation based upon some geographical theory, we would take away the influence of people who live in urban areas. I understood the Senator from Ohio to be concerned about the argument that if the urban areas dominated frightful spending programs would result, which would get a State into financial trouble.

I should like to make the observation that I did not know that city workers or city people were big spenders and farmers little ones, and that that is the way they are born. But, under the Senator's theory, think of what trouble a State would be in if there should come about a change in the character of the farmer and he should become a big spender and the city dweller became a small spender, and yet the rural people had so much influence that they could do all the spending they desired. It is a rather novel theory to classify people, saying, "I want my State protected against the big spenders in the city. Therefore it is necessary to give overrepresentation to someone who lives in the country," or vice versa. To me that is a completely irrational argument.

Mr. LAUSCHE. That is my theory, and it is amply supported, word after word, in Madison's papers on the Constitutional Convention of the United States which was held back in 1787.

Throughout that debate a desire was shown for a balance in the Congress, with Senators representing the States and Members of the House of Representatives representing the population.

In my file I have countless quotations showing that much of the debate was centered around that item: How shall we procure stability so that we will not have the wildness, the leaping and bounding and jumping of the irresponsible, and the retarding influence of those who do not wish to move forward?

I repeat that both elements must have their influence. Out of the two comes the blend that leads to good government.

Mr. PROXMIRE. Mr. President, will the Senator yield briefly?

Mr. NELSON. I am glad to yield.

Mr. PROXMIRE. Is it not true that the increase in population has really not been in the central cities? The cities have lost; the figures show that very large cities have lost population. The increase has been in the suburbs. No one can tell me that, by and large, suburban people are radical or are interested in spending a great deal of money on welfare programs and that sort of thing. My experience has been that the suburban people move to the suburbs because they can afford to do so.

Their incomes are good, and they fall into the economic and political category of being, by and large, conservative. In Wisconsin, where there has been good apportionment, Republicans will gain, as I understand. The conservative forces

will tend to gain from it. That does not make it right or wrong, but that is the fact. That will be the result. Those people are inclined to do somewhat better in business. They are better educated. Yet those are the people who are being deprived of the opportunity to cast an equal vote because the States have not apportioned as they should have apportioned. Is that not correct?

Mr. NELSON. I believe that states the case correctly.

Mr. PROXMIRE. I thank the Senator.

Mr. LAUSCHE. I thank the Senator for yielding.

Mr. NELSON. I thank the Senator from Ohio.

I continue to read from the opinion in the case of Reynolds against Sims:

To conclude differently, and to sanction minority control of State legislative bodies, would appear to deny majority rights in a way that far surpasses any possible denial or minority rights that might otherwise be thought to result. Since legislatures are responsible for enacting laws by which all citizens are to be governed, they should be bodies which are collectively responsive to the popular will. And the concept of equal protection has been traditionally viewed as requiring the uniform treatment of persons standing in the same relation to the governmental action questioned or challenged. With respect to the allocation of legislative representation, all voters, as citizens of a State, stand in the same relation regardless of where they live. Any suggested criteria for the differentiation of citizens are insufficient to justify any discrimination, as to the weight of their votes, unless relevant to the permissible purposes of legislative apportionment. Since the achieving of fair and effective representation for all citizens is concededly the basic aim of legislative apportionment, we conclude that the Equal Protection Clause guarantees the opportunity for equal participation by all voters in the election of State legislators. Diluting the weight of votes because of place of residence impairs basic constitutional rights under the Fourteenth Amendment just as much as invidious discriminations based upon factors such as race, *Brown v. Board of Education*, 347 U.S. 483, or economic status, *Griffin v. Illinois*, 351 U.S. 12, *Douglas v. California*, 372 U.S. 353. Our constitutional system amply provides for the protection of minorities by means other than giving them majority control of State legislatures. And the democratic ideals of equality and majority rule, which have served this Nation so well in the past, are hardly of any less significance for the present and the future.

We are told that the matter of apportioning representation in a state legislature is a complex and many-faceted one. We are advised that States can rationally consider factors other than population in apportioning legislative representation. We are admonished not to restrict the power of the States to impose differing views as to political philosophy on their citizens. We are cautioned about the dangers of entering into political thickets and mathematical quagmires. Our answer is this: a denial of constitutionally protected rights demands judicial protection; our oath and our office require no less of us. As stated in *Gomillion v. Lightfoot*, *supra*:

"When a State exercises power wholly within the domain of state interest, it is insulated from federal judicial review. But such insulation is not carried over when state power is used as an instrument for circumventing a federally protected right."⁴²

⁴² U.S., at 347.

To the extent that a citizen's right to vote is debased, he is that much less a citizen. The fact that an individual lives here or there is not a legitimate reason for overweighting or diluting the efficacy of his vote. The complexions of societies and civilizations change, often with amazing rapidity. A nation once primarily rural in character becomes predominantly urban.⁴³ Representation schemes once fair and equitable become archaic and outdated. But the basic principle of representative government remains, and must remain, unchanged—the weight of a citizen's vote cannot be made to depend on where he lives. Population is, of necessity, the starting point for consideration and the controlling criterion for judgment in legislative apportionment controversies.⁴⁴

I invite the attention of the senior Senator from Wisconsin, who raised the point about suburban areas, to the footnote on page 32, which discusses the exact point raised by the distinguished senior Senator from Wisconsin, and points out that there is considerable evidence that it is the fast growing suburban areas that are being deprived of their representation in the legislatures.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. PROXMIRE. This is a point we should make with much greater force. There is a tendency on the part of many who support the Dirksen amendment to argue that this is a farm versus city situation. The Senator from Wisconsin [Mr. NELSON], who has been a very strong supporter of farmers and who has received a great deal of support from them in our State, knows that this is no such situation. It is a matter of seeing that the farmer, the city dweller, and all the people in our society and in our States have an equal vote. The notion that perhaps the cities will gain from this procedure is not only irrelevant, but, as the Senator indicates, and as indicated in the footnote in the decision of this particular case, the assertion is inaccurate and untrue.

Mr. NELSON. I think I shall read into the RECORD that footnote, because it points out that, as time went on, many of the cities in the East had substantial control of the legislatures and resisted the dilution of their strength by the growth of the inland parts of the States.

Mr. PROXMIRE. Before the Senator reads that footnote into the RECORD, let me ask if the Senator can conceive of any logic that would justify depriving a man of his proportionate representation in the State legislature if he finds that the economic situation in a certain part of his State is such that he can no longer do very well at his occupation; if, for example, he finds that farming no longer pays, that farm income is too low, so he decides to leave one part of the State and goes to the city and gets a job.

This has happened often. People also leave the cities because they want a more attractive place to live, and they move to the suburban areas.

Can we possibly justify saying that the vote should not follow that man if he moves from a rural area into a city or from a city into the suburbs? This is really what reapportionment is about. Can we justify saying that he should

not have equal representation if he decides to exercise the American right to live where he wants to live, to move his family where he wants to move, to change his job? If he wants to do that must he sacrifice some of his representation in the State legislature? That is the price we are requiring some people to pay when they move.

Mr. NELSON. The Senator is correct. He uses a very good example. If a farmer decides to retire and he has lived in a rural area where his vote was worth 50 times what a city voter's vote was worth, he moves into the city and suddenly finds that his power has depreciated by 49 votes. The city dweller moves to the country and suddenly he becomes more responsible about affairs of government to the extent that he is given 50 times the voting power he had while he was in the city. There is no rationality in that situation whatsoever.

The footnote—No. 43—I referred to relates to the point the senior Senator from Wisconsin raised earlier, and I read it into the RECORD at this time:

Although legislative apportionment controversies are generally viewed as involving urban-rural conflicts, much evidence indicates that presently it is the fast-growing suburban areas which are probably the most seriously underrepresented in many of our state legislatures. And, while currently the thrust of state legislative malapportionment results, in most States, in underrepresentation of urban and suburban areas, in earlier times cities were in fact overrepresented in a number of States. In the early 19th century, certain of the seaboard cities in some of the Eastern and Southern States possessed and struggled to retain legislative representation disproportionate to population, and bitterly opposed according additional representation to the growing inland areas. Conceivably, in some future time, urban areas might again be in a situation of attempting to acquire or retain legislative representation in excess of that to which, on a population basis, they are entitled. Malapportionment can, and has historically, run in various directions. However and whenever it does, it is constitutionally impermissible under the Equal Protection Clause.

I read the next footnote, No. 44:

The British experience in eradicating "rotten boroughs" is interesting and enlightening. Parliamentary representation is now based on districts of substantially equal population, and periodic reapportionment is accomplished through independent Boundary Commissions. For a discussion of the experience and difficulties in Great Britain in achieving fair legislative representation, see Edwards, *Theoretical and Comparative Aspects of Reapportionment and Redistricting*: With Reference to *Baker v. Carr*, 15 Vand. L. Rev. 1265, 1275 (1962). See also the discussion in *Baker v. Carr*, 369 U.S., at 302-307. (Frankfurter, J., dissenting.)

Now I continue with the body of the opinion:

A citizen, a qualified voter, is no more nor no less so because he lives in the city or on the farm. This is the clear and strong command of our Constitution's Equal Protection Clause. This is an essential part of the concept of a government of laws and not men. This is at the heart of Lincoln's vision of "government of the people, by the people, [and] for the people." The Equal Protection Clause demands no less than substantially equal state legislative representation for all citizens, of all places as well as all races.

IV

We hold that, as a basic constitutional standard, the Equal Protection Clause requires that the seats in both houses of a bicameral state legislature must be apportioned on a population basis. Simply stated, an individual's right to vote for state legislators is unconstitutionally impaired when its weight is in a substantial fashion diluted when compared with votes of citizens living in other parts of the State. Since, under neither the existing apportionment provisions nor under either of the proposed plans was either of the houses of the Alabama Legislature apportioned on a population basis, the District Court correctly held that all three of these schemes were constitutionally invalid. Furthermore, the existing apportionment, and also to a lesser extent the apportionment under the Crawford-Webb Act, presented little more than crazy quilts, completely lacking in rationality, and could be found invalid on that basis alone.⁴⁵

Although the District Court presumably found the apportionment of the Alabama House of Representatives under the 67-Senator Amendment to be acceptable, we conclude that the deviations from a strict population basis are too egregious to permit us to find that that body, under this proposed plan, was apportioned sufficiently on a population basis so as to permit the arrangement to be constitutionally sustained. Although about 43 percent of the State's total population would be required to comprise districts which could elect a majority in that body, only 39 of the 106 House seats were actually to be distributed on a population basis, as each of Alabama's 67 counties was given at least one representative, and population-variance ratios of close to 5-to-1 would have existed. While mathematical nicety is not a constitutional requisite, one could hardly conclude that the Alabama House, under the proposed constitutional amendment, had been apportioned sufficiently on a population basis to be sustainable under the requirements of the Equal Protection Clause. And none of the other apportionments of seats in either of the bodies of the Alabama Legislature, under the three plans considered by the District Court, came nearly as close to approaching the required constitutional standard as did that of the House of Representatives under the 67-Senator Amendment.

Legislative apportionment in Alabama is signally illustrative and symptomatic of the seriousness of this problem in a number of the States. At the time this litigation was commenced, there had been no reapportionment of seats in the Alabama Legislature for over 60 years.⁴⁶ Legislative inaction, coupled with the unavailability of any political or judicial remedy,⁴⁷ had resulted, with the

⁴⁵ Under the existing scheme, Marshall County, with a 1960 population of 48,018, Baldwin County, with 49,088, and Houston County, with 50,713, are each given only one seat in the Alabama House, while Bullock County, with only 13,462, Henry County, with 15,286, and Lowndes County, with 15,417, are allotted two representatives each. And in the Alabama Senate, under the existing apportionment, a district comprising Lauderdale and Limestone Counties had a 1960 population of 98,135, and another composed of Lee and Russell Counties had 96,105. Conversely, Lowndes County, with only 15,417, and Wilcox County, with 18,739, are nevertheless single-county senatorial districts given one Senate seat each.

⁴⁶ An interesting pre-Baker discussion of the problem of legislative malapportionment in Alabama is provided in Comment, *Alabama's Unrepresentative Legislature*, 14 Ala. L. Rev. 403 (1962).

⁴⁷ See the cases cited and discussed in notes 5-6, supra, where the Alabama Supreme Court refused even to consider the granting of relief

passage of years, in the perpetuated scheme becoming little more than an irrational anachronism. Consistent failure by the Alabama Legislature to comply with State constitutional requirements as to the frequency of reapportionment and the bases of legislative representation resulted in a minority stranglehold on the State legislature. Inequality of representation in one house added to the inequality in the other. With the crazy-quilt existing apportionment virtually conceded to be invalid, the Alabama Legislature offered two proposed plans for consideration by the District Court, neither of which was to be effective until 1966 and neither of which provided for the apportionment of even one of the two houses on a population basis. We find that the court below did not err in holding that neither of these proposed reapportionment schemes, considered as a whole, "meets the necessary constitutional requirements." And we conclude that the District Court acted properly in considering these two proposed plans, although neither was to become effective until the 1966 election and the proposed constitutional amendment was scheduled to be submitted to the State's voters in November 1962.⁴⁸

Consideration by the court below of the two proposed plans was clearly necessary in determining whether the Alabama Legislature had acted effectively to correct the admittedly existing malapportionment, and in ascertaining what sort of judicial relief, if any, should be afforded.

v

Since neither of the houses of the Alabama Legislature, under any of three plans considered by the District Court, was apportioned on a population basis, we would be justified in proceeding no further. However, one of the proposed plans, that contained in the so-called 67-Senator Amendment, at least superficially resembles the scheme of legislative representation followed in the Federal Congress. Under this plan, each of Alabama's 67 counties is allotted one Senator, and no counties are given more than one Senate seat. Arguably, this is analogous to the allocation of two Senate seats, in the Federal Congress, to each of the 50 States, regardless of population. Seats in the Alabama House, under the proposed constitutional amendment, are distributed by giving each of the 67 counties at least one, with the remaining 39 seats being allotted among the more populous counties on a population basis. This scheme, at least at first glance, appears to resemble that prescribed for the Federal House of Representatives, where the 435 seats are distributed among the States on a population basis, although each State, regardless of its population, is given at least one Congressman.

Thus, although there are substantial differences in underlying rationale and result,⁴⁹

in suits challenging the validity of the apportionment of seats in the Alabama Legislature, although it stated that the legislature had failed to comply with the requirements of the State Constitution with respect to legislative reapportionment.

⁴⁸ However, since the District Court found the proposed constitutional amendment prospectively invalid, it was never in fact voted upon by the State's electorate.

⁴⁹ Resemblances between the system of representation in the Federal Congress and the apportionment scheme embodied in the 67-Senator Amendment appear to be more superficial than actual. Representation in the Federal House of Representatives is apportioned by the Constitution among the States in conformity with population. While each State is guaranteed at least one seat in the House, as a feature of our unique Federal system, only four States have less than 1/435 of the country's total population, under the

the 67-Senator Amendment, as proposed by the Alabama Legislature, at least arguably presents for consideration a scheme analogous to that used for apportioning seats in Congress.

Much has been written since our decision in *Baker v. Carr* about the applicability of the so-called Federal analogy to State legislative apportionment arrangements.⁵⁰ After considering the matter, the court below concluded that no conceivable analogy could be drawn between the Federal scheme and the apportionment of seats in the Alabama Legislature under the proposed constitutional amendment.⁵¹ We agree with the District Court, and find the Federal analogy inapposite and irrelevant to State legislative districting schemes. Attempted reliance on the Federal analogy appears often to be little more than an after-the-fact rationalization offered in defense of maladjusted State apportionment arrangements. The original constitutions of 36 of our States provided that representation in both houses of the State legislatures would be based completely, or predominantly, on population.⁵² And the Founding Fathers clearly had no intention of establishing a pattern or model for the apportionment of seats in State legislatures when the system of representation in the Federal Congress was adopted.⁵³ Demon-

stration of this is the fact that the Northwest Ordinance, adopted in the same year, 1787, as the Federal Constitution, provided for the apportionment of seats in territorial legislatures solely on the basis of population.⁵⁴

1960 census. Thus, only four seats in the Federal House are distributed on a basis other than strict population. In Alabama, on the other hand, 40 of the 67 counties have less than 1/106 of the State's total population. Thus, under the proposed amendment, over 1/3 of the total number of seats in the Alabama House would be distributed on a basis other than strict population. States with almost 50 percent of the Nation's total population are required in order to elect a majority of the members of the Federal House, though unfair districting within some of the States presently reduces to about 42 percent the percentage of the country's population which reside in districts electing individuals comprising a majority in the Federal House. Cf. *Wesberry v. Sanders*, *supra*, holding such congressional districting unconstitutional. Only about 43 percent of the population of Alabama would live in districts which could elect a majority in the Alabama House, under the proposed constitutional amendment. Thus, it could hardly be argued that the proposed apportionment of the Alabama House was based on population in a way comparable to the apportionment of seats in the Federal House among the States.

⁵⁰ For a thorough statement of the arguments against holding the so-called Federal analogy applicable to State legislative apportionment matters, see, e.g., McKay, Reapportionment and the Federal Analogy (National Municipal League pamphlet 1962); McKay, The Federal Analogy and State Apportionment Standards, 38 Notre Dame Law. 487 (1963). See also Merrill, Blazes for a Trail Through the Thicket of Reapportionment, 16 Okla. L. Rev. 59, 67-70 (1963).

⁵¹ 208 F. Supp., at 438. See the discussion of the District Court's holding as to the applicability of the Federal analogy earlier in this opinion, *ante*, at —.

⁵² Report of Advisory Commission on Intergovernmental Relations, Apportionment of State Legislatures 10-11, 35, 69 (1962).

⁵³ Thomas Jefferson repeatedly denounced the inequality of representation provided for under the 1776 Virginia Constitution and frequently proposed changing the State Constitution to provide that both houses be apportioned on the basis of population. In 1816 he wrote that "a government is republican in proportion as every member composing it has his equal voice in the direction of its concerns * * * by representatives chosen by himself." Letter to Samuel Kercheval, 10 Writings of Thomas Jefferson

strative of this is the fact that the Northwest Ordinance, adopted in the same year, 1787, as the Federal Constitution, provided for the apportionment of seats in territorial legislatures solely on the basis of population.⁵⁴

The system of representation in the two Houses of the Federal Congress is one ingrained in our Constitution, as part of the law of the land. It is one conceived out of compromise and concession indispensable to the establishment of our Federal Republic.⁵⁵ Arising from unique historical circumstances, it is based on the consideration that in establishing our type of federalism a group of formerly independent States bound themselves together under one National Government. Admittedly, the original 13 States surrendered some of their sovereignty in agreeing to join together "to form a more perfect Union." But at the heart of our constitutional system remains the concept of separate and distinct governmental entities which have delegated some, but not all, of their formerly held powers to the single national government. The fact that almost three-fourths of our present States were never in fact independently sovereign does not detract from our view that the so-called federal analogy is inapplicable as a sustaining precedent for State legislative apportionments. The developing history and growth of our republic cannot cloud the fact that, at the time of the inception of the system of representation in the Federal Congress, a compromise between the larger and smaller States on this matter averted a deadlock in the constitutional convention which had threatened to abort the birth of our Nation. In rejecting an asserted analogy to the Federal electoral college in *Gray v. Sanders*, *supra*, we stated:

"We think the analogies to the electoral college, to districting and redistricting, and to other phases of the problems of representation in State or Federal Legislatures or conventions are inapposite. The inclusion of the electoral college in the Constitution, as the result of specific historical concerns, validated the collegiate principle despite its inherent numerical inequality, but implied nothing about the use of an analogous system by a State in a statewide election. No such specific accommodation of the latter was ever undertaken, and therefore no validation of its numerical inequality ensued."⁵⁶

Political subdivisions of States—counties, cities, or whatever—never were and never have been considered as sovereign entities. Rather, they have been traditionally regarded as subordinate governmental instrumentalities created by the State to assist in the carrying out of State governmental functions. As stated by the Court in *Hunter v. City of Pittsburgh*, 207 U.S. 161, 178, these governmental units are "created as convenient agencies for exercising such of the governmental powers of the State as may be entrusted to them," and the "number, nature, and duration of the powers conferred upon [them] * * * and the territory over which they shall be exercised rests in the absolute discretion of the State." The relationship

(Ford ed. 1899) 38. And a few years later, in 1819, he stated: "Equal representation is so fundamental a principle in a true republic that no prejudice can justify its violation because the prejudices themselves cannot be justified." Letter to William King, Jefferson Papers, Library of Congress, Vol. 216, p. 38616.

⁵⁴ Article II, § 14, of the Northwest Ordinance of 1787 stated quite specifically: "The inhabitants of the said territory shall always be entitled to the benefits * * * of a proportional representation of the people in the Legislature."

⁵⁵ See the discussion in *Wesberry v. Sanders*, 376 U.S., at 9-14.

⁵⁶ 372 U.S., at 378.

of the States to the Federal Government could hardly be less analogous.

Thus, we conclude that the plan contained in the 67-Senator Amendment for apportioning seats in the Alabama Legislature cannot be sustained by recourse to the so-called federal analogy. Nor can any other inequitable state legislative apportionment scheme be justified on such an asserted basis. This does not necessarily mean that such a plan is irrational or involves something other than a "republican form of government." We conclude simply that such a plan is impermissible for the States under the Equal Protection Clause, since perforce resulting, in virtually every case, in submergence of the equal-population principle in at least one house of a State legislature.

Since we find the so-called Federal analogy inapposite to a consideration of the constitutional validity of State legislative apportionment schemes, we necessarily hold that the Equal Protection Clause requires both houses of a State legislature to be apportioned on a population basis. The right of a citizen to equal representation and to have his vote weighted equally with those of all other citizens in the election of members of one house of a bicameral State legislature would amount to little if States could effectively submerge the equal-population principle in the apportionment of seats in the other house. If such a scheme were permissible, an individual citizen's ability to exercise an effective voice in the only instrument of state government directly representative of the people might be almost as effectively thwarted as if neither house were apportioned on a population basis. Deadlock between the two bodies might result in compromise and concession on some issues. But in all too many cases the more probable result would be frustration of the majority will through minority veto in the house not apportioned on a population basis, stemming directly from the failure to accord adequate overall legislative representation to all of the State's citizens on a nondiscriminatory basis. In summary, we can perceive no constitutional difference, with respect to the geographical distribution of state legislative representation, between the two houses of a bicameral State legislature.

We do not believe that the concept of bicameralism is rendered anachronistic and meaningless when the predominant basis of representation in two State legislative bodies is required to be the same—population. A prime reason for bicameralism, modernly considered, is to insure mature and deliberate consideration of, and to prevent precipitate action on, proposed legislative measures. Simply because the controlling criterion for apportioning representation is required to be the same in both houses does not mean that there will be no differences in the composition and complexion of the two bodies. Different constituencies can be represented in the two houses. One body could be composed of single-member districts while the other could have at least some multimember districts. The length of terms of the legislators in the separate bodies could differ. The numerical size of the two bodies could be made to differ, even significantly, and the geographical size of districts from which legislators are elected could also be made to differ. And apportionment in one house could be arranged so as to balance off minor inequities in the representation of certain areas in the other house. In summary, these and other factors could be, and are presently in many States, utilized to engender differing complexions and collective attitudes in the two bodies of a State legislature, although both are apportioned substantially on a population basis.

VI

By holding that as a Federal constitutional requisite both houses of a state legislature

must be apportioned on a population basis, we mean that the Equal Protection Clause requires that a State make an honest and good faith effort to construct districts, in both houses of its legislature, as nearly of equal population as is practicable. We realize that it is a practical impossibility to arrange legislative districts so that each one has an identical number of residents, or citizens, or voters. Mathematical exactness or precision is hardly a workable constitutional requirement.⁶⁷

In *Wesberry v. Sanders*, *supra*, the Court stated that congressional representation must be based on population as nearly as is practicable. In implementing the basic constitutional principle of representative government as enunciated by the Court in *Wesberry*—equality of population among districts—some distinctions may well be made between congressional and State legislative representation. Since, almost invariably, there is a significantly larger number of seats in state legislative bodies to be distributed within a State than congressional seats, it may be feasible to use political subdivision lines to a greater extent in establishing state legislative districts than in congressional districting while still affording adequate representation to all parts of the State. To do so would be constitutionally valid, so long as the resulting apportionment was one based substantially on population and the equal-population principle was not diluted in any significant way. Somewhat more flexibility may therefore be constitutionally permissible with respect to state legislative apportionment than in congressional districting. Lower courts can and assuredly will work out more concrete and specific standards for evaluating state legislative apportionment schemes in the context of actual litigation. For the present, we deem it expedient not to attempt to spell out any precise constitutional tests. What is marginally permissible in one State may be unsatisfactory in another, depending on the particular circumstances of the case. Developing a body of doctrine on a case-by-case basis appears to us to provide the most satisfactory means of arriving at detailed constitutional requirements in the area of state legislative apportionment. Cf. *Slaughter-House Cases*, 16 Wall. 36, 78–79. Thus, we proceed to state here only a few rather general considerations which appear to us to be relevant.

A State may legitimately desire to maintain the integrity of various political subdivisions, insofar as possible, and provide for compact districts of contiguous territory in designing a legislative apportionment scheme. Valid considerations may underlie such aims. Indiscriminate districting, without any regard for political subdivision or natural or historical boundary lines, may be little more than an open invitation to partisan gerrymandering. Single-member districts may be the rule in one State, while another State might desire to achieve some flexibility by creating multimember⁶⁸ or flotalier districts.⁶⁹ Whatever the means of accomplishment, the overriding objective must be substantial equality of population among the various districts, so that the vote of any citizen is approximately equal in weight to that of any other citizen in the State.

⁶⁷ As stated by the Court in *Bain Peanut Co. v. Pinson*, 282 U.S. 499, 501, "We must remember that the machinery of government would not work if it were not allowed a little play in its joints."

⁶⁸ But cf. the discussion of some of the practical problems inherent in the use of multimember districts in *Lucas v. The Forty-Fourth General Assembly of the State of Colorado*, — U.S., at —, decided also this date.

⁶⁹ See the discussion of the concept of flotalier districts in *Davis v. Mann*, — U.S., —, n. 2, decided also this date.

History indicates, however, that many States have deviated, to a greater or lesser degree, from the equal-population principle in the apportionment of seats in at least one house of their legislatures.⁶⁰ So long as the divergences from a strict population standard are based on legitimate considerations incident to the effectuation of a rational state policy, some deviations from the equal-population principle are constitutionally permissible with respect to the apportionment of seats in either or both of the two houses of a bicameral state legislature. But neither history alone,⁶¹ nor economic or other sorts of group interests, are permissible factors in attempting to justify disparities from population-based representation. Citizens, not history or economic interests, cast votes. Considerations of area alone provide an insufficient justification for deviations from the equal-population principle. Again, people, not land or trees or pastures, vote. Modern developments and improvements in transportation and communications make rather hollow, in the mid-1960's, most claims that deviations from population-based representation can validly be based solely on geographical considerations. Arguments for allowing such deviations in order to insure effective representation for sparsely settled areas and to prevent legislative districts from becoming so large that the availability of access of citizens to their representatives is impaired are today, for the most part, unconvincing.

A consideration that appears to be of more substance in justifying some deviations from population-based representation in state legislatures is that of insuring some voice to political subdivisions, as political subdivisions. Several factors make more than insubstantial claims that a State can rationally consider according political subdivisions some independent representation in at least one body of the state legislature, as long as the basic standard of equality of population among districts is maintained. Local governmental entities are frequently charged with various responsibilities incident to the operation of state government. In many States much of the legislature's activity involves the enactment of so-called local legislation, directed only to the concerns of particular political subdivisions. And a State may legitimately desire to construct districts along political subdivision lines to deter the possibilities of gerrymandering. However, permitting deviations from population-based representation does not mean that each local governmental unit or political subdivision can be given separate representation, regardless of population. Carried too far, a scheme of giving at least one seat in one house to each political subdivision (for example, to each county) could easily

⁶⁰ For a discussion of the formal apportionment formulae prescribed for the allocation of seats in state legislatures, see Dixon, *Apportionment Standards and Judicial Power*, 38 Notre Dame Law. 367, 398–400 (1963). See also *The Council of State Governments, The Book of the States 1962–1963*, 58–62 (1962).

⁶¹ In rejecting a suggestion that the representation of the newer Western States in Congress should be limited so that it would never exceed that of the original States, the Constitutional Convention plainly indicated its view that history alone provided an unsatisfactory basis for differentiations relating to legislative representation. See *Wesberry v. Sanders*, 376 U.S., at 14. Instead, the Northwest Ordinance of 1787, in explicitly providing for population-based representation of those living in the Northwest Territory in their territorial legislatures, clearly implied that, as early as the year of the birth of our federal system, the proper basis of legislative representation was regarded as being population.

result, in many States, in a total subversion of the equal-population principle in that legislative body.⁶² This would be especially true in a State where the number of counties is large and many of them are sparsely populated, and the number of seats in the legislative body being apportioned does not significantly exceed the number of counties.⁶³ Such a result, we conclude, would be constitutionally impermissible. And careful judicial scrutiny must of course be given, in evaluating state apportionment schemes, to the character as well as the degree of deviations from a strict population basis. But if, even as a result of a clearly rational state policy of according some legislative representation to political subdivisions, population is submerged as the controlling consideration in the apportionment of seats in the particular legislative body, then the right of all of the State's citizens to cast an effective and adequately weighted vote would be unconstitutionally impaired.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. PROXMIRE. Mr. President, it seems to me that this particular section of the Reynolds against Sims decision is devastating to the argument just made by the senior Senator from Ohio [Mr. LAUSCHE] about the necessity for providing greater representation to rural areas in order to have a more conservative or more prudent representation and prudent policy on the part of the State government.

Can the Senator imagine what would happen if instead of having some kind of area apportionment, we decided to make it as rational as possible, and say, "What we should do is to provide an intelligence test for each voter. Those who classify in the genius category shall have five votes. Those who are of normal or average intelligence shall have one vote. Morons will receive one-fifth of a vote." Or, suppose we should say, "A bank account is an indication of prudence, caution, conservatism, and resistance to spending. Therefore, we should give votes on the basis of a man's wealth. A rich man will get 10 times the vote of a man with average income, and a very poor man will get almost no vote at all."

When we consider the argument that some people ought to have more responsibilities than others in view of the distinctions that we have discussed, I believe we can see how invidious and false any such proposal would be. We could see how every Senator would recognize that it would be unthinkable, completely wrong, immoral, and unacceptable. And they would say so.

From that viewpoint, it seems to me that it would be much easier to say what qualities we want. We could then reward citizens who had such attributes. We would thereby have a rational, more intelligent, and more enlightened legis-

lature. We would give the vote to people who have these attributes in greater proportion.

Mr. NELSON. I believe the Senator is entirely correct. In the example mentioned by the Senator, some rational argument might be made to support it. The Senator from Wisconsin would not make it. But at least there is some rationality to it, whereas in the other system there is none whatsoever.

Mr. PROXMIRE. Does the Senator not recognize that there are some farmers who are very thoughtful, wonderful people? It has nothing to do with education necessarily. It results from many things experienced by the people—the kind of family they have grown up in, the attitudes of their fathers and mothers toward them, and so on. There are other farmers who are not responsible at all. The same thing could be said of people in the cities and the suburbs. The argument that we shall get more rational suburbanites, more rational city dwellers, or more rational farm dwellers is so inconsistent to that position that we could not find a scientist or any kind of an expert who would justify it. It is almost laughable.

Does it make any sense at all that we should try to construct a legislature based upon saying that because there are fewer people living in a certain area, those people should have more representation? Is there any logic in that kind of argument?

Mr. NELSON. I see no logic whatsoever in the argument. The Senator has called attention to a good point. As he well knows, the State of Wisconsin has a population apportionment. I believe it is perhaps the most perfect apportionment of any State in the Union today. It is almost as perfect as it can be done mathematically. The Senator well knows that every single year representatives of the city areas of the State of Wisconsin vote to appropriate large sums of money to contribute to school aid in order to assist the low tax base areas of the State, which are mainly rural, many of them being small towns. The school systems throughout the State of Wisconsin in areas where the tax base is low are subsidized. Our large cities, such as Milwaukee and Madison—cities with good tax bases—willingly pay taxes that are used for that purpose. The legislature is supporting the subsidy in recognition of the necessity of providing an equal opportunity for education, no matter where a child might be raised.

On the other hand, there has been a rapid growth in metropolitan areas—not merely an extension of city boundaries—so that now there are vast metropolitan areas that cover many square miles. The eastern coast is almost one continuous metropolitan area. In many States of the Union the cities have been unable to meet their rapidly growing problems because of the veto power of a small minority of the citizens over proposed legislation which it is necessary—in fact crucial—to pass if we are to preserve, protect, and permit orderly growth in the metropolitan areas of America. If that should continue, we

shall run into catastrophic circumstances in many parts of the Nation. Metropolitan areas will merely collapse of their own weight and their own inability to obtain authorization from legislatures to meet their problems.

I continue to read from the opinion in the case of Reynolds against Sims:

VII

One of the arguments frequently offered as a basis for upholding a State's legislative apportionment arrangement, despite substantial disparities from a population basis in either or both houses, is grounded on congressional approval, incident to admitting States into the Union, of state apportionment plans containing deviations from the equal-population principle. Proponents of this argument contend that congressional approval of such schemes, despite their disparities from population-based representation, indicate that such arrangements are plainly sufficient as establishing a "republican form of government." As we stated in *Baker v. Carr*, some questions raised under the Guaranty Clause are nonjusticiable where "political" in nature and where there is a clear absence of judicially manageable standards.⁶⁴ Nevertheless, it is not inconsistent with this view to hold that, despite congressional approval of state legislative apportionment plans at the time of admission into the Union, even though deviating from the equal-population principle here enunciated, the Equal Protection Clause can and does require more. And an apportionment scheme in which both houses are based on population can hardly be considered as failing to satisfy the Guaranty Clause requirement. Congress presumably does not assume, in admitting States into the Union, to pass on all constitutional questions relating to the character of state governmental organization. In any event, congressional approval, however well-considered, could hardly validate an unconstitutional state legislative apportionment. Congress simply lacks the constitutional power to insulate States from attack with respect to alleged deprivations of individual constitutional rights.

VIII

That the Equal Protection Clause requires that both houses of a state legislature be apportioned on a population basis does not mean that States cannot adopt some reasonable plan for periodic revision of their apportionment schemes. Decennial reapportionment appears to be a rational approach to readjustment of legislative representation in order to take into account population shifts and growth. Reallocation of legislative seats every 10 years coincides with the prescribed practice in 41 of the States,⁶⁵ often honored more in the breach than the observance, however. Illustratively, the Alabama Constitution requires decennial reapportionment, yet the last reapportionment of the Alabama Legislature, when this suit was brought, was in 1901.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. NELSON. I yield to the senior Senator from Wisconsin.

⁶² See McKay, Political Thickets and Crazy Quilts: Reapportionment and Equal Protection, 61 Mich. L. Rev. 645, 698-699 (1963).

⁶³ Determining the size of its legislative bodies is of course a matter within the discretion of each individual State. Nothing in this opinion should be read as indicating that there are any federal constitutional maximums or minimums on the size of State legislative bodies.

⁶⁴ See 369 U.S., at 217-232, discussing the nonjusticiability of malapportionment claims asserted under the Guaranty Clause.

⁶⁵ Report of Advisory Commission on Intergovernmental Relations, Apportionment of State Legislatures 56 (1962). Additionally, the constitutions of seven other States either require or permit reapportionment of legislative representation more frequently than every 10 years. See also The Council of State Governments, The Book of the States 1962-1963, 58-62 (1962).

Mr. PROXMIRE. The Senator has been very patient in yielding.

The last two sentences which the Senator has read, it seems to me, are most significant. They suggest that the Dirksen amendment may well be futile now. Let me repeat those words:

In any event, congressional approval, however well considered, could hardly validate an unconstitutional State legislative apportionment. Congress simply lacks the constitutional power to insulate States from attack with respect to alleged deprivations of individual constitutional rights.

If that language means anything, it seems to me it means Congress cannot provide that a stay must be honored by the court—a stay of at least a year, and in many cases of 3 or 4 or 5 years. Such a stay, according to a majority of the court—and this is a majority opinion—would not be constitutional.

The Supreme Court says so. It says so very clearly in the language which the Senator has just read.

Mr. NELSON. What the senior Senator from Wisconsin has said is entirely correct.

I continue to read from the opinion:

Limitations on the frequency of reapportionment are justified by the need for stability and continuity in the organization of the legislative system, although undoubtedly reapportioning no more frequently than every 10 years leads to some imbalance in the population of districts toward the end of the decennial period and also to the development of resistance to change on the part of some incumbent legislators. In substance, we do not regard the Equal Protection Clause as requiring daily, monthly, annual or biennial reapportionment, so long as a State has a reasonably conceived plan for periodic readjustment of legislative representation. While we do not intend to indicate that decennial reapportionment is a constitutional requisite, compliance with such an approach would clearly meet the minimal requirements for maintaining a reasonably current scheme of legislative representation. And we do not mean to intimate that more frequent reapportionment would not be constitutionally permissible or practicably desirable. But if reapportionment were accomplished with less frequency, it would assuredly be constitutionally suspect.

IX

Although general provisions of the Alabama Constitution provide that the apportionment of seats in both houses of the Alabama Legislature should be on a population basis, other more detailed provisions clearly make compliance with both sets of requirements impossible. With respect to the operation of the Equal Protection Clause, it makes no difference whether a State's apportionment scheme is embodied in its constitution or in statutory provisions. In those States where the alleged malapportionment has resulted from noncompliance with state constitutional provisions which, if complied with, would result in an apportionment valid under the Equal Protection Clause, the judicial task of providing effective relief would appear to be rather simple. We agree with the view of the District Court that State constitutional provisions should be deemed violative of the Federal Constitution only when validly asserted constitutional rights could not otherwise be protected and effectuated. Clearly, courts should attempt to accommodate the relief ordered to the apportionment provisions of state constitutions insofar as is possible. But it is also quite clear that a state legislative apportionment scheme is no

less violative of the Federal Constitution when it is based on State constitutional provisions which have been consistently complied with than when resulting from a non-compliance with state constitutional requirements. When there is an unavoidable conflict between the Federal and a State Constitution, the Supremacy Clause of course controls.

X

We do not consider here the difficult question of the proper remedial devices which Federal courts should utilize in State legislative apportionment cases.⁶⁶ Remedial technique in this new and developing area of the law will probably often differ with the circumstances of the challenged apportionment and a variety of local conditions. It is enough to say now that, once a State's legislative apportionment scheme has been found to be unconstitutional, it would be the unusual case in which a court would be justified in not taking appropriate action to insure that no further elections are conducted under the invalid plan. However, under certain circumstances, such as where an impending election is imminent and a State's election machinery is already in progress, equitable considerations might justify a court in withholding the granting of immediately effective relief in a legislative apportionment case, even though the existing apportionment scheme was found invalid. In awarding or withholding immediate relief, a court is entitled to and should consider the proximity of a forthcoming election and the mechanics and complexities of State election laws, and should act and rely upon general equitable principles. With respect to the timing of relief, a court can reasonably endeavor to avoid a disruption of the election process which might result from requiring precipitate changes that could make unreasonable or embarrassing demands on a State in adjusting to the requirements of the Court's decree. As stated by Mr. Justice Douglas, in concurring in *Baker v. Carr*, "any relief accorded can be fashioned in the light of well-known principles of equity."⁶⁷

We feel that the District Court in this case acted in a most proper and commendable manner. It initially acted wisely in declining to stay the impending primary election in Alabama, and properly refrained from acting further until the Alabama Legislature had been given an opportunity to remedy the admitted discrepancies in the State's legislative apportionment scheme, while initially stating some of its views to provide guidelines for legislative action. And it correctly recognized that legislative reapportionment is primarily a matter for legislative consideration and determination, and that judicial relief becomes appropriate only when a legislature fails to reapportion according to federal constitutional requisites in a timely fashion after having had an adequate opportunity to do so. Additionally, the court below acted with proper judicial restraint, after the Alabama Legislature had failed to act effectively in remedying the constitutional deficiencies in the State's legislative apportionment scheme, in ordering its own temporary reapportionment plan into effect, at a time sufficiently early to permit the holding of elections pursuant to that plan without great difficulty, and in prescribing a plan admittedly provisional in purpose so as not to usurp the primary responsibility for reapportionment which rests with the legislature.

We find, therefore, that the action taken by the District Court in this case, in order—

⁶⁶ Cf. *Baker v. Carr*, 369 U.S. 186, 198. See also 369 U.S., at 250-251 (Douglas, J., concurring), and passages from *Baker* quoted in this opinion, ante, at —, and infra, at —.

⁶⁷ 369 U.S., at 250.

ing into effect a reapportionment of both houses of the Alabama Legislature for purposes of the 1962 primary and general elections, by using the best parts of the two proposed plans which it had found, as a whole, to be invalid,⁶⁸ was an appropriate and well-considered exercise of judicial power. Admittedly, the lower court's ordered plan was intended only as a temporary and provisional measure and the District Court correctly indicated that the plan was invalid as a permanent apportionment. In retaining jurisdiction while deferring a hearing on the issuance of a final injunction in order to give the provisionally reapportioned legislature an opportunity to act effectively, the court below proceeded in a proper fashion. Since the District Court evinced its realization that its ordered reapportionment could not be sustained as the basis for conducting the 1966 election of Alabama legislators, and avowedly intends to take some further action should the reapportioned Alabama Legislature fail to enact a constitutionally valid, permanent apportionment scheme in the interim, we affirm the judgment below and remand the cases for further proceedings consistent with the views stated in this opinion.

It is so ordered.

That concludes the majority opinion by Mr. Chief Justice Warren, which states, I think cogently and persuasively, the constitutional grounds for the decision that was rendered by the Court.

Although in a controversial matter there will be differences of opinion about the wisdom of decisions, this decision certainly is well reasoned, well written, and well supported in the law. The reason why I read the decision is that it ought to be included in the CONGRESSIONAL RECORD so that there may be a wider opportunity for the people of the country at least to read first-hand the reasoning of the decision which was made by the Supreme Court, and that the people may come to their own conclusion and their own judgment as to whether they agree or disagree with it, based upon a thorough and careful study of what the Court had to say about the issue.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 26. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Dixie project, Utah, and for other purposes;

S. 400. An act to establish penalties for misuse of feed made available for relieving distress or preservation and maintenance of foundation herds;

⁶⁸ Although the District Court indicated that the apportionment of the Alabama House under the 67-Senator amendment was valid and acceptable, we of course reject that determination, which we regard as merely precatory and advisory since the court below found the overall plan, under the proposed constitutional amendment, to be unconstitutional. See 208 F. Supp., at 440-441. See the discussion earlier in this opinion, ante at —.

S. 524. An act to provide for the registration of contractors of migrant agricultural workers, and for other purposes; and

S. 1123. An act to provide for the construction of the lower Teton division of the Teton Basin Federal reclamation project, Idaho, and for other purposes.

The message also announced that the House had passed the joint resolution (S.J. Res. 49) authorizing the Secretary of the Interior to carry out a continuing program to reduce nonbeneficial consumptive use of water in the Pecos River Basin, in New Mexico and Texas, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 11202) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1965, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WHITTEN, Mr. NATCHER, Mr. MAHON, Mr. HORAN, and Mr. MICHEL were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H.R. 12253. An act to correct certain errors in the Tariff Schedules of the United States; and

H.J. Res. 1160. Joint resolution making continuing appropriations for the fiscal year 1965, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Acting President pro tempore:

S. 51. An act to authorize the Secretary of Agriculture to relinquish to the State of Wyoming jurisdiction over those lands within the Medicine Bow National Forest known as the Pole Mountain District;

S. 1046. An act to provide hospital, domiciliary, and medical care for non-service-connected disabilities to recipients of the Medal of Honor;

S. 2419. An act to authorize the Secretary of the Interior to condemn certain property in the city of St. Augustine, Fla., within the boundary of the Castillo de San Marcos National Monument, and for other purposes;

H.R. 189. An act to authorize the conveyance of certain Federal land under the jurisdiction of the Naval Ordnance Test Station, China Lake, Calif., to the county of Kern, State of California;

H.R. 4223. An act to provide for audit of accounts of private corporations established under Federal law;

H.R. 4361. An act for the relief of the estate of Paul F. Ridge;

H.R. 5154. An act for the relief of Wilfredo Lacar de Leon;

H.R. 5728. An act for the relief of the county of Cuyahoga, Ohio;

H.R. 5964. An act to provide for the inclusion of Hopkins County, Tex., within the Paris division of the eastern district for the U.S. district courts in Texas;

H.R. 6034. An act for the relief of Robert L. Johnston;

H.R. 6353. An act to amend the District of Columbia Unemployment Compensation Act, as amended;

H.R. 7138. An act for the relief of St. Francis Levee District, Arkansas;

H.R. 7219. An act to amend sections 3288 and 3289 of title 18, United States Code, relating to reindictment after dismissal of a defective indictment;

H.R. 7508. An act to amend title 28, United States Code, to establish jurisdiction and venue for appeals from orders of the Interstate Commerce Commission in judicial reference cases;

H.R. 8201. An act for the relief of Maj. Jack J. Shea, U.S. Air Force;

H.R. 9561. An act for the relief of Moni Parvanoff Floroff;

H.R. 10216. An act for the relief of Dr. Miguel de Socarras;

H.R. 10683. An act to amend the act of July 25, 1956, to remove certain residence restrictions upon officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia;

H.R. 11520. An act to amend subsection (d) of section 1346 of title 28 of the United States Code relating to the jurisdiction of the U.S. district courts; and

S.J. Res. 162. Joint resolution extending recognition to the International Exposition for Southern California in the year 1968 and authorizing the President to issue a proclamation calling upon the several States of the Union and foreign countries to take part in the exposition.

HOUSE BILL REFERRED

The bill (H.R. 12253) to correct certain errors in the Tariff Schedules of the United States, was read twice by its title, and referred to the Committee on Finance.

CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1965

Mr. HAYDEN. Mr. President, I ask the Chair to lay before the Senate the message from the House transmitting to the Senate House Joint Resolution 1160, which has been passed by the House.

The PRESIDING OFFICER laid before the Senate the joint resolution (H.J. Res. 1160) making continuing appropriations for the fiscal year 1965, and for other purposes, which was read twice by its title.

Mr. HAYDEN. Mr. President, on June 25 of this year, the Senate and the House passed and sent to the President a joint resolution making continuing appropriations for the months of July and August 1964, inasmuch as none of the appropriation bills for fiscal 1965 had been enacted into law prior to the beginning of the new fiscal year.

This pending resolution will continue, until September 30, those operations of the Government for which appropriation bills have not yet been enacted.

For the information of the Senate, the following bills have either been signed by, or cleared for, the President: Department of the Interior and related agencies appropriation bill; Departments of the Treasury, Post Office, and Executive Office appropriation bill; legislative branch appropriation bill; Department of Defense appropriation bill; District of Columbia appropriation bill; Departments of State, Justice, Commerce, the judiciary, and related agencies appropriation bill; independent offices appropriation bill; and the public works appropriation bill.

In conference with the House are the agricultural appropriation bill and the military construction appropriation bill. As the Members know, the Departments of Labor and Health, Education, and Welfare appropriation bill was reported to the Senate by the committee yesterday and is on the Senate Calendar. Still remaining in the committee pending enactment of the authorizing legislation is the foreign aid appropriation bill.

I move the adoption of House Joint Resolution 1160.

The PRESIDING OFFICER. The joint resolution question is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the joint resolution.

The joint resolution was ordered to a third reading, was read the third time, and passed.

Mr. NELSON. Mr. President, I invite the attention of the chair to the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceed to call the roll.

Mr. CLARK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, will the Senator from Pennsylvania yield to me, without losing his right to the floor?

Mr. CLARK. I am pleased to yield to the majority leader.

JOSEPH DI CICCIO

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 1324, H.R. 7088.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 7088) for the relief of Joseph Di Ciccio.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

JOAO CARLOS SENRA FERREIRA

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 1335, S. 2803.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2803) for the relief of Joao Carlos Senra Ferreira; Jose Jorge Senra Ferreira, and Maria Goretti Senra Ferreira.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to

Mr. CLARK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. CLARK. Mr. President, there are many reasons why in my opinion the Dirksen "rotten borough" amendment should be rejected by the Senate.

Before going into any of those reasons—and to cover them fully would take a long time—I should like first to discuss why, during the past week, I have referred to the Dirksen amendment as a "rotten borough" amendment. Those Senators—and I hope there are more every day—who have been conscientious enough to read the splendid opinion of our very great Chief Justice of the United States, Chief Justice Earl Warren, in the case of Reynolds against Sims, will recall that on page 32 of the printed opinion, the Chief Justice stated:

Population is, of necessity, the starting point for consideration and the controlling criterion for judgment in legislative apportionment controversies.

Then in footnote No. 44, the Chief Justice stated:

The British experience in eradicating "rotten boroughs" is interesting and enlightening. Parliamentary representation is now based on districts of substantially equal population, and periodic reapportionment is accomplished through independent Boundary Commissions. For a discussion of the experience and difficulties in Great Britain in achieving fair legislative representation, see Edwards, *Theoretical and Comparative Aspects of Reapportionment and Redistricting*.

A year ago when I was preparing the text of a book on the place of Congress in our tripartite system of government, I investigated the causes for the unfortunate failure, in my opinion, of the Congress of the United States to measure up to its constitutional duty. It occurred to me that malapportionment in the State legislatures, and also in Congress, was one of the reasons why Representatives and Senators have tended, in some instances, to fail to demonstrate that devotion to the interests of a majority of our people, which we have traditionally considered, since the founding of the Republic, to be one of the chief qualifications for holding public office, if not the, principal qualification.

I recall that when I was in college, far too many years ago, I had been most favorably impressed by a brilliant book written by George Macaulay Trevelyan, entitled, "British History in the 19th Century."

I recalled particularly the chapters in that book which dealt with the fight over the first reform bill in Great Britain during the years 1832 to 1834. It seemed to me that those chapters presented, perhaps in reverse, a pertinent illustration of the difficulties in securing majority control of our legislative bodies, con-

trol which, 130 years ago, had not yet been achieved in Great Britain.

So I undertook to draft a part of the chapter in my book on the strategy and tactics of congressional reform, a section on precedents for legislative reform, which included a description of the fight to eliminate the rotten boroughs in Great Britain during the 4th decade of the 19th century. Subsequently, I concluded that the analogy was not sufficiently close to make it desirable to include that particular subject in the final draft of the book, which was published just last May under the title of "Congress: The Sapless Branch."

However, when the Dirksen amendment was first brought forward, the analogy between its objective and that of those individuals in England during the early 1830's who were attempting to prevent parliamentary reform, struck me as pertinent. Then, when I read Chief Justice Warren's opinion and noted his reference to rotten boroughs, it occurred to me that we had now found an excellent title for the Dirksen amendment if we were to call it the "rotten borough" amendment.

Let us take a short look at what happened in England and note the analogy. In 1831 the House of Commons of England consisted of members elected by the English counties and others selected by boroughs.

There were, of course, the representatives from Ireland, who were constantly giving the same amount of trouble, although for different reasons, which I am sure the leadership occasionally thinks the small bands of liberals who are opposing the Dirksen amendments are giving in the Senate today. But while the representation in the House of Commons from the counties was reasonably closely apportioned, for those days, to population, the representation from the boroughs was positively scandalous. Many of them were known in those days as "rotten boroughs" because their parliamentary seats were filled on the nomination of either a few corrupt borough officials or by a powerful local landlord. Many of the boroughs had been created during the Middle Ages or in late feudal times, and there had subsequently been shifts in population. Changes in the economy of England had, in turn, vastly changed the population in those boroughs. Some of them had become little more than discarded pigsties, according to George Macaulay Trevelyan. Those boroughs had been organized many years previously, and because of changes in the economy in England, as I have just stated, had been abandoned by their population. One of the most notorious of the "rotten boroughs" was the Borough of Old Sarum. Nobody lived in it. Nevertheless, it had a seat in Parliament and a vote in the House of Commons—a vote exercised by the nominee of the local landlord who owned the real estate where the Borough of Old Sarum had formerly existed.

At that time, in 1831, the voting franchise in England was restricted to the nobility and to the country gentlemen. The middle and working classes were completely disenfranchised. A

number of flourishing cities had grown up in England as a result of the industrial revolution, which had begun with the innovation of the steam engine by James Watt in the last years of the 18th century. But none of the people in the new cities had any representation whatever in the House of Commons.

It should also be pointed out that at that time the House of Lords was entirely hereditary and ultraconservative, and representatives in the House of Commons, on the other hand, who came from English counties, were reasonably up to date with the needs of the times. But the representatives who came from the rotten borough were quite candidly for sale.

Through the combination of their control over the rotten boroughs and their control through the British aristocracy in the House of Lords, no very effective legislation of an economic or social nature was passed by the British Parliament in the years between the defeat of Napoleon at Waterloo in 1815 and the year 1831, when the agitation for the first reform bill began.

There was much misery due to chronic and persistent unemployment throughout the country, and there came to be an identification of the economic distress with the failure of Parliament to represent the people of the country. Accordingly, there was a steady public outcry for reform of the House of Commons.

Earlier efforts at parliamentary reform, around 1810, had failed. Lord Grey, who was a Whig and a Member of the House of Lords, had been the leader of the reform movement which had been defeated in 1810. At that time he had declared that he would take up parliamentary reform again when the English people took it up, as Lord Grey said, "seriously and affectionately."

It is interesting to note, in historical perspective, that at this time the Duke of Wellington, hero of the Battle of Waterloo, and an extraordinary character, was Prime Minister and a strong opponent of reform. The Duke of Wellington was a gentleman who, if he were alive today, would make BARRY GOLDWATER look like a leftwing radical. He was a fascinating character of many marvelous qualities—a great general, a man of unimpeachable integrity, but an individual who yearned for the good old days of the end of the 18th century and looked with deep suspicion on anything which might resemble change.

So in 1831 there was in England a situation which bears some analogy, when we think in terms of parliamentary reform and congressional reform, to the situation in this country before the decision of Baker against Carr, and the other decisions which followed in its train, ending up with the most important decision of Reynolds against Sims, decided on June 15 of this year.

The counterrevolutionary forces, terrified by the French Revolution, intent on retaining their political power in England, had their faces set firmly against parliamentary reform.

So, in the same way in our country right now, and much more so before Baker against Carr, decided in 1962, the

forces in this country opposing change, the forces which set their hands and minds and voices against anything new, have opposed any effort to achieve either congressional reform in the larger sense, or legislative reform in terms of making State legislatures, and indeed the House of Representatives, represent the people of the country instead of the bears, the bees, the trees, and the flowers.

From their standpoint, one would think their motivation is probably not unlike the reaction of the Duke of Wellington and the owners of rotten boroughs in 1831. They thought things were bad enough, and they did not want them to become any worse. They thought any change was necessarily bad. They knew that as long as the people of England were unable to be adequately represented by Members in the Parliament who would be responsive to the desires of the people, they could control the situation, just as those supporting the Dirksen amendment on the floor of the Senate today want to retain that unconscionable control by the rural districts of State legislatures through which they have been able to retain their power, and indeed to transfer that power, in many instances, from the State legislatures to the Congress of the United States.

And so it has come about today in America, as indeed it had practically always been in England, that a failure of fair and adequate representation in the legislature resulted in blocking the road to necessary change.

To return to the situation in England in 1831: The Paris revolution in France, across the English Channel, resulted in throwing out the reactionary Bourbon king, Charles X, and his Prime Minister Polignac and putting in power the bourgeois king, Louis Philippe.

It will be recalled that after Napoleon lost the Battle of Waterloo and was sent to St. Helena, there was a restoration of the Bourbon kings in France. They proceeded, to the extent of their ability, to undo all of the reforms of the French Revolution and, again to the extent of their ability, to turn the clock back to the days of the earlier Bourbons, Louis XIV, Louis XV, and Louis XVI.

But the 1831 Paris revolution, unlike the earlier one at the turn of the 18th-19th century, did not result in any attacks on private property. It was a bourgeois middle class revolution which resulted in bringing some very necessary reforms into the French Constitution and into French political procedures, and in very definitely moving the French nation ahead to make it more capable of dealing with the serious social, economic, and political problems which confronted the French nation as the pace of the industrial revolution tended to accelerate.

The experience in France had a great effect across the channel in England. It heartened the forces of reform and resulted in Lord Grey and Lord John Russell, who was the head of the Whig Party in the House of Commons, going out on the hustings in the general election of 1831, and bringing forward a moderate Whig program of reform.

Of course, the analogy is quite inexact, but it has sufficient pertinence to men-

tion it. The Tory Party then, as now, was the party of the conservative elements in England, and the Whig Party was to some extent the party of the liberals. Among the Whigs, of course, were many members of the aristocracy as well as many successful businessmen and members of what in those days was known as the English bourgeoisie. Generally speaking, the Whigs were not completely adverse to change, and the Tories were.

In the election of 1831 a Whig majority was elected in the House of Commons. This resulted in turning out the Duke of Wellington as Prime Minister and installing Lord Grey in his place. Remember that Lord Grey, however, was a member of the House of Lords, not of the House of Commons. Nevertheless, his cabinet, or the cabinet which he headed, promptly introduced the first reform bill, which abolished a large number of rotten boroughs and distributed their seats among the larger British cities which had theretofore been unrepresented in Parliament. The bill also enfranchised—or, in other words, gave the vote—to about one-half of the British middle class by lowering significantly the property qualification necessary to entitle one to a vote.

It was not until the third reform bill, more than half a century later, that the British came anywhere near approximating universal suffrage in terms of their electorate. Of course it was many years later before the vote was given to women. The situation in our country was not significantly different in terms of the franchise. Women were not permitted to vote on a national basis until the suffrage amendment was adopted in 1919. There were still, in 1831, drastic property qualifications in connection with the right to vote in this country, but there was no such denial of equal representation to those who were entitled to vote in our country, as there was in England.

One point which I think should be stressed in this debate is that it is perfectly clear that the Founding Fathers, when they were framing the Constitution and dealing with the problem of the franchise, never had the slightest doubt that in the State legislatures, although the franchise was restricted by property qualifications, the rule would be other than one elector, one vote.

It was not until a good deal later that the drastic inequities which now exist and have existed for nearly a hundred years in terms of the franchise or the right to vote for members of State legislatures came into being.

To get back to England, it will be recalled that since Grey was in the House of Lords, the management of the first reform bill was turned over to Lord John Russell, who was the leader in the House of Commons. The first reform bill was as much a bombshell in the England of 1831 as the decisions of Baker against Carr, Reynolds against Sims, the Gray case, and the Wesberry case were to the forces of reaction in the United States.

Just as the first reform bill threatened the political power of the aristocracy and the owners of rotten boroughs, and therefore threatened the counterrevolutionary force in England, so did the Baker

against Carr decision, and the decisions which have followed it, cause a tremor of fear to run down the spine of the counterrevolutionary force in the United States.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. CLARK. I am happy to yield to the Senator from Wisconsin.

Mr. PROXMIRE. The Senator is making an extraordinarily useful and historical examination of the development of universal suffrage. I believe that his analogy between the present struggle and the struggle years ago in England and France is not only well taken, but I also get from the Senator's analysis a sense of the long sweep and the long struggle toward equal suffrage, as well as universal suffrage. The latest development by the U.S. Supreme Court is directly connected with and grows out of the historical experience in Western society.

Mr. CLARK. I agree with my friend from Wisconsin, and thank him for pointing it out. I should like to ask a question of the Senator, he being a long-time and able student of constitutional history and, indeed, of politics. I should like to ask him whether he would agree with me that Baker against Carr, Reynolds against Sims, and the cases in between may not one day be written up by the historians as another chapter in the long fight for democracy and freedom and equal opportunity under the law, which we were taught in school and college began with the Magna Carta.

Mr. PROXMIRE. Indeed I do. The case we make now is much clearer, much more incisive, much more explicit than could have been made at any other stage in the development of universal suffrage. A very strong case—a wrong case, but a strong case—can be made for property qualifications to vote. It might be said that a man who had demonstrated his stability, a man who had accumulated property, would be a better elector. An argument like that could be made; and it would be a logical argument.

Mr. CLARK. That argument prevailed for many years.

Mr. PROXMIRE. It did; and we have dismissed it. I have yet to hear any of the proponents of the Dirksen amendment, including the author of it himself, present one logical reason why people should have greater representation merely because fewer people live in a certain area than in another area; or, to put it another way, why those who live in an area that people are leaving should have greater representation than those who live in an area that is growing and developing.

Mr. CLARK. I agree with the Senator. It occurs to me that the reason why the Senator from Illinois [Mr. DIRKSEN] and his supporters, who are curiously silent, have not raised their voices in support of this iniquitous amendment, and have failed to develop the point which the Senator has mentioned, is that they are a little afraid to bring it to the light of day.

The argument which I have heard made—and I am sure the Senator has heard it made also—is that if a person lives on a farm he is automatically a man

of integrity and a man of intelligence. An effort has been made to misrepresent the views of Thomas Jefferson, to the effect that a person who lives on a farm is a "goodie," and a person living in a city is a "baddie." Generally speaking, throughout the sweep of American history, the rural interest has been the conservative interest; and the conservative interest has nurtured the "Establishment" in the Senate, in the House, and in State legislatures.

The "Establishment," as we have come to know it in the Senate in recent years, is that group of eminent, intelligent, patriotic citizens, who have set their faces against change. There is a tendency, and there has been throughout history, although it is less every day, with the coming of television, highways, and airplanes, for the rural element, which is remote from the clang and clash of conflicting opinions—which is a part of urban life today—to support resistance to change, resistance to the 20th century, resistance to the modern world. It is the element which has supported and elected those who, generally speaking, are supporting the Dirksen amendment.

Mr. PROXMIRE. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I am happy to yield.

Mr. PROXMIRE. As a matter of realism, however, if we analyze the movement of populations, we can see that what is actually happening is nothing of the kind that the supporters of the Dirksen amendment argue would take place. The Dirksen amendment will not help farmers. I agree that farmers have unusual character and fine ability. The farmers whom I know and with whom I have spoken about this situation do not feel that they should be given any more consideration than anyone else.

Mr. CLARK. Perhaps our conservative friends may be putting their faith in an element in the community which, if they push their case too far, will one day desert them. I call attention to the Populist movement in the 1890's, which originated, to a large extent, with the farm population.

I call attention to the farm revolt in the 1920's, which resulted in the McNary-Haugen bill, and to the fact that if the farmers become angry enough, they will want change even to a greater extent than their city and suburban colleagues. Nevertheless, generally speaking, over the sweep of history, what I have said has been to a large extent true, despite the influence of the frontier on politics in America.

Mr. PROXMIRE. Farmers are leaving the farms and city dwellers are leaving the central cities. The central cities are not growing the way the rest of the country is. City dwellers are moving to the suburbs. The attitude of suburban dwellers varies greatly. Some are quite progressive; some are not. But in many cases, suburban dwellers tend to be more conservative than city dwellers.

There are really two important reasons why those who support the Dirksen amendment want it, after they think it through and get all the facts on it. One

is that they feel that if one branch of a State legislature can be established on some other basis than population, there will be a tendency for the legislature to go slower; that it will not do as much and will not pass certain legislation.

Mr. CLARK. I suggest that it is a subconscious yearning for an "American House of Lords."

Mr. PROXMIRE. Yes; but it is also a feeling that they desire to stop new things, new actions, and new trends. This is most unfortunate, because it means weak, inactive States, the consequences will be a bigger, stronger central Federal Government. If the States fail to act, the Federal Government will.

What will happen if the unequal vote boys succeed? The Senator from Michigan [Mr. McNAMARA] showed brilliantly in his excellent speech yesterday, showing specific big examples of important legislation that were blocked in the Michigan Legislature. By a majority of legislators representing a minority, usually a small minority of the people of Michigan.

Nevertheless, I think there are people who, if they rationalize this condition at all, rationalize it on the basis of feeling that this is a conservative way of preventing legislatures from acting.

There is one other element which induces them to oppose reapportionment. It is because of the perfectly predictable, human, understandable feeling that they want to keep their jobs.

The jobs of those who are members of State legislatures are at stake. The jobs of their friends are at stake. Their careers are at stake. The Senator from Pennsylvania and I know many persons who have served in our State legislatures for 10, 15, or 25 years. They want to serve longer. In many cases, they serve well. But if State legislatures were reapportioned every 10 years, people would be thrown out of work. The human element is important.

Every Member of the Senate or House has friends in the State legislatures. We hear from them. We like them. They are our strong supporters. We want to do what we can to help them.

This is a big element in their support of the Dirksen amendment and the adoption of the constitutional amendment to produce the desired kind of area representation and population representation.

Mr. CLARK. The Senator from Wisconsin is correct. I wonder if his experience in Wisconsin coincides with my own in Pennsylvania. All the talk about a crisis, which we heard in support of the Dirksen amendment, to my way of thinking, comes only from the politicians in the State legislatures, their friends, their sycophants, their supporters. It has no grassroots basis at all. It is merely the normal fear that someone will lose his job. There is no crisis except that some State legislators and those who follow them or whose jobs are contingent upon the continuance in office of the State legislators are afraid that if the people of a particular State had the right to choose their representatives in proportion to their numbers, such individuals would not return to the statehouse.

Mr. PROXMIRE. The Senator is correct. Wisconsin has had population apportionment for 116 years—ever since 1848, when it became a State. The result has been not to have impetuous legislation or radical legislation, or legislation that is out of the mainstream of our general attitudes. It has been constructive, careful, and prudent; and the checks and balances of a bicameral legislature have worked well.

Mr. CLARK. Does not the Senator from Wisconsin agree with me that what he has just said is the American tradition—the American tradition of majority rule? We broke away from England because of taxation without representation. But we have it all over again today in the State legislatures. If there was ever any reason for breaking away from George III, and the British Parliament for their failure to permit the American people to tax themselves, and not have to go back to London with a plea to be relieved of the tea tax, the stamp tax, and others, that same urge which caused the American Revolution is now causing the citizens of our several States and cities to demand that they should not be taxed without proper representation in the State legislatures.

Mr. PROXMIRE. The Senator from Pennsylvania is absolutely correct; 180 years ago Thomas Jefferson, that great apostle of freedom, stressed that in State legislatures it is fundamental that there be representation based on population. James Madison said the same thing. Their writings are clear. There is no question about it. There is almost no conflict among our Founding Fathers so far as State legislatures are concerned. The Senator from Pennsylvania earlier referred to that. This is something we should not lose sight of, because people are always referring to the Federal analogy, the constitutional analogy, that there are two Senators from each State. The analogy is nil.

Mr. CLARK. I thank the Senator from Wisconsin for his helpful intervention.

Mr. President, I somewhat reluctantly desist, at least temporarily, from a continuation of the discussion of the condition in the British Houses of Parliament during the year 1831, for the purpose of affording my able and beloved colleague, the distinguished senior Senator from Ohio [Mr. LAUSCHE] an opportunity to address the Senate on a subject which I am sure is of the greatest importance. I ask unanimous consent that I may yield to him without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1965—AMENDMENT

Mr. LAUSCHE. Mr. President, I am grateful to the Senator from Pennsylvania for his generous comments.

I send to the desk an amendment to H.R. 10809, the Health, Education, and Welfare appropriation bill. The amendment contemplates striking from the appropriation bill the sum of \$1.5 million

from the allocation that the Senate version of the bill makes to the Public Health Service.

The House committee eliminated this item of \$1.5 million to be used for the preparation of designs and plans for an Environmental Health Center in Washington. The Senate Committee on Appropriations restored the item of \$1.5 million. My amendment, if adopted, would remove the restoration I just identified.

Mr. President, I ask that the amendment be printed, and ask furthermore that my remarks be placed in the RECORD following the presentation made by the distinguished Senator from Pennsylvania [Mr. CLARK].

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

CHAIRMANSHIP OF SENATE DELEGATION APPOINTED TO ATTEND THE BRITISH COMMONWEALTH PARLIAMENTARY CONFERENCE AT JAMAICA

The PRESIDING OFFICER (Mr. RIBICOFF in the chair). The Chair, on behalf of the President pro tempore, announces the designation of the Senator from Arkansas [Mr. FULBRIGHT] as chairman of the delegation appointed yesterday to attend the British Commonwealth Parliamentary Conference at Jamaica, as authorized by Senate Resolution 339, agreed to July 23, 1964.

GOV. MUÑOZ-MARÍN OF PUERTO RICO

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD a fine editorial published in the New York Times this morning entitled "Muñoz-Marín Steps Down."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MUÑOZ-MARÍN STEPS DOWN

Gov. Muñoz-Marín of Puerto Rico is a somewhat uncommon specimen of a professional politician—he believes heart and soul in the democratic principles that he has always proclaimed. And now he is proving it once again by refusing to run for a fifth term as Governor.

His figure is such a familiar one in the United States and Latin America, as well as in Puerto Rico, that it has been impossible to think of the island without thinking of him. The Popular Democratic Party he founded won power in 1940. Don Luis, as everyone calls him, became the first elected Governor of Puerto Rico in 1946, and he has been its only one, for he was reelected three times. Nothing could have prevented him from being elected again in November—except his own determination to step aside, which he does at the peak of his power and prestige.

The task he set himself many years ago has been well done. The remarkably successful economic and social program, known as "Operation Bootstrap," was his idea and his accomplishment. The Commonwealth status, whereby Puerto Rico became associated under the American flag, with common citizenship and complete autonomy in internal affairs, was conceived and carried through by the Governor.

Although he will remain in the political picture as senator and elder statesman, it would be unlike him to overshadow his successor, who will mostly likely be the present secretary of state, Roberto Sanchez Vilella. Mr. Sanchez is not a popularly known figure, but he has been the Governor's closest associate for years and he is rated as an outstanding administrator.

Presuming that Mr. Sanchez is elected in November—which is a safe presumption—there will be no change in policies. Puerto Rico is older in history than the United States. Mr. Muñoz-Marín is the 123d Governor since Columbus claimed the island for Spain. But it is also a new island, with a hopeful future for which the retiring Governor deserves much credit.

Mr. FULBRIGHT. Many Senators are well acquainted with Governor Muñoz-Marín of Puerto Rico. He has had an outstanding career as the only elected Governor of that Commonwealth and has done excellent work in improving the welfare of his people.

All of us are greatly in his debt for the wonderful service he has rendered. It is a great pleasure to have this editorial printed in the RECORD.

ORDER OF BUSINESS

Mr. CLARK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BARTLETT. Mr. President, I ask unanimous consent that the order for the quorum call may be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORRECTION OF INEQUITIES IN CONSTRUCTION OF FISHING VESSELS

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1006) to amend the act of June 12, 1960, for the correction of inequities in the construction of fishing vessels, and for other purposes, which were, on page 2, line 8, strike out "or" and insert "and"; on page 2, line 12, strike out "and," and insert "and"; on page 2, after line 13 insert:

(3) amend section 3 by inserting "after notice and hearing," following the words "of his discretion,";

On page 2, line 14, strike out "(3)" and insert "(4)"; on page 2, line 15, strike out "(4)" and insert "(5)"; on page 2, line 16, strike out "55 per cent" and insert "50 per cent"; on page 2, line 17, strike out "(5)" and insert "(6)"; on page 2, line 18, after "Sec. 9." insert:

The Secretary of the Interior, in the exercise of his discretion, after notice and hearing, may approve the transfer of a vessel constructed with the aid of a construction subsidy, whose operations have become uneconomical or less economical because of an actual decline in the particular fishery for which it was designed, to another fishery where he determines that such transfer would not cause economic hardship or injury to efficient vessel operators already operating in that fishery.

On page 3, line 5, strike out "(6)" and insert "(7)"; on page 3, line 7, strike out "(7)" and insert "(8)", and on page 3, line 10, strike out "1968" and insert "1969".

Mr. BARTLETT. Mr. President, the House amendments have been cleared with the ranking Republicans on the Commerce Committee and with the majority and minority leaders.

Mr. DIRKSEN. Mr. President, so far as I know, this matter has been appropriately cleared. I ask unanimous consent, if the Senator from Massachusetts wishes to insert a statement at this point, that he may have the privilege of so doing.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARTLETT. Mr. President, I am quite sure that the Senator from Massachusetts will do so, because he has been one of the most ardent supporters of this measure which is very important to the New England fisheries industry. The bill is important to all segments of our fishing industry and to American fishermen on all coasts. I would like to add only that the careful and thoughtful implementation and administration of this legislation can contribute substantially to the development of the American fishing industry. A failure in the administration of the program could be a deterrent to future progress. I am confident that the Department of the Interior, and more particularly the Bureau of Commercial Fisheries, will do, as usual, an outstanding job of carrying out a program of progress for our fisheries.

I move that the Senate concur in the amendments of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska.

Mr. LAUSCHE. Mr. President, initially, when the subsidy was authorized for the construction of fishing vessels, I opposed the program. The argument was made that the fishing vessels of our country constituted a potential defense on the high seas in the event we became involved in international trouble.

I could not accept that argument. I still believe that it is unsound.

However, when the bill was passed several years ago, the subsidy had a limit of 33½ percent of the cost of the ship. True to form, the proponents of the measure now have sought to raise the subsidy from the level of 33½ to 55 percent.

I believe the bill involves an authorization of \$10 million a year for 5 years. It is reflective of the trend of the Congress to provide subsidies when segments of the economy come before Senate committees and argue that they cannot survive unless the taxpayers begin to make another gift of their dollars for the survival of the business.

Subsidies are being expanded. I anticipate that if I am in the Senate a number of years more, I shall witness each year new subsidies for new segments of the business of the Nation.

I believe that it is wrong. It contributes to negligent management. It contributes to labor unions making exces-

sive demands, knowing that if they are met the taxpayers of the country will dig down further into their pockets to pay the costs. That has been our experience in connection with the subsidies provided for the merchant marine traveling on the high seas under the U.S. flag. Year after year new demands are made. The taxpayer has to pay, although he knows nothing about it.

I shall vote against the amendments of the House. I shall do so on the basis of my deep conviction that our Government cannot continue to increase subsidies and establish new ones. It is not in the financial cards. It is bad. It is injurious to our system of government. It gives encouragement to other areas of industry to ask for subsidies. The net result will be that we shall be subsidizing everything. And we cannot do that without finally having to pay the piper for the music that is played.

Mr. SALTONSTALL. Mr. President, the Senate has before it again today S. 1006, to extend and expand the fishing vessel construction subsidy program for 5 years. As a cosponsor of the bill, which first passed the Senate last year, I urge acceptance of the House amendment so that the bill can be signed into law and its provisions become operable at the earliest possible time.

As I have stated many times before, it is essential that this country maintain an active and productive fishing industry. To do this we must assist our fishermen in the area of their greatest need—obtaining and operating modern, efficient vessels. Only under these circumstances can our fishing industry hope to compete successfully with the foreign fleets which are already operating in what we have considered our traditional fishing grounds.

We require our fishing vessels to be built in U.S. yards. Yet it has been proven over and over again that domestic construction is about 50 percent higher than similar vessel construction in foreign yards. With the exception of minor relief provided to a small segment of the industry over the past 3 years, the American fishing industry has borne the brunt of this competitive price differential. Most of our ships are old, many are worn out, and certainly lack the efficiency of the modern foreign fleets. I believe that it need only be pointed out again that the U.S. share of the total world fish catch has dropped from 13 to 7 percent since 1956. We have now dropped from second to fifth place among the fishing nations of the world.

Our fishing industry needs help now. We must provide it. We must assist our fishermen in obtaining the new, modern vessels and equipment required to keep this industry alive in its traditional prominent position among the leading fishing fleets of the world.

I join with the Senator from Alaska in supporting the amendments of the House on the construction of fishing vessels.

I am confident that if my colleague, the junior Senator from Massachusetts [Mr. KENNEDY] were present, he would

appreciate the opportunity to support these amendments, as I do.

I am glad that we have secured this assistance in the construction of fishing vessels. I hope it may be helpful in building our fishing industry, which is so necessary to do.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska [Mr. BARTLETT] to concur in the House amendments.

The motion was agreed to.

Mr. BARTLETT. Mr. President, now that the House amendments have been concurred in, I wish to say very briefly that the fishing vessel owners are in a peculiar position. The law enacted earlier provided that the owners of fishing vessels who desire to land their catches in U.S. ports must have their fishing boats built in domestic shipyards. Shipyards abroad will build an identical boat for about half the cost which is charged here.

This measure is designed principally to place the American fishermen on a basis of equality with foreign fishermen. I am sure that when the bill is enacted into law and becomes effective, our fishing industry will forge ahead.

New England has been interested in this measure.

I believe the fishing industry in New England has been wise in pressing for this legislation. I am sure that every coast of the United States will reap great benefits from its operation.

The help of both Senators from Massachusetts [Mr. SALTONSTALL and Mr. KENNEDY] has been really meaningful in the consideration of the many bills relating to fishing which have been considered during this session of the Congress.

It is our hope, our belief, and almost our knowledge that by reason of the passage of the bills, our fishing industry, which has lagged during recent years, will capture its rightful place in the world.

Mr. SALTONSTALL. Mr. President, we owe a great deal to the energy and ability of the Senator from Alaska [Mr. BARTLETT]. As the Senator and I well know, we need the most modern equipment in order to compete with other countries in the fishing industry. We hope this assistance in the construction of fishing vessels will be of help in this regard.

Mr. BARTLETT. And it will be, immediately. At Cape Cod there are 190 Soviet fishing vessels, not to mention the fishing vessels of other nations. The regrettable fact is that we do not have craft large enough to compete.

The bill will make it possible for our fishing people to acquire vessels of sufficient size to compete on the high seas.

Mr. SALTONSTALL. We, in Massachusetts, certainly hope so. I thank the Senator from Alaska.

NEED TO REVISE AMERICAN IMMIGRATION POLICY

Mr. KEATING. Mr. President, this morning's Wall Street Journal carried a most sensible editorial on the need to revamp American immigration policy.

The Journal is convinced that "most Americans believe it is wrong to discriminate against someone simply because he was born in the wrong place." The case against certain provisions of the current McCarran-Walter Act could not be stated more succinctly.

The Journal calls for the adoption of new selection criteria for immigrants emphasizing qualifications of skill and of kinship to American citizens of permanent residents of the United States. It also deems it "only fair not to turn down qualified applicants while places in the total allocation go unused." I could not agree more.

Mr. President, I ask unanimous consent that the text of the editorial entitled, "Improving Immigration Policy," be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Aug. 18, 1964]

IMPROVING IMMIGRATION POLICY

We're convinced most Americans believe it's wrong to discriminate against someone simply because he was born in the wrong place. For some reason, though, efforts to get our national immigration laws in line with that ideal have met persistent failure.

A House subcommittee recently held hearings on the latest of many proposals to eliminate the immigration law's national origins system, which determines a nation's immigration quota by the proportion of the U.S. population of that national extraction in 1924. The current law also contains specific provisions beyond the national quotas to limit immigration of orientals.

The latest proposals for change would distribute the overall quota of 165,000 immigrants without regard to national origins. Instead, up to half the quota would go to persons with special skills needed here, and up to another half to relatives of U.S. residents not eligible for nonquota status. Within these preferences, which are similar to ones currently used within national quotas, immigration permits would be granted in order of application. The bill contains provisions for moderating the change to a new system, such as retaining partial national quotas for 5 years.

These suggestions seem eminently reasonable, though they received scant attention in the last two sessions of Congress. They would insure that someone with talents the United States can use would not face lengthy delay because of his birthplace. They would eliminate hardships on separated families from Italy or Greece, who now sometimes must postpone reunion while large quotas for England and Ireland go unused.

It may be well to note that no one is suggesting anything as radical as abolishing limits on total immigration. This is obviously impractical, simply because more people would like to enter than we can accommodate without strain. The problem is how to select which applicants to admit.

There may be a certain amount of sense in accepting more immigrants from countries with close ethnic and cultural ties to the majority of our citizens. But it seems even more reasonable and fair to put the emphasis on such other qualifications as skills and kinship. And it seems only fair not to turn down qualified applicants while places in the total allocation go unused.

The national origins system has proved too cumbersome and inflexible to meet these simple tests of equity. The proposed changes might help put our immigration laws on somewhere near a rational basis.

Mr. BARTLETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. PROXMIRE. Mr. President, yesterday the distinguished Senator from Oregon [Mr. MORSE] delivered a brilliant speech on the pending amendment. One of the very persuasive analogies which he brought to the attention of the Senate was the morality which all of us learned in the playground and the morality that we learn when we play games. People learn that they must be fair and just, and everyone is treated alike. The Senator from Oregon pointed out that is exactly this principle—of treating everyone alike—that is at stake here.

I should like to quote briefly from an article entitled "A New U.S. Judicial System." It is along the line of what the distinguished Senator from Oregon was talking about. I shall then yield to the Senator from Oregon, who has a short statement on the pending amendment:

Suppose a baseball game is going on.

The score is 1 to 0. The team that is losing is at bat in the last of the ninth inning. The bases are loaded and there are two out. The count is three balls and two strikes.

The pitcher winds up and throws. The batter doesn't swing. All eyes are on the umpire to see if the pitch was a ball or a strike.

Then a strange thing happens. The umpire announces that he is not going to call whether it was a ball or a strike, but he is going to let the pitcher call whether it was a ball or a strike.

The pitcher says it was a strike. The game is over. The pitcher's team is the winner.

What if one's child was the batter and the pitch was over his head?

How could one ever explain to him what had happened? One would never be able to convince him that there was any fairness or sportsmanship connected with such a proceeding.

When a State takes away a right given in the Constitution and the Supreme Court refuses to hear the case and leaves the matter up to the State, it is similar to the umpire refusing to call the pitch and letting the pitcher call whether his own pitch was a ball or a strike.

So when a State takes away a right given in the Constitution and the Supreme Court under congressional duress refuses to hear the case for more than a year, it is similar to the umpire being yanked off the field, refusing to call the pitch and letting the pitcher call whether his own pitch was a ball or a strike. What the Dirksen amendment would do is strictly analogous. It would tell the "umpire" to walk off the field for a year

and not to call decisions on equal voting rights as the Court sees them. It means that the right, which we have augmented in the past several years and which is so fundamental, will be foregone for a period of at least a year and, as many of us interpret it, for as long as 5 or 6 years. Indeed if the Dirksen amendment succeeds in its purpose and a constitutional amendment passes ending one man, one vote, the end will be forever.

Mr. MORSE. Mr. President, ordinarily, Walter Lippmann is one of the bright spots on the editorial page of the Washington Post. But this column today is a thorough-going obfuscation of the apportionment issue.

Mr. Lippmann tells us that he thinks—

This great change in the political balance of power should have also the approval of Congress and be subjected to the test of a constitutional amendment.

Why should it have the approval of Congress? The powers of Congress are not plenary. There is the little matter of the powers of Congress being enumerated and the powers of the courts being enumerated in the Constitution.

I would have Mr. Lippmann read that section of the Constitution. His column this morning shows that he needs to refresh his memory with regard to the Constitution from beginning to end.

I do not believe there is any power given to Congress to tell the courts how they shall decide a certain class of cases. That is what the Dirksen amendment seeks to do. I share the view expressed by the Senator from New York [Mr. JAVITS] that any court would most likely ignore the language of the Dirksen amendment as an illegal and extra constitutional infringement on the judicial power.

A constitutional amendment on the matter is quite within the framework of that system. But I cannot discern from his column today whether Mr. Lippmann favors a constitutional amendment authorizing malapportionment. He says the reapportionment cases should "be subjected to the test of a constitutional amendment. Taking this to be the purpose of the Dirksen proposal, it seems to me sound and in the end desirable."

If Mr. Lippmann is saying that the end justifies the means, then he is straying far from his usual appreciation of the virtues of a constitutional system, especially ours. But the rest of his column seems to argue that reapportionment according to population is sound and should be encouraged.

Yet the only purpose of a constitutional amendment would be to put apportionment by population beyond the reach of achievement. The only purpose of a constitutional amendment—for which the Dirksen amendment is designed to gain time—is to freeze the very system Mr. Lippmann feels is outdated.

All the advocates of the Dirksen amendment—including Mr. Lippmann—have overlooked the history of most of these reapportionment cases. Reapportionment is not something the courts are forcing on the States in preemptory and arbitrary fashion. Take Oklahoma, for example, which is being cited as a State

in some kind of anarchy as a result of a reapportionment order.

The Federal Court first directed reapportionment in that State in 1962. But after listening to members of the State legislature faithfully promise to redistrict at the forthcoming session, the Court decided not to press its own order, but to give the legislature the opportunity of doing the job. Yet the State legislature came and went without acting on reapportionment.

I would like to have Mr. Lippmann tell us how long he thinks the States should be given to conform. These cases have been in the courts for years before a decision is ever reached. The legislatures have years of notice that they are going to have to bring themselves up to date. Even after the Court renders a decision, the States are still given the opportunity to do their own redistricting.

Let me tell Mr. Lippmann one of the facts of political life that he may not have heard: the purpose of the Dirksen amendment is not to give the States a breather in complying with Baker against Carr. The purpose of the rider is to give time for a constitutional amendment to be passed that will wipe out Baker against Carr for all time—if the supporters of the Dirksen amendment have their way.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. PROXMIRE. In the first place, let me say that this is an excellent speech. The Senator hits the issue right on the nose. The last point the Senator made is absolutely true. There is no question about it. The Senator from Illinois [Mr. DIRKSEN] has said so. He has said the purpose of the amendment is to provide time for a constitutional amendment. Such an amendment would freeze forever State after State on an area basis.

Mr. MORSE. I do not think there is any doubt about it.

Mr. McNAMARA. Mr. President, will the Senator yield for a question?

Mr. MORSE. I yield.

Mr. McNAMARA. Is it not true that, under the Dirksen amendment, the ratification of a constitutional amendment would take place under what the Supreme Court has ruled is an illegal setup?

Mr. MORSE. Of course. I am about to make that point. As I said yesterday, I think the Dirksen amendment is unconstitutional.

Ever since 1962, when Baker against Carr was handed down, every single malapportionment legislature has been on notice that it was going to have to reform itself to represent people. It can be said that the States have already had at least 2 years' breathing time even if they have not been subjected to a court case.

In specific cases, the courts have uniformly given the States the chance to do the job, sometimes setting a certain date on which reapportionment must have been carried out.

The courts are giving the States plenty of breathing time. They are giving the States plenty of opportunity to reapportion. I do not know of a single in-

stance where the Federal courts have put their own reapportionment plan into execution without first having given the State legislature or the appropriate State agency time in which to reapportion.

The complaints about the lack of breathing time do not really relate to the time needed to reapportion; they refer to the time needed to pass a constitutional amendment which will relieve them of the need to reapportion. And in the amendment process, who ratifies on behalf of the requisite three-fourths of the States? Why, the very same State legislatures that are malapportioned.

The purpose of the Dirksen amendment is to give the malapportioned legislatures a chance to save themselves by constitutional amendment and continue to thrust upon the electorate of this country the present evils of malapportioned legislatures.

Congress could provide that ratification be submitted to State conventions, but that process has not, to my knowledge, been used.

It must also be mentioned to Mr. Lippmann that there is no evidence of any confusion or disruption among the people as a whole over court orders on this matter. I have not received any comment from Oregon or elsewhere about it. Mr. Lippmann says there is no critical emergency which makes the delay proposed by Senator DIRKSEN intolerable. But neither is there any critical emergency that makes the delay desirable. The only people who are "terrified," to use Mr. Lippmann's word, by reapportionment are the local politicians who stand to have their safe, rottenborough seats taken away—and they should have been taken away from them long ago.

These districts have long been the foundation of rural and small town political organizations. Once they consisted of human population; today the content of that foundation has been eaten away to the point where it can only be propped up by constitutional amendment.

Far from preserving States rights and powers, the Dirksen amendment and any constitutional amendment that follows will destroy the States. These proposals will reduce the States to mere relics of history, preserved to keep some jobs safe for a small clique of local politicians but unable to function as useful governments because they no longer reflect the will of the people.

PEOPLE WILL HAVE NO VOICE IN MOST STATES

I also want to comment on something said yesterday about Oregon by the Senator from New York [Mr. JAVITS]. His remarks indicated that the people of the States should, through a constitutional amendment, be able to retain malapportionment if they want it. But I note that not many States give their people any voice in the matter. Only where apportionment is submitted to initiative or referendum would the people of a State, as contrasted from the political officeholders, have any chance to decide the issue.

Why in the world a malapportioned legislature should be allowed to decide this issue is beyond me. If the Senator

from New York [Mr. JAVITS] and others want the people to have a voice, the only way they can be given that voice is to give them a direct vote by way of initiative or referendum, which is what Oregon has. That is the way we got rid of the rotten boroughs. That is the way we achieved reapportionment. That is the way the voice of the people was heard. But I say to my friend from New York, who is a legal authority and a distinguished former attorney general of the State of New York, that if he thinks this problem is to be solved by having the legislatures do it, when they are already rotten to the core in the areas where malapportionment exists, he has another thought coming.

In my judgment, we must keep in mind what the Dirksen amendment would do. It would perpetuate this travesty. That is what the supporters of it want. They do not want one vote per person. They want people living in minority population areas to continue to control the legislatures and deprive the people of their rights.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. JAVITS. First let me thank the Senator for his high opinion of my legal ability. I reciprocate it.

Mr. MORSE. My high opinion of the Senator from New York is not limited to his legal ability.

Mr. JAVITS. Let me tell the Senator what I have in mind, and if he wants to make a critical analysis of it I am sure he will, in his usual, candid way, give it. I had in mind that an amendment to the U.S. Constitution should be adopted by three-fourths of the States, through their legislatures, which would entitle a State to amend its own constitution to provide that one house shall be apportioned not on the basis of population, and which required that the people of that State would have a right to judge whether or not they would amend their constitution. We face a serious situation in this regard. If the decisions of the Supreme Court on this subject, Baker against Carr and Reynolds against Sims, should be construed as meaning that the acts of our State legislatures are unlawful because so many of the State legislatures—44 out of 50—are based upon an apportionment which the Supreme Court has stricken down or would strike down, we are really in chaos.

In the final analysis, it seems to me, if there were time, the people of each State, including the State of Oregon, would have the opportunity, when it comes to amending their State constitution, to determine this question.

That was the limited point I was making in my statement on this subject yesterday.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. DOMINICK. I appreciate the fact that the Senator from Oregon is yielding to me. I shall be very brief. I could not let the statement with respect to the will of the people go by, without saying a word about Colorado.

We have the initiative and referendum in Colorado, and we put two con-

stitutional amendments on the ballot in 1962, one looking for equal population districts in both the house and the senate, and one looking to districts based on population and other elements for the senate.

By a 2-to-1 majority the one providing for what we call the Federal system, passed in every county of the State; the other one was rejected in every county of the State.

Now comes the Supreme Court and states, "We do not care about the will of the people; it cannot be weighed by that vote."

Mr. MORSE. I should like to make two points very quickly. The first is that, of course, the people of no one State alone, even if they have a greater vote, could prevent the Supreme Court from declaring what the constitutional rights of the American people are. The second point I wish to make is that I thoroughly endorse the Colorado system. It is the kind of system which I believe gives the ultimate assurance that the people will express their will.

If the people all over the country had the same power that the people of Colorado and the people of Oregon have, and they decided on a constitutional amendment which would have the effect of reversing the Supreme Court decision, or in amending their State constitutions, no one would find the Senator from Oregon raising one objection, because the people themselves would be making that determination.

The point I was making was that to have this matter decided by three-fourths of the legislatures, most of which are malapportioned, in my judgment, is letting the defendant write his own judgment.

Mr. DOMINICK. I appreciate the courtesy of the Senator yielding to me. I wished to get the Colorado situation into the RECORD.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. LAUSCHE. In connection with what the Senator has said, I should like to point out that in Ohio we have a provision in our constitution that every 20 years there must be submitted to the electorate the issue: "Shall there be a constitutional convention?"

That provision of the constitution was adopted in 1903. Three times that proposition was submitted to the electorate at a regular election. On each occasion the people voted down the issue that a convention shall be called.

I do know that the last time that issue was submitted, one of the principal questions argued was the alleged malassignment of legislative representatives to various areas.

Even in the face of that argument, which was vigorously made, the issue was turned down by the voters overwhelmingly. To recapitulate, on three occasions the arguments were made to the electorate that there was a malassignment of representation and that a constitutional convention should be called; yet on each occasion the voters turned down that proposal.

Mr. MORSE. Mr. President, I applaud that section of the Ohio constitu-

tion. However, even that section of the Constitution, when it is applied gives us no assurance that the people understood the great constitutional question that was raised by Baker against Carr. It gives no assurance that this issue of apportionment was controlling in their decision.

The point I am making is that if we are to have a constitutional amendment submitted—and I recognize what the terms of our Constitution are—I believe we will get closer to the will of the people if we have, in connection with this matter, a ratification by way of a constitutional convention rather than ratification by the legislatures, for the reason that the legislatures are malapportioned in most instances, and that is what the Supreme Court struck down in its landmark decision in Baker against Carr. And if any constitutional amendment is approved there is no assurance that the people will ever have any voice in the decision whether to retain malapportionment.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. LAUSCHE. The constitution of Ohio was amended in 1903. In that constitutional provision dealing with the assignment of representatives to the legislature it was stated that each county shall have at least one representative. Of course that would run head on into the argument that the selection must be based on population.

I point out, however, that when that amendment was submitted to the people of Ohio, that each county, regardless of population, shall have at least one representative, the people approved it by a vote of 98 percent to 2 percent.

Mr. MORSE. As the Senator knows, 1903 in Ohio was not 1964 in Ohio. In 1903 Ohio was a great rural State. In 1964 it is characterized by great industrialization and great population. In the intervening years great metropolitan areas have risen in Ohio. The result is that the people of the metropolitan areas of Ohio are being discriminated against so far as their voting power is concerned in favor of the sparsely populated counties.

Mr. LAUSCHE. The answer to that is that in 1952 there was submitted to the people of Ohio the question, "Shall we have a constitutional convention?" The proponents of the proposal, that a convention be had, argued that it was especially necessary in order to readjust the assignment of representatives and senators in the State. The people by an overwhelming vote again voted down the proposal. That was 1952, not 1903.

Mr. MORSE. My answer to that is that in 1962 the great landmark decision of the Supreme Court in Baker against Carr had not been handed down, and the people of Ohio had not been educated in regard to the constitutional guarantees to them and all other citizens that are provided in the decision. The people of Ohio are very, very intelligent, or the Senator from Ohio would not be a Member of the Senate.

Mr. LAUSCHE. That is the first issue on which I agree with the Senator from Oregon.

Mr. MORSE. I am satisfied that once the intelligent people of Ohio become educated to the great protection the Supreme Court has given them in Baker against Carr, they will not be of the same opinion still as they were in 1952. I have that faith in the electorate of Ohio. It is a justifiable faith because of the votes they gave to the Senator from Ohio [Mr. LAUSCHE]. They recognize that he, as their Senator, has a right to be mistaken now and then, as he is mistaken on the issue involving Baker against Carr.

Mr. LAUSCHE. Baker against Carr was decided in 1962, was it not?

Mr. MORSE. That is correct.

Mr. LAUSCHE. Does not the Senator from Oregon think that the people of Ohio and other States ought to have a little time to allow this omnipotent intelligence of the Supreme Court to percolate through their minds so that they will be able to adjust themselves to the decision?

Mr. MORSE. They are very apt, smart students. They do not need time ad infinitum to understand the decision.

Mr. LAUSCHE. I thank the Senator from Oregon.

Mr. MORSE. One does not insult them with an argument concerning what the people of Ohio will do. I will take my chances with them, once they understand the facts.

In most cases, the State constitutions would be revised or affirmed by the State legislature or through a procedure directed by the legislature. Where a State constitution already provides for apportionment by area, how would the people have any chance at all to voice an opinion about it, if they do not have the privilege of direct action?

The Senator from New York mentioned Oregon. Oregon reapportioned as recently as 1961, and is said to be the only State that apparently is not required to reapportion again subsequent to Baker against Carr.

The Senator from New York declared that the people of Oregon should have the right to area representation, if they want it. I want him to know that they have always had that right; they have exercised it, and they have rejected area representation. All this was done without reference to Supreme Court rulings, but it was done through the mechanism of initiative and referendum, without which Oregon would undoubtedly be as badly apportioned as are most other States.

The Oregon constitution itself, adopted in 1859, called for apportionment of both houses by population. As happened in so many States, the legislature failed to abide by the directive of the State constitution to reapportion after each census. Finally, in 1952, another provision in the State constitution—that of initiative—was invoked. In November of 1952, the voters by initiative reapportioned the State legislature.

After the 1960 census, reapportionment was carried out through the regular procedures of the State constitution

and an initiative was not necessary. That is why it is said that Oregon alone is not affected by the Supreme Court decisions.

Then there were some who thought area representation should replace population representation in the State constitution. So in November 1962, there was another initiative put on the ballot. It proposed an amendment to the State constitution repealing population and substituting area as a basis for apportionment.

This measure was overwhelmingly rejected. Sixty-two percent of the voters in that election voted it down.

Now, if there were the kind of people's choice the Senator from New York had in mind there might be something to be said for his proposals. He said:

I see no reason why the people of a State should not so decide.

But in most States the matter would be decided by those selfsame legislatures that are the object of the court cases. There would be no referendum, much less initiative.

The Supreme Court has spoken on a great constitutional guarantee. It would be presumptuous—it would be legislatively improper—for Congress, through the Dirksen amendment, to adopt this device for undercutting or undermining the decision of the Supreme Court and for seeking to accomplish a reversal of that decision.

I close with the point I made yesterday, for it is close to my heart. We are making a great mistake in connection with the Dirksen amendment. I am satisfied that it will feed those in this country who would like to fan into a fire a burning disrespect for the Supreme Court of the United States. The Dirksen amendment has the effect of undercutting and undermining respect for the Supreme Court. The Senate of the United States should not be a party to it. The amendment ought to go down to an overwhelming defeat.

I thank the Senator for yielding. If he will permit me to do so, I should like to say to him on the floor of the Senate what I have said to him privately: He and the others in his group who are seeking to take the necessary time to inform the American people about the issues involved in this dispute, and are seeking to focus public attention on the floor of the Senate these hours, are performing a highly patriotic legislative service to the people of the entire Nation.

Mr. PROXMIRE. I thank the senior Senator from Oregon.

Mr. MORSE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD the article entitled "The Dirksen Breather," written by Mr. Walter Lippmann, and published in the Washington Post of today, August 18, 1964. Since I criticized Mr. Lippmann's article in my speech, it would be unfair of me to have referred to it and not place it in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE DIRKSEN BREATHER

(By Walter Lippmann)

Although it is a bit awkward and rather inconvenient to make Congress deal with apportionment at the tail end of the session, the importance of the subject is overriding. The real issue, as I see it, is whether reapportionment of the State legislatures, which is necessary but also a far-reaching change of habit and custom, should be propelled by something more than the Federal courts alone—whether, that is to say, this great change in the political balance of power should have also the approval of Congress and be subjected to the test of a constitutional amendment. Taking this to be the purpose of the Dirksen proposal, it seems to me sound and in the end desirable.

The heart of the matter is that since about 1890 the United States, which was then composed two-thirds of people from farms and villages, has been transformed. Two-thirds of the Americans now live in cities or in the suburbs. But the apportionment of at least 44 of the State legislatures does not represent this change. In these 44 States, less than 40 percent of the people elect a controlling majority of the legislature. In 13 of these States, one-third or less of the people can elect a controlling majority of the legislature.

While the statistics of this misrepresentation cry out for reform, it is nevertheless true that the problem here, unlike that of the civil rights bill a few months ago, is not such a present danger that delay is intolerable. It is essential that the city and suburban people be properly represented in their State legislatures in order that they may be better able to deal with their pressing needs. But, there is no critical emergency which makes the delay proposed by Senator DIRKSEN intolerable.

There are also positive advantages in the Dirksen breather. It involves Congress, not only the Supreme Court, in the problem of apportionment, and the pause provided by the Dirksen rider may help to make the coming reapportionment seem less terrifying to those who will lose by it.

For many of us this will help to assuage a troubled conscience about the dilemma posed by the Supreme Court's decision in the Alabama case and Mr. Justice Harlan's dissenting opinion. The dissenting opinion argued powerfully against bringing the affairs of the State legislatures into the Federal courts. The opinion was, in my view, unanswerable but for one enormous fact. That is that the unrepresentative State legislatures are unwilling to reform themselves. The underrepresented voters in the cities and suburbs have little or no power to compel reform. In this situation, when there is indubitable evil for which there is no known legal remedy, the intervention of the Supreme Court was the only way of breaking the deadlock.

But such a choice of the lesser of two evils is not attractive, and as one of those troubled by it, I welcome Senator DIRKSEN's action in taking the question to Congress and to the amending process.

The public discussion, which will ensue, will be clarified if we distinguish the two principal arguments which have been used to justify the overrepresentation of the rural voters. One reason, which is as old as the Nation, is that the excitable working people in the cities are not to be trusted as against the stable and virtuous farmers, and that the representative system should be constructed so as to prevent the urban masses from ruling the State. This is the principle of the New York State constitution which was framed before the turn of the century.

This reason could prevail when the city people were still a minority. It cannot prevail much longer now that they have become a preponderant majority.

But there is another reason, closely related in practice but separate in theory. It is, as Madison put it, that it is necessary to "refine the will of the people," and that one of the best ways of doing this is to have a legislature with two houses in which the upper house is more stable and more conservative.

The real question which will confront the States is how to construct senates in which, though all voters are equal, the senators will check and balance the lower house.

It is not an insoluble problem. The States will have to deal with the problem by making the senatorial districts larger and the number of senators smaller. Each senator will therefore represent a much more varied constituency than a member of the lower house. The States can give the senators a longer term and higher pay. This will tend to give the senators a broader view, a less hurried view, more honor, a greater independence and sense of responsibility.

These are ways to refine the will of the people without obstructing it.

Mr. PROXMIER. Mr. President, not only is Mr. Walter Lippmann a highly influential columnist; not only are his writings read all over America; but he is regarded as a man of integrity, towering ability, and profound understanding. When he writes as he has written on this subject, what he says must carry weight with thoughtful people everywhere. It is most unfortunate—in my judgment, it is a real tragedy—that Mr. Lippmann has not taken more time to study this Dirksen amendment. I earnestly hope that he will read the remarks of the distinguished Senator from Oregon, which I believe are absolutely irrefutable and unanswerable, if one considers what the Dirksen amendment will do.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 2288) for the relief of John J. Feeney.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H.R. 7073. An act to amend the Consolidated Farmers Home Administration Act of 1961 in order to increase the limitation on the amount of loans which may be insured under subtitle A of such act;

H.R. 9638. An act to amend section 27 of the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of phosphate on the public domain;

H.R. 9803. An act to authorize the Secretary of the Army to acquire the building constructed on the Fort Jay Military Reservation, N.Y., by the Young Men's Christian Association;

H.R. 11960. An act to authorize the exchange of public domain lands heretofore withdrawn and reserved for the use of the Hanford project of the Atomic Energy Commission, and for other purposes;

H.R. 12091. An act to authorize the disposal, without regard to the prescribed 6-month waiting period, of approximately 9,500,000 pounds of sisal from the national stockpile;

H.R. 12278. An act to authorize the Secretary of the Navy to convey to the city of Sunnyvale, State of California, certain lands in the county of Santa Clara, State of California, in exchange for certain other lands; and

H.J. Res. 793. Joint resolution authorizing the United Spanish War Veterans to erect a memorial in the District of Columbia or its environs.

The message further announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 274. Concurrent resolution accepting the statue of Father Eusebio Francisco Kino, of Arizona, presented by the State of Arizona, to be placed in the Statuary Hall collection;

H. Con. Res. 320. Concurrent resolution to express the sense of the Congress on disposal from the national stockpile of certain materials; and

H. Con. Res. 343. Concurrent resolution expressing the sense of the Congress with respect to the enforcement of the provisions of article 19 of the United Nations Charter.

HOUSE BILLS AND JOINT RESOLUTION REFERRED OR PLACED ON CALENDAR

The following bills and joint resolution were severally read twice by their titles and referred or placed on the calendar, as indicated:

H.R. 7073. An act to amend the Consolidated Farmers Home Administration Act of 1961 in order to increase the limitation on the amount of loans which may be insured under subtitle A of such act; to the Committee on Agriculture and Forestry.

H.R. 9638. An act to amend section 27 of the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of phosphate on the public domain; and

H.R. 11960. An act to authorize the exchange of public domain lands heretofore withdrawn and reserved for the use of the Hanford project of the Atomic Energy Commission, and for other purposes; placed on the calendar.

H.R. 9803. An act to authorize the Secretary of the Army to acquire the building constructed on the Fort Jay Military Reservation, N.Y., by the Young Men's Christian Association;

H.R. 12091. An act to authorize the disposal, without regard to the prescribed 6-month waiting period, of approximately 9,500,000 pounds of sisal from the national stockpile; and

H.R. 12278. An act to authorize the Secretary of the Navy to convey to the city of Sunnyvale, State of California, certain lands in the county of Santa Clara, State of California, in exchange for certain other lands; to the Committee on Armed Services.

H.J. Res. 793. Joint resolution authorizing the United Spanish War Veterans to erect a memorial in the District of Columbia or its environs; to the Committee on Rules and Administration.

HOUSE CONCURRENT RESOLUTIONS REFERRED

The following concurrent resolutions were referred as indicated:

To the Committee on Rules and Administration:

H. Con. Res. 274. Concurrent resolution accepting the statue of Father Eusebio Francisco Kino, of Arizona, presented by the State of Arizona, to be placed in the Statuary Hall collection.

Resolved by the House of Representatives (the Senate concurring), That the statue of Father Eusebio Francisco Kino, presented by the State of Arizona, to be placed in the Statuary Hall collection, is accepted in the

name of the United States, and that the thanks of the Congress be tendered said State for the contribution of the statue of one of its most eminent pioneers, illustrious for his early missionary work, exploration, and cartography; and be it further

Resolved, That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the Governor of Arizona.

To the Committee on Armed Services:

H. Con. Res. 320. Concurrent resolution to express the sense of the Congress on disposal from the national stockpile of certain materials.

Resolved by the House of Representatives (the Senate concurring), That the Congress expressly approves, pursuant to section 3(e) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b(e)), the disposal from the national stockpile of the following materials in approximately the following quantities:

1. One thousand five hundred and sixty-seven short tons of Bolivian blue (soft) crocidolite asbestos.
2. One hundred and sixty-five short tons (copper content) of copper and copper base alloys in scrap and thin strip form.
3. Three hundred and sixty-six short tons of cupro-nickel ingots.
4. Three hundred and fifty-five pieces of diamond dies.
5. Forty-six thousand eight hundred pounds of lead castings.
6. Two hundred and twenty thousand two hundred and thirty pounds of punch mica.
7. Sixty-six thousand eight hundred and thirty-four pounds of nickel in fabricated and miscellaneous forms, such as wire, tubing, anodes, cathodes, pellets, and cut cathodes.
8. Twenty-five thousand seven hundred and forty pounds of tantalum in various forms.
9. Two hundred and twenty-one thousand and eighty-seven pounds of zinc in the form of engraving plates.
10. Two hundred and fifty short tons of low-grade manganese ore.

To the Committee on Foreign Relations:
H. Con. Res. 343. Concurrent resolution expressing the sense of the Congress with respect to the enforcement of the provisions of article 19 of the United Nations Charter.

Whereas one hundred and thirteen nations have accepted the obligations of the Charter of the United Nations to maintain international peace and security and have agreed "to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace"; and

Whereas the International Court of Justice in an advisory opinion on July 20, 1962, held that expenditures for peacekeeping operations constitute expenses of the Organization which shall be borne by the members as apportioned by the General Assembly under article 17 of the United Nations Charter; and

Whereas the advisory opinion of the International Court of Justice was accepted by the General Assembly in a resolution on December 19, 1962, by a vote of seventy-six in favor, seventeen against, and eight abstentions; and

Whereas article 19 of the United Nations Charter provides that a member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the

contributions due from it for the preceding two full years, unless relieved of that penalty by a vote of the General Assembly on the grounds that "the failure to pay is due to conditions beyond the control of the member"; and

Whereas at the convening of the Nineteenth General Assembly of the United Nations in 1964, certain members of the United Nations which are now in arrears may fall within the purview of the provisions of article 19 of the United Nations Charter; and

Whereas legislation has been enacted expressing the sense of the Congress that "the United Nations should take immediate steps to give effect to the advisory opinion of the International Court of Justice on the financial obligations of members of the United Nations in order to assure prompt payment of all assessments, including assessments to cover the cost of operations to maintain or restore international peace and security": Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President should direct the Permanent United States Delegate to the United Nations to continue efforts toward securing payment by members of the United Nations of their assessments in arrears. It is further the sense of the Congress that if, upon the convening of the Nineteenth General Assembly, the arrears of any member of the United Nations equals or exceeds the amount of the contribution due from it for the preceding two full years, the President should direct the Permanent United States Delegate to make every effort to assure invocation of the penalty provisions of article 19 of the Charter of the United Nations.

FREE IMPORTATION OF WILD ANIMALS; QUOTAS ON CERTAIN MEAT IMPORTS—CONFERENCE REPORT

Mr. BYRD of Virginia. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1839) to amend the Tariff Act of 1930 to provide for the free importation of wild animals and wild birds which are intended for exhibition in the United States. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. RIBICOFF in the chair). The report will be read for the information of the Senate.

The legislative clerk read the report.
(For conference report see House proceedings of August 17, 1964, p. 19293, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. BYRD of Virginia. Mr. President, I call up the conference report on H.R. 1839. This bill provides for meat import quotas and for free importation of certain wild birds and animals.

With respect to meat imports, it will be recalled that the Senate bill imposed quotas on beef, veal, lamb, and mutton and certain beef products. These quotas were limited to the average annual imports of the products in the 5-year period 1959-63. The conferees agreed on a substitute for this Senate amendment. This substitute provides for quotas on beef, veal, and mutton imports by re-

quiring the President to proclaim quotas whenever the Secretary of Agriculture estimates that, in the absence of quotas, aggregate imports of these meats would exceed 110 percent of the average annual import of these meats during the 5-year period 1959-63. When it is estimated that imports may exceed this level the President must proclaim quotas which will limit imports to the 1959-63 level, adjusted for growth in the domestic market.

Specifically, the bill provides for the imposition of quotas whenever the imports of beef, veal, and mutton exceed 725,400,000 pounds plus an allowance for growth of the market. By the growth formula in the substitute, estimates of commercial production of beef, veal, and mutton for the current and the 2 preceding years are compared with commercial production for the period 1959-63. This adjustment is illustrated as follows from statistics furnished by the Department of Agriculture:

MEAT IMPORT CONTROL

What this law provides is a fixed quota for the major beef, veal, and mutton items which would be increased in the future in the same ratio that commercial production in the United States increases in the future, as compared with the average commercial production in the 5-year base period of 1959-63. For example, in the 5-year base period U.S. commercial production of beef, veal, and mutton were as follows:

	Pounds
1959-----	14,197,000,000
1960-----	15,446,000,000
1961-----	15,937,000,000
1962-----	15,917,000,000
1963-----	16,938,000,000

The annual average commercial production for these 5 years was 15,687 million pounds.

The U.S. commercial production in 1963 was 16,938 million pounds; in 1964 it was estimated at 18,500 million pounds, and in 1965, it was tentatively estimated at 19,400 million pounds. The annual average commercial production for these 3 years would then be 18,279 million pounds.

The commercial production in the 3-year period 1963-65 exceeded the annual average commercial production in the base period 1959-63 by 16.5 percent.

Applying this percentage increase to the 725,400,000 pounds specified in the bill, the import quota if needed in 1965 would be established at 845,100,000 pounds. This would compare with actual imports of 1,049 million pounds of these products in 1963.

Under the conference substitute the quota of 845,100,000 pounds would be proclaimed by the President for 1965 if the Secretary estimated that imports would exceed 110 percent of that amount or 929,610,000 pounds.

As this example illustrates, after taking into account the growth factor, the conference agreement represents a potential cutback in meat imports of 19.4 percent over actual imports in 1963. Taking into account the 10-percent leeway that the conference agreement provides before quotas are triggered, the conference agreement represents a cutback of 11.4 percent over actual imports in 1963.

The conference agreement requires the Secretary of Agriculture to make quarterly determinations of estimated meat imports and if for any quarter the 110-percent test is equalled or exceeded, the President is required to proclaim the

Aug. 19, 1964

16. WATERSHEDS. The Subcommittee on Conservation and Credit of the Agriculture Committee approved five watershed projects, and reported them to the full committee. p. D721
17. TOBACCO LABELING. The "Daily Digest" states that the Interstate and Foreign Commerce Committee met in executive session and directed the chairman to write a letter to the Federal Trade Commission requesting a postponement of the effective date of the Commission's report on labeling of cigarettes for 6 months. p. D721
18. LEGISLATIVE PROGRAM. The "Daily Digest" states that on Thurs. the House will act on conference reports on the agricultural appropriations and the military construction appropriation bills; and on H. R. 3869, technical agricultural assistance to Guam. p. D721

SENATE

19. NOMINATION. Confirmed the nomination of John A. Schnittker to the CCC Board. p. 19739
20. FOREIGN AID. Continued debate on H. R. 11380, the foreign-aid authorization bill. pp. 19792-3
21. POVERTY. Sen. Young, Ohio, inserted an editorial outlining the benefits Cleveland will receive from the poverty bill. p. 19752
22. LANDS; FIRES. Sen. Bible announced that he intended to seek supplemental appropriations for rehabilitation of the area burned out in Nev. pp. 19760-1
23. ASC COMMITTEEMEN. Passed as reported S. 1253, to amend section 8(b) of the Soil Conservation and Domestic Allotment Act to provide 3 year terms for county committeemen, and then reconsidered the vote and indefinitely postponed action after passing without amendment H. R. 9178, a similar bill. This bill will now be sent to the President. pp. 19766-7, 19792
24. WILDLIFE. Agreed to the conference report on S. 793, to provide a permanent basis for the management of the four wildlife refuges in the Klamath River Basin of Calif. and Ore. This bill will now be sent to the President. pp. 19824-6
25. PUBLIC LAW 480. Passed with amendment S. 2687, to extend Public Law 480. Agreed to the committee amendment in the nature of a substitute, to an amendment by Sen. Aiken of a perfecting nature, and to an amendment by Sen. Javits adding friendly countries dominated by Communist China as areas the U. S. seeks to make independent of trade with the Communist bloc. pp. 19772-3, 19777-92
26. RECLAMATION. Concurred in the House amendment to S. 26, to authorize the Secretary of the Interior to construct, operate and maintain the Dixie project, Utah. This bill will now be sent to the President. pp. 19773-6
- The Interior and Insular Affairs Committee reported without amendment S. 3053, to increase the authorizations for construction of the Riverton Federal reclamation project (S. Rept. 1478), and with amendment H. R. 3672, to provide for the construction, operation, and maintenance of the Savery-Pot Hook, Bostwick Park, and Fruitland Mesa participating reclamation projects under the Colorado River Storage Project Act (S. Rept. 1479). p. 19740

27. LABOR, HEALTH, EDUCATION AND WELFARE APPROPRIATION BILL, 1965. Passed with amendments this bill, H. R. 10809. Conferees were appointed. pp. 19792, 19794-824, 19826
28. LEGISLATIVE PROGRAM. Sen. Mansfield announced that today, Thurs., the Senate would consider the conference reports on the Northwest power intertie and wilderness bills and possibly the Appalachia bill. pp. 19814-5
29. THE SENATE PROCEEDINGS for Aug. 19, 1964 will be continued in the next issue of the Record. p. 19849

BILLS INTRODUCED

30. PERSONNEL. H. R. 12439, by Rep. Tollefson, to correct inequities in the operation of the annuity commencing date provisions of section 3(b) of the act of June 25, 1958, relating to the payment of civil service retirement annuities to certain unmarried widows and widowers; to Post Office and Civil Service Committee.
31. FOREIGN AID. H. R. 12441, by Rep. Cleveland, to provide that U. S. foreign aid shall not be used by recipient countries to conduct activities directed toward obtaining foreign aid from the United States; to Foreign Affairs Committee.
32. HOLIDAY. H.R. 12443, by Rep. Kunkel, making Columbus Day a legal holiday; to Judiciary Committee.

BILL APPROVED BY THE PRESIDENT

33. COMMISSION. H. R. 11611, to establish a National Commission on Technology, Automation, and Economic Progress. Approved Aug. 19, 1964 (Public Law 88-444).

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COMMITTEE HEARINGS AUG. 20:

Water resources, H. Interior (exec).

Appalachian bill, H. Rules.

Extend Public Law 480, H. Rules.

Food additives--transitional provisions, H. Rules.

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which many of us believe have not been utilized to the fullest in the past.

Mr. ELLENDER. I share the views expressed by the Senator from Arkansas. I believe such a study is long overdue. Speaking for myself—but I am sure the committee as a whole would agree—there would be no objection to the formation of such a Committee as he has suggested, to the end of finding better ways and means of utilizing the currencies.

Mr. FULBRIGHT. The personnel of the Committee, since it would include the chairman of the Senate committee, would be well established. I hope the Senate will accept the House language.

Mr. ELLENDER. It would be a good Committee.

Mr. FULBRIGHT. It will be an excellent Committee. I thank the Senator.

Mr. AIKEN. Mr. President, when the Senate was considering the extension of the food-for-peace law, Public Law 480, earlier in the day, the distinguished senior Senator from Kentucky [Mr. COOPER] was necessarily absent. He has, however, prepared a statement setting forth his views on the extension of Public Law 480.

I ask unanimous consent that the statement be printed at the proper place in the RECORD, when the discussion took place on the extension of the act.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR COOPER

I have supported Public Law 480, often referred to as the food-for-peace program, since its development and enactment in 1954 under President Eisenhower. As a member of the Senate Committee on Agriculture and Forestry, and in the Senate, I have been able to take part in the continued development and to vote for extensions of the program.

Public Law 480 has encouraged and made possible increased exports of American farm products—building expanded markets abroad and putting to good use our agricultural plenty in ways that support and greatly benefit farmers in Kentucky and all parts of the Nation. It has helped to meet the food and fiber needs of dozens of countries in transition which are short of dollars and are struggling to meet the demands of their developing and growing economies. It makes available for a wide variety of worthy purposes, largely through loans and consistent with our programs of assistance and the interest of the United States, the foreign currencies generated by the increased sales of American farm products—which could otherwise become a burden upon our farm price support and surplus disposal programs.

Public Law 480 has had wide support in the Congress and in the country. It is one program which brings into harmony the problems of abundant agricultural production in this country and hunger in the world—striking directly at a paradoxical situation so often cited as a challenge to our ingenuity.

I am very glad to support the extension for 2 years of titles I and II of Public Law 480, as I have supported extensions of the program in the past, and I hope the Senate and the Congress will vote to continue the successful operation of the food-for-peace program.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If

there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 2687) was passed, as follows:

S. 2687

An act to extend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Trade Development and Assistance Act of 1954, as amended, is further amended as follows:

(1) Section 101 of such Act is amended by striking out in subsection (f) the words "from the government or agencies thereof" and further by striking the period at the end of subsection (f) and adding the following: ", and which are not less favorable than the highest of exchange rates obtainable by any other nation."

(2) Section 101 of such Act is amended by adding at the end thereof the following new subsection:

"(g) require such foreign currencies to be convertible to dollars to the extent consistent with effectuation of the purposes of this Act."

(3) Section 102 of such Act is amended by adding at the end thereof the following: "The Commodity Credit Corporation shall finance ocean freight charges under this section only to the extent that such charges are higher (than would otherwise be the case) by reason of a requirement that the commodities be transported in United States-flag vessels."

(4) Section 103(a) of such Act is amended by adding at the end thereof the following: "In presenting his budget, the President shall classify expenditures under this Act as expenditures for international affairs and finance rather than for agriculture and agricultural resources."

(5) Effective January 1, 1965, section 103 (b) of such Act is amended to read as follows:

"(b) Agreements shall not be entered into under this title during the period beginning January 1, 1965, and ending December 31, 1966, which will call for appropriations to reimburse the Commodity Credit Corporation in a total amount in excess of \$2,700,000,000 plus any amount by which agreements entered into in prior years have called or will call for appropriations to reimburse the Commodity Credit Corporation in amounts less than authorized for such prior years by this Act as in effect during such years: *Provided*, That agreements shall not be entered into during any calendar year of such period which will call for appropriations to reimburse the Commodity Credit Corporation in amounts in excess of \$2,500,000,000."

(6) Section 104 of such Act is amended by striking out in subsection (c) the word "military" and inserting after the words "common defense" the words "including internal security".

(7) Section 104 of such Act is amended by striking from subsection (e) the words "not more than 25 per centum of the currencies received pursuant to each such agreement shall be available" and substituting "currencies shall also be available to the maximum usable extent."

(8) Section 104 of such Act is amended (1) by striking out, in the first proviso following subsection (s), "subsections (d) and (e) and for payment of United States obligations involving grants under subsection (f)" and

inserting in lieu thereof "this section, and to all foreign currencies derived from payments of interest or repayments of principal of loans made under this section,"; and (ii) by striking out the second proviso following subsection (s).

(9) Section 104 of such Act is amended by adding at the end thereof the following: "No agreement hereunder shall impose any restrictions not contained in this section on the use to meet the requirements of United States Government agencies in the importing country of local currencies not devoted to subsection (c), (d), (e), or (g). Any such currencies shall under the terms of the agreement be made legal tender or convertible into legal tender for the purpose of any obligation of the United States or any of its agencies to the government of the importing country or any of its agencies. Any loan made under the authority of this section shall bear interest at such rate as the President may determine but not less than the cost of funds to the United States Treasury, taking into consideration the current average market yields on outstanding marketable obligations of the United States having maturity comparable to the maturity of such loans."

(10) Section 108 of such Act is amended by striking out the words "six months" and inserting in lieu thereof the word "year".

(11) Section 203 of such Act is amended (i) by striking out "1961" and substituting "1965"; (ii) by striking out "1964" and substituting "1966"; (iii) by striking out "\$300,000,000", and substituting "\$375,000,000"; and (iv) by inserting after "charges for general average contributions arising out of the ocean transport of commodities transferred pursuant hereto" the following: "or donated under said section 416, section 308 of this Act or section 9 of the Act of September 6, 1958 (72 Stat. 1790)". Clauses (i), (ii), and (iii) hereof shall not become effective until January 1, 1965.

(12) Sections 109 and 204 of such Act are amended by striking out "1964" and inserting "1966".

(13) Clause (1) of section 304(a) of such Act is amended by inserting after the words "Union of Soviet Socialist Republics" the words "or the Communist regime in China."

(14) The first sentence of section 403 of such Act is amended by striking out the words "more than" and inserting the words "less than".

SEC. 2. Subsection (b) of section 612 of the Foreign Assistance Act of 1961, as amended, is amended (1) by redesignating it as subsection (t) of section 104 of the Agricultural Trade Development and Assistance Act of 1954, as amended.

(2) By inserting after the subsection designation the following: "For sale to United States citizens as provided herein."

(3) By striking "this Act" and substituting "the Foreign Assistance Act of 1961, as amended."

(4) By changing the period at the end of the subsection to a comma and adding "except that in the case of any such foreign currencies acquired through operations under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, the United States dollars received from the sale of such foreign currencies shall be deposited to the account of the Commodity Credit Corporation and shall be treated as a reimbursement to Community Credit Corporation under section 105 of this Act."

SEC. 3. Notwithstanding any other provision of law, the Commodity Credit Corporation, in order to encourage exports of extra long staple cotton which is in surplus supply, is directed to sell or otherwise make available for export extra long staple cotton at prices not in excess of the prices at which cotton of comparable qualities is being offered by other exporting countries. Such

cotton shall be sold or otherwise made available for export as long as such cotton is in surplus supply as determined pursuant to the provision of section 106 of the Agricultural Trade Development and Assistance Act.

Mr. MANSFIELD. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. BYRD of West Virginia. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the bill which we just considered, S. 2687, be printed, as passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

A BILL TO AMEND SECTION 8(b) OF THE SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT, AND FOR OTHER PURPOSES

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House.

The PRESIDING OFFICER laid before the Senate the bill (H.R. 9178) which was read twice by its title.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to proceed to the immediate consideration of the bill.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill? The Chair hears none, and it is so ordered.

The Senate proceeded to consider the bill, which was ordered to a third reading, read the third time, and passed.

AMENDMENT OF SECTION 8(b) OF THE SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT, AND FOR OTHER PURPOSES

Mr. MANSFIELD. Mr. President, I move that the Senate reconsider the vote by which Senate bill 1253, a similar bill, was passed today, and that the bill be indefinitely postponed.

The motion was agreed to.

APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES FOR THE FISCAL YEAR ENDING JUNE 30, 1965, AND FOR OTHER PURPOSES

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD of West Virginia. Mr. President, I yield to the majority leader.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily and that the Senate proceed to the consideration of Calendar Order No. 1396, H.R. 10809, that it be laid down and made the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 10809) making appropriations for the Departments of Labor, Health, Educa-

tion, and Welfare, and related agencies for the fiscal year ending June 30, 1965, and for other purposes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I yield to the Senator from Connecticut.

Mr. RIBICOFF. Mr. President, there are several points about the Dirksen amendment which have not been adequately discussed. Before coming to these, I would like to examine the very premise of the amendment. As I understand Senator DIRKSEN's position, he is proposing that enforcement of the Supreme Court's apportionment ruling be delayed so that there will be time to adopt a constitutional amendment reversing that decision. Now, on the surface that is a plausible position. Surely those who oppose a Supreme Court decision interpreting our Constitution have a perfect right to press for a constitutional amendment. The 14th amendment itself was a decision by Congress and the people to change a constitutional interpretation of the Supreme Court. Personally, I would be opposed to the type of constitutional amendment Senator DIRKSEN has in mind, but I do not question his right to present his amendment and have it considered.

The issue raised by the pending rider, however, has nothing to do with whether there should be a constitutional amendment. The real issue is more basic. It is whether any constitutional amendment that may be proposed should be adopted by constitutional or unconstitutional means.

The real issue is whether the State legislatures that may one day consider a constitutional amendment will be constitutionally apportioned or unconstitutionally apportioned.

The real thrust of Senator DIRKSEN's rider is to make sure that his proposed constitutional amendment comes up for ratification in State legislatures which are unconstitutionally apportioned. Indeed, the argument from some of the proponents has been made with refreshing candor. They have argued that unless the Court's decision is stayed for at least 2 years, the States will go ahead

and reapportion, and then, so the argument continues, it will be too late to reverse the result by constitutional amendment. Therefore, they want to make sure that the present arrangements are frozen so that illegally apportioned legislatures get to vote on whether to make themselves legal by amending the Constitution.

It would be unconscionable to let malapportioned legislatures make the decision as to whether malapportionment is to continue.

And what of the argument that after reapportionment, it will be too late? This is saying that a population-based legislature might not vote to go back to a system based partly on geography. Yet the proponents are not the least troubled by the certainty that the existing legislatures would never go forward to a system based on population.

As a matter of fact, population-based legislatures might well give full and fair consideration to a constitutional amendment allowing some variation from strict adherence to population. After all, such proposals have been approved in some States by a majority of all the voters. And a population-based legislature would reflect the sentiment of such a majority.

But a minority-controlled legislature could scarcely be expected to do anything but cling to the system which gives control to the minority.

The issue should not, however, turn on our prediction of what a legislature might do in the future. Our concern should be to make sure that any proposed amendment is considered in a constitutional way. That can occur only if the States go ahead and reapportion. Then we will have lawful legislatures empowered to consider whatever amendment Senator DIRKSEN or others might care to propose.

To adopt the Dirksen "freeze" is to let the boy caught with his hand in the cookie jar decide whether he is to continue his illegal nourishment.

Beyond this most basic argument, the proponents have also contended that delay is necessary to avoid confusion. In my own State of Connecticut, and in many others as well, I believe delay will only add to confusion.

Connecticut now has a special session of its general assembly in progress trying to work out a reapportionment plan that conforms to the Supreme Court ruling. Good faith efforts are being made to reach a constitutional result. Should these efforts be brought to a halt by a stay of the district court's order, confusion will surely be compounded. We will not be sure whether there can be an election for State legislators this November. We will not be sure how to nominate for such positions. We will not be sure what powers such a legislature would have. In short, a situation that is now on the track, moving to a solution, would be derailed into chaos.

There may well be some situations around the country where a stay is in the public interest. If that is so, no legislation is needed to authorize the district courts to grant such a stay. They have such power now.

But in Connecticut a stay would certainly not be in the public interest. Very likely the Dirksen rider would not require a stay in the Connecticut case in any event, since the pendency of the special session surely must be the kind of "high unusual circumstances" which the rider itself exempts from congressional interference. But I think it would be most unfortunate to pass the rider and then have to go back to court just to get a ruling that the rider does not cover the Connecticut case. The delay needed just to get such a ruling would greatly complicate and confuse our situation.

On another point, let me make one suggestion to Senator DIRKSEN. He has defended his rider on the grounds that it secures States rights and he has resisted the argument that the rider should really be known as the "rotten borough" amendment. If his intention is not to cater to the rotten boroughs, but sincerely to concern himself with the interests of the States, then why does he provide that any member of a State legislature, no matter how "rotten" his borough, may come into court to delay reapportionment? If his concern is for the States, then let a stay be requested only when it is thought to be appropriate by the one official in every State who is elected by all the people of each State—the Governor. If delay would really serve the interests of a State, the Governor knows this. If anyone is to be given the power to request a mandatory stay, it should be the Governor who is elected by all the people.

It is most unfortunate that we should have to deal with this matter now, in the midst of the many pressures and distractions that always arise in the closing days of a session; on extremely short notice and without benefit of hearings or a report by the committee which, under the Senate's rules, should properly consider this weighty matter.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 284. An act for the relief of Ethel R. Loop, the widow of Carl R. Loop; and

S. 2944. An act for the relief of the Greater Southeast Community Hospital Foundation, Inc.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3049) to extend and amend laws relating to housing, urban renewal, and community facilities, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 12196) to amend the District of Columbia Police and Firemen's Salary Act of 1958, as amended, to increase salaries, to adjust pay alignment, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two

Houses thereon, and that Mr. McMILLAN, Mr. DOWDY, Mr. WHITENER, Mr. HORTON, and Mr. HARSHA were appointed managers on the part of the House at the conference.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore:

H.R. 1172. An act for the relief of Rolando de la Torre Arceo and John Anthony Arceo;

H.R. 1262. An act for the relief of Mrs. Maisie Magdalene Lim Ketchens;

H.R. 1341. An act to require passenger-carrying motor vehicles purchased for use by the Federal Government to meet certain passenger safety standards;

H.R. 2324. An act for the relief of Rosa Stefano Ratajczak;

H.R. 6040. An act for the relief of Chrisoula Baker;

H.R. 6578. An act for the relief of Mrs. Cesira Doddy;

H.R. 7132. An act for the relief of Wetsel-Ovliatt Lumber Co., Inc., Omo Ranch, El Dorado County, Calif.;

H.R. 7617. An act for the relief of Vula Roed;

H.R. 8399. An act for the relief of Mrs. Edeltraud Englisch Franklin;

H.R. 9150. An act for the relief of Miss Leonor do Rozario de Medeiros (Leonor Medeiros);

H.R. 9290. An act for the relief of Danny Hiromi Oyama;

H.R. 9510. An act for the relief of Young Soon Kim and Tai Ung Choi; and

H.R. 11118. An act to provide for the disposition of funds from judgments in favor of the Nehalem Band of the Tillamook Indians and the Tillamook Band of the Tillamook Indians.

VISIT TO THE SENATE BY MEMBERS OF THE GERMAN PARLIAMENT

Mr. CARLSON. Mr. President, we are honored today to have with us in the Senate Chamber Parliamentarians from the Federal Republic of Germany. They are members of the Bundestag. With us are Mr. Holger Boerner, a member of the Social Democratic Party; Mr. Herman Duerr, a member of the Free Democratic Party; Mr. Harry Liehr, a member of the Social Democratic Party; and Mr. Linus Memmel, a member of the Christian Social Party.

We are honored by their presence. They represent in their Parliament a great country which has been and is associated with us in preserving the principles of freedom and democracy for which our Nation has stood and is now standing. They represent a nation that is willing to be with us and serve with us in NATO, which is also a part of the great effort for the preservation of freedom. [Applause, Senators rising.]

I shall ask our guests to rise and, if it would be agreeable to the Presiding Officer, I ask unanimous consent that the Senate stand in recess for 3 or 4 minutes in order that Senators may shake hands with them.

The PRESIDING OFFICER. The Chair extends to our guests a hearty greeting, and hopes that their visit will be interesting.

There being no objection (at 2 o'clock and 27 minutes p.m.) the Senate took a recess.

At 2 o'clock 32 minutes p.m., the Senate reassembled, on being called to order by the Presiding Officer (Mr. MCINTYRE in the chair).

CORRECTION OF INEQUITIES IN CONSTRUCTION OF FISHING VESSELS

Mr. MAGNUSON. Mr. President, I ask that the Chair lay before the Senate the amendment of the House to S. 1106, a bill to correct inequities in the construction of fishing vessels.

The PRESIDING OFFICER. The Chair is advised that the papers have not yet been received from the House.

Mr. MAGNUSON. Mr. President, I ask unanimous consent to have printed, at this point in the RECORD a statement concerning the bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MAGNUSON

The House has passed, with a vote of 198 to 124, S. 1006, the fishing vessel subsidy bill, as amended.

AMENDMENTS

1. Fifty percent subsidy in lieu of Senate's 55 percent.

2. June 30, 1969 expiration date in lieu of Senate's 1968.

3. New matter: House would permit Secretary of Interior, after notice and hearing, to approve transfer of vessel from one fishery, which has become uneconomical or less economical, to another fishery.

Section 5: House amended Senate 55 percent to 50 percent.

Section 9: House amended, main change is addition of "after notice and hearing." Herewith existing law and amended section 9 as proposed by House of Representatives.

EXISTING LAW

If any fishing vessel is operated during its useful life, as determined by the Secretary, in any fishery other than the particular fishery for which it was designed the owner of such vessel shall repay to the Secretary, in accordance with such terms and conditions as the Secretary shall prescribe, an amount which bears the same proportion to the total construction subsidy paid under this act with respect to such vessel as the proportion that the number of years during which such vessel was not operated in the fishery for which it was designed bears to the total useful life of such vessel as determined by the Secretary for the purposes of this section. Obligations under this provision shall run with the title to the vessel.

LAW AS AMENDED BY THE HOUSE OF REPRESENTATIVES

The Secretary of the Interior, in the exercise of his discretion, after notice and hearing, may approve the transfer of a vessel constructed with the aid of a construction subsidy, whose operations have become uneconomical or less economical because of an actual decline in the particular fishery for which it was designed, to another fishery where he determines that such transfer would not cause economic hardship or injury to efficient vessel operators already operating in that fishery. If any fishing vessel constructed with the aid of a construction subsidy in accordance with the provisions of this act, as amended, is operated during its useful life, as determined by the

Secretary, contrary to the provisions of this act or any regulation issued thereunder, the owner of such vessel shall repay to the Secretary, in accordance with such terms and conditions as the Secretary shall prescribe an amount not to exceed the total depreciated construction subsidy paid by the Secretary pursuant to this act and this shall constitute a maritime lien against such vessel. The obligations under this section shall run with the title to the vessel.

Section 13: House amended Senate's expiration date from June 30, 1968, to June 30, 1969.

DEPARTMENTS OF LABOR, HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1965

The Senate resumed the consideration of the bill (H.R. 10809) making appropriations for the Departments of Labor, Health, Education, and Welfare, and related agencies for the fiscal year ending June 30, 1965, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, I regret, and I am sure every Member of the Senate regrets, that the very able and congenial chairman of the subcommittee, Senator LISTER HILL, cannot be here today to pilot the Labor and Health, Education, and Welfare appropriation bill through the Senate. I recognize that I am inadequately prepared to assume the task that is mine today. I feel that the chairman of this subcommittee normally has the same experience in handling this bill, that I have in connection with the handling of the District of Columbia appropriation bill, which is, of course, very minor in comparison with the bill that we shall discuss today. The chairman usually sits many long hours and listens to the witnesses all by himself. Most of us have so many subcommittee meetings to attend that it is not possible for us to be present at all of the hearings of all the subcommittees of which we are members.

Moreover, as all Senators are aware, the chairman of the subcommittee is highly competent in the field in which we are dealing. He has had many years of service as chairman of this subcommittee. He has conscientiously and studiously given of his talents and time to this work. Additionally, he came to the Senate exceptionally well equipped and prepared to handle legislation in the field of health.

I can only say that we all look forward to the day when Senator LISTER HILL will return to the Senate. I spoke with him yesterday. He is most eager to return and continue the work. He was eager to learn about the progress of the bill. He was extremely interested in having it passed, and he looks forward to joining us when we take up the bill in conference.

Mr. President, the bill, H.R. 10809, making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1965, and for other purposes, as reported to the Senate by the Committee on Appropriations, totals \$7,079,678,000, an increase over the amount of the bill as passed by the House of \$171,615,000; a decrease of \$723,512,000 from the budget estimates

considered by the committee, and an increase of \$1,092,416,500 over the appropriations for fiscal year 1964. I must point out that the committee received supplemental estimates, not considered by the House, amounting to \$296,222,000, including the \$55 million revised estimate for "grants for public libraries" delivered to the House after completion of their hearings, and not considered by the House committee.

I think I should further point out that while the bill as reported is \$1,092,416,500 over the 1964 appropriations, the committee has approved a total of \$1,111,248,000 for new authorizations, resulting from either new legislation or from increased authorizations effective for fiscal year 1965.

For the Department of Labor the committee recommends a total of \$565,420,000, a reduction of \$20,534,000 from the House allowance, \$105,090,000 from the budget estimates, but \$147,912,000 over the 1964 appropriations.

The committee reduced the allowance for the Bureau of Labor Statistics by \$300,000, to be taken from the funds sought for the recommendations of the so-called Gordon committee, a group of statisticians who made an investigation and decided that more statistics were needed. Even with the committee reduction there will be available approximately \$1.5 million for the purpose.

A reduction of \$20 million was made in the allowance for "manpower development and training activities," first because the Department had requested, after the House had acted on the bill, approval of their plan to reprogram \$20 million for so-called youth opportunity centers, to be staffed by employees of the State employment security agencies, with a corresponding reduction from the training program. The committee could not approve the reprogramming request and decided in view of the fact that the Department in suggesting such reprogramming had admitted a surplus of funds in the training program, that the \$20 million should be disallowed.

Another point considered was the requisite matching by the States, on a 1-to-2 basis, beginning on July 1, 1965, of all training services and allowance payments. At the present time it does not appear that the States have evidenced a concern over continuing the training programs on a matching basis. Further consideration was given to the newly authorized antipoverty program with training programs somewhat similar with those financed with this appropriation.

A reduction of \$184,000 was taken out of the allowance for trade adjustment activities, allowing \$160,000, inasmuch as there was no showing that the year would see any decisions by the Tariff Commission on tariff concessions which would entitle workers to allowance payments.

The committee added \$150,000 for the Labor-Management Services Administration to continue funds available to retain the services of outside consultants to deal with critical labor-management situations. This amount has been provided for each of the past 2 years.

For the Department of Health, Education, and Welfare the committee recommends a total of \$6,482,183,000, a reduction of \$603,338,000 from the budget estimates, and an increase of \$205,983,000 over the House allowance, and an increase of \$942,534,500 over the 1964 appropriations.

The committee recommends a reduction of \$25 million in the account for "expansion and improvement of vocational education" for which the House allowed the full budget estimate of \$183,296,000, including the \$25 million sought for establishing five residential vocational education schools. None of the sites has been selected, and the committee felt that before approving an average of \$5 million for each residential vocational education school, it should first be apprised of the location. The Office of Education was informed of the committee's interest in receiving notice of site selections as early as February when the Commissioner of Education testified in behalf of his budget.

The committee recommends the inclusion of the full budget estimate of \$55 million for grants for library services, which request was not considered by the House inasmuch as the revised estimate was not received until a few days after the subcommittee had concluded its hearings.

The committee has reduced the allowance for "payments to school districts", under Public Law 874, by \$27,450,000, upon receipt of notification from the Department that the estimate was overstated by that amount. The annual increase in average daily attendance was not realized in fiscal year 1964, nor is it now estimated that the increase projected for fiscal year 1964, nor is it now estimated that the increase projected for fiscal year 1965 will occur.

The sum of \$100,000 was added for "Salaries and expenses, Office of Education," to permit the addition of 11 positions for the Division of Handicapped Children. The program handled by this Division has increased appreciably in the last 2 years and it is felt that these additional positions are necessary to permit the realization of the full potential of the program.

For the research and training program of the Vocational Rehabilitation Administration, the committee has added \$500,000 to permit the establishment of additional medically and vocationally oriented training centers.

The committee approved the \$1,500,000 sought by the Department for plans and specifications for an environmental health center. The center has been sought in each of the past 3 fiscal years, and failed to win approval because of the lack of a firm decision on a site.

The committee approved the allowance of the budget estimate for "Accident prevention," a reduction of \$340,000 from the House allowance, a reduction to be applied solely against the driver simulator program.

The committee added \$5,709,000 for community health practice and research, \$5,109,000 of which was requested in a supplemental estimate, not considered

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE

Washington, D. C. 20250

Official business Postage and fees paid
U. S. Department of Agriculture

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

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For actions of Aug. 20, 1964

88th-2nd, No. 164

CONTENTS

Agricultural appropriations.....6	Food additives.....29	Public Law 480.....24
Alaska.....45	Food grains.....8	Quarters.....46
Appalachia.....22	Foreign aid.....9	Reclamation.....16
Appropriations.....21,42	Forests.....40	Research.....13,15
Arts.....23	Guam.....25	Rural America.....32
Botanical garden.....43	Information.....23	Time.....39
Census.....5	Irrigation.....10	TVA.....33
Claims.....20	Lands.....17,40	Watersheds.....18
Committee.....41	Meat imports.....36	Weather bureau.....3
Conservation.....12,38	Mineral leasing.....1,11	Wheat.....37
Convention recess.....31	Natural resources.....28	Wilderness.....7
Dairy farmers.....13	Opinion poll.....35	Wildlife.....27
Electrification.....14,19	Personnel.....4,46	Wool.....30,34
Fisheries.....2	Pesticides.....13	Youth Corps.....38
	Poverty.....26,41,44	

HIGHLIGHTS: Both Houses agreed to conference report on agricultural appropriation bill. House Rules Committee cleared Appalachia and Public Law 480 bills. Both Houses agreed to conference report on wilderness bill. House subcommittee voted to report water resources bill. Senate passed food grain bill. Sens. Hruska, Proxmire and Holland discussed pesticides problem. Rep. Cooley commended and inserted Secretary Freeman's statement to the Democratic platform committee on rural America. Rep. Beermann criticized wheat program and inserted article "which clearly demonstrates complete failure of the administration's wheat program."

SENATE - continued from Aug. 19

1. MINERAL LEASING. Passed as reported S. 2327, to amend section 27 of the Mineral Leasing Act of 1920 to promote the development of coal on the public domain.
pp. 19896-7
2. FISHERIES. Passed as reported S. J. Res. 174, to authorize and direct the Bureau of Commercial Fisheries to conduct a survey of the marine and fresh-water commercial fishery resources of the U. S., its territories and possessions.
pp. 19897-9

3. WEATHER BUREAU. Passed without amendment S. 2315, to authorize the Weather Bureau to make appropriate reimbursement between the respective appropriations available to the Bureau. p. 19899
4. PERSONNEL. Passed without amendment S. 1974, to amend the Federal Employees' Group Life Insurance Act with regard to filing designation of beneficiary. pp. 19899-900.
5. CENSUS. Passed without amendment H. R. 3545, to amend section 131 of title 13, U. S. C., so as to provide for taking of the economic censuses one year earlier starting in 1968. This bill will now be sent to the President. p. 19900

SENATE - AUG. 20

6. AGRICULTURE APPROPRIATION BILL, 1965. Both Houses agreed to the conference report on this bill, H. R. 11202. (See Digest No. 163 for details of the conference report). This bill will now be sent to the President. pp. 19959-65, 19979-88
7. WILDERNESS. Both Houses agreed to the conference report on S. 4, to establish a National Wilderness System. This bill will now be sent to the President. pp. 19966-8, 19988-91
8. FOOD GRAINS. Passed without amendment H. R. 11846, to permit purchase of processed food grain products in addition to purchase of flour and cornmeal and donating the same for certain domestic and foreign purposes. Action on S. 2634, a similar bill, was indefinitely postponed. H. R. 11846 will now be sent to the President. pp. 19954-5
9. FOREIGN AID. Continued debate on H. R. 11380, the foreign-aid authorization bill. pp. 19940-52, 19955-7, 19968-72
10. IRRIGATION. Received a letter from Interior transmitting a loan application from the Bryon-Bethany Irrigation District, Byron, Calif. under the Small Reclamation Projects Act of 1956; to Interior and Insular Affairs Committee. p. 19905
Passed as reported S. J. Res. 6, to cancel any unpaid reimbursable construction costs of the Wind River irrigation project, Wyo., chargeable against certain non-Indian lands. p. 19919
11. MINERAL LEASING. Reconsidered and indefinitely postponed action on S. 2327, to amend section 27 of the Mineral Leasing Act of 1920, to promote the development of coal on the public domain, and passed without amendment H. R. 8960, a similar bill. This bill will now be sent to the President. p. 19920
12. CONSERVATION. Sen. Javits inserted an editorial pointing out what the Congress still must do to be known as the "conservation Congress." p. 19925
13. PESTICIDES. Sen. Hruska conceded that dangers exist in the use of pesticides, but also pointed out the "dangers in a cessation of their use." pp. 19927-30
Sen. Proxmire inserted an article and an editorial outlining the problems of milk producers resulting from pesticide residues and Sens. Proxmire and Holland discussed appropriations for pesticide research and indemnification of dairy farmers. pp. 19932-4
14. ELECTRIFICATION. Agreed to the conference report on S. 1007, to guarantee electric consumers in the Pacific Northwest first call on electric energy generated at Federal hydroelectric plants in that region and to guarantee electric consumers in other regions reciprocal priority. This bill will now be sent to the President. pp. 19934-8

EXPRESSION OF SENSE OF CONGRESS WITH RESPECT TO ENFORCEMENT OF PROVISIONS OF ARTICLE 19 OF THE UNITED NATIONS CHARTER

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1419, House Concurrent Resolution 343.

The PRESIDING OFFICER. The resolution will be stated by title.

The LEGISLATIVE CLERK. A resolution (H. Con. Res. 343) expressing the sense of Congress with respect to the enforcement of the provisions of article 19 of the United Nations Charter.

The PRESIDING OFFICER. Is their objection to the present consideration of the resolution?

There being no objection, the concurrent resolution (H. Con. Res. 343) expressing the sense of Congress with respect to the enforcement of the provisions of article 19 of the United Nations Charter was considered and agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Calendar Order No. 1418, Senate Concurrent Resolution 93 be indefinitely postponed.

The PRESIDING OFFICER. Is there objection? The Chair hears none; and it is so ordered.

RESPONSIBILITY OF PRESIDENT AND PRESIDENTIAL CANDIDATE ON QUESTIONS OF DEFENSE

Mr. MANSFIELD. Mr. President, I call to the attention of the Senate three recent editorials, which appear in the Denver Post, the St. Louis Post-Dispatch, and the Washington Daily News. Individually, they deal with questions of defense and certain political polemics in connection therewith, the latest on yesterday in Illinois. They refer to the off-hand interpretation which was given in a political setting to the President's recent order to the 7th Fleet to repel the attacks upon its units in the Gulf of Tonkin. They refer also to certain gross distortions as to the capacity of the Defense Establishment to deliver nuclear weapons in the event we are compelled to war during the coming decade.

The relevant facts are clear in both cases. In the case of the orders to the 7th Fleet, President Johnson was and has remained in general command, as Commander in Chief, of all naval activity involved. Very specifically, he has retained absolute personal control over the command of nuclear weapons in that situation and in all situations which may arise anywhere in the world.

It is one thing for a presidential candidate to announce that he will delegate to military commanders, the most profound responsibilities of the office he seeks even before he is elected to it. That is harmless nonsense which the people of the Nation can dispel by their votes in November. But it is quite another matter for a presidential candidate to say to the Nation and to the world that the incumbent President has already done so. That is disingenuously

dangerous. It suggests to the world—and to the Asian world in particular—on the authority of one of the two major political parties, that this Nation treats lightly those immensely destructive nuclear devices whose relatively feeble antecedents totally destroyed two Japanese cities in a matter of seconds. A great nation can carry many burdens, Mr. President, but it cannot long sustain them on a reputation of irresponsibility.

May I say, too, that it is one thing for a presidential candidate to have a special penchant for airplanes because of an early and continuing association with the Air Force. That is a sentimentality which is as understandable as is my affinity—as a long-since retired private, first class—for the Marines. But it is quite another for a presidential candidate to say to the Nation and to the world that our capacity for the delivery of nuclear explosives will decline 90 percent in the next decade because we are not building enough manned bombers. The facts are the opposite. Our capacity to deliver strategic explosives is growing rapidly with the multiplication of the supplies of the Polaris and other missiles produced by an ever-advancing military technology.

There is no gap, Mr. President, in our defenses and none is foreseeable. The military defenses of the Nation are and will remain far superior to the power of any conceivable combination of enemies. If there is a gap, it is a gap in good sense. For, it is not good sense to equate the defense of the Nation with a particular vehicle or a single service. After all we do have an army and a navy too and they do have some capacity for contributing to the military security of the Nation. Nor is it good sense to alarm the Nation or the world by suggesting, contrary to the facts, that our defensive capacity is being eroded because every effort is being made to keep it abreast of modern development without the bankrupting waste of billions of dollars for unnecessary equipment. That is a disservice which partisan politics or a sentimental simplicity may help to explain. Notwithstanding, it is no less a disservice.

Mr. President, I ask unanimous consent that the three articles previously cited be printed at this point in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the St. Louis Post-Dispatch, Aug. 16, 1964]

UNJUSTIFIED AND IRRESPONSIBLE

In two instances in recent days Senator GOLDWATER has given evidence of a frightening lack of responsibility in discussing U.S. military policies. He distorted the facts and misrepresented the true situations in connection with this country's nuclear delivery capability and with President Johnson's alleged authorization to field commanders to use atomic weapons.

The latter incident had its origin at the Republican unity meeting in Hershey, Pa., where Senator GOLDWATER held a press conference in the presence of General Eisenhower, who had heartily endorsed him as

the GOP presidential candidate. This question was put to Mr. GOLDWATER by a reporter with reference to the war in Vietnam:

"Could you amplify the remark you made about the use of weapons? It seems to indicate that President Johnson is now agreeing with your position on this. Do you mean that the President has given field commanders the right to use any weapons, including atomic weapons?"

To which the Senator replied:

"I would suggest you read his admonition to the commander of the 7th Fleet in which he said to use any weapons. Now, I think I know what he means, but I also know what I meant when I said that the Supreme Commander of NATO should have a little more say so in the choice of—tactical nuclear weapons, not to give them the ICBM or IRBM, but merely tactical weapons and I imagine those people, although I don't know, in the Pacific have a right to use these weapons if the commander thinks it is necessary. I am only quoting his admonition. I don't know what went on in the orders. I haven't seen the orders."

Last August 3 Mr. Johnson said he had instructed the Navy to give its forces orders "(A) to attack any force which attacks them in international waters and (B) to attack with the objective not only of driving off the force but of destroying it."

Secretary of State Rusk and Secretary of Defense McNamara, and then the White House, flatly denied there was anything in any statements or supporting papers that would authorize the use of nuclear weapons. Secretaries Rusk and McNamara termed the assertion "unjustified and irresponsible."

Taxed with the denials, Mr. GOLDWATER said he had not meant to imply that President Johnson authorized the use of nuclear weapons. The object of his criticism, he said, was Mr. Johnson's fuzzy language. The language was not fuzzy and it was not the object of Mr. GOLDWATER's criticism. The Senator did not imply anything—he said it. He shot from the hip, which he acknowledges is a habit, without, apparently, knowing or caring what he was talking about.

The origin of the second incident was a speech to the National Association of Counties. Mr. GOLDWATER said: "Under our present defense leadership, with its utter disregard for new weapons, our deliverable nuclear capacity may be cut down by 90 percent in the next decade."

The Pentagon labeled this statement "not only without foundation but contrary to the facts." The Pentagon said: "The facts are that in 1970 we will have a capability to deliver on target two and a half times as many warheads as we had in 1961 and a greater number than we have today." The Defense Department then listed the tremendous advances in defense capability since mid-1961, with projections to mid-1970, showing the numbers and destructive force of various types of missiles and bombers.

Senator GOLDWATER's comment was that the Pentagon figures were "lies." He said at Hershey he would be very glad to get into an argument about it. And he also, if indirectly, revealed his motivation. Mr. GOLDWATER has been complaining about the phasing out of manned strategic bombers, and the Pentagon statement clearly showed the ascendancy of the missiles.

So at Hershey Mr. GOLDWATER argued that "by not building new carry-on bombers" we will have to depend on missiles in another 10 years. His attitude toward the bomber is understandable. He is a major general in the Air Force Reserve and so his views can be discounted as representing the narrow viewpoint of one branch of the military service rather than the total Defense Establishment. His right to promote the ambitions

of the Air Force in a political campaign is questionable, to say the least.

President Johnson's reply to all this was calm, patient, and resolute. In a New York speech to the American Bar Association he said the course of U.S. policy in southeast Asia will not be diverted by political attacks at home. He added it has never been the policy of an American President "systematically to place in hazard the life of this Nation by threatening nuclear war."

The President went further at a press conference Saturday. He said that in making loose charges Senator GOLDWATER was doing "a disservice to our national security, a disservice to peace and, for that matter, a disservice to the entire free world." Mr. Johnson was right. In forcing the Government to set out the true facts, Senator GOLDWATER has put the country in the position of brandishing its nuclear might. How will the world view that?

[From the Washington Daily News,
Aug. 19, 1964]

ABSD CHARGE

If any American has lost sleep over recent talk of holes in our defense system, he should be reassured by the statistics of Defense Secretary McNamara.

In long-range missiles (ICBM) we are ahead of the Russians 800 to 200, according to Mr. McNamara. In Polaris-type submarine missiles we lead 256 to 142 and ours are by far superior. In long-range bombers, which are the specific subject of recent dispute, our edge is even greater—1,100 to 100, or 1,100 to 250 if you count Soviet bombers able to reach only a fringe of the United States.

As to Senator GOLDWATER's fear that U.S. deliverable nuclear capacity may be cut down by 90 percent in the next decade, Secretary McNamara answers:

"Our strategic forces are and will remain in the 1960's and 1970's sufficient to insure the destruction of both the Soviet Union and Communist China under the worst imaginable circumstances accompanying the outbreak of war. There should be no doubt about this in the mind of any American. There is none in the minds of our enemies."

Senator GOLDWATER himself is author of a statement, 2 years ago, which, in our opinion, applies accurately to the present situation. We quote from his book, "Why Not Victory?"

"During the Presidential campaign of 1960 the absurd charge was made by Mr. Kennedy and others that America had become—or was in danger of becoming—a second-rate military power. Any comparison of overall American strength with overall Soviet strength reveals that the United States was not only superior, but so superior both in present weapons and in the development of new ones that our advantage promises to be a permanent part of the United States-Soviet relations for the foreseeable future."

Events proved both the bomber gap and the missile gap to be phony. Current implications that our guard has been let down, or is going to be let down, may be filed away in the same envelope.

These observations are not intended to discount BARRY GOLDWATER as a candidate for President. A man should be judged on his total program, balancing the good with the bad, and the campaign barely has started. But we would say he comes out on the far short end of this particular argument.

[From the Denver Post]

SENATOR GOLDWATER JUGGLES WORDS

"When I use a word," Humpty Dumpty said, in a rather scornful tone, "it means just what I choose it to mean—neither more nor less." "The question is," said Alice, "whether you can make words mean so many different

things." "The question is," said Humpty Dumpty, "which is to be master—that's all." "Through the Looking Glass.")

Any American who pays attention to politics is certainly familiar with hundreds of practical demonstrations of Humpty Dumpty's thesis. We all expect that a candidate will take great pains to display his mastery over not only his own words but also over those of his opponent.

Words are stretched, phrases are twisted, sentences are willfully misunderstood—all for anticipated political gain. And we accept this semantic juggling—with all its "double-think"—as part of the political game.

The 1964 presidential game is still in the early innings, but already the Republican candidate, Senator BARRY GOLDWATER, has given us two splendid examples of political humpty-dumptyism. The Senator, perhaps smarting from his reputation for making words mean so many different things, has now attempted to show us that he is the master of the words.

The first example came this week at the so-called unity meeting of the GOP leaders at Hershey, Pa. There the luminaries of the Republican Party, many of whom only weeks and days before had expressed doubts and dismay about the words of Senator GOLDWATER, agreed after listening to the Senator speak that his words offered no cause for doubt or dismay, that he was, in fact, not only the master of his words but also the master of the Republican Party.

Although the candidate insisted that he took no new line and expressed no new thoughts, the Republican leaders—except Governors Romney and Rockefeller, who retained some doubts—embraced the candidate wholeheartedly and commended him profusely for the moderation and reason of his words. "The question is, which is to be master?"

Such expressions of unity are, again, part of the political game. Everyone expects them—and would be surprised only if they did not come.

The second example of Senator GOLDWATER's humpty-dumptyism came in a press conference after his speech. In an attempt to show that he was also master of President Johnson's words, the Senator contended that the President's orders concerning the Vietnam crisis could be interpreted to mean that the U.S. military commanders in southeast Asia had been authorized to use nuclear weapons.

From this, the Senator concluded that he could no longer be charged with being triggerhappy, because the President had done precisely what he, GOLDWATER, had been advocating; namely, empowered field commanders to use nuclear arms.

At the time of GOLDWATER's charge, the actual orders to the 7th Fleet had not been made public, but in a statement to the American people on August 3, the President said he had instructed the Navy to give its forces orders "(A) to attack any force which attacks them in international waters and (B) to attack with the object not only of driving off the force but of destroying it."

There was no mention of the use of nuclear weapons.

Precisely because there was neither affirmative nor negative reference to the use of nuclear arms, Senator GOLDWATER was able to fill the verbal vacuum with his own purely political interpretation.

If anything has been clear in the U.S. nuclear policy—whether under Truman or Eisenhower or Kennedy or Johnson—it is that the President must specifically approve the use of nuclear weapons for a specific purpose at a specific time. To contend, as Senator GOLDWATER did, that authorization for the use of nuclear arms can simply be inferred is to attribute to the U.S. Government an entirely unwarranted irresponsibility and laxity.

The day after he mastered President Johnson's words, GOLDWATER compounded the humpty-dumptyism by contending that his words did not mean so many different things, that he had, in fact, not meant to imply that the President had authorized the use of nuclear weapons. "Curiouser and curiouser," as another Lewis Carroll line puts it.

The White House, in answering GOLDWATER's original charge, took a direct approach, the sort that is practiced on this side of the looking glass. The White House called in reporters and showed them the copies of actual orders to the 7th Fleet, which orders specified the use of "conventional ordinance only."

As the campaign proceeds, we can expect more of this humpty-dumptyism from Senator GOLDWATER. After all, it's part of the game. But we all know what happened to Humpty-Dumpty.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. CLARK. Mr. President, I return to the discussion of the Dirksen amendment to the foreign aid bill.

On Tuesday, August 18—2 days ago—I started what I had thought at the time would be a fairly extensive speech in opposition to the Dirksen amendment. But, as so often happens in the Senate, where we pay little attention to the rule of germaneness, and tend to legislate by fits and starts, there were a number of subjects including conference reports, which other Senators desired to have brought up, and I yielded the floor, not to regain it for some 48 hours, before I had done more than get halfway through my discussion of the analogy between the Dirksen "rotten borough" amendment and the successful effort to eliminate rotten boroughs in the House of Commons in England back in the 1830's.

In a moment I should like to return to the historical analogy, but first I should like to call to the attention of whoever may still be reading the CONGRESSIONAL RECORD these days—because I note, not for the first time, that there are only 3 of the 100 Senators in the Chamber—to a couple of things that occurred in connection with the rotten borough amendment since I spoke 2 days ago.

First was the publication yesterday of one of the periodic opinion polls conducted by Dr. George Gallup. That poll dealt with the reaction of the people of this country to the controversy now raging on the subject of reapportionment. We have heard in this Chamber about the public furor which is sweeping the country against the decisions of the Supreme Court of the United States, which, in a series of cases beginning with Baker against Carr in 1962, and ending with the decisions following the basic case of Reynolds against Sims, decided by the Supreme Court of the United States on June 15, 1964, has re-established by decree of the Supreme Court of the United States the ancient and honorable principle of American democracy and support of majority rule. These decisions establish that in the

Congress, that is to say, in the House of Representatives, in the State legislatures, and in all statewide elections for public office, the rule of representation is one citizen, one vote. The Court has struck down a number of provisions of State law which would give the weight of 100 votes—sometimes 1,000 votes—to one citizen living in a relatively sparsely populated legislative or county district for every one vote represented by those who live in more densely populated areas. These highly wise and salutary decisions of the Supreme Court of the United States—at least in my opinion they are salutary and wise—have been said by the proponents of the Dirksen rotten borough amendment to have caused chaos, confusion, and an uproar among the people, an uprising which requires that the Congress should go to the extreme length of tacking a rider onto the foreign aid bill to staying the enforcement of the decisions of the Supreme Court of the United States.

In colloquy with the Senator from Wisconsin [Mr. PROXMIRE] 2 days ago, we contended that the so-called chaos and confusion was nonexistent and that it was confined to the lamentations of a relatively small number of State legislators, their friends and protagonists who are afraid that if the principle of majority rule were to be applied in connection with their own election, they would lose their jobs. However, we contended that the American people as a whole supported the Supreme Court of the United States and thought that its recent line of decisions was sensible and wise.

It is a source of some satisfaction to me to find that Dr. Gallup's poll comes to the same conclusion as the Senator from Wisconsin [Mr. PROXMIRE] and I stated.

The gravamen of the Gallup poll as it was printed in the Washington Post on Wednesday, August 19, is that a constitutional amendment that would undo the Supreme Court's rulings on apportionment of State legislatures is likely to run into trouble with the voters of the Nation.

I have always been strongly of the view that if the voters of America understood how they were being represented as a result of malapportionment of State legislatures they would rise up and, on the whole, render three loud cheers in support of Chief Justice Earl Warren and his colleagues who represented the large majority of the Supreme Court in these rulings, just as an overwhelming majority of the American people have now risen up in support of the other outstanding landmark decision of the Warren Court, Brown against Board of Education, in the school desegregation decision of 1954.

The Senator from Wisconsin and I contended that the Supreme Court was in good favor with the American people, and that those who follow the lead of the Senator from Illinois [Mr. DIRKSEN] in supporting the rotten-borough amendment represented a minority view.

Dr. Gallup finds, in his first test of public reaction to the Supreme Court's ruling, that the opinion among those

who have an opinion divided 3 to 2 in support of the Supreme Court of the United States.

Dr. Gallup finds that at this point about one-fourth of those interviewed had not yet formed an opinion on this issue. He points out that it will be debated, as indeed it will, in the campaign and in the months to come, just as it is being debated now in the greatest deliberative body in the world, whence all save two of Senators have now fled. Nevertheless, in the long run, on the whole, sooner or later, more or less, what is said on the floor of this body tends to be reported in our free press, over our free radio, over our free television stations, and is more likely than not eventually to seep into the consciousness of the American people.

There has as yet been relatively little debate on the Supreme Court's decision—some newspaper articles, to be sure; some debate in the House; some debate in the Senate; but compared to the debate which has raged for over a hundred years with respect to civil rights, the debate on reapportionment has hardly scratched the surface of the public consciousness. Yet the unanswerable arguments of those who support the great decision of this great court have apparently, according to Dr. Gallup, come home.

His pollsters—I presume that is a word which will soon appear in Webster's dictionary as a new part of our American language, if it has not already appeared—asked the following question, which I paraphrase, but I believe accurately: "The Supreme Court has ruled that the number of representatives of both lower house and the senate in all State legislatures must be in proportion to population. In most States this means reducing the number of legislators from the rural areas and increasing the number from urban areas. Do you approve or disapprove of this ruling?"

Dr. Gallup found that the results, for the Nation as a whole, were that 47 percent of those queried approved the decision of the Supreme Court of the United States; 30 percent disapproved; and 23 percent had not made up their minds or had no opinion.

The survey showed very little difference between Republicans, Democrats, and independents on this issue.

I take heart from the Gallup poll. I think it strengthens the hands of the relatively small number of Senators who have been opposing the Dirksen amendment. I think it shows that the people of the United States are on our side.

It may be that these arguments will be pressed home at the Democratic National Convention at Atlantic City next week in connection with the framing and adoption of a platform. I am not saying they will be; I am saying they may be. As these arguments are pressed home in the Congress, at the Democratic National Convention, and across the country, I am sanguine enough to be confident that the arguments against the unsound proposals advanced by the Senator from Illinois [Mr. DIRKSEN], and in the other body by Representative Tuck,

will appeal to the American people and that, in due course, they will be defeated.

So those of us who wish to fully ventilate this issue are encouraged to continue, in view of the results of the Gallup poll.

The second thing that has happened since I spoke on the floor 2 days ago and engaged in a colloquy with the Senator from Wisconsin, which I think is desirable to call to the attention of the Senate, is the forthright stand taken yesterday by the Attorney General of the United States, Robert Kennedy, in opposition to tampering with the decisions of the Supreme Court of the United States. The Attorney General appeared yesterday before the platform committee of the Democratic National Convention and stated his views on those matters of public policy which are within the cognizance of the Department of Justice, which he has so ably headed for nearly 4 years.

After giving his views of what the planks in the Democratic platform dealing with civil rights should be, he was asked a question from the floor. The question was: What is the position of the Department of Justice with respect to whether there should be legislation or a constitutional amendment which would affect adversely in any way the reapportionment decisions of the Supreme Court of the United States? He answered categorically: "The Department of Justice is opposed to tampering by legislation or constitutional amendment with the decisions of the Supreme Court of the United States."

I take great heart in that forthright and candor statement of the Attorney General.

We know that two very able lawyers in the Department of Justice, Solicitor General Archibald Cox, and Deputy Attorney General Nicholas deB. Katzenbach, were called in by the minority leader, with the consent and approval of the majority leader, to work on the technical and legal problems involved in drafting and modifying to some extent the watered-down Dirksen rotten borough amendment.

I have always contended—and the statement of the Attorney General makes it abundantly clear that this contention is correct—that those able attorneys were called in, not as protagonists for tampering with the decisions of the Supreme Court of the United States, but merely as technicians to draft language which in their opinion might stand the test of constitutionality if passed by Congress and challenged in the court. Therefore, it is now very clear indeed that no one in the Department of Justice, from the Attorney General down, favors the Dirksen amendment, and that no one in the Department of Justice wants to see the Dirksen amendment adopted.

This, again, gives me great heart to continue this debate in opposition to the Dirksen amendment, for the purpose of establishing that it is an unsound, unwise and, possibly, an unconstitutional effort, whose parliamentary procedures are unacceptable, unusual and without

any justification, and in violation of sound legislative procedures.

It is a great comfort to have the Attorney General of the United States on our side in this fight, which I am confident we shall win.

I hope that as a result of the Gallup poll and the forthright stand of the Attorney General, a number of Members of the Senate who may have been wavering as to how they would vote on the Dirksen rotten borough amendment may conclude to come to our side, to the side of sanity, to the side of democracy, to the side of fundamental American principles of majority rule, to the side of the great Supreme Court cases, and to the side of the outstanding Attorney General of the United States.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. CLARK. I am happy to yield to my friend the Senator from Wisconsin. I was about to return to the historical discussion that he and I engaged in the other day with respect to the British reform acts. But this would be a good place to pause if the Senator wishes to ask a question or make a comment.

Mr. PROXMIRE. First, on the question asked in the Gallup poll, as the Senator read the question into the RECORD, I am sure he was struck by the fact that this was about as fair a question as could possibly be designed.

Mr. CLARK. So it seemed to me.

Mr. PROXMIRE. There is nothing in the question about whether a person favors a one-man-one-vote standard. If it had been in the question, it possibly would have biased people against the Dirksen amendment and in support of the Supreme Court.

For example respondents are asked in this question whether they approve having State senators on a population basis. Now if there is one simple principle of American Government organization with which people are familiar it is that the composition of the Senate of the United States is not based on population, but is based on providing two Senators from every State.

Mr. CLARK. That came about as the result of the great compromise, which had to be made, with logic, justice, and intelligence, in order to have the Constitution of the United States ratified.

Mr. PROXMIRE. Yes. The wording of the question as it was asked by Gallup interrogators was as follows:

The U.S. Supreme Court has ruled that the number of representatives of both the lower house and the senate in all State legislatures must be in proportion to the population.

It seems to me that that first sentence would provide, if anything, a tendency for those who are uncertain to have the Senate proposal carry. In most States this means reducing the number of legislators from rural areas and increasing the number from urban areas.

The next sentence in the question reads:

In most States this means reducing the number of legislators from rural areas and increasing the number from urban areas.

That sentence, too, put people on notice that this process would be disruptive

and that some people would lose representatives and that the number of representatives elsewhere would be increased.

There is nothing here to show—at least nothing directly in this question, unless a respondent is particularly perceptive—that everyone everywhere should have an equal vote, that everyone should be treated fairly, and that no one should have an advantage over anyone else. These are argumnets for our position, and nobody can deny that they are valid arguments.

However, these arguments were not implied in the question. It was a straightforward question. If there is any doubt about bias, I am sure that the most objective analysis would say that there might be a slight bias in the question in favor of the Dirksen position.

Mr. CLARK. I agree with the Senator. I point out to him also that the question makes specific reference to the Supreme Court of the United States, which many of our conservative friends in this body identify with the Devil, which they seem to believe is in a state of great unpopularity in the country generally. I do not mean to imply that I think the Supreme Court is the Devil. However, there are those who do not identify the Supreme Court with the cause of justice, equity, and right.

Mr. PROXMIRE. Polls have been proved wrong at times, even though they have never been too wrong; but sometimes they have been wrong enough so that in a close election they have picked the wrong candidate as the winner. One of the most highly respected is the Gallup poll. At Harvard University, where I studied public opinion and analysis, and at other great universities also, it is felt that this poll is about as scientifically constructed as possible.

It is said by Gallup that this question was put to a cross section sampling of people across the Nation, meaning that it was as fair a determination of how all the American people felt as thoughtful, objective, and scholarly people could make.

It was very carefully designed, so that it would not represent the opinion of all urban people or all rural people, or all rich or poor people, or people representing one race or another. To the contrary, it is a precise reflection of the makeup of this country. The result was 61 percent in favor of the Supreme Court decision and 39 percent against it.

It is my conclusion, based on having worked on reapportionment in Wisconsin and having discussed it with many people over the years in our State legislature, that the more this question is discussed and the more it is explained, the more those who thought about it favored the bill.

In the House yesterday, there was an initial vote on the Tuck bill which would deny the Supreme Court the right to reapportion State legislatures. The bill received an almost 2-to-1 vote of approval. Then, after debate—and the House never has a long debate—a number of minds were changed. In the course of brief afternoon debate the situation was changed to the position where

many more Representatives opposed the Tuck bill.

Mr. President, will the Senator yield on one further point?

Mr. CLARK. I yield.

Mr. PROXMIRE. I agree with the Senator. It is of great significance that the country's leading legal officer, Attorney General Robert Kennedy, has made it crystal clear that he opposes any kind of legislative or congressional interference with the Supreme Court. As the Senator from Pennsylvania has so well said, the Department of Justice must be relied upon for the best advice we can get, aside from the Supreme Court. So far as I can see, the Department of Justice does not in this case represent any vested interest. It has no ax to grind. The Attorney General has available the best legal advice in the Nation.

On the basis of all this impressive background, the Attorney General, whom I consider to be a man of sound judgment—he is a controversial figure, of course, as are all people of importance—came forth, as the Senator from Pennsylvania has so well said, four square, without qualification, without diluting his position at all, on the side of those who feel that it would be a great mistake to enact any legislation like the Dirksen amendment.

Mr. CLARK. There is no question about it. I was present and heard his words.

In an article published in the New York Times this morning, under the byline of Anthony Lewis, one of the most highly respected and accurate reporters covering Washington today, the Attorney General is quoted as saying:

We are very strongly against any steps that might be taken against the Supreme Court decision.

The Attorney General commented, to be sure, rather informally, in further response to the question he was asked, that the Department of Justice had appeared as a party in court to support the position eventually taken by the Court in its decisions beginning with Baker against Carr and continuing through the most recent ones.

Mr. HOLLAND. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I am happy to yield.

Mr. HOLLAND. I thank my friend for yielding. I was a little surprised when I heard the distinguished Senator from Pennsylvania use 2 colorful expressions. I heard him speak of the opponents of his position on the current Dirksen proposal as associating the Supreme Court with the devil. If I misunderstood him, he can correct me.

Mr. CLARK. I should like to correct the Senator from Florida to this extent: I was using the phrase, obviously, in lighter vein. If the Senator was of the view that it was intended seriously, I should like to make it clear for the RECORD that I was really "ribbing" the proponents of the Dirksen amendment. Perhaps I went a little too far.

Mr. HOLLAND. I thank the Senator for his gracious apology. That is all right.

However, the case is not so simple as that. We who prefer to side with Mr.

Justice Harlan and his very fine opinion, in which he chastised his brethren on the Supreme Court for trying to put themselves in the position of overlordship over the State—I believe that is the word he used—rather than to agree with Mr. Justice Frankfurter—retired now, of course—Mr. Justice Brandeis, and others whom I could mention, need not be charged with taking a position which is not supported by the most dignified and most capable legal authorities.

A real question exists. I merely wanted to invite the Senator's attention to it. I observe that my good friend from Wisconsin [Mr. PROXMIRE] is still in the Chamber. In the opinion of the Senator from Florida, the authority whom the Senator from Wisconsin quoted, the present distinguished Attorney General, Mr. Kennedy, is not to be compared in his capacity, in his legal ability, in his experience, in his legal qualities, from any standpoint, with Mr. Justice Harlan, Mr. Justice Frankfurter, Mr. Justice Brandeis, Mr. Justice Cardozo, and others who have taken a position completely opposite to that which is now taken by young Mr. Kennedy.

A Senator who leans upon that authority for his position is leaning upon the authority of a lawyer who, as I recall, argued one case before one court, and that was after he became Attorney General. As I recall, his first case before a court was before the Supreme Court of the United States. He went into it in a kind of family party, and I am sure that all enjoyed it with him, when he appeared against one of the Southern States in a very popular cause in the Nation generally—that is, the cause that he opposed was unpopular—and to this day I believe that is the only case that the learned Attorney General has ever argued before any court at any time.

So to compare an authority of that type with Mr. Justice Harlan and the others whom I have named, who were diametrically opposed in their opinion to the judgment of the majority of their brethren on the Supreme Court at this time, is to lean upon a weak reed, if I may say so to the distinguished Senator from Wisconsin.

Mr. CLARK. Mr. President, the Senator from Florida may recall that I have the floor.

Mr. HOLLAND. I thank my friend for yielding.

Mr. CLARK. I shall be happy to yield to the Senator from Florida in a moment. Perhaps the Senator from Wisconsin and I might combine our replies to the Senator from Florida. I should like to defend the Supreme Court of the United States and let the Senator from Wisconsin defend the Attorney General of the United States, although the Attorney General needs no defense from either of us.

I shall merely point out a couple of inaccuracies in what the Senator from Florida said. He has a tendency to paint with a rather broad brush.

The basic fact is that the decision in Reynolds against Sims, handed down on June 15 of this year, and which has aroused most of the controversy, was

a decision of 8 to 1. Every single Justice on the Supreme Court except Justice Harlan concurred in the result.

Many times throughout history as small a minority as one out of nine has proved, in the great, broad sweep of history, to be correct, and the majority has proved to be incorrect. I have warm personal affection as well as high regard for the legal abilities of Mr. Justice Harlan. I have read with some interest his dissenting opinion. To my mind, every point in it was conclusively answered in the majority opinion written by Chief Justice Warren, an opinion which was concurred in by every other Justice on the Supreme Court. In my opinion, Justice Warren's opinion is one of the most closely reasoned, irrefutable, and logical arguments in support of the theory of one person, one vote, and no more than one vote, in connection with representation, that has ever been put on paper.

Justice Harlan's dissent is an able, legalistic, relatively obsolete opinion, dealing with a conception of the Constitution which is quite rigid and quite inflexible. It states a view as to the 14th amendment. I know that some of the colleagues of the Senator from Florida, and even the Senator from Florida himself, believe that it was illegally adopted. Nevertheless, it has been the law of the land for almost 100 years. To me, Justice Harlan's dissent is not at all persuasive. I recognize the right of the Senator from Florida to disagree. I see him on his feet. In just a moment, I shall yield to him again.

I should like to complete my thought. It is true that former Justice Felix Frankfurter filed a dissent in the earlier case of Baker against Clark, which was decided shortly before he resigned from the Supreme Court, full of years and, to my way of thinking, full of glory. He came on the Court as a flaming liberal, but left it as an ultraconservative. That was his right. He was a wonderful judge and a great law professor. Justice Frankfurter took no part in the decision of Reynolds against Sims, which is now the subject of the Dirksen amendment, and which the amendment seeks to reverse.

As to some of the other judges whom the Senator from Florida undertook to identify, Justice Brandeis took no part in the case of Baker against Carr. He has been off the Court for years. He probably sat in the Green case, which in effect was reversed by Baker against Carr at a later date.

Justice Cardozo was one of the Court's great Justices, but he took no part in these decisions.

So while everything the Senator from Florida said was, in a broad sense, correct, he did not attempt to pin down the fact that the decision which the Senator from Wisconsin and I are defending was an 8-to-1 decision. The one dissenter based his dissent, to my way of thinking, strictly on technical grounds.

Let me say to the Senator from Florida that if he wishes me to yield to him, I shall be happy to do so; but I should like the Senator from Wisconsin at some point to rise in defense of that great Attorney General, Robert Kennedy.

Mr. PROXMIRE. I rise now for that purpose.

Mr. HOLLAND. If the Senator will permit me, before he begins, let me say that I appreciate the admission by the Senator from Pennsylvania that Justice Harlan took a strong position against the other eight. The point I make is that those of us who choose the logic and wisdom of Justice Harlan are clearly entitled to the good faith which he displayed in his opinion. He did not refer to his eight brethren as "devils," or to the majority of the Court as such. It was a good faith difference of opinion.

Insofar as Justice Frankfurter is concerned, let me add to what the distinguished Senator from Pennsylvania said, that he not only grew older in years but also wiser in judgment as he became older, and that his opinion in the case to which he referred is one of the landmarks on this particular matter.

Mr. CLARK. This must, of course, be a matter of opinion.

Mr. HOLLAND. Exactly. Since it is an opinion, no bricks should be thrown. So far as the Senator from Florida is concerned, he is not going to throw any bricks at anyone, but he will say that those who maintain the position which he maintains, that the decision is both unfortunate, unwise and not in accordance with the Constitution, have respectable reasons for saying so, and that our position cannot be challenged except upon the question as to who is right and who is wrong. That is the only basis upon which we can discuss it.

Mr. CLARK. I quite agree.

I now yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, the Senator from Pennsylvania has said that the Attorney General of the United States needs no defense from me or from the Senator from Pennsylvania. Attorney General Kennedy is a man who, again and again, has demonstrated rare courage in all kinds of ways and has used excellent judgment. He is a man who, as Attorney General, does not have to spend years in court. This applies to all U.S. Attorneys General. He is primarily an administrator. Mr. Kennedy is a fine administrator. But as an administrator he must select able lawyers to advise him. He has done so. He has done that on the basis of advice of the ablest lawyers in government, and he has come to this conclusion on the relation of Congress and the Supreme Court. I believe that he has the kind of judgment of men and of issues which would suggest that this conclusion should be given great weight.

Let me say to the Senator from Florida that when he says the eminent Justices to whom he refers have completely disagreed with what the Attorney General has said, I disagree completely with him, because what the Attorney General has said is that Congress in this case should not interfere with the Supreme Court. I believe that Justice Harlan would say the same thing.

The Senator from Florida said that he chooses the logic and the wisdom of Justice Harlan. Justice Harlan had never indicated that if Congress disagreed with the decision of the Supreme

Court, Congress should feel free to pass legislation nullifying it. It seems to me that Justice Harlan, being the kind of scholar he is, would recognize that at times he is in the minority, as many able judges have been throughout history, and that he would seek the opportunity to reverse the decision of the Supreme Court, but to do it through the judicial process. This is the procedure the Attorney General defends. The Attorney General and the nine Supreme Court Justices are all in agreement on this issue.

Mr. HOLLAND. The two Senators who have just spoken are not in accord with me. They may be right and I may be wrong. The Senator from Florida has a very strong conviction that he is right in this matter. He agrees with his friend the Senator from Wisconsin, that Justice Harlan would never suggest what the legislative branch should do, that he has too fine a sense of proportion. He is too great a believer in preserving the principles of government. But I wish to say, before I am called from the floor—and I do have to leave—that a good portion of the time the Senator from Florida has spent since he has been in the Senate has been spent in correcting things that the Supreme Court has done. He fought the *Tidelands* case for years to overcome what he thought was an improper decision. It was not strictly a constitutional matter, but it was a matter in which we finally prevailed on the floor of the Senate. The Court, with an exception or two, followed us. The Senator from Florida did the same thing in connection with the railroad strike case, and in connection with the insurance case, with which I am sure my friend the Senator from Wisconsin is familiar. So when the time comes when the elected representatives of the people are said not to have any right to stand up for what they believe is sound under our system of government, on a constitutional question, that will be a poor time for our country.

The Senator from Florida feels that those who are taking the position which he takes are just as much entitled to be respectfully heard, and to have their good motives recognized, as are Senators who are on the other side of the fight, and not in any sense to be downgraded as to their reasons for being in the fight.

Mr. PROXMIRE. The Senator is absolutely correct. I do not know of anyone who has questioned the motives of the Senator from Florida, or other Senators who disagree with us. Indeed, other Senators may well be in the majority. I believe that most of them are confident that they are.

Mr. HOLLAND. I would hope that that is the case.

Mr. PROXMIRE. The whole reason for the existence of the Senate is so that Senators may voice their opinions and speak their minds. But the argument I am making is that if the Dirksen amendment is to stay the Supreme Court from protecting for a year or more the right which they regard as constitutional and fundamental—I say that not Justice Frankfurter, not Justice Harlan, not Justice Brandeis—no Justices of the Su-

preme Court could be summoned to support that kind of legislative position.

The Senator from Florida is entitled to completely disagree with the Supreme Court Justices, but I say that his agreement with Justice Harlan as supporting the Dirksen amendment does not make any sense to me, because the worst part of the amendment is that it would tell the Supreme Court what it could and could not do in protecting basic American rights.

Mr. HOLLAND. It is time for the people to be heard. When we reach the point where we cannot ask for time for the people to be heard, this country will be in a sorry state. I have seen the Senator from Wisconsin argue for causes which were lost before he even started arguing for them, so I know he subscribes to the principle that we must stand up for what we believe in, to the best of our ability, and defend what we believe in.

I believe with all my heart that our Constitution does not mean what the Supreme Court decision by a majority of the Court says it means. I believe that if it did, the 14th amendment would never have been adopted, because each of the States outside the South adopted it and had bicameral legislatures in which different standards of elections were prescribed. How can it be said with any reasonable degree of accuracy that those States would have approved the 14th amendment if they had known that the people voting for ratification in many instances were voting themselves out of office, voting out of existence the very basis upon which the legislatures were founded. So the question, after all, is one which I believe the Senate and the House can decide. Both sides are entitled to recognition as having the best motives.

A while ago the Senator from Pennsylvania used a term which I believe he was not using seriously, because I believe that he knows that no Member of the Senate regards the Supreme Court as a group of devils. The Senator from Florida does not. He has appeared before the Supreme Court. He has argued before the Court. He goes over there from the Senate to sponsor friends who wish to be admitted to practice before the Supreme Court, and he does it with a great sense of respect for the Supreme Court and, of course, for the dignity that prevails there—and he has always had that feeling. But he does not agree in advance with the Supreme Court on everything that it does. He has not done so in this instance.

I am sorry, but I must leave now to join a conference in my office. I hope that my two distinguished friends will excuse me.

Mr. CLARK. The Senator has made a good speech. God bless the Senator from Florida.

(At this point Mr. SALINGER took the chair as Presiding Officer.)

Mr. PROXMIRE. The Senator from Florida is very eloquent in many ways, and I say this in all sincerity. I do not question his integrity for one moment. I should like to say that we must not get away from the fact that the heart, the

core, the central objection to the Dirksen amendment is what it would do to suspend the rights of the Supreme Court to protect a constitutional right. No matter what the oratory may be, this is the core and the heart of our objection.

The Senator cannot get away from that. I am sure he must know that he cannot properly call on any Supreme Court Justice who has ever served to support the position that Congress should move in on the Supreme Court, as is proposed in this amendment.

Mr. HOLLAND. One former member of the Supreme Court, recently retired, is voicing that kind of sentiment all over the Midwest at this time.

I am very grateful to the distinguished Senators. I believe we understand each other completely. I recognize that they have great integrity and ability in this matter. And I hope they will recognize that the opponents have the same qualities.

Mr. PROXMIRE. We certainly do. I yield to the Senator from Michigan.

Mr. McNAMARA. Mr. President, I congratulate the Senator for making it very plain and clear for the record that neither the Attorney General of the United States nor any of his staff approved of the Dirksen amendment.

The record might possibly reflect the impression that the Senator is bringing the Attorney General into this matter. I believe the RECORD should show—and I am sure the Senator from Pennsylvania [Mr. CLARK] agrees—that the Attorney General and his staff were brought into this controversy by the proponents of the Dirksen amendment. They tried to create the impression that the amendment was approved by very important people on the staff of the Attorney General. We did not bring the Attorney General into this matter. He was brought in by the opposition.

I congratulate the Senator from Pennsylvania for bringing that point up at this time and stating the position of the Attorney General.

Mr. CLARK. Mr. President, I thank the Senator from Michigan very much. I would like to copper finish that statement, if I might. Before the Senator entered the Chamber, I pointed out that yesterday the Attorney General, before the Democratic platform committee, brought himself into the controversy when, in response to a question, he stated categorically in the words of Anthony Lewis, of the New York Times. "We are very strongly against any steps that might be taken against the Supreme Court."

Robert Kennedy, the Attorney General, said that. I heard him say it. He pointed out that Mr. Katzenbach and Mr. Cox, very able lawyers, were brought into the effort to modify the original Dirksen amendment in a way that, in their judgment, might make it constitutional. But they expressed no views of the Dirksen amendment whatever.

Now that the Attorney General has stated his wholehearted opposition to the Dirksen amendment, one must assume that Messrs. Cox and Katzenbach concur in the view of their chief.

Mr. President, before I return to the historical aspects of this rotten borough amendment, and continue my analogy between the history of the first reform bill in England in the 1830's and this effort to overturn fair representation, 132 or 133 years later, I should like to note for the RECORD that I have—and these figures are perhaps 2 days old at the present time—received 92 communications with respect to the public position I have taken on the Dirksen amendment. Eighty-eight of these confirm the position I have taken in opposition to the amendment. Four of them object to my stand and support the Dirksen amendment.

These communications come from pretty highly regarded sources in the United States. I shall not read them all. But I would like to call attention to them.

I ask unanimous consent that these telegrams and letters may be printed in full at this point in the RECORD.

There being no objection, the telegrams and letters were ordered to be printed in the RECORD, as follows:

PHILADELPHIA, PA.,
August 17, 1964.

Hon. JOSEPH S. CLARK,
Old Senate Office Building,
Washington, D.C.:

I am sending the following telegram to President Johnson:

"Senator DIRKSEN's proposed amendment will delay our program for adequate legislative reapportionment in Pennsylvania considerably.

"The Supreme Court's action was the one hope for the 70 percent of Americans who now live in our urban centers.

"We in Pennsylvania, and in Philadelphia particularly, are vitally affected by the failure of the Republican legislature to apportion legislative districts equitably.

"We do hope that the administration will be helpful to our big cities in America so that we will ultimately get adequate representation.

"The Republican Governor of Pennsylvania has failed not only to give us fair representation, but only recently gerrymandered many legislative districts in Philadelphia to our disadvantage. If Senator DIRKSEN's amendment is approved, our legislative program for Philadelphia will be jeopardized for another generation."

I am further advised that Mayor Tucker, of St. Louis, and other officials of the U.S. conference of mayors are also opposed to Senator DIRKSEN's amendment.

JAMES H. J. TATE,
Mayor, City of Philadelphia.

WASHINGTON, D.C.,
August 13, 1964.

Hon. JOSEPH S. CLARK,
Senate Office Building,
Washington, D.C.:

Pending proposal to stay court orders affecting reapportionment of State legislatures is derogatory of U.S. Constitution which provides for separation of powers between branches of Federal Government. It is unthinkable that the Congress should deem a suspension of constitutional rights to be in the public interest, as this amendment specifically states. The Senate is considering this revolutionary proposal without any hearings whatsoever. The most elementary considerations of due process require that interested citizens be granted an opportunity to present their views to the appropriate committee. AFL-CIO executive council is

unanimously on record opposing any legislative interference with the judicial branch. Therefore I strongly urge you to vote against any such proposal and to exert every effort to assure adequate hearings on this highly important question.

ANDREW J. BIEMILLER,
Director, Department of Legislation,
AFL-CIO.

WASHINGTON, D.C.,
August 13, 1964.

Hon. JOSEPH S. CLARK,
Senate Office Building,
Washington, D.C.:

We urge you to vote against new compromise proposal for holding up reapportionment of State legislatures. Produced without hearing in secret conferences unrepresentative of any broad range of Senate views, it still amounts to congressional interference with judicial process. The whole matter deserves a great deal more consideration than it can be given this late in the session. We urge you not to be stampeded into acting hastily.

WALTER P. REUTHER,
President, Industrial Union Department,
AFL-CIO.

WASHINGTON, D.C.,
August 14, 1964.

Senator JOSEPH S. CLARK,
Senate Office Building,
Washington, D.C.:

I strongly urge your opposition to the amendment, now being considered by the Senate, providing for a stay of proceedings for reapportionment of State legislatures. Such an amendment raises serious long-range constitutional questions which demand a careful and judicious hearing by an appropriate Senate committee—not the hasty action now underway. I hope you will exert every effort to defeat this proposal.

JACOB S. POTOFESKY,
General President, Amalgamated Clothing Workers of America, AFL-CIO.

ALTOONA, PA.,
August 17, 1964.

Senator JOSEPH CLARK,
Senate Office Building,
Washington, D.C.:

We urge you to oppose any legislation interfering with the judiciary and urge that adequate hearing of any reapportionment legislation be held before floor action is taken.

A. L. RHODES,
President, Local 180, UWUA, AFL-CIO.

PITTSBURGH, PA.,
August 14, 1964.

Hon. JOSEPH S. CLARK,
Senate Office Building,
Washington, D.C.:

On behalf of the membership of District No. 16, United Steel Workers of America, I urge you to vigorously oppose any legislation aimed at reversing the Supreme Court decision regarding reapportionment of State senate and legislatures. Would appreciate your comments.

PAUL R. NORMILE,
Director, District No. 16, United Steel Workers of America.

CLEARFIELD, PA.,
August 14, 1964.

Senator JOSEPH S. CLARK,
Senate Office Building,
Washington, D.C.:

We urge you to oppose any legislation interfering with judiciary, also that adequate hearing of any reapportionment legislation be held before floor action is taken.

ANTHONY J. SPAGNOLO,
Secretary, Local No. 75.

CLEARFIELD, PA.,
August 14, 1964.

Hon. JOSEPH S. CLARK,
Senate Office Building,
Washington, D.C.:

Regarding pending reapportionment legislation, we urge you to oppose any legislation interfering with judiciary, also that adequate hearings of all legislation be held before action is taken.

CORINNE C. ANDERSON,
ACWA, Local 118, Curwensville, Pa.

CANTON, PA.,
August 15, 1964.

Senator JOSEPH CLARK,
Senate Office Building,
Washington, D.C.:

Urge you oppose by every means Dirksen amendment hoax.

HENRY N. HALLETT.

UNIONTOWN, PA.,
August 15, 1964.

Senator JOSEPH S. CLARK,
Senate Office Building,
Washington, D.C.:

Members Uniontown Typographical Union No. 262 strongly urge opposition to legislation interfering with judiciary. Urge adequate hearings be held on any reapportionment legislation.

NORMAN C. HALL,
President.

ALTOONA, PA.,
August 15, 1964.

Senator JOSEPH CLARK,
Washington, D.C.:

Our central body considers the attempt to negate the Supreme Court ruling on reapportionment as being un-American, undemocratic and in a sense dishonest. Such unfair tactics breed resentment and we look to you to prevent this abuse.

GEORGE G. RUSSELL,
Chairman, Legislative Committee Central Labor Council.

PHILADELPHIA, PA.,
August 14, 1964.

Hon. JOSEPH S. CLARK,
Washington, D.C.:

More than 25,000 members of the AFL-CIO in Philadelphia urge that you oppose the Dirksen amendment postponing proper reapportionment in conformity with the U.S. Constitution, no action by Congress should infringe upon citizens right guaranteed under the State or Federal Constitution.

PHILADELPHIA COUNCIL, AFL-CIO,
JOSEPH T. KELLEY,
Secretary-Treasurer.

OKLAHOMA CITY, OKLA.,
August 15, 1964.

SENATOR JOSEPH CLARK,
Senate Office Building,
Washington, D.C.:

You have our support, defeat the "rotten borough" amendment.

Mr. and Mrs. WALLACE FRIEDBERG.
BETHANY, OKLA.

MIAMI, FLA.,
August 14, 1964.

Senator JOSEPH CLARK,
Senate Office Building,
Washington, D.C.:

Thanks for filibustering against malapportionment rider to foreign aid bill. If you delay passage until convention believe grassroots opposition to rider can be mustered. Please do not give up. If your fight fails, hopes of millions of disenfranchised citizens are killed. Don't let us down.

AUBREY V. KENDALL,
President, Young Democratic Club of Dade County.

LEBANON, PA.,
August 16, 1964.

Senator JOSEPH CLARK,
Washington, D.C.:

I hereby request that you uphold Federal court decision on reapportionment of State legislature.

HENRY L. GENSLER,
Secretary-Treasurer of United Labor
Council of Lebanon County.

YORK, PA.,
August 14, 1964.

Senator JOSEPH S. CLARK,
Senate Office Building,
Washington, D.C.:

Our council urges you to oppose any legislation interfering with judiciary, and insisting that adequate hearings of any reapportionment legislation be held before floor action is taken. Your cooperation will be greatly appreciated.

Yours truly,
EUGENE H. GROVE,
Secretary, York Building and Construction Trades Council, AFL-CIO.

AMBRIDGE, PA.,
August 14, 1964.

Senator JOSEPH CLARK,

Senator JOSEPH CLARK,
Senate Office Building,
Washington, D.C.:

Preservation of principle of proportionate representation in election process essential. Your every resistance to legislative efforts to revamp recent court decision upholding this principle will be appreciated.

KAY KLUIZ,
Director, District No. 20, United Steel
Workers of America.

LANCASTER, PA.,
August 17, 1964.

Hon. JOSEPH CLARK,
Senate Office Building,
Washington, D.C.:

Request your support of the Supreme Court reapportionment of State legislatures and urge you to oppose any legislation interfering with the judiciary and urge adequate hearings of any reapportionment legislation be held before floor action is taken.

WILLIAM MYERS,
President, Lancaster Labor Council.

MEADVILLE, PA.,
August 17, 1964.

Hon. JOSEPH S. CLARK,
Senate Office Building,
Washington, D.C.:

Crawford County Labor Union Council urges you to oppose any effort to suspend Federal court orders on reapportionment of State legislatures until after adequate hearings have been held.

WALTER B. ANDRE,
Secretary.

BRISTOL, PA.,
August 17, 1964.

Senator JOSEPH CLARK,
Senate Office Building,
Washington, D.C.:

Bucks County Council, AFL-CIO, is urging that you oppose any legislation interfering with the judiciary and urging that adequate hearings of any reapportionment legislation be held before floor action is taken.

FRANK FLATCH,
President.

PITTSBURGH, PA.,
August 14, 1964.

Hon. JOSEPH S. CLARK, Jr.,
Senate Office Building,
Washington, D.C.:

We oppose any action to interfere with judicial court orders requiring reapportionment of State legislatures. Ask that you use your influence and knowledge to require that

adequate hearings be held on reapportionment legislation before floor action is taken. We support the judicial action on this matter and oppose legislative action to suspend court orders on reapportionment.

Your support requested and appreciated.
WM. J. HART,
President, Allegheny County Labor
Council.

JAMES PUGLIN,
Executive Secretary.

UNIONTOWN, PA.,
August 15, 1964.

Senator JOSEPH CLARK,
Senate Office Building,
Washington, D.C.:

Members of Carpenter Local No. 1010 request your opposition to any legislation interfering with judiciary. Strongly urge adequate hearing on any reapportionment legislation.

RAY E. GLOVER,
President, Carpenters Local No. 1010.

CAMBRIDGE, MASS.,
August 16, 1964.

Senator JOSEPH S. CLARK,
U.S. Senate,
Washington, D.C.:

We want to indicate our support of your efforts to defeat the Dirksen amendment to the foreign aid bill which seeks to delay reapportionment of State legislatures.

CHARLES L. ODOROFF,
SETTA ODOROFF.

ALLISON PARK, PA.,
August 16, 1964.

Hon. JOSEPH CLARK,
Senate Office Building,
Washington, D.C.:

Am against attachment court rider to foreign aid bill. Issue should stand on own merits.

R. C. BLACKMOND.

POTTSVILLE, PA.,
August 16, 1964.

Hon. JOSEPH CLARK,
U.S. Senate,
Washington, D.C.:

DEAR SENATOR: Please do not suspend hearings on reapportionment of State legislature. Please oppose the above and bring to the floor for a vote thereby going along with the decision of the Federal court as this will be in the public's interest and distribute reapportionment fairly. Please confirm your position on the above and please vote yes for reapportionment in our State.

Sincerely and fraternally yours,
VINCE ZIMMERS,
Union Delegate, Local Union 517.

CRESSONA, PA.,
August 16, 1964.

Hon. JOSEPH CLARK,
U.S. Senate,
Washington, D.C.:

SIR: Please do not suspend hearings on reapportionment of State legislature. Please oppose the above and bring to the floor for a vote, therefore, going along with the winning of the Federal court's decision on the above, as this will be in the public interest and will distribute representation fairly. Please confirm your position on reapportionment, this council asks your vote favorably on the above.

CLARENCE DUSTY KRAUSE,
President, Schuylkill County Building
& Construction & Trades Council.

UNIONTOWN, PA.,
August 15, 1964.

Senator JOSEPH S. CLARK,
Senate Office Building,
Washington, D.C.:

Members of Local 131, ACWA, strongly urge opposition to legislation interfering with

judiciary, urge adequate hearing of reapportionment legislation be held.

MARIE GEORGIANA,
President.

DONORA, PA.,
August 14, 1964.

Hon. JOSEPH CLARK,
Senate Office Building,
Washington, D.C.:

United Steel Workers legislative committee of Washington County strongly urges that you oppose any legislation which pertains to reversal of the U.S. Supreme Court's decision regarding the reapportionment of the State senate and State legislatures.

A. P. DELSANDRO,
Legislative Representative.

HARRISBURG, PA.,
August 14, 1964.

Hon. JOSEPH S. CLARK,
Senate Office Building,
Washington, D.C.:

We respectfully urge that you oppose any effort to suspend any Federal court orders requiring reapportionment of State legislatures and that you further oppose any legislation limiting or interfering with the judiciary. We will also appreciate your demanding that adequate hearings on any reapportionment legislation be held before same is referred to floor action. Your confirmation and acknowledgment will be deeply appreciated.

HARRY BOYER,
President.

MICHAEL JOHNSON,
Executive Vice President.

WILKES-BARRE, PA.,
August 14, 1964.

Senator JOSEPH CLARK,
Washington, D.C.:

Urging you oppose any legislation interfering with judiciary and urging that adequate hearings of any reapportionment legislation be held before floor action is taken.

HENRY DEPOLO.

UNCASVILLE, CONN.,
August 15, 1964.

Senator JOSEPH S. CLARK, Jr.,
U.S. Senate,
Washington, D.C.:

Please help defeat Dirksen and all similar delaying proposals. Thanks,

ROBERT H. BARNES.

CRESSONA, PA.,
August 16, 1964.

Senator JOSEPH CLARK,
U.S. Senate,
Washington, D.C.:

SIR: Please do not suspend hearings on reapportionment of State legislature. Please oppose the above and bring to the floor for a vote, therefore going along with the winning of the Federal court's decision on the above, as this will be in the public's interest and will distribute representation fairly. Please confirm your position on reapportionment. This council asks your vote favorably on the above.

CLARENCE DUSTY KRAUSE,
Recording Secretary of United Labor
Council of Schuylkill County.

TALLAHASSEE, FLA.,
August 14, 1964.

U.S. Senator JOSEPH CLARK,
Senate Office Building,
Washington, D.C.:

Our deep appreciation to you and colleagues for maintaining ceaseless opposition to Dirksen efforts to delay or thwart long overdue legislative reapportionment. Southern Democrats supporting Dirksen rider are precisely same ones already surreptitiously working for general election defeat of Presi-

dent Johnson. He could carry most, if not all of South is supported by southern Democratic Senators for whom the party has made possible rich political and personal rewards.

JIM and ANN ETHRIDGE.

WILKES-BARRE, PA.,
August 14, 1964.

Senator JOSEPH CLARK,
Washington, D.C.:

Urging you oppose any legislation interfering with judiciary and urging that adequate hearings of any reapportionment legislation be held before floor action is taken.

HAROLD COSLETT.

WILKES-BARRE, PA.,
August 14, 1964.

Senator JOSEPH CLARK,
Washington, D.C.:

Urging you oppose any legislation interfering with judiciary and urging that adequate hearings of any reapportionment legislation be held before floor action is taken.

EDWARD MCHUGH,
Business Agent, Ironworkers Local No. 489.

PHILADELPHIA, PA.,
August 14, 1964.

Senator JOSEPH CLARK,
Senate Office Building,
Washington, D.C.:

I respectfully request you to oppose any legislation that would further delay the apportionment of State legislatures as ruled by the Supreme Court.

HUGH CARCELLA,
Director, District No. 7, United Steelworkers of America.

SEATTLE, WASH.,
August 14, 1964.

Senator JOSEPH S. CLARK,
Senate Office Building,
Washington, D.C.:

Please keep fighting DIRKSEN's redistricting amendment. How can we forestall this threat to democratic government?

ANN WIDDITSCH.

AUGUST 14, 1964.

JOSEPH S. CLARK,
Senate Office Building,
Washington, D.C.:

More than 50,000 members of the IUE AFL-CIO in Pennsylvania urge that you oppose the Dirksen amendment postponing proper reapportionment in conformity with the U.S. Constitution. No action by Congress should infringe upon citizens' rights guaranteed under the State or Federal Constitution.

HARRY BLOCK,
President, District Council No. 1, IUE,
AFL-CIO.

WILKES-BARRE, PA.,
August 14, 1964.

Senator JOSEPH CLARK,
Washington, D.C.:

Urging you oppose any legislation interfering with judiciary and urging that adequate hearings of any reapportionment legislation be held before floor action is taken.

WYOMING VALLEY TRADES COUNCIL.

PITTSBURGH, PA.,
August 8, 1964.

Hon. JOSEPH CLARK,
Senator from Pennsylvania,
Washington, D.C.

DEAR SENATOR CLARK: Once again the Supreme Court has come to the rescue of our liberties, this time by decreeing that representation in State legislatures shall be based on the principle of "one citizen, one vote," and by ordering that legislative districts be made to contain as nearly as possible equal numbers of voters. And once again forces

of reaction are attempting to reverse the Court's decision. Special interest groups that have for too long held power through inequitably apportioned State legislatures are trying to maintain that power by legislation and constitutional amendment. We urge you to oppose all such attempts.

In particular we ask that you vote against Senator Dirksen's bill to postpone the reapportionments ordered by the Court, and against any constitutional amendment to permit districting either house of a State legislature on any basis other than population.

Yours truly,

BARBRO HELSTROM.
CARL W. HELSTROM.

STATE COLLEGE, PA.,
August 13, 1964.

Senator JOSEPH CLARK,
Senate Office Building,
Washington, D.C.:

I approve of your stand on reapportionment.

HELEN STRIEDIECK,
Faculty Wife and Secretary.

STATE COLLEGE, PA.,
August 14, 1964.

Senator JOSEPH CLARK,
U.S. Senate,
Washington, D.C.:

I heartily approve of your efforts for equality in the redistricting controversy.

R. T. DUQUET.

ROCKVILLE, MD.,
August 13, 1964.

Hon. JOSEPH S. CLARK,
Washington, D.C.:

Just heard you on CBS re Dirksen amendment and debate. More power to you.

ALICE HOSTETLER.

PHILADELPHIA, PA.,
August 14, 1964.

Hon. JOSEPH S. CLARK,
Washington, D.C.:

Compromise of Dirksen plan to delay reapportionment of State legislatures is not acceptable. Please do all possible to insure both early reapportionment and passage of foreign aid bill.

NORVAL REECE,
Executive Director, Americans for Democratic Action, Southeastern Pennsylvania Chapter.

AMERICAN ASSOCIATION OF
UNIVERSITY WOMEN,
Washington, D.C., August 7, 1964.

Hon. JOSEPH S. CLARK, JR.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CLARK: We have read in the press of Senator DIRKSEN's intent to add a rider to the Foreign Assistance Act authorization bill, S. 2658. We believe such a rider would be likely to influence votes on the foreign assistance bill to its detriment. The American Association of University Women has this year, as in the past, supported this legislation as a vital instrument of U.S. foreign policy in carrying on economic and social assistance programs to promote conditions favorable to democracy, security and peace throughout the world.

We urge Senate approval of the authorization recommended by the Foreign Relations Committee and appropriation of the full amount authorized. In our opinion this "bare bones" request for next year's program should not suffer further reduction.

We oppose the Dirksen rider for several reasons: first, that it could harm the AID legislation; second, that the rider on reapportionment is not germane to S. 2658. We also firmly believe that such a serious mat-

ter as representation and reapportionment, so long overdue in many States, should be discussed on its own merits rather than as a rider to an unrelated and important piece of legislation.

In addition to our opposition to the addition of Dirksen's rider we also wish to express our sincere hope that any further amendments to S. 2658 which would complicate the implementation of the AID program can be avoided.

Respectfully,

Dr. ALONA E. EVANS,
Area Representative, World Problems.
Mrs. GEORGE C. HAHN,
Chairman, Legislative Program Committee.

Mr. CLARK. The first telegram is from Mayor James H. J. Tate, of Philadelphia, in which he states:

Senator DIRKSEN's proposed amendment will delay our program for adequate legislative reapportionment in Pennsylvania considerably. The Supreme Court's action was the one hope for the 70 percent of Americans who now live in our urban centers. We, in Pennsylvania, and in Philadelphia, particularly, are vitally affected by the failure of the Republic legislature to apportion legislative districts equitably.

Mayor Tate advises me that his position is shared by Mayor Tucker, of St. Louis, and other officials of the U.S. Conference of Mayors, who are also opposed to Senator DIRKSEN's amendment. He urges me to continue my opposition to the amendment.

The next telegram, which I shall not read, takes the same position. It is from Mr. Andrew J. Biemiller, director of the Department of Legislation of the AFL-CIO.

Next is a telegram from Walter P. Reuther, urging me to vote against the new compromise proposal for holding up reapportionment. I have a similar telegram from Jacob S. Potofsky, general president of the Amalgamated Clothing Workers of America, AFL-CIO.

I have a telegram from the Philadelphia Council of the AFL-CIO, signed by Joseph P. Kelly, secretary-treasurer of the Philadelphia Council, AFL-CIO.

I have a similar telegram from William J. Hart, president of the Allegheny County Labor Council. There is a telegram from Harry Boyer and Michael Johnson, executive vice president of the Pennsylvania State AFL-CIO.

There is a well-worded letter from the area representative and the chairman of the Legislative Program Committee of the American Association of University Women, from their Washington headquarters, representing the national organization.

I believe that as the gravamen of this debate is made manifest through the country, we shall find the American people expressing to their Representatives in Congress, in no uncertain terms, their distaste of and opposition to the rotten borough amendment.

Mr. President, I now return to the scene of the 1830's and the analogy between the controversy over the first reform bill in the House of Commons and the efforts at that time to give England a fair and equitable legislative representation in the House of Commons, and the efforts of those who support the Dirksen amendment to turn back the clock in

our country and deny to the people of the States that equitable representation in their own State legislatures which the Supreme Court of the United States has held they are entitled to as a matter of constitutional right.

In my comments on this subject, which appeared at pages 19381, 19382, and 19383 of the CONGRESSIONAL RECORD for Tuesday, August 18, I had reached the point where the general election in England of August 1831, had brought in a Whig majority in the House of Commons which installed Lord Grey as the new Prime Minister and turned out the Duke of Wellington, who had been a Tory Prime Minister in the preceding Cabinet.

Lord Grey, who served in the House of Lords, introduced the first reform bill, which abolished a large number of rotten boroughs—and I described in my earlier remarks what a rotten borough was—and distributed their seats in the House of Commons among the British cities which had hitherto been unrepresented in Parliament, and enfranchised about one-half of the British middle class. Since Prime Minister Grey was in the House of Lords, Lord John Russell managed the first reform bill in the House of Commons.

The bill created a real controversy in the England of its day, a controversy not unlike, and probably a good deal more severe than the controversy which arose in this country as a result of the decisions in the Supreme Court of the United States starting with Baker against Carr in 1962 and ending for the time being, so far as a comprehensive exposition of the constitutional and equitable points involved are concerned, with Chief Justice Warren's opinion in Reynolds against Simms, decided on June 15.

In those days in the House of Commons a major debate was held on second reading. The debate continued for 3 weeks. When the bill was called for a vote on second reading, it was passed by 1 vote. Under the procedure then in existence in the House of Commons the bill was referred to committee after having passed second reading, a principle which Senators will note we honor in theory in this body today. We give bills two readings before we refer them to a committee, but we do not ordinarily engage in debate until after the committee has reported, although there are exceptions to that practice.

When the bill was defeated in the House of Commons, after having passed second reading, the Grey cabinet resigned. King William then sat on the throne of England, and at that point the status of the British Crown gave the king a good deal more power than he has today, although substantially less power than George III had at the time of the American revolution. King William had to make up his mind, for he had the complete right to determine whether to dissolve Parliament and call for new elections or to send for another member of either House of Commons or the House of Lords and ask him to form a new cabinet. Lord Grey asked him to dissolve Parliament and call for new elections, which he finally did.

In the ensuing election almost all of what were then called the open constituencies, which were largely English county seats, where the people on the whole got a fair vote, supported Lord Grey and Lord Russell. In fact, they carried 74 out of the 80 English county seats. That gave the reform bill a clear majority in the House of Commons, and the bill was passed.

Then it went over to the House of Lords. I remind Senators that in those days the House of Lords was of at least equal preeminence with the House of Commons, and no bill could become law of which the House of Lords did not approve. It was almost 80 years later that the British constitutional procedure was amended so that any bill which passes the House of Commons three times will become law whether or not the House of Lords approves.

In those days the House of Lords had to approve or there would be no legislation. The House of Lords threw out the bill on second reading.

Then the strong advocates of parliamentary reform urged King William to create enough additional peers to give him the votes to pass the bill in the House of Lords. The closest analogy to that suggestion of which I can think was the effort of President Roosevelt to pack the Supreme Court. One can well imagine what an uproar that suggestion caused in the England of 1832. Lord Grey did not ask King William to appoint those peers, but he brought in a new bill in the House of Commons modified to meet some of the reasonable criticisms which had been advanced during the course of the debate, and also in order to save a few faces and thus get a few more votes for the bill. But the new bill did not weaken as a democratic measure in any significant way the first reform bill. The new bill was promptly passed by the House of Commons, and in April of 1832, it got by the House of Lords on second reading by nine votes.

Things looked pretty good, but the next month the House of Lords attempted to take the bill out of the hands of the minister in charge—that would have been Lord Grey—and to amend it in their own way.

That action resulted in the resignation of Lord Grey and his Cabinet, creating another constitutional crisis.

At that point the King asked the Duke of Wellington, the head of the Tory Party, who opposed reform, to come back and form a Tory ministry for the purpose of carrying the bill through the House of Lords in the same way that the Duke of Wellington had pushed Catholic emancipation, which he also opposed, through the Parliament 3 years earlier.

Wellington, who was a great patriot and a strong partisan of the monarchy, agreed to undertake that task, which he did not like, but he could not get the leading Tories in the House of Commons to cooperate with him by going into the Cabinet. So he had to tell the King that he could not form a cabinet. That action forced King William to go back to Lord Grey, who said at that

point that he would serve again as Prime Minister only if the King gave him a written promise to pack the House of Lords to the extent necessary to get the bill through.

This threat was made known to the existing Lords, who were not very happy at the thought of having mere commoners join them in their aristocratic body, and they caved in. The reform bill became law.

To be sure, the situation today is not nearly as desperate as it was in England in 1832. But the bold tactics of Lord Grey, Sir John Russell, and King William might well provide models of political conduct for liberal leadership in both the House and the Senate, and at least a suggestion for the presidential action which would be necessary in order to assure the success of congressional reform—not that the President could “pack” the Senate, but that he could bring the influence of his office to bear in support of the Supreme Court of the United States and, indeed, in opposition to the Dirksen amendment.

Mr. President, this concludes my discussion of the analogy between the first reform bill in England and the constitutional crisis which confronts us today.

My friend the Senator from Oklahoma [Mr. MONRONEY], has asked me to yield to him. I ask unanimous consent that I may yield to him without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Oklahoma is recognized.

ESTATE OF MARY L. McNAMARA

Mr. MANSFIELD. Mr. President, will the Senator from Oklahoma yield me half a minute?

Mr. MONRONEY. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 919, Senate bill 83.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 83) for the relief of the estate of Mary L. McNamara.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. McGOVERN. Mr. President, the purpose of S. 83, a private bill for the relief of the estate of Mary L. McNamara, is to permit the estate, notwithstanding any statute of limitations, to file a claim for credit or refund for overpayment of income tax for the taxable year ending October 31, 1956. The executor of the estate filed a tax return for the year ending October 31, 1956, disclosing a tax of \$5,555.03. More than 3 years after the date of the filing of the return, a claim for a refund in the amount of \$2,891.86 was filed. The claim was executed by the First National Bank of the Black Hills, the special administrator of the estate.

It is not disputed that an error was made in the filing of original return; but the claim for a refund was filed after the expiration of the statutory period. The original executor of the estate died 3 days before the expiration of the statutory period; and the special administrator promptly filed a claim for a refund.

This bill would authorize a claim for a refund to be filed at any time within 1 year after the date of its enactment.

Any refund would inure to the benefit of St. John's McNamara Hospital, of Rapid City, S. Dak., the residuary legatee of the Mary McNamara estate.

The bill has been reported favorably by the Committee on the Judiciary, with a recommendation that it pass without amendment.

The Senator from Iowa [Mr. MILLER] has delayed the passage of the bill until he could check on its merits; but he has advised me today that he will not object to its passage.

I feel certain that the Senate will act without further delay on this bill.

The PRESIDING OFFICER. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 83) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any period of limitations or lapse of time, claim for credit or refund of overpayment of income tax for the taxable year ending October 31, 1956, by the estate of Mary L. McNamara, of Rapid City, South Dakota, may be filed at any time within one year after the date of the enactment of this Act. The provisions of sections 6511(b) and 6514 of the Internal Revenue Code of 1954 shall not apply to the refund or credit of any overpayment of tax for which a claim for credit or refund is filed under the authority of this Act within such one-year period.

SAVERY-POT HOOK, BOSTWICK PARK, AND FRUITLAND MESA RECLAMATION PROJECTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1416, House bill 3672.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 3672) to provide for the construction, operation, and maintenance of the Savery-Pot Hook, Bostwick Park, and Fruitland Mesa participating reclamation projects under the Colorado River Storage Project Act.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs, with an amendment on page 5, after line 15, to insert a new section, as follows:

SEC. 5. For a period of ten years from the date of enactment of this Act, no water from the projects authorized by this Act shall be delivered to any water user for the production of newly irrigated lands of any basic

agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. McGEE. Mr. President, I would like to compliment this body on its action in passing this legislation which will be of real benefit to the States of Wyoming and Colorado. As reclamation projects go, these three are not large, but they will bring an economic stability to the areas in which they are located that will mean great improvements for the area residents.

In the Little Snake River Basin on the Wyoming-Colorado border the farmers and stockmen have been plagued by a constant shortage of late season water. With the passage of this bill and its provision for the construction of two reservoirs there will be water to finish off the crops and to keep the animals until the most advantageous marketing situation.

Mr. President, the direct benefits of projects such as these are obvious but the indirect benefits sometimes go unnoticed. For this project will provide not only much greater stability and economic growth but will raise standards through the entire area. The water provided by this project will not only grow crops it will increase land values and tax receipts on the local level. More tax receipts mean better schools, better roads and more incentive to people to stay in the area or move into it because of the new advantages it offers.

Speaking for the people of Wyoming I would again express my congratulations for the farsighted action taken here today.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. MONRONEY. Mr. President, I ask unanimous consent that when the Senator from Pennsylvania resumes the speech he was making it not be counted as a second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONRONEY. Mr. President, before the Senate talks to death the Dirksen-Mansfield amendment regarding reapportionment of State legislatures, it is time for us to stop, look, and listen. It is high time that the historic relationships between the Federal and State Governments not be destroyed because of haste and misunderstanding.

The far-reaching decision of the U.S. Supreme Court was handed down on June 15 of this year. It was the first definitive decision giving a clear course

of what the Court had in mind for apportionment of State legislative bodies.

Since June 15, some of the States have been subjected to decisions by three-judge Federal district courts, directing them to comply with this very recent decision posthaste. These decisions have varied in several States.

Appeals can be taken from these lower court orders, but an appeal without a stay will be meaningless. The right which is at stake is the right of the citizens of the various States to have an opportunity to comply by means of their own choosing with the June 15 U.S. Supreme Court edict.

Without a stay being assured, the experience and previously accepted legality under our Constitution, going back to the States admittance to the Union, is in danger of being swept away. Without a stay, the very considerable efforts that have been made in some States to enact new apportionment laws, and elections that have been held under new laws, will be voided.

In several States, as in Oklahoma, the State legislatures and the State supreme courts had acted to provide reapportionment plans which they believed to be acceptable to the U.S. Supreme Court. There was no precise formula, until June 15, by which they could accurately determine just what was expected of them.

By sweeping decisions, varying in several States, no opportunity for an orderly transition to meet the newly prescribed formula has been given. In many other States with grossly disproportionate population ratios among the various districts, no action at all has been taken or yet ordered by the local Federal courts.

In several others, steps have been underway to try to arrive at what the legislatures or the State supreme courts or State commissions have believed to be a fair apportionment. These, it is true, have varied. It is virtually impossible to determine an exactly equal apportionment for every district without actually assuming the tedious task of drawing lines through every neighborhood.

One accepted unit of government for more than a century in legislative districting has been the county. In many cases, to effect exact mathematical reapportionment, it is necessary to throw two or more counties together or in more populous counties to draw the lines down certain streets or alleys in the cities.

Simple elemental justice requires that redrafting or redesigning of election districts be undertaken cautiously and judiciously. Citizens should not be expected to adapt to new districting by sudden action. Hasty and ill-advised redistricting formulas promulgated by the courts instead of by the people themselves can result in confusion and inequities. Good local self-government cannot be imposed from above. It must be generated by the people themselves.

Even if the results of new apportionment cause drastic revisions of election districts, the fact that it was done by local authority rather than Federal court order makes it far more acceptable to the State involved. The fact that time was given for this consideration to

meet the new guidelines also adds to better acceptance and lessens Federal dictation over local affairs.

I cannot agree with my colleagues who interpret this amendment as a means to preserve the "rotten borough" system or to preserve unequal districts to protect individual officeholders. It is nothing of the kind. These county units, whether we like it or not, form a basis for governmental units of local administration of all kinds. Even more, their economic interests and their opportunity to participate in State or even Federal programs are governed substantially by their geographic designation as local governmental entities.

It is traditional in all of our States that the people in the smaller political subdivisions exercise their strength competitively in their State legislatures seeking to insure the progress and prosperity of their separate localities. The formulation by the courts of new local governmental units leads too often to something worse than malapportionment. To mix a large county with a small county in the same legislative district will inevitably eliminate the smaller county from any representation whatever. Because of the larger county's loyalty to its candidates, the larger and more populous counties will dominate their smaller neighbors who are combined with them. It is a sorry state of affairs when a new wrong is committed in a mistaken and ill-conceived attempt to right an old wrong. Where this must be done, local authority leads to better acceptance of this disagreeable task.

Because of the threatened upheaval of what has for scores of years been an accepted right of the States to determine these election districts under State constitutions providing for various types of population and even area formulas, there is great fear and resentment evident throughout most of our States over Federal direction of methods by which better apportionment in election districts will take place.

I think it is fundamental to a continuance of State determination, long considered to be controlling in the composition of these legislative assemblies, to be allowed two fundamental things:

First, and foremost, is time to make adjustment to the new formula so recently pronounced by the U.S. Supreme Court. The order came down after elections in several States were already underway. Time to adjust their elections—including file time, campaigns, and first and second primaries—was not available with the election schedule they had to meet.

Second, the right of the State legislative bodies, their supreme courts or apportionment commissions, to have ample opportunity to apportion within the framework of the June 15 decision of the U.S. Supreme Court. We should block an unwarranted and unnecessary dictation by Federal authority to remove precipitously from State authority another chance to meet the Court's requirements.

The Dirksen-Mansfield compromise would leave the courts free to declare existing districts unconstitutional. But action would then be stayed for a year or

so to let the legislature or State apportionment commission act. If it did not act, the compromise would affirm the power of the courts to do the job.

This is not a compromise, as some have argued, to strip the Supreme Court of its power over apportionment. It is an effort to prevent a chaotic condition on elections already underway and to give the local authorities an opportunity to meet the new guidelines laid down by the U.S. Supreme Court so very recently.

The relationship between the Federal and State governments already has been strained. Any unnecessary jamming of the gears of our State election processes can be avoided by the extra year or so provided in the compromise amendment.

No State in the Union has a legislative reapportionment crisis more immediate, more perplexing, or more severe than the situation which now confronts the citizens of Oklahoma.

On Friday, August 7—just 13 days ago—a three-judge Federal court in Oklahoma City vacated the primary and runoff primary elections for State legislative nominations. These elections were held on May 5 and on May 26 of this year. These elections were held before the U.S. Supreme Court issued its definitive one-man, one-vote order of June 15.

The lower court order vacating our Oklahoma primaries was issued in spite of the High Tribunal's opinion of June 15, which cautioned and admonished the lower courts against disruption of the election process in these words:

In awarding or withholding immediate relief, a court is entitled to and should consider the proximity of a forthcoming election and the mechanics and complexities of State election laws and should act and rely upon general equitable principles. With respect to the timing of relief, a court can reasonably endeavor to avoid a disruption of the election process which might result from requiring precipitate changes.

If I can read and under the English language, it appears to me to mean just what it says in recognizing the danger of unnecessary haste. Even if the High Court had failed to express it, I do not believe the lower Federal tribunal was justified in canceling two primary elections in Oklahoma until the people of Oklahoma themselves had had an opportunity to adjust and comply with the Supreme Court's latest order.

The compromise proposal now before the Senate seeks to provide that opportunity and I will support it as plain, simple justice.

The lower court order of August 7 is being appealed to the U.S. Supreme Court. However, the Governor of Oklahoma, acting on the court's order of August 7, has proclaimed a special election for September 29, and the filing period for the special election starts at the end of this month. If the lower court order is to be reviewed by the Supreme Court before the court-ordered special election is held, a stay must be obtained immediately.

Because of the importance of this case, coming as it does as one of the first tests on appeal from a three-judge Federal court to the U.S. Supreme Court on its latest apportionment decision, a stay

is desperately needed if confusion is to be avoided. Surely a State which has made progress toward better apportionment should not be thrown into such straits until the full Supreme Court has reviewed the case.

The statutory right of an appeal from a three-judge Federal court provides that one justice can grant or deny such a stay. Thus, the order, if such a stay is denied, could take from the State the authority over its election processes already in motion and substitute a new set of legislative elections under election districts prescribed, not by State authorities, but by the Federal district court.

The Dirksen-Mansfield compromise amendment if passed in time will prevent this disruption and give the State another chance to meet the formula of the Supreme Court.

A full review by the U.S. Supreme Court, sitting in regular session, will, I am confident, bring into focus the fact that Oklahomans have made real progress toward compliance with the U.S. Supreme Court reapportionment rulings and are now in a position to conform in an orderly and reasonable manner with the latest order issued only 2 months ago.

Oklahoma recognized the malapportionment of our State legislature and endeavored to correct it. For example, the old apportionment of the State senate allowed 24.5 percent of the State population to be represented by a majority in the upper house.

By act of the legislature, in its 1963 session—modified by the State supreme court—this ratio increased to 44.5 percent for majority of the State legislature.

The same act brought the percentage of the house up from its former 29.5 percent to better than 35.6 percent.

It was under this combined State supreme court and legislative apportionment that the primary elections were held until the Federal district court acted.

It is interesting to note that the apportionment plan for the upper house which the Court invalidated was only 4.7 percent below the Federal court-dictated plan.

It is 13.1 percent below the Court's proposal for representation in the house of representatives. However, in comparison with other States, the 44.5 percent figure for the Oklahoma State Senate would put the State among the leaders of the Nation in population balance. It would rank 13th among all States.

It would hardly seem to me that this failure by a margin of 4.7 percent to measure up to the Court-dictated program for the State senate would be sufficient excuse to justify the invalidation of the primary elections.

Oklahoma has made other efforts to reapportion. On May 26 the people of Oklahoma by a convincing majority adopted an amendment to the State constitution relating to reapportionment of the legislature. Many who are not versed in the legal technicalities thought this amendment was in compliance with the Federal Constitution.

In fact, the three-judge Federal court order of August 7, while rejecting the numerical apportionment, accepted parts of the May 26 amendment to the Oklahoma State constitution. The amendment provided for a commission which could rectify any legislative enactment failing to comply with proper apportionment requirements.

I again repeat that the State of Oklahoma has made a reasonable effort toward reapportionment.

One of the apparent reasons for the lower Federal court's extreme action in voiding the elections and assuming the power to prescribe its own reapportionment instead of giving the State an opportunity to work out an acceptable formula was that the history of the case showed lack of action. The three judge-Federal court specifically mentioned that the litigation went back to a case 9 years ago.

I might point out that at that time there had been no apportionment decisions whatsoever by the U.S. Supreme Court in the direction a one-man, one-vote principle. It was not until 1962 that apportionment was determined to be within the jurisdiction of Federal courts. Then the Supreme Court failed to spell out its definitive position. It was not until June 15 that this was forthcoming from the Highest Tribunal.

In addition to drawing up election district lines and scrambling various districts only a short time before the legislative elections were to be completed, the local three-judge Federal court also terminated the remaining 2-year terms of State senators elected for a 4-year term in 1962.

This court order effectively destroyed the holdover continuity which is basic to the Oklahoma State Senate and is common in a majority of our States.

In summary: the three-judge Federal court, failing to give the State of Oklahoma any reasonable time to meet the June 15 definitive order of the U.S. Supreme Court under its own machinery, improved by the establishment by the State of a reapportionment commission that court correct any malapportionment that the existing legislature might propose, acted in such haste and assumed such powers as to substitute Federal judicial authority for the rights of the people of Oklahoma to rearrange their own legislative districts in accordance with the June 15 decision.

It further voided the nominations of candidates already chosen in two primary elections and halted the election now in progress.

Further, it terminated the existing remaining 2-year terms of half of the members of the State senate.

I have cited at some length the effects of this summary action by the court in my own State. Surely the efforts of the Federal courts to correct what they have determined to be one malapportionment does not warrant riding roughshod over the rights of the State to be given all reasonable time and opportunity to develop its own constitutional apportionment.

This story of the problems of Oklahoma will not be unique as the sweep

of the decision is felt across our Nation. The need here is time. Not time for undue delay nor indefinite postponement, but time for a careful and thoughtful approach to a problem that would give the States the maximum right to decide the intimate details pertaining to the arrangement of balanced election districts.

The right of each citizen to have an equal voice in the conduct of its State affairs is not at issue in the Dirksen-Mansfield amendment. At issue is the fundamental right to put before the proper State authorities the first responsibility for making the decisions affecting that State.

Under the terms of the amendment before the Senate, this would be done. It is not an effort to suspend or to withdraw from the U.S. Supreme Court its power, but to provide for some time in which the local governments can have a reasonable chance to read, understand, and consider their course in the light of a decision which finally provided the formula on June 15 of this year.

In some States the local Federal courts have ordered the States within a very limited time to adopt new apportionment systems. In others, action has not been imminent. In still others, the action by the Federal courts has not yet been started.

The amendment by its very terms applies only to legislatures elected before January 1, 1966, scarcely 17 months off. It further provides that if action is not taken to properly apportion the legislative bodies the courts then may prescribe the redistricting themselves.

This would mean that only the legislature elected in November would not be thrown out, because of its alleged malapportionment.

I fail to see any compelling reason for creating the havoc and confusion that hasty and ill-considered action will bring. After all, systems under which the State legislatures are malapportioned are not greatly different from those existing in the U.S. House of Representatives. This year the U.S. Supreme Court has determined the right to order reapportionment of congressional districts on a more balanced basis. But it has not required the voiding of any elections now in progress. It has not declared any Member of any Congress elected by this unequal representation illegally elected and thus ended their terms of office. It apparently is giving the State legislatures, which are responsible for the unequal apportionment now existing, the time necessary to draw the district lines for seats in the lower House of the Congress.

What applies to the House of Representatives in the need for time to make well-considered judgments on the rearrangement of congressional districts certainly applies with equal force to the State legislatures.

We are dealing with long-established customs and traditions, recognized and understood areas of representation. It is true that the apportionment of both the Federal and State legislatures has not kept pace with shifting populations. The plain, simple fact is that there will always be some degree of malapportion-

ment. The census figures are usually 1 or 2 years old by the time they are used. The ability to find an exact mathematical balance for clear dividing lines of legislative districts, whether State or Federal, will defy our best computers.

Somehow I feel that the answer to better and more representative government at the State or even Federal level is not necessarily computerized accuracy in drawing up election districts, as desirable as some equalization can be.

Government has strong human factors woven through its fabric and one of these is a desire of all parts of this Nation, big and little, grassroots and metropolitan centers, to have a sense of participation and of membership in our democratic system.

This amendment as I read it asks for time to make this adjustment which is a major one in State and Federal relationships. To adjust this best to the consent of all the governed requires as much reliance on the people of the affected State as is possible. This short period of time provided by the Dirksen-Mansfield amendment provides a period to secure orderly and thoughtful adjustment. It recognizes human as well as mathematical factors.

Mr. President, because of the limited time and because of the urgency, particularly as it affects my State of Oklahoma, which is approaching an election, I deeply regret that the liberal Members of this great body have chosen to filibuster on this important measure, thus forestalling an opportunity for relief by the legislative route, which, at best, could only give us time in which the local authorities could devise methods of meeting the reapportionment problem that would meet the June 15 mandate of the Supreme Court.

This mandate was not available when the election processes were started. It is a disservice for Federal judges to stop in midcourse, or even beyond midcourse, an election that is due to be completed in only a couple of months, and to force a special election to be held under a completely new redistricting system that badly scrambles the districts. Candidates already have spent their money and time in order to win the nomination, not only in the first primary, but in the runoff primary. They will now have to go into a "sudden death" primary in districts that will be completely foreign, in part, not only to themselves, but also to the constituencies they seek to represent.

I hope that before it is too late we may have action on this vital amendment.

I thank the Senator from Pennsylvania for his courtesy in yielding.

Mr. CLARK. In a moment, I shall yield, by arrangement, to the distinguished Senator from Mississippi [Mr. STENNIS], to enable him to call up a conference report which he tells me can be disposed of quickly.

I would hope that the Senator from Oklahoma would find it possible to remain in the Chamber because, first, it is never a privilege, it is always a source of some dismay to me, to find myself in disagreement with my very close friend; second, I feel that it would be helpful to an understanding of the serious problem

which confronts us to have some discussion of the situation in Oklahoma. The Senator from Oklahoma obviously is far better versed in conditions in his own State than I.

However, we have a mass of material furnished us by those who strongly oppose delay in the action, and I should like to discuss with the Senator from Oklahoma the purport of this information, which is to the effect that Oklahoma has had since the early days of 1962, when the decision of Baker against Carr came down, to put its house in order.

This material would indicate that the court has been most solicitous of the rights of the legislature of Oklahoma to reapportion in accordance with the general principles set forth in Baker against Carr; that the very able assistance of the University of Oklahoma's Bureau of State Research was called upon for assistance; that a plan was submitted which was considered by many to be equitable, and that, generally speaking, the situation in Oklahoma is far from being in the best condition, as the Senator from Oklahoma has indicated. But I shall postpone that discussion because I promised the Senator from Mississippi that I would yield to him first.

Mr. MONRONEY. I thank the Senator from Pennsylvania. I shall be present when he reaches that part of the discussion.

Mr. CLARK. Mr. President, I yield, without losing my right to the floor, to the Senator from Mississippi.

MILITARY CONSTRUCTION APPROPRIATIONS, 1965—CONFERENCE REPORT

Mr. STENNIS. I thank the Senator from Pennsylvania for yielding to me.

Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11369) making appropriations for military construction for the Department

of Defense for the fiscal year ending June 30, 1965, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. SALINGER in the chair). The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of Aug. 19, 1964, p. 19570, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. STENNIS. Mr. President, I shall make only a brief statement in connection with the submission of the conference report on H.R. 11369, the military construction appropriation bill for fiscal year 1965. The total of the bill, which includes both military construction and family housing is \$1,570,968,000. This is an amount \$28,046,500 under the House bill and \$12,001,000 under the Senate bill.

For the military construction portion of the bill, the conferees agreed to provide \$939,817,000. This is an amount \$8,839,000 under the House bill and \$25,501,000 under the Senate bill.

For the family housing portion of the bill, the conferees agreed to provide \$631,151,000. This is \$19,207,500 under the House bill and \$13,500,000 over the Senate bill. In reaching this decision, the conferees agreed to provide 8,250 new housing units rather than the 7,500 proposed by the Senate and the 9,590 proposed by the House.

I ask unanimous consent that a tabulation showing the action of the Congress on the budget request be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STENNIS. Mr. President, when the bill was originally presented on the floor of the Senate, I described in a great deal of detail the items which were in-

cluded and the action which the Senate was taking. I shall confine my present remarks to the items in conference.

For the Department of the Army, the action taken by the conferees is detailed on page 3 of the conference report. The items for the Navy and the Air Force are detailed on the pages following.

I might mention specifically a couple of items which were in conference. One of them was the problem of relocating the 5th Army Headquarters from Chicago. Although no funds have been provided by the conference for the relocation, the conferees agreed that it should be clearly understood that they have no objection to such relocation from Chicago, but that the Secretary of Defense shall be expected to study the proposed relocation site giving consideration to the requirement for family housing and to other available sites in the area.

The Senate prevailed in its position of appropriating \$10,800,000 for the Army National Guard construction program rather than the \$6 million as proposed by the House. The total will enable the National Guard to accomplish 40 armory and 24 nonarmory projects and will permit a speedup in project construction.

I have already spoken of the agreement on new family housing projects. I would only add that the conferees agreed that the housing projects added by the Senate for the naval shipyard at Bremerton, Wash., and for Offutt Air Force Base, Nebr., shall receive the same consideration in the construction program as other approved items.

It is true that not all of the items which the Senate had approved and which the Senate conferees strove to maintain in the bill were so treated. However, it was a full and fair conference, and I believe that the report which you have before you generally reflects a wise course of action.

I wish to thank the Senate conferees for their excellent cooperation and assistance. If there are any questions, I shall be happy to attempt to answer them.

EXHIBIT 1.—Military construction appropriation bill, 1965

Item	1964 appropriation	1965 budget estimate	Passed House	Passed Senate	Conference action	Conference action compared with—			
						1964 appropriation	Budget estimate	House	Senate
Military construction, Army.....	\$200,346,000	\$408,000,000	\$301,000,000	\$311,977,000	\$300,393,000	+\$99,747,000	—\$107,607,000	—\$607,000	—\$11,584,000
Military construction, Navy.....	198,853,000	278,000,000	247,000,000	250,899,000	247,867,000	+49,014,000	—30,133,000	+867,000	—3,032,000
Military construction, Air Force.....	458,275,000	406,000,000	346,000,000	342,986,000	332,101,000	—136,174,000	—73,829,000	—13,899,000	—10,885,000
Military construction, Defense agencies.....	24,000,000	34,000,000	12,656,000	12,656,000	12,656,000	—11,344,000	—21,344,000	-----	-----
Military construction, Army Reserve.....	4,500,000	5,000,000	5,000,000	5,000,000	5,000,000	+500,000	-----	-----	-----
Military construction, Naval Reserve.....	6,000,000	7,000,000	7,000,000	7,000,000	7,000,000	+1,000,000	-----	-----	-----
Military construction, Air Force Reserve.....	4,000,000	5,000,000	5,000,000	5,000,000	5,000,000	+1,000,000	-----	-----	-----
Military construction, Army National Guard.....	5,700,000	6,000,000	6,000,000	10,800,000	10,800,000	+5,100,000	+4,800,000	+4,800,000	-----
Military construction, Air National Guard.....	16,000,000	14,000,000	14,000,000	14,000,000	14,000,000	—2,000,000	-----	-----	-----
Loran station.....	20,500,000	5,000,000	5,000,000	5,000,000	5,000,000	—15,500,000	-----	-----	-----
Total, military construction.....	948,474,000	1,168,000,000	948,656,000	965,318,000	939,817,000	—8,657,000	—228,183,000	—8,839,000	—25,501,000
FAMILY HOUSING									
Family housing, Army:									
Construction.....	34,681,000	52,728,000	40,446,000	32,216,000	35,600,000	+919,000	—17,128,000	—4,846,000	+3,384,000
Operation, maintenance, and debt payment.....	183,396,000	173,328,000	173,328,000	173,328,000	173,328,000	—10,068,000	-----	-----	-----
Family housing, Navy and Marine Corps:									
Construction.....	68,248,000	96,219,000	72,481,000	59,144,000	64,544,000	—3,704,000	—31,675,000	—7,937,000	+5,400,000
Operation, maintenance, and debt payment.....	93,944,000	97,739,000	97,739,000	97,739,000	97,739,000	+3,795,000	-----	-----	-----

Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. DIRKSEN. Mr. President, I should like to have the distinguished Senator from South Carolina [Mr. JOHNSTON], who is the Senator in charge of the bill, say something about the last proviso in the bill. The language is rather obscure. It states:

Provided, That no food product purchased pursuant to the authority contained herein shall constitute less than 50 per centum by weight of the grain from which processed, or contain any additive other than for normal vitamin enrichment, preservative, and bleaching purposes.

I believe there are some processors in the trade who are not quite sure what that language means, particularly the first clause. I am sure that it was put in there for a purpose, but there ought to be enough legislative history to point to when the time comes for interpretation of the provision.

Mr. JOHNSTON. Mr. President, the Senator from Illinois is entirely correct when he asks for that information. When the Senator first requested the information, I asked for and received a statement from the Department of Agriculture so that there would be no question in regard to it. I should now like to read to the Senate and for purposes of the RECORD the statement I received:

The proviso in the proposal legislation requiring the food product to constitute at least 50 percent by weight of the grain from which processed does not mean the product purchased by CCC must be 50 percent or more of a particular lot of grain, or that the product must have been processed directly in a continuous process from the grain. Rather, it means that the physical properties of the product are such that it shall constitute 50 percent or more of the weight of the grain in its raw commodity form which is represented in such product. For example, any products such as corn meal, gelatinized corn meal, wheat flour, grits, and bulgur which products constitute more than 50 percent of the weight of the corn or wheat from which processed could be purchased under this authority, whereas, wheat germ mono sodium glutamate and corn oil which products constitute considerably less than 50 percent of the weight of the respective grain kernels could not be purchased thereunder.

I believe that that statement clarifies the point about which the Senator from Illinois inquired.

Mr. DIRKSEN. I think that is sufficient. As my distinguished friend well knows, quite a number of questions have been asked about precisely how that provision would be interpreted. I believe the explanation is adequate.

Mr. JOHNSTON. I did not introduce the bill. The bill was not my bill. I only handled it in the committee and reported it from the committee.

Mr. DIRKSEN. Yes. I believe I ought to make a correction in what I said previously. The chairman of the committee, the Senator from Louisiana [Mr. ELLENDER], sponsored the bill to begin with.

Mr. JOHNSTON. That is correct.

Mr. DIRKSEN. There is a companion House bill. We did get an order to take up the House bill in lieu of the Senate bill.

Mr. JOHNSTON. Yes. The need for the proposed legislation grew out of the fact that since the enactment of the 1958 act, other grain food commodities such as bulgur, rolled wheat, and grits have been found to be acceptable and useful forms of grain products for relief distribution.

Mr. DIRKSEN. I believe it would be advisable in connection with the discussion to have printed at this point in the RECORD the statements on the first page of the report indicating the purpose and the need for the proposed legislation.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that those excerpts from the report be printed at this point in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of this bill is to include bulgur, rolled wheat, grits, and other grain food products within the provisions of the act of August 19, 1958. That act provides that when the Commodity Credit Corporation has wheat or corn available for donation to needy persons, in lieu of processing such wheat or corn into flour or cornmeal it may purchase such flour or meal in quantities equivalent to the amount of grain to be donated and sell an equivalent amount of grain on the open market. The authority provided by this act results in a considerable saving to the CCC over the former procedure of actually moving CCC grain into a processing plant and then taking delivery of and distributing the flour or cornmeal milled from that particular grain.

NEED FOR THE LEGISLATION

Since the enactment of the 1958 act, other grain food commodities such as bulgur, rolled wheat, and grits, have been found to be acceptable and useful forms of grain products for relief distribution. These products are now being procured under the old process of actually consigning CCC grain to the mill for processing and receiving back the product. As in the case of flour and cornmeal, a substantial saving may be made by purchasing the product from the processors and selling an equivalent amount of grain on the open market. The bill amends the act of 1958 to make this possible.

The PRESIDING OFFICER. The bill is open to amendment. If there is no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 11846) was ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, in view of the action of the Senate relative to the bill (H.R. 11846), I ask that Calendar No. 1381, Senate bill 2634, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of

1961, as amended, and for other purposes.

Mr. PROXMIRE. Mr. President, earlier the senior Senator from Pennsylvania [Mr. CLARK], who unfortunately had to leave for an appointment downtown, brought out the fact that he had some material available on the apportionment situation in Oklahoma. One of the strongest arguments that was cited by the distinguished Senator from Oklahoma in his very eloquent appeal to the Senate in support of the Dirksen-Mansfield amendment was that the proposed amendment would provide time, and that the legislators need time in order to reapportion. He suggested that the Supreme Court had been too precipitate in requiring action by the legislature.

Mr. President, I have before me a decision of the U.S. District Court for the Western District of Oklahoma in the case of Moss against Burkhart on August 3, 1962, more than 2 years ago, and nearly 2 years before the June 1964 decision of the Supreme Court. The district court in Oklahoma directed a population apportionment. I read from page 3 of the mimeographed copy of the decree:

Those counties having multiple senatorial districts will be districted within themselves. The matter of forming legislative districts, either house or senate, among counties is left to the discretion of the legislature, under the pertinent provisions of the Constitution with respect to substantial numerical equality, compactness, and contiguity.

As I have said, that was August 3, 1962, and the Legislature of Oklahoma was given notice and given time to move ahead. This was not something that has come up suddenly in the past few weeks in Oklahoma in the middle of their election. The legislature was served notice, 2 years ago.

Apportionment had been an issue in Oklahoma frequently, for many years. The record indicates a continuous struggle on the part of those who thought that there should be more equal apportionment; so the action is not something which was insisted upon impulsively in June 1964, by the Supreme Court.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. MONRONEY. It is true that in Oklahoma, as in almost all other States, there has been a running discussion between various groups in the State over the question of the apportionment of the State legislature. The proper division between area and population representation, particularly in the upper house, is a question of long standing and almost universality within the various States of the Union.

The fact remains, however, that all this discussion, until the Court's decision of June 15, 1964, and its decision on June 22, 1964 affecting Oklahoma, had not been definitive in any way as to what Oklahoma or any other State was to do.

Our State supreme court twice, on appeals, had ruled that it had no author-

ity to direct the State legislature to reapportion. That very three-judge Federal court in November 1956, ruled, one judge dissenting—and, incidentally, one of the judges is now a court of appeals judge and participated in the most recent decision—that the Federal court had no right to intervene in an apportionment case.

It was not until the decision in 1962, to which the Senator from Wisconsin has referred, that the Federal court took cognizance of jurisdiction in apportionment cases or indicated any legal responsibility or any legal ability to deal with what it might consider malapportionment.

At that time it did not direct any course for the State to follow. In spite of the lower court's ruling, I am sure the Senator from Wisconsin recognizes the statutory right, for any case decided by a three-judge Federal district court to go directly to the Supreme Court on appeal. That appeal was taken after the lower court ruled, following the original Supreme Court decision in *Baker* against Carr, and was not decided by the Court until June 22, 1964—this year.

How the distinguished Senator from Wisconsin would approve this kind of action, occurring only a few months ago, and allow the Court not only to void a primary and a runoff election, but to dislocate the efforts of both the constituencies and the candidates who had been elected, and have the cost that went into the campaign for those elections held for naught, on the basis of such a decision as came down after 2 primary elections had been held, I do not know.

Being the liberal he is, I do not see how he feels this is proper consideration for the rights of the States, with respect to elections in progress, about which the Supreme Court itself cautioned when it handed down its decision on June 15, 1964.

Mr. PROXMIRE. If the Senator will yield at that point, to get all the dates in proper order, it was August 1, 1962, that the Federal court directed the legislature of the State of Oklahoma as follows:

The matter of forming legislative districts, either house or senate, from the counties is left to the discretion of the legislature, under the pertinent provisions of the constitution with respect to substantial numerical equality, compactness, and continuity. Five months hence, when the legislature convenes, it must apportion itself in accordance with the constitutional mandate or be judicially reapportioned. We have withheld judicial reapportionment on the solemn word of the intervening legislators that once their constitutional duty is unequivocally and inescapably clear, they will discharge it with befitting honor and fidelity.

Then on July 18, 1963, after the legislature had reconvened, and after it was clear, in the judgment of the Federal court, that the right of a substantially equal vote was not to be afforded Oklahoma citizens, the district court said this:

After a careful consideration of all the exigencies, we have reluctantly decided to reapportion the Oklahoma Legislature by judicial decree because we are convinced—

This was in July 1963—

from all that has transpired in these prolonged proceedings, that the legislature, as now constituted, is either unable or unwilling to reapportion itself in accordance with our concept of the requirements of the equal protection clause of the 14th amendment.

So here we have the Court, in mid-1963, having requested the State legislature to apportion itself 1 year earlier, and having referred the solemn word of the Oklahoma Legislature, being flatly rebuffed.

Ample time was allowed. The Oklahoma Legislature was allowed time to act. It did not act.

It was only after that that the court proceeded and, as I have said, proceeded unwillingly and reluctantly, to decide to go ahead if that right was to be protected.

Then it was decided by the State of Oklahoma—those who wanted to prevent population apportionment—to appeal to the Supreme Court. They decided to delay by appeal of the Federal district court decision. Of course, the Supreme Court had to act on the basis of what was represented to the Court. Then on June 22, 1964, it affirmed the lower court judgment, the judgment of the district court for the western district of Oklahoma.

On the basis of this timing, it seems to me clear that the Court's action was not sudden. It was on 2 years' notice. The legislature knew it was going to take place. There was ample time. It was the initiative of the State of Oklahoma to appeal. The fact that the Oklahoma Legislature was not prepared with the ordered apportionment the Federal Court had directed, it seems to me was the responsibility of the Oklahoma State Legislature, and those who opposed the reapportionment ordered by the Court.

Mr. MONRONEY. I thank the Senator for his study of the case. But I am sure he realizes that the State of Oklahoma, as is true in the State of Wisconsin or any other sovereign State is entitled to appeal from a decision of the Federal district court. There is a specific provision for a direct appeal to the Supreme Court from a decision of a three-judge Federal court. Does the Senator wish to deny the State of Oklahoma the right of appeal? Does he assume that the State of Oklahoma should have tuned in on the thought waves of the Supreme Court as to what it thought was proper apportionment? The State of Oklahoma did what any other State would do, and that was to appeal the decision, which the State thought was in error, to the Supreme Court. This order was stayed by the Supreme Court, and it had no effect until the decision of June 22, 1964. I do not think the Senator would wish his State to have complied with such an order to the Wisconsin Legislature. It was not a request. It was a direction to come forward with a plan of reapportionment or the Federal Court would put in its own. I know of no case in recent history where the Federal courts have dictated to the legislatures; and I have served in the U.S.

Congress for some time. I have never known how a Federal court would go about enforcing such an order. I do not know, even between these two great legislative bodies, how we would go about meeting the ideas of the Court.

Mr. PROXMIRE. If the Senator will yield, if we do not rely on the decisions of the State courts or the U.S. Supreme Court there is no recourse. It is unfortunate that in practically all the States the legislatures reapportion itself. It is common knowledge that this is an extraordinarily difficult thing to do, because of the shift in population. If we are to apportion on any kind of population representation basis it will be painful for the legislature to act. The legislatures have resisted it again and again. It is only with intervention that it can be done.

Mr. MONRONEY. I regret that the Senator did not hear a portion of my speech. One of the moves toward fair apportionment was action by our State legislature in the submission of a constitutional amendment to provide for a reapportionment commission.

In the final analysis, the decision will be made by the State of Oklahoma, not in a Federal courtroom. This is a procedure that even the three-judge court found constitutional.

Mr. PROXMIRE. I see nothing wrong with that.

Mr. MONRONEY. Is that not what the Senator and I have discussed, pointing out that we are just as well apportioned in our upper house—and that is where most of the malapportionment occurs in most States—as is the State of Pennsylvania? The distinguished Senator from Pennsylvania and I discussed this subject on the floor of the Senate, when he referred to the rotten borough system. We have just about the same apportionment as Pennsylvania. Forty-four and a half percent of the people are able to elect a majority. The Senator from Pennsylvania stated that in his State the percentage is 42.4. Therefore, the State of the Senator from Pennsylvania is a little more out of compliance than is the State of Oklahoma. We have moved forward. This is a result of an effort made by the State legislature and the State supreme court, to comply with the order of the Court, which was vague as to the details, only holding up a bright, shiny light toward which we were to move for a better proportion of representation.

The Court order on reapportionment, which was to be put in force in the decision of June 17, 1963, unless the legislature saluted and obeyed and acted quickly, was far different from the recent order of the Court that was made in the State of Oklahoma. Two different districting systems were used.

This later decision was orally pronounced on August 1, if I am correct, not too many days ago. My understanding is—and we checked this point as late as 1 o'clock today—that the three-judge Federal court has yet to complete its final order on how we are to redistrict, at this late date. Yet my friend from Wisconsin expects us to cancel out the

May primary elections and to throw our remaining elections into confusion.

We have been ordered to hold an election of virtually all of the Members of the House and of the Senate. This would detract from the active consideration of the other offices, such as the Presidency of the United States and congressional nominations, including a seat in the U.S. Senate, while this extraordinary, sudden death primary ordered by the Federal court is held.

Who gave the Federal court the right to suspend Oklahoma State law requiring a runoff primary? Who gave it the right to make election laws for the State of Oklahoma? That is how far reaching it is. This disrupts the normal, time-tested elections laws of the State of Oklahoma.

Mr. PROXMIRE. First, there may be some disruption and some difficulty and a great deal of inconvenience. However, as I understand, the Governor has set a special primary election on September 29, 1964. This is in compliance, presumably, with the district court order. This will take place unless a Justice of the Supreme Court grants a stay. It is settled.

On the other hand, if the Dirksen amendment is adopted it could very well mean in Wisconsin that the apportionment that was already approved by the Supreme Court of Wisconsin would be thrown out.

Mr. MONRONEY. Has it been approved by a three-judge court?

Mr. PROXMIRE. Our primary election will be held on September 9. It would mean that that election might have to be held over again, and that it might be thrown out.

Mr. MONRONEY. Ours is thrown out, unless Congress acts, or a court, by one judge, grants a stay on our appeal from the situation that the court has created.

Mr. PROXMIRE. That might be. There is no easy solution to this problem. There is no happy solution to it. The court had allowed time for the Legislature of Oklahoma to redistrict. I call attention to the fact that the language was very clear. The solemn word of the legislators was secured that they would apportion. Time was allowed. A full session was allowed. It was only then, more than a year ago, that it was concluded that they never would get apportionment that way.

Mr. MONRONEY. The Senator is talking about the lower court decision. That was appealed to the United States Supreme Court. A stay had been granted. In other words, the local court's decision had no force and effect until it was settled by the decision generally approved on June 15, 1964 and specifically, as to Oklahoma, on June 22, 1964.

There was nothing in the original decision to firmly establish guidelines for redistricting and reapportionment and there were none until the one-vote, one-man principle came down. In its last decision the Supreme Court said:

In awarding or withholding immediate relief, a court is entitled to and should consider the proximity of a forthcoming election and the mechanics and complexities of State elec-

tion laws and should act and rely upon general equitable principles. With respect to the timing of relief, a court can reasonably endeavor to avoid a disruption of the election process which might result from requiring precipitate changes.

I charge that this is what is happening in my State and what will happen in many other States.

The idea that any legislature could read with any degree of certainty or finality what the Court wished us to do in its original decision is pure wishful thinking.

The three-judge court which directed our legislature to comply did not know what the Supreme Court was thinking, or else, I presume, it would have reinstated and directed that the previously directed apportionment plan was to be put into effect instead of the one that they directed to be put into effect.

How can a State comply without due notice and due time to act in such an important matter as choosing the make-up of a legislature?

This decision not only set up new districts, but it invalidated the election of Senators who still had 2 years to serve. It mixed up the candidates far beyond the districts in which the election had been held. A man who might have been nominated in two counties found himself running in counties where constituents had not heard of him and with him not knowing very much about the constituency.

Mr. PROXMIRE. I know that the Senator from Florida [Mr. HOLLAND] has been patiently waiting to bring up a conference report, so I shall be very brief.

Mr. HOLLAND. I shall be glad to wait until the Senators have concluded their colloquy.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Florida for the purpose of bringing up his conference report. After he has concluded, the Senators from Oklahoma and Wisconsin will resume their colloquy.

Mr. HOLLAND. I appreciate the kindness of the Senators from Wisconsin and Oklahoma.

Mr. TOWER. Mr. President, will the Senator from Florida yield me 3 minutes?

Mr. HOLLAND. I yield 3 minutes to the Senator from Texas.

INACCURATE, BIASED REPORTING BY DREW PEARSON

Mr. TOWER. Mr. President, I wish to introduce into the RECORD today an example of inaccurate, biased reporting on the part of one of our nationally syndicated columnists and commentators. The article has caused a great deal of heartache on the part of everyone concerned.

Mr. Drew Pearson authored an article published on August 4 in which he said the President of Costa Rica, while on a state visit to this country and a guest at the King Ranch in Texas, "was so shocked at Fascist conversation that a protest was made to the State Department."

Mr. Pearson said the guests from Costa Rica were "dumfounded to hear some of their hosts talk with glee about the assassination of President Kennedy."

This is completely untrue, as will be documented shortly by the introduction of correspondence between the State Department and myself, and between the Costa Rican Embassy and Mr. Richard M. Kleberg, Jr., of the King Ranch.

I will go into that further in a moment, but as of now it is sufficient to point out that the Costa Rican Embassy, after a telephone conversation with Costa Rican President Orlich and Foreign Minister Oduer, says Mr. Pearson's article "is not only untrue but an absurd fabrication."

This is another example of a columnist allowing his pet hate to get the better of his judgment and direct the course of his pen. Mr. Pearson is apparently so intent on writing something that he thinks will harm the presidential aspirations of Senator GOLDWATER that he will go to any length to accomplish his end. In this article, for example, he goes to great length to smear the Kleberg family in Texas, a pioneer family that has contributed greatly to the growth and development of our State. The reason for this, of course, is so that he will then be able, by the process of guilt by association, to point out that "most of the Kleberg family were ardent Goldwaterites," and that "Richard Kleberg, Jr., and his daughter were the most reactionary Goldwaterites" who were present at the gathering at which the alleged "fascist conversation" took place.

Mr. Pearson does not identify the source of his information. He states the matter flatly as truth. The only trouble, from Mr. Pearson's viewpoint, is that those who were present, from President Orlich on down, say that no such conversation took place, that they had a delightful time as guests of the King Ranch, and that no protest was made to our State Department. Our own State Department agrees.

It is exceedingly unfortunate that Mr. Pearson, in his continuing zeal to damage Senator GOLDWATER, should so smear and malign honorable people.

It is unfortunate that a report of this kind should cloud an otherwise happy and successful visit to this country by the President of Costa Rica and his staff.

I know the Kleberg family personally. I know them to be gracious and tolerant, as well as patriotic and hard working. I know they would never do the things attributed to them by Mr. Pearson.

With that background, Mr. President, I wish to place in the RECORD certain articles and correspondence concerning this matter, in order that the Senate, and the American people, may know the truth.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article entitled "King Ranch Awes, Worries Costa Rica Chief," written by Drew Pearson and published in the Wichita Falls, Tex., Record-News of August 4, 1964; a letter dated August 10, 1964, from the State Department to me; a letter dated August 6, 1964, from the Ambassador of Costa Rica to Mr. Kle-

berg; and the statement of Mr. Robert J. Kleberg, Jr., dated August 6, 1964.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wichita Falls (Tex.) Record News, Aug. 4, 1964]

KING RANCH AYES, WORRIES COSTA RICA CHIEF
(By Drew Pearson)

WASHINGTON.—It hasn't leaked out of the diplomatic corps, but the President of Costa Rica, while on a state visit to the King Ranch in Texas, was so shocked at Fascist conversation that a protest was made to the State Department.

President Francisco J. Orlich and his party spent 3 days at the famous King Ranch, largest in the world. They enjoyed viewing its amazing operation of Santa Gertrudis cattle and its quarter horses. But they were dumfounded to hear some of their hosts talk with glee about assassination of the late President Kennedy as if it were a boon to the country.

In Costa Rica, Kennedy has been almost deified, and President Orlich was so upset over the gloating over Kennedy's death that his party complained about it to State Department officials.

Old Bob Kleberg, senior member of the family which owns the King Ranch, was the height of courtesy. He did not engage in any Fascist conversation or gloating; it was the younger members of the farflung family who did.

The King Ranch covers 837,000 acres of Texas land. The Klebergs also operate ranches in Australia, Argentina, Peru, and until seizure by Castro, a 30,000-acre cattle ranch in Cuba. In Pennsylvania, the family owns the Buck and Doe Run Valley Farm of 10,000 acres near Coatesville. While in Kentucky it owns a horse breeding farm near Lexington.

ROLLCALL OF FAMILY

Various members of the Kleberg family came to the ranch for the Costa Rican visit, including Dr. Deaver Alexander, of the University of Pennsylvania, who manages the King farm near Coatesville.

James Clement, whose father was former chairman of the Pennsylvania Railroad, also was present, together with Bob Shelton, who married one of the Kleberg daughters and opened the family ranch in Argentina.

Also present was Mrs. Tobin Armstrong, married to a top Republican leader for Texas and a big Goldwater organizer. In fact, most of the Kleberg family were ardent Goldwaterites, except for the Alexanders, who as Pennsylvanians were loyal to Governor Scranton.

Richard Kleberg, Jr., and his daughter were the most reactionary Goldwaterites. He is the son of the late congressman of the same name for whom President Johnson served as an assistant when he first came to Washington. Kleberg, Senior, was defeated for Congress when this writer revealed that he had required one of his clerks to kick back part of his salary.

President Orlich and his party stayed at the Santa Gertrudis ranchhouse. Named for Alice Gertrudis, for whom the King Ranch special breed of cattle is named. But the guests would drive 50 miles to another ranchhouse for lunch or dinner—incidentally, without leaving the confines of the ranch.

Dinner was called for 8 p.m. But the family lingered over cocktails around the swimming pool until around 11 p.m. when they finally sat down to dinner. By this time some of those present were pretty well oiled and the conversation took on a fascist tone. There was gloating that Kennedy had been killed, speculation that the time had come for real people to take over the United States.

AN AMAZING RANCH

During more sober daylight visits, however, the Costa Ricans saw an amazing ranch operation, including a screw-worm fly factory, where boxes of sterile male screw-worm flies are packed. The boxes are then dropped over the ranch by airplane. When the box drops, it breaks open, releasing the sterile male flies. Each box contains food for the flies to live on temporarily, and when released they mate with females, thereby reducing the fly population.

The Costa Rican president also inspected the huge new brushclearing machine invented by the Klebergs which consists of two bulldozers in tandem. It chops up cactus, mesquite and underbrush, chews it up and spews it out to one side. The machine weighs 107,000 pounds and cost \$1 million to develop.

The King Ranch also has developed its own grasses, the Klebergs having gone to South Africa to experiment with different types of grass.

One of the most impressive sights was the forest of oil wells which dot the ranch, together with the cracking plant, owned by the Klebergs, which produces oil worth \$250,000 a month.

As the Costa Rican party drove over the vast acreage they passed herds of red-bronze Santa Gertrudis cattle herded by Mexican cowboys who sat stern and motionless like statues on their cow ponies. Much of the labor is Mexican and never leaves the ranch.

The ranch is one of the most fascinating feudal empires in the world and the Costa Rican president who represents one of the most democratic countries in Latin America was both awed and concerned over it.

BEHIND THE SCENES

Intelligence reports that North Vietnamese battalions had crossed into South Vietnam have turned out to be exaggerated. They were based upon capture of three North Vietnamese soldiers who told about hundreds of others. But no others materialized. President Johnson has personally approved plans to carry out his promise not to make civil rights an issue in the coming campaign. He has ordered party officials to avoid inflammatory debate of civil rights at the Democratic convention, but to deplore violence and plead for racial peace instead. The Democrats will point out that ignorance and poverty are the real causes of racial injustice and that the President's antipoverty program offers the best way to correct abuses.

DEPARTMENT OF STATE,
Washington, D.C., August 10, 1964.

HON. JOHN G. TOWER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TOWER: Thank you for your telephone inquiry concerning an article in the Washington Post on August 4.

In response to your question whether there has been any official complaint to the Department by members of the party of the President of Costa Rica concerning their visit to the King Ranch, July 2 to 5, I can inform you that the Costa Ricans have not complained to the Department of State regarding any aspect of the visit. On the contrary, members of the party expressed informally their appreciation for the restful, pleasant, and friendly visit at King Ranch.

Our Ambassador has advised the Department of State that he has discussed the article with both President Orlich and Foreign Minister Oduber. Both gentlemen not only deny any protest to the Department but also any knowledge of such an incident. If they are queried by the press, they have said they will reply accordingly.

If I can be of further assistance in this matter, please let me know.

Sincerely yours,

ROBERT E. LEE,

Acting Assistant Secretary for Congressional Relations.

EMBAJADA DE COSTA RICA,
Washington, D.C., August 6, 1964.

MR. RICHARD M. KLEBERG, JR.,
King Ranch,
Kingsville, Tex.

DEAR MR. KLEBERG: On July 16, 1964, I had the pleasure of writing to you and Mrs. Kleberg to convey, on behalf of President and Mrs. Orlich, our deep appreciation for the many courtesies you extended to us during our visit to the King Ranch.

I said then that "you proved to be the perfect hosts" and that you "saw to it that the days we spent there were full of enjoyment and relaxation."

Those words were not mere clichés of protocol. They expressed the true feelings of President and Mrs. Orlich and of all of us who had been fortunate enough to visit with you.

You will understand therefore how shocked I was upon learning that a recent publication has tried to give the opposite impression.

I have just had a telephone conversation with President Orlich and with Foreign Minister Oduber. Both of them agree with me that it is not only untrue but an absurd fabrication to state—as such publication does—that a protest was made to the State Department as our reaction to a Fascist conversation we were supposed to have heard, which offended our feelings. We did not at any time hear such Fascist conversation or anything that could have offended our feelings. We received from you nothing but courtesy, good will, and friendliness.

When we approached the State Department in regard to our visit to the King Ranch, it was to convey our gratitude for having made it possible for us to spend such delightful days there.

With my best personal regards and good wishes.

Sincerely,

GONZALO J. FACIO,
Ambassador of Costa Rica.

STATEMENT OF MR. ROBERT J. KLEBERG, JR.,
AUGUST 6, 1964

Drew Pearson, in his column of August 4, 1964, stated that President Orlich, of Costa Rica, while on a state visit to King Ranch, Tex., was so shocked by the kind of talk he heard that a protest was made to the State Department. The alleged talk was supposed to have included reference to the death of President Kennedy as if it were a boon to the country. The statement that there was any such talk here is wholly false and out of character for the people present who were as deeply distressed as everyone else in America over this great tragedy. Upon being informed of the publication of the column, I immediately called the officials of the Department of State who had charge of the arrangements for President Orlich's visit and the officials who head our Latin American policy to learn whether any protest had been made as alleged in the column.

All of such officials have informed me that no such protest was made and that on the contrary, President Orlich and his party were delighted with their reception at King Ranch, a fact which is borne out by letter received by myself from members of President Orlich's immediate family and party since the visit.

To make doubly sure that there was no such protest, officials of the State Department called the Ambassador of Costa Rica in Washington who was present during the

peat that and to pay him tribute for the leadership he gave in this important cause.

Mr. HUMPHREY. I am grateful for those kind words. I rise to commend the Senator from New Mexico for the leadership he gave to this measure, and indeed, he made it possible for this bill to be here. I also want to salute the minority whip, the Senator from California [Mr. KUCHEL], for his cooperation, and indeed the Senator from Idaho [Mr. CHURCH] for his determined and skillful job in managing this bill in the Committee on Interior and Insular Affairs and on the Senate floor.

The bill as finally worked out may not meet all the criteria some persons had in mind for a wilderness preservation program, but in the main I would say it is a great forward step. It will do much not only for today, but for the future. Of all the pieces of legislation that have been passed, in terms of looking to the future, in terms of providing for the recreational needs of our people, in terms of preservation of the great resources of America and the need of a growing population to know something of the great out of doors, untouched and unscathed, nothing is more significant than this piece of legislation. I commend all the members of the committee who have worked so hard. It is a job well done. I am really pleased to be present when this important piece of legislation is being passed.

Mr. ANDERSON. I only want to say I am glad the Senator did include all the members of the committee. I have been on the Interior and Insular Affairs Committee longer than any other member. I never saw members on both sides of the aisle work better than they did on this bill. A great many questions were asked, but a careful bill has been worked out. We owe a debt of gratitude to all who contributed to this effort.

Mr. HUMPHREY. May I add that some of the conservation groups did yeoman labor on this bill. One of their members departed. I refer to Howard Zahniser, of the Citizens' Committee on Natural Resources; and the Secretary of the Interior, the Honorable Stewart Udall, surely should receive a note of commendation. I cannot help think of that public-spirited citizen who for many many years would be in the galleries when we were considering the wilderness bill. Howard Zahniser gave his life for it. I hope sometime in the future there will be some memorial to him because of his dedication to this important cause.

Mr. President, after 8 years of lengthy debate and partial action by one House of Congress or the other, the wilderness bill is about to become law. This occasion should not pass without a few words of tribute to the countless Americans who did their part to make this effort a successful one.

We have learned in those 8 years that it is one thing to speak out for the preservation of this Nation's precious wilderness areas, and it is quite another thing to enact a sound, fair, and meaningful national policy which makes that preservation possible.

In an age of automation, mechanization and exploitation of our vast natural resources, the amount of public lands shielded from the onslaught of man's ambition and genius becomes even smaller. Our task in this age has been to stand off and ponder the consequences of that onslaught. I believe that this bill contains our verdict, and I believe that we can all be grateful that the verdict came while we still had wilderness to preserve.

During the 85th and 86th Congresses it was my privilege to be the principal sponsor of wilderness legislation. Since that first major wilderness bill was introduced in March 1957, both the Senate and the House have taken thousands of pages of testimony. During the 85th and 86th Congresses we held hearings not only here in Washington but in Oregon, California, Utah, New Mexico, the State of Washington, and Arizona. This pattern continued under the masterful leadership of the Senator from New Mexico [Mr. ANDERSON].

In 1961 Senator ANDERSON guided his wilderness bill to an overwhelming victory of 78 to 8. This margin demonstrated both the skill of the Senator from New Mexico and the soundness of the bill. Unfortunately, of course, the bill did not pass in the other body.

Last year, again under the adroit leadership of Senator ANDERSON and of the distinguished minority whip, Senator KUCHEL, the wilderness bill received a resounding vote of 73 to 12. I salute, too, the distinguished Senator from Idaho [Mr. CHURCH] for his determined and skillful job in managing this legislation in the Interior Committee and on the Senate floor.

Similar legislation finally saw the light of day just recently in the House of Representatives when that body approved H.R. 9070 on July 30. Once the bill had reached the floor, the voice of the majority was loud and clear as the bill passed 373 to 1.

Now, finally, a wilderness bill has passed both Houses, it has been thrashed out in conference, and it awaits the final nod from Capitol Hill before going to the President's desk. This is not only another mark of distinction for the 88th Congress, but a milestone in the lifelong efforts of many Americans to guard our primitive areas from abuse and ruination.

Those 8 years of legislative struggle have brought many modifications in the specific procedures for identifying and protecting certain wilderness areas. The proposal to establish a permanent national wilderness preservation council has been eliminated. The original definition of a wilderness area has been modified considerably. The regulations for the protection of wilderness areas have been revised and liberalized.

The changes have been many, but they have all been made in the interest of balance between the need for effective wilderness preservation and the need for realistic land-use programs or legitimate economic and commercial use. The bill is not an ideal one for all interests concerned—very few bills are—but neither is it an empty one with accepta-

bility as its only virtue. It will help us to insure that these federally owned wilderness lands—some million acres—will be administered in such a way as to leave them unimpaired. And that is the crucial point, because once an act of destruction occurs in our wilderness areas, it cannot be undone. Prevention, in the form of a clear national policy, is far better than regret.

And so I salute those who made the passage of this bill possible by calling the Nation's attention to the problems it will help us to solve and by working year in and year out to bring about decisive action. There are many names I could cite—too many to mention now—but let me say again that this bill is, in a very real sense, a monument to the untiring work of the late Howard Zahniser, who was executive director of the Wilderness Society. He carried this fight for many years and he never wavered in his firm belief that eventually the wilderness bill would become law. Spencer Smith, Citizens Committee for Natural Resources, has been a stalwart leader in this effort which has required so many years and so much patience and determination. And, as I mentioned earlier, let us not forget the dedicated work of our Secretary of the Interior, the Honorable Stewart Udall.

To these men, to my colleagues in the Senate and in the House, and to the many others whose work was so vital, I say "A job well done." As far as our wilderness policy is concerned, Mr. President, we are finally out of the woods.

Mr. ANDERSON. I thank the Senator.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield to the Senator from Mississippi.

Mr. STENNIS. I commend the Senator from New Mexico and the other members of the committee for the form in which they worked this bill out. I did not favor S. 4 in the form in which it was passed by the Senate on April 9, 1963, although I was in great sympathy with the overall objectives of the bill. My basic objection to the passage of S. 4 at that time was based on the provision thereof which provided for the immediate inclusion in the wilderness system of some 52 million acres of land now classified as primitive. Although the inclusion of this land would be subject to subsequent congressional veto, I believe the Congress should retain authority to include such land by specific action.

The conference committee agreed to accept the House provision which provided for this affirmative congressional control, which I believe represents the proper approach. I am pleased that the conferees reached this agreement because I have always been a strong advocate of conservation legislation, and I believe that we should maintain for future generations these wilderness areas. With this provision requiring specific congressional authority for inclusion of new areas in the wilderness system, I can now vote for and support passage of this act.

Mr. ANDERSON. Mr. President, I move the adoption of the conference report.

Mr. ALLOTT. Mr. President, I should like to make a few remarks concerning the bill. This action will terminate what has probably been one of the most controversial bills before the Congress. The effort to achieve this legislation has gone on for almost 8 years now.

I voted against the Senate version of the bill twice. I voted against it because I was opposed to giving the Secretary or the President, as the case may be, the right to administratively include certain lands and areas within provisions of the bill, thereby leaving Congress with only what in effect was a negative veto.

I am happy to say that the bill as it is now written contains the principle that Congress must act affirmatively, by statute, to incorporate new areas into the wilderness area.

I believe these remarks are necessary, because certain extreme people from time to time have misinterpreted my position. I have never at any time been opposed to the establishment of a wilderness system. My approach was originally based, upon the acceptance of a wilderness system, consisting of a little more than 8 million acres. With the designation later of the wilderness area in Idaho, that acreage was increased to a little more than 9 million acres. The fact that the Senate bill also included the possibility that the Secretaries of the Interior and Agriculture could have designated as much as 63 million acres, leaving only a veto power to Congress, which would be subject to a great many objections, caused me grave concern.

To the basic wilderness area as it was designated then and as it exists now I have never objected. We shall achieve a better and more rational wilderness system this way than we would have under the original provisions of S. 4.

I am also happy that the present bill incorporates features of multiple use that the other bill did not contemplate. I believe this will give a reasonable opportunity in the future to do two things. First of all, it will make it possible to accurately appraise the land that is now suitable for inclusion in the wilderness area, and allow Congress the opportunity to put it in the system and give Congress time to study it. Secondly, it will give impetus to the opportunity for natural resources development, particularly in the West, where nearly all of the proposed wilderness areas are located, to which the Western States are justly entitled.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. ALLOTT. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. McNAMARA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SAVERY-POT HOOK BOSTWICK PARK AND FRUITLAND MESA PROJECTS, COLORADO

Mr. ALLOTT. Mr. President, I ask unanimous consent that the Senate reconsider the vote by which H.R. 3672, Calendar 1416 was passed earlier today.

Mr. SIMPSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, that it stand in adjournment until 10 o'clock tomorrow mornnig.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. PROXMIRE. Mr. President, the distinguished Senator from Oklahoma and I were engaged in a discussion of the Oklahoma situation and the effect of the Supreme Court decision on apportionment, which was made on June 19, 1964, affirming the district court decision on Oklahoma elections.

In the course of our discussion, the Senator from Oklahoma indicated that there was no guidance and no real direction available to the Oklahoma Legislature as to what the district court was talking about in 1962 when it told the legislature to reapportion.

I quote from the language of the court on August 3, 1962, in the case of Moss against Burkhart:

The matter of forming legislative districts, either house or senate, among counties is left to the discretion of the legislature, under the pertinent provisions of the Constitution with respect to substantial numerical equality, compactness, and contiguity. In this connection, the memorandum and suggested order and decree, filed in this court on July 30, 1962, by the Honorable Fred Hansen, first assistant and acting attorney general, is recommended as a most helpful treatise, and contains a suggested order and decree which indicates a legislative apportionment for both houses, which has been studied by the court, and which is believed to meet the desired standards.

Mr. MONRONEY. The Senator is now quoting from the lower court decision, the three-judge Federal court, not the U.S. Supreme Court. Is that correct?

Mr. PROXMIRE. That is correct.

The legislature was told precisely and exactly what the court had in mind. There was no vagueness about it.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. MONRONEY. By the lower Federal court, that is.

Mr. PROXMIRE. Yes. It was told by the local Federal court, which is the only agency that could act under those circumstances, barring an appeal, and which could make this kind of direction.

The distinguished Senator from Oklahoma has argued with great force that Oklahoma really had no knowledge until the Supreme Court acted on June 22, 1964.

It is my contention that the State of Oklahoma had full knowledge. It was told clearly and in detail in 1962. It was told in most emphatic language in 1963. The promise was obtained in 1962. It was reviewed at the end of 1963. In February 1963 the Oklahoma Legislature acted. But how did it act? It apportioned the legislature in a way which was not in compliance with the Federal court order.

If no Federal district court but only the U.S. Supreme Court can give effective notice of any apportionment action, one can imagine how long it would take to obtain reapportionment in the various 50 States. The Oklahoma Legislature is not satisfied with the Supreme Court. This is not for the Oklahoma Legislature. They want to go to Congress. They want a super-Supreme Court.

They want Congress to set aside a decision by the Supreme Court. All of us may disagree with what the Supreme Court says, but once it acts, it seems to me, as good citizens, we have no recourse except to accept what the Court has said. Once we throw the umpire out of the ballgame, there can be no just decision, and we all know it.

Mr. MONRONEY. That would be true if there were no Supreme Court and if a sovereign State did not have the right to appeal to the Supreme Court in a situation governing a most fundamental States right that has been in existence since our entrance into the Union in 1907. Our county unit system of electing our legislature was approved by Congress when we were admitted as a State.

There had been no action to disallow this, until Oklahoma appealed to the Supreme Court of the United States, and the decision came down on June 22, 1964. It is true that we received notice 1 week earlier of what the Court's intent was in its decision of June 15; but I do not believe the Senator would want his State of Wisconsin, which he has the great honor to represent so well on the floor of the Senate, to suffer a major change in its entire apportionment philosophy on the basis of a lower court decision. That decision had no force or effect of law, because it had been appealed and had been stayed by the Supreme Court of the United States in February 1964, so that our elections could proceed. This was one of the purposes of the stay.

A short time before that, the State supreme court had issued a standby formula for use in our elections in case the Supreme Court stayed the inferior court's order.

The Senator is arguing about the decision of one U.S. district court supporting the one-person, one-vote principle. But other district courts of the United States held differently in the reapportionment matter. So the question was unsettled and uncertain in the minds of many local authorities and many men who hold high rank and high position in our Federal Government. They themselves could not determine or guess or conjure up in their minds or read the thought waves concerning what the Supreme Court would finally decide, and finally did decide on June 15, 1964, after our two elections were over.

Oklahoma has not been treated fairly by the precipitate action of the lower court in directing the Governor of a sovereign State to call an election and telling him that he must use available State funds in the sum of \$330,000 for the cost of a new election. It did not tell him that Oklahoma was to observe ordinary Oklahoma election laws. The court ignored a fundamental State process calling for preferential primary and secondary primary elections.

I have been advised by the Legislative Reference Service that it knows of no case in history in which the Supreme Court has directed a State to vacate two statewide elections. It is without precedent. If the Senator wishes it to occur throughout America, so that citizens will no longer have the right to appeal to the Supreme Court, and have a stay to prevent action until the Supreme Court decides—he is privileged to choose that method.

Mr. PROXMIRE. I would put it exactly the other way. Of course, it should have the right to appeal to the Supreme Court.

Mr. MONRONEY. The State has an even greater right.

Mr. PROXMIRE. But once the Supreme Court has acted, there should not be any appeal to Congress to have the question decided, which is what the Dirksen amendment would do.

Mr. MONRONEY. The Senator is talking about a situation in a State he does not know enough about. There was no appeal to Congress from the legislature. I object on principle to the suspension by the Federal court of a Statewide election. I have had no official communication from the legislature. I have seen a few of its members as they have come through Washington; but no formal protest has been made to Congress.

I think the people of Oklahoma realize that Congress would have no objection to granting at least a reasonable time in which to comply with the decision that came down after the two elections had been held in Oklahoma. They feel it is their right, and I feel it is their right, when they amended their election laws and passed a constitutional amendment to give the reapportionment commission the right, if the legislature does not act to provide constitutional apportionment within 60 days after a session begins, to take up the case.

This is an improvement. We have made progress. We have a right as citizens—and I think the State also should

have the right—to arrange our affairs to comply with the Supreme Court decision.

Mr. PROXMIRE. I should like to read from a report of the Bureau of Government Research of the University of Oklahoma, made in April 1961. The bureau made a study of the history of apportionment in Oklahoma to show how necessary and desirable it was in terms of protecting the interests of American citizens for the courts to act. The fact is that this report goes back 43 years, to the time of the last remedy. It goes back 53 years to get the complete picture of what was at stake.

REAPPORTIONMENT, 1911

House: The reapportionment of house membership by the legislature complied fully with the plan established in the constitution. It respected the condition which provides that should the population of any county fail to equal one-half representation ratio (population of the State divided by 100) it shall be attached to an adjoining county for the purpose of making such county a part of a representation district. The application of this rule resulted in the establishment of Cimarron and Texas as a single representation district, and Harper was joined to Beaver County for the same purpose.

Senate: No reference to reapportionment of the Senate is made in the act of 1911.

There was a partial reapportionment later.

REAPPORTIONMENT, 1921

House: The legislature, in this instance also, complied with the constitutional formula. Two two-county districts (Cimarron and Texas, Beaver and Harper) were retained, and more populous counties were granted additional representation in the manner prescribed by the constitution.

Senate: No reference to the senate is made in this act. The original apportionment remained in effect, except for changes made in 1919.

In 1931 began the basis for the need for recourse to the Supreme Court.

House: In this act, the reapportionment of membership in the house, as well as in the senate, was made with little or no regard—

This is not a statement by the Senator from Wisconsin; it is a statement in the report of the Bureau of Research of the University of Oklahoma—

with little or no regard for the apportionment formula. Each county was granted a minimum of one member. The one-half representation ratio requirement was ignored. Oklahoma and Tulsa Counties were granted the maximum number (seven) which any county may elect.

Senate: This act makes no provision for reapportionment of the senate. However, in 1937, another new district was created.

REAPPORTIONMENT, 1941

House: Reapportionment in 1941 followed the pattern set in 1931. Counties, diminishing population notwithstanding, were granted a minimum of one representative.

In other words, Mr. President, malapportionment was continued and was aggravated as time went on.

Senate: Another partial reapportionment of the senate was effected in the act of 1941.

REAPPORTIONMENT, 1951

House: Legislation, in this instance, continued to disregard constitutional provisions regulating apportionment. The extent to which gross inequalities had developed are revealed in other sections of this study.

Senate: No reference to the senate was made in the Apportionment Act of 1951."

Mr. President, it was after this history or more than 30 years of repudiating its own State constitution that efforts were made to provide relief by Federal court action for American citizens who live in Oklahoma. It was then that the local Federal court decided it was desirable to act in the case of Moss against Burkhardt.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. MONRONEY. Twice, in October 1943 and in February 1952 the Oklahoma Supreme Court ruled that it lacked authority to force a legislature to act on reapportionment. In 1956, Federal Judges Murrah and Rizley, with Judge Wallace dissenting, ruled that the Federal court had no right to intervene.

There was no remedy at court, either the State court or the local three-judge Federal court, to deal with the problem until the decision came down in 1962 in Baker against Carr.

So no matter how we look at it, no matter how we try to analyze the agitation, that is a State problem. I am sure the distinguished Senator from Wisconsin knows that we have been interested in this subject. It has been one of long discussion, long duration. There have been several votes of the people of the State on whether they want it reapportioned or not, and these proposals have been defeated. As late as September 1960, the people voted against reapportionment. Thus, until there was the assumption of Federal jurisdiction—and that is about all it amounted to—in 1962, there was no authority.

Oklahoma's constitution—and it is the constitution with which we came into the Union, and which was accepted by Congress, not knowing that the Supreme Court might someday establish Federal jurisdiction—limited the membership from any county to not more than seven.

Mr. PROXMIRE. Is it not true that in 1911 and 1921 the Oklahoma Legislature recognized that unless some smaller counties were attached to larger counties to make a more representative district, there would be malapportionment, and that the State did comply with that constitutional requirement in Oklahoma in 1911 and 1921, but has not done so since?

Has not the Oklahoma Legislature been in clear and conspicuous violation of the Oklahoma constitution for more than 30 years?

Mr. MONRONEY. I believe that is probably correct. This is one of the reasons we have malapportionment, and have had, because our predecessors wished to see all counties represented. We feel that it is important to a State, as large and as widespread as ours, for counties to have a voice in State government. It is the unit we deal with primarily at the State level, the school level, and in administering agricultural programs.

Mr. PROXMIRE. In Oklahoma, ever since 1931, when the legislature failed to apportion, the citizens of the State have been denied the protection of their own constitution, which had been complied with in 1911 and 1921. The State Supreme Court, as the Senator from

Oklahoma has told us, in Jones against Freeman, decided that they did not have power to give protection to citizens in providing equality in voting for the State legislature, and that if they could not get recourse from the State legislature which the State supreme court said must apportion, they were out of luck. So the only recourse the citizen has is the Federal court.

Mr. MONRONEY. It is not only true on the legislature, it is also true in many States in congressional apportionment. I am very glad that the Supreme Court has taken jurisdiction of this matter. Certainly, it will help in a State as progressive as Wisconsin where the smallest district—the 10th District—in the U.S. Congress is less than half its largest district.

Mr. PROXMIRE. We have had apportionment in Wisconsin for the 1964 election. The old 9th District has been eliminated and the 10th District has been increased to include much of the 9th District, so that now Wisconsin has about as perfect a congressional apportionment as there is in the country. We did lag. There was a period of years when there was no apportionment, but the State of Wisconsin is now well apportioned for congressional as well as State legislative districts. I agree with the Senator from Oklahoma that the action of the Supreme Court has been helpful.

Mr. MONRONEY. The State of Wisconsin had a right to do it, which is another great thing, and is the thrust of my speech. I am seeking to preserve the right of the State of Oklahoma, having finally received the guidelines laid down on what apportionment should be, to have time to do it itself, rather than having it thrust upon it by a mandate from a three-judge Federal court.

Incidentally, this new districting proposal varied a great deal in composition from the one which the court in July 17, 1963, ordered us to adopt or suffer the consequences. So that within a little over a year, we see the ideal district lineup which the court had proposed in 1963, changed to another plan which the court now considers ideal.

This, I am pointing out, is a major change in the authority which States have historically had. A reasonable delay to enable us to comply is going to be quite important. If we do not accept some logical, reasonable, tempered delay to allow States to adjust to the Supreme Court's order, I am afraid that some of the action which we have seen in the other body as late as yesterday might be the recourse taken by Congress, or it could be the recourse that might lead to the submission of a constitutional amendment. These are principles dear to the hearts of States—to regulate their intimate affairs in the composition of their own legislatures. The Dirksen amendment will not override, overrule, or reverse the Supreme Court. It merely permits a reasonable amount of time, a deliberate delay, in order to give the States one last chance to comply with an order which was not known to anyone until it was announced by the Supreme Court on June 15 of this year.

Mr. PROXMIRE. Let me say to the Senator from Oklahoma that in my judgment the Dirksen amendment may override the action of a State legislature, as I have indicated earlier. I will read the clear language:

Any court of the United States having jurisdiction of an action in which the constitutionality of the apportionment or representation in a State legislature * * * is drawn in question, shall, upon application—

No alternative—"shall", as long as any member of the State legislature or anyone else applies—"shall stay the proceedings"—I am skipping some of the language—"for such period"—and the period is defined—"to permit any State election of representatives occurring before January 1, 1966, to be conducted in accordance with the laws of such State in effect immediately preceding any adjudication of unconstitutionality."

That means, as I understand, since there has been adjudication in Michigan, Wisconsin, and a number of other States, that in those States, all the painful work we have already gone through to set up an election procedure, the apportionment we have achieved with such great pain and difficulty, and which has been finally agreed upon, would be thrown out. We would have to go back and candidates would have to file in new districts. Candidates for the State legislature in Wisconsin would have to file or have to run twice. The same thing may be true in other legislatures.

The Senator from Oklahoma is going to say that perhaps this does not apply where the State court has acted. That is the opinion of some lawyers. The lawyer who handled this case before the State supreme court is one of the most competent lawyers I have ever known. He said there is a real question about it. He does not know for a certainty. I understand that outstanding lawyers in Michigan also say that there is serious question in this matter.

Mr. MONRONEY. The Senator knows that a Federal court has not thrown out the reapportionment in his State. It has been approved by the State supreme court. There is a plan in being. This amendment is not going to upset the reapportionment which has occurred in his State.

Mr. PROXMIRE. What is the language? The language is:

Any court in the United States having jurisdiction of an action—

Certainly, the Federal court in the western district of Wisconsin or the eastern district of Wisconsin can have the same jurisdiction as the Federal court in Oklahoma had. It has jurisdiction—any court * * * shall upon application—

Shall stay the proceedings of the election for this period, and if the State is requested it means that the election must be conducted in accordance with the laws of the States in effect immediately preceding any adjudication of unconstitutionality.

I cannot read that any way except that we shall be in jeopardy. There is a saving clause, "in the absence of highly unusual circumstances." But would it apply to

Wisconsin? Who knows? I believe that if the Senator from Oklahoma is right in his debate today and I am wrong, the amendment which I have offered would, on line 15, page 2 of the amendment, add a "not" so that for the period necessary to permit an election of a representative before January 1, 1966, it would read, "shall not be deemed to be in the public interest in the absence of highly unusual circumstances," then one might argue that there are highly unusual circumstances in Oklahoma. Oklahoma has had an election. And under these circumstances, perhaps there would be a stay.

If we were to get the concurrence of the leaders on both sides, I would be willing to move ahead and have a vote, and perhaps thereby save the embarrassment for the State of Oklahoma which was mentioned by the Senator from Oklahoma.

Mr. MANSFIELD. Mr. President, what was the proposal?

Mr. MONRONEY. To adopt the amendment of the Senator from Wisconsin, which would change the language on line 15, page 2, so that instead of reading, "shall be deemed in the best interest in the light of highly unusual circumstances," would read, "shall not be deemed." This would reverse the whole thrust of the purpose of securing some delay so that the States would have the opportunity to express their own will.

Mr. MANSFIELD. The Senator offered that amendment and then withdrew it.

Mr. PROXMIRE. Yes. But I am telling the Senator from Oklahoma that if he will support me on this amendment and use his influence with the distinguished Senator from Montana, and persuade some of his Republican friends, along with the distinguished minority leader [Mr. DIRKSEN], to support the amendment, I shall do everything I can to persuade those who are with me now to move ahead for an immediate vote. I will act if we can get sufficient support to pass it. If we can pass it, we can get the bill out of the way, go home and save Oklahoma and Wisconsin. We shall all be happy.

Mr. MANSFIELD. Perhaps the Senator wants to put it in reverse. If the Senator from Oklahoma could persuade the Senator from Wisconsin to come around to our point of view, I am sure we could do that in a hurry.

Mr. MONRONEY. I cannot go along with the extreme interpretation of the Senator as to line 6, page 1, of the words, "any court of the United States." The language applies only to a Federal court. It could not mean any other court than a Federal court.

Mr. PROXMIRE. The Senator is correct. It means the Federal Court.

Mr. MONRONEY. Of course it does.

Mr. PROXMIRE. It means the Federal Court only.

Mr. MONRONEY. I do not believe the Supreme Court or any Federal district court will come in and upset the Wisconsin situation. But we object to being forced to do this, and to being the first State, that any research can show,

where a Federal court has called off State elections of a general statewide nature.

Can the Senator give me any precedent for this?

Mr. PROXMIRE. There is great inconvenience in Oklahoma. There is no question about that.

Mr. MONRONEY. It is not the inconvenience that we complain about.

Mr. PROXMIRE. But the Governor of Oklahoma has set a special primary election using the redistricting plans of the bureau of government research. That election will take place on September 29, 1964.

If sometime in September we pass the Dirksen amendment, what effect will that have? Will three elections be held in Oklahoma under three loose interpretations?

Mr. MONRONEY. That is what we are afraid of.

Mr. PROXMIRE. That is why we should not pass the Dirksen amendment.

Mr. MONRONEY. The Governor was ordered to call the special election by the Federal Court. What right has the Federal Court to order the Governor of a sovereign State to call an election? This is a procedure that strikes at the comity of the Federal system. This has caused the people of Oklahoma—many of whom are in favor of apportionment—to complain about the power to upset the election, to destroy the terms of half of our State senate; to further prescribe the system under which we can hold an election; to tell the Governor that he must call it, and to tell the Governor what funds he must use to pay for the election.

These are prerogatives that belong to the State historically. We are asking in the Dirksen amendment for a stay of execution until we can approach this dispassionately, so that we might have a chance to arrive at our own redistricting.

We have a built-in system, in which if the legislature does not redistrict, the reapportionment commission must.

Certainly this delay is no less than any State is entitled to, and no less than the Congress, recognizing the duality of the State and Federal system, should grant.

Mr. PROXMIRE. We cannot get away from the practical fact that the Governor of Oklahoma has called an election. It is true that he was ordered to do so by the Court. He has been told to do so. He has no alternative. I believe this is a necessary occurrence to protect the rights of citizens. Whether anyone agrees with it or not, he has been ordered to hold an election. He will do so. The election will take place.

If the Dirksen amendment passes, it will bring real chaos to Oklahoma. I do not know what will be done. One election has been set aside. There will be another election on September 29. It would be much clearer if we should accept the situation as it is and permit one man, one vote—the fundamental principle which Thomas Jefferson espoused and which others who studied this in great detail espouse—and let that go into effect in our State legislatures. By doing so, we would avoid a most impractical situation in Oklahoma.

Mr. MONRONEY. The Senator is mixing two questions. One question is that of jamming into gear a new election which would be held under a system that is alien in the State of Oklahoma. Under ordinary procedure in the first and second primaries, the candidates must be majority candidates. They must win by more than 50 percent to represent their party. A sudden death primary is generally a primary held in the State when some member of the elective branch of the Government has died and one office is to be filled. It has never been used in a general election. By calling the sudden death primary, much of what the opponents are seeking to achieve in reapportionment is being destroyed. There will be minority representatives. A man who wins the election and runs as a party nominee will not be placed in this position because of a majority vote.

Mr. PROXMIRE. Does the Senator not believe that there will be an election held in Oklahoma on September 29, as ordered by the Governor?

Mr. MONRONEY. I cannot read the judge's mind as to what he wishes the State of Oklahoma to do. We shall have to wait until one man on the Supreme Court passes on the plea—that is being made now to the Supreme Court—to stay the order of the lower court directing the State of Oklahoma to hold an election, and validate the elections already held.

Mr. PROXMIRE. Now we come to the right course of action. This is the proper way to handle it. This is the way we seek to handle the problem. Oklahoma has gone to the Supreme Court to request a stay. It should abide by the Court's decision as everyone else in America does.

Mr. MONRONEY. We are doing that. One man makes this decision.

Mr. PROXMIRE. But to have Congress step in and intervene is to attempt to do something which we, as Congress, are not competent to do. We have not studied the question. It is unconstitutional to have the Congress of the United States tell the Supreme Court when and how it can execute an order. It makes no sense to the Senator from Wisconsin. Oklahoma should stay within the rules of the game and abide by the stay from the Supreme Court.

The Senator says that one Supreme Court Justice would grant the stay. Let him do it. But they should not come to Congress and say that Congress should now step in.

Mr. MONRONEY. I would rather trust the full Court than one Judge. I still feel it is in the interest of Congress, sitting as the legislative body of the United States, to express its will wisely and temperately, as it will do in this amendment. We are dealing not only with the State of Oklahoma. A stay might be granted in the case of the State of Oklahoma; but evils may arise in other States about which we do not yet know. For that reason I am for the amendment.

First. For a question of the importance of the one involved, sufficient time has not been allowed for the States to adjust

and to find exactly what is expected of them under the Supreme Court order.

Second. I do not think that a court has the right to suspend an election that is in progress or to suspend election laws forthwith;

Third. I believe that any reapportionment that is made, since a very great change of custom results, should be left to the will of the people who know the situation best. For that reason, I have felt that the Dirksen-Mansfield amendment is necessary. I hope that the Senate will get on with its business, and that this talkfest, in which distinguished Senators are now engaging, will end and we shall have at least some knowledge of what will happen in the election that faces the entire Nation within a short period of 2 months or so.

Mr. PROXMIRE. Oklahoma is a State whose legislature, since 1921, has not abided by its own constitution. Very clearly it has not. Under those circumstances it seems to me that the only recourse open to citizens of Oklahoma is to do what they have done: Ask for an order of the Supreme Court to give them an equal opportunity to elect their own legislature.

I should like to ask the distinguished Senator from Oklahoma if he does not honestly regard the amendment as a most grave and serious precedent for the Congress of the United States to stay, by congressional action, a Supreme Court decree. Does not the Senator from Oklahoma recognize that if we take such action in this apportionment case in 1964, in subsequent years we might act on some other question at any time when a majority of Members of the House or the Senate, in a moment of great popular turmoil might move in on the Supreme Court with the same kind of order and say to the Supreme Court that constitutional rights, sacred rights, shall be suspended? This is the gravest kind of interference with the Court, which is our final great protector of human rights.

Mr. MONRONEY. We must measure the degree of interference by the Congress. We should very calmly consider whether it would be in the public interest to furnish enough time to permit States to adjust their election system to the Supreme Court decision of June 15.

I believe it is in the public interest that the Senate agree to the amendment, and that time be allowed States so that legislatures can arrange to meet the constitutional test of the Court and to do their own job of reapportionment.

Furthermore, I believe that is the proper way to go about the question, and far preferable to the action taken by the other body, which deliberately denied jurisdiction over the question to the Supreme Court.

I am glad that the Senate, including the distinguished majority leader and the distinguished minority leader, have taken this course. I believe a disservice is being done to the cause of complying with what I conceive to be the clear language of the Court, which has said, "Go slow. Do not disrupt the elections. Give these people a chance."

That is clearly specified in Justice Warren's opinion. The language of that opinion stands on all fours with the meaning of the Dirksen-Mansfield amendment. I can see no harm that would result by a decent period of time being allowed the States to comply. By the very terms of the amendment the States must comply with constitutional apportionment or the courts would by directive of Congress go forward and do so.

Mr. PROXMIRE. The Senator from Oklahoma is a fairminded and thoughtful man. I appreciate what he has said in his opposition to the Tuck bill. I presume that he is opposed to the Tuck bill. I believe that he thinks that the Dirksen-Mansfield amendment is a more moderate step.

Yet, I call his attention to a fundamental question which he has not yet answered. How about the very serious nature of the proposed action as a precedent for Congress to step in and stop Supreme Court decrees, Supreme Court decisions, which are designed to protect constitutional rights? If we take the proposed action in the present case, would that not be a big precedent, a precedent that we have rarely if ever had before in American history?

Mr. MONRONEY. Other efforts have been made by the Congress.

As I read the amendment, it is a very calm and temperate approach stating the public interest on this vast question. It is far more in line with our philosophy of government to take this step than the one which the courts have taken to suspend the elections now in progress and to reapportion States, without giving them an opportunity to reapportion themselves under the Supreme Court's latest order, and to declare vacant seats of Senators who in 1962 were elected with 4-year terms.

Those are dangerous precedents. Those are rules that will plague the country and the Court in the long run; for the Court's own sake I think this amendment is needed, because the consent of the governed is very important in making any kind of government work. We should give the States an opportunity without undue delay, to meet the latest pronouncement of the Supreme Court.

CONSTRUCTION OF LOWER TETON DIVISION OF TETON BASIN FEDERAL RECLAMATION PROJECT, IDAHO

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1123) to provide for the construction of the lower Teton division of the Teton Basin Federal reclamation project, Idaho, and for other purposes, which was to strike out all after the enacting clause and insert:

That, in order to assist in the irrigation of arid and semiarid lands in the upper Snake River Valley, Idaho, to provide facilities for river power opportunities created thereby and, as incidents to the foregoing purposes, to enhance recreational opportunities and provide for the conservation and development of fish and wildlife, the Secretary of the Interior is authorized to construct, op-

erate, and maintain the Lower Teton division of the Teton Basin Federal reclamation project. The principal engineering features of the said project shall be a dam and reservoir at the Fremont site, a pumping plant, powerplant, canals and water distribution facilities, ground water development, and related facilities in the upper Snake River Valley, Idaho. In the construction, operation, and maintenance of the said project and project works the Secretary shall be governed by the Federal reclamation laws (Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereof and supplementary thereto). The project shall be operated consistent with the existing agreements as to storage rights in the Federal reclamation reservoirs in the upper Snake River Basin.

SEC. 2. The period provided in subsection (d) of section 9 of the Reclamation Project Act of 1939, as amended, for repayment of construction costs properly allocable to any block of lands and assigned to be repaid by the irrigators may be extended to fifty years, exclusive of a development period, from the time water is first delivered to that block, or as near that number of years as is consistent with the adoption and operation of a repayment formula as therein provided. Costs allocated to irrigation in excess of the amount determined by the Secretary to be within the ability of the irrigators to repay within a fifty-year period shall be returned to the reclamation fund from revenues derived by the Secretary from the disposition of power marketed through the Bonneville Power Administration.

SEC. 3. (a) The Secretary is authorized to construct, operate, and maintain or otherwise provide for basic public outdoor recreation facilities, to acquire or otherwise to include within the division area such adjacent lands or interests therein as are necessary for public recreation use, to allocate water and reservoir capacity to recreation, and to provide for the public use and enjoyment of division lands, facilities, and water areas in a manner coordinated with the other division functions. The Secretary is authorized to enter into agreements with Federal agencies or State or local public bodies for the operation, maintenance, or additional development of division lands or facilities, or to dispose of division lands or facilities to Federal agencies or State or local public bodies by lease, transfer, conveyance, or exchange upon such terms and conditions as will best promote the development and operation of such lands and facilities in the public interest for recreation purposes. The costs of the aforesaid undertakings, including costs of investigation, planning, Federal operation and maintenance, shall be nonreimbursable. Nothing herein shall limit the authority of the Secretary granted by existing provisions of law relating to recreation development of water resource projects or to disposition of public lands for recreation purposes.

(b) Costs of means and measures to prevent loss of and damage to fish and wildlife resources shall be considered as project costs and allocated as may be appropriate among other division functions.

SEC. 4. (a) The Secretary is authorized to amend contracts heretofore made under the Acts of September 30, 1950 (64 Stat. 1083), and of August 31, 1954 (68 Stat. 1026), whereby the water users assumed an obligation for winter power replacement based on the winter water savings program at the Minidoka powerplant to relieve the contractors ratably by one-third of that obligation, and to make new contracts under these Acts on a like basis. To the extent such annual obligations are reduced, the cost thereof shall be included in the cost to be absorbed by the power operations of the Federal Columbia River power system.

(b) The actual construction of the facilities herein authorized shall not be under-

taken until at least 80 per centum of the conservation capacity in Fremont Reservoir is under subscription, nor until negotiations have been undertaken in accordance with the provisions of (a) of this section.

(c) No construction shall be undertaken on facilities of the Lower Teton division which are required solely to provide a full water supply to lands in the Rexburg Bench area until the Secretary has submitted his report and finding of feasibility on this phase of the division to the President and to the Congress.

SEC. 5. There is hereby authorized to be appropriated for the construction of the Lower Teton division of the Teton Basin Federal reclamation project, the sum of \$52,000,000, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved therein, and, in addition thereto, such sums as may be required to operate and maintain said division.

Mr. CHURCH. Mr. President, I move that the Senate disagree to the amendment of the House and request a conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. JACKSON, Mr. ANDERSON, Mr. CHURCH, Mr. KUCHEL, and Mr. JORDAN of Idaho conferees on the part of the Senate.

WATERSHED PROJECTS APPROVED BY THE COMMITTEE ON PUBLIC WORKS

Mr. McNAMARA. Mr. President, in order that the Senate and other interested parties may be advised of various projects approved by the Committee on Public Works, I submit for inclusion in the CONGRESSIONAL RECORD, information on this matter:

Projects approved by the Committee on Public Works on August 20, 1964, under the Watershed Protection and Flood Prevention Act, Public Law 566, 83d Congress, as amended

Project	Estimated Federal cost
Home Supply, Colo.	\$903,868
Beaverdam Creek, Ga.	1,361,465
South Fork of Little River, Ga.	670,560
Crabtree Creek, N.C.	4,023,930
Four Mile Creek, Okla.	753,738
Three and Twenty Creek, S.C.	974,450
Total	8,688,011

ST. STEPHEN'S DAY

Mr. KEATING. Mr. President, today is a very special day for the Hungarian people all over the world. It is a day set aside in honor of the first great king of Hungary, Stephen I. So extensive was this man's accomplishments in both ecclesiastical and governmental affairs and so large was his contribution to the development of Christianity in Hungary that he was canonized in 1073.

St. Stephen inherited the Hungarian throne from his father in 996. At that time there was no domestic order and the borders of Hungary were being challenged by the Karvars and other barbaric peoples. In a matter of years, Stephen brought order to this country and reorganized his state as a political and re-

Digest of CONGRESSIONAL PROCEEDINGS

OFFICE OF
BUDGET AND FINANCE

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OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE

Washington, D. C. 20250

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CONTENTS

Adjournment.....	6,24	Feed.....	10	Natural resources.....	28
Administrative law.....	37	Flood control.....	16,20	Opinion poll.....	31
Agricultural		Food additives.....	5	Pay.....	26
appropriations.....	25	Foreign aid.....	9	Personnel.....	26,38
Air pollution.....	54	Forests.....	52	Poverty.....	14,29
Alaska relief.....	15	Guam.....	11	Property.....	52
Appalachia.....	13,42	Information.....	22	Public Law 480.....	5,46
Appropriations.....	1,40,53	Interest rates.....	35	Reclamation.....	2,19,41
Area redevelopment.....	12	Lands.....	19,48	Recreation.....	17,49
Arts.....	22	Legislative		Retirement.....	38
Claims.....	19	accomplishments.....	23	Soil conservation.....	34
Containers.....	36	Legislative program.....	5	Tobacco.....	3,39
Cooperatives.....	50	Loans.....	47,48	Trade expansion.....	4
Defense production.....	43	Manpower.....	32	TVA.....	27
Disaster loans.....	48	Meat imports.....	30	Water.....	49
Economy.....	21	Mineral leasing.....	18	Wheat.....	7,51
Electrification.....	44,47	National park.....	5,45	Wilderness.....	33
Farm labor.....	8				

HIGHLIGHTS: Sen. McGovern discussed wheat program. Senate concurred in House amendment to farm labor contractor registration bill. Rep. Harris inserted FTC's announcement of 6-months postponement of cigarette labeling rule. Rep. Whitten inserted table on agricultural appropriation bill.

HOUSE

1. APPROPRIATIONS. Rep. Mahon inserted an abbreviated summary of the appropriation bills to date, accompanied by several comparisons. pp. 20152-4
2. RECLAMATION. Concurred in Senate amendment to H. R. 3672, to provide for the construction, operation, and maintenance of the Savery-Pot Hook, Bostwick Park, and Fruitland Mesa participating reclamation projects under the Colorado River Storage Project Act. This bill will now be sent to the President. p. 20129
House conferees were appointed on S. 1123, to provide for the construction of the Lower Teton division of the Teton Basin Federal reclamation project, Idaho. Senate conferees have already been appointed. pp. 20129

Rep. Lloyd commended passage of the Dixie project bill stating that it will permit the "development of that fertile but arid corner of southwestern Utah known as Dixie." p. 20148

3. TOBACCO. Rep. Harris inserted his letter to FTC asking for a six months deferral of the effective date of the rule requiring health hazard labeling of cigarettes and FTC's reply of compliance. pp. 20132-3

4. TRADE EXPANSION. Rep. Betts spoke in support of the bill he introduced to amend the Trade Expansion Act of 1962, stating that it would not "reduce any tariff rates nor would it prevent the lowering of tariffs except in those instances where cutting the duty would aggravate the damage already done by imports." pp. 20133-5

5. LEGISLATIVE PROGRAM. Rep. Boggs announced that on Tues., Sept. 1, and the balance of that week, H. R. 8290, transferring of lands in Everglades National Park, along with other bills previously announced, will be taken up under suspension of the rules, and that following the suspensions the following bills will be considered: H. R. 12298, to extend and amend Public Law 480, and H. R. 12033, to prohibit use of food additives which have not been adequately tested. p. 20138

6. ADJOURNED until Mon., Aug. 31. p. 20166

SENATE

7. WHEAT. Sen. McGovern discussed the wheat program and advocated continuation of the "voluntary certificate plan approach." pp. 20275-8

8. FARM LABOR. Concurred in the House amendment to S. 524, to provide for the registration of contractors of migrant agricultural workers. This bill will now be sent to the President. pp. 20229-32

9. FOREIGN AID. Continued debate on H. R. 11380, the foreign-aid authorization bill. pp. 20192-200, 20209-13, 20246-7, 20250-1, 20259-70, 20281-4

10. FEED. Concurred in the House amendment to S. 400, to establish penalties for misuse of feed made available for relieving distress or preservation and maintenance of foundation herds. This bill will now be sent to the President. p. 20203

11. GUAM. Concurred in the House amendment to S. 692, to establish Federal agricultural services to Guam. This bill will now be sent to the President. p. 20273

12. AREA REDEVELOPMENT. Sen. Pell inserted a list of ARA projects in R. I. pp. 20187-8

13. APPALACHIA. Sen. Byrd, W. Va., inserted two editorials claiming that the importation of residual oil is one of the causes of the poverty in Appalachia. pp. 20174-5

14. POVERTY. Sen. Tower inserted the minority views from the report on S. 2642, the poverty law recently signed by the President. pp. 20178-83

They contend that a detailed study reveals that this country's nuclear weapons stockpile has steadily decreased in megatonnage each year since 1961, when McNamara became Secretary of Defense.

The columnists then delve into numerous quotations and statistical references which go a long way toward refuting the Secretary's contention, before the Democrat platform committee, on August 17 that "our strategic forces are and will remain sufficient to insure the destruction of the Soviet Union and Communist China under the most imaginable circumstances accompanying the outbreak of war."

Columnists Allen and Scott point out that "the real test of capability is total strategic power measured in megatonnage." They take issue with Secretary McNamara's "forces on alert" terminology, and call it a distinctly indefinable and misleading status.

Mr. President, the administration has had no qualms about exploiting the supposedly nonpolitical nature of its chief Cabinet members, to deliver factless and acrid diatribes against the Republican Party.

With this in mind, I think it would be well to call to the attention of the Cabinet, the Chief Executive, and the Nation the statistics and facts contained in the Allen-Scott report, as well as an excellent editorial from the August 20 Washington Star.

I ask that the Allen-Scott article and the Star editorial be printed with my remarks in the CONGRESSIONAL RECORD.

There being no objection, the article and the editorial were ordered to be printed in the RECORD, as follows:

McNAMARA CONTRADICTS SELF ON CAPABILITY—STRIKE POWER SCHEDULED TO WITHER

(By Robert S. Allen and Paul Scott)

WASHINGTON.—There is a hollow ring of political hokum to Defense Secretary McNamara's huffy claim that U.S. strategic nuclear strike capability is increasing.

The real fact is that the exact opposite is true.

A detailed study reveals clearly that since McNamara became civilian head of the Pentagon in 1961, this country's all-important nuclear weapons stockpile has steadily decreased in megatonnage every year. (A nuclear megaton is equivalent to 1 million tons of TNT.)

This dire conclusion is based squarely on McNamara's own statements—while testifying on the military budget before the Senate Armed Services Committee.

These voluminous published hearings—from which all classified figures and other sensitive information were meticulously deleted by McNamara's own censors—disclose this jarring, overall finding:

Under policies initiated and forcefully pursued by McNamara, with the full knowledge and approval of the late President Kennedy and President Johnson, the deliverable strategic nuclear megatonnage of the United States which in 1961 exceeded 36,000 megatons, is declining to the extent that by early 1970 the total will have sunk to around 5,250 megatons.

Secretary McNamara bases his testy denial that the megatonnage of the U.S. nuclear weapons stockpile is shrinking on a "forces on alert" contention—a distinctly indefinable and misleading status.

In 1961 there were no bombers on "airborne alert." That was done later. Further, the definition of "alert" status has been

changed by McNamara to include all bombers on 15 minutes' notice, and in some of his statements apparently include other bombers.

Also, the voluble Pentagon ruler considers all missiles as "alert forces"—thus enabling him, by combining bombers and missiles, to claim a much larger "forces on alert."

But "alert" status can be misleading as it can be varied from zero to total within minutes as the situation requires.

Real test of capabilities is total strategic power measured in megatonnage.

On that, McNamara's claims don't stand up on the basis of the contradictory testimony in the published hearings of the Senate Armed Services Committee, headed by Senator RICHARD RUSSELL, Democrat of Georgia.

The following comparison of total strategic delivery capability for 1961 and early 1970 is predicted on data released by the Defense Department:

(NOTE.—Warhead sizes are from published reports, and while generally accurate are not precise for security reasons. They are accurate for comparison purposes.)

DELIVERABLE STRATEGIC MEGATONNAGE January 1961

One thousand five hundred intercontinental bombers at 24 megatons each—36,000 megatons (p. 41, SASC hearings, fiscal 1964).

Five Atlas intercontinental ballistic missiles at 10 megatons each—50 megatons (p. 41, SASC hearings, fiscal 1964).

Two Polaris submarines with 32 missiles at 1 megaton each—32 megatons.

Total deliverable megatonnage, 36,082.

By early 1970 (as programmed)

One hundred and fifty intercontinental bombers at 24 megatons each—3,600 megatons (p. 48, SASC hearings, fiscal 1964).

No Atlas missiles (p. 34, SASC hearings, fiscal 1965).

No Titan missiles (both these ICBM's are scheduled to be phased out; p. 34, SASC hearings, fiscal 1965).

One thousand Minutemen at 1 megaton each—1,000 megatons (p. 34, SASC hearings, fiscal 1965).

Forty-one Polaris submarines armed with 656 missiles at 1 megaton each—656 megatons (Polaris program to be completed in 1967; p. 35, SASC hearings, fiscal 1965).

Total deliverable megatonnage—5,256 megatons.

In the fiscal 1964 published hearings, Secretary McNamara is recorded as testifying (p. 48) that of the 1,080 intercontinental bombers, one-half were on "alert."

Of these bombers, 80 are B-58's, the last of which were delivered in 1962. The life of these bombers is less than 10 years, and attrition already is making itself felt (p. 64, SASC hearings, fiscal 1964). Attrition will mean the exhaustion of these bombers on or before 1972, even if they aren't phased out by then.

Another 400 of the intercontinental bombers are B-47's. All of them will be completely phased out by the end of fiscal 1966 (p. 47, SASC hearings, fiscal 1964).

The remaining 600 bombers are B-52's. Deliveries began in 1958 and the last were delivered in 1963 (p. 48, SASC hearings, fiscal 1964). The operational life of these bombers is estimated as between 10 and 15 years. Regardless of attrition, B-52's are programmed only through fiscal 1969 (p. 33, SASC hearings, fiscal 1965).

By 1974, one-half of these bombers will have been operational more than their maximum life. All will be older than 10 years. Based on attrition estimates, less than 150 will be usable, even if retained in inventory.

No new bombers are scheduled. The B-70 is under development, but a "no production" decision has been made on this giant intercontinental bomber (pp. 42-43, SASC hearings, fiscal 1964).

Thus, the conclusion is inescapable that even if efforts are made to keep the B-52's in inventory in the 1970's, deliverable power by strategic forces will have plummeted from 36,080 megatons in 1961 to 5,256 in the 1970's—less than one-sixth the power.

And that is an optimistic estimate because the probability is very strong no B-52's will be in the operational inventory due to one or a combination of three factors: (1) Complete attrition; (2) high cost of "alert" status for overage aircraft; (3) McNamara's belief that manned bombers will not be needed as targets can be hit more effectively and cheaper by missiles (pp. 42-43, SASC hearings, fiscal 1964).

(NOTE.—The printed hearings of the Senate Armed Services Committee are available to anyone. Copies can be obtained by writing to a Senator or the clerk of the committee.)

[From the Washington (D.C.) Star, Aug. 20, 1964]

McNAMARA'S MYTH

One of the irritating myths generated by the Kennedy-Johnson administrations and recited this week by Secretary of Defense McNamara should be laid to rest once and for all. This is the claim, as Mr. McNamara put it during the Democratic Platform Committee's TV show, that "The Defense Establishment we found in 1961 was based on a strategy of massive nuclear retaliation as the answer to all military aggression."

History shows that the Eisenhower administration did not in fact base its answers to all military and political aggression on any such policy. When faced with a military crisis it did just what the Democratic administrations have done: Resorted to a limited, nonnuclear response.

President Eisenhower did not answer with massive nuclear retaliation at the time of the Lebanon crisis or the Formosa Straits bombardment. He called on portions of the 14 combat divisions, 15 carrier task groups, 7 tactical fighter wings, and 16 air transport wings available to him and solved the problems without dropping a single A-bomb.

Mr. McNamara, however, has tried many times to promote the myth that none of these nonnuclear forces existed before he came along. He has said, for instance, that "It was also evident that our position throughout the world would be greatly strengthened, if we were not forced to choose between doing nothing or deliberately initiating nuclear war."

Mr. McNamara has done much to add to our conventional forces and improve the nonnuclear option. But that option, on a lesser scale, always has existed and always has been used.

The election year does not give Mr. McNamara a license to kid the public. Neither a Secretary of Defense nor a presidential candidate should shoot from the hip on these vital matters. There is entirely too much at stake.

ORDER OF BUSINESS

Mr. MANSTFIELD. Mr. President, for the information of the Senate, it is my understanding that several conference reports are ready. One has to do with the District of Columbia police and firemen's salary increases, and three have to do with measures from the Finance Committee. I have requested that the chairmen of those committees, as well as the ranking members, come into the Chamber. I would hope that fairly soon we would be able to take up these conference reports and send them to the House.

Mr. DIRKSEN. Mr. President, does the majority leader anticipate any other substantial business today?

Mr. MANSFIELD. Only bills and other items on the calendar to which there is no objection. I would assume, barring some unforeseen happenings, that the Senate would not be in session for too many hours today.

Mr. DIRKSEN. Could the Senator inform me as to who is likely to speak in the Senate Chamber today?

Mr. MANSFIELD. I understand that the Senator from South Carolina [Mr. THURMOND] is going to meet a bill at the door, and will have some comments to make. I express the hope that his objection will be given the proper consideration and that his desire to put the so-called Tuck bill—which I oppose completely—on the calendar, will not be objected to. If objection is made, of course, it will have to lie over 1 legislative day on August 31, to go on the calendar September 1.

Mr. DOUGLAS. Mr. President, I do not believe that the Tuck bill should be placed on the calendar for possible action today. I serve notice that I shall object to the second reading today, so that it will go over to the next legislative day.

Mr. MANSFIELD. It was my understanding that that action will be proposed that being the objective of the Senator from South Carolina [Mr. THURMOND].

Mr. DOUGLAS. Is it to be considered today or the next legislative day?

Mr. MANSFIELD. It will be objected to. That means that it will have to lie over 1 legislative day. The next legislative day would be August 31, and it would go on the calendar on September 1.

Mr. DOUGLAS. If no other Senator objects, I shall object.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. DIRKSEN. While my colleague from Illinois is still in the Chamber, I should like to inquire—because many Senators have gone into active discussion on the reapportionment matter—whether they can disclose or feel that they can disclose what they propose after the Senate adjourns today. The reason I ask is that I must of necessity, on behalf of myself and I believe the majority leader, consider seriously a cloture petition when the Senate returns. I think this discussion has gone on long enough.

Mr. DOUGLAS. Let me reply to that by saying that I hope that my friend and colleague the junior Senator from Illinois and the Senator from Montana will be allowed to explain the amendment. Thus far, he and his supporters have taken approximately only 1 hour in the discussion of the amendment. This is one of the most fundamental acts to come before the Senate, so we hope very much that they will take advantage of the opportunity to explain their case.

When they do we certainly will reply to it.

Mr. MANSFIELD. So far as I am concerned, I have, in the space of 10 minutes, explained the position of the Dirksen-Mansfield amendment. I have nothing further to say. I believe that additional words would be superfluous. So far as I am concerned, I do not intend to become involved in extended debate. The meaning is clear, at least as I interpret it. My understanding is in the RECORD. It will have to stand on its own feet.

Mr. DIRKSEN. I fully concur in the observations just made by the majority leader. The language of the amendment is very simple. It seems to me that what we are being treated to is not light but obfuscation by the long discussions that have gone on. The reading of the text, it seems to me, is sufficient. I shall elaborate a little, but I know nothing more than—

Mr. PROXMIRE. Mr. President, if the Senator will yield, the Senator from Michigan [Mr. HART] has gone into this subject in detail and is deeply concerned about the effect of the amendment on every single one of the 50 States. Its effect on each State is likely to be quite different.

It seems to me that we have every right as Senators to find out how the amendment will work, and what its serious ramifications may be. We should like to hear from the authors of the amendment so that we can find out how they feel about it. We need a record to make legislative history so we can be assured of a court interpretation that fits our understanding without clear, reasonably detailed statements from the authors. Such statements will have serious effect.

Mr. MANSFIELD. So far as I am concerned, all the apportionment plans put into effect are valid. All reapportionment plans being considered should be considered in the State legislatures. What we are interested in primarily is what was brought out by the distinguished Senator from Oklahoma yesterday. His State is faced with a severe problem. I know that the Senator from Wisconsin [Mr. PROXMIRE] and the Senator from Illinois [Mr. DOUGLAS] are aware of that. There are other States as well—New York and Colorado—perhaps others. The purpose is not to overturn the Supreme Court dictum, so far as I am concerned, but to go ahead with the "one man, one vote" proposal, and to allow a little "deliberate speed" so far as the States which are in difficult circumstances are concerned.

Personally, I believe that it is a most reasonable request to make. I cannot, for the life of me, understand the opposition to a proposal of this kind.

Mr. PROXMIRE. There was a very constructive and useful discussion on the State of Oklahoma yesterday. All of us learned a great deal from it. Some of us conclude on the basis of this discussion that the amendment would do nothing for Oklahoma.

It can do nothing for Oklahoma, especially since the amendment will not be acted on until September. The Governor has acted to call an election under court ordered population apportionment,

the only relief for Oklahoma must come from a request to the Supreme Court. I think that should be the remedy for each of the States. That is the remedy for all American citizens.

Mr. MANSFIELD. The press stated this morning that the State of Oklahoma had filed a petition.

Mr. PROXMIRE. It has.

Mr. MANSFIELD. Also, a plea has been made to Associate Justice Byron White and a request that the Supreme Court will go into special session to allow Oklahoma a little time to go through with what the Supreme Court has decreed every State must do. I believe the argument of the Senator from Oklahoma [Mr. MONRONEY] is valid and sound. That is why he is supporting the Dirksen-Mansfield proposal.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. DOUGLAS. I am sure that the purpose just given by the Senator from Montana is his intent, but the effect of the Dirksen-Mansfield amendment might be something entirely different. In reality, it proposes for an indeterminate time a stay in the execution of an indefinite number of reapportionment orders and plans. It is quite possible that this would bring to a complete cessation a number of reapportionments already underway. There are a number of suits filed in State and Federal courts concerning the upper houses of various State legislatures which, in my judgment, would be indefinitely postponed by the Dirksen amendment.

I compliment my colleague in that he has been completely honest in the statement of his motives for proposing the amendment. Such frankness has been somewhat rare in this body. My colleague has been completely frank. He said his purpose is to obtain a stay of time, during which a constitutional amendment can be submitted to the various State legislatures for action. I compliment him again for his statement. This is the purpose of his amendment.

If the Dirksen amendment passes, then later a constitutional amendment may be submitted to the presently malapportioned State legislatures. The incumbent Members can then ratify the amendment and thereby seal themselves in their districts in perpetuity and remove themselves from court control or any attempt to enforce the 14th amendment.

That is what is at stake. I am sure this is not the purpose of the Senator from Montana. But it is obviously and admittedly the purpose of my colleague from Illinois. It is the purpose of those behind the Tuck bill, and I believe, most of those behind the Dirksen amendment.

Mr. MANSFIELD. I believe the Tuck bill is an outrageous usurpation of constitutional authority and the authority of the Supreme Court. So far as the Senator from Illinois alleging that this would apply to an indefinite number of States, that is correct. But so far as the statement concerning an indefinite period of time is concerned, I believe the Dirksen-Mansfield proposal is very specific, that

we propose to allow one election and one session of the State legislatures so that the States may face the question and try to comply with the dictum laid down by the Supreme Court only 2 or 3 months ago.

The date specified in that amendment was January 1, 1966. It is my belief that if the amendment were to pass, the great majority of the States, by far, would within a period of 8 months, have adjusted themselves to the ruling of the Supreme Court. What we are asking for basically is a little delay. Our task in this body is to recognize the responsibilities that we have in relation to all the States of the Union.

I am somewhat perturbed when I read articles by columnists and newspaper stories to the effect that the amendment means a 4- or 6-year delay. If it means more than 8 months, it will apply to a very small number of States. Then it will be under the jurisdiction of the courts. In the amendment, the jurisdiction of the Federal courts is nailed down tight. I do not care how anyone interprets it; that is what it means.

Mr. PROXMIRE. On page 2, lines 9 to 14, it is provided that a stay shall be granted for a sufficient period "to allow the legislature of such State a reasonable opportunity in regular session or the people by constitutional amendment a reasonable opportunity following the adjudication of unconstitutionality to apportion representation in such legislature in accordance with the Constitution."

In most States—certainly in my State, and in many others—it would require two sessions of the legislature to adopt a constitutional amendment. That would mean 1965 and 1967. The referendum would be in 1968.

My State has already acted. There are many other States that have not. The great majority of the States have not. This procedure would take 4, 5, or 6 years, according to the language of the bill.

Mr. MANSFIELD. I would seriously question that. In my opinion it would take not more than 8 months for the majority of the States. If they did not comply by January 1, 1966, it would be up to the courts, not to the legislatures, to decide. I believe we are well within our constitutional rights in advocating an amendment of this nature. When compared with the Tuck bill, this amendment is as different as night is from day.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. DOUGLAS. The phrase which is used on page 2 of the Dirksen amendment is that the legislature should have a "reasonable opportunity" to act. No one knows what this would mean.

Mr. MANSFIELD. Who will determine what it means?

Mr. DOUGLAS. That is a real question.

Mr. MANSFIELD. The courts will determine it.

Mr. DOUGLAS. That is a real question. The truth of the matter is that the legislatures have had this opportunity for decades.

Mr. MANSFIELD. That is true.

Mr. DOUGLAS. They have had an opportunity to act for decades. They have refused to act. In Alabama and Tennessee, they did not reapportion from 1901 on, until the Supreme Court ordered them to do so in 1962 and 1964.

Mr. MANSFIELD. That is correct.

Mr. DOUGLAS. For six decades they violated their own constitutions, as well as the ordinary rules of fairness. In view of the record of the State legislatures in the past, in perpetuating their own malapportionment, I do not believe that we can expect of them any celerity in attaining fair apportionment in the future. On the contrary, to the degree that there has been reapportionment, in almost every instance, it has been under court order. These court orders would be stayed or put in cold storage under the Dirksen amendment. During this freeze, my colleague and his associates would initiate a constitutional amendment. The constitutional amendment would forever remove from the courts the power to order reapportionment in the many malapportioned State legislatures. It would grant to the present malapportioned legislatures the power to perpetuate their malapportionment. The constitutional amendment would forever prevent courts from enforcing the right to the equal protection of the laws. And the equal protection of the laws, in the judgment of the Supreme Court, and, in the judgment, I believe, of the vast majority of the American people, requires substantially equal representation.

Mr. MANSFIELD. Once again, I believe the Senator from Illinois [Mr. DOUGLAS] is misjudging a premise because of his lack of a firm foundation.

What the Senator is saying, in effect—and I say this most respectfully—is that in his opinion the House and the Senate will pass a constitutional amendment—which requires a two-thirds vote—which, in turn, will be ratified by the States, which requires a three-fourths vote.

Frankly, I do not believe that a constitutional amendment in this direction can get a two-thirds vote in either body. I am fairly certain in my own mind—again expressing an opinion—that three-fourths of the States would not ratify such an amendment, if, by some unforeseen chance, such an amendment were to pass.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. DIRKSEN. It seems to me that we are forgetting a fundamental truth. That fundamental truth is that the Constitution of the United States begins with the words "We the people," and there is in that Constitution a reservation clause that the powers not expressly delegated to the Central Government are reserved to the people and to the States.

With regard to the malapportionment of State legislatures, it is still in the hands of the people. The trouble is that there is an indisposition to reapportion in the fundamental way. It is proposed to take a shortcut. That shortcut is the Supreme Court. I say to

the Senator from Wisconsin that if he feels deeply about it, he can go out to Wisconsin and make some noise about it. We shall do it in Illinois. That is our responsibility. Let us not dump it and allow nine men over in this marble palace to tell the people in the States what they have to do.

When it is said that six decades have gone by, it seems to me that the power residing in the States and in the people has existed ever since the Constitution was fabricated. Now, suddenly, the whole thing is overturned by the High Tribunal.

Mr. THURMOND. I am very frank to say that, in my opinion, the question is one for the people in each State to determine. The Senator from Illinois said something about motives of Senators, and so forth. I can tell him frankly that my position is that the people of each State ought to make the determination. I am sure that the Senator trusts the people of Illinois, as I trust the people of South Carolina. I believe every Senator trusts the people of his own State. I believe the people of each State ought to make the determination as to how they wish their legislature constituted.

Furthermore, under the Constitution of the United States—

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. THURMOND. I should like to complete my statement, and then I shall be glad to yield. Under the Constitution of the United States the question is political and not legal. Therefore, the Supreme Court has no jurisdiction.

As the able Senator from Illinois has stated, the question has never been delegated by the States to the Union, to the Federal Government; therefore, it is reserved to the States. I think it is perfectly clear that the States, and not the Federal Government, have jurisdiction in the field. Why should nine men in Washington have jurisdiction to overrule 50 legislatures in this Nation? Why should not the people through their legislatures have the power and the jurisdiction to determine the composition of their legislatures? I am certain that that should be the case in spite of the ruling of nine men here in Washington.

I am glad to yield to the Senator from Wisconsin.

Mr. PROXMIRE. The Senator from South Carolina has said that he would rely on the people. I believe that all of us would like to rely on the people. But who would put the question? Who would set up the referendum? It would be set up by the malapportioned legislatures. They would put the question. That is why, in case after case, the people have seemed to vote against their own interest. Their own right to an equal vote. They have not had an opportunity to answer the right question.

Anyone who has served as Governor of his State, as the Senator from South Carolina [Mr. THURMOND] has so ably served his State, knows that that statement is true. It has happened again and again in my State. If State legislatures are relied upon to supply the question

for a referendum, we know how easily a question can be rigged. Indeed, have again and again been rigged.

If we should rely on the adoption of a constitutional amendment that would be required to pass the Congress, once again we would find the same problem manifested, because in this case the State legislatures, not the people, decide. The House has shown how it felt when it passed the Tuck bill. The fact is that we, as Members of Congress, are intimately connected with our State legislatures as a result of our friendships with legislators, when we go before the people in a constitutional referendum.

But again, the question would not be acted upon by the people of the States; it would be acted upon by the State legislatures.

I am confident that if the question were submitted to the people, as the Gallup poll showed yesterday, population apportionment would be overwhelmingly approved. The people are for population apportionment.

I disagree vigorously with the majority leader when he says that if the question were submitted to State legislatures, three-quarters of the legislatures would not approve it. How can he predict? The State legislators want to keep their jobs. We know that. That is a fact of political life. If there is any constitutional amendment that would whip through State legislatures, it would be this one.

Mr. THURMOND. The Senator from Wisconsin has referred to the legislatures being malformed. Who says that they are malformed? That is the opinion of the Senator from Wisconsin. The people of a State constitute the legislature of that State. There is at least one State in the Nation that has only one legislative body. The other States have two bodies—two bodies made up as the Congress is made up. That is, they have representation according to each county, based upon area, and then they have representation according to population as the House of Representatives in the U.S. Congress has.

So the people in each State could change that system if they so desired. If the people of each State are not satisfied with the present composition of the legislature, there is nothing to keep them from changing it.

Mr. PROXMIRE. The only State in which the composition of the legislature could be changed readily by the people is the State of Oregon, which permits a truly free initiative.

Mr. THURMOND. I do not believe that the people of one State ought to try to tell the people of another State what the composition of the legislature of that State ought to be. Furthermore, I wish to inquire of the able Senator from Wisconsin upon what authority the Supreme Court acted on the question. Where in the Constitution is the jurisdiction that has been delegated by the States to the Supreme Court to act in this field? There is no such jurisdiction. The Supreme Court has gone beyond its authority, and therefore the Court, in my judgment, in this particular matter, is in error. It is incumbent

upon the Congress to take steps to correct the situation.

Mr. PROXMIRE. Mr. President, these are malformed legislatures. Yesterday we had a discussion with the very able Senator from Oklahoma [Mr. MONRONEY] in which it was admitted that since 1921 the Oklahoma Legislature has refused to comply with the clear requirements of the Oklahoma constitution, and there is no recourse that Oklahoma citizens have except the U.S. Supreme Court. Their own supreme court has refused to act.

I point out that the case of Reynolds against Sims was decided by the Supreme Court of the United States with eight Justices in favor of the decision and one opposed. By that margin the Court decided it had clear right and authority under the explicit language of the 14th amendment. I agree.

Mr. MANSFIELD. Mr. President, I yield the floor.

Mr. DIRKSEN obtained the floor.

Mr. GOLDWATER. Mr. President—

Mr. JAVITS. Mr. President—

Mr. DIRKSEN. Mr. President, I yield to the Senator from Arizona.

SOCIAL SECURITY

Mr. GOLDWATER. I appreciate the courtesy of the Senator from Illinois. I have only a short statement to make, and then Senators can get on with the debate.

Mr. President, the chances are very good that I shall not be present when the vote is taken on the social security measure. I have a short statement that I would have made at that time, and I shall do my best to be in this neighborhood if the engagement that I am going to be kept busy with will allow me to do so.

I favor a sound social security system and I want to see it strengthened. I have voted for genuine improvements in the system since I have been in the Senate, and I plan to do so now. I supported the 1956 amendments to the Social Security Act and, in 1958, I voted to raise benefits so that their value in terms of purchasing power would be preserved.

It is generally agreed by students of social security that the basic purpose of the OASDI program, as it has developed in the United States, is to provide a basic floor of economic protection which becomes available in the event of the death, disability, or retirement of the family breadwinner. Social security was never intended to replace private voluntary efforts—nor should it. Benefits under the program are not a substitute for individual savings and private retirement and insurance plans. They are instead a base upon which the individual may build through his own efforts.

We Americans make provisions for the future through a great variety of voluntary programs, many involving contributions by employers. Self-employed persons were once treated unfairly when their payments into voluntary retirement programs were fully taxed; but

recent legislation—which I supported—has gone far toward placing them on the same footing as those who earn wages and salaries.

Recognizing the important role being filled by social security, we can and should, of course, make improvements from time to time in such areas as the financing and operation of the system. But that is not at issue now.

As for the features of the present bill, the 5-percent increase in benefits will help to meet the rise in living costs since 1958.

Two other provisions of the present bill make the program more flexible in meeting the needs of our people. The first is extension of benefits to a surviving child beyond the present age limit of 18 to the new age limit of 21, provided the child is in school or college. The second is reduction in a widow's age of eligibility from 62 to 60, benefits being actuarially adjusted. In connection with the latter, I might mention that I voted in 1956 to lower from 65 to 62 the age at which all women could claim OASI benefits.

These are worthy improvements in the social security system, enabling it to serve us better in fulfilling its fundamental purpose. They should be clearly distinguished from schemes designed to alter that purpose and, thereby, to overburden the system. We shall not preserve the social security program if we saddle it with unnecessary new burdens, such as medicare. We penalize every senior citizen if we thus bankrupt the system that protects him.

Essentially, protection against need in America depends on a free economy that produces an ever-growing abundance and ever-greater opportunities for all. In this context, social security has a vital and legitimate supporting role, and it is for this reason that I will vote for the proposals before us.

PERSECUTION OF THE JEWISH MINORITY IN SOVIET RUSSIA

Mr. GOLDWATER. Mr. President, I ask unanimous consent that a statement that I prepared in regard to Senate Resolution 204, which the Senator from Connecticut [Mr. RIBICOFF] introduced with some 61 or 62 cosponsors—and I am one of those—be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

As a cosponsor of Senate Resolution 204 which the Senator from Connecticut introduced last autumn, I express my support for his amendment to the pending bill. This amendment emphatically reflects the horror felt by the Congress of the United States for the savage persecution to which the Soviet Union is subjecting its Jewish minority. I am sure that civilized people everywhere share the horror we feel and join in the condemnation we express.

But I would like to call the attention of my colleagues, and of the American people as well, to the grim irony which characterizes the situation we deal with in the proposed amendment.

A third of a century ago Adolf Hitler and his Nazi Party took over the Government of Germany on a political platform, the chief

tenet of which was anti-Semitism, in the form of a pledge to eliminate the Jews from every aspect of the national life of Germany. How well he succeeded we need not dwell on here. Ostensibly opposed to him were the Soviets and the German Communists who gave lip service, as they still do to a whole catalogue of humanitarian ideals, among them, that of complete racial and religious equality. Nevertheless, this apparent ideological antithesis between Nazis and Communists offered no obstacle to the infamous Soviet-Nazi pact of 1939 which, in effect, precipitated the holocaust of World War II on a world still not fully recovered from the sufferings and devastation of World War I.

It was primarily because of its treatment of the Jews that the Nazis came to be regarded as the quintessence of brutality and barbarism. Have we forgotten that for almost 2 years after the signing of the pact, the Soviet Union remained a faithful and devoted ally of Hitler? Do we no longer recall that the breach in the infamous friendship was initiated by the Nazis and not by the Communists?

Some among us here in the Senate Chamber may wonder why I rake up the dying embers of these terrible and tragic events of the not too distant past. My answer is simply this. We must never forget that the extermination of the Jews by Hitler was just one manifestation of the inherent barbarism and savagery that are inherent characteristics of the full-blown totalitarian regimes which seem to flourish in the 20th century like the rankest of weeds in a poorly tended garden.

Too many of us have forgotten that present-day Soviet anti-Semitism is only the most recent of a series of gigantic persecutions by the Communist regime which began with the Bolshevik revolution and have gone on unremittently ever since. The massacre of the Kronstadt sailors, the liquidation of the Kulaks, the deliberately government-induced starvation of millions of peasants, the elimination of the old academic and professional classes, the purges not only of the Red army but of most of the original Bolshevik leaders themselves, the litany of horror, cruelty, murder, and injustice is too long for me to describe it fully here.

I can recall that shortly before we were at war with Nazi Germany, a book was published that was read by millions of Americans, horrified by Hitler's activities—it was called "You Can't Do Business With Hitler." But today we have forgotten. With no compunctions our Government does business with Khrushchev, "the butcher of the Ukraine," a chief executant of the horrors perpetrated by the Soviets not too many years ago. Why do we not react with the same indignation to this older totalitarianism which has thrust its tentacles into areas and among peoples whose extent and number exceed anything achieved by Hitler at the crest of his power? Why do so many of us believe that Soviet communism is becoming more civilized, more humanitarian, when so many of these same people realized so clearly that Hitler could never be appeased?

I hope that the Senate will approve this amendment—but more importantly I hope that it, even if only to a slight degree, will dispel the deep amnesia which holds so many of our policymakers and opinion formers in its grip. I pray with all my heart that this measure will bring the sudden shock of realization that we are confronted by an implacable enemy devoted to destroying us; that totalitarianism whatever its particular form or manifestation is always essentially and similarly evil; and that to believe in its eventual development into something good and decent and just is not only completely foolhardy but that such an illusion constitutes the gravest of dangers not only for our beloved country but for all civilized mankind.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. JAVITS. Mr. President—

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. DIRKSEN. I yield.

Mr. JAVITS. In respect to the discussion that we have been having about apportionment, the Senator from Minnesota [Mr. McCARTHY] and I have a "sense of Congress" resolution pending as a substitute for the Dirksen-Mansfield amendment, and I should like to say a word about the present situation.

The Senate cannot remain deadlocked on this issue without great peril to the public interest. We are not living in dream worlds. We know that everyone is seeking to get as much of a political position as possible in this situation; and the reason the minority leader chose to attach this amendment to the foreign aid bill is very obviously that he knew that the foreign aid bill had to be passed, and he wanted to be sure that his amendment did not fall by the wayside.

But I think the time probably has come, or is very close, when we must fish or cut bait, and the foreign aid bill must be passed with or without the amendment. We shall now have a 10-day period when the whole country can think it over. It seems to me that the Tuck bill, which is before the Senate, gives us an appropriate vehicle for effecting the will of Congress on this subject.

I would hope that the various parties in interest—the majority and minority leaders, my colleagues, my liberal colleagues on the other side, who have been debating this matter so thoroughly and so very well, the Senator from Minnesota [Mr. McCARTHY] and myself, and the Senator from South Carolina [Mr. THURMOND]—could arrive at a meeting of the minds, perhaps with the administration, as to expressing the will of both Houses of Congress, whatever it may be, with respect to the Supreme Court's reapportionment decisions, and that it be done on a separate measure.

I join the majority leader in strongly condemning the Tuck bill. I believe the Supreme Court, on the most elementary constitutional determination, would have to strike it down. Certainly as it applies to pending cases, I think it is most mischievous, just as mischievous as was the attempt to pack the Supreme Court, but on another ground, based on the precedent of 100 years ago in the Klein case, because it is an effort to take away the jurisdiction of the Supreme Court.

What is overlooked is that the 14th amendment to the Constitution overrides every State and the will of the people of every State. Perhaps the will of the people of some State might be to have slavery. They may not have it. That is what the Constitution provides. The Supreme Court has upheld it.

There is another way to approach the problem, and that is to have a separate

vehicle expressing the will of the Congress as to what it would like to have the Supreme Court do. The way to get it done, in a constitutional way, is to ask the Supreme Court to stay its hand for a sufficient time to allow the people to work their will under the Constitution.

There are three bases which have been discussed in respect to this matter.

The first basis is that enunciated by the Senator from South Carolina [Mr. THURMOND], that is, that the people of the States have complete autonomy in this regard. They do not, under the 14th amendment of the Constitution.

The second point of view is that expressed by my liberal colleagues on the other side, who feel that nothing whatever should be done, but that the Supreme Court decision of one man—one vote should be carried out within each State according to that constitutional principle and that both houses of each State legislature should be organized on the basis of one man—one vote.

The third position, which is too little discussed in this situation—and I believe it represents the preponderant view of the people of the United States—is that they cannot understand why in each State they cannot make the same decision that the people of the United States made when our Constitution was established, and have one house of their State legislature, if they wish it—and I emphasize, if they wish it—on a basis other than population.

That opportunity can be afforded by an amendment to the U.S. Constitution. It would not "freeze in" malapportioned legislatures, as has been asserted, because it would not be up to each State legislature, but it would be up to the people of each State, to determine whether they want one house apportioned on a basis other than population.

It seems to me that this is the end result that meets the current consensus of the people of the United States. That procedure is available to us, and we have a separate bill from the other body which could be amended so that that could be carried into effect in a perfectly legal and constitutional way.

I hope that in the 10-day period all the parties in interest may get together for the purpose of arriving at such a decision, and that the machinery of the United States, which is not now functioning, by virtue of the fact that we are deadlocked in this Chamber, may again be permitted to function, and that Congress may adjourn sine die by the middle of September.

Mr. AIKEN. Mr. President, I agree with the majority leader that we should not take up the Tuck bill at this time, and probably not at any time during this session of Congress.

I also believe that the substitute amendment offered by the Senator from New York [Mr. JAVITS] and the Senator from Minnesota [Mr. McCARTHY] would not be at all effective.

I have been noticing, while this filibuster has been in progress, that the filibuster has been carried on by Senators from Philadelphia, Detroit, Chicago, and political suburbs—

Mr. DOUGLAS. Mr. President, I note what the Senator from Putney has just said, but I point out that just as he is the Senator from Vermont, we are also Senators from our entire States, not from portions of our States.

Mr. AIKEN. Mr. President, I did not yield for a speech. I have only 3 minutes.

As I say, the filibuster has been carried on by Senators from Philadelphia, Detroit, Chicago, and political suburbs.

I think the filibusterers are trying to prevent the people of the United States from ever voting on what kind of legislatures they want. The reason for that may be that they learned their lesson in Colorado, where the question of reapportionment was submitted to the people in a statewide referendum, and every county in the State of Colorado, including Denver, voted in favor of the reapportionment plan which was thrown out by the Court.

I realize that the rest of us are probably very amateurish compared with the political organizations of Philadelphia, Chicago, and Detroit, were the political machinery has been perfected practically to the push-button stage; but I do not think that type of political machinery is best for this country.

I would like to see every State submit a constitutional amendment which would provide for two houses of the State legislatures based on other than a strict population basis to a statewide referendum. I know other countries made it to the position where the people had little to say about their government, but I do not want the United States to make it. I do not want a coalition of 3 or 4 political machines running this country.

I do not believe those who are opposing the Mansfield-Dirksen amendment would ever in the world agree to let the people of each State, in referendum, vote on a constitutional amendment relating to the apportionment of State legislatures.

I think my 3 minutes are about used up. I could continue along the same lines, but I think I can say enough in 3 minutes. Why should we not trust the people? Why should anyone try to thwart the people of the United States, in spite of the protestations—Philadelphia, Detroit, Chicago, and political suburbs?

GROWING NATIONWIDE OPPOSITION TO DIRKSEN ANTIAPPORTIONMENT RIDER

Mr. DOUGLAS. Mr. President, I am quite amused by the statement that we are conducting a filibuster, because we have been permitted only a few hours in which to debate the Dirksen antiapportionment rider since it was proposed last week. The proponents of this measure have not taken more than an hour to explain their position. We, in opposition, have been willing to allow the business of the Senate to go forward. When we could obtain time to speak, we have presented detailed evidence on the malapportionment of State legislatures, and we intend to present more. It is striking, in spite of the fact that we have had only a very slight opportunity to present our

case, how rapidly the opposition to the Dirksen rider is sweeping across the country.

Two facts are coming to be understood. First, that the acknowledged purpose of the Dirksen rider is to freeze court-ordered fair apportionment of the State legislatures for an indefinite period so that a constitutional amendment permanently freezing unfair apportionment can be rushed through by the present unfairly apportioned legislatures. Second, that the proponents' charge that a moratorium is necessary to avoid chaos throughout the States is utterly false, unless chaos means simply that rotten borough politicians will lose their seats.

One indication of the broadly based opposition to the Dirksen "rotten borough" amendment is the number and source of the telegrams I received in the last 48 hours from fair apportionment leaders across the country. These telegrams came to me because these leaders had heard of the informal hearing on this matter which I attended last night in Silver Spring, Md. I shall discuss this hearing at another time today, Mr. President, but I now ask unanimous consent to have printed in the RECORD the telegrams which have come to me. I call attention to the fact that one of the telegrams is from the mayor of Cleveland and other telegrams are from various union leaders, from attorneys who have acted in apportionment cases, and from others.

I also ask unanimous consent to have printed in the RECORD an editorial published in this morning's Washington Post and an editorial published in this morning's New York Times; as well as letters to the editor of the New York Times and the Chicago Sun-Times. In addition, I ask unanimous consent to have printed in the RECORD an editorial from that great newspaper, the St. Petersburg Times.

I ask that this material may be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOUGLAS. Mr. President, public opinion is rising across the country, and the desperation of the proponents of the Dirksen rider is indicated by the comments which were made this morning.

Mr. President, the 3-minute rule has been more honored in the breach this morning than in its observance, and I ask unanimous consent that I may be permitted to continue for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOUGLAS. Some of the points made by the Senator from South Carolina have been well answered by the Senator from Wisconsin, who has pointed out that it will not be the people who will ratify the constitutional amendment, but the present malapportioned State legislatures, which, for decade after decade, have not acted and have only been stimulated into action by the recent decisions of the Supreme Court.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. PROXMIRE. Is it not true that in the Gallup poll, which recently asked a question on this subject, which contained no bias in it, and which was certainly a very scientific question—and the Gallup poll is a very respected poll among universities which specialize in public opinion analysis—the people who voted in that poll voted 3 to 2 in favor of population reapportionment for both the house and the senate of the State legislatures? The word "senate" was actually used in the question.

Mr. DOUGLAS. The Senator is correct.

Mr. PROXMIRE. It seems to me that on the basis of our experience, as this issue is presented to the people, it is clear that if the people had a chance—not the State legislatures, but the people themselves—there is no question that they would vote overwhelmingly for population reapportionment, with one man, one vote; but, as the Senator points out they would not have that chance, and State legislatures would reject that proposal.

Mr. DOUGLAS. I thank the Senator. If we can continue our efforts to alert the people to the effect of these proposals, the vote disclosed by the public opinion polls will not be 3 to 2, but will become 2 to 1, and eventually 3 to 1.

The point made by my colleague from Illinois [Mr. DIRKSEN] and by the Senator from South Carolina on the question of constitutionality, it seems to me, does not look beyond the 10th amendment to the Constitution. There are 24 amendments to the Constitution, and all except the one repealed are in effect.

The crucial amendment is the 14th amendment, adopted after the Civil War. The last phrase of the first section of that amendment provides that no State shall deprive any person of the equal protection of the laws.

The Supreme Court properly has said that the people cannot be assured of the equal protection of the laws if they have grossly unequal representation in the State legislature; and that to guarantee the equal protection of the laws requires a substantially equal representation in both houses of the State legislature.

There is no analogy between the composition of the U.S. Senate and the composition of a State senate. The big States were forced to grant equality of representation in the U.S. Senate to the small States because some of them threatened that they would not join the Union unless they received this concession. That action was taken at the point of a pistol, and the States created the Federal Government.

Counties, townships, towns, and cities, however, did not create the States. They are creatures of the State. They are not and were not sovereign. There is no necessity for similar treatment within the States.

If a small proportion of the population can control one house of the legislature, it can control the entire legis-

lature through its exercise of threat of the veto. There is no doubt about it.

Mr. President, let me emphasize again that I think this is the most important measure which has been before this body in many years. I hope it will be very thoroughly discussed. We intend to stick to the facts and to present the evidence on the malapportionment of State legislatures and the constitutional basis for the Court's action. We will expose the bugaboo allegations that chaos will be created by the decision of the Supreme Court.

EXHIBIT 1

CLEVELAND, OHIO,
August 20, 1964.

Senator PAUL DOUGLAS,
U.S. Congress,
Silver Spring, Md.

The Dirksen rider is an affront to constitutional government and legislative usurpation of authority under the separation of powers of government. In Ohio the rationale of the proposed moratorium on legislative apportionment is without foundation because the constitution of Ohio already provides a workable formula once the Hanna amendment is stricken out.

RALPH S. LOCHER,
Mayor of Cleveland.

SILVER SPRING, MD.,
August 20, 1964.

Senator PAUL DOUGLAS,
Senate Office Building,
Washington, D.C.:

The concept of equality of suffrage or "one man—one vote," is an indispensable ingredient for a responsive, responsible, and representative State government. As a consequence of the Supreme Court's historic ruling, the States of the Union, and specifically Maryland, at last have a real opportunity to assume the responsibility of government denied to them under the inequities of malapportionment.

The failure of the States to act on local problems can be traced in large part to unfair representation in the legislative chambers of the States. Now, the inequality has been rectified and it is hopeful that the initiative to resolve local problems at the local level once again will be restored to the States.

It would be disastrous, it seems to me, to reinstate inequality at this time or freeze it forever in the Constitution of the United States by the adoption of any of the proposals recently proposed by Senator DIRKSEN and Congressman TUCK.

JOSEPH D. TYDINGS,
Democratic Nominee for the U.S. Senate.

CHICAGO, ILL.,
August 15, 1964.

Senator PAUL DOUGLAS,
Senate Office Building,
Washington, D.C.:

I.V.I. regretfully urges defeat of foreign aid bill if Dirksen proposal is attached to it. We have long supported foreign aid program and hope this bill passes but matter of fair reapportionment of overriding importance and DIRKSEN's unconstitutional gambit must be defeated.

GEORGE G. KAUFMAN,
Vice Chairman, Legislation, Independent Voters of Illinois.

CHICAGO, ILL.,
August 19, 1964.

Hon. PAUL H. DOUGLAS,
Senate Office Building,
Washington, D.C.:

As attorneys for the plaintiffs in the Illinois apportionment case, *Gemano et al. v. Kerner et al.*, we wish to refute the charges

of Senator DIRKSEN that the decision of the Supreme Court of the United States has brought chaos to Illinois. Although the Supreme Court's decision was rendered on June 22, no further action has been taken by the U.S. District Court and no hearings have been scheduled as of this date. Preparation is being made for the election of State representatives and State senators in November in accordance with the 1954 constitutional amendment.

The district court has given no indication that it will forestall such elections or will treat this action any differently than any other judicial proceedings. Accordingly there is no chaos, confusion, or panic in Illinois and no likelihood of same.

Under separate cover Joseph Germano, the principal litigant in the Illinois case, is forwarding a more complete refutation of some of the charges which are being widely circulated in Illinois.

BERNARD KLEIMAN,
LESTER ASHER.

ALEXANDRIA, VA.,
August 17, 1964.

Hon. PAUL H. DOUGLAS,
Senate Office Building,
Washington, D.C.:

Congratulations on your brave stand for fair representation. You have our thanks and gratitude.

EDWIN LYNCH,
J. FULLER GROOM,
Cochairmen, Virginia Committee for Fair Representation.

YOUNGSTOWN, OHIO,
August 19, 1964.

Hon. PAUL H. DOUGLAS,
Senate Office Building,
Washington, D.C.:

Reapportionment of Ohio State Senate and House are badly needed to be truly representative of the people. The same situation prevails in neighboring States. Urge upon you to work and vote against any proposed legislation that would delay or compromise immediate application of recent Supreme Court decision.

FRANK L. TRAINOR,
Subdistrict Director, United Steelworkers of America.

NEW YORK, N.Y.,
August 19, 1964.

ROYCE HANSON,
President, Maryland Committee for Fair Representation.

New York's apportionment situation neither chaotic nor confused and will not become so unless Congress creates confusion court order, permits November 1964 elections to proceed undisturbed and gives legislature until April 1965 to reapportion legislators elected in 1964 will serve for 1 year instead of usual 2-year term. While this is a hardship for candidates it would be a far greater hardship for the people of New York to be represented by an unconstitutionally constituted legislature for an additional year. Strongly oppose Dirksen rider and deny that New York ruling in any way justifies intrusion by Congress into matters properly left to the courts in each State.

LEONARD B. SAND.

MIAMI, FLA.,
August 20, 1964.

Senator PAUL DOUGLAS,
Senate Office Building,
Washington, D.C.:

First apportionment suit filed in Florida in 1958. We still don't have fair apportionment. Bill to delay apportionment for additional 2 years would create chaos and havoc in Florida. Voters of Florida are strongly opposed to any delay in reapportionment.

RICHARD H. M. SWANN, Esq.

ST. LOUIS, MO.,
August 21, 1964.

PAUL H. DOUGLAS,
Washington, D.C.:

The Communications Workers of America, AFL-CIO will appreciate your opposing any bill having an adverse effect of Supreme Court's ruling or right to rule on reapportionment of State legislatures.

JOHN WALSH,
Legislative Director, District 6.

CHICAGO, ILL.,
August 19, 1964.

PAUL H. DOUGLAS,
Senate Office Building,
Washington, D.C.:

On behalf of the 500,000 members of the Chicago Federation of Labor & Industrial Union Council we urge you to oppose current proposals to upset recent decisions of the U.S. Supreme Court which ruled out inequitable apportionment of State legislatures. Congress should uphold the AFL-CIO position on this issue which declares that Congress should "reject all efforts to dilute the true processes of democracy in this country and stand firm for the principle of one man, one vote."

WILLIAM A. LEE,
Chicago Federation of Labor & Industrial Union Council.

WINNIPEG, MANITOBA,
August 19, 1964.

Senator PAUL DOUGLAS,
Senate Office Building,
Washington, D.C.:

As chief counsel for plaintiffs in Iowa reapportionment case representing thousands of Iowans long denied proper representation, I strongly urge defeat of the Dirksen amendment. We are proceeding in an orderly manner toward fair representation and the Dirksen amendment would only create chaos and uncertainty in Iowa and cause our malapportioned senate to drag its heels in the hope it could thwart the will of the majority and perpetuate itself. Since the legislature controls constitutional amendments of the State constitution, the courts are the only avenues of relief for underrepresented Iowans.

HARRY H. SMITH.

CLEVELAND, OHIO,
August 19, 1964.

Hon. PAUL H. DOUGLAS,
Old Senate Office Building,
Washington, D.C.

The Dirksen amendment will deprive 6 million Ohio residents of their franchise. There is no valid reason to delay reapportionment in Ohio. We have no need for a new or different apportionment formula in Ohio. The constitution of the State of Ohio provides a ready-made formula for proper apportionment of legislative representatives which can now be exercised since the Hanna amendment has been declared unconstitutional. There is no hope for our State that the rural dominated legislature will ever provide an equitable apportionment formula if the Dirksen amendment is allowed to pass. Your interest and concern in this matter is greatly appreciated.

FLOYD E. SMITH,
General Vice President, International Association of Machinists, AFL-CIO.

CLEVELAND, OHIO,
August 19, 1964.

Senator PAUL DOUGLAS,
Senate Office Building,
Washington, D.C.

The Women's City Club of Cleveland with a membership of 1,100 has long been concerned about the lack of representation from urban counties in the Ohio general as-

sembly and has urged reapportionment of our legislature. We shall watch with interest the results of your hearing on the Dirksen's rider to the foreign aid bill.

Mrs. DOROTHY TEARE,
President.

YOUNGSTOWN, OHIO,
August 19, 1964.

Senator PAUL H. DOUGLAS,
Senate Office Building,
Washington, D.C.

Membership of Local Union 1617 urge you to use your influence and vote against any legislation that is proposed to delay or compromise the reapportionment decision of the Supreme Court.

ANGELO A. MOSCO,
President.

CRYSTAL LAKE, ILL.,
August 18, 1964.

Senator DOUGLAS,
Washington, D.C.

DEAR SIR: As of local 5004 Communications Workers of America membership, 400 people, I strongly urge opposition to any bill having adverse effect on Supreme Court ruling or right to rule on reapportionment of State legislature.

Respectfully,

ANNA M. NAUGHTON,
President.

KANKAKEE, ILL.,
August 20, 1964.

Senator PAUL DOUGLAS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: Please urge the Senate in its wise understanding of the American Government to reject all efforts to diminish or dispute the true process of democracy in this country and to stand firm for the principal of one man, one vote.

LATTON E. MODDEN,
President, IUM Local Lodge 2059.

DAYTON, OHIO,
August 18, 1964.

Senator PAUL DOUGLAS,
Senate Office Building,
Washington, D.C.:

The Dayton-Miami Valley AFL-CIO urges you to support labor in protesting the Dirksen amendment on reapportionment delay. It means conservation and reactionary forces will continue to block progressive forces in Ohio Legislature. Thank you for your consideration.

CONRAD GRIMES,
Secretary, Dayton-Miami Valley AFL-CIO.

CLEVELAND, OHIO,
August 21, 1964.

Hon. PAUL H. DOUGLAS,
Old Senate Office Building,
Washington, D.C.:

The Dirksen amendment will deprive six million Ohio residents of their franchise. There is no valid reason to delay reapportionment in Ohio. We have no need for a new or different apportionment formula in Ohio. The constitution of the State of Ohio provides a readymade formula for proper apportionment of legislative representatives which can now be exercised since the Hanna amendment has been declared unconstitutional. There is no hope for our State that the rural dominated legislature will ever provide an equitable apportionment formula if the Dirksen amendment is allowed to pass. Your interest and concern in this matter is greatly appreciated.

FLOYD E. SMITH,
General Vice President, International Association of Machinists,
AFL-CIO.

EAST CHICAGO, IND.,
August 15, 1964.

Hon. PAUL H. DOUGLAS,
Senate Office Building,
Washington, D.C.:

As one who has long been concerned about apportionment of State legislatures, and as a successful litigant in the Supreme Court of the United States in the Illinois case, I urge you to do everything possible to keep Congress from nullifying the Supreme Court decision on reapportionment on a population basis. As a leader of the Steelworkers Union, and with the support of organized labor in spearheading the fight to secure representative government in our State legislatures, I urge you to speak, vote, and assert your full influence in opposition to the attempts to nullify the Supreme Court decision.

JOSEPH GERMANO,
Director, District 31, United Steel
Workers of America.

CHICAGO, ILL.,
August 15, 1964.

Hon. PAUL H. DOUGLAS,
Senate Office Building,
Washington, D.C.:

The Illinois State Federation of Labor and Congress of Industrial Organizations have been and are for reapportionment in the State of Illinois based upon the recent U.S. Supreme Court decision. As you probably know, we were party to the Germano suit. Any delay that thwarts the meaning of proper representation for every citizen in Illinois would appear to us to be contrary to full equity for every voter, no matter where he resides in Illinois. Under the guise of preventing hasty action by the States, certainly there should be no hasty action by the U.S. Senate.

STANLEY JOHNSON,
Executive Vice President, Illinois
State Federation of Labor and
Congress of Industrial Organizations.

COLUMBUS, OHIO,
August 15, 1964.

Senator PAUL DOUGLAS,
Senate Office Building,
Washington, D.C.:

We urge you to defeat all efforts being made to delay effectiveness of decision of the Supreme Court requiring fair representation in State legislatures. This is most serious problem for our members.

JESSE NICELY,
President, Local Union 2074, USWA.

COLUMBUS, OHIO,
August 15, 1964.

Senator PAUL DOUGLAS,
Senate Office Building,
Washington, D.C.:

We urge you to defeat all efforts being made to delay effectiveness of decision of the Supreme Court requiring fair representation in State legislatures. This is most serious problem for our members.

JACK LANDIS,
President, Local Union 3970, UWA.

WASHINGTON, D.C.,
August 13, 1964.

Hon. PAUL H. DOUGLAS,
Senate Office Building,
Washington, D.C.:

Pending proposal to stay court orders affecting reapportionment of State legislatures is derogatory of U.S. Constitution which provides for separation of powers between branches of Federal Government. It is unthinkable that the Congress should deem a suspension of constitutional rights to be in the public interest, as this amendment specifically states. The Senate is considering this revolutionary proposal without any

hearings whatsoever. The most elementary considerations of due process require that interested citizens be granted an opportunity to present their views to the appropriate committee. AFL-CIO executive council is unanimously on record opposing any legislative interference with the judicial branch. Therefore I strongly urge you to vote against any such proposal and to exert every effort to assure adequate hearings on this highly important question.

ANDREW J. BIEMILLER,
Director, Department of Legislation,
AFL-CIO.

COLUMBUS, OHIO,
August 15, 1964.

Senator PAUL DOUGLAS,
Senate Office Building,
Washington, D.C.:

We urge you to defeat all efforts being made to delay effectiveness of decision of the Supreme Court requiring fair representation in State legislatures. This is most serious problem for our members.

VERLIN SPARKS,
President, Local Union 2342, USWA.

COLUMBUS, OHIO,
August 15, 1964.

Senator PAUL DOUGLAS,
Senate Office Building,
Washington, D.C.:

We urge you to defeat all efforts being made to delay effectiveness of decision of the Supreme Court requiring fair representation in State legislatures. This is most serious problem for our members.

RICHARD KOST,
President, Local Union 2173, USWA.

COLUMBUS, OHIO,
August 15, 1964.

Senator PAUL DOUGLAS,
Senate Office Building,
Washington, D.C.:

We urge you to defeat all efforts being made to delay effectiveness of decision of the Supreme Court requiring fair representation in State legislatures. This is most serious problem for our members.

GERALD BROWN,
President, Local Union 3194, USWA.

YOUNGSTOWN, OHIO,
August 13, 1964.

Hon. PAUL H. DOUGLAS,
Senate Office Building,
Washington, D.C.:

The officers and members of United Steelworkers of America in Mahoning, Trumbull, Ashtabula, and Columbiana Counties, Ohio are heartily in accord with recent decision of U.S. Supreme Court relative to composition of State legislatures on basis of one man, one vote. In Ohio neither State senate or house are truly representative of the people. Our apportionment is a relic of horse and buggy days. The same situation is experienced by citizens of neighboring States. We urge that you work against and vote against any proposed legislation which would delay or compromise effective and realistic reapportionment under terms of the Court ruling.

JAMES P. GRIFFIN,
Director, District 26, United Steelworkers.

WASHINGTON, D.C.,
August 13, 1964.

Hon. PAUL DOUGLAS,
Senate Office Building,
Washington, D.C.:

We urge you to vote against new "compromise" proposal for holding up reapportionment of State legislatures. Produced without hearing in secret conferences unrepresentative of any broad range of Senate

views, it still amounts to congressional interference with judicial process. The whole matter deserves a great deal more consideration than it can be given this late in the session. We urge you not to be stampeded into acting hastily.

WALTER P. REUTHER,
President, Industrial Union Department, AFL-CIO.

[From the Washington Post, August 21, 1964]

SAMSON IN THE TEMPLE

The vote of the House approving Representative Tuck's court-ripper bill was not a rational action. It was an outburst of rage against the Supreme Court. The debate left no doubt about what was happening. Though much of the resentment against the Court is related to its decision that both houses of the State legislatures must be apportioned on a population basis, there was also a hangover of bitterness over the Court's civil rights decisions and various others. The Rules Committee gave the House an opportunity to let off steam, and a majority of conservative Republicans and Democrats made the most of it.

This kind of response to a grave national problem is essentially immature. The House is saying in effect that if the Supreme Court hands down decisions which it does not like, it will close all the courts to that line of cases, so that citizens cannot obtain justice any more. In a similar fit of passion, Samson pulled the temple down upon himself.

Many of those who voted for the Tuck bill will save their consciences by saying that it has no chance of becoming law anyway. No doubt they are right so far as the fate of the measure is concerned. It can never be passed in the Senate, and if by some fluke it should be, President Johnson would certainly veto it. If by some strange combination of circumstances it should become law, the courts would almost certainly find it unconstitutional.

It is true that the Constitution gives Congress authority to limit the appellate jurisdiction of the Supreme Court and that it has wide powers to determine the jurisdiction of the lower courts. But the Tuck bill would close the doors of all Federal courts to cases involving a certain category of constitutional rights. That would be such a gross denial of due process that it is doubtful whether any court would uphold it. Indeed, if Congress could thwart the enforcement of law by this method, it could destroy the Bill of Rights by a simple legislative act.

If the House bill were to become a precedent, therefore, it would be one of the most dangerous bills ever enacted in our entire history. It would subvert the system of justice and critically distort our form of government, with its division of power into executive, legislative, and judicial branches. But we do not think that the reckless Congressmen who voted for the bill had any such intention. They saw an opportunity to paddle the Court and closed their minds to the long-range implications of what they were doing.

The only hopeful aspect of the situation is that the wrath of the Senate and House has run into very different channels. The House emphatically rejected the idea of merely delaying action in apportionment cases, as proposed by Senator DIRKSEN in the Senate. The ideal solution would be to let the Tuck bill die in the Senate and the Dirksen "rider"—he is trying to attach it to the foreign aid bill—in the House. If the Senate approves the rider as part of the foreign aid bill, it may even be necessary to let the entire measure die in favor of a continuing resolution that would permit the foreign aid program to carry on as is for the remainder of the fiscal year.

With the slate cleared of both these dangerous expedients, the next Congress could decide the question of a constitutional amendment on apportionment on its own merits. The courts themselves could deal with an emergency that might arise in the meantime—also on the merits. The inexcusable course for either House would be to strike out blindly because of anger over what the Supreme Court has done. Whatever the ultimate conclusion of Congress and the country on constitutionally changing legislature apportionment, the remedy cannot possibly lie in tearing down the system of justice.

[From the New York Times, Aug. 21, 1964]

HOBLING THE COURTS

Any expectation that the House of Representatives might deal constructively with the problems raised by the Supreme Court's redistricting decision has been erased by its reckless approval of a bill stripping Federal judges of all authority to rule on complaints that State legislatures are apportioned unconstitutionally.

The vote was doubly unfortunate because this blanket restraint on the judiciary's right to protect voters against unfairness in representation was itself an expression of precisely the kind of legislative irresponsibility that convinced the Supreme Court equity would never be restored if corrective action was left to the normal political processes of the States.

Even though revised Senate proposal for forcing a delay in court reapportionment orders is a good deal less destructive than the House measure, the whole muddled course of the discussion on Capitol Hill makes it increasingly apparent that the subject is too involved for frenzied political decision at the end of a session. If the real purpose of the Court's critics is to guard against overhasty implementation of the "one man, one vote" ruling and to give Congress an opportunity to consider the desirability of a constitutional amendment on reapportionment, there is good reason to believe that every Federal judge from Maine to Hawaii already has got the message: Go slow.

Indeed, the Supreme Court itself in the Texas congressional districting case last winter cautioned a lower court to be wary of disrupting the political process. No evidence has yet presented itself that the voters are clamoring for a swift legislative curb on the courts; on the contrary, one national poll shows a substantial majority backing the High Court's decision. The proper course now would be to table the proposed Senate rider and let the obnoxious House bill die still-born.

Making foreign aid a prisoner of congressional rancor against the Court is inexcusable on any basis. So is any move that would establish a precedent for depriving the judiciary of its power to protect basic constitutional freedoms.

President Johnson, who stood aloof from the whole issue thus far, could make a contribution to sane procedure by lending his influence to a postponement of the whole problem until next year. A President who has shown so much past awareness of the need guarding the courts against arbitrary legislative assault ought not stay silent now.

[From the New York Times, Aug. 21, 1964]

APPORTIONMENT BATTLE—STRUGGLE FOR POWER SEEN RATHER THAN FOR PRINCIPLE

To the EDITOR: One of the truly great battles of the century has been taking place on the floor of Congress during the past 2 weeks. It is destined to be continued after Congress resumes, following the Democratic National Convention. Unfortunately, the majority of the American

people seem unaware of what is happening, although the Times is certainly to be commended for having fully reported the developments.

Senator EVERETT DIRKSEN, of Illinois (Republican) and Representative WILLIAM TUCK, of Virginia (Democrat) have launched a massive attack upon the U.S. Supreme Court's decision on legislative apportionment. Both gentlemen claim that they want "the people" to have a chance to nullify the Court's opinion, but to what "people" do they intend to give this opportunity? The State legislators.

CONTROL OF STATE BODIES

In response to a challenge on this ground, Senator DIRKSEN has said: "What is closer to the people than the legislatures?" What, indeed, when the Republican Party wins a majority of the votes for the State legislature in Washington State, yet does not control that body; when the Democrats have for years won the majority of the votes in Connecticut, yet have never controlled the lower house in that State? They once polled 77 percent of the vote, but the Republicans retained a comfortable majority in the Connecticut House of Representatives. In California 11 percent of the population elects control of the State senate; in Vermont 12 percent of the population elects control of the lower house; in Nevada 8 percent elects control of the senate; and so it goes in State after State after State.

Senator DIRKSEN and Mr. TUCK are putting the right to hold office above the right to representation. It is a shameless power grab. If these gentlemen want the people to decide the issue, then let the people decide. Don't leave resolution of this issue in the hands of rigged, outrageously malapportioned State legislatures, totally unrepresentative of the people and so out of step with the public sentiment that they have fallen to a level of disrepute throughout the country.

Is this a fight for States rights or is it a fight for the peculiar prerogative of the State legislators? Is this a fight for principle or is it a fight for political power?

LINDA WOLLERTON.

CRESSKILL, N.J., August 19, 1964.

[From the Chicago Sun-Times, Aug. 11, 1964]

ON DIRKSEN PROPOSAL

Those citizens of Illinois who take exception to the Supreme Court order to reapportion State legislative districts on a "one man one vote" basis have little to support their position in tradition, in law, or in morality.

Article II of the Northwest Ordinance of 1787 provided that: "The inhabitants of the said territory shall always be entitled to the benefits . . . of a proportionate representation of the people in the legislature."

The three Illinois constitutions of 1818, 1848, and 1870 all recognized this stipulation by providing that both houses of the General Assembly should be apportioned on the basis of population. Beginning in 1911, however the General Assembly failed to honor the 1870 constitutional provision providing for reapportionment every 10 years because it meant a loss of seats for the rural areas. Finally, in 1953, largely in response to public indignation over the power the existing malapportionment gave to the West Side bloc, the General Assembly did provide for a referendum on a reapportionment amendment, but exacted the unprecedented condition that 34 of 58 senatorial districts permanently be given to the counties other than Cook.

Many of the persons who supported the reapportionment amendment in 1954 did so only because the then controlling case of *Colgrove v. Green* seemingly precluded any fairer solution.

The Supreme Court of the United States has finally brought equity to the situation. Senator DIRKSEN has responded by proposing legislation that would delay prompt implementation of the Supreme Court decision. A most critical aspect of the Dirksen proposal relates to the proposed amendment to the U.S. Constitution which would permit one house of a State legislature to be restricted on factors other than population. If such an amendment should be approved by the Congress, and the Dirksen delaying legislation also passes, the U.S. constitutional amendment would be subject to ratification by State legislatures restricted under discredited irrelevant factors.

About all that can be said for the Senator's announced intention of attaching his proposal as a rider to the foreign aid bill is that it is consistent with the tactics that have been employed in this cause for over half a century.

RICHARD J. NELSON.

[From the St. Petersburg Times, Aug. 18, 1964]

A MEANINGFUL PLATFORM

Laudable as the goal is, as Congressional Quarterly has pointed out, it will be difficult, if not impossible for Democratic platform drafters to stick to President Johnson's desired limit of 2,500 words.

With the two presidential candidates offering such a contrast, we have an idea that the electorate will pay more than ordinary attention to the two party platforms this year.

For more reasons than one, many voters are going to do a great deal of soul searching between now and November 3. Not only will the speeches of the candidates be carefully analyzed, but the official party positions as spelled out in the platforms are going to be dissected, digested, and debated at length.

Civil rights and foreign policy so far have been in the center of the spotlight. Close behind are the Government's fiscal and economic policies, and the issue of "big government," which the Republicans apparently feel they can reduce in size and multiplicity of functions.

In the past few weeks, however, another major bone of contention has been introduced. This the attempt, led by Republican Senate Minority Leader EVERETT MCKINLEY DIRKSEN, to undo the Supreme Court's legislative reapportionment decisions.

This is a bald-faced attempt to give the "Pork Chop Gangs" of the Nation's 50 States an extension of the undemocratic dictatorship they have so long held in State legislatures all over the country.

Democratic platform writers should hit this and hit it hard. Properly handled, such a plank could contain three potent charges of political dynamite:

It is an attempt to deprive the majority of citizens of their most basic rights under representative government—equality in the lawmaking process.

It is a backdoor method of "packing the Supreme Court," a tactic rejected by Congress and the people in 1937.

DIRKSEN's hitching of his amendment onto the foreign aid appropriations bill, and attempting to ramrod it through the closing days of Congress without thoughtful and deliberate consideration, is a contemptuous affront to the great majority of the American people who will benefit by equitable reapportionment.

With high courage the Democratic Party faced up to the challenge of guaranteeing civil rights to a minority of the Nation's citizens. It would be ironic and tragic if the party failed to take an equally firm and statesmanlike position on behalf of the majority of all citizens of all races in every State.

Let the platform be as brief as possible. But, first of all, let it be meaningful and forthright and complete.

FORT BENTON ADMIRAL, U. S. GRANT SHARP, JR.

Mr. MANSFIELD. Mr. President, on several occasions, I have spoken with great pride about Montana's admirals and the unusual circumstance whereby many of them come from one of our fine communities, Fort Benton, which has a population of roughly 2,000.

Just recently, one of the admirals from Fort Benton has again come into the headlines. I refer to U. S. Grant Sharp, Jr., commander of all U.S. forces in the Pacific.

The current situation in southeast Asia has placed Admiral Sharp in a very difficult and complex situation. I am very confident that Admiral Sharp's long experience and demonstrated ability will hold him in good stead in this situation.

The August 12, 1964, issue of the Great Falls Tribune contains a fine editorial tribute, and I ask that it be printed at the conclusion of my remarks in the CONGRESSIONAL RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FORT BENTON ADMIRAL, U. S. GRANT SHARP, JR.,
DIRECTS AMERICAN FORCES IN THE PACIFIC

When tension over North Vietnamese torpedo boat attacks on American destroyers held the world's interest last week, an intelligent and calm Montanan controlled our military forces that gave the Nation's "reply" to the unprovoked attack.

Adm. Ulysses S. Grant Sharp, Jr., commander of all U.S. forces in the Pacific, directed the Navy to carry out President Johnson's orders for limited retaliation on North Vietnamese patrol boats and their bases.

Admiral Sharp, a native of Chinook, went to the U.S. Naval Academy at Annapolis after graduating from high school at Fort Benton in 1923.

Fort Benton friends have great confidence in Admiral Sharp because they know how levelheaded and intelligent he is. He was always a studious person who impressed those who knew him. Fort Benton friends are especially proud of the admiral because he calls Fort Benton his home and has visited it many times during his naval career. Some of his boyhood friends call him "Ole" and others call him "Grant" but all agree that he is a wonderful person with outstanding ability.

Fort Benton can be proud also of its other three admirals—George C. Townner, Louis Dent Sharp, and John H. Hoover.

The historic town of Fort Benton, made famous for its Missouri River traffic from St. Louis to Montana, can take a proud bow for furnishing such fine leadership talent to the Navy.

JOHN TATSEY—MONTANA NEWS REPORTER

Mr. MANSFIELD. Mr. President, this has been a long and hardworking session of the 88th Congress. While the session is not completed, the end is in sight. I think it is now time for some relief from the heavy and detailed issues that confront Members of Congress in their day-to-day chores.

I have often spoken of Montana's col-

orful news reporter, John Tatsey. John injects a good deal of humor, as well as insight, into his reporting of news from the Blackfeet Indian Reservation in western Montana.

While John Tatsey was just elected as a member of the Tribal Council of the Blackfeet Indian Reservation, he still finds time to write his weekly column in several local weekly newspapers.

Mr. President, I ask unanimous consent to have a series of John Tatsey's weekly news columns printed at the conclusion of my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Hungry Horse News, Aug. 7, 1964]

ASKS RED CROSS FOR LIVE WIFE

(By John Tatsey)

HEART BUTTE.—When the Red Cross people were out checking with the folks that were hit by the flood they come to William Wells home and saw where his Little Black Shanty floated with everything gone so they told him they would give him some thing in place of what was lost. Then he told that one thing he would sure like to get replaced was his wife that floated down with the shack. The Red Cross lady asked in surprise if she really did drowned. William did not know because he had a ghost wife but would like a live one.

Things have quieted down a lot since harvesting and haying started. People out on hay jobs off the reservation and whats at home are doing there own haying.

Nothing going on Sunday. No stick games just lay around or go fishing. catch enough for Sunday supper.

The Tribal Council has been meeting since the 7th day of July and its getting on the nerves of the people but its impossible to have things lined up for the next two years there are so many things to do and change to try to cut and do something that would benefit the tribe.

Don't spoil the new council as they are all working hard for a better tribal government.

The reporter from Heart Butte was elected to the Police Commission and visited the jail and found a big change in its operation. The place is clean and prisoners eat a decent meal good as a private home. It is operated by men that have a respect for human beings. Co-operation is all it takes.

Up along Big Badger there were a couple young men made the mistake of telling the stories around the reporter. Micky come home one morning around 3:00 a.m. and asked his mother if she had a dollar that he could have. he told her that he had to take Margaret to the hospital for her shot. Too early.

[From the Hungry Horse News, Aug. 20, 1964]

COMES AT NIGHT HAS PROBLEMS

(By John Tatsey)

HEART BUTTE.—One night George Comes at Night went to bed and about midnight his wife woke him up and told him that a car was coming with a bunch of drunks in it so he jumped in the dark and grabed his Pants and stuck both legs in one Pants leg and he could not get up. Knock on the door but he sat still.

Alfred B. Trombley of Browning was telling Joe Running Crane his dream and said he was hunting in the Mountains when he seen a big grizzly bear, he climb a tall tree and the bear started to shake the tree but not hard enough so the bear went back in the timber. Pretty soon there were two bear coming so they both started to try shake him off then they go back for more help. Alfred started to come down when he looked

Commissioners' report, agreed with the transcript of my remarks. It would be in the amount of \$29,500 for active deputy chiefs. There would be an additional \$33,700 to retirees who would have a higher scale in retirement. It would involve \$63,200 as the total additional cost. This was added on the House side as a reward to the deputy chiefs who had 30 years of continuous service in the department. It was a reward for long and distinguished service. It was a longevity reward, if one wants to call it that. Perhaps it could be called a bonus.

It is also true that the bill, as it was originally introduced in the House, did contain additional longevity steps for other police officers from the rank of sergeant through chief. And it may well be that after we come back next year that we may be faced with the problem of whether we allow this kind of longevity pay for others besides the deputy chiefs. The question before us now is whether we want to accept the recommendation of the conferees.

This question of salary for the deputy chiefs was argued long and, I hope, vigorously in conference. We took to a large extent some of the positions that the senior Senator from Oregon is now taking.

In conference, there must be give and take. There must be compromise. I do not believe this was an unjust compromise, nor do I believe it will set a bad precedent. There are other precedents that could be cited. Whether or not this is done, the question before us as far as the deputy chiefs are concerned is whether we want to give them this additional longevity pay. The difference is the figure between \$16,500, our original figure, and \$19,000, which is in the conference report before us.

I hope that the motion of the senior Senator from Oregon will be defeated.

The Senator from Oregon has commented on the differential between those in the higher brackets and those in the lower brackets.

Of course, this kind of differential is not unusual nor confined to this legislation. We recently passed a classified pay bill in which this was very, very clear. The pay bill that pertains to our own officers, insofar as our administrative assistants, legislative assistants, and secretaries are concerned, certainly gives a far greater percentage increase for those in the higher brackets than it does for those in the lower brackets. So, if such increases are fair in the classified pay bill in that respect, they are certainly fair in the bill before the Senate now.

I hope that the motion of my distinguished, able, and very close friend from Oregon will be defeated.

I yield to the Senator from Illinois.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

FAIR APPORTIONMENT HEARING IN MARYLAND SHOWS DIRKSEN ANTIREAPPORTIONMENT AMENDMENT WOULD CAUSE, NOT PREVENT, CHAOS IN MANY STATES

Mr. DOUGLAS. Mr. President, although only a few hours remain before the Senate is to recess for the Democratic Party convention, I believe it is important to make certain evidence bearing on the Dirksen antireapportionment amendment a part of the public record.

Last evening I had the privilege of being present at an unofficial hearing sponsored by the fair representation organizations of the States of Maryland, Virginia, and Delaware, which was called to discuss the effects of the Dirksen rider and the Tuck bill. Although the meeting was called on only 2 days' notice, the meeting hall in Silver Spring, Md., was filled to overflowing. Public address speakers had to be set up outside the building to accommodate the crowds which could not enter the hall. It was an excellent demonstration of the deep interest which millions of people have in protecting their rights to fair representation in the State legislatures. I venture to predict that this meeting will be duplicated in scores and perhaps even in hundreds of communities across the land, and that Members of Congress will increasingly realize that this fundamental issue is understood by the people and must be faced constructively by the Congress.

Mr. President, excellent testimony was given at the Silver Spring hearing, among others by Representative Charles Vanik, of Ohio; Representative James O'Hara, of Michigan; Royce Hanson, president of the Maryland Committee for Fair Representation and associate professor of government in the American University in the District of Columbia; Mr. Harrison Mann, plaintiff in the Virginia reapportionment suit and a distinguished member of the Virginia House of Delegates; Mr. Edmund Campbell, attorney in the Virginia suit; Mr. Donald Neiderhauser, president of the Delaware Reapportionment Committee; Mr. Newton Steers, Maryland Republican State chairman and an officer of the Maryland Committee for Fair Representation; Mr. Augustus C. Johnson, active in reapportionment struggles in the State of Virginia; and Senator Hanson, of the Virginia State Senate. Incidentally, Senator Hanson is a collateral descendant of the noble George Mason, who was the real author of the bill of rights.

The evidence presented at the hearing showed clearly that the Dirksen antiapportionment amendment will cause—and I emphasize "cause"—chaos in many States and will not prevent it, as its sponsors claim but refuse to show by any evidence.

I shall discuss the testimony presented last night in detail when the transcript of the hearings is available, but I wish to make available for the information of Senators and the general public some very impressive evidence. There is no basis whatsoever for the Dirksen anti-

reapportionment rider or for the Tuck bill if we are to consider the only alleged reason advanced by its proponents. They say that there would be chaos in State elections all across the country because of reapportionments ordered by the Federal courts. The facts show that the reverse is true. Forty-seven State legislatures will meet in regular session in the early part of 1965. In the majority of States where cases are pending the courts have stayed their orders or will take no action until after the 1964 elections. There are only four exceptions—Colorado, Connecticut, Michigan, and Oklahoma—and the plain facts are that no emergency exists in those States as the result of court action, although it is true that some State legislators are unhappy by the likelihood that they will lose their "rotten" borough seats.

At the hearing last evening Mr. Royce Hanson, president of the Maryland Committee for Fair Representation—and, as I have said, associate professor of government at American University—submitted for the record a State by State resumé of the status of reapportionment as of August 20, 1964—as of last night. His detailed and accurate analysis shows conclusively that no emergency exists even in the four States which are most frequently cited as requiring a moratorium, namely, Colorado, Michigan, Oklahoma, and Connecticut.

I wish to read an analysis prepared by Mr. Hanson of the situation in those four States.

In Colorado, an appeal of the Colorado Federal district court case, Lucas against 44th General Assembly, resulted in the U.S. Supreme Court's order for the reapportionment of that State's senate. The Colorado Legislature met in special session earlier in the year, redistricted the State, and it is our understanding that a primary has already been held. The State supreme court in the case, White against Anderson, held that the reapportionment of the State senate had violated a provision of the State constitution which stipulated that no county could be subdivided into districts. For example, the county of Denver was awarded nine senators and nine separate single districts were created within the county rather than having all nine run at large. The State supreme court held that this was in violation of the State's constitution, but, Mr. President—and this should be noted—it allowed the 1964 elections to continue and stated that the next regular session of the legislature should either provide for at-large elections or should amend the State's constitution, removing the clause that requires that counties cannot be subdivided.

So there is no chaos in the State of Colorado.

I should like to speak of the State of Connecticut. The Federal district court case of Butterworth against Dempsey, which had been appealed to the U.S. Supreme Court, has resulted in a Federal district court order for reapportionment this year. The Connecticut Legislature is now meeting in special session, creating the new districts which task they are to

have completed by September 9. The primary is slated for later in September.

In Michigan, the case of Marshall against Schoelle was among the second group of cases decided by the U.S. Supreme Court, and in accordance with the Michigan constitution, the Michigan State Supreme Court selected one of the plans submitted by a member of a bipartisan reapportionment commission as a system to be used in this year's elections. The primary will be held September 1. There is no chaos in Connecticut or Michigan, though chaos might be created if we pass the Dirksen amendment.

Finally, in Oklahoma, which was discussed yesterday, it is true that probably more apportionment litigation has come out of Oklahoma than out of any other State.

Beginning in 1962 with the case of Williams against Moss and several subsequent suits, the legislature has on at least three separate occasions been ordered to reapportion itself. Following the return of the appeal of that case from the U.S. Supreme Court to the Federal district court, the lower court, utilizing a constitutional amendment adopted by the people on May 26 of this year in those respects as it was in conformity with the U.S. Supreme Court's ruling, established legislative districts for use in the 1964 elections. On that last point, though I may not be completely correct, it is my understanding that the new primary date has not been definitely established. I believe that the Governor has announced that he intends to implement the court order.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. PROXMIRE. The primary election date of September 29 was set in Oklahoma. Only yesterday the Governor applied to Supreme Court Associate Justice Byron White for a stay. He is considering whether or not to grant the stay.

Mr. DOUGLAS. I thank the Senator. Instead of my information being correct as of last night, it was correct as of yesterday morning.

Mr. President, again, I point out that the Dirksen rider would cause chaos in virtually all of those States—in Colorado, in Connecticut, possibly even in Michigan, but most certainly in Oklahoma.

STATE-BY-STATE ANALYSIS ALSO SHOWS THAT DIRKSEN RIDER AND TUCK BILL WOULD HALT THE REAPPORTIONMENT PROCEEDINGS IN CASES FILED IN NEARLY EVERY STATE

But this State-by-State analysis indicates something else. It indicates also that reapportionment suits have been started in virtually all the States, and that the Tuck bill or the Dirksen amendment would stay the proceedings and prevent the Supreme Court or Federal courts from ordering reapportionment.

In the meantime the constitutional amendment could be submitted and would be passed upon by grossly malapportioned State legislatures which could then seal themselves into office for an indefinite period of time and be beyond action of the people.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. PROXMIRE. The point the Senator is making should be emphasized and underlined. The fact is that virtually the whole argument in favor of the Dirksen amendment is that time is necessary to have the States deal with the problem and to suspend the impetuous action of the Supreme Court.

The Senator from Illinois has put into the RECORD a State-by-State documentation that refutes that argument. Far from bringing disorder, we are moving ahead in an orderly way under Supreme Court action. On the other hand if we adopt the Dirksen amendment we shall indeed have a chaotic situation.

Mr. DOUGLAS. I thank the Senator. I shall try to be brief, but this is an important subject.

I said the Dirksen amendment and the Tuck bill would permit orders to be issued which would stay reapportionment cases which are already before Federal or State courts.

I point out that in Alabama, where the famous order in Reynolds against Sims was handed down, the State legislature has not yet complied. The Federal District Court has taken no action on reapportionment this year. But an order could be issued preventing the Federal courts from taking action.

In California, the Silver against Jordan case has been before the Federal district court for over a year. It is pending. The Dirksen amendment or the Tuck bill would prevent the Federal courts in California from passing upon this case.

In an Arizona suit filed before the Supreme Court a decision came down on June 15, 1964, and the order of the Supreme Court in the case of Arizona would be prevented and stayed.

In Delaware, as a result of the case of Sincok versus Roman, the Delaware Legislature met in special session and reapportioned the State legislature, but a challenge on the grounds of gerrymandering was filed by the initial plaintiffs. The Court has not ruled on the question of gerrymandering. But any attempts in this field would be stayed, and possibly the original order would also be stayed, by the Dirksen amendment or the Tuck bill.

In Florida, the case of Sobel against Adams was decided on an appeal by the U.S. Supreme Court, and the State is to reapportion its legislature. But that could be stayed by the Federal district court in Florida under the Dirksen or Tuck proposals.

In Georgia, a case pending in the Georgia Federal District Court, Toombs against Fortson, challenges the reapportionment of the House of Representatives. No action has been taken on this case. It is before the courts. It could be stayed.

In Hawaii, it is not certain that the legislature can reach agreement on reapportionment plans. Any court order could be stayed.

In Idaho, the case of Hearne against Smylie was decided by the U.S. Supreme Court in late June, but the Federal dis-

trict court in Idaho has stayed all action until after the 1965 session of the State legislature, and could be prohibited from making other orders.

In Illinois, due to provisions in our own State's constitution, the Illinois House of Representatives will be elected at large in November. However, a case is pending in the Federal district court, Germano against Kerner, which was remanded by the U.S. Supreme Court. The Court has not set a hearing, but any action could be stayed.

In Indiana, the consolidated case of Grills against Welsh and Stout against Hendricks upheld the present apportionment of the Indiana State Legislature. Further hearings are expected in the case. Any court order would be stayed if the Dirksen amendment or the Tuck bill were adopted.

In Iowa, the case of Davis against Synhorst was among the group of cases before the U.S. Supreme Court decided in late June and has now been returned to the Federal district court in Iowa. Any action of the court could be stayed by the passage of the Dirksen amendment or the Tuck bill.

In Kentucky the legislature reapportioned itself in 1963, but there might be court action staying the reapportionment. Kentucky is one of the three States that do not have a regular session next year, and where action, therefore, could go over to 1966 at the earliest, or possibly even 1967.

In Louisiana, readjustments in the lower house districts of Louisiana were made prior to a court ruling in the case of Daniel against Davis. Any court action—and I am not informed that any court action is pending—could be stayed.

In Maine no court action is pending, but court action would be prevented by the Dirksen amendment or the Tuck bill.

Maryland is a notorious case. The case of Maryland Committee for Fair Representation, under whose auspices the meeting last night was held, against Governor Tawes was among the original group of suits from six States decided on June 15, 1964. Court hearings will be held in early September, but these proceedings would be stayed and the present unjust representation in the Maryland Legislature, whereby 9 counties on the Eastern Shore with 220,000 people have 3 times the representation that Baltimore County, Montgomery County, and Prince Georges County have, would continue in effect.

In Minnesota legal action has recently been instituted, and any court action would be stayed by the Dirksen amendment or the Tuck bill.

In Mississippi reapportionment took place in early 1963 at the regular session of the legislature following a suit brought in the State court in the case of Fortner against Bennett. Mississippi does not have a regular session next year. So action could be stayed until, at the earliest, the end of 1966, and in my judgment for an indeterminate period later. I am not informed of any legal action that has been instituted in Montana, but if it were, court action would be stayed.

In Nebraska the Nation's only unicameral legislature is to be reapportioned

at the next session as a result of a stay by a Federal district court of its own order in League of Nebraska Municipalities against Marsh. That action would be prevented under the Dirksen amendment or the Tuck bill.

In Nevada a case instituted more than a year ago, Paley against Sawyer, has not been pushed due to an unusual family situation in which the lawyer bringing suit would have had to file against his brother. No action has been taken on this suit, and to my knowledge it is dormant. But any court action would be stayed by the Dirksen amendment or Tuck bill.

In New Hampshire an earlier challenge to the New Hampshire Senate was not upheld, and a constitutional convention has met which, among other things, proposed a new apportionment. No legal action is expected, but any court order could be stayed.

In New Jersey, a challenge to New Jersey's Senate is now before the State supreme court in the case of Jackman against Bodine.

May I say that New Jersey is another case similar to Maryland. The south Jersey counties control the New Jersey Senate and have used that power in a most tyrannical way. They have a small population, but they have great voting strength.

When we Democrats go to Atlantic City in a few days, we go to a county once dominated by "Nocky" Johnson and now by Mr. Farley, who do not represent the highest civic virtues. The district has a relatively small population, but it exercises great power over the New Jersey Legislature.

In New Mexico a State ruling in the case of Cargo against Campbell has resulted in a new apportionment formula for use in the lower house, but this action could be stayed and would be stayed and prevented from going into effect by the Dirksen amendment.

In New York the situation is a trifle complicated. The New York case of WMCA against Lomenzo was among the cases from six States decided on June 15, 1964, by the U.S. Supreme Court. WMCA is the radio station in New York which instituted these proceedings. A Federal district court has subsequently held that the 1964 elections should take place on the basis of present districts, but that new districts shall be created in April 1965. This order would be stayed by the Dirksen amendment.

North Carolina: Rejection by the voters of a constitutional amendment that would have established a so-called little Federal plan ended the only apportionment controversy in North Carolina. Again, action would be prevented by the adoption of the Dirksen rider.

North Dakota: The Federal district court in North Dakota has refused in the case of Lien against Sathre and others to hear arguments until the State supreme court has had an opportunity to take action.

Action would be stayed by the Dirksen amendment.

In Ohio, the case of Nolan against Rhodes was among the second group of

cases decided by the U.S. Supreme Court, and lower court hearings have been set for late August or September. However, action would be stayed by the adoption of the Dirksen amendment.

I have already discussed the situation in Oklahoma.

In Pennsylvania a Federal district court has ruled in the case of Butcher against Trimachi and others that the 1965 regular session of the Pennsylvania Legislature will have to reapportion itself, as its last apportionment was not in conformity with earlier court orders. This would be prevented under the Dirksen amendment or the Tuck bill.

In Rhode Island there is the case of Sweeney against Notre, which is to be heard later this month, in August. A constitutional convention which has been under consideration in Rhode Island for several years is expected to be called sometime in the near future. One of its major considerations will, of course, be a new apportionment formula. No action is expected to affect the 1964 elections. Again, any court action this year or next year or in the indeterminate future would be stayed.

Tennessee is the home of the first great case, Baker against Carr. However, Tennessee's legislature from 1901 up until the time of the Federal decision in 1962 had refused to reapportion itself in conformity with the State's own constitution. Tennessee does not hold an election this fall. Therefore action would be put off under the Dirksen amendment for a number of years at least.

In Utah, no final decision has been rendered in the case of Petusky against Clyde, and no decision is expected this year. It would be stayed.

We discussed at some length the situation in Vermont with the Senator from Vermont [Mr. AIKEN]. A Federal district court in the case of Buckley against Hoff ordered the reapportionment of the Vermont Legislature, stipulating that this could be done in 1964 but that it was not mandatory. If, however, the redistricting is not done in time for the 1964 election, the next legislature may—and I emphasize the "may"—take up necessary legislative functions but it supposedly may not take up any straight policy legislation until it has redistricted itself. Again the orders of the Federal court could be stayed by the Dirksen amendment, and would be.

Virginia: I have discussed the case of Mann against Davis. Virginia does not hold elections this fall. It does not have a regular session slated in 1965. Any court action, therefore, would be stayed for an indeterminate period of time.

There has been a decision with regard to the State of Washington by the U.S. Supreme Court. It is in the case of Thigpen against Meyers. It was among the second group of cases decided by the U.S. Supreme Court, and it presented alternatives to that State. Any effect of this Court order could be and would be stayed and prevented from going into effect by the Dirksen amendment and the Tuck bill.

In West Virginia action resulted in a reapportionment of both houses of the

West Virginia Legislature, but the court has retained jurisdiction of the case, and no action is expected until 1965. It may be that their jurisdiction could be dismissed. Whether the reapportionment would stand or not is another question.

My friend the Senator from Wisconsin has already discussed the situation in that State, and I shall not go into it.

In Wyoming an earlier State court action in the case of Whitehead against Gage resulted in a reapportionment. It is not certain whether this would stick under the Dirksen amendment or the Tuck bill.

I ask unanimous consent that this analysis, prepared by Dr. Royce Hanson, be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOUGLAS. I wish to thank Mr. Hanson and his associates for their thorough work, which I used as a quarry for the presentation of my statement.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. PROXMIRE. Mr. President, I realize that Senators are eager to vote on the pending conference report, but I think this speech of the Senator from Illinois is extremely important and is by far the most serious and practical indictment of the Dirksen amendment that we have had. It is absolutely devastating. The junior Senator from Illinois [Mr. DIRKSEN] contended that in 99½ percent of the cases his amendment would be mandatory on the Supreme Court. The senior Senator from Illinois [Mr. DOUGLAS] has shown that in the majority of the States it would mean that apportionment would be in danger of being set aside and in many cases it would be set aside. What does that mean?

What this setting aside of State apportionment in response to the Dirksen amendment means is that in case after case those running for election would have to run again. They would have to file again. The confusion would be very great. In some cases it would be necessary to have the legislature carry over, because people cannot be without government.

The Senator has directed his attention to this subject with a well-documented analysis by responsible people. I suggest that Senators from every State consider very carefully what the Dirksen amendment would do to apportionment in their own States.

The Senator from Illinois [Mr. DOUGLAS] has performed a very great service to the country and the Senate. Senators should read this analysis, and think about it. They will recognize the fact that if the Dirksen amendment were adopted, it could be very serious in a practical way as well as being absolutely wrong in principle.

Mr. DOUGLAS. I thank the Senator.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. Mr. President, I am calling attention to one point which may

or may not be in the mind of the Senator. I noticed that on two or three occasions in his discussion he mentioned the fact that he understood the Dirksen amendment would stay proceedings in State courts. That is not my understanding of the Dirksen amendment. I am wondering if the Senator intended to make that statement or if he seriously makes that contention.

My understanding is that the Dirksen amendment is confined in its action to the jurisdiction of the Federal courts, and that it has no reference to State courts.

If I am incorrect in that I should like to be corrected.

Mr. PROXMIRE. Mr. President, will the Senator yield to me on that point?

Mr. DOUGLAS. I yield.

Mr. PROXMIRE. We have studied this question in great detail in Wisconsin, and I have talked with the lawyer, Roland Day, who handled this case before the State supreme court in Washington. He has explored this Dirksen amendment question in great detail. He says there is very serious question that it is possible, since the Federal court has jurisdiction over apportionment, and the Supreme Court has said so, that the Dirksen amendment could very well be interpreted to provide that the action of the Wisconsin State Supreme Court could be upset by the language in the amendment. This would throw out our primary and possibly our general election in Wisconsin. I think perhaps it would not be; I hope it would not be. But the Senator from Illinois has shown that in case after case it is not necessary to rely on that, because it is not a State court but a Federal court that decides the question.

Mr. HOLLAND. It is my strong belief that the Dirksen amendment has no application whatever to State courts. I find no indication in it that it does, and I cannot see how it could.

I make this point so that if there be any correction required in the very fine discussion just made by the Senator from Illinois [Mr. DOUGLAS] that he would care to make, he would be free to do so.

Mr. DOUGLAS. As everyone knows, I am not a lawyer. Therefore, I cannot pass fully upon this question. I suggest, however, that since the Federal courts have asserted jurisdiction over methods of representation in State legislatures, it would seem to me that they would be empowered to issue stay orders affecting decisions of State courts. That is my first point.

My second point is that I do not fully understand the precise definition of the term "any court of the United States." That may have a technical meaning referring merely to courts federally appointed; but if the State courts are blanketed into the Federal judicial system, as I understand they are, they would become not merely courts of their State, but also courts of the United States.

I throw this out merely to indicate to a casual eye—and I admit to a somewhat unskilled eye—that the case is not so clear as the Senator from Florida says it is.

Mr. HOLLAND. Without laboring the matter, the words "any court of the United States," referred to by the distinguished senior Senator from Illinois, have always been used in our legislation as applicable solely to the Federal judicial system. My complete belief is that those words are confined in their reference to that system, and that there is no application in the proposed Dirksen amendment to State courts of any sort whatsoever.

Mr. DOUGLAS. As the Senator from Wisconsin and I have suggested, that limited meaning is not at all clear.

EXHIBIT 1

STATE-BY-STATE ANALYSIS OF STATUS OF REAPPORTIONMENT ACTION, AS OF AUGUST 20, 1964

Alabama: A suit brought in a Federal district court in 1962 resulted in a temporary reapportionment of the legislature based on parts of two different legislative acts which were utilized by the Federal district court in the State for the new plan. The court's order was appealed to the U.S. Supreme Court and was the famous *Reynolds v. Sims*. The Federal district court in Alabama has taken no action on reapportionment this year, and it is expected that the next regular session meeting in January will take up the matter.

Alaska: No legal action has been instituted.

Arizona: A suit was filed shortly before the U.S. Supreme Court decisions of June 15, 1964, but no action has been taken.

Arkansas: No legal action has been filed.

California: A suit entitled *Silver v. Jordan* has been before the Federal district court for over a year. No action has been taken and none is scheduled this year to my knowledge.

Colorado: An appeal of the Colorado Federal district court case, *Lucas v. 44th General Assembly*, resulted in the U.S. Supreme Court's order for the reapportionment of that State's senate. The Colorado Legislature met in special session earlier in the year, redistricted the State, and it is our understanding that a primary has already been held. The State Supreme Court in the case, *White v. Anderson*, held that the reapportionment of the State senate had violated a provision of the State constitution which stipulated that no county could be subdivided into districts. For example, the County of Denver was awarded nine senators and nine separate single districts were created within the county rather than having all nine run at large. The State Supreme Court held that this was in violation of the State's constitution but allowed the 1964 elections to continue and stated that the next regular session of the legislature should either provide for at-large elections or should amend the State's constitution, removing the clause that requires that counties cannot be subdivided.

Connecticut: The Federal district court case of *Butterworth v. Dempsey*, which had been appealed to the U.S. Supreme Court, has resulted in a Federal district court order for reapportionment this year. The Connecticut Legislature is now meeting in special session, creating the new districts which task they are to have completed by September 9. The primary is slated for later in September.

Delaware: As a result of the case of *Sincock v. Roman*, the Delaware Legislature met in special session and reapportioned the State legislature, and a primary utilizing these districts has already been held. A challenge on the grounds of gerrymandering was filed by the initial plaintiffs, but the court has not ruled on this and is evidently not going to interfere with this year's election.

Florida: The case of *Sobel v. Adams* was

decided on an appeal by the U.S. Supreme Court, and the State is to reapportion its legislature. The Federal district court in Florida is not expected to take any action this year.

Georgia: A case pending in the Georgia Federal district court, *Toombs v. Fortson*, challenges the apportionment of the house of representatives. No action has been taken on this case, but in a related matter dealing with a State constitutional revision effort, the same three-man court intimated that the next regular session of the Georgia Legislature should reapportion itself.

Hawaii: No court action has been sought, but the Governor and State legislature agreed to a special session which is now meeting to decide whether reapportionment should take place this year. The State's regular primary is not slated to take place until October 3, but it is still not known whether the legislature can reach agreement on a plan.

Idaho: The case of *Hearne v. Smylie* was decided by the U.S. Supreme Court in late June, and the Federal district court in Idaho has stayed all action until after the 1965 session of the State legislature.

Illinois: Due to provisions in the State's own constitution, the Illinois House of Representatives will be elected at large this November. This was not the result of any legal challenge in the Federal courts to the apportionment of the house. This has occurred as a result of orders of the State supreme court. However, a case is pending in the Federal district court, *Germano v. Kerner*, which was remanded by the U.S. Supreme Court. No action is contemplated this year, as the court has not set hearing to take place until later this year.

Indiana: The consolidated case of *Grills v. Welsh* and *Stout v. Hendricks* upheld the present apportionment of the Indiana State Legislature. Further hearings are expected in the case, but not until next year.

Iowa: The Iowa case of *Davis v. Snyhorst* was among the group of cases before the U.S. Supreme Court decided in late June and has now been returned to the Federal district court of Iowa. Plaintiffs are not asking for any action this year, as a temporary plan adopted at the last regular session of the legislature is to be utilized in the 1964 election, and the next regular session of the legislature is expected to take up the matter.

Kansas: Both houses of the legislature were reapportioned at the last session of the legislature as a result of the case of *Harris v. Shanahan*. No further court action will take place this year.

Kentucky: The Kentucky legislature reapportioned itself in 1963. A case has been filed, but no action has been taken and none seems to be contemplated. Kentucky is one of three States that do not have a regular session next year.

Louisiana: Readjustments in the lower house districts of Louisiana were made prior to a court ruling in the case of *Daniels v. Davis*, which had been brought. To our knowledge no court action is pending in the State.

Maine: No court action is pending, and constitutional amendments adopted in 1962 eased disparities in legislative district sizes that had existed previously.

Maryland: The case of *Maryland Committee for Fair Representation v. Tawes* was among the original group of suits from six States decided June 15, 1964. Maryland holds no general election for its assembly this year. Court hearings will be held in early September.

Massachusetts: The Massachusetts Legislature has long been apportioned essentially upon the basis of population, and no court action is expected.

Michigan: The case of *Marshall v. Schoelle* was among the second group of cases decided by the U.S. Supreme Court, and in

accordance with the Michigan Constitution, the Michigan State Supreme Court selected one of the plans submitted by a member of a bipartisan reapportionment commission as a system to be used in this year's elections. The primary will be held September 1.

Minnesota: Legal action has only recently been instituted, and no court decision is expected this year.

Mississippi: Reapportionment took place in early 1963 at the regular session of the legislature following a suit brought in the State court, *Fortner v. Bennett*. To our knowledge no new suit has been filed. Mississippi does not have a regular session next year.

Missouri: Challenges to the present apportionment are before a Missouri Federal district court. We have received no word of hearings having been held; thus far no action is contemplated this year.

Montana: No legal action has been sought.

Nebraska: The Nation's only unicameral legislature is to be reapportioned at the next regular session as a result of a stay by a Federal district court of its own order in *League of Nebraska Municipalities v. Marsh*.

Nevada: A case instituted more than a year ago, *Paley v. Sawyer*, has not been pushed due to an unusual family situation in which the lawyer bringing suit would have had to file against his brother. No action has been taken on this suit, and to our knowledge it is quite dormant at this time.

New Hampshire: An earlier challenge to the New Hampshire Senate was not upheld, and a constitutional convention has met which, among other things proposed a new apportionment on which there is substantial agreement. No legal action is expected.

New Jersey: A challenge to New Jersey's Senate is now before the State supreme court, *Jackman v. Bodine*. The State does not have elections this year, so 1964 will not be affected.

New Mexico: A State court ruling in the case of *Cargo v. Campbell* has resulted in a new apportionment formula for use in the lower house. The court has retained jurisdiction, but hearings are not to take place until 1965.

New York: The New York case of *WMCA v. Lomenzo* was among the cases from six States decided on June 15, 1964, by the U.S. Supreme Court. A Federal district court has subsequently held that the 1964 elections shall take place on the basis of present districts but that new districts shall be created by April 1965. New York has a regular session meeting in January, but due to certain political considerations in the State, the Governor and legislative leaders have said that the lameduck legislature, that is, the members of the present legislature, not those who will be elected this November, will be called into special session on December 1 to consider proposals that shall be submitted to it by a special commission already appointed by the Governor. The legislature elected in 1964 shall serve for 1 year, and a new legislature will be elected on the basis of the districts to be created before next April in the general election of November 1965. That legislature shall also serve for only 1 year, and then in 1966, the gubernatorial election year, the normal 2-year cycle will be reinstated. A suit has been filed to stay the court's ruling regarding the length of legislative terms only. The court's 1-year ruling was established so that the State might get back into regular cycle with the gubernatorial election with a legislature apportioned in accordance with the U.S. Supreme Court's ruling.

North Carolina: Rejection by the voters of a constitutional amendment that would have established a so-called little Federal plan ended the only apportionment controversy in North Carolina as the legislature

had already reapportioned itself that year. No court action has been filed.

North Dakota: The Federal district court in North Dakota has refused in the cases of *Lien v. Sathre* and others to hear arguments until the State supreme court has had an opportunity to take action.

Ohio: The case of *Nolan v. Rhodes* was among the second group of cases decided by the U.S. Supreme Court, and lower court hearings have been set for late August or September. No action is expected this year.

Oklahoma: Probably more apportionment litigation has come out of Oklahoma than from any other State. Beginning in 1962 with the case of *Williams v. Moss* and several subsequent suits, the legislature has on at least three separate occasions been ordered to reapportion itself. Following the return of the appeal of that case from the U.S. Supreme Court to the Federal district court, the lower court, utilizing a constitutional amendment adopted by the people on May 26 of this year in those respects as it was in conformity with the U.S. Supreme Court's ruling, established legislative districts for use in the 1964 election. To our knowledge the new primary date has not been definitely established, although the governor has announced that he intends to implement the Court's order.

Oregon: Oregon has long utilized a population basis for both houses of its legislature. No court action has been brought.

Pennsylvania: A Federal district court has ruled in the cases of *Butcher v. Trimachi* and others that the 1965 regular session of the Pennsylvania Legislature will have to reapportion itself as its last apportionment was not in conformity with earlier court orders.

Rhode Island: The case of *Sweeney v. Notre* is to be heard later this month. A constitutional convention which has been under consideration in Rhode Island for several years is expected to be called sometime in the near future. One of its major considerations will, of course, be a new apportionment formula. No court action is expected to affect the 1964 elections.

South Carolina: No court action has been sought.

South Dakota: No court action has been sought.

Tennessee: Home of the first great case, *Baker v. Carr*, Tennessee's legislature has still to complete the reapportionment of itself in conformity with the State's own constitution, which requires a population basis for both houses.

Texas: The case of *Kilgarlin v. Martin* has not been decided by the Federal district court. No action is expected until next year, at least none that will affect the 1964 elections.

Utah: No final decision has been rendered in the case of *Petuskey v. Clyde* and no decision is expected this year.

Vermont: The Federal district court in the case of *Buckley v. Hoff* ordered reapportionment of the Vermont Legislature, stipulating that this could be done in 1964 but that it was not mandatory. If, however, the redistricting is not done in time for the 1964 election, the next legislature may take up necessary legislative functions such as ratification of gubernatorial appointments and passage of the budget or other fiscal matters, but it may not take up any straight policy legislation until it has redistricted itself. There are, at this time, two commissions working on legislative plans, one appointed by and reporting to the Governor, and one appointed by and reporting to the legislature.

Virginia: The case of *Mann v. Davis* was among the original group of cases decided by the U.S. Supreme Court on June 15, 1964. Virginia does not hold elections this fall and does not have a regular session slated in 1965. No court action has been taken or is expected in the immediate future.

Washington: The case of *Thigpen v. Meyers* was among the second group of cases decided by the U.S. Supreme Court. The Federal district court offered the alternative to the State of redistricting prior to the 1964 election or using weighted voting in the next session of the legislature if it is elected from the present districts. This action was handed down in late July. Due to certain political considerations in the State the Governor and some legislative leaders felt it better to utilize the weighted voting than to call a special session, and, apparently, in its next session the legislature will use a system wherein each legislator will cast a number of votes weighted on the basis of the population of the district he represents.

West Virginia: Earlier court action resulted in a reapportionment of both houses of the West Virginia Legislature. The court has retained jurisdiction of the case but no action is expected until 1965.

Wisconsin: As a result of a State court ruling in the case of *Reynolds v. Zimmerman*, both houses of the Wisconsin Legislature have been reapportioned on the basis of population according to a districting plan laid down by the State court similar in most respects to the one passed by the legislature but vetoed by the State's Governor.

Wyoming: An earlier state court action in Wyoming in the case of *Whitehead v. Gage* resulted in a reapportionment. To our knowledge no court action is pending at this time.

ORDER FOR ADJOURNMENT OF BOTH HOUSES OF THE CONGRESS FROM TODAY UNTIL MONDAY, AUGUST 31, 1964

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Concurrent Resolution 359.

The PRESIDING OFFICER. The concurrent resolution will be stated.

The legislative clerk read as follows:

Resolved by the House of Representatives (the Senate concurring). That the two Houses shall adjourn on Friday, August 21, 1964, and that when they adjourn on said day they stand adjourned until 12 o'clock noon on Monday, August 31, 1964.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution (H. Con. Res. 359) was considered and agreed to.

AUTHORIZATION FOR SPEAKER OF THE HOUSE OF REPRESENTATIVES AND PRESIDENT PRO TEMPORE OF THE SENATE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS DURING THE ADJOURNMENT OF CONGRESS

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Concurrent Resolution 360.

The PRESIDING OFFICER. The concurrent resolution will be stated.

The legislative clerk read, as follows:

Resolved by the House of Representatives (the Senate concurring). That notwithstanding any adjournment of the two Houses until August 31, 1964, the Speaker of the House of Representatives and the President pro tempore of the Senate be, and they

are hereby authorized to sign enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution (H. Con. Res. 360) was considered and agreed to.

ORDER OF BUSINESS

Mr. HUMPHREY. Mr. President, have the yeas and nays been ordered on the conference report on the District of Columbia Police and Fire Department pay bill?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. HUMPHREY. I ask that the roll be called.

Mr. MORSE. Oh, no, Mr. President; I am not ready to have the roll called.

Mr. HUMPHREY. Does the Senator from Oregon wish to speak further on the conference report?

Mr. MORSE. Certainly.

Mr. HUMPHREY. I do not yield the floor at the moment.

CREATIVE TEACHING COMPETITION SPONSORED BY MINNESOTA MINING & MANUFACTURING CO.

Mr. HUMPHREY. Mr. President, I wish to call to the attention of the Senate a program of unusual merit and significance, the creative teaching competition for teachers in U.S. schools, sponsored by the Minnesota Mining & Manufacturing Co.

Through this competition, the Minnesota Mining & Manufacturing Co., is offering 6 expense-paid summer study programs at the University of the Americas in Mexico City, and an additional 12 educational and cultural 2-week vacations in Mexico. These awards will be presented to teachers from any educational institution who submit a winning series of visuals for overhead projectors which demonstrate a teaching idea or concept.

We need creative teaching, and I firmly believe we will not achieve such teaching, to the desired degree, unless it is encouraged. It is particularly gratifying when a private business organization takes the initiative for promoting this cause.

The creative teaching competition has three purposes: First, it will honor those teachers who have demonstrated superior performance. Second, it will bring together a large number of creative teaching ideas which will be made available to all educators. Third, it will give the winners an opportunity for a rewarding experience which will add to their professional growth and development.

In sponsoring this competition Minnesota Mining & Manufacturing is continuing a program of significant import to education and again demonstrating their corporate generosity. Last year the Minnesota Mining & Manufacturing Co. sponsored a program to provide each of 500 schools with a \$3,000 visual communications center. I am confident our

educational system in the future will demonstrate that we owe a debt of gratitude to the generosity and vision of the Minnesota Mining & Manufacturing Co.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a fact sheet and press release relating to this competition.

There being no objection, the fact sheet and press release were ordered to be printed in the RECORD, as follows:

FACT SHEET: CREATIVE TEACHING COMPETITION, MINNESOTA MINING & MANUFACTURING CO.

CREATIVE TEACHING COMPETITION

The Minnesota Mining & Manufacturing creative teaching competition, "Adventura en Mexico," is designed to encourage and reward creative teachers in the Nation's schools by offering 6 expense-paid summer study programs at the University of the Americas in Mexico City as well as 12 educational and cultural 2-week vacations in Mexico.

ELIGIBILITY AND ENTRIES

Every teacher in U.S. colleges, secondary or primary schools, either public, private, or parochial, is eligible and invited to enter the competition, before closing date, November 28, 1964.

To be eligible for the prizes, entrants are asked to submit a series of visuals for overhead projection which demonstrate a teaching idea or concept. These may be entire teaching units or a portion of a teaching unit.

A brief description of how the visuals are used must accompany the materials.

There is no limit on the number of entries a teacher may submit.

Further information and application forms are available from all Thermo-Fax products dealers or directly from Creative Teaching Competition, Visual Products Group, Minnesota Mining & Manufacturing Co., 2501 Hudson Street, St. Paul, Minn.

JUDGING AND CRITERIA

Selection of winners will be made by a panel of educators. The entries will be judged on the basis of originality of teaching technique.

PRIZES

First prizes

Six top winners will receive an all-expense 6-week summer course of study at the fully accredited University of the Americas in Mexico City as well as transportation and living expenses, plus weekend side trips, for two.

Each will also receive an overhead projector and a transparency maker for use in his classroom. Each winner will be free to choose his own course of study from a wide range offered by the university. The accredited graduate studies will be conducted in English.

Formerly known as Mexico City College, the University of the Americas is a standard coeducational liberal arts institution. Its specialties are the teaching of Spanish and other academic and fine arts subjects which benefit from the school's unique position in a stimulating focal point of Latin American activity. The University of the Americas is a pleasant hilltop campus which faces the famous Popocatepetl and Ixtaccihuetl Volcanoes and overlooks Metropolitan Mexico City.

Second prizes

Twelve second-place winners will receive all-expense, 2-week trips for two to Mexico City, Acapulco, Guadalajara, and other famous places.

These trips will be specially arranged by the Mexican National Tourist Council to encompass an itinerary of cultural and educa-

tional highlights of particular interest to the winning teachers.

MORE EFFECTIVE TEACHING

Concurrent with the creative teaching competition, Minnesota Mining & Manufacturing Co.'s visual products dealers throughout the country will initiate a series of "more effective teaching" clinics. Designed to present innovations in teaching techniques and aids, the seminars will be offered to any teacher who wishes to attend.

BACKGROUND

The Minnesota Mining & Manufacturing Co. is aware of the vital problems confronting the Nation's education systems: increasing enrollment, the responsibility to develop effective leaders of government and industry, the need for capable scientists and technicians. These factors demand the continued improvement of classroom teaching techniques. As the manufacturer of teaching tools, Minnesota Mining & Manufacturing believes it has an obligation to help our schools and their teachers use these classroom aids and techniques to meet the demands of education.

Through its education programs the Minnesota Mining & Manufacturing Co. hopes to provide personal incentive to encourage teachers to extra creative effort and to establish a body of knowledge on creative teaching techniques available to all educators.

ASSISTANCE GRANT TO EDUCATION

Last year, the Minnesota Mining & Manufacturing Co. established a \$1.5 million assistance grant-to-education program which awarded \$3,000 worth of equipment to each of 500 schools. The 500 grant winners have become teaching laboratories where further refinements in creative teaching are explored and exchanged.

PRODUCT ASSISTANCE

Through extensive research into classroom problems, the Minnesota Mining & Manufacturing Co. has realized the need for more effective communications between teachers and students. Knowledge must be communicated, presented, and assimilated and, in this process, the dynamic force of each teacher remains of paramount importance. To aid the teacher in meeting the increasing demands of ever-growing bodies of material and of burgeoning student enrollment, the company developed a visual communications system, consisting of compatible infrared copying machine and overhead projector, which enables the teacher to communicate more efficiently and more effectively with her students.

THE MINNESOTA MINING & MANUFACTURING CO. VISUAL COMMUNICATIONS SYSTEM

Overhead projection is a relatively new and dramatic method of presenting facts and ideas clearly, concisely. It was designed to assist the speaker to communicate with his audience effectively and with the greatest amount of impact.

This new method of teaching has four primary advantages:

1. The teacher employs the projector in front of the class, facing her pupils, thus maintaining eye contact.
2. The room remains well lit. Projected images can be seen clearly under normal lighting conditions.
3. Student attention is easy to control and student participation is stimulated.
4. The equipment is simple to operate.

The ease with which transparencies can be made from virtually any printed or written material enables teachers to employ a host of additional subject materials into her everyday classes. Teaching of such subjects as mathematics, geography, science, art and music is simplified by this teaching method. This method offers a dramatic means for projecting student work to the class.

strong Communist organization within our country. This economic humanitarianism as well as strength is the real bulwark against communism. It is this kind of social measure that Senator Tom Dobb has consistently supported.

It mystifies me sometimes when I see Senator Dobb described in the press as a conservative. Senator Dobb has stood for every liberal and progressive cause. He was a team leader in the fight for the civil rights bill. He has been scrupulously fair as an investigator. He has called for racial equality from public platforms in the South. He was one of the first to denounce the John Birch Society.

How such a man can be described as a conservative or a reactionary in my opinion defies understanding.

Mr. President, I have taken advantage of this opportunity to make these supplementary remarks about Senator Dobb because, as a colleague who has fought many a fight with him, I consider it to be my duty to help to clarify his public image. To this end, I ask unanimous consent to have printed the RECORD the text of the Reader's Digest article entitled "Crusader from Connecticut."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Reader's Digest of September 1964]

CRUSADER FROM CONNECTICUT—HARDHEADED, HARDWORKING SENATOR THOMAS J. DOBB FIGHTS A NONSTOP BATTLE FOR FREEDOM—AT HOME AND ABROAD

(By Eugene H. Methvin)

President John F. Kennedy looked around the White House dining table on February 14, 1961, at the 19 Cabinet and legislative leaders assembled for the first joint breakfast meeting of his administration. The bacon and eggs finished, he raised a touchy question. "We have this request to let a Vermont manufacturer ship ball-bearing machines to Russia," he said. "Senator Dobb asked President Eisenhower to hold it up, pending Senate investigation. Now he says the shipment would harm our national security. What about it?"

"The Russians can buy the same kind of machines from European manufacturers," said Secretary of Commerce Luther Hodges. "If we bar the shipment, we only cheat our own businessmen out of the profits."

"I wouldn't jump to a conclusion so lightly," said Vice President Lyndon Johnson. "Tom Dobb has a habit of being right."

Two weeks later, Senator Dobb discovered that the machines were going to be shipped despite his protests. Whereupon he strode into President Kennedy's office and handed him a seven-page report of the Senate Internal Security Subcommittee, of which Dobb is vice chairman. Twelve of the most eminent technical experts in the field, the President read, agreed to a man that not one of the European machines cited by the Commerce Department approached the capabilities of the American machine. The latter was a unique product representing the pooled expertise of many companies; 72 of these machines had been enough to supply the entire U.S. military and space effort with the tiny precision bearings that enabled us to miniaturize equipment and so offset the Soviet rocket-thrust advantage. Yet we were about to hand 45 of the machines to the Russians.

When he finished reading, President Kennedy ordered the shipment to Russia canceled.

FOR WHOM THE BELLS TOLLED

Hardheaded, hard-working Senator THOMAS JOSEPH DOBB is a man with a passion for getting and analyzing the facts—especially facts about Communists, communism, and the cold war. Time and again, events have proved his forecasts right. Even many who disagreed at the time now concede that Dobb was right on Laos, West New Guinea, the Congo, Cuba, British Guiana, Berlin, Ghana, and many other foreign-policy tests. He has justly won respect for what one columnist calls "his ability to foresee crises long before they have tumbled about our ears." He has become the Senate's most dynamic voice for a foreign policy based on freedom for people everywhere.

Whenever great Kremlin-generated tides of euphoria and peaceful coexistence have washed over Washington, Dobb has stood fast as a rock. In the summer of 1959, for example, when Premier Khrushchev was invited to tour the United States, the Nation was immediately engulfed in a wave of naive hope. Dobb was too tough minded to go along with the mood. Looking every inch a Senator, with snow-white hair, a ruddy face, and a grim set to his finely chiseled Irish jaw, he rose in the Senate to remind his colleagues who this visitor was. "Khrushchev rose as hangman of the Ukraine," he said. "In a single year 400,000 men, women, and children were murdered under his direction. I have documentation here, if anyone wants to see it." Dobb then reminded his colleagues of Khrushchev's role in subduing the 1956 Hungarian rebellion, in which the Soviet boss earned the title of "Butcher of Budapest."

During his 1959 visit to the United States, Khrushchev was shocked by the strength of the anti-Communist feeling he found. (Many towns—following Dobb's suggestion—greeted him with silence or with tolling church bells.) Back in the Kremlin he said "There are forces in the United States working against us. They must be publicly whipped, subjected to the torments of hell." Ever since, the Communist press has directed a drumfire of sneers at the senior Senator from Connecticut.

ELOQUENT G-MAN

From earliest boyhood, the Senate was Tom Dobb's goal. The family home in Norwich, Conn., was a good starting place. Tom's mother, a former schoolteacher, used to stand her little son atop the kitchen table and school him in the art of advocacy. At the dining table his father, a contractor, would toss algebra problems to his five children, or quote Shakespeare by the page, or recite from the inaugural addresses of every President from Grover Cleveland on. Meanwhile, playing around his grandpa's livery stable—which was a local Democratic Party hangout—young Tom breathed politics.

While at Yale Law School in 1932, Tom Dobb organized "The Flying Wedge," a band of reform-minded young liberals who made crusading speeches for Franklin D. Roosevelt's New Deal. He so impressed Homer Cummings, a Connecticut lawyer who, after the election, became F.D.R.'s Attorney General, that Cummings asked him to join the Federal Bureau of Investigation.

Dobb rapidly made his mark as a gangbuster. Assigned to St. Paul, he helped chase the most wanted gangster of the era, John Dillinger. Wounded in a gunfight, Dillinger escaped. But it was Dobb who tracked down and arrested "Doc" May, the gangland medico who treated Dillinger for his wounds.

In 1934, Dobb left his promising FBI career to become Connecticut director of the National Youth Administration, establishing educational and job opportunities for de-

pression-deprived young people. (Another young New Dealer, Lyndon B. Johnson, had the same job in Texas.) Next, he was called to Washington to help organize the Justice Department's Civil Rights Division. Trying civil rights cases before southern juries, then cases of Nazi subversion and espionage, and later, wartime industrial cheats, he made an impressive name for himself. In the spring of 1945, he was sent to Nuremberg to prepare for the Nazi war crimes prosecutions.

NIGHTMARE MEMORIES

As chief trial counsel at Nuremberg, Dobb put in 18 grueling months. It was a long time before he could sleep soundly again. Not only Nazi brutality sickened him; he watched Soviet prosecutors try to blame the Nazis for their own army's massacre of 15,000 captured Polish soldiers in the Katyn forest, near Smolensk, in 1940. "It was perfectly clear to any honest lawyer that they had fabricated the evidence," Dobb says.

Something else stuck in his craw. "I learned of the desperation and terror of hundreds of thousands of Russian war prisoners and slave laborers held by the Nazis whom we, through ignorance, returned against their will to the Soviet authorities. I am still tormented by accounts of mass suicides in which men slashed their wrists with tin cans and women jumped with their children from upper-story windows rather than face return to Russia."

"I was conducting a postmortem of the Nazi terror machine," Dobb recalls, "but I saw communism's similarities in a thousand details. Neither tyranny tolerates opposition; both menace the world with their hate ideologies—the Nazis in the name of race hate, the Communists in the name of class hate."

Wearily and soul-sick, Dobb returned to Connecticut—to Hartford—to practice law. Ironically, it was his opposition to anti-Communist demagoguery that called him back into national affairs. In 1950, Senator Joseph McCarthy stumped the State, hoping to purge Connecticut's Democratic Senator Brian McMahon. Mindful of their heavily Catholic constituencies, other State political leaders declined to reply to McCarthy. Dobb, convinced that the Wisconsin Senator was careless with facts and reckless and indiscriminate in his anti-Communist charges, could not refuse. Said Dobb, "I never saw a stronger case with a weaker lawyer. Senator McCarthy actually harms the anti-Communist cause by making it seem ridiculous."

McMahon won. And so compelling was Dobb's eloquence that in 1952 the Democrats urged him to run for Congress. After two terms in the House, he was elected to the Senate.

LONE VOICE

Many times Dobb has spoken out on foreign policy in a lone, scorned voice. In May 1960, he denounced the unpolluted nuclear-test moratorium, which had then been in effect 18 months, expressing the "gnawing conviction that the Communists are not abiding by it." Khrushchev confirmed the suspicion in September 1961 with a series of 30 nuclear explosions punctuated by a monster 57-megaton blast. This glibbling trusting of the Communists, said Dobb, proved to be "the most flagrant bipartisan blunder in the long history of our foreign policy."

Yet Washington soon returned to the old routine. By February 1963, with a draft treaty on the table in Geneva, talk was buzzing of new U.S. concessions to bring about a full nuclear test ban. In a 20,000-word speech, widely praised for its technical expertise, Dobb cited the record of 13 major U.S. concessions: retreating from on-site inspection of all suspicious earth tremors to 20 inspections a year, then to 12, then 8,

then 5; and—ultimate folly—agreeing that Russians could man the monitoring stations in their own territory. "It's as ridiculous as trusting gangsters to police themselves," said Dodd.

The Geneva Treaty became a dead issue. Dodd, supported by 83 other Senators, then renewed his 1960 proposal for a limited, atmospheric test ban, violations of which can be readily detected. Within 3 months the Treaty of Moscow was signed, and the Senate ratified it—after the administration promised vigorous underground testing to maintain the U.S. deterrent.

THANKLESS TASK

To be vice chairman of the Senate Internal Security Subcommittee, investigating Communist subversion, is a stormy and thankless task. But, in 1959, Senate majority leader Lyndon Johnson persuaded Dodd to take the post out of duty, as a liberal whose record as a civil-rights advocate would reassure those fearful of new excesses. His performance in the job has been one of scrupulous fairness. Says Senator PAUL DOUGLAS, dean of the Senate liberals, "Although Tom Dodd is a vigorous anti-Communist, I know personally that he has many times stood up for those unfairly accused by the far right."

In May 1960 the New York chapter of the Committee for a Sane Nuclear Policy (SANE) called a gigantic rally at Madison Square Garden. Scheduled to speak were Mrs. Eleanor Roosevelt, Michigan Gov. G. Mennen Williams, labor leader Walter Reuther and former GOP presidential candidate Alf Landon. Then, 48 hours before the meeting, Dodd verified information that SANE's New York chapter had been heavily infiltrated by Communists, who planned to use it to support Soviet diplomatic pressure on the United States. The chief planner and organizer of the rally, Henry Abrams, was a veteran member of the Communist Party.

Dodd telephoned SANE's national chairman, Norman Cousins, editor of the *Saturday Review*, and laid the evidence before him. Cousins flew to Washington and asked Dodd not to release the material so short a time before the meeting. "Many prominent, innocent people will be present who could be damaged by the headlines," he said. Dodd agreed, saying, "I certainly don't want to hurt anybody through guilt by association."

The rally went off as scheduled. Later, Dodd publicly revealed the Communist role, ordered a closed hearing and called in 27 witnesses from SANE's Greater New York chapter. When 22 of them, including 9 local chairmen, took the fifth amendment on questions of Communist Party membership, SANE expelled them. It revoked the charter of the New York chapter and built a new one excluding Communists.

"Tom Dodd could have seriously damaged SANE and made political capital out of the investigation," says Norman Cousins. "Instead he confined himself to a few specific cases and maintained absolute respect for the rights of the individuals concerned."

CUBAN HANGOVER

How, in the critical year before Castro came to power, did U.S. policy in Cuba miscarry so disastrously? Investigating, Dodd discovered that as early as 1955 the FBI was sending reports to the State Department describing ominous Communist involvements in Castro's background and organization. The tempo of such reports increased during 1957 and 1958. Why, then, did Washington actually encourage Castro's takeover?

For 2 years the subcommittee took testimony, heard half a dozen ambassadors, doublechecked the State Department's own massive inquiry. A vast amount of evidence came to focus on one official, who had systematically summarized the intelligence reports to say there was no conclusive evidence

that Castro was Communist—a true statement by itself, yet a distinct misrepresentation of the intelligence flowing in. Called before the subcommittee to explain, the official's own testimony was damningly vague, contradictory, evasive. After long questioning, the subcommittee had to conclude that he had lied and dodged under oath. Why? "The disturbing truth is we don't know," says Dodd, "and the State Department has taken no meaningful action to find out."

The upshot? While the officer in question got a pay raise, the State Department fired its chief of security evaluations, Otto F. Otepka—the man who made the first exhaustive investigation of the officer's performance and recommended action against him. First, State squelched Otepka's 844-page report, then last September sought to fire him for cooperating with Senator Dodd and the subcommittee. To prove this cooperation, trash bags in Otepka's office were secretly rummaged, torn papers were pieced together, his files searched, his typewriter ribbons and carbons "read"—even though Federal law guarantees the right of any civil service employee to furnish information to "either House of Congress."

On November 5, 1963, State announced that it was firing Otepka as guilty of "conduct unbecoming an officer of the Department of State." That afternoon Dodd stormed on the Senate floor: "No one suspected of espionage or disloyalty has been subjected to such surveillance and humiliation. In the topsy-turvy attitude it has displayed, the State Department has been chasing the policeman instead of the culprit."¹

Dodd thinks that the effort to "get" Otepka comes from intermediate State Department bureaucrats who are still smarting under the resentments generated by Senator McCarthy's wholesale charges against the Department in the early 1950's. Dodd does not charge that the State Department is full of Communists. He does say, "We would be fools to think that attempts at infiltration ended with Alger Hiss and Harry Dexter White. That is why we need hard-nosed professional security men like Otepka, and congressional investigating committees."

In pursuing his forthright course, Tom Dodd has received his share of prickbats, slurs and even threats on his life. Despite all efforts to sidetrack him, he moves straight ahead, guided by principle, and by the overriding conviction that the most fateful issue today is whether the frontiers of freedom or of Communist tyranny will advance.

"Freedom must move forward," says Dodd. "The struggle can be won only by a mighty national effort, which our ideals now call upon us to make—an effort to defend freedom where it exists in the world, and to extend it where it does not."

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

REAPPORTIONMENT OF STATE LEGISLATURES

Mr. PROXMIRE. Mr. President, the present reapportionment fight has been put into some perspective by the distinguished senior Senator from Pennsylvania [Mr. CLARK], who has an extraordinary sense of history, a brilliant academic background, and a lively curiosity about the relationship between current

events and historical events. He discussed the present controversy as similar to the fight in England over the rotten boroughs. Some persons have challenged this statement and said it was intemperate, or have indicated that it was not appropriate.

Recently, a distinguished historian has written very ably on the reapportionment dispute of some 180 years ago in England, in 1783. I should like to quote from excerpts from his book as they were printed in the *Washington Post* this morning: The introduction to the excerpt reads:

The current conflict over reapportionment recalls a dispute 181 years ago. Here is an excerpt on the issue then from a nearly completed book by Irving Brant on the "Origin and Meaning of the Bill of Rights."

I now read quotations from the book by Irving Brant:

In September 1783, the dean of St. Asaph, William Davies Shipley, was brought to trial at Wrexham, England, for seditious libel, with Erskine as defense counsel. The prosecution was a spite affair, pushed by a Tory sheriff who filed charges against the dean for reprinting "The Principles of Government," in a dialog between a gentleman and a farmer.

The dialog was obviously seditious, by the standards of that day, being an argument for apportionment of the House of Commons according to population. To publish a paper for such a purpose was highly criminal—indeed, 12 years later it was made high treason, punishable by death, to attempt by published writings to bring about reapportionment.

To an American at the time of Dean Shipley's trial, it was unthinkable.

When I say "Dean Shipley's trial," these were Americans at the time of our Revolution—our own Founding Fathers.

Congress and State legislatures afterwards made that a dead letter by failure to enforce it. The legislative department of government, State and Federal, first tolerated and then protected a rotten borough system that was steadily growing worse until the Supreme Court stepped in and upset it in 1963.

What I am calling attention to is the fact that Mr. Irving Brant, a distinguished historian, perhaps the greatest biographer of James Madison, has described a malapportionment of American legislatures in 1963 and 1964 as a rotten borough system. Let me repeat that last short sentence by Mr. Brant:

The legislative department of government, State and Federal, first tolerated and then protected a rotten borough system that was steadily growing worse until the Supreme Court stepped in and upset it in 1963.

For the distinctive feature of the "rotten borough" system is that the longer it goes without correction, the worse it becomes, and the worse it becomes, the harder it is to correct it through the ordinary channels of legislation. That is because the beneficiaries of unfair apportionment are both the officeholders favored by it and the favored constituents who elect them. As the system worsens, the beneficiaries have increasing power to retain it and a greater interest in doing so. Reform came to England 49 years after the trial of the Dean of St. Asaph, when Parliament yielded to the imminent threat of armed revolution. Reform came to the United States through the untrammelled action of an independent judiciary, upholding a Constitution enacted by the people.

¹ At this writing, Otepka's dismissal is still on appeal to Secretary of State Dean Rusk.

I think we must recognize this historical experience to appreciate fully what is at stake in the Dirksen amendment. It is extraordinarily hard to get legislative apportionment and give every American citizen the kind of equal opportunity to vote for his State legislature, which our Founding Fathers conceived for the State legislature, and which the Supreme Court said is clearly implicit in the 14th amendment. It is extraordinarily hard. It is historically hard, and it may take an armed revolution to achieve it. Now, of course, we have the Supreme Court determining that in its judgment every citizen regardless of where he lives, should have an equal opportunity and an equal vote in the State legislature.

That is the option—armed revolution or action by the Supreme Court. If Congress, by the Tuck bill or by the Dirksen amendment should stall, prevent, stop, this opportunity for our people to have an equal vote, no recourse would be left except revolution—which, of course, in this kind of situation may be unthinkable. The historical analogy is clear. It is not one which the Senator from Pennsylvania pulled arbitrarily out of the hat.

I ask unanimous consent to have this article, published in this morning's Washington Post, entitled "Reapportionment Issue Was Grave One in 1783," printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REAPPORTIONMENT ISSUE WAS GRAVE ONE IN 1783

(The current conflict over reapportionment recalls a dispute 181 years ago. Here is an excerpt on the issue then from a nearly completed book by Irving Brant on the "Origin and Meaning of the Bill of Rights.")

In September 1783, the dean of St. Asaph, William Davies Shipley, was brought to trial at Wrexham, England, for seditious libel, with Erskine as defense counsel. The prosecution was a spite affair, pushed by a Troy sheriff who filed charges against the dean for reprinting "The Principles of Government, in a Dialogue Between a Gentleman and a Farmer." The "Dialogue" was obviously seditious, by the standards of that day, being an argument for apportionment of the House of Commons according to population. To publish a paper for such a purpose was highly criminal, indeed, 12 years later it was made high treason, punishable by death, to attempt by published writings to bring about reapportionment.

(A verdict in which the jury found Shipley "guilty of publishing, but whether a libel or not the jury do not find" was construed by the judges as a general verdict of guilty as charged. Erskine then secured a stay of judgment and dismissal of the case because of a defective indictment.) Howells "State Trials," November 21, page 837.

While the atrocious prosecution of the dean of St. Asaph focused British reform activities on the perversion of the jury system, it also stirred public indignation against a political practice that made Parliament the object of criticism.

Englishmen found themselves in the shadow of prison for repeating, with application to current times, the political sentiments that were part of the nation's glorious history. They turned for relief to emancipation of the jury system from crown control, thus in effect relying on themselves for mutual protection against their own Gov-

ernment. American citizens beheld this as an appalling but distant phenomenon, which for them required measures of prevention, not of relief. And as the imbecility of the confederation forced them to reluctant creation of a new and far stronger National Government, their thoughts were on the definition of rights and the restraint of governmental power to interfere with them, not on laws and judicial rules to regulate an authorized restraint of political liberty.

To an American at the time of Dean Shipley's trial, it was unthinkable that publication of a dialogue against the rotten borough system should be construable into a crime, warranting a prison sentence. Such a principle would have put almost every adult American citizen in jeopardy. The framers of the Constitution of 1787 sought to guard against that road to oligarchy and avenue of corruption by requiring that Members of the House of Representatives be apportioned according to population. Four years later, the republican form of government was further strengthened by the first amendment, with its mandate that "Congress shall make no law . . . abridging the freedom of speech, or of the press."

It cannot be said that imprisonment for criticizing malapportionment was made impossible in the United States by the constitutional requirement of equal representation. Congress and State legislatures afterward made that a dead letter by failure to enforce it. The legislative department of Government, State and Federal, first tolerated and then protected a rotten borough system that was steadily growing worse until the Supreme Court stepped in and upset it in 1963. Had the evil been allowed to progress, while freedom of speech and press were subject to abridgment by the "balancing test," public endeavors to equalize representation could have become a crime, as they were in England.

For the distinctive feature of the "rotten borough" system is that the longer it goes without correction, the worse it becomes, and the worse it becomes, the harder it is to correct it through the ordinary channels of legislation. That is because the beneficiaries of unfair apportionment are both the officeholders favored by it and the favored constituents who elect them. As the system worsens, the beneficiaries have increasing power to retain it and a greater interest in doing so. Reform came to England 49 years after the trial of the dean of St. Asaph, when Parliament yielded to the imminent threat of armed revolution. Reform came to the United States through the untrammelled action of an independent judiciary, upholding a Constitution enacted by the people.

Mr. PROXMIRE. Mr. President, I have some additional remarks, but I understand that the distinguished Senator from New York [Mr. KEATING] has some material he wishes to have printed in the RECORD, and I ask unanimous consent that I may yield to him at this moment without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

MISUSE OF AMERICAN FOREIGN AID

Mr. KEATING. Mr. President, while American citizens at home are being told with increasing emphasis that they must obey the law whether they agree with it or not, the U.S. Government itself is deliberately violating provisions of law which should govern its own activities in certain fields.

Mr. President, there is no doubt whatsoever that Foreign Assistance Act, sec-

tion 506(d) and section 621(i), provides that American assistance, military or economic, should not be furnished to countries which use it for purposes in violation of the meaning of the act or for use in aggressive military actions against other nations.

Yet, Mr. President, when I inquired of the Secretary of State why military assistance to Turkey was not immediately canceled after ammunition, planes, and napalm bombs, supplied by the United States, were used against Cypriot civilians. I received the most noncommittal and unsatisfactory answer conceivable.

Mr. President, it should be very clear that the laws passed by the Congress do not apply merely to the citizens of Mississippi, Minnesota, Illinois, or the citizens of New York. They also apply to the agencies of the U.S. Government which are bound to obey the laws and Constitution of the United States just as much as individual citizens. It is most disturbing that the State Department and Department of Defense appear to ignore the mandate of Congress in providing funds for American foreign assistance programs.

Mr. President, it is a shocking fact that American equipment is being used in Cyprus, and was very clearly used by the Turkish Government, in military efforts that have nothing whatsoever to do with the NATO purposes for which this equipment was supplied. In fact, this use is deliberately designed to weaken the bonds of NATO.

Mr. President, as one who has supported the basic objectives of foreign aid and who recognizes the need for economic development around the world, I am deeply concerned over the failure of the U.S. Government to enforce the language of the Foreign Assistance Act.

Mr. President, I ask unanimous consent to include, following my remarks in the RECORD, the correspondence I have had with the Secretary of State on this critical issue.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AUGUST 10, 1964.

HON. DEAN RUSK,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: . . . I am deeply concerned over the use of American-supplied military plans by the Turkish Government for the purpose of strafing and killing Cypriot citizens. Throughout this correspondence, you indicated that in the judgment of the Department of State no violation of sections 505 and 506 of the Foreign Assistance Act of 1961, as amended, had taken place.

I would appreciate your views as to whether the recent ruthless attacks by the Turkish Government on Cypriot men, women, and children are not a clear violation of the provisions of the Foreign Assistance Act, sufficient to justify the suspension of U.S. military assistance to Turkey. In my view it is intolerable that equipment supplied by the Government of the United States and paid for by the taxpayers of the United States should be used to attack Cypriot civilians. It is beyond doubt a clear violation of the purposes for which the military assistance program was established.

Very sincerely yours,

KENNETH B. KEATING.

AUGUST 20, 1964.

HON. KENNETH B. KEATING,
U.S. Senate.

DEAR SENATOR KEATING: The Department has received your letter of August 10, 1964, concerning recent attacks by planes of the Turkish Air Force on Greek-Cypriot positions in northwest Cyprus. You made particular reference to sections 505 and 506 of the Foreign Assistance Act of 1961.

The Department is constantly alert to the provisions of the legislation to which you refer, and the matter has been discussed with the Turkish Government. I want to assure you that we have this factor under intensive study as it relates to our broader efforts to do everything possible to insure a peaceful settlement in Cyprus.

You will appreciate that official comment at this time could jeopardize these efforts.

Sincerely yours,

ROBERT E. LEE,
Acting Assistant Secretary for Congressional Relations.

LITHUANIA FIGHTS COMMUNISM

Mr. KEATING. Mr. President, the most recent issue of the bulletin of the information service of the Supreme Committee for Liberation of Lithuania, ELTA, has two items of special interest to anyone concerned about the captive nations now behind the Iron Curtain.

There is an interview with a Lithuanian who has just returned from Lithuania. He has much to say about the living conditions of his fellow countrymen. He discusses such issues as the cost of food, the wages in Lithuania today, the influence of the Russians upon the citizenry, the quality of Communist-produced manufactured items, and the shortage of wheat flour that exists because Russia took Lithuania's products for herself.

Equally interesting, are the reproductions in this journal of Soviet pronouncements upon religion in their handbooks for those Communists who are being employed to stamp it out. A notice, for instance, went out to all Lithuanian physicians to fight religion wherever they find it. It concludes:

All the physicians of the republic must actively join in the dissemination of atheistic propaganda.

The reproductions of Russian pronouncements on religion will make any freeman shudder at the blatant attempt to destroy religion and replace it with militant atheism. They have even gone so far as to indoctrinate the students and children in summer camps by telling them antireligious fairytales and staging so-called confessions by young children who have been "compelled" by their parents to take holy communion. In addition, the Russian camp counselors have atheistic exhibitions and atheistic competitions with prizes.

Certainly, the plight of the captive nations is one of the most serious problems that the free world faces today. The Soviets are aware that it is the religious beliefs of the people which are their strongest stay against communism. Therefore, Moscow-directed puppets are using every means at their disposal to destroy religion. I am certain that every American will be disturbed when he

reads of the methods the Russians are employing to increase the subjection of the brave Lithuanian people. But they will not succeed, as they have not succeeded in Poland. In both countries the church is resisting the onslaught of atheism and will continue to do so. The lengths that the Communists are forced to go is proof of the quiet resistance of the Lithuanian people.

I ask unanimous consent to have these illuminating and disturbing articles printed in the RECORD.

LITHUANIA IN THE SUMMER OF 1964

(Interview with a recent arrival)

(A well-informed Lithuanian has arrived in the West this summer. He gave an extensive interview to our ELTA correspondent in Germany. Highlights of the interview were reprinted here.)

Vilnius, "Showcase for tourists"; Kaunas, "Reactionary."

Question. Have there been many changes in the city of Vilnius, capital of Lithuania? Why are foreign tourists permitted to visit Vilnius exclusively and Kaunas only exceptionally?

Answer. Much more is expended for construction and renovation in Vilnius than for the other cities of Lithuania. As a "tourist object," Vilnius is useful for two reasons. First, the city is most beautiful in the entire country and, hence, an ideal tourist showcase. Second, security considerations also favor Vilnius; the inhabitants of Kaunas, the second largest city of Lithuania, are considered much more "reactionary" with regard to communism than those of Vilnius. It is said that Kaunas has more remnants of "reactionary" anti-Soviet intelligentsia.

Question. What is your opinion about the impressions of overseas tourists visiting Lithuania?

Answer. Their often hazy impressions are quite understandable. They are shown only the exemplary kolkhozes and sovkhoses, new construction sites, new theatres. By official arrangement, guests from overseas are met by pioneers and Communist youths with smiles and flowers (although without much genuine sincerity). To get a true picture of the life of an average Lithuanian, one should spend some time in a kolkhoz laborer's, a worker's, or an employee's family.

BASIC WAGES IN LITHUANIA TODAY

Question. What are the basic wages in Lithuania today?

Answer. The earnings of a kolkhoz laborer amount to a pound of grain for a working day. The average worker's wages are 50-70 rubles per month (somewhat higher for specialists).

Question. What does a physician earn?

Answer. A graduate of the Institute of Medicine in Kaunas gets a monthly salary of 70 rubles. Before a student of medicine is given the diploma, he must agree, as students in other fields do, that he will work for 2 years wherever he is sent to by the authorities. Afterwards, his salary is increased. Dissatisfied with their salaries, the physicians do much moonlighting. This way, working an especially long day, they manage to make some 100 rubles per month.

Question. What are the salaries and working conditions of engineers?

Answer. Also around 100 rubles monthly. Senior engineers make 120 rubles or more. Many of the graduates of the Kaunas Polytechnic Institute must do a compulsory 2-year service in various part of the Soviet Union, e.g., the Urals, etc. In their letters to their relatives they complain that the food situation in the Soviet Union proper is worse than in Lithuania.

Question. And how are teachers paid?

Answer. Their salary depends on the number of lessons they give. The decisive factor, however, is party ties and political reliability. Teachers who return from the Siberian labor camps, are as a rule never employed in their profession and must look for other jobs.

FOOD PRICES

Question. What are the basic prices?

Answer. Food expenses of average Lithuanians rose sharply after the introduction of the new ruble and the increase of prices for milk and meat. Some prices of basic items:

	Rubles
1 pound of butter.....	1.60
1 quart of milk.....	.26
Ladies' shoes (imported).....	30, 40
Ladies' shoes (domestic).....	20, 30

Question. Which group of the population is satisfied with its salaries?

Answer. High party and government functionaries, scientists, artists, sportsmen. This group does not include average theater actors whose salary is about 100 rubles per month.

RUSSIAN IMPACT ON THE CITIES

Question. In which Lithuanian city is the Russian stamp most apparent?

Answer. In Vilnius and Klaipeda. Kaunas looks much less Russian. Outside the Gediminas Castle and the streets with the old architecture, Vilnius is difficult to distinguish from other Soviet cities. The new apartment buildings are called "boxes" by the Lithuanians. Street names are in two languages—Lithuanian and Russian. Statues of Russian and Soviet heroes adorn most of the city's squares.

Question. What is the Russian impact on Lithuanian offices?

Answer. While one can get along in Lithuanian in almost all the offices, only Russian is used by the militia. If one buys a telegram of greetings in the post office, its text is invariably Russian. Postage stamps are only Russian. Documents, such as marriage certificates or school diplomas, are in both languages.

RUSSIAN "COLONS" REFUSE TO LEARN LITHUANIAN

Question. It is true then that not only students, but also the population at large can converse in Russian?

Answer. Knowledge of Russian is very convenient. For instance, most physicians have Russian patients; engineers supervise Russian workers and are in turn supervised by Russian superiors. Notably, Russian colonists are not pressured to learn Lithuanian, while Lithuanians are compelled to learn Russian. The Lithuanian language is taught in Russian high schools, but the Russians themselves are very little interested in learning Lithuanian. I had met some Russian "colons" who do not know a single word in Lithuanian and are not even trying to learn it, although they had been living in Lithuania for 10 or more years. When I voiced my surprise about their infamiliarity with the Lithuanian language, some merely shrugged their shoulders and gave me to understand that they consider the Lithuanian language quite unnecessary. Others, meanwhile, asserted that the Lithuanian language was too difficult and suggested that Lithuanians learn Russian. It was a typical attitude of member of an occupying power. While Lithuanians in the cities have a good command of the Russian language, situation is different in the countryside, where there are fewer Russians.

HARDSHIPS OF FORMER DEPORTEES UPON RETURN

Question. Have there been any new deportations? And what is the status of the de-

portees who are allowed to return home from Siberia?

Answer. There have been no mass deportations in recent years. Deportees who go back to their homeland, are permitted to reside only in specific localities. Most of them are forbidden to settle in Kaunas and Vilnius. They must find jobs by themselves. It frequently happens that these returnees cannot get work in their former specialty, since job application forms ask detailed questions about the applicant's court and prison record. Former deportees cannot obtain work as teachers or employees of the law enforcement organs, since they are considered as having lost their political reliability. All the leading positions are closed to them.

Question. What is the average age and health of the returning deportees?

Answer. They are of all ages, since entire families, with infants and young children, have been deported to Siberia. The adults now return to Lithuania as disease-ridden old men. Meanwhile, those deported as children now have become adults and, after 10-15 years of banishment, a part of them have forgotten Lithuania, especially since all of them had to attend Russian schools. Most of the deportees return with their health broken; rheumatism, stomach ulcers are the main sicknesses.

JOBS WITH EXTRA INCOME MOST POPULAR

Question. What jobs are most sought after in Lithuania today?

Answer. Those that make it possible to complement one's income. Pilfering is not considered improper or immoral in the Soviet Union. Since the wages are extremely low, the worker is compelled to steal. Jobs in textile plants, footwear factories, or foodstores are considered very attractive since they provide opportunities for the extra income. As a result, these jobs are difficult to get. The usual procedure is to bribe plant directors, engineers, section chiefs. Once employed, the worker makes it his daily task to spirit away yarn, textiles, socks, leather—anything. The appropriated goods are then sold to acquaintances or in the market.

LOCAL PRODUCTS—EXPENSIVE, POOR QUALITY

Question. What is the quality of Soviet products?

Answer. Very poor. Clothing sent to Lithuania from friends and relatives abroad, draws exorbitant prices. A foreign sweater, for instance, costs 50 rubles; material for a men's suit, 150 to 200 rubles; material for a men's overcoat, 100 rubles; shoes, 40 to 50 rubles. Unemployed persons, who frequently get parcels from abroad, manage to make ends meet quite nicely.

Question. And what about locally made clothing articles?

Answer. They are bought, but are not popular. The materials of ready-made clothes are inferior, their cut is old-fashioned, and fitting ones are very difficult to get. Therefore it is customary to have clothes custommade by tailors—quite an expensive luxury. For example, a tailor charges 30 rubles for his work on a man's overcoat. Since in the so-called fashion salons one has to wait up to 1½ months, private tailors are very much sought after. As a rule, if one wants to have a new summer suit, winter is the time to start putting it together. The same rule applies to the purchase of various consumer goods. There is a slogan in Lithuania: "But not when you need the item, buy when it is available in the store, because there's not enough to go around in season." Bribery in stores is widespread. To be able to buy an imported sweater or shoes, means a 3 to 5 ruble bribe to the saleswoman. The better quality merchandise is usually kept under the counter and shown only to people who are potential "gift givers." The same is true for foodstores. Imported tropical fruits (oranges and ba-

nanas only) appear in stores only during the Soviet holidays (October Revolution, May First) and at New Year's. People who want to buy some of these fruits must stand several hours in lines—or to be acquainted with a friendly salesgirl and to give her an appropriate tip.

SHORTAGE OF WHEAT FLOUR

Question. How true are the rumors about the shortage of buns and white bread?

Answer. Although last year's wheat harvest in Lithuania was quite good, the overall slump in Kazakhstan and elsewhere resulted in Lithuania's "sharing" of its wheat with the Soviet Union proper. The consequences: No cakes or white bread during Christmas and Easter. Wheat flour is unavailable in bread stores this year. From last fall until this spring the only bread sold was only a species of pumpernickel, called jokingly by the populace *syeryi chleb* (gray bread).

BRIBERY OMNIPRESENT

Question. Is bribery noticeable in other areas as well?

Answer. Yes, especially in hotels. An average citizen has a chance of getting a room only if he puts 3 rubles in the passport which he has to hand to the registration clerk. This is a routine procedure in Vilnius and Kaunas, as well as in Riga, Moscow, or Kiev. The reason for this state of affairs is an extreme shortage of hotel space. Foreign tourists are usually not aware of the shortage, since they are sent to special hotels where accommodations are always available. Party members and high officials usually have no difficulties in getting rooms in hotels, because the personnel is afraid to ask for bribes from them.

WAR AGAINST RELIGION—FRONTLINE REPORT PHYSICIANS EXPLOITED TO FIGHT RELIGION— DAILY

"Atheistic activity in daily life is very important in the fight against religious superstition. Thy physicians, especially, must not forget that, since they extensively communicate with the people.

"In almost all the cases when a believer needs medical help he remembers the church as well. There are still instances now that, when a physician arrives at a patient's home, he meets a leaving priest.

"That is where science and religion clash in everyday life. And it depends very much on the physician whether the members of a specific family will go on being believers. It is understandable, of course, that one cannot make them change their views or to renounce religious superstitions at once. Constant methodic action is necessary. It is obvious that without the participation of medical people a serious struggle against religious superstition is impossible.

"In hospitals, atheistic propaganda must be conducted daily. All the physicians of the Republic must actively join in the dissemination of atheistic propaganda." (Tiesa, Vilnius, July 16, 1964.)

SOME MEDICS EXHIBIT BOURGEOIS MENTALITY

"Yet it must be admitted that in the medical profession there are negative phenomena, both in work and in life, as well as remnants of the old bourgeois mentality. Not all physicians have cleansed themselves of religious superstition. Not all of them have a good political-ideological foundation. The war between the old and the new, between progressive and reactionary ideas, goes on among medics as well.

"I have had the opportunity of meeting medics who perform religious rites," said Comrade Stasiulionyte. "It is beyond understanding how they manage to reconcile their medical knowledge with religious superstition."

"We cannot pass such things in silence. The name of the medic is irreconcilable with antiscientific religious mentality." (Komunistas, Vilnius, June 1964.)

ATHEIST INDOCTRINATION TIED WITH RUSSIFICATION

The atheist-international clubs have a double aim: to fight religion and to denationalize Lithuanians. An article in the party organ Tiesa (July 4, 1964) discloses that the clubs are meeting popular resistance. "Children who have religious parents not only stay away from atheists, but also are unwilling to participate in the international club," Tiesa states. "Religion and nationalism always went hand in hand," the newspaper continues.

Tiesa finds much fault with the activities of the professional Communist propagandists. "They still fail to approach every citizen, to take a deeper look into their inner lives, to find out their moods. And it happens quite often that some citizen, in a festive gathering, raises his stein for friendship—i.e., Russian domination—while in his daily activity he whispers slanders against other nations—i.e., criticizes Russians.

SUMMER CAMPS—MILLS OF ATHEISTIC INDOCTRINATION

"Camping—A School for Atheism" is the headline of an article in Tarybinis Mokytojas, Vilnius, July 5, 1964, with some novel ideas on useful camping. Some of the activities proposed: antireligious fairy tales for the little ones; public confessions by youths who have been compelled by their parents to take Holy communion; meetings with individuals, who have recently "shed the yoke of religious superstition"; atheistic exhibits featuring religious objects; atheistic competitions with prizes, etc.

COLLECTIVE OPINION AGAINST BELIEVERS IN SCHOOLS

"Let us take the countryside, where religious views were most deeply rooted. Now not only believers but even doubters are rare. It is the school's achievement that former religious students have become not only unbelievers, but active atheists as well. Yet there are many unsolved questions and quite a few shortcomings in the atheistic education in our schools.

"During the lectures, students often hear about the evil and wicked deeds of priests, and it is hoped that such subjects will help them to throw off religious ties. But not to believe in priests, does not mean disbelief in God.

"Atheistic activity is exemplary in the V. Zemaitis High School. The most important achievement there is the spirit of militant atheism among students. The role of collective opinion is especially prominent in the fifth to eighth grades. Many formerly religious students emphasize that the collective opinion of the classroom has inspired them to resist the influence of religious parents. 'To be a religious believer—is shameful,' this idea dominates. * * * And, on the contrary, if a view prevails in the classroom that participation in religious rites is a normal matter, even children of atheistic parents begin attending the church secretly." (Tarybinis Mokytojas, Vilnius, July 23, 1964.)

LAW SUPPORTS NONBELIEVER IN DIVIDED FAMILIES

A letter of a head of a religiously split family was published in the newspaper Valstieciu Lankrastis (July 8, 1964):

"My daughter Valeria was born in January of 1963. I did not give my permission to baptize her. In June, during my absence and without having informed me, my wife asked citizen Veronika Cipliene to take my daughter to church and to have her baptized there.

"On May 1, 1964, my son Petras was born. I told my wife not to baptize him. Even before my son was born, I had warned the priest not to christen my children. Yet subsequently my son was baptized anyway. Kindly stop the priest Ulickas from acting willfully."

The newspaper's answer: "The father is right and the law is on his side."

FEDERAL AIRPORT AID PROGRAM

Mr. BEATING. Mr. President, on August 5 a local government agency—the bistate Port of New York Authority—declined to accept a \$4,300,000 grant of Federal aid. The circumstances which impelled this extraordinary action, in my judgment, should give the Senate cause for grave concern—concern for the protection of local government from unauthorized interference in local government affairs as well as for the proper interpretation of Federal law in accordance with the intent of Congress.

The facts are simple enough. The air transportation requirements of the New York metropolitan area are served by a regional air terminal system of public airports financed, developed, and operated by the Port of New York Authority under agreement between the States of New York and New Jersey to which Congress has consented. These are John F. Kennedy International Airport and La Guardia Airport in New York; Newark and Teterboro in New Jersey; and two commercial heliports in downtown Manhattan.

These airports provide terminal facilities not only for scheduled airline operation but also to meet the general aviation needs of private and corporate aircraft. Teterboro, which is almost exclusively devoted to general aviation use, is operating at an annual deficit of \$400,000.

The port authority is a self-supporting agency. It does not have the power to tax. On its own credit, the port authority has raised and invested over \$475 million in our region's air terminal system. The \$21 million of Federal aid which has been granted over the past 17 years under the Federal aid airport program amounts to less than 4½ percent of the local government agency's investment.

In 1962, the port authority applied to the Administrator of the Federal aid airport program for a grant toward the cost of runway extensions at La Guardia Airport. The Administrator of the Federal Aviation Agency apparently agreed with the port authority on the critical importance of these improvements so that La Guardia Airport could keep pace with the Nation's air transport needs in this age of jet flight. Federal aid funds were allocated in due course for 1962 and again for fiscal year 1963.

During this period another public agency—the Tri-State Transportation Committee—established by the Governors of Connecticut, New Jersey, and New York undertook an immediate action study of the need for providing airport facilities primarily to serve general aviation within the tristate region. This study is going forward with the aid of urban planning assistance from the Federal Housing and Home Finance Agency. The FAA, the aeronautical agencies of the three States, and the port authority are cooperating in this general aviation requirement study and it is expected to be completed in about a year.

It would seem obvious that the needs of general aviation in the great New York metropolitan area are not being neglected by responsible local government. It is equally obvious that the runway extensions at La Guardia Airport will serve both commercial and general aviation in the overall public interest.

Nevertheless, since August of last year, the FAA has refused to allocate any funds to the La Guardia improvement without a blanket commitment from the port authority that it will finance and construct a ring of satellite airports throughout the New York metropolitan area for private and corporate aircraft—for general aviation.

The port authority promptly pointed out and patiently provided proof that it had neither the authority nor the financial ability to make such a commitment, that the general aviation problem was in fact receiving due consideration, and that the completion of the La Guardia improvement project was of immediate national importance. The Administrator replied with a demand, as the price of Federal aid funds, for La Guardia Airport, that the port authority commit itself not only to implement whatever recommendations the Tri-State Transportation Committee might make a year from now with respect to additional satellite facilities for general aviation, but also to continue to operate Teterboro Airport for private and corporate aircraft forever, regardless of cost. The port authority simply advised the Administrator in reply that such an open-end commitment was impossible for its Commissioners, as responsible public officers, to make.

As far as I know, the FAA has not sought to impose the same or similar conditions upon any other airport operator in the United States. But certainly the fact that this situation has arisen only with respect to the Port of New York Authority does not make it any less of a national concern. At stake are facilities which serve the national interest, and the Congress must always be assured that its acts are being administered in line with its intent.

The attempt by the Administrator of a Federal agency to impose impossible demands upon local government as a condition to the grant of Federal funds, in my judgment, Mr. President, is arbitrary and unreasonable.

In one of his communications to the port authority the Administrator of the FAA has insisted that "despite major challenge, the authority of the Administrator to prescribe conditions to grants has been repeatedly reaffirmed." It does not appear, therefore, that the Administrator is going to back down from his position.

To the contrary, as a portent of what is perhaps to come, I am told that last week, in an address to the American Bar Association convention on the subject of supersonic planes, the Administrator said it is up to the States and cities and port authorities to provide general aviation airports according to the needs of aviation rather than according to the pocketbook.

If this doctrine is going to receive broader application, so that States and cities around the Nation will be hounded to provide facilities that they cannot finance soundly, at the risk of being denied Federal aid funds for which they are otherwise clearly eligible, Congress ought to step in and, in my judgment, take a closer look at the current administration of the Federal Airport Aid Act.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. PROXMIRE. Mr. President, the distinguished historian, Irving Brant, in discussing the reapportionment problem in 1785, which was analogous to the present one, said that one of the great difficulties in reapportionment was, as he called it, the rotten borough system. Not only the Senator from Pennsylvania [Mr. CLARK], but the historian Irving Brant argued with considerable conviction, that malapportionment is always sure to happen because legislatures will not reapportion themselves.

Why has not this ridiculous situation been corrected by the States themselves? The answer, of course, is no mystery. Reapportionment means the transfer of political power. And those who possess political power are extremely reluctant to transfer it from themselves.

Mr. President, I previously referred before to the Advisory Committee on Intergovernmental Relations. This is a committee which included the Secretary of Health, Education, and Welfare, Mr. Celebrezze; the Secretary of the Treasury, Mr. Dillon; Governor DiSalle, Senator Ervin, Senator Mundt, Senator Muskie, Governor Smylie, and a number of other very distinguished Americans, including Representative Dwyer, Governor Hollings, of South Carolina, and others. This commission, which secured the services of outstanding experts, had this to say:

The major problem facing legislators in this matter, is that apportionment of legislative seats is a function of political power—political power in the most personal sense. Certainly apportionment is of major concern to political parties, the many interest groups in our society, the political subdivisions of the State, and the people generally, but to the State legislator, apportionment often represents a challenge to the interests of his constituents, to his tenure in office, and to his power to influence the policy decisions of the State. In a study of the problem in Illinois it was said that:

"Redistricting legislation is of basic concern to legislators because it is a kind of job specification which can be drawn to the special advantage or disadvantage of any member. Redistricting can insure continuity in office or can insure retirement, depending on the terms of the bill. No other legislation has quite the same direct effect on a legislative career, and with no other legislation do the demands, the proposals, the maneuvering, and the compromises emanate within the legislative body to the same extent."

That statement is from a study by Gilbert Steiner and Samuel Gove made in 1956. Steiner and Gove observed that:

Redistricting proposals that dislodge a minimum number of sitting members, irrespective of party, will be favored over proposals that do not take into account sitting members.

This conclusion is supported by numerous other studies.

They disregarded of course, the fundamental principle that all people should have an equal vote in their legislature. The ball game should be played by giving everyone their three strikes and not some two strikes and others five strikes.

I continue to read from this definitive study of apportionment:

While personal factors may play a primary or the primary role in legislative apportionment when the legislature itself is called upon to act, numerous other factors are involved. Second only to the personal factor is the problem of the so-called urban-rural conflict.

It is interesting that Steiner and Gould pointed out—and they are right—that the main problem is the personal problem. Almost all the debate here is centered on the so-called urban-rural controversy, but the big problem in getting legislatures to apportion is that legislators themselves are affected. Their own careers are at stake. If they are not affected their close friends are. Politics being what it is and legislators being the kind of people they are—as we are—they do their best to accommodate their friends and to be helpful to them. They have an immediate and urgent problem of assisting friends versus a general principle, and we know on the basis of experience what happens.

I continue to read from the study:

In this context the issue is not one of determining the basis of representation, but of which "group" shall control the legislature of a State. The history of apportionment has shown that the States considered population to be the basic factor in the apportionment of legislative seats when their first constitutions were adopted.

I should like to repeat that statement:

The history of apportionment has shown that the States considered population to be the basic factor in the apportionment of legislative seats when the first constitutions were adopted.

That statement means not only the Federal Constitution, adopted by the thirteen States, but also the constitutions of the various States.

I continue to read from the study:

Around the turn of the present century, it became evident that significant shifts in legislative districts would be required in most States if population continued to be the primary or sole basis of representation. The possibility of shift coincided with the beginning of the real growth of big cities and urban areas. Up until that time most of the legislatures had been apportioned in accordance with constitutional mandates. For example, the last apportionment in Illinois, before its 1955 constitutional amendment, occurred in 1901. In 1901 Cook County contained 38.1 percent of the State's population and the county received 37 percent of the seats in each house of the legislature.

The distinguished senior Senator from Illinois [Mr. DOUGLAS] has pointed out how badly malapportioned Illinois has been since then. What I am trying to say is that historically apportionment

within the States has been in accordance with their constitutions until the turn of the century. We found that in Oklahoma apportionment was made according to the Oklahoma constitution until 1921. Since 1921 there has been a constant denial of the citizens of Oklahoma of the right of equal votes in their State legislature. The State Supreme Court of Oklahoma has said that they could not step in and would not step in to assist. So American citizens residing in Oklahoma had only one recourse, and that was the Supreme Court of the United States.

I continue to read from the study:

That the start of the 20th century marked a turning point in apportionment, is attested to by numerous studies.

Therefore, Mr. President, in order to preserve rural domination of the legislature, at the beginning of the 20th century States began to abandon population as a standard of representation. Basically three methods were used in order to maintain rural control. Since the responsibility for reapportionment is usually delegated by the State constitution to the legislature, the majority group in the legislature could simply do nothing.

A second strategy was to secure constitutional standards for apportionment that would insure the preservation of rural control in one or both branches of the government. For example it might be written into the constitution that each county have at least one representative no matter what its population.

Yet a third method was to pass redistricting bills from time to time that gave proportionately greater representation to rural than to urban areas and perhaps favored a particular party. Sometimes a combination of these techniques was used. Jewel cites the case of Illinois as an example of this combination-of-technique method.

No reapportionment at all took place in Illinois from 1901 to 1955. When it did occur, rural downstate groups were able to exact a high price for it: A new constitutional provision guaranteed periodic reapportionment of the House on a population basis but established a Senate apportionment that assured a numerical majority to the downstate area.

In view of all this evidence, how is it possible to think that the States would ever solve the problem at all if left to themselves? Indeed, it may not be humanly possible. The only way this problem can possibly be solved is by the action which the Supreme Court has so correctly taken. States will reapportion because they are under court order to do so, and for no other reason. Can anyone dispute this? The reapportionment activity which has occurred since Baker against Carr certainly stands as testimony to this fact. The Court has now ruled that legislatures must now be reapportioned, as the 14th amendment demands, on a one man, one vote basis. The situation the Court is attempting to rectify has persisted long enough. Only in highly unusual cases, as my amendment specifies, should States be allowed to delay in carrying out their constitu-

tional requirements. I, therefore, strongly urge adoption of my amendment and strongly oppose adoption of the Dirksen amendment.

Mr. President, I ask unanimous consent that I may yield to the senior Senator from New York [Mr. JAVITS] without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOBILIZATION FOR YOUTH

Mr. JAVITS. Mr. President, I wish to acquaint the Senate with a situation which has developed in New York City, regarding an agency which has an important part in an effort to deal with problems of juvenile delinquency and the problems of those who are living in slums and in very badly underprivileged areas. We have been making this effort in New York, and it has received substantial support from the Federal Government.

I am referring to the affairs of an organization known as Mobilization for Youth, which has been much discussed in the New York press in recent days.

One of our local newspapers, the New York Daily News, disclosed the basis of a study by its reporters, that it believed there had been infiltration by what it called leftwingers and Communists in the staff of over 300 persons of this particular voluntary agency. Incidentally, this is not a governmental but a private voluntary agency.

Those charges have come under very close investigation by the FBI, the Department of Justice, and by the New York City Police Department. In New York, Mr. Screvane, who for all practical purposes is the deputy mayor, has been in charge of that particular activity on the part of the city. The Federal interest relates to the fact that in the last 22 months during which it has been operating Mobilization for Youth received 58 percent of its support from Federal agencies, 28 percent from municipal agencies in the city of New York, and 14 percent from the Ford Foundation.

Generally speaking, those expenditures have been about \$5.5 million in that time. MFY has confined its work to the Lower East Side of New York, a 67-block area in the slum ridden Lower East Side of New York City. I have some modest feeling of expertise in that regard, as that is the area in which I was born. I have lived in New York City all my life, and I believe I know something about my hometown, particularly the area in which the agency has been operating.

It has operated in three major divisions of work: First, in training young people for jobs. In that activity it has been extraordinarily successful. In MFY had done nothing else, I think we could say that it was well worthy of the support which it has received for that reason alone.

Second, MFY has been active in youth activities, in youth clubs, in youth rallies, and in youth orientation of a kind which is traditional in the social welfare field.

Third—and this point has involved some consideration and discussion—it

has been active in social welfare programs. In that area it has been giving local adult groups facilities through which they could, in a cooperative way, express themselves about such things as housing, schools, racial relations, et cetera.

Mr. President, the reason for my taking the floor today on this subject is twofold:

First, having interested myself in the problem because I serve on the committee—the Committee on Labor and Public Welfare—which authorizes the funds from which groups like this one receive support, I felt a particular responsibility in respect of the subject.

Second, as it occurs in my own hometown and in the particular area, both in a social sense and in a geographic sense, where I have had long standing, a very deep interest and knowledge, I felt that there were two commanding reasons for my looking into the situation.

The board of this organization represents the most important of our municipal officials, in a very composite and representative way, in a program of this character in New York City, including the mayor of New York, as well as a cross section of academic leaders, professors, and other distinguished citizens, together with representatives of the local community.

I ask unanimous consent that I may include as a part of my remarks a list of the members of the board, with their affiliation.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

MOBILIZATION FOR YOUTH BOARD OF DIRECTORS

The Honorable Robert F. Wagner, mayor of the city of New York (honorary chairman).
Mr. Winslow Carlton (chairman).

Dean P. Frederick DelliQuadri, Dean, Columbia University, School of Social Work (vice chairman).

Mr. Howard G. Janover (vice chairman and treasurer).

Mr. Robert Wolf (secretary).

Miss Rose Miller, executive director, recreation rooms and settlement (recording secretary).

Miss Helen Hall, executive director, Henry Street Settlement (chairman, public advisory council).

Mr. Alexander J. Allen, executive director, Urban League of Greater New York.

The Honorable Abraham Beame, comptroller of the city of New York.

Mrs. Florence S. Becker, assistant superintendent of schools, districts 1, 2, 3, 4.

Mr. Louis Berkowitz, executive director, Educational Alliance.

Mr. Richard Blum.

Howard J. Brown, M.D., medical director, Gouverneur ambulatory care unit of Beth Israel Hospital.

Mr. Arthur Cohn, executive director, Grand Street Settlement.

Mr. Michael De Matteo.

The Honorable Edward R. Dudley, borough president of Manhattan.

The Honorable James R. Dumpson, commissioner of welfare.

Mr. Bernard Fisher, director, Bureau of Public Affairs, Community Service Society.

Mr. James Fogarty, executive director, Community Council of Greater New York.

Mr. Mitchell Ginsberg, associate dean, Columbia University, School of Social Work.

Mr. David Goldenberg, executive director, Hamilton-Madison House.

Mrs. Ira Gollobin.

The Honorable Calvin E. Gross, superintendent of schools.

Mrs. Randolph Guggenheimer, commissioner, New York City Planning Commission.

The Honorable George James, M.D., commissioner of health.

Mr. Madison Jones, executive director, New York City Commission on Human Rights.

Dr. David I. Kaplan.

The Honorable Florence M. Kelley, administrative justice, family courts.

Rev. Thomas J. Keogh, pastor, St. Mary's R. C. Church.

The Honorable Anna M. Kross, commissioner of correction.

The Honorable Theodore H. Lang, personnel director and chairman of the civil service commission.

Mr. Ernesto Martinez.

Dr. Irving Miller, Columbia University School of Social Work.

Mr. Walter A. Miller.

The Honorable Joseph Monserrat, director, Migration Division, Department of Labor, Commonwealth of Puerto Rico.

The Honorable Newbold Morris, commissioner of parks.

The Honorable Michael J. Murphy, commissioner of police.

The Honorable John Murtaugh, administrative justice, criminal courts.

Mr. John Nichols, director, Lower Eastside Neighborhoods Association.

Rabbi Seymour Nulman, dean, East Side Torah Center.

Rev. Francis X. O'Brien, S. J.

Mrs. Esther L. Davis Orr.

Mrs. Joseph L. Ortiz.

Prof. Monrad Paulsen, Columbia University School of Law.

The Honorable Marvin E. Perkins, commissioner of mental health.

Mr. George Ramseier, Utility Workers of America.

Rev. William W. Reed, vicar, Lower East-side Mission of Trinity Parish.

The Honorable William Reid, chairman, New York City Housing Authority.

Mr. Victor Remer, executive director, University Settlement.

Mrs. Charlotte S. Rick.

Mr. Arthur J. Rogers, executive director, New York City Youth Board.

Mr. Julius Rothman, community services division, AFL-CIO.

The Honorable Simon Silver.

Dr. Simon Slavin, Columbia University School of Social Work.

Mr. Thomas J. Smith, assistant welfare director, International Longshoremen's Association.

Prof. Isabel Stamm, Columbia University School of Social Work.

Dr. Herman D. Stein, director, Research Center, University School of Social Work.

Dr. Donald Super, Teachers College.

The Honorable Charles Tenney, U.S. District Court, Southern District of New York.

Mr. John A. Wallace, director of probation.

Mrs. Edward Weinfeld.

Mr. Geoffrey R. Wiener.

Mr. John F. Williams.

Mrs. Ethel H. Wise.

Rev. George D. Younger, Mariners' Temple.
Howard Poloski, professor of social work, Columbia.

Marian Frankel, professor of law, Columbia.

Mr. JAVITS. Mr. President, the great danger which faces this agency is not in the inquiries which are being made. I approve of these inquiries. I believe that if there are Communists or Communist infiltrators or other people who are trying to utilize this agency for the purposes of the Communists, they should be rooted out and fired.

I welcome the inquiry, which will be factual, and anyone accused will have

an opportunity to be heard, I am sure. This can only help, and not hurt.

Second, I welcome the review of the line of activities undertaken. This review is going forward under the direction of Mr. Screvane, and I am sure under the auspices of the Federal agencies concerned. I welcome that review, because MFY received its Federal funds to establish a fine pilot-plant operation in the kind of effort we provided by passage of the juvenile delinquency bill and more recently the antipoverty bill.

It is extremely well to prove out these techniques and see how and if they work. Hence, it is critically important that the programing of this agency may be a model for other agencies of this character. I approve of the review which the program will now have.

The one place I think the review will undoubtedly concentrate upon is in the area of cooperative social action programs. One of the charges is that the facilities for this agency were used—apparently without any knowledge on the part of the agency head or the directing heads—for groups having something to do with the outbreaks in Harlem and the Bedford-Stuyvesant areas in New York. It is charged that as a technique of local cooperative effort, physical facilities were made available to local groups. These groups interested themselves in so-called rent strikes and toward correcting inadequate educational techniques which they thought were being carried on in certain schools, and they were also involved with the group that formed a delegation in the so-called march on Washington in August 1963. All these matters will be carefully reviewed.

But I rise in the Senate today only because I want to spread the facts of record before the Congress and the country. We want to make it clear that every aspect of the matter is being examined in a most authoritative way. Beyond anything else, my objective in speaking is in urging that the work involved is not ended, and that the investigation and inquiries do not result in ending the good work which is being done. We always run the danger of throwing out the baby with the bath water.

It is therefore better to spread the facts and figures on the record. What may have happened in respect of the agency should not in any way blind us to the good work which has been done, so we may have an assurance that the work may continue. The work is critically important in retraining youth for jobs, for which this agency has an extraordinary record. The President has spoken of the fact that it had trained 2,000 out-of-work youngsters in the time that agency received Federal aid. We have the basic facts and figures that 1,200 young people have been trained since October 1962 with over one-half having received full-time jobs, and the others part-time work, and with only 12 percent of the enrollees, those who finished the course, not getting jobs. This is an extraordinary record, indeed a much better record than can be shown in other

ceed to the consideration of Calendar 1408, H.R. 5498.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 5498) to provide temporary authority for the sale of certain public lands.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 1, line 10, after the word "commercial", to insert "agricultural"; on page 2, line 16, after the word "development", to strike out "Nothing herein contained, however, shall be construed as requiring the Secretary of the Interior to withhold sale of the lands until zoning action has been completed." and insert "Patents and other evidences of title shall not be issued under the authority of this Act until zoning regulations enacted by the appropriate local authority shall be in effect."; on page 3, line 9, after the word "laws.", to strike out "Patents and other evidences of title shall also contain such conditions, reservations, and reasonable restrictions as the Secretary of the Interior considers necessary in the public interest including, but not limited to, such conditions as the Secretary may deem necessary to insure proper development of the lands after they have passed from Federal ownership. and insert "Patents and other evidences of title may contain such reservations and reasonable restrictions as are necessary in the public interest, but no restriction to insure proper development of the lands after they have passed from Federal ownership shall be imposed."; on page 4, after line 20, to insert a new section as follows:

Sec. 6. Ninety per centum of the proceeds from lands sold in the State of Alaska pursuant to this Act shall be transferred to the State of Alaska in consideration for which the State shall surrender its right to select an equal acreage of land pursuant to section 6(b) of the Alaska Statehood Act (72 Stat. 339).

On page 5, at the beginning of line 3, to change the section number from "6" to "7"; in line 4, after the word "expire", to strike out "June 30, 1968" and insert "December 31, 1968"; in line 6, after the word "to", to strike out "June 30, 1968" and insert "December 31, 1968"; and in line 8, after the word "after", to strike out "June 30, 1968" and insert "December 31, 1968".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. BIBLE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement explaining the necessity and purpose of the bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PURPOSE OF BILL

The purpose of H.R. 5498 is to provide authority, under legislative guidelines, for the Secretary of the Interior to sell limited

tracts of certain of the public lands of the United States to meet the rapidly increasing needs of local governments and private enterprise. Thus, instead of being held by the Federal Government centralized in Washington, the lands which meet the criteria for sale set forth in the bill will be subject to acquisition by State and local governments, and by private individuals who will put them to constructive use.

The need to get more land into local government and private hands is self-evident to anyone familiar with the growth and development of the population and economy of the West. The Federal Government owns a tremendous proportion of the lands in most Western States, ranging up to 87 percent in Nevada, approximately 50 percent in California, and so on.

Present laws for disposal by the Federal Government of these lands are antiquated and wholly inadequate to meet today's needs. This fact is attested to by the executive communication of February 27, 1963, transmitting a draft of proposed legislation, out of which H.R. 5498 was evolved, and was further emphasized at the committee's hearings on the measure by the Director of the Bureau of Land Management.

H.R. 5498 would not repeal any existing laws, and, as pointed out, it is keyed to and is complementary to the study of the Land Law Review Commission. Pending completion of that study, the bill would provide temporary authority, under adequate legislative safeguards, to meet the situation which in many instances is one of emergency.

It is not anticipated that there will be any increase in budgetary requirements as a result of enactment of H.R. 5498. On the contrary, the sales made under it will bring additional revenues into the Federal Treasury, and the development that will result from getting more lands into constructive use will spur the economy.

The PRESIDING OFFICER. The bill, having been read the third time, the question is, Shall it pass?

The bill (H.R. 5498) was passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House insisted upon its amendment to the bill (S. 1123) to provide for the construction of the Lower Teton division of the Teton Basin Federal reclamation project, Idaho, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ASPINALL, Mr. ROGERS of Texas, Mr. UDALL, Mr. SAYLOR, and Mr. ANDREWS of North Dakota were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed severally to the amendment of the Senate to the following bills of the House:

H.R. 3672. An act to provide for the construction, operation, and maintenance of the Savery-Pot Hook, Bostwick Park, and Fruitland Mesa participating reclamation projects under the Colorado River Storage Project Act;

H.R. 8355. An act to amend the Life Insurance Company Act of the District of Columbia (48 Stat. 1145), approved June 19, 1934, as amended; and

H.R. 8451. An act to amend the District of Columbia Sales Tax Act, as amended, relating to certain sales to common carriers or sleeping-car companies.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H.R. 8344) to amend the Railway Labor Act to provide that the terms of office of members of the National Mediation Board shall expire on July 1.

The message also announced that the House concurred in the amendments of the Senate numbered 1, 2, 3, 5, and 6 to the bill (H.R. 11241) to amend the Public Health Service Act to increase the opportunities for training professional nursing personnel, and for other purposes, and that the House concurred in the amendment of the Senate numbered 4 to the bill, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendment of the Senate to the joint resolution (H.J. Res. 733) to designate the powerhouse on Clear Creek at the head of Whiskeyton Reservoir, in the State of California, as Judge Francis Carr Powerhouse.

The message also announced that the House had passed a bill (H.R. 11926) defining the jurisdiction of the U.S. Supreme Court and all Federal courts inferior thereto, in certain instances, in which it requested the concurrent of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore:

S. 793. An act to promote the conservation of the Nation's wildlife resources on the Pacific flyway in the Tule Lake, Lower Klamath, Upper Klamath, and Clear Lake National Wildlife Refuges in Oregon and California and to aid in the administration of the Klamath reclamation project; and

S. 1007. An act to guarantee electric consumers in the Pacific Northwest first call on electric energy generated at Federal hydroelectric plants in that region and to guarantee electric consumers in other regions reciprocal priority, and for other purposes.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

JURISDICTION OF SUPREME COURT AND FEDERAL COURTS IN CERTAIN INSTANCES

Mr. THURMOND. Mr. President—
Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina.

Mr. THURMOND. Mr. President, I ask unanimous consent to speak from the desk of the senior Senator from Louisiana [Mr. ELLENDER].

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I ask that House bill 11926 be read the first time.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 11926) to define the jurisdiction of the U.S. Supreme Court and all Federal courts inferior thereto in certain instances.

Mr. THURMOND. Mr. President, I object to a second reading of the bill on this legislative day.

The PRESIDING OFFICER. Under rule XIV, the bill will lie over.

Mr. DIRKSEN. Mr. President, what was the ruling of the Chair?

The PRESIDING OFFICER. The question is, Shall the bill be read a second time?

Mr. THURMOND. Mr. President, I object to a second reading on this legislative day.

The PRESIDING OFFICER. Let the question be formally put to the Senate.

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Illinois will state his parliamentary inquiry.

Mr. DOUGLAS. Would the objection of one Senator prevent a second reading of the bill on this day?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOUGLAS. I object.

Mr. THURMOND. I have already objected to it.

Mr. DOUGLAS. That makes two of us.

Mr. THURMOND. Mr. President, do I correctly understand that a second reading of the bill will not take place until an adjournment has occurred and another legislative day has happened?

The PRESIDING OFFICER (Mr. McIntyre in the chair). That is correct.

Mr. THURMOND. Now, Mr. President, on the next legislative day I shall object to any further proceedings on H.R. 11926 and ask that the bill be placed on the calendar.

Mr. PROXMIRE. Mr. President, will the Senator from South Carolina yield?

Mr. THURMOND. I yield.

Mr. PROXMIRE. The Senator from South Carolina, as I understand, supported the position of the Senator from Georgia [Mr. RUSSELL] when the civil rights bill came to the Senate this year. This is the precise opposite of the procedure now being followed by the Senate, a procedure which the Senator from Georgia argued is no longer valid because of the 1946 Reorganization Act. As I understand the position of the Senator from South Carolina and the Senator from Georgia and others who wanted the civil rights bill to go to the Judiciary Committee, the argument was, that legislation should be required to go to the committees, and the committees should make a record on the legislation, so the Senate could have the benefit of the advice of their legislative committees.

This year, 1964, with the civil rights bill, we did depart from that practice which Senator RUSSELL said was required under the Reorganization Act of 1946, but at that time some of us argued that there had been extensive hearings on the civil rights bill, and others that if the civil rights bill went to the Judiciary Committee it would stay in the commit-

tee forever and would not come out. Since we have an entirely different situation with the Tuck bill, and since there have been no hearings held on apportionment before the Senate at all, and this is a bill of far-reaching significance, and the Senate would be much handicapped without adequate consideration in hearings, would not the Senator from South Carolina, on Monday, August 31, when we reconvene, reconsider his approach during this period. Certainly, he is one who has a record which I believe is a very proud and fine record of insisting on committee consideration. Certainly, he recognizes, as all of us recognize, the crucial role which committees play. If the Senator has some reason for fearing that the Judiciary Committee would not give adequate consideration to the bill or would not report it back, I should like to know about it.

Mr. THURMOND. In reply to the Senator from Wisconsin, I will say that I supported the position of the able Senator from Georgia. I thought the able Senator from Georgia was right in that position, but the Presiding Officer ruled otherwise. The Senate took action otherwise. The Senate has established the precedent. Now we are merely following that precedent in asking that the bill be placed on the calendar. There is no difference in the procedure on this and the civil rights bill. I believe that the able Senator from Wisconsin favored putting the civil rights bill on the calendar. He has voted for that precedent. He has helped establish that precedent. The Senate has followed that precedent. We are now asking him to take a dose of his own medicine.

Mr. PROXMIRE. Let me say to the Senator from South Carolina that, first, the situation is different; and, second, I believe that the Senator from South Carolina should take into consideration the fact that this is now being copper riveted as a precedent. There were extraordinary circumstances with the civil rights bill. Hearings had been held for years in both Houses. There was a general consensus that the civil rights bill would never see the light of day if it went to committee. But this bill comes to the Senate under opposite circumstances; there have been no hearings, none. The bill will come out of committee. If we establish this precedent, and if it has the support of the Senator from South Carolina and other southerners who are with him, and no Senator opposes it, we shall be in a position in the Senate in the future where bill after bill after bill is likely to go on the calendar without adequate committee consideration.

I hope that the Senator, who is a reasonable man, will take the next 10 days—which fortunately we have before he can block committee consideration—to think over, to reconsider and to allow the bill to be treated like any other bill, so that we can have the benefit of the committee's advice on something which is of such far-reaching significance.

Mr. DIRKSEN. Mr. President, will the Senator from South Carolina yield?

Mr. THURMOND. Mr. President, I yield to the Senator from Illinois.

Mr. DIRKSEN. As I understand, the distinguished Senator from South Carolina has only filed an intention of what he proposes to do on the next legislative day; is that correct?

Mr. THURMOND. The Senator is correct. I have objected to the second reading of the bill today.

Mr. DIRKSEN. That is correct.

Mr. THURMOND. I have objected to the second reading of the bill today. Some Senators have said that we could not have a second reading. I wish to follow identically the procedure that was followed on the civil rights bill, H.R. 7152, because back then, on the 17th of February, the majority leader objected to the bill being read the second time, and on the 27th of February it received a second reading. I wanted to be sure that this was done on separate days, so that no one could say there is a distinction between them. The able Senator from Wisconsin is trying to distinguish between what happened on the civil rights bill and on this bill. He cannot do it. There was no emergency to justify bypassing the committee on the civil rights bill. There is an emergency to pass this bill now, or some bill that will give some relief, because the courts have acted, and they are about to enforce these apportionment proceedings. It is urgent, and important that action be taken and taken without delay.

Mr. DIRKSEN. In view of the fact that the Senate has passed an adjournment resolution, the next legislative day will be Monday, August 31?

The PRESIDING OFFICER. The Senator is correct.

Mr. THURMOND. Mr. President, let me reply to the Senator from Wisconsin by saying that the main urgency that was appealed to in the Senate, back yonder, was to pass the civil rights bill in order to stop demonstrations going on all over the country, especially in the South.

Have the demonstrations stopped? There are more demonstrations, there are bigger demonstrations, there are more elaborate demonstrations since the civil rights bill has been enacted than ever before. They have gone on in Rochester, New York City, and many other places. They have not stopped. There was no emergency to pass the civil rights bill. There is an emergency to pass a bill in the nature of the Tuck bill today. The Supreme Court of the United States has handed down its decision that the State legislatures of the 50 States must reapportion their legislatures.

In the first place, the Supreme Court has no jurisdiction in that field. That is a political question, and not a legal question. Therefore, the Supreme Court of the United States has no power in the field.

In the next instance, does not a State and do not the people in a State, speaking through their State legislature, know better what should be the composition of the legislature in their State than nine men sitting in Washington?

I believe that the people of each State should keep the right that they have under the Constitution to constitute their legislature as they deem it advisable and proper. There is an emergency. There is an emergency to act, and act without delay, because this decision of the Supreme Court is being enforced. There are cases in courts today from several States. These matters will be heard, unless action is taken here. I am anxious that the Tuck bill or a bill of a similar nature be passed.

If the Tuck bill cannot be passed, I would favor the Dirksen amendment. But the Tuck bill ought to be passed. There is an emergency, and there is all the urgency in the world in this situation. There is an emergency here—far more than there was in the case of the civil rights bill. We are following the same procedure now that was followed with regard to the civil rights bill. The proponents did not want the civil rights bill to go to the committee. They would not let the committee report it. They placed it on the calendar. They set the precedent. We did not set it. I am following that procedure, their procedure, the procedure of the Senator from Wisconsin. We are placing it on the calendar and asking that the Senate consider it and vote on it at this session.

Mr. PROXMIRE. Mr. President, the Senator has challenged me to say whether there is a difference. I say to the Senator from South Carolina that there is the sharpest kind of difference. In the field of civil rights, in the past 10 years there were 121 civil rights bills referred to the Judiciary Committee. There were 67 days of hearings. How many bills were reported? One, only one, and that bill was reported only on the instruction to report on a certain day.

We know that the Judiciary Committee will report the Tuck bill under these circumstances. Furthermore, the distinguished Senator from South Carolina talks about an emergency and stresses that as a very important reason for this measure. I agree that there may very well be an emergency. But I believe it is up to the Supreme Court to handle it. The way it handles every other judicial decision. The Senator from South Carolina is a sincere, honest man. I ask him why he wants to place this measure on the calendar. What are we going to do with it? Does he really think the leadership will motion it up?

If the Senate were to send the bill to the Judiciary Committee, we would be advised whether or not it has merit. From everything that I have heard, it has little support in the Senate. Perhaps it has a great deal of support. But if the Senator is serious about getting action on the Tuck bill, I suggest that he would have a far better chance if it were to go to the Judiciary Committee so that there would be some opportunity to have hearings and determine if the bill has merit.

Mr. THURMOND. The Senator from Wisconsin must not feel that it has merit. He has been speaking against it for the past several days. He and his colleagues have been carrying on a filibuster against

the principles embodied in the bill. He knows what the bill contains. The bill does not have to be sent to the Judiciary Committee to have it reported and to inform the Senator from Wisconsin, or any other Senator, as to what it contains. Every Senator knows what the Tuck bill contains. On June 16, the day following the latest reapportionment decisions, I introduced a bill similar to the Tuck bill and it is now before the Judiciary Committee.

Every Senator knows whether or not he favors the principles of the Tuck bill. Personally, I am willing to trust the people. I regret that it seems that some Senators are not willing to trust the people. I want to see the people of each State—the people of Wisconsin, too—make the decision as to how they want their legislature constituted.

If they want one body, well and good. If they want two bodies, well and good. If they want to follow the area principle, well and good. If they want to follow the population principle, well and good.

Why not trust the people of Wisconsin to decide this matter? Why does the Senator want the Supreme Court of the United States to decide the question? This is a political question, and not a legal question. And the Supreme Court ab initio, in the first instance, had no jurisdiction in this field.

I yield to the Senator from Louisiana.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. THURMOND. I yield first to the Senator from Louisiana.

Mr. LONG of Louisiana. Mr. President, if we were to pass the Tuck bill and take the Supreme Court out of the business of enforcing the Constitution temporarily, might it not give the Supreme Court some time in which to dream up some scheme by which they might call off the demonstrations and riots in Rochester, New York City, Philadelphia, Camden, Chicago, and various other place where apparently the civil rights demonstrators have migrated, with their outrageous demonstrations, stealing, and rioting away from the South, as a result of the civil rights bill? Might that not give the Supreme Court some time in which to figure out some sort of formula or scheme to protect the North and Midwest? It might work out some kind of formula to do something about all the outrages, riots, and murder in the streets that is going on in the Northern States these days.

Mr. THURMOND. Mr. President, in reply to the Senator from Louisiana, the Senator from South Carolina would say that since the Supreme Court has now become the third legislative body of this Nation, perhaps it will come up with legislation and stop the rioting and demonstrations. The bill passed by Congress failed to halt the riots. Let us give it a breathing spell and an opportunity to do something about that.

The people of the Nation want the right to determine the kind of legislature they want. What is wrong with these legislatures in which State legislators, as in my State, come from areas, and where

the House membership is based on population? That is exactly the formula followed in the National Government. That is exactly the way those who wrote the Constitution of the United States provided for the National Government to operate. Little Rhode Island has two Senators. Big Texas and big Alaska have only two Senators. And yet Vermont, Delaware, Nevada, Wyoming, and Alaska have only one Member of the House.

We say that what the States have done is very similar to the way the National Congress is constituted. And States have always applied this principle. What is so wrong with that? But even if it were not correct, that would be a matter for the States.

I repeat that the Union, the Central Government, the Federal Government, has only the powers that have been delegated to it in the Constitution. Such powers have never been delegated to the Union. Therefore, they are reserved by the States. The States have the authority to have any kind of legislature they want. I would be the last to deny the States that authority. I would be the last to say to the people of any State in this Nation, "You do not know what you are talking about. You do not know what kind of legislature you need. The Supreme Court of the United States is going to tell you the kind you ought to have. Or, the Congress is going to tell you."

We have gone so far now toward centralizing the power in Washington that the people become very frustrated. I am wondering how much longer we shall exist as a nation. The President of the United States will become a dictator unless we change the trend in which we are now going, and stop centralizing more power in Washington, giving the President of the United States, the executive branch, more and more power, and sitting idly by and allowing the Supreme Court to interfere in a jurisdiction in which it has no authority. We can pass a bill like the Tuck bill and prevent the Court from further usurping this power.

I believe that Congress is negating its obligation. I believe Congress is neglecting to perform its responsibility. The House of Representatives, by more than 40 votes from all districts of the Nation, has passed the Tuck bill, saying that it wants the people of each State to determine the composition of the legislature of a particular State. I believe it is a good bill. I believe it is a sound bill. The idea that there is no emergency now, is a lot of hokum.

An emergency was alleged in the case of the civil rights bill in order to halt the demonstrations and to get the Negroes out of the streets. There was no emergency then. There is a grave emergency in this instance. The U.S. Supreme Court has handed down decisions that would change the legislatures in 44 or more States of the Nation.

It is my firm conviction that there is an obligation upon the Congress to take action, and take it now, at this session,

to rectify the situation. I feel that the Tuck bill is a good bill. It should be passed at this session of Congress.

Mr. LONG of Louisiana. Mr. President, in view of the filibuster that is going on against the right of the people of each State to decide how they want to apportion their legislature, is the Senator from South Carolina prepared to vote cloture on this filibuster against the right of the people to apportion their own legislatures?

Mr. THURMOND. I am in favor of the people in each State determining whether their legislature should consist of one body of two bodies, or what power they shall have. On the question that the Senator has asked about applying cloture, I have never voted for cloture. But I have never supported this procedure and I do not now anticipate changing my attitude on cloture. This procedure has been forced upon Members of the Senate who believe in constitutional government. Of course, we may have to revise our thinking completely on some of these matters in view of the illegal and unconstitutional policy that has gone on heretofore.

Mr. LONG of Louisiana. Mr. President, will the distinguished Senator from South Carolina permit me to make a brief statement?

Mr. THURMOND. I yield.

Mr. LONG of Louisiana. The thing that troubles the Senator from Louisiana and some others of us from the South is that we might be forced to vote for cloture with some of our northern friends in order that the Senate might get on with the Nation's business. I hope that that unhappy event will not come about. I was asking the Senator's advice. What are we to do about this filibuster?

Mr. THURMOND. It is a question of grave concern. I would not like to vote for cloture. On the other hand, we did not start this business. We did not establish the precedent. Those who have favored so-called civil rights measures are the only ones who have taken such action. We may have to revise completely our thinking on the subject. It is now a question of trying to save the Nation. We may have to pursue a course that heretofore we have not felt advisable in the best interests of the country, but we may have to pursue it in view of the actions that have been taken by, or actions which are thwarted in, the Senate.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. THURMOND. I am pleased to yield to the distinguished Senator from Wisconsin.

Mr. PROXMIRE. I am sure that the Senator from South Carolina must know that the Tuck bill will go nowhere. Consider what he might be throwing away. He would be throwing away not one but two vital procedural safeguards which the Southern States have protected with great merit. First, he throws away the requirement that bills be referred to committee. Second, he imperils his great safeguard, unlimited Senate debate, by at least flirting with the notion that he will vote for cloture. Why?

Mr. THURMOND. Why did the Senator from Wisconsin vote for cloture?

Mr. PROXMIRE. Because I knew that that was the only way in which to get action.

Mr. THURMOND. And that may be the only way in which I can get action on this measure, too.

Mr. PROXMIRE. The Senator knows perfectly well that the Committee on the Judiciary would give consideration to the Tuck bill. Furthermore, the Senator has made the statement that we do not need committee advice on the measure, that it is something about which everyone knows.

Mr. THURMOND. I said that the Senator from Wisconsin spoke on it for a number of days.

Mr. PROXMIRE. Not on the Tuck bill.

Mr. THURMOND. The same principle is embodied in the Tuck bill. The Senator knows that under no conditions would he vote for the Tuck bill. Is that not true?

Mr. PROXMIRE. The Senator is absolutely correct.

Mr. THURMOND. Then will the Senator tell me what good a committee report would be to him?

Mr. PROXMIRE. The Senator from Wisconsin does not speak for all 100 Senators, and neither does the Senator from South Carolina. After a 2 or 3 hour debate in the House of Representatives, at least 40 votes were changed on the Tuck bill. In the first instance the bill surmounted a preliminary test by 80 or 90 votes. Then it won by only 40 votes. Members of the House changed their views. The issue is one on which people will change their minds, and it is an issue on which a great amount of information must be ad-duced. The Senator from South Carolina is afraid to have a committee scrutinize the bill. He is afraid of that. He is afraid that when we know what the implications of the Tuck bill are, particularly what it would mean in terms of Congress moving in on the Supreme Court and denying the principle of the separation of powers, the Senator from South Carolina would have precious little support for the Tuck bill.

Mr. THURMOND. Mr. President, surely the Senator from Wisconsin would attribute as much virtue and intelligence to other Members of this body as he himself possesses. He himself has said that he has made up his mind on the question. Does not the Senator believe that 10 days from now, when we reconvene, Senators will have had an opportunity to study the subject, and will they not be as well posted on it as is the able Senator from Wisconsin?

Mr. PROXMIRE. They will be as well posted as the Senator from Wisconsin, perhaps, but they certainly will not have a written, established record. They won't have the benefit of expert testimony, of the recommendations of the Senator's legal experts on the Judiciary Committee. After all, Senators cannot make up their minds in a vacuum. As the Senator from South Carolina knows, there are many things that the Democrats must do in the next 10 days, in addition to thinking about the Tuck bill. After the national convention there will

be some who will be interested in campaigns. We should have a record made officially, in the committee. Witnesses should be called to testify, and then Senators will have an opportunity to examine the record.

Mr. THURMOND. Why did not the Senator from Wisconsin take that position on the civil rights question?

Mr. PROXMIRE. Not on the Tuck bill.

Mr. THURMOND. The same principle is embodied in the Tuck bill. The Senator knows that under no conditions would he vote for the Tuck bill. Is that not true?

Mr. PROXMIRE. The Senator is absolutely correct. I took a different position on the civil rights bill because we had a long documented hearing record. We had a record of 67 days of hearings on 121 civil rights measures. We had received the civil rights bill from the House of Representatives, which had conducted hearings in two committees, the Judiciary Committee and the Rules Committee. We had available an infinite amount of testimony.

Mr. THURMOND. That was an intricate and complex bill. The Tuck bill is a simple bill. Anyone reading it the first time can understand it.

Mr. PROXMIRE. However, it has very complex and involved implications.

Mr. THURMOND. The Senator understands it. He has said that he is against it. If he has already made up his mind that he is against it, he has evidently studied it a little. Does not the Senator think that other Senators will study the bill and reach a logical decision as the Senator from Wisconsin believes he has reached?

Mr. PROXMIRE. No, because other Senators have far more complex and subtle intellectual instincts than the Senator from Wisconsin. I am sure on the basis of their superior background and understanding they are likely to come to a decision after much more study than the Senator from Wisconsin engaged in.

As far as the people are concerned, we believe in the ability of people to know what they want. But the Gallup poll shows that an overwhelming majority of the American people want population apportionment in both houses, in their State senate and in their lower houses. The Senator knows that the people will never get a fair question from State legislatures. The Senator knows that. He has been a Governor and knows how the question is put in State after State. The people do not get a clear choice. The question is distorted. State legislators keep themselves in power by drafting the question. The question is easily rigged.

Mr. THURMOND. Is public opinion in a State controlled as the Senator contends it is controlled throughout the Nation?

Mr. PROXMIRE. If one wishes to keep his job.

Mr. THURMOND. If people are dissatisfied with their legislature as it is presently constituted, public opinion will demand that it be changed.

The Senator has said something about the Gallup poll. I would not give a

hoopla what the Gallup polls show. The Gallup poll showed that Dewey would be elected over Truman. Gallup polls showed that various other candidates for office would prevail. They have turned out wrong in their predictions on many occasions. We cannot rely on the polls. They are completely unreliable.

If the Senator from Wisconsin really wishes to know the answer to his question, I suggest that he go back and ask the people of his State the following question: "Do you people in Wisconsin wish to decide the kind of legislature you desire, or do you want the Supreme Court of the United States to do that for you?" I suggest that the Senator ask the people that question, and I dare say—

Mr. PROXMIRE. That is the kind of question which a State legislature would put, and if that kind of leading question is put to the people—

Mr. THURMOND. Mr. President, I have the floor, and I do not yield any longer.

The PRESIDING OFFICER. The Senator from South Carolina has the floor.

Mr. THURMOND. If the Senator from Wisconsin will go back to his State and ask his people how they feel, whether they wish to decide through their legislature the type of legislature they want, or whether they want the Supreme Court of the United States or the Congress to make the decision, the Senator knows what the answer will be.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. THURMOND. I now yield to the able Senator from Colorado.

Mr. DOMINICK. I appreciate the courtesy of the Senator from South Carolina. I wish to answer the statement of the Senator from Wisconsin that a State legislature will not do anything, and that if the people were given the opportunity to vote on the question, they would vote to approve an equal vote regardless of whether the State has two houses or one house.

Colorado has recently taken such action. In 1962, two constitutional amendments were placed on our election ballot.

One amendment provided for a Federal plan and another provided for equal votes in both houses. The question was carefully debated during the whole campaign. The people of the State of Colorado said, by a 2-to-1 majority, that they wanted the Federal plan. At the same time, the people rejected the amendment which would have given equal votes in both houses. It strikes me that the people of the State of Colorado have spoken on the point about as plainly as anyone could possibly speak. The proponents of the equal vote plan took the issue to the Supreme Court of the United States, and the Supreme Court, by a 5-to-4 margin, said, in effect, "We do not care what the people of Colorado have voted. We say that you will have to have equal apportionment in both houses."

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. THURMOND. That is the case. The Supreme Court of the United States

does not care what the people of a State desire. They do not care what the people of our Nation want. Some time ago our majority leader said, "If the Congress does not do it, the Supreme Court will do it."

In Pennsylvania, Steve Nelson was convicted of sedition. It was charged that he had violated a State law in attempting to overthrow the Government. That case went to the Supreme Court. The Supreme Court turned Steve Nelson loose.

They said that when the Federal Government—the Congress—passed a law in the field of sedition, they struck down the laws of 42 States and held that the man had to be turned loose. In other words, they preempted the entire field of sedition. The Supreme Court, in one fell swoop, struck down the laws 42 legislatures had enacted. Is there any Member of this body who thinks that that action was proper?

Mr. PROXMIRE. Yes. This Member does.

Mr. THURMOND. I am not surprised, in view of the Senator's position on this subject. But I believe in the people of the United States. I believe in the people of Wisconsin. I believe in the people of Colorado, Illinois, and South Carolina. And I say let the people of those States, and all other States, decide for themselves the kind of legislature that they want. I maintain that the Congress of the United States should not attempt to tell a State what kind of legislature it should have, and neither should the Supreme Court attempt to do so.

Mr. PROXMIRE. The Senator is correct when he says Congress should not do that.

If the Senator will permit me to answer the Senator from Colorado, I would appreciate it.

Mr. THURMOND. Mr. President, I yield for that purpose.

Mr. PROXMIRE. The Senator from Colorado pointed out that there were referenda put on the ballots in Colorado in 1962 and that the people chose the Federal apportionment rather than the population apportionment. We have to determine whether it was a fair question that was asked. I know that our State legislature again and again has put questions on the ballot that were not fair and to which it received a predictable answer. I will assume that the question asked in Colorado was fair—

Mr. DOMINICK. It was not put out by the State legislature; it was initiated by the people themselves.

Mr. PROXMIRE. How can the people draft their own questions?

Mr. DOMINICK. It is simple. We have been doing it in the Senate for years.

Mr. PROXMIRE. We legislators have done so, not the people. Legislators, as I say, will frame loaded questions. At any rate, the Senator from Wisconsin wants to emphasize that it was made clear by Thomas Jefferson and others not only that there should be equal apportionment in the State legislatures but there are certain rights which are inalienable, that nobody can take away from the people; no, not even a major-

ity of the people. They are constitutional rights and they are absolute. One of them is freedom of speech. Another one is freedom of religion. And one of those rights is the right to have an equal vote—a vote that counts as much as anyone else's—in the State legislature.

Mr. DOMINICK. The Senator takes the position that if there is apportionment in the House based on population, it should be that way in the Senate. That is saying that the city of Chicago should control Illinois or that the city of Denver should control Colorado, which is just as bad as having the rural areas control the cities.

Mr. PROXMIRE. If most of the people who live in Illinois live in Chicago, they should control it. What the Senator is saying is that if 95 percent of the people live in Chicago, Chicago should not run the State, the 5 percent of the people who live outside should. It is a matter of people and where they live.

Mr. LONG of Louisiana. Mr. President, will the Senator from South Carolina yield to me?

Mr. THURMOND. I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. I wonder if the Senator has given thought to why the present Supreme Court keeps usurping the powers that belong to the States and keeps usurping the powers that belong to Congress, which is the lawmaking branch of Government, but declines to usurp the President's powers? Has the Senator wondered why it is that the Supreme Court is ready to usurp the people's powers and the State's powers, but not the President's powers? Will the Senator tell me why he thinks it should work out that way?

Mr. THURMOND. One reason is that the President has a way of enforcing orders. He might take a position which was taken by one President many years ago when the Supreme Court handed down a certain decision. He said, "The Supreme Court has made its decision. Now let them enforce it." The Supreme Court knows that the executive branch would not enforce certain orders or would enforce them as it pleased. Congress has become spineless in refusing to stand up to the Supreme Court. It has not shown the courage to stand up to the Supreme Court.

When the country was founded, there were three branches of Government. Each was supposed to be a check on the other. Congress is not checking the Supreme Court as it should. It is not checking the executive branch as it should. The legislative body was supposed to be a body of strong powers. Its members are elected by the people; in the House for 2 years, in the Senate for 6 years. The House of Representatives comes nearer representing the people of the United States than either of the other two branches, because its Members come up for election oftener and are elected from every segment and area of the Nation. In my opinion, the time has come when Congress should stand up and challenge the executive branch and challenge the judicial branch.

Mr. LONG of Louisiana. I would like to state my reason why the Court across

the street has never tried to usurp the President's powers. It understands that if it tried to usurp the President's power, being the Commander in Chief, he might send a squad of Marines down there and put those screwballs in jail.

Mr. THURMOND. The country might welcome such a step.

Mr. LONG of Louisiana. Does the Senator recall that Thomas Jefferson got one of those screwballs impeached and tried to get another one impeached?

Mr. THURMOND. The Senator from South Carolina well recalls it. As I said at a recent joint meeting of a bar association and a medical association in Greenville, S.C., Thomas Jefferson was very much concerned about the Supreme Court.

Mr. LONG of Louisiana. If one looks at the attitude of Thomas Jefferson toward the Supreme Court, he will find he was concerned about judicial usurpation. He succeeded in impeaching one judge on that Court. If he had had his way, another one would have been impeached.

Mr. THURMOND. Congress would have to impeach, but if the President got behind the impeachment, it would carry great emphasis. Whether Congress should do that or not, I am not prepared to say at this time. Congress should meet its own responsibilities. If Congress thinks someone should be impeached, it should act in that respect. Because the President might say someone should be impeached, I do not think that Congress should necessarily fall in line. Congress has been falling in line too much with the executive branch. The moment the President takes a certain stand, he immediately has half of the Congress—I am not saying which half, because he gets some on both sides of the aisle—going right down the line with him. I want to see the Senate and the Congress take independent action and have the courage and backbone to do what they think is best for this country, and not to be looking forward to patronage and jobs that they look forward to from the executive branch. There are many reasons that I prefer not to go into at this time why it has not, but the Congress of the United States has not stood up as it should have in recent years, and not like it did many years ago. Congress ought to be the dominant branch of the Government. This is the branch that truly represents the people of the United States.

Mr. President, I yield the floor.

Mr. DOUGLAS. Mr. President, has the Senator from South Carolina yielded the floor?

The PRESIDING OFFICER. The Senator from South Carolina has yielded the floor.

Mr. DOUGLAS. Mr. President, before I speak in more detail on the subject matter that is before us, let me express my regret at the language, twice repeated by my friend from Louisiana. My friend from Louisiana is a very fine and constructive Senator. It pained me deeply for him to refer to the Supreme Court twice as "screwballs." I think that, upon reflection, he will not wish to retain those words.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. LONG of Louisiana. Perhaps I was a little too intemperate in speaking so strongly. I think some of the worst decisions were 5-to-4 decisions, and I disagree with the majority 1,000 percent, although 4 members of the Court were right. Some of those decisions were decisions with which I agreed, but I have felt that some of these decisions have been so awful, bordering on the criminal, that to me it is inconceivable that judges would do that kind of thing. I have reason to believe that the Chief Justice has, on occasion said to the other Justices, "Now, we must be above politics on this issue. We will reserve all other decisions, but to hope for compliance we must try to arrive at the conclusions by a vote of 9 to 0. Let us play a little politics, but pretend to be above politics. We are going to reverse everything else that has been decided by about 100 judges in 100 years and say we are above politics. Let us write a new amendment to the Constitution and say that is the law." They are destroying the law and destroying the Constitution when they do that sort of thing. When that type of politics is played by the Court, that is an intellectual exercise of which I cannot approve. I am not a member of the bar of that Court. I am not going to be a member, either, until I feel that I can honestly subscribe to an oath of respect to those people in that Court which a lawyer is required to do. A majority of that Court has played politics to the point that several members of that Court have failed to do their duty. One might as well not read the 100 volumes of the reports of the Supreme Court, because so much of it has been reversed or ignored. One cannot predict what the Court is going to do, because if the Executive wants it to decide one way, that is the way it is usually decided.

All this is contrary to the intention of the Constitution and of the Founding Fathers. The Justices are expected by those who determine their appointments to go along with a complete misinterpretation of what the law has always been.

Nowadays some of the appellate court judges are circling around like so many buzzards, waiting for some old character to die so that they can get his job, instead of speaking up against something that is wrong. I cannot stand by and let that happen without saying something about it. I resent that kind of thing. I resent one judge getting on the telephone and calling two other judges and telling them, "I have decided to decide this case in this way. Give me your proxy." He calls one judge in Florida and another one somewhere else saying "Let me sign this order for all three of us." I have heard of that happening in the court of appeals.

Here in the Supreme Court I have seen it happen when the Attorney General in this administration goes to Court almost every time an important case goes up there, and talks to the judges and tells them how they should decide a lawsuit. It fills me with outrage, because the

two contesting parties are entitled to a decision on its merits.

Mr. DOUGLAS. Has the Senator finished?

Mr. LONG of Louisiana. All of that is contrary to the intent of our Founding Fathers. We are under a duty to legislate. Those judges did not have the right to make some of those decisions.

I am sorry that I cannot completely agree with the Senator. I am sorry I went quite as far as I did in my use of language. If I had thought about it a little, I might have used more temperate language. I say, however, that if the members of the present Supreme Court did not have the full support of the National Association for the Advancement of Colored People some of them might have been impeached.

Mr. DOUGLAS. Has the Senator finished?

Mr. LONG of Louisiana. Yes.

Mr. DOUGLAS. It is obvious that some of the animus created by the civil rights decisions is behind the present Dirksen amendment and the Tuck bill, which would deprive the Federal courts of any authority to require fair representation in various State legislatures. I have suspected all along that the opposition to the civil rights decisions has furnished the emotional undertow, so to speak, for a large part of the support for the Dirksen and Tuck proposals. My good friend from Louisiana—and I hope he is my good friend, because I have had very friendly relations with him in the 16 years that we have served together—has confirmed this opinion of mine.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. LONG of Louisiana. Let me say to the Senator from Illinois that I regard myself as being his good friend, and that on most issues we agree completely. I feel strongly about some of the Court decisions. I feel outraged by some of them. At the same time I am here to say that this particular decision was completely wrong, and it requires Congress to act. We have a duty to act. I do not know whether the Senator has any particular decisions in mind with respect to which he disagreed with the Court as strongly as I do. If that were so, I assume he would feel the same as I do. The Court has legislated. Now it is our duty and our right to legislate to protect the rights of the States and the people.

Mr. DOUGLAS. Mr. President, the Senator from Louisiana has made his statement of faith. It is appropriate for me to say that, in company with the great mass of the American people, I approve the civil rights decisions, beginning with the Brown case, and going on from there. I point out that it was a unanimous decision of the Supreme Court. All the Republicans on the Court agreed with all the Democrats on the Court. There were three southern-born and southern-trained Justices on the Court. They joined the other six. They are good southerners, and they take great pride in being southerners.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. LONG of Louisiana. Does the Senator have any doubt that the decision was in direct conflict with the Supreme Court in Plessy against Ferguson?

Mr. DOUGLAS. It reversed Plessy against Ferguson, which was handed down in 1896.

I point out that there was a dissenting opinion in Plessy against Ferguson, written by the first Justice John Marshall Harlan, a Kentucky slaveowner; and that it is not unusual in the course of history for judicial opinions to change.

I do not believe that Plessy against Ferguson or the civil rights decision of 1883 can properly be used to perpetuate the idea that segregation is constitutional under the 14th amendment.

There was a reversal of Plessy against Ferguson. It should have been reversed. I am glad it was reversed. What I am trying to say is that this was a unanimous decision. The decision was unanimous not only in the Brown case, but in the subsequent cases involving racial discrimination in education. I believe that no less than 12 separate judges have approved the unconstitutionality of segregation in the schools, and they have decreed that the 14th amendment established the right to desegregated education.

I believe this was a case of the U.S. Supreme Court catching up with the development of ethical opinion.

I am grateful to the Supreme Court. I am grateful to the great Chief Justice of the Supreme Court, Earl Warren, a Republican, a former Governor of California who was elected to that office three times. He was the Republican candidate for Vice President in 1948. I believe he is one of the noblest Americans today. I feel that I would be delinquent if I stood here and allowed my good friend from Louisiana to continue to make an attack upon the Court, and by implication upon the Chief Justice. I say that with great respect for my friend, because we work together very closely in the Committee on Finance. I believe him to be one of the most engaging Members in the Senate. Nevertheless, I cannot subscribe to his attack on the integrity or sanity of the Court. I should now like to pass to the substantive issue, if I may.

Mr. LONG of Louisiana. Mr. President, will the Senator yield briefly?

Mr. DOUGLAS. I yield.

Mr. LONG of Louisiana. I make no charge with regard to the sanity of the Court.

Mr. DOUGLAS. The Senator said they were screwballs.

Mr. LONG of Louisiana. I referred to a judge being impeached.

Mr. DOUGLAS. The Senator referred to the present Court as consisting of screwballs.

Mr. LONG of Louisiana. The record will speak for itself.

Mr. DOUGLAS. The Senator said screwballs.

Mr. LONG of Louisiana. What I said I do not take back. I believe I made the

reference with regard to a hypothetical situation.

Mr. DOUGLAS. The Senator does not take it back?

Mr. LONG of Louisiana. No. Since the Senator raises the question, in my judgment, when a judge takes a provision of the Constitution and reads it to mean the opposite of what was intended, that is not integrity or honesty. It may be that it serves the Senator's political purpose. It may be that it achieves the purpose that he was trying to achieve. If a law is wrong, Congress, and not the Supreme Court, should change it. I have heard of some of the lectures delivered by some of those who hope to be, who are justices and who hope to be advanced to the Supreme Court. Their theory is, "If a law is wrong, we should give Congress a certain period of time to change it. If Congress does not act within a certain period of time, we should change it." I have seen reports of some lectures along that line. I assume that is the type of propaganda that is being spread at judicial conferences by some of those who are presently on the Supreme Court.

It is my judgment that George Washington was right when he said in his Farewell Address that we should not change the law by usurpation but should change it by the means established for that purpose. That is why I favor changing this particular situation by constitutional means. In my judgment, the argument of the Senator from South Carolina [Mr. THURMOND] is entirely correct. It is the people who are entitled to decide this matter, not the nine men who are now on the Supreme Court or those who will follow them. The people have a right to decide this question for themselves.

THE 14TH AMENDMENT IS AS MUCH A PART OF THE CONSTITUTION AS ANY OTHER PART

Mr. DOUGLAS. Mr. President, I am not a constitutional lawyer, but I have studied the Constitution, which seems to be more than many people have done. A great many of our friends, particularly those who come from south of the Mason-Dixon line, never get beyond the 10th amendment, which they like to quote. The 10th amendment provides:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

They quote this amendment, but pay no attention to the 14th amendment; but the 14th amendment is just as much a part of the Constitution as the 10th amendment. Since it was adopted after the 10th amendment, if there is a conflict between the two, the 14th amendment supersedes the 10th. I have again and again quoted the 14th amendment to this body. I think it is worth while quoting it again, because we tend to forget it.

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

What does that mean? It means that citizenship is national as well as being a State matter.

Second, no distinctions are drawn between citizens. There are no second-class citizens; all are first-class citizens.

Section 1 of the 14th amendment continues:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The phrase "nor deny to any person within its jurisdiction the equal protection of the laws" is something that our southern friends and many others seek to ignore, and treat as nonexistent. But it is there, and it is a part of the basic law of the land.

UNDER OUR FORM OF GOVERNMENT THE SUPREME COURT INTERPRETS THE MEANING OF THE CONSTITUTION

Who interprets the meaning of the equal protection of the laws? Basically, under our form of government, the Supreme Court. In the Brown case and in the cases which followed, the Supreme Court, in unanimous decisions, held that the equal protection of the laws was violated if children in the public schools were segregated on the basis of race; that if they were segregated, they were not being accorded equal protection; that their privileges and immunities were being prejudiced; and that they were being deprived of this basic right that the 14th amendment was intended to defend.

In my opinion, that was a correct and noble decision. The Senator from Louisiana [Mr. LONG] believes it was not a correct decision. But obviously Congress, which he evidently thinks should have power in these matters, thinks it to be a correct decision, because Congress passed a civil rights bill a few weeks ago by an overwhelming vote. That bill provided not only for nondiscrimination in the schools but also in employment and in public accommodations.

There is no question, I believe, that the overwhelming opinion of the Nation supports the decisions of the Supreme Court in that matter. I urge our friends not to try to stir up prejudice and passion against the decisions of the courts concerning discrimination. Those decisions are one of the finest achievements in the entire record of the Supreme Court.

SEVERE MISREPRESENTATION EXISTS IN THE STATE LEGISLATURES

More recently have come the decisions on the apportionment of State legislatures. We have not had much opportunity to develop that subject because, in spite of the rhodomontade, comparatively little discussion of the Dirksen amendment or the Tuck bill has been permitted in the Senate. But in the two speeches I have made on the Senate floor and in other speeches which I have had the opportunity to give, I have shown the great extent to which there is gross misrepresentation in the houses of State legislatures. I have pointed out that in several States less than 20 percent of the population elect a majority of the members of the lower house, and that in still more States less than 20 percent

elect a majority of the Senate. As of June 21, of this year, in the following States less than 20 percent of the population elect a majority in the State senates: Montana, Idaho, California, Nevada, Arizona, New Mexico, Florida, Maryland, Delaware, New Jersey, and Rhode Island.

There were many more States in which between 20 and 40 percent of the population elected a majority of the Senate: North Dakota, South Dakota, Wyoming, Colorado, Utah, Texas, Louisiana, Mississippi, Alabama, South Carolina, and Connecticut.

THE STATE LEGISLATURES HAVE REFUSED TO REAPPORTION THEMSELVES, EVEN THOUGH THEIR CONSTITUTIONS REQUIRE IT

The stubborn fact is that the State legislatures have refused to apportion themselves and have persisted in this refusal year after year, decade after decade.

The records of Tennessee and Alabama are relatively typical. The constitutions of those States require reapportionment every 10 years. But beginning in 1901 and continuing until the time these cases went to the Supreme Court, those States refused to reapportion themselves. During this time there were great shifts in population. People moved into the cities of Tennessee—Nashville, Knoxville, Chattanooga, Memphis. They moved into Birmingham, in Alabama. But the legislatures refused to reapportion, partly, as the Senator from Wisconsin [Mr. PROXMIRE] has said, because the legislators from the overrepresented districts did not want to reapportion, for that would mean that some of the districts would have to be consolidated and the legislators might lose their jobs; but also because the big corporate interests in those States wanted to have the country districts overrepresented because they thought they could control the country districts more than they could control the urban or city districts in such matters as taxation and utility regulation. That has been one of the forces which has helped to prevent reapportionment.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. PROXMIRE. The point the Senator from Illinois is making is especially important. This is not a simple problem of a provision in a State constitution and the recent interpretation by the Supreme Court. It is a matter of historical fact and practice in America that up until 1901 State legislatures did apportion. They apportioned in accordance with the State constitutions, and they apportioned on the basis of population. It was only then that they began to abandon their constitutions. The dramatic example of Oklahoma was cited yesterday. Oklahoma did not change its position in 1901 but did so after 1921.

At any rate, in legislature after legislature, there has been abandonment of the Constitution and of the historical practice or custom of the State legislature, which is riveted into the law, and not an acceptance of constitution provisions which require population representation.

Is it not true, I ask the Senator from Illinois, that in some cases the apportionment that took place under duress resulted in a constitutional amendment which changed the nature of the State legislature, so that one house would be elected on the basis of area and would be able to preserve the jobs of legislators who were in office and as well as the Senator from Illinois has stated, preserve the interests of those who did not want the State legislature to move ahead and solve State problems?

Mr. DOUGLAS. That is correct.

Mr. PROXMIRE. Let me ask the Senator this question. We have heard talk this afternoon from two very distinguished southern Senators both of whom believe in States rights. Would not the Senator from Illinois agree that if we are going to have States rights we have to have States performance? As many distinguished Republicans as well as Democrats have agreed, if we are going to have States rights, we have got to have States responsibilities, and we don't get States responsibilities unless we get a State that can act. A State cannot act as efficiently if it has one house apportioned on area with bloc representation, and another house warring with the other house, rather than both houses being on the same basis.

Mr. DOUGLAS. The Senator is correct.

Mr. PROXMIRE. The Senator from Michigan made one of the very finest speeches made on this subject, not on a theoretical point but documented and showing instance after instance after instance where vital legislative proposals in the Michigan Legislature, with a popular Governor and with a clear public mandate, were blocked. Why? Because a majority of the legislators, but representing a relatively small minority of the people, I repeat a minority, voted against measures clearly in the interests of the State of Michigan.

As the Senator from Illinois has documented so well, this is common, this is the case throughout America. What do people who want their problems solved do? What do they do? They come to Washington. Problems have to be solved, so they turn to us. So the fight which the Senator from Illinois is making so well this afternoon is ironic because it is in opposition to that fight of the two Senators from the South who spoke this afternoon, Senators who have been in the forefront of the battle for States rights, and yet I think it is clear to anyone who studies this record that the Senator from Illinois is truly fighting to make States rights really mean something.

Mr. DOUGLAS. I thank the Senator from Wisconsin.

Mr. LONG of Louisiana. Mr. President, will the Senator from Illinois yield?

REFUSAL OF THE LEGISLATURE TO REAPPORTION THEMSELVES IN CONNECTICUT

Mr. DOUGLAS. If the Senator will let me finish my statement, I shall be glad to yield to him at that time.

One of the original apportionment acts in Connecticut was in 1818. That continued, so far as the House is concerned,

until 1876, in Connecticut. Then Connecticut reapportioned, but with each town having two representatives regardless of size. That 1876 apportionment has continued until the present day. The result is that in Connecticut 12 percent of the population elect a majority of the members of the lower house. That is the house in Connecticut.

The Connecticut Senate was reapportioned in 1903—60 years ago, and has not been reapportioned, according to my figures. In Connecticut, 32 percent of the population elect a majority of the senate, the one-third have as much representation as the two-thirds. They have twice the average representation of the cities—notably, New Haven, Hartford, Bridgeport—and I believe Danbury.

REFUSAL OF THE LEGISLATURES TO REAPPORTION THEMSELVES IN OTHER STATES

Alabama did not reapportion after 1901.

Illinois did not reapportion between 1901 and 1955.

Kentucky did not reapportion after 1942.

I know that in the last couple of years there has been reapportionment in these cases, but that is under the stimulus of Federal decisions. This is true in many other States. And when reapportionment has come, it has been almost invariably after the Baker against Carr decision of 1962.

Louisiana did not reapportion after 1921, and still has not reapportioned its Senate.

Maryland did not reapportion after 1943.

Minnesota has a somewhat better record. It did not reapportion between 1913 and 1959, but it did reapportion in 1959 before the Federal decisions.

New Hampshire did not reapportion its Senate between 1915 and 1964.

New Jersey did not reapportion after 1941.

North Carolina did not reapportion between 1941 and 1961 for its house, and between 1941 and 1963 for its senate.

Pennsylvania did not reapportion its senate between 1921 and until this year.

I could go on in State after State.

It is true that after the Supreme Court handed down its first decision on Tennessee, in the Baker against Carr case, and followed this up with subsequent decisions, a series of reapportionments were carried through.

Indiana, in 1963.

Kentucky, in 1963.

Louisiana, for its house, in 1963.

Maryland, very partially—very incompletely, in 1962.

Mississippi, very partially, in 1963.

Nebraska, in 1963.

North Carolina, in 1963, for its senate.

North Dakota, in 1963, for its house.

Pennsylvania, in 1964, for its senate.

But these reapportionments done under the fears or the fact of a court order—predominately Federal, but in some cases State.

Does anyone suppose that, if there had not been these actions and decisions of the courts, the legislatures would have acted as they did? In many cases, they had not acted for 60 years.

In Vermont, as I have said, they have not acted, so far as the house is concerned for 171 years, since their constitution was adopted in 1793.

Mr. JAVITS. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. JAVITS. I heard this flareup between the Senators from Louisiana and the Senator—

Mr. DOUGLAS. It was not a flareup, but I felt that I could not sit silent when my good friend called the Supreme Court screwballs.

Mr. JAVITS. I might say I thoroughly join the Senator in his attitude toward the Court. It is a coordinate branch of government. We would certainly not be very happy if they called us a bunch of screwballs. I am happy to join the Senator from Illinois in defending the Supreme Court, its good faith, the distinction of its membership, and the great leadership given to the Court by Chief Justice Warren.

I have defended the Court before, when it was charged with making Communist-oriented decisions, and presented the detailed facts, assembled by legal authorities, which showed that there was nothing to any such charges. It was merely that the Senator who made the charges did not like their decisions.

There is a great deal in the Tuck bill—to which I am as fully opposed as is the Senator from Illinois—that is reminiscent of the Courtpacking idea. It deserves to have as much of a reaction in the country against it as did the Courtpacking proposal. Even the Courtpacking proposal, after all, did not so openly forecast anything about decisions. It just sought to have more justices on the Court. But it was felt it sought more justices because those to be appointed by the then-President were expected to rule differently and to constitute a different majority than those who were on the Court at that time, which was deciding cases in a way the President did not like.

With the Tuck resolution, it is the Congress this time, and not the President, who is trying to pack the Court, by taking away its appellate jurisdiction which would deprive it of the opportunity in this field to serve the American people and protect their freedoms under the 14th amendment, which is as much a part of the Constitution as the original Constitution and the first 10 amendments, the Bill of Rights.

Therefore, the matter now rests in the Senate. I rather thought we could come to a resolution of the matter on the Dirksen amendment through some form of precatory resolution such as Senator McCARTHY and I have proposed. But we have before us now a House-passed resolution that is completely unacceptable and very dangerous, in my opinion, to the liberties of the people. Therefore, the decision will really rest here, in the Senate of the United States.

It seems to me that this justifies the detailed discussion which has been undertaken with the Senator from Illinois [Mr. DOUGLAS] and his colleagues on this subject. We have really a burning, major threat, in my judgment, to the public liberties.

Does the Senator not feel that the issue raised by the Tuck bill is analogous, in terms of the exercise of power by Congress, to the issues raised by the Courtpacking proposal of approximately 25 years ago, and thus deserves the critical attention of the American people in the same manner as did that proposal?

Mr. DOUGLAS. I think that is correct. The Tuck bill would deny permanently the jurisdiction of the Federal court or State court as it might concern any authority to order apportionment or reapportionment of any legislature. It would deny jurisdiction to the district courts to entertain any petition or complaint seeking to apportion or reapportion.

Mr. President, I ask unanimous consent that the text of the Tuck bill, H.R. 11926, be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 11926) is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Following section 1258 of title 28 of the United States Code (28 U.S.C., sec. 1258) add a new section as follows:

"§ 1259. Supreme Court, limitation of appellate jurisdiction

"The Supreme Court shall not have the right to review the action of a Federal court or a State court of last resort concerning any action taken upon a petition or complaint seeking to apportion or reapportion any legislature of any State of the Union or any branch thereof."

SEC. 2. Amend title 28, section 1331 of the United States Code (28 U.S.C., sec. 1331) by adding at the end thereof a new subsection to read as follows:

"(c) The district courts shall not have jurisdiction to entertain any petition or complaint seeking to apportion or reapportion the legislature of any State of the Union or any branch thereof, nor shall any order or decree of any district or circuit court now pending and not finally disposed of by actual reapportionment be hereafter enforced."

Mr. DOUGLAS. Mr. President, I believe the Dirksen amendment is almost equally bad—but not quite as bad as the Tuck bill. The difference is that the Dirksen amendment constitutes temporary anesthetization of the courts of the country which would last for an indefinite period of time. And, during this period of time, a constitutional amendment could be submitted which would permit the malapportioned, unrepresentative State legislatures to seal themselves into office contrary to the principle of substantial equality of representation provided by the 14th amendment.

The choice between the Tuck bill and the Dirksen amendment is similar to the choice between being killed by hanging and being killed by shooting. And I reject both methods.

Mr. President, it is not my intention to speak at great length, because I believe it is the desire of the majority leader to adjourn in order that many Members of the Senate may go to Atlantic City; but I was in the midst of an argument showing that the only reason why State legislatures have moved to reapportion in recent years has been either court orders or fears of such orders.

DIRKSEN AND TUCK PROPOSALS WILL HALT REAPPORTIONMENT ACTIONS NOW PROCEEDING IN MANY STATES

If the Dirksen or Tuck proposal were to go through, the action already taken in many cases would be canceled. In many cases the full act of reapportionment has not been carried through. The cases are still under some degree of judicial surveillance, and the prohibition upon the courts' interfering in these matters, would prevent the final consummation of acts of reapportionment.

The New York Times of last Sunday prepared a very valuable illustration in the form of a map of the country, which appeared in its August 16 issue. The map showed that with respect to the senates in the 50 States there had been some apportionment initiated in obedience to court orders. It put these States in this classification: Oregon, Oklahoma, Wisconsin, Michigan, Massachusetts, Delaware.

Even with respect to the senates in these States, the apportionment had been less than full, and great disparities still exist, except in Wisconsin and possibly Oregon.

In some cases, as the Senator from Wisconsin and the Senator from Michigan have emphasized, it is possible that the passage of the Dirksen amendment or the Tuck bill would reverse actions already initiated, but not fully completed. This chart also identified the States which had been ordered to redistrict, but have not done so, so far as the State senates are concerned. Those States are: Washington, Alabama, Iowa, Illinois, Ohio, Florida, Virginia, Pennsylvania, New York, and Vermont. There may be others.

In addition to those, there are a number of State legislatures, where a small minority controls the senate which are trying to brazen the matter out.

In Nevada, 8 percent of the population can control a majority of the senate. The supervisors come from the sagebrush counties. In Idaho, 6.6 percent control the State senate, again from sagebrush counties. In Arizona, the percentage is 12.8. In New Mexico it is 14 percent. In Florida it is 15 percent, mostly in the north Florida counties. In Maryland, 14 percent control the State senate. In New Jersey it is 19 percent. In Rhode Island it is 18 percent.

As I indicated earlier, there are many States in which 20 to 40 percent of the population control the seats of the State senates; these include North Dakota, South Dakota, Wyoming, Utah, Texas, Louisiana, Mississippi, Iowa, South Carolina, and Connecticut.

Any attempt to reapportion in those States would be brought to a halt with the passage of the Dirksen amendment or the Tuck bill.

Indeed, every day and every hour bring evidence of the effect of these two amendments in delaying or preventing the reapportionment of seats.

THE DIRKSEN AND TUCK PROPOSALS, EVEN THOUGH NOT ENACTED, ARE ALREADY CAUSING CHAOS AND BLOCKING THE ORDERLY PROGRESS OF REAPPORTIONMENT

In today's Washington Evening Star, on the first page of the B section, there is

an article written from Baltimore under the byline of James B. Rowland. I shall read some salient paragraphs from that article:

Maryland lawmakers have shelved attempts to draw up a reapportionment plan pending the outcome of efforts in Congress to counteract the Supreme Court equal-vote mandate for the makeup of State legislatures.

The decision was made here last night during a 90-minute closed meeting of a reapportionment committee appointed by the legislative council, interim study arm of the general assembly.

State Senate President William S. James, Democrat, of Harford County, and committee chairman, reported afterwards the group decided to wait on Congress. The committee will meet again next month.

TWO MEASURES EYED

"The committee decided to wait and see if one of the two measures pending in Congress is enacted and is going to give us more time," Senator James said.

Skipping a paragraph, the article continues:

The Supreme Court on June 15 ordered Maryland to reapportion its rural-dominated house of delegates and State senate on a population basis in time for the 1966 elections. Such attempts by urban lawmakers have failed in the past.

It should say both "urban and suburban" attempts. Continuing to read from the article:

In pigeonholing its current effort the committee pointed to a House-passed bill drafted by Representative TUCK, Democrat, of Virginia. It would remove reapportionment cases from the jurisdiction of Federal courts.

Continuing with the article:

Maryland's reapportionment suit reached the Supreme Court through State courts and was returned to the Maryland Court of Appeals.

"The committee feels the State court, however, would be guided by Federal court action," Senator James said.

The committee also is eyeing a rider Senator DIRKSEN, Republican of Illinois, had prepared for the foreign aid appropriation bill. It would stay court-ordered reapportionment until January 1966—in my judgment, much longer than 1966.

Continuing to read from the article:

"If the Dirksen amendment passes, Congress next year may enact a constitutional amendment restricting court authority over reapportionment," Senator James said.

In other words, the mere introduction of these bills and the prospect of their passage has given the Maryland legislature the idea that it will balk court orders. The same thing has been done in Virginia. In the article in this evening's Star there is this paragraph:

In Virginia, a similar delay in redistricting that State as a result of the Supreme Court's ruling has been indicated. Governor Harrison told a news conference Wednesday he is "watching developments in Washington" before proceeding with plans to call the general assembly into a special reapportionment session late in November.

Therefore, reapportionment by the legislatures in both Maryland and Virginia has been postponed because of the introduction of the Tuck bill and the submission of the Dirksen amendment. If these proposals should be passed, reapportionment would not only be post-

poned, but would be prevented. We are dealing with one of the gravest political evils in American legislative life. It results in the urban and suburban regions being grossly underrepresented and being denied home rule in such matters as taxation, welfare, smoke abatement, zoning, water pollution, recreational areas, and a whole series of other measures which are essentials for a rapidly growing metropolitan population.

ALMOST TWO-THIRDS OF THE POPULATION LIVES IN METROPOLITAN REGIONS

I introduced the census figures the other day to show that 64 percent of the population of the country in 1960 lived in counties of over 100,000 population, whereas only about 32 percent lived in such counties in 1910. The prospects are that the metropolitan population, which is now almost two-thirds of the population of the country, will steadily increase in the future. If these areas continue to be dominated by less populated areas, we shall not have local governmental structures able to meet the problems of the vast majority of the people.

We know that in the next few years we shall have what some people call a megalopolis, a continuing city stretching from Washington to Boston, and perhaps to Portsmouth, N.H. This will run across State lines, but through States now dominated by rural legislatures, and this rural domination will continue under the Dirksen or Tuck proposals.

UNREPRESENTATIVE STATE LEGISLATURES LEAD TO AN UNREPRESENTATIVE NATIONAL HOUSE OF REPRESENTATIVES

This evil creeps into the Congress, because it is the rural-dominated State legislatures which lay out the congressional districts. They lay out congressional districts which in the main overrepresent sparsely settled rural areas and underrepresent the heavily populated urban and suburban areas.

We have all come to respect the Congressional Quarterly. I hold in my hand volume 19, published in 1963, which on pages beginning with page 1173 gives the population of some of the congressional districts in this country.

Let us take Arizona. There is one district in Arizona which, using 1960 census of population figures, had 189,000 people; another district, 663,000 people, or approximately three and a half times as many.

In Arkansas, one district had 332,000; another, 575,000.

California had some gross cases, but these have largely been cured so far as population is concerned.

Colorado. One district has 195,000 people; another, 653,000 people.

Connecticut, which is in the process of redistricting, and which, if not interfered with, will do well, had in one congressional district 319,000 people, and in another district 689,000.

Florida. One district has 241,000; another, 237,000. There is still another district with 507,000, and another with 455,000.

Georgia. One district has 272,000; another, 823,000.

Idaho. One district, 257,000; another, 410,000.

In Illinois, my own State—and we are not the worst State in the Union by any means—one district has 350,000, and another district has 516,000.

Indiana. One district has 357,000; another, 513,000; another, 697,000.

Kentucky. One district, 315,000; another, 610,000.

Louisiana. One district, 264,000; another, 500,000.

Maryland. One district on the Eastern Shore, to which we have referred, and which is heavily overrepresented in the State legislature, has one district with 243,000 people. That district sends one man to Congress. Another district, the one which lies outside the Northwest section of Washington, has 609,000.

Massachusetts. One district, 376,000; another district, 478,000.

Michigan. One district, 177,000; another district, 664,000.

Mississippi. One district, 295,000; another district, 608,000.

Montana. One district, 274,000; the other district, 401,000.

New Jersey. One district, 316,000. That is in south Jersey. Another district has 585,000. That is the Camden district.

New York. One district, 350,000; another district, 459,000.

Ohio. One district, 274,000; another district, 683,000. Another district has 726,000.

Oklahoma. One district, 227,000; another district, 552,000.

Oregon. One district, 265,000; another district, 522,000.

Pennsylvania. One district, 352,000; another district, 517,000; still another district, 553,000; another district, 536,000.

South Carolina. One district, 272,000; another, 531,000.

In South Dakota, where the line of division, I believe, is the Missouri River—I observe in the Chair of the Presiding Officer the distinguished junior Senator from South Dakota [Mr. McGOVERN]—one district has 182,000, while another has 498,000. Each district has one Representative in Congress. In other words, almost two and two-thirds times as many people are required for representation in the eastern district as in the western district.

Tennessee. One district, 223,000; another, 497,000.

Texas. One district, 216,000. I believe that was the district formerly graced by the late Speaker of the House, Mr. Rayburn. I did not realize that it had a population as large as 216,000. Another district has 568,000; another district, San Antonio, 687,000; another district, 675,000; another district, the Dallas district, 951,000.

Utah. One district has 318,000; the other district has 583,000.

Virginia. One district has 312,000; another, 494,000. The suburban district outside Washington, on the other side of the Potomac, has 540,000 as compared with the 312,000 in one of the other districts.

West Virginia. One district, 329,000; another district, 422,000.

Wisconsin is quite evenly distributed; but even there, one district has 319,000; another has 530,000.

In other words, malapportionment of the State legislatures leads to malapportionment of the national House of Representatives. In the past, I have calculated that malapportionment costs the cities and suburbs between 25 and 35 seats, and results in the decisions of the national House of Representatives being weighted and biased in favor of the small areas and against the cities and suburbs.

When we consider this fact in conjunction with the fact, established by the Constitution, which we cannot change, that 25 percent of the population elect a majority of the U.S. Senate, I think we can see the handicaps under which the big States and big cities labor, both in the National Government and in the State governments, as well.

I am saying all this to lay a factual base to reply to the Senator from South Carolina [Mr. THURMOND], who denied that there was any malapportionment in the State legislatures. I ask Members of Congress, the press, and the general public to read these figures over the next 10 days, during a part of which time the Democratic National Convention will be in session, before the Senate returns to pass upon the Dirksen amendment and the Tuck bill.

WHY HAS MALAPPORTIONMENT CONTINUED SO LONG?

There is an interesting question as to why malapportionment has been allowed to continue for so long and why there is such violent opposition to reapportionment. The Senator from Wisconsin [Mr. PROXMIER] has stated over and over again one of the predominant reasons; namely, that reapportionment would require the consolidation of small districts, and that many of the legislators from those small districts would lose their jobs. That is a powerful reason; it may be the major reason; but it is not the only reason.

Another reason is that the private utilities and big industrial interests know that they can control the legislators from the sagebrush counties and the rural counties to a greater extent than they can control legislators from urban and suburban districts. They can tell the legislators from rural districts, "This does not concern your people; it is only a question for city folks."

THE ILLINOIS EXPERIENCE

We have had that experience in Illinois for 70 years. Illinois had a great Governor, John Peter Altgeld, who tried to improve the structure of the State and tried to prevent Charles T. Yerkes from stealing the streets of Chicago. He found lined up against him the senators and representatives from the small rural counties.

For many years in Illinois we tried to pass child labor legislation and legislation to aid women, but found opposition coming from the same groups.

RHODE ISLAND

I suppose the modern generation does not remember the writings of David Graham Phillips or Lincoln Steffens, who,

around 1910, wrote "The Treason of the Senate." He clearly analyzed where the power lay in the State of Rhode Island.

In Rhode Island there was a blind political boss by the name of Brayton. He governed the State. He did not have much education, but he ran the State, and he ran it in the interest of the trolley lines, the private utilities, the telephone companies, the textile mills, and other manufacturing establishments of Rhode Island. He saw to it that labor legislation was not passed and that public utilities legislation to protect the people was not passed.

The experience of those States can be duplicated all over the Nation.

What one finds when he gets into those battles is that the corporate interests that want to control the Government think they can control it better through the rural areas than through the urban and suburban areas, whose people will have to pay the price and who, therefore, will be more responsive to the needs of the people.

PREJUDICE AGAINST CITY FOLKS LIES BEHIND OPPOSITION TO FAIR REPRESENTATION

I am sorry to say that those are not the only factors. There is also a deep prejudice against city folks. This has cropped out on the floor of the Senate in recent days in the rather bitter remarks made by Senators for whom otherwise we have a high regard.

References have been made to city folks as being inferior to country folks, and cities have been held up to scorn.

I grew up as a high school boy in a small town which had 1,500 people. But I have also lived in the woods, in an unincorporated township which had 76 people. I think I know isolated life and small-town life.

I attended a university in New York City, and for some years knew the life of that city as I do that of Philadelphia and the cities of the west coast. I have lived and worked in the city of Chicago for 45 years. I know city life. People are basically the same in the city as in the country—no worse, perhaps no better—but no worse, certainly.

The people who live in cities have difficulties. They are crowded close together. That produces uneasiness. On the other hand, they have cultural advantages which are hard to get in the country. Where are the great orchestras of the Nation located? In the cities. Where are the great art museums? Where are the great publishing houses? Where are the great newspapers? We find those agencies in the cities.

Furthermore, in the cities we find a variety of people. This teaches tolerance. The cities have been the great Americanizing influence. We have taken in the Irish. There was much complaint about the Irish, but they have become full-fledged citizens and have properly been accepted in their own right. The same is true of the Germans, Italians, Jews, and Poles. Now we are getting Negroes, Puerto Ricans, and others. Each group when it comes in has its difficulties of readjustment to city life and to a new environment. But the genius of America has been that by giving equal opportu-

nity, we enable these people gradually to become absorbed, and the intervening difficulties largely pass away.

(At this point, Mr. McGOVERN took the chair as Presiding Officer.)

Mr. DOUGLAS. Mr. President, I am confident that this will apply in the case of Negroes and Puerto Ricans, just as it has applied in the case of the Irish, Germans, Jews, Italians, Poles, Lithuanians, and all the rest. I deny that any one of these groups is innately inferior to the other. They may be handicapped because of lack of opportunity, but I deny that they are innately inferior. I believe I can speak on this subject without prejudice because so far as I can trace my ancestors, they came to this country in the year 1700, and to my knowledge every drop of my blood is Anglo-Saxon. I am very proud of the Anglo-Saxon race—and of my Scottish blood. We Scotch are not the most lovable people in the world, but we have made great contributions to industry, politics, engineering, and a whole range of other aspects of our life.

Music came to this country, primarily, with the Germans who settled in the cities along the Ohio River—Louisville, Cincinnati, and with the turn of the river up in St. Louis; they were the centers of music.

Where would city orchestras be without the Jews and the Italians?

Where would the painters be without these same groups?

Where would the physicists be without these elements in the population?

It has been my experience and my great good fortune to know many of the Nobel Prize winners in the field of physics. If we trace their ancestry and their origin we will find that an extraordinary percentage of them came from outside the United States of America. Indeed, the atom bomb which was developed at the University of Chicago was largely accomplished by emigre scientists. Enrico Fermi was one of my acquaintances—although not an intimate friend. He came from Italy.

James Frank was a Nobel Prize winner in physical chemistry, and a friend of mine. He came to this country as a result of the persecution of the Jews in Germany.

I simply wish to say that we Anglo-Saxons should get over the idea that we are innately superior to every other race under the sun. I say that as one who is proud of the Anglo-Saxon race. We have made great contributions but we are not the only ones; yet behind this attack on the cities is distrust of city folks, distrust of first generation, second generation, or third generation Americans of foreign origin. It is about time we got over those prejudices and recognized that people in the mass are approximately as good as anyone else if given an equal opportunity. All too often they are not given an equal opportunity and then we condemn them for not rising to the level of others who have had superior advantages. That is one element in the effort to prevent the cities and the suburbs—I emphasize the suburbs—from being properly represented.

CORRUPTION EXISTS IN THE COUNTRY AS WELL
AS IN THE CITY

There have been some remarks made about corruption in the cities and that corruption is an urban phenomenon. Let me say that I have known a lot of country districts where the votes were stolen and miscounted. I could testify to that about my own State of Illinois—people who indulge in various shadowy practices and then point the finger of scorn at Chicago.

In Chicago, virtually every precinct has voting machines. It is almost impossible to cheat on voting machines. The second concentration of Democratic strength, namely East St. Louis, opposite St. Louis, has voting machines, too. But there are very few counties in the State of Illinois under Republican domination which have voting machines. I do not know of any. What sometimes happens to ballots in those counties is strange and wonderful to behold—and we cannot always behold it. We know of downstate counties where the count has been held up for days while the county officials were waiting to see how much of a majority they needed in order to carry the State for the Republicans.

It is true in the past that we had abuses in Chicago in voting. That was largely in the unhappy period in the 1920's when William Hale Thompson was mayor of Chicago, Len Small was Governor, and Samuel Insull dominated the business world. What politics did those men have? Mayor Thompson was one of the most disgraceful mayors the country ever had. He was a Republican. What politics did Len Small have? He was a Republican.

What politics did Samuel Insull have? He was a Republican, though from time to time he would try to buy off the Democratic Party with the small change, giving the big money to the Republicans.

WE SHOULD RECOGNIZE AND JUDGE PEOPLE FOR
WHAT THEY ARE; NOT WHERE THEY LIVE

It is about time we gave up this hypocrisy and recognized people for what they are, not according to our prejudices. I have faith that people if represented approximately in proportion to their population will get legislation which in the main will conform to the interests of the people.

If any of my downstate friends in Illinois doubt this, let me say that the Chicago delegation and the Illinois Legislature generally vote for the benefit of downstate. We support the Rural Electrification Administration even though there is not a single cooperative light bulb in the city of Chicago. The Representatives from Chicago do that in Congress. While the Republican downstate representatives generally vote against REA in the legislature—and in Congress almost invariably. I could continue for some time. Let me say that the reform movement in this country began in the cities. There were some great mayors in the region around the Great Lakes. There was Golden Rule Jones of Toledo who was succeeded by Brand Whitlock, and for 16 years they gave that city one of the most immaculate administrations it ever had. They were attacked by

predatory groups at the time, but they really tried to apply the Golden Rule.

Over in Cleveland, Tom L. Johnson the millionaire, who saw the light, tried to make Cleveland a great city. He was opposed by Mark Hanna and the group around Mark Hanna. In St. Louis Joseph W. Folk fought for civic reforms.

Up in Detroit there was a man who is now somewhat forgotten but whose statue fortunately still stands in Cadillac Square in Detroit—Pinger—who was mayor.

These reformers started an awakening to decency in the 1890's, and in the early days of the 20th century, which spread into State governments and into Bob LaFollette's Wisconsin and Altgelt's Illinois. That movement has not died down but is still going and some of us like to think, that we are trying our best, to continue that tradition.

Mr. President, I shall return to this subject later when we come back after Atlantic City, but I wish to say that no more dangerous set of measures has ever been proposed than the Dirksen amendment and the Tuck bill. I hope that in the 10 days breathing spell which we now have, the people and the individual Members of Congress may go into them in detail and recognize the threat which they constitute.

Mr. President, I yield the floor.

PROGRESS IN LEGISLATIVE
PROGRAM

Mr. MANSFIELD. Mr. President, another week has concluded, and again the Senate has made significant progress toward completing its work. This week's accomplishments are most noteworthy.

We cleared for the President the State, Justice, Commerce appropriations bill through the efforts of the distinguished chairman of that Subcommittee on Appropriations [Mr. McCLELLAN] and the ranking minority member [Mrs. SMITH].

We cleared for the President the so-called meat import bill through the efforts of the distinguished chairman of the Committee on Finance, Senator BYRD of Virginia, and the cooperation of the ranking minority member of the committee, Senator WILLIAMS of Delaware. I had a particular interest in this bill. I again want to thank the chairman and all members of the committee for their consideration and willingness to meet, with appropriate legislation, this critical situation.

We cleared for the President the interest equalization tax legislation through the efforts and skill of the distinguished Senator from Louisiana [Mr. LONG] and the cooperation of the distinguished Senator from New York [Mr. JAVITS] and the distinguished Senator from Utah [Mr. BENNETT], both of whom presented their opposition to the legislation ably and thoroughly, but concisely, and in as expeditious a manner as possible.

We passed the Labor-HEW appropriations bill through the effort and skill of the distinguished Senator from West Virginia [Mr. BYRD], who was called upon to present the bill on such short notice

due to the hospitalization of the distinguished chairman of the subcommittee [Mr. HILL].

The bill was presented and passed expeditiously through the efforts and cooperation of the ranking minority member of the subcommittee [Mr. COTTON] and the distinguished Senator from Mississippi [Mr. STENNIS] and the distinguished Senator from Wisconsin [Mr. PROXMIER] and the Senator from Ohio [Mr. LAUSCHE], both of whom presented their opposition in a most constructive manner; and the distinguished Senator from New York [Mr. JAVITS] and the Senator from Texas [Mr. YARBOROUGH], who presented their views and suggestions for improvement most ably and succinctly.

We cleared for the President the housing bill through the efforts of the distinguished chairman of the Subcommittee on Housing [Mr. SPARKMAN] and the distinguished Senator from New York [Mr. JAVITS].

We cleared for the President the military construction bill through the skill and efforts of the distinguished Senator from Mississippi [Mr. STENNIS] and the cooperation of the distinguished Senator from Massachusetts [Mr. SALTONSTALL].

We cleared for the President the Northwest power bill through the efforts of the distinguished Senator from Washington [Mr. JACKSON], the distinguished Senator from California [Mr. KUCHEL], and the Senator from Colorado [Mr. ALLOTT] and others.

We cleared for the President the Wilderness System legislation through the skill and efforts of the distinguished Senator from New Mexico [Mr. ANDERSON] and the distinguished Senator from Colorado [Mr. ALLOTT].

We cleared for the President the agricultural appropriations bill through the efforts of the distinguished chairman of that subcommittee [Mr. HOLLAND] and the distinguished ranking Republican Member, the Senator from North Dakota [Mr. YOUNG].

We cleared for the President the migratory workers bill through the efforts of the distinguished Senator from New Jersey [Mr. WILLIAMS] and the distinguished Senator from New York [Mr. JAVITS].

We cleared for the President the Fire Island National Park bill through the efforts of the distinguished Senator from Nevada [Mr. BIBLE] and the distinguished Senators from New York [Mr. KEATING and Mr. JAVITS].

The program this week again should make each Member of this body—Republican and Democrat—experience a genuine sense of accomplishment. Again, I must pay special tribute to the distinguished minority leader [Mr. DIRKSEN] for the exemplary spirit of cooperation he engenders in every Member.

The record of this body these past few weeks is but indicative of the truly outstanding accomplishments performed in this session of the Congress. As we get ready to recess in the next hour or so to ready ourselves for the festivities in Atlantic City—when I speak of festivities, I speak of the Democrats only; the Re-

This is a landmark bill. It is satisfying to know that after we have struggled for years to have the Senate pass a sound piece of legislation, some accomplishment, at long last, has been attained.

Mr. PELL. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. PELL. I thank the Senator from Oregon. As a comparatively new Senator, I have received particular delight, because in the previous Congress, although we were successful in having a bill reported from committee, we were unsuccessful in having it passed by either body. I know how long the Senator from Oregon and other Senators have worked for this measure. I am grateful for their success.

Mr. MORSE. I thank the Senator from Rhode Island.

Mr. HUMPHREY. Mr. President, I thank the Senator from Oregon for his courtesy in yielding and for his generous remarks.

Mr. MORSE. I thank the Senator from Minnesota.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 1136) to authorize the Secretary of the Army to pay fair value for improvements located on the railroad right-of-way owned by bona fide lessees or permittees.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4844) relating to the release of liability under bonds filed under section 44(d) of the Internal Revenue Code of 1939 with respect to certain installment obligations transmitted at death.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5739) to amend the Internal Revenue Code of 1954 to correct certain inequities with respect to the taxation of life insurance companies.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10467) to continue for a temporary period certain existing rules relating to the deductibility of accrued vacation pay.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill

(H.R. 12196) to amend the District of Columbia Police and Firemen's Salary Act of 1958, as amended, to increase salaries, to adjust pay alignment, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore:

S. 4. An act to establish a National Wilderness Preservation System for the permanent good of the whole people, and for other purposes;

S. 3049. An act to extend and amend relating to housing, urban renewal, and community facilities, and for other purposes;

H.R. 439. An act to provide for the establishment of the John Muir National Historic Site in the State of California, and for other purposes;

H.R. 931. An act to provide for the establishment of the Allegheny Portage Railroad National Historic Site, and the Johnstown Flood National Memorial in the State of Pennsylvania, and for other purposes;

H.R. 1794. An act to authorize payment for certain interests in lands within the Allegheny Indian Reservation in New York, required by the United States for the Allegheny River (Kinzua Dam) project, to provide for the relocation, rehabilitation, social and economic development of the members of the Seneca Nation, and for other purposes;

H.R. 3545. An act to amend section 131 of title 13, United States Code, so as to provide for taking of the economic censuses 1 year earlier starting in 1968;

H.R. 4364. An act to provide for the free entry of certain articles imported for the use of certain universities;

H.R. 5837. An act to amend the act entitled "An act to authorize the purchase, sale, and exchange of certain Indian lands on the Yakima Indian Reservation, and for other purposes," approved July 28, 1955;

H.R. 6910. An act to provide for the settlement of claims against the United States by members of the uniformed services and civilian officers and employees of the United States for damage to, or loss of personal property incident to their service, and for other purposes;

H.R. 8960. An act to amend section 27 of the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of coal on the public domain, and for other purposes;

H.R. 9178. An act to amend section 8(b) of the Soil Conservation and Domestic Allotment Act, and for other purposes;

H.R. 10178. An act to authorize the Smithsonian Institution to employ aliens in a scientific or technical capacity; and

H.R. 11846. An act to amend the act of August 19, 1958, to permit purchase of processed food grain products in addition to purchase of flour and cornmeal and donating the same for certain domestic and foreign purposes.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair (for the President pro tempore) announces the appointment of the Senator from Mississippi [Mr. STENNIS] as a member of the delegation on the part of the Senate to the Interparliamentary Union Conference at Copenhagen, beginning August 22, vice the Senator from Ohio [Mr. LAUSCHE], resigned.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that he had presented to the President of the United States the following enrolled bills:

On August 20, 1964:

S. 284. An act for the relief of Ethel R. Loop, the widow of Carl R. Loop;

S. 1006. An act to amend the act of June 12, 1960, for the correction of inequities in the construction of fishing vessels, and for other purposes;

S. 2288. An act for the relief of John J. Feeney;

S. 2944. An act for the relief of the Greater Community Hospital Foundation, Inc.; and S. 3075. An act to amend the Atomic Energy Act of 1954, as amended, and for other purposes.

On August 21, 1964:

S. 26. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Dixie project, Utah, and for other purposes;

S. 193. An act to promote the conservation of the Nation's wildlife resources on the Pacific flyway in the Tule Lake, Lower Klamath, Upper Klamath, and Clear Lake National Wildlife Refuges in Oregon and California and to aid in the administration of the Klamath reclamation project;

S. 1007. An act to guarantee electric consumers in the Pacific Northwest first call on electric energy generated at Federal hydroelectric plants in that region and to guarantee electric consumers in other regions reciprocal priority, and for other purposes;

S. 1169. An act to authorize a per capita distribution of \$350 from funds arising from judgments in favor of any of the Confederated Tribes of the Colville Reservation; and

S. 2961. An act to provide for the disposition of the judgment funds on deposit to the credit of the Northern Cheyenne Tribe of the Tongue River Indian Reservation, Mont.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. MORSE. Mr. President, I do not know how I could pay greater respect to the Senator from Illinois [Mr. DOUGLAS] for the brilliant, cogent, unanswerably logical speech that he has made against the Dirksen amendment and the Tuck bill than to make a very few remarks of my own supplementing two speeches that I have already made on this subject matter.

I say to my friend from Illinois that I have never felt better in all my 20 years in the Senate. I have recently had a health report that announces that I am in a No. 1 condition. It would be interesting to see if cloture can be applied to those of us who seek to prevent the passage of an obviously, patently, clearly unconstitutional act. I want the Senator to know that, if he will not take offense, I know him so well, I want him to know that I have waited for some 20 years in the Senate to get liberal Senators to openly, confessedly filibuster with me.

This is the first time that I have had Senators tell me that they were going beyond the point of a prolonged debate.

It is important when we get to the point of seeking to protect the American people from the attempt to put a yoke

around them of unconstitutionality and deny to them a precious right that the Supreme Court has handed down in the case of Baker against Carr, that we should filibuster until the country can speak. If there had not been Senators such as the Senator from Illinois [Mr. DOUGLAS] or the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Pennsylvania [Mr. CLARK] and the Senator from Michigan [Mr. McNAMARA] and the others who have participated in the debate in the past 10 days or so, to the end that the leadership of this body has laid aside from time to time the Dirksen amendment and taken up other business of the Senate, we would already have passed in this body the Dirksen amendment which, as I said the other day, is patently unconstitutional. And we would have undercut and undermined the judicial processes of this Government. And we would have aided and abetted one of the most malicious, subversive trends in this country. It is a trend that is sweeping the Nation now—the trend that seeks to build up a disrespect for the U.S. Supreme Court.

I would have the American people remember that all their constitutional rights, and the preservation of all their constitutional rights hinges upon the protection of the inherent constitutional power that the U.S. Supreme Court decreed in the 1803 decision of Marbury against Madison. I am willing to stand in the Senate and protest the Dirksen amendment for as many hours as it may take, until finally the American people will come to their senses and make perfectly clear to their Senators from the 50 States of this Republic their obligation to see to it that the Dirksen amendment is not passed.

I disassociate myself from the comments that were made on the floor of the Senate, not only today, but in the past days, that all that is sought is to get the time for the legislatures to act.

The rotten borough legislatures of the country want the defendant to pass judgment upon his own guilt and impose his own sentence, which would be, of course, a rotten acquittal.

Mr. President, I have abiding faith in the judgment of the American people, once they get the facts. But there has been so much confusion in regard to this matter because of the platitudinous propaganda that has been fed to the American people by so much of the press, although at long last we are getting some editors—not enough, but we are getting some editors—to start analyzing the constitutional dangers of the Dirksen amendment.

As the Senator from Illinois said in his closing remarks, I believe it is good that we will have a recess or adjournment, for 10 days. I believe it is good that the American people will have a few days in which it may be possible, if the information can be presented to them, to reflect upon the arguments that have been made in the past 10 days or 2 weeks against the Dirksen amendment. Because of the recess for 10 days, this is the last opportunity I shall have, until the Senate reconvenes, to make a few brief remarks in opposition to the Dirksen amendment.

So that no one will be taken by surprise, I have already notified the leadership. I have cooperated again, as I have for years here in the Senate, in withholding my speeches until the end of the day on the subject matters that do not involve the particular pending business of the day.

I have three topics that I shall discuss tonight briefly.

I shall discuss briefly my opposition to the Dirksen amendment. I shall call the attention of the Senate and the country to our involvement, to our discredit, in the Turkish atrocities against Cyprus. I shall once again speak out in opposition to, and criticism of, the making of war by the United States in southeast Asia.

REAPPORTIONMENT—THE DIRKSEN AMENDMENT

Adjournment of Congress has been held up by a last-minute effort to change the jurisdiction and authority of the Federal courts to prevent them from enforcing reapportionment orders upon State legislatures.

It reveals a rather interesting fact of our political life. The Federal courts have upheld constitutional rights relating to race, and relating to unpopular and radical ideas in decisions that have caused great public controversy and outcry. But the only time Congress moved to curb the courts was when they enforced the constitutional right to equal representation in the State legislature. Obviously, this group of decisions, starting with Baker against Carr in 1962, touched the heart of political machinery at the State and local levels that has survived decades of population shifts. So the Congress responded to the alarms from State politicians whose jobs were in jeopardy, although it did not respond to alarms over other decisions that had far greater impact upon the average citizen.

That is what the Senator from Illinois [Mr. DOUGLAS] got through pointing out a few moments ago. Politicians at the State and the local level, who hold their offices under a rotten borough system in the United States, see that time has caught up with them and that at long last the Supreme Court has caught up with them. They are putting on a terrific political power drive to prevent reapportionment on the basis of the sound, democratic principle that one person should have one vote.

His vote should be weighted as one vote and not weighted as four, five, or six votes, which is exactly the case in those areas in which the city dweller is allowed much less weight as far as his voting influences are concerned than the rural dweller.

Every Senator has a right and a duty to speak on this subject. But I am pleased to say, with State pride boasting, that no one has a greater right to speak on it than the Senators from Oregon, for Oregon has, for the time at least, solved the problem. Oregon is the purest democratic State in the Nation. Oregon has a popular government to a degree that no other State of the 50 States has. Oregon has direct control of the politicians by the people. Oregon has operated for years under the famous Oregon system of initiative, referendum, and recall. Oregon has no strings attached to

its popular government, for the legislature cannot control in any way the exercise of the Oregon initiative and referendum. The Oregon people, by the exercise of popular government, have placed themselves at all times above the politicians and in control of the politicians, and have the authority to take away from the politicians unsound action taken by them in the legislature. The people of Oregon, by the initiative process, have reapportioned in accordance with population. The people of my State, to a degree that no other State has reached, have made perfectly clear that one vote in Oregon shall have the weight of but one vote. They have also rejected a proposal that the State constitution be changed to permit the "rotten" borough system to gain a foothold.

That is what this issue is about. At long last, will we support the decision of the Supreme Court on constitutional grounds or will the Congress of the United States be a party to weakening the prestige for and the respect of the American people in the Supreme Court?

I should like to say to the American people from my desk in the Senate tonight: "If you permit yourselves to be victimized by this propaganda, you will deserve exactly what you get."

Mr. President, I should like to say to the people in the rural areas of America: "You have as much of a precious right at stake in seeing to it that the decisions of the Supreme Court are upheld by the defeat of this vicious proposed legislation that seeks to undercut the judicial authority of the Supreme Court as any citizen voting in any metropolitan area of the Nation."

If the time ever comes when we cease to have a government based on three coordinate and coequal branches of government, but in contrast thereto have a government in which either the executive or the legislature becomes supreme, it will only be a question of time before the American people will cease to be the masters of their Government. That means that the liberty and the freedom of the individual will soon degenerate and wither away.

So I plead once again tonight for the American people to settle this question. I say to the American people that if we let this question come to a vote in the Senate now, the Dirksen amendment will be adopted.

We have no intention of preventing a vote from ever occurring. But as I have been heard to say many times in my 20 years in this body, sometimes it is necessary to stand against the tide. Sometimes it is necessary to stand against the overwhelming majority until the people have an opportunity to speak. Frequently, when that happens, the overwhelming majority withers away, and what was a majority changes into a minority, and what was a minority changes into a majority.

For 13 days and 6 nights in 1954 we filibustered the Eisenhower giveaway of the taxpayers' rights and interests in the atomic energy program. We added to it one amendment after another to protect the public interest, not one of which

would have been adopted had we yielded to the steamroller in 1954.

Mr. President, we let the issue come to a vote after the people had been heard from. It was very interesting to hear the conversations of Senators who early in the debate were very critical of us, but who ended up voting with us.

I shall tell the Senate why they voted with us. They heard from the people.

Had we not consumed that time, the people would never have had an opportunity to be heard from. My faith is such—perhaps I should say my hope is such—that Members of the Senate will hear from the people in the next 10 days, for I am satisfied that, abstract as this problem is, technical as this problem is, if we can get the salient facts of this problem across to the American people, they will make clear to their representatives in Congress their opposition to this giveaway. This giveaway is worth much more to them than the \$14 billion of the Eisenhower giveaway program in the atomic energy bill of 1954. A dollar value cannot be put on this giveaway, for it concerns precious constitutional rights, and they are priceless. Yet the House of Representatives has passed a bill to forbid all Federal courts from hearing reapportionment cases.

I want the Americans voters to have a little time to reflect upon what their elected Representatives have done in the House of Representatives. Then I want them to remember that an election is to be held in November. There is only one place to teach politicians the truth about the desires of the voters, and that is at the ballot box. There are many politicians in both Houses of Congress who ought to take a shellacking and a whipping and a retirement in November.

Mr. President, I say to the American people: "Please bear in mind that the reapportionment cases, like the civil rights cases, have arisen from that portion of the 14th amendment to the Constitution which requires that each State must give its citizens equal protection of the law."

In article VI of the Constitution, the so-called Federal supremacy clause states:

This Constitution, and the laws of the United States, which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land, and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

Every American citizen recognizes that that is one of the great blessings of constitutionalism, from which flow the constitutional rights of the American people. It is difficult for them to understand fully why we who protest the Tuck bill and the Dirksen amendment feel as strongly about them as we do.

Thus it was that the Federal courts found that equal protection of the law is denied to people when their State legislature is apportioned by area rather than by population. That is exactly what is sought to be perpetuated in the Tuck bill and the Dirksen amendment. Now it is proposed to forbid the courts to hear

those cases and to apply the ban retroactively to cases already decided, but where reapportionment has not actually been carried out.

That such a law is beyond the power of Congress to enact is made evident again by the Constitution itself. The Constitution states that "the judicial power shall extend to all cases, in law and equity, arising under this Constitution." It does not say "some"; it does not say "the cases that Congress shall select"; it says—and I repeat it, for this is a key provision of the Constitution that is controlling in the jurisdictional issue.

(At this point, Mr. SALINGER took the chair as Presiding Officer.)

Mr. MORSE. That "the judicial power shall extend to all cases, in law and equity, arising under this Constitution." The Congress has certain authority to determine when an appeal can be taken, but it has no authority whatsoever to prevent all Federal courts from hearing cases arising out of an alleged denial of a constitutional right, as the Tuck bill provides.

On the contrary, Mr. President, Chief Justice Marshall in 1803, in *Marberry* against Madison, settled for all time under our Constitution that the power to decree constitutional rights vests in the court and nowhere else. The Constitution vests no power in the Congress or in the executive branch of the Government to construe constitutional rights. That power resides in the U.S. Supreme Court. Does that mean an unchecked power? Of course not. For all these powers of the Federal Government are ultimately vested in the people.

So, the Constitution provides for a constitutional amendment process but that is the only process. That is the only procedure. That is the only check. That is the only check that can reverse the Supreme Court.

Unfortunately, this whole proposal was passed by the House of Representatives. The Senate has a different version, the Dirksen amendment. It acts to direct the Federal court so that execution of reapportionment orders will take at least 2 years. The purpose of the delay is to give the States time to adopt a constitutional amendment preserving their malapportionment. In my opinion, this, too, is unconstitutional. The Congress has no power to direct the courts on how to exercise the judicial power any more than it can take away that judicial power.

I have made the argument that the Congress has no authority to take away judicial power. It has no authority to direct the Supreme Court as to how it shall exercise that judicial power. The particular proposal known as the Dirksen amendment has been offered as an amendment to the foreign aid bill. I shall continue to oppose it as an illegal interference with the judicial department of our Government, and an unwise attempt to perpetuate malapportionment within the States.

It has been suggested to me that I should remain silent on this matter because I am against foreign aid. I am against foreign aid in the form of the present bill, but I am not against for-

eign aid, as I have said many times. I would vote more money for foreign aid than any administration in recent years has proposed, but I will not vote any money for foreign aid on the basis of the programs of foreign aid that the administrations in recent years have proposed. That is the difference. But because I am against foreign aid, I am not going to be a party to legislating by rider or using the legislative rider to accomplish an end that I should like to see accomplished because I object to the means.

That is why some problems have not been solved at the State level—urban renewal, sewage problems, pollution of streams, juvenile delinquency problems, crime problems, we can go on down the long list of needed social welfare legislation and find that the States have not made themselves instrumentalities for the solution of those problems at the State level. Thus, we have seen the mayors of our large cities, and the Governors of our States, come to the Federal Government pleading with the Federal Government to exercise Federal jurisdiction. The Federal Government has had to do it if it is going to protect the general welfare of the American people.

I do not believe in the dangerous fallacy that the end justifies the means. I believe that it is a mistake to legislate by legislative rider. This particular legislative rider is so inherently bad that I could not possibly remain silent while it is offered to a bill that I should like to see defeated; namely, the present foreign aid bill. The foreign aid bill should be beaten on the basis of its demerits—and it is honeycombed with demerits.

After all, States have declined as an instrument of government because of their failure to reapportion their legislatures according to the population. As the Senator from Illinois pointed out this evening, because of the rotten-borough system which exists in many of our States, where the rural areas dominate the State legislatures, where one vote in the rural area has more weight than a vote in the city, the States have been unable, through their State legislatures, to adopt needed progressive legislation essential to protecting and developing the general welfare of the people of the State.

Let me say to the so-called States' righters that the reason the Federal Government has had to exercise more and more authority within its constitutional prerogatives is that the States have failed to furnish needed services. And they have to furnish them because they have perpetuated the rotten-borough system. They have not reapportioned their legislatures so that one vote throughout a State means one vote, and undue weight is not given to a vote from a rural area.

Thus, I repeat, the cities have been unable to have their problems considered at the State level through legislations, so they have come to Washington for programs.

Reapportionment as required by the Federal courts will revive and reinvigorate the States. Those who wish the States restored to active participation in the Federal system should join in wel-

coming action of the courts, and join in opposing these measures pending in the Congress.

It is my plea and my fervent hope that the American people, in the 10-day recess that will now take place before we reconvene following the Atlantic City convention, will make clear to its representatives in the Congress that they wish both the Tuck bill and the Dirksen amendment defeated.

THE CYPRUS ISSUE

Mr. MORSE. Mr. President, I now turn to the second of the three topics that I announced at the beginning I would discuss tonight.

I read a telegram that I have received from Dr. William Angelos, president of the Order of Ahepa, a Greek organization, Mount Hood Chapter, Portland, Oreg.

I read the telegram, really, as a prayer, to which I most appropriately will say at the end, "Amen."

The telegram reads:

The unprovoked attack by the Turks upon the Cyprus people constitutes a violation of sovereignty of the Cyprus Republic. We urge the U.S. Government to permit the United Nations to settle this controversy around the conference table where justice will prevail and war be averted.

To which I say: "Amen."

Amen. That ought to be the prayer of every lover of peace. Mr. President, unless the acts of aggression against Cyprus and the internal strife of Greek Cypriot against Turkish Cypriot come to an end, there is serious danger that the conflict over Cyprus will lead to a Mediterranean war. And history shows that when war breaks out in that part of the world, it has a tendency to extend far beyond that part of the world. Even the assassination of an archduke can lead to a world war.

One cannot view what is going on in the Cyprus area, by way of violation of international law without being as concerned as I am about the danger of the Cyprus issue spreading into a broadened international conflagration.

We had better take a look at our new policies. For it is the United States of America, our own country, that has supplied the planes; that has supplied the napalm bombs, the atrocious, inhumane fire bomb; that has supplied all of the military equipment used by the dictatorship government of Turkey to violate one international convention after another in its atrocious attack upon Cyprus.

Interestingly enough, we have supplied all of the military equipment to Greece, under our notorious military aid program, that now puts Greece and Turkey in a position where they are a threat to the peace of the world. They are now rattling American military aid as a threat to the peace of the world. And Turkey is using NATO equipment to carry on its devastating, inhumane, atrocious attack against Cyprus.

Why, I would not be a bit surprised if some Senator in a speech might refer to those as rash words. They are conservative words, Mr. President.

The radicals, people who are resorting to rashness, are the people in this body who are trying to defend this Government's policies in the field of foreign policies where those policies are resulting in aggressive courses of action. They are the radicals, Mr. President. Those of us who dare to stand up in this body and criticize our Government for supporting aggression around the world, and for being instrumental in making it possible for aggression to be carried on around the world are the conservatives. Those of us who are pleading for peace are not radicals. And those of us who are pleading for peace are not rash. But those who are supporting this administration's policy in the field of foreign policy in respect to military aid being supplied to Greece and Turkey—when we know right along the great danger was that Greece and Turkey would go to war against each other, and when we knew right along that that military aid might be used for an attack on Cyprus—are the ones who are engaging in rash conduct. And their words in defense of that policy are words of rashness. Those of us who are pleading for peace, those of us who are pleading for a stopping of the killing, those of us who are pleading for the conference table, and those of us who are asking for political and diplomatic settlement of these disputes—we are the conservatives. We are the ones who are making pleas for moderation, not rashness.

This is a horrible thing that has occurred on Cyprus. This is a course of conduct by Turkey that will go down in the annals of history as another example of inhumanity to man, for this is a repetition of the atrocities of Hitler. There have been atrocities, too, against the Turkish Cypriots.

But this is a case of the Turks using some of the most modern planes that the United States produces, delivered to Turkey in just the last few weeks, to bomb innocent civilians, a hospital, and two ambulances—located miles away from any base of military action.

I regret that the protests of the American Government have not been much stronger—and to the United Nations—over this inhumanity of this Turkish dictatorship.

That is why some days ago I urged in the debate on the foreign aid bill, before it was laid aside, that military aid to Turkey and Greece be brought to an end.

Mr. President, Congress cannot justify granting one further dollar to either Turkey or Greece for military aid. It is American military aid to Turkey and Greece that is endangering the peace of the world. It is not worth anything to us as far as any defense against Russia is concerned.

I repeat, as I have said before, does anyone think that if we got into a war with Turkey, or with Russia, that the military aid we have given to Turkey and Greece would be of any military value to us? Not one whit. Not one whit. It would never be a conventional war. That would immediately proceed into a nuclear war. And it would be the nuclear power of the United States that

would protect Turkey and Greece—not the military aid that we have sent to Turkey and Greece. Much better that we had not spent these huge sums of money—over \$1 billion for Greece and over \$2 billion for Turkey in military aid from the United States to build up these powerful, conventional military machines of theirs that they are now using to threaten each other into a possible war between the two of them.

We are a funny people. We always like to exclude ourselves from the area of cause to effect. But we must assume our fair share of guilt, for words of warning have been raised in this body for some years. Words of warning have been raised here urging that we change the form of our foreign aid to Greece and Turkey, that we stop building up these two countries, these military juggernauts that now threaten the peace in the Mediterranean with the potentiality of threatening the peace of the world.

I would never have favored turning either the military or the economic aid over to the governments of either Turkey or Greece, because in Turkey we have built up a state industry, thoroughly economically corrupt.

Ten days or so ago I pointed out that we have built up state socialism in Turkey, a state socialism operated by military dictators. I am aghast that American political leaders still have the audacity to try to tell the American people that we are supporting freedom in Turkey. There is no freedom in Turkey. It is not a free society. It is a totalitarian society. We shall never further the cause of peace in the world by totalitarianism, and particularly by supplying military aid to totalitarian regimes or giving economic aid government-to-government to totalitarian regimes, because we shall get the same kind of misuse of it in other places as we have had in Turkey.

The Comptroller General has found shocking misuse of foreign aid funds in Turkey. Has anyone from the administration answered me on the floor of the Senate? No, because they cannot. Those facts are facts and they are unanswerable.

What is the alibi? We are doing it for political reasons. If it has not been demonstrated by now, it can never be demonstrated that we cannot buy political support, because people that would support such bribes will not stay bribed. I think that is about as clear a way to put it as it can be put in the king's English. We have tried to buy with American taxpayers' dollars political support around this world from totalitarians and they are using us, not we them. When it is to their purposes to defy us, they do so.

The same thing applies to Pakistan and India. We are building up there two powerful military machines as we built them up in Greece and Turkey, putting those two countries in a position so they can go to war and may go to war over Kashmir. We ought to stop that, too.

So I hope that the Cyprus situation may cause some of my colleagues in the

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CONTENTS

Appalachia.....3	Forest lands.....14	Ozark National Rivers...13
Appropriations.....10	Health benefits.....9	Pacific Islands.....12
Area redevelopment.....7	Land and water	Personnel.....8,9
Contracts.....6	conservation.....1	Public works.....7
Education.....4	Legislative program.....3	Recreation.....1
Electrification.....15	Lobbying.....2	Research.....6
Foreign aid.....5	Meat imports.....11	

HIGHLIGHTS; House received conference report on land-water conservation fund bill.

HOUSE

1. RECREATION. Received the conference report on H. R. 3846, to establish a land and water conservation fund to assist the States and Federal agencies in meeting present and future outdoor recreation demands and needs of the American people (H. Rept. 1847)(pp. 20474-5, 20479). The statement of the managers on the part of the House includes explanations of actions of the conferees as follows:

"Fourteen amendments...were adopted in the Senate. Amendments Nos. (1)-(5), inclusive, struck from the bill provisions permitting fees to be charged for access to or the use of water areas and for admission to wilderness areas. The conference report recommends acceptance of all these amendments except one, namely, that which would have prohibited the charging of any fee for access to water areas. It also recommends a further amendment to the sentence to which this last amendment was appended to make clear that the prohibition against charging fees for the use of waters applies only to Federal agencies.

"The striking of the references to "bodies of water" and to "land or water areas" in section 2 of the bill does not mean that the officers and agencies of

the United States charged with administration of the act may not, in fixing the amount of fees to be charged for admission to land areas covered by the bill, properly take into account the existence of reservoirs, lakes, streams, and other bodies of water which enhance the attractiveness of the areas for recreational use or that they may not take into account facilities which make such bodies of water accessible and usable for this purpose.

"Senate amendment No. 7 would have required officers of the United States, before establishing fees, to hold a public hearing at or near any area for which it was proposed to establish admission fees if such a hearing were requested by the Governor of a State in which more than 50 percent of the area is located. The conference report recommends that the Senate recede from this amendment.

"Amendment 10-13, inclusive, would have modified the House language in section 6(a)(1) with respect to the use of appropriations from the land and water conservation fund for land acquisition in national forest system areas (1) by restricting the use of this authority to inholdings within the presently existing boundaries of the forest system and (2) by providing that not more than 15 percent of the acreage acquired shall be west of the 100th meridian. The conference report recommends a substitute for the Senate amendment which will (1) retain the 15-percent limitation on land acquisition west of the 100th meridian, (2) allow acquisition of inholdings within the boundaries of wilderness areas of the national forest system as those boundaries are established at the time of acquisition, and (3) limit acquisition in other forest areas to inholdings within the present boundaries of the forests, but (4), notwithstanding this last restriction, allow land which lies outside the present boundaries of a forest but which would "comprise an integral part of the forest recreational management area" to be acquired with appropriations from the fund up to a maximum of 500 acres per forest.

"Senate amendment No. 14 would have added "the development of recreational facilities on lands owned by the Federal Government" to the purposes for which moneys might be appropriated from the land and water conservation fund. The conference report recommends that the Senate recede from this amendment.

"The conference report therefore recommends deletion of the Senate amendment referred to. The conference committee recommends that the Bureau of the Budget and other Federal agencies make appropriate adjustments in the amounts requested from conventional sources in the light of the fact that land acquisition costs, which have heretofore been borne by these sources, will now be financed, in whole or in part, from the land and water conservation fund."

2. LOBBYING. Received the quarterly report on lobbying activities. pp. 20480-509
3. LEGISLATIVE PROGRAM. Rep. Albert announced that in addition to the program previously announced for this week H. R. 11946, the Appalachian Bill, will be considered. p. 20473

SENATE

4. EDUCATION. Conferees were appointed on S. 3060, to extend the National Defense Education Act and laws providing aid to schools in federally impacted areas. House conferees have not yet been appointed. pp. 20413-5
5. FOREIGN AID. H. R. 11380, the foreign aid authorization bill, was laid aside temporarily for consideration of other measures. p. 20419

EXHIBIT 1

[From the New York Times, June 17, 1964]
**FALLOUT STUDIED IN ARCTIC PEOPLE—AIM IS
 TO MEASURE THE FOOD CONTAMINATION IN
 ALASKA**

(By Walter Sullivan)

BARROW, ALASKA, June 17.—The twin-engined transport plane of the Navy's Arctic Research Laboratory took off from here this morning on a strange mission, the ferrying of 5,000 lead bricks from Kotzebue to Arctic Village.

Its assignment is part of a Federal study to determine how much atomic bomb fallout has contaminated the food of Alaskan Eskimos and Indians. The bricks are used with 5,000 others to shield the subjects from outside radiation—particularly cosmic rays—while a sensing device then measures the radioactive materials that have been incorporated into their bodies over a period of time.

The laboratory here, operated for the Office of Naval Research by the University of Alaska, is aiding in the study as part of its support of polar research projects.

Those who live off the land in northern Alaska are under scrutiny because of the selective manner in which mosses and lichens on the tundra pick up and retain fallout material. These plants are eaten by Caribou that in turn, are hunted by the Indians and Eskimos.

The tests are being carried out for the Atomic Energy Commission in such communities as Anaktuvuk, in the path through which herds of caribou migrate across the Brooks Range twice each year.

The Anaktuvuk Eskimos are largely dependent for food and clothing on these migrations. They are believed to have one of the highest burdens of radioactivity of any group of people in North America.

CARIBOU POPULATION UP

In each community 100 inhabitants are given the whole-body radiation test, and in some places this constitutes more than half the population. Other locations include Barrow, Kotzebue, Point Hope, and Fort Yukon. Only those 14 years of age or older are being tested.

According to Max Brewer, director of the Arctic Research Laboratory, the summer Caribou population on that north slope of the Brooks Range has grown so large that many of the animals are falling victim to diseases such as brucellosis and hoof rot.

On a recent flight, he said, they looked like ants on the treeless slopes. There are perhaps a half million there, he said. The overpopulation seems to have resulted from the killing off of wolves by hunters. The caribou, spared their natural enemies, multiply until they overtax the food supply and become weakened.

This is in contrast to the situation reported in recent years from the barrens of the Canadian Arctic, where Eskimos dependent on caribou have starved because the herds were so depleted.

The laboratory planes also help the Fish and Wildlife Service of the Department of the Interior in its annual census of polar bears. The increasing use of light planes to locate the bears on the polar pack ice, with land hunters nearby, has been a source of concern to conservationists. The most recent flights, however, have not shown any dramatic drop in bear population.

POLAR EXPERTS ON TOUR

Mr. Brewer was host today to a group of visiting polar specialists who are on a tour of research facilities in the North. The laboratory receives a sizable portion of the Navy's \$2 million annual budget for arctic research.

Much of this goes into air operations, not only in support of other Government projects but also to supply the two stations that the

laboratory maintains on platters of ice in the Arctic Ocean. Both have drifted past the North Pole and far to the east of Alaska. One, Arlis 2, is moving toward the east coast of Greenland. The other, T-3, seems to be circling back toward the coast of Canada and Alaska.

The laboratory intermittently operates 21 camps that provide shelter for scientists who wish to work in the field. Eight of the camps were smaller radar stations of the Distant Early Warning Line until they were closed down as superfluous. Last year 229 scientists and technicians from a number of universities and Government agencies made use of the laboratory's facilities.

One of the studies here concerns the effect of hibernation on the longevity of squirrels. The findings, described by Mr. Brewer, are reminiscent of the old saying that the hearts of all mammals beat about the same number of times in a typical lifetime. The elephant's beats slowly and he lives long; the mouse's heart beats like a trip-hammer and its life span is correspondingly short.

When a squirrel hibernates, its pulse drops to one or two beats a minute and its body temperature falls to within a few degrees of freezing. The squirrel which curls into a ball can be tossed about like a football without awakening. However, it has been found that, if the squirrel is kept awake for its normal 2-month period of hibernation, it becomes senile in 2½ years instead of 5.

SOCIAL SECURITY AMENDMENTS
OF 1964

The PRESIDING OFFICER (Mr. NELSON in the chair). Is there further morning business? If not, morning business is closed.

The Chair lays before the Senate the unfinished business, H.R. 11380, the Foreign Assistance Act of 1965, which, under the order of August 21, 1964, will be laid aside temporarily so that the Senate may proceed to the consideration of H.R. 11865, the Social Security Amendments of 1964, which will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 11865) to increase benefits under the Federal old-age, survivors, and disability insurance system, to provide child's insurance benefits beyond age 18 while in school, to provide widow's benefits at age 60 on a reduced basis, to provide benefits for certain individuals not otherwise eligible at age 72, to improve the actuarial status of the trust fund, to extend coverage, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Finance, with amendments.

Mr. INOUE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROMOTION OF QUALIFIED OFFICERS OF THE ARMY AND AIR FORCE TO EXISTING UNIT VACANCIES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending

business be temporarily laid aside, and that the Senate proceed to the consideration of Calendar No. 1454, H.R. 2501.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 2501) to authorize the promotion of qualified Reserve officers of the Army and the Air Force to existing unit vacancies.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Armed Services with an amendment, to strike out all after the enacting clause and insert:

That clauses (6) and (48), section 1, of the Act of June 30, 1960, Public Law 86-559 (74 Stat. 264), are each amended by striking out "July 1, 1964" in the last sentence and inserting "July 1, 1965" in place thereof.

Sec. 2. Section 3383(e) of title 10, United States Code, is amended by striking out "July 1, 1964" and inserting "July 1, 1965" in place thereof.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1515), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL AS AMENDED

The bill as passed by the House would provide permanent authorization for the Army and Air Force to exceed present statutory ceilings for the authorized number of Reserve officers in each grade below lieutenant colonel for the purpose of promoting Reserve officers to fill unit vacancies and to appoint Reserve officers to fill mobilization requirements.

Under existing law the authority to exceed the authorized ceilings for unit promotions expired July 1, 1964. The committee recognizes the need for a temporary extension of this authority. The committee amendment deletes the provision for permanent authority to exceed the ceilings, but provides for a 1-year extension of this authority—until July 1, 1965.

The committee, while recognizing the need for this authority, is opposed to extending it for more than 1 year.

Prior to the 1960 amendments to the Reserve Officer Personnel Act of 1954, the promotion of officers to fill unit vacancies in the Army and the Air Force Reserves were subject to the overall grade ceilings. Under the Reserve Officer Personnel Act unit officers were eligible for promotion under two methods—the mandatory system or the unit vacancy system. However, between 1955 and 1960, overages in certain grades in the Army and Air Force Reserves components did not permit unit vacancy promotions to be made in most instances. In order to obtain relief from the statutory grade ceilings, the Department of Defense in 1959 requested that unit vacancy promotion be exempted from the overall ceilings for a period of 2 years. The bill as it passed the House containing the 1960 amendments to the Reserve Officer Personnel Act of 1954, would have provided for a permanent exemption from the grade

authorizations for the purpose of making unit promotions. As amended, in the Senate and subsequently enacted, the bill provided for a 4-year extension until July 1, 1964. A 4-year period was granted with the understanding that the services would make every effort during the 4-year period to reduce the excesses so that unit promotions could be made within the overall ceilings. While a limited number of actions have been taken, the grade structures of both the Army and the Air Force Reserves continue to be imbalanced.

The 1-year extension will permit the Army and Air Force to continue making unit promotions in excess of the authorized ceiling. At the same time, it will enable the Army and the Air Force to make a serious effort with respect to bringing their overall Reserve grade structure within the authorized strength ceilings in order for unit Reserve officers to receive unit promotions under the unit vacancy system. Unit promotions are authorized on a permanent basis under existing law. Subsequent to July 1, 1965, however, unit promotions would be subject to authorized strength ceilings for the various Reserve grades in the Army and Air Force.

It should be emphasized that unit officers are also eligible for promotion under the so-called mandatory system under which officers below the grade of colonel are considered for promotion at certain points of total service and time in grade.

DEPARTMENT OF DEFENSE POSITION

The Department of Defense in commenting on this legislation requested a 1-year extension for the authority to make unit promotions in the Army and Air Force in excess of the authorized ceilings. The departmental letter states that "during the period of extension, if authorized, the Army and Air Force will continue their efforts to eliminate or provide for the existing grade excesses using alternative measures."

THE EFFECT OF THE BILL

For members of the Air Force Reserve including the Air National Guard there would be a total of 1,491 officers in the grades of captain, major, and lieutenant colonel, who would receive unit vacancy promotions if the bill is passed. These officers without the authority of the bill would be denied unit vacancy promotions. The Army does not know precisely how many officers would be affected by the bill during fiscal year 1965. Only the grade of lieutenant colonel would be affected, however, and it is estimated there would be about 2,000 unit vacancies in the grade of lieutenant colonel. A certain portion of the officers occupying these vacancies, however, would receive promotions under the mandatory system, and would thereby fill the grade of their unit positions in this manner.

Authorized and assigned strengths, Army and Air Force Reserve

FOR DEPARTMENT OF THE ARMY

	Col. I, author- ized	Col. II, assigned	Col. III, overage
Colonel.....	5,100	4,139	
Lieutenant colonel.....	19,500	21,298	4,798
Major.....	35,750	29,131	
Captain.....	96,250	57,888	
Lieutenant.....	120,793	113,478	
Total.....	274,793	225,934	

FOR THE DEPARTMENT OF THE AIR FORCE

	3,600	2,328	
Colonel.....	9,200	14,114	4,914
Lieutenant colonel.....	28,000	34,274	6,274
Major.....	64,000	65,117	1,117
Captain.....	95,043	46,839	
Lieutenant.....			
Total.....	199,843	162,672	

AMENDMENT OF TITLE II OF SOCIAL SECURITY ACT—RETROACTIVITY FOR DISABILITY DETERMINATIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1455, H.R. 9393.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 9393) to amend title II of the Social Security Act to provide full retroactivity for disability determinations, to extend the period within which ministers may elect coverage, and to validate wages erroneously reported for certain engineering aids employed by soil and water conservation districts in Oklahoma.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Finance, with amendments, on page 8, after line 4, to insert a new section, as follows:

SEC. 4. (a) Section 209 of the Social Security Act (relating to definition of wages) is amended—

(1) by striking out "or" at the end of subsection (i);

(2) by striking out the period at the end of subsection (j) and inserting in lieu thereof "; or"; and

(3) by inserting immediately after subsection (j) the following new subsection:

"(k) Remuneration paid to or on behalf of an employee if (and to the extent that) at the time of the payment of such remuneration it is reasonable to believe that a corresponding deduction is allowable under section 217 of the Internal Revenue Code of 1954."

(b) Section 3121(a) of the Internal Revenue Code of 1954 (relating to definition of wages) is amended—

(1) by striking out "or" at the end of paragraph (9);

(2) by striking out the period at the end of paragraph (10) and inserting in lieu thereof "; or"; and

(3) by adding after paragraph (10) the following new paragraph:

"(11) remuneration paid to or on behalf of an employee if (and to the extent that) at the time of the payment of such remuneration it is reasonable to believe that a corresponding deduction is allowable under section 217."

(c) Section 3306(b) of such Code (relating to definition of wages) is amended—

(1) by striking out the period at the end of paragraph (8) and inserting in lieu thereof "; or"; and

(2) by adding after paragraph (8) the following new paragraph:

"(9) remuneration paid to or on behalf of an employee if (and to the extent that) at the time of the payment of such remuneration it is reasonable to believe that a corresponding deduction is allowable under section 217."

(d) The amendments made by this section shall apply with respect to remuneration paid on or after the first day of the first calendar month which begins more than ten days after the date of the enactment of this Act.

And, on page 9, after line 20, to insert a new section, as follows:

SEC. 5. (a) Clause (8) of section 1002(a) of the Social Security Act is amended to read as follows: "(8) provide that the State

agency shall, in determining need, take into consideration any other income and resources of the individual claiming aid to the blind, as well as any expenses reasonably attributable to the earning of any such income, except that, in making such determination, the State agency (A) shall disregard the first \$85 per month of earned income, plus one-half of earned income in excess of \$85 per month, (B) shall, for a period not in excess of twelve months, and may, for a period not in excess of thirty-six months, disregard such additional amounts of other income and resources, in the case of an individual who has a plan for achieving self-support approved by the State agency, as may be necessary for the fulfillment of such plan;".

(b) Clause (14) of section 1602(a) of such Act is amended to read as follows:

"(14) provide that the State agency shall, in determining need for aid to the aged, blind, or disabled, take into consideration any other income and resources of an individual claiming such aid, as well as any expenses reasonably attributable to the earning of any such income; except that, in making such determination with respect to any individual who is blind, the State agency (A) shall disregard the first \$85 per month of earned income plus one-half of earned income in excess of \$85 per month, and (B) shall, for a period not in excess of twelve months, and may, for a period not in excess of thirty-six months, disregard such additional amounts of other income and resources, in the case of an individual who has a plan for achieving self-support approved by the State agency, as may be necessary for the fulfillment of such plan, and in making such determination with respect to any other individual who has attained age 65 and is claiming aid to the aged, blind, or disabled, of the first \$50 per month of earned income the State agency may, after December 31, 1962, disregard not more than the first \$10 thereof plus one-half of the remainder; and".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended, so as to read: "An act to amend title II of the Social Security Act to provide full retroactivity for disability determinations, to extend the period within which ministers may elect coverage, and to validate wages erroneously reported for certain engineering aids employed by soil and water conservation districts in Oklahoma, and for other purposes."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1516), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

GENERAL STATEMENT

First, the bill amends the old-age, survivors, and disability insurance program under the Social Security Act to permit a disabled worker to establish the beginning of his disability, for purposes of social security protection, as of the date he actually became disabled regardless of when he files his application. In the case of applications filed after June 30, 1962, the period of disability may begin no more than 18 months before the application for disability benefits is filed. Because of this restriction it appears that more than 50,000 people (disabled workers and their dependents) who filed applications during the 12 months following June, 1962

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
Washington, D. C. 20250
Official business Postage and fees paid
U. S. Department of Agriculture

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued Sept. 9, 1964
For actions of Sept. 8, 1964
88th-2nd; No. 171

CONTENTS

Adjourned.....12	Federal Aid.....17	Public Law 480.....4
Appalachia.....1	Foreign aid.....3	Reclamation.....2,19
Area redevelopment....10,11	Guam.....18	Saline Water.....13
Art.....21	Highways.....17	Sugar.....11
Automation.....15	Information.....21	Water resources.....5,13
Cotton.....7	Legislative	Wheat program.....9
Electrification.....14	accomplishments.....8,16	
Farm labor.....20	Minerals.....6	

HIGHLIGHTS: Senate debated Appalachia bill. Sen. McGovern criticized "crippling" amendments to Public Law 480 bill. Rep. Langen criticized administration's failure to recommend sugar legislation. Rep. Andrews (N. Dak.) stated wheat program not cause of increase in bread prices.

SENATE

1. APPALACHIA. Began debate on S. 2782, to provide public works and economic development programs and the planning and coordination needed to assist in the development of the Appalachian region. pp. 21034-39, 21054-59
Sens. Metcalf and Moss submitted amendments intended to be proposed to this bill, S. 2782. p. 21003
2. RECLAMATION. Concurred in the House amendment to S. 2447, to authorize the construction of the Whitestone Coulee unit of the Okanogan-Similkameen Division, Chief Joseph Dam project, Wash. This bill will now be sent to the President. pp. 21023-5
Concurred in the House amendment to S. 1186, to amend the act authorizing the Crooked River reclamation project so as to provide for the irrigation of additional lands. This bill will now be sent to the President. p. 21025

3. FOREIGN AID. Began debate on a motion by Sen. Dirksen to invoke cloture and bring to a close the debate on the Dirksen-Mansfield reapportionment amendment to H. R. 11380, the foreign aid authorization bill. pp. 21004-6, 21019, 21020-23, 21025-26, 21040-51, 21061-66
 4. PUBLIC LAW 480. Sen. McGovern criticized the Senate amendment to the bill to extend the Public Law 480 program which would restrict the President's authority in the use of foreign currencies, and urged conferees to accept the House version of the bill which deleted the Senate amendment. pp. 21009-10
 5. WATER RESOURCES. Sen. McGovern inserted Sen. Anderson's statement at the Pacific Southwest Inter-Agency Committee meeting commending the enactment of several bills this session of Congress to promote the development of land and water resources. pp. 21010-1
 6. MINERALS. Both Houses received from the President a semi-annual report of the Office of Minerals Exploration, Department of the Interior. pp. 20995-96 21073-74
 7. COTTON. Received from GAO a report "on opportunity for reducing Federal expenditures and effecting savings under the cotton price-support program by deterring the movement of cotton over long distances prior to its placement under price-support loan." p. 20997
 8. LEGISLATIVE ACCOMPLISHMENTS. Sen. Mansfield inserted an article commending legislative accomplishments of the 88th Congress. pp. 20996-7
- HOUSE
9. WHEAT PROGRAM. Rep. Andrews stated that "it seems to be the popular thing to say that the price of bread is going up two cents a loaf because the farmers are getting certificates for their wheat necessitating a large increase in the price of flour." He discounted this belief and stated that if bread prices are increased "somebody else is getting 20 times as much as the farmer." p. 21075
 10. AREA REDEVELOPMENT. Rep. Talcott discussed and commended the Reader's Digest article critical of the Area Redevelopment Administration. p. 21075-6
 11. SUGAR. Rep. Langen criticized the administration and the House Agriculture Committee for not recommending action on sugar legislation and urged support of legislation to increase the marketing quotas for sugarbeets. p. 21082
Rep. Langen inserted an excerpt from his letter to Secretary Freeman asking that the sugarbeet quota originally allocated to Aroostook County, Maine, "an unproven area", be transferred to a "proven beet-growing area such as the Red River Valley of Minnesota and North Dakota," and protested the use of ARA funds to promote sugarbeets in such unproven areas. p. 21082
 12. ADJOURNED until Thurs., Sept. 10. p. 21084

ITEMS IN APPENDIX

13. WATER SUPPLY. Extension of remarks of Rep. Aspinall inserting in part the report of the Committee on Use and Treatment of Saline Waters in which he discussed the Nation's dwindling water supplies in relation to future needs for expanding industry and agriculture. p. A4630

posed payments. This legislative proposal is a direct result of the committee's study and of the High Commissioner's recommendation thereon.

Bills seeking the same objective as this proposal were introduced by congressional sponsors in the 86th and 87th Congress, but were not enacted. A similar bill (S. 270) has been introduced in the 88th Congress by Senator MOYNE, and has been referred to the Senate's Committee on Foreign Relations.

The proposed payments are considered warranted because of the concern of the United States, as the administering authority in the Ryukyus, for the well-being of the Ryukyuan people. Payment of these claims will also provide effective redress for an acknowledged inequity, which has caused these claimants to throw themselves on the mercy of the U.S. Government, which has full jurisdiction over them. It would also promote the security interests of the United States, by fostering an atmosphere of respect on the part of the Ryukyuan people for the spirit of fair play and equity evidenced by the U.S. Government, in keeping with the image and record of American practices throughout the world.

While the legal position of the U.S. Government is quite clear, in view of the above-mentioned extinguishment of our liability for these claims by article 19 of the treaty, the fact that the individual claimants were, through no fault of their own, left uncompensated during the 7 years of the occupation, contrary to the practice followed in other occupied areas, does constitute a situation calling for equitable adjustment at this time. In referring this matter to the Congress, the executive branch believes that the problem should be regarded in this light. This question is basically keyed to the moral imperative of living up to the demands of equity, even where no legal liability exists. It is respectfully suggested that this be the framework for legislative consideration of the attached proposal.

E. Cost and budget data

The total of all claims which have been submitted in this matter was originally \$43 million, as tabulated in the above-mentioned petition submitted by the claimants to the High Commissioner. However, in the course of the review conducted by the joint committee, as approved by the High Commissioner, the total of the meritorious claims has been reduced to approximately \$22 million, broken down as follows:

Personal injury and death.....	\$800,000
Land rentals (1945-50).....	15,000,000
Restoration of released lands....	2,500,000
Water rights.....	50,000
Property damage, growing crops, etc.....	3,650,000

If this legislative proposal is enacted, it is estimated that the bulk of this sum would be expended within 1 year. This amount has not been included in any estimate of appropriations submitted through budget channels by either the Department of Defense or the Department of the Army.

It is proposed that distribution of the requested payments would be made by the Government of the Ryukyu Islands, under controls established by the High Commissioner, and would not require additional civilian employment or expenditures for personnel services. The anticipated negligible increase in general administrative expenses in the office of the High Commissioner will be absorbed within other appropriations for the Department of Defense.

In connection with the operative clause of the attached joint resolution, it is proposed that a tabulation of the claims determined by the High Commissioner to be meri-

torious will be submitted to the respective committees of the Congress in the course of their consideration of this proposal.

Sincerely,

STEPHEN AILES,
Secretary of the Army.

SOCIAL SECURITY AMENDMENTS OF 1964—REQUEST TO HOUSE FOR RETURN OF BILL

On request of Mr. MANSFIELD, and by unanimous consent, it was

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill H.R. 11865, the Social Security Amendments of 1964, together with the accompanying papers.

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that the message sent to the House today be recalled temporarily.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. MANSFIELD further subsequently said: Mr. President, a short time ago I asked unanimous consent that H.R. 11865, the social security bill, be returned to the Senate. That request was granted.

I did so because I had received a communication from the distinguished Senator from Kentucky [Mr. COOPER], asking that it be recalled for the purpose of adding an amendment, under a unanimous-consent request, which had to do with the State of Kentucky.

In view of the fact that H.R. 11865 was passed by a rather large vote in the Senate, and on which a motion to reconsider the vote was tabled, I must most reluctantly and most respectfully object to the request of the Senator from Kentucky.

Therefore, Mr. President, I ask unanimous consent that the order requesting its return be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEVELOPMENT OF APPALACHIAN REGION—AMENDMENTS

(AMENDMENT NO. 1264)

Mr. METCALF (for himself and Mr. Moss) submitted amendments, intended to be proposed by them, jointly, to the bill (S. 2782) to provide public works and economic development programs and the planning and coordination needed to assist in the development of the Appalachian region, which were ordered to lie on the table and to be printed.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that he presented to the President of the United States the following enrolled bills:

On September 4, 1964:

S. 1123. An act to provide for the construction of the Lower Teton division of the Teton Basin Federal reclamation project, Idaho, and for other purposes.

On September 8, 1964:

S. 27. An act to provide for establishment of the Canyonlands National Park in the State of Utah, and for other purposes.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE APPENDIX

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Appendix, as follows:

By Mr. MANSFIELD:

Speech delivered by the President of the United States at Detroit on Labor Day.

By Mr. FUMBRIGHT:

Address entitled "Economic Expansion: Arkansas' Challenge," delivered by Frank Whitbeck, president of American Foundation Life Insurance Co., of Little Rock, Ark., at the El Dorado Kiwanis Club, El Dorado, Ark., on July 29, 1964.

By Mr. ANDERSON:

Editorial entitled "Conservation Congress," published in the Washington Post of September 4, 1964.

By Mr. CHURCH:

Biographical sketch of Dee Summers, National Junior Vice Commander in Chief of the Veterans of Foreign Wars.

MRS. JANE HADLEY BARKLEY

Mr. COOPER. Mr. President, I know that members of the Senate are saddened by the news of the death of Mrs. Jane Hadley Barkley, the widow of the former Vice President and U.S. Senator, Alben W. Barkley. This is particularly so in Kentucky, where she was admired and held in affection because she was the wife of Alben W. Barkley, a tradition and an institution in our State, and also in her own right as an intelligent and capable woman, warm in her friendship and thoughtful and kind in character. The news of her death comes as a shock. I have valued her friendship very much.

I ask unanimous consent that there be printed in the RECORD articles about Mrs. Barkley, as published in the New York Times, the Washington Star, and the Washington Post.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post]

JANE BARKLEY, WIDOW OF "VEEP"

(By Jim Jaffe)

Jane Rucker Barkley, widow of Vice President Alben W. Barkley, died unexpectedly yesterday morning at her Connecticut Avenue apartment. She was 52.

The cause of her death was not known. An autopsy yesterday afternoon revealed evidence of heart disease, but a ruling will not be made until completion of tests.

Mrs. Barkley married the "Veep" in November 1949, after a courtship that was followed by much of America as the 72-year-old politician flew to St. Louis to spend his weekends visiting his bride to be, who was then 38.

In addition to her social duties, she was also a capable secretary. At the time of her death, she was an administrative assistant to the president of George Washington University here.

Elizabeth Jane Barkley was born in Keytesville, Mo., on September 23, 1911, and educated in Europe, where her mother, Eliza-

both Estle Rucker, was a pianist and teacher. She learned French and Italian there.

She dropped the Elizabeth from her name during her school years to avoid being called "Lizzie."

After attending Washington University in St. Louis for a year, she married lawyer Carleton S. Hadley, in 1931, when she was 19. When he died in 1945, she went to work as a secretary, handling foreign correspondence for the school.

Mrs. Barkley was first linked romantically with the Vice President in the summer of 1949, when she met him on a cruise given in her honor by the Clark Cliffords. The public was kept guessing as the two continued seeing each other. The marriage was announced in late October.

Two months before the wedding, Vice President Barkley was asked whether he had proposed. He said he hadn't. "I have no way of knowing whether I'll make the grade," he added.

He did. Their scheduled "small" wedding on November 18, 1949, drew 700 guests and Mrs. Barkley was the toast of Washington society the following season.

When her husband died in 1956, she was one of the people considered for an interim appointment to the Senate seat he held.

In 1957, she wrote, "I Married the Veep," telling about her life in Washington. That year she was squired around town by House Speaker Sam Rayburn, but denied reports of another romance.

Mrs. Barkley became appointments secretary to the late Thomas Henry Carroll II, former president of George Washington University, in 1962.

She is survived by her mother, with whom she lived at 4515 Connecticut Avenue, NW.; two daughters, Jane H. Perry, of 5300 Wriley Road, NW., and Anne Behrend, of Omaha, Nebr.; a sister, Ann Estle Lyon, of 1201 South Scott Street, Arlington; a brother, William W. Rucker, of Tampa, Fla., and four grandchildren.

Funeral services will be held at 2 p.m. Tuesday at Joseph Gawler's Sons, Inc., Wisconsin Avenue and Harrison Street, NW. The family has requested contributions to the American Heart Association instead of flowers.

[From the New York Times]

MRS. ALBEN W. BARKLEY, 52, DIES; WIDOW OF FORMER VICE PRESIDENT

WASHINGTON, September 6.—Mrs. Jane Hadley Barkley, widow of Alben W. Barkley, Vice President of the United States in the administration of former President Harry S. Truman, died today at her home. She was 52 years old.

Mrs. Barkley was a 38-year-old widow when she and the Vice President, then 71 years old, were married in St. Louis in 1949. He died in 1956 after returning to the Senate.

Mrs. Barkley's survivors include her mother, Mrs. Estelle Rucker; two daughters, Mrs. Jane Perry of Bethesda, Md., and Mrs. Anne Behrend of Omaha; a sister, Mrs. Estelle Lyon of Arlington, Va., and a brother, William Rucker of Tampa, Fla.

Funeral arrangements have not yet been announced.

WHIRLWIND COURTSHIP

The Vice President conducted a whirlwind campaign for the hand of Mrs. Carleton S. Hadley, widow of a St. Louis railroad lawyer. They had met in July 1949, and were married in November.

Mrs. Barkley recalled in her book "I Married the Veep," published in 1958, that at their first meeting, aboard a small river cruiser on the Potomac, Mr. Barkley held her hand so firmly, "that I couldn't figure out how to free my poor imprisoned hand."

They met frequently afterward at parties, and he wrote her many letters.

Mrs. Barkley was born in Keytesville, Mo., and named Elizabeth Jane Rucker. She dropped the Elizabeth to avoid being called "Lizzie," she said. She was educated in Europe, where her mother was a pianist and teacher.

At the age of 19 she was married to Mr. Hadley, who later became general counsel of the Wabash Railroad in St. Louis. He died of a heart attack in 1945 at the age of 42.

His widow then went to work as a secretary at Washington University and, a few months later, became secretary to the man who had succeeded her husband at the Wabash.

She met Mr. Barkley by chance through her friendship with Mr. and Mrs. Clark Clifford of St. Louis. Mr. Clifford was then special counsel to President Truman.

Through that summer the Vice President parried the questions of friendly reporters on his marriage plans when they learned that he was making visits to St. Louis. Once, he quipped that he had not yet proposed marriage "because I have no way of knowing whether I'll make the grade."

The wedding was planned at first to be small, but some 7,000 people were waiting outside the Singleton Memorial Chapel of St. John's Methodist Church that November day to greet the Vice President and his bride. Mrs. Barkley plunged into political campaigning and the Washington social world with her husband.

She joined him on a trip to Korea during the Korean war. She walked with him on a celebrated stroll from the railroad station to his hotel in 1952 at the time of the Democratic National Convention to prove that he was not too old to be a candidate for President.

In recent years, Mrs. Barkley was appointed secretary to Thomas Henry Carroll, president of George Washington University.

MRS. JANE BARKLEY, 52, VEEP'S WIDOW, DIES

Mrs. Jane Barkley, 52, who married Vice President Alben W. Barkley after a 4-month storybook courtship 15 years ago, died yesterday in her Connecticut Avenue apartment.

An autopsy showed evidence of heart disease, but the coroner's office withheld a ruling until further tests can be completed. Mrs. Barkley was found dead in her bed.

On November 18, 1949, photographs in newspapers across the country showed Mrs. Barkley smiling through tears of happiness as she was led to the altar by the witty and genial former Kentucky Senator. She was 38 then and "the Veep" was 71.

AT SIDE WHEN HE DIED

Six and a half years later, on April 30, 1956, she rushed to Mr. Barkley's side when he collapsed and died while addressing a mock Democratic convention at Washington and Lee University at Lexington, Va.

Mr. Barkley, again a Senator from Kentucky, had just declared, "I would rather be a servant in the house of the Lord than to sit in the seats of the mighty." Mrs. Barkley was in the audience.

Later, she returned to secretarial work, and at the time of her death was administrative assistant to Oswald S. Colclough, acting president of George Washington University.

WED FIRST IN 1943

Born Elizabeth Jane Rucker in Keytesville, Mo., she was educated in Switzerland and Italy, where her mother was a pianist and music teacher. Her father was a lawyer and her grandfather, William J. Rucker, was a Member of Congress whom Mr. Barkley had known at the beginning of his career.

At 19, she left Washington University to marry Carleton S. Hadley, a lawyer who died in 1943.

The Vice President and Mrs. Hadley met

in the summer of 1949 at a party given by the Clark Cliffords on the Presidential launch, *Margie*. Mrs. Barkley's first husband had been best man at the Cliffords' wedding. It was obvious that they hit it off, but knowing Mr. Barkley's old world gallantry toward the other sex, no one paid much attention.

The next morning, however, the Vice President called Mrs. Clifford and asked her to tell him everything about Mrs. Hadley. (His first wife, whom he married in 1903, died in 1947 after a long illness.) Three days later he gave a luncheon for her in the Senate, followed up by a cocktail party that afternoon.

The Vice President then began making weekend visits to the St. Louis widow, engaging the American people as partisans in the courtship long before he became engaged himself.

VEEP WAS UNCERTAIN

Only 2 months before the wedding, Mr. Barkley was asked whether he had popped the question. He said he hadn't because "I have no way of knowing whether I'll make the grade."

He did, and the projected "small" wedding in St. Louis finally wound up with some 7,000 guests. The new Mrs. Barkley was the toast of Washington social circles when the couple returned here.

Mrs. Barkley described the romance in a 130-page book called "I Married the Veep," published in 1958. She called herself "an overage Cinderella."

A Republican before her marriage to Mr. Barkley, she was an ardent supporter of Wendell Willkie, the GOP presidential candidate in 1940. She once tried to convert her Democratic milkman by leaving him a note reading, "No Willkie, No Milkie."

CHANGED PARTIES

She switched parties after her second marriage and campaigned for Democratic candidates in the 1950 elections.

She is survived by her mother, with whom she lived at 4514 Connecticut Avenue NW.; two daughters, Jane H. Perry, of 5300 Wriley Road, Bethesda, and Anne Behrend, of Omaha, Nebr.; a sister, Mrs. Estelle Lyon, of 1201 South Scott Street, Arlington; and a brother, William Rucker, of Tampa, Fla.

Funeral services will be at 2 p.m. tomorrow at the Joseph Gawler's Sons Funeral Home, Wisconsin Avenue and Harrison Street NW., with the Reverend Frederick Brown Harris, the Senate Chaplain, officiating. The burial will be private.

The family asks that expressions of sympathy take the form of contributions to the American Heart Association.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

REAPPORTIONMENT OF STATE LEGISLATURES—FILING OF CLOTURE MOTION

Mr. DIRKSEN. Mr. President, a series of parliamentary inquiries.

The ACTING PRESIDENT pro tempore. The Senator from Illinois will state them.

Mr. DIRKSEN. First, when a cloture motion is filed, there will be one intervening day before it comes to the floor of the Senate for a vote.

The ACTING PRESIDENT pro tempore. The Senate must be in session on 1 intervening day. The Senator is correct.

Mr. DIRKSEN. Which is to say that if the cloture motion were to be filed, it would automatically be voted on on Thursday of this week.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. DIRKSEN. Mr. President, a further parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Illinois will state it.

Mr. DIRKSEN. I understand that when the cloture motion is to be taken up, a quorum call is automatic under the rule.

The ACTING PRESIDENT pro tempore. The Senator is correct—1 hour after convening of the Senate.

Mr. DIRKSEN. A further parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Illinois will state it.

Mr. DIRKSEN. The intervening hour before the vote can be devoted to a discussion of the cloture motion, but the rule makes no provision for the division of time.

The ACTING PRESIDENT pro tempore. The Senator is correct. There is no provision for division of time.

Mr. DIRKSEN. I direct an inquiry to the Chair as to whether it has been customary to divide that 1 hour between the proponents and the opponents.

The ACTING PRESIDENT pro tempore. The Parliamentarian informs the Chair that it has been customary to proceed with morning business. But on the other hand, the Chair recalls that the last two times a cloture motion was filed, the hour was divided between the proponents and the opponents of the motion by unanimous-consent agreement.

Mr. DIRKSEN. Suppose the sponsor of the cloture motion—who would normally, I believe, be recognized by the Chair—undertakes to keep all the time and farm it out according to his likes; does that come within the rule?

The ACTING PRESIDENT pro tempore. The farming out of time is against the rule. Whoever occupied the Chair probably would strictly interpret the rule so that the Senator who had the floor would have to stay within the rules of the Senate.

The Parliamentarian informs the Chair that the regular morning hour would be in order, unless there were some agreement as to—

Mr. DIRKSEN. Would it be in order at this time to ask for a division of the time on Thursday next, in view of the fact that I propose to file a cloture motion?

The ACTING PRESIDENT pro tempore. It would be in order, on the assumption that the cloture petition will be filed and that the Senator from Illinois [Mr. DIRKSEN] can ask unanimous consent for a division of time for the hour on the morning of Thursday, provided the Senate is in session.

Mr. DIRKSEN. Then I shall make that request directly.

The ACTING PRESIDENT pro tempore. Is the Senator requesting that there shall be a division of time?

Mr. DIRKSEN. I shall ask for that after I read the title to the motion.

The ACTING PRESIDENT pro tempore. The Chair thanks the Senator from Illinois.

Mr. DIRKSEN. It reads:

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the amendment, relative to apportionment offered by the Senator from Illinois [Mr. DIRKSEN] and the Senator from Montana [Mr. MANSFIELD], numbered 1215, to the bill (H.R. 11380), an act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the rule, the Presiding Officer must read the cloture motion. The Chair asks unanimous consent that the clerk may now read the motion instead of the Presiding Officer. Without objection, it is so ordered.

The legislative clerk read as follows:

CLOTURE PETITION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the amendment, relative to reapportionment, offered by the Senator from Illinois [Mr. DIRKSEN] and the Senator from Montana [Mr. MANSFIELD], numbered 1215, to the bill H.R. 11380, an act to amend further the Foreign Assistance Act of 1961, as amended and for other purposes.

EVERETT M. DIRKSEN, JAMES O. EASTLAND, FRANK CARLSON, ROMAN L. HRUSKA, LEN B. JORDAN, MIKE MONRONEY, BOURKE B. HICKENLOOPER, JAMES B. PEARSON, LEVERETT SALTONSTALL, NORRIS COTTON, GORDON ALLOTT, JACK R. MILLER, JOHN SHERMAN COOPER, WALLACE F. BENNETT, CARL T. CURTIS, HIRAM L. FONG, E. L. MECHAM.

Mr. DIRKSEN. Mr. President, in connection with the cloture motion now filed, I ask unanimous consent that the hour to be made available at the time this matter is presented to the Senate be equally divided between myself and anyone whom the opposition to cloture may designate.

Mr. CLARK. Mr. President, reserving the right to object—and I probably shall not do so—would not the Senator from Illinois agree that the time allotted to the opponents of the cloture motion may be divided in any way the opponents may collectively agree, rather than be given to any one Senator?

Mr. DIRKSEN. I have no objection. I believe that in the interest of an organized and expeditious arrangement some one Senator ought to handle it.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. DIRKSEN. I yield.

Mr. CLARK. It occurred to me that the normal procedure for controlled time for the hour would be more desirable than to attempt to have a unanimous-consent agreement now. I have no doubt that the proponents of cloture would be only too happy to have the able Senator from Illinois take all the time. Some of us who are opposed to cloture would perhaps prefer to have a little more democratic process, by which the time would be divided among several Senators.

Mr. DIRKSEN. If the opponents can get together, that would be agreeable to me.

Mr. CLARK. Why do we not try?

Mr. DIRKSEN. I suggest that the Senator from Pennsylvania in turn suggest to the Chair the name of the Senator who should handle the allotment of time. The opponents may want to ration the time among the Senator from Pennsylvania [Mr. CLARK], the senior Senator from Illinois [Mr. DOUGLAS], the distinguished Senator from Wisconsin [Mr. PROXMIRE], and others. The opponents may have a ration table of their own.

Mr. CLARK. Did I misunderstand the Senator in his unanimous-consent request? Did the Senator provide that the time for the opponents of cloture should be controlled and divided by one individual Senator?

Mr. DIRKSEN. Certainly.

Mr. CLARK. I have no objection to the request.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none. It is so ordered.

Mr. PROXMIRE. Mr. President, the cloture motion that has just been filed is—on the basis of study made by my staff—unprecedented. The Dirksen amendment was attached to the foreign aid bill without hearings or other legislative action. It was a bolt from the blue. Yet, it would deprive a majority of our citizens of the right to equal representation in their State governments for at least 2 years, and, if a constitutional amendment were passed by malapportioned State legislatures, for all time. This is why it is unprecedented: I believe there has never been a time when debate has been ended with such little opportunity for discussion.

How much time has been spent by the Senate in debating this all-important proposal prior to the introduction of a cloture motion? On the basis of the most optimistic, conservative estimates, of the number of CONGRESSIONAL RECORD pages covering the debate, a total of 26½ hours, pro and con, have been consumed on this subject. This would be the shortest cloture debate on record.

Time and again, those of us opposing the Dirksen amendment have agreed to postpone consideration of this legislation so that other measures, such as the Labor, Health, Education, and Welfare appropriations bill and the Social Security Amendments of 1964 could be acted upon.

From Thursday, August 13, the day the reapportionment amendment was laid aside so that the social security measure could be taken up, the Senate passed 89 bills and 32 resolutions, adopted 17 conference reports, and sent 10 bills to conference. This legislation probably constitutes the largest number of measures acted upon during any comparable period in the 88th Congress. During most of that period of time, the Dirksen amendment was set aside while other business was discussed and acted upon.

Mr. President, surely a measure which not only overrides the principle of one-man, one-vote, but also raises serious constitutional questions as to the independence of our courts from legislative

coercion, does not deserve such short shift. I urge Senators not to act without further debate on this legislation.

There has been no delaying action; no live quorums called by those of who oppose the Dirksen amendment. There has been no nongermane debate. And there has been no real opportunity for many Senators who oppose the Dirksen amendment to speak. We have a list of Senators who want to speak against the Dirksen amendment. They have not had an opportunity to do so. Some of them wish to speak for 2 or 3 hours. This is a subject of great importance. Senators will be gagged if we cannot persuade our colleague to vote against a cloture motion.

I have been one of those who voted quite consistently for cloture. Yet, there are times when this body, which is recognized throughout the world as one which permits a substantial amount of discussion and debate, should have sufficient time in which to explore serious questions before the Senate.

With the limited time now available, it seems to me it would make sense for Senators who oppose the Dirksen cloture motion to have an opportunity to discuss such an important question in greater detail.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

CONFLICT AND UNITY

Mr. FULBRIGHT. Mr. President, later today I intend to make some remarks about the current campaign. But I should like to say at this point that I was shocked by the kind of attack made by Representative MILLER upon our colleague, the senior Senator from Minnesota [Mr. HUMPHREY].

As the majority leader has stated, "this was one of the most vicious, false, and malicious documents in American political history."

This kind of attack is destructive of the spirit of our democracy. Our institutions are not designed to operate efficiently when there is no restraint upon distortion and falsehood.

Some 10 years ago, our democratic system was severely strained by a technique known as the "big lie" or the "big doubt" a form of misrepresentation of the facts brought to a high degree of perfection by the late Senator McCarthy from Wisconsin.

The Senate formally censured the late Senator from Wisconsin; and I believe the people of this country will censure, by their votes in November, the Representative from New York [Mr. MILLER].

The statements by Representative MILLER confirm the observation made at the time, that he was chosen for the job of hatchet man, not because he is well-known or a man of stature, but because he is capable of the most foul-mouthed vituperation and unrestrained misrepresentation of any man in public life.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an editorial from this morning's Washington Post entitled "Conflict and Unity."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 8, 1964]

CONFLICT AND UNITY

The campaign opened, officially, on Saturday; and it seems plain that the country is going to be in for a boisterous and strident time until election day, come November. President Johnson took note of the opening by a news conference plea for national unity and understanding. But his plea had to be heard over the crackle and static of two rousing, tub-thumping, name-calling speeches by the rival vice-presidential candidates.

The elocutionary honors of the day went, we thought, to Senator BARRY GOLDWATER, the GOP presidential nominee, who indulged in nothing more than a brief introduction of his running mate, WILLIAM E. MILLER, at Lockport, N.Y. It would be too much, perhaps, to say that the Senator's speech was characterized by good humor; it did contain humor, however—barbed and enlivening. He glibed at Mr. Robert Kennedy, until a few days ago the Attorney General of the United States, now a New Yorker running for election to the Senate from that State. Mr. Kennedy must regard New York as a nice place to represent, the Senator observed, "but he wouldn't want to live here." And he added that Kennedy must be running on "a commuter ticket."

That was about all the humor of any kind that the day brought forth. Senator HUBERT HUMPHREY, opening the Democratic drive at Minneapolis, hammered away at his party's theme that Senator GOLDWATER is "trigger happy" and "irresponsible," while lauding President Johnson as "a giant of a man."

Congressman MILLER confined himself almost entirely to denunciation. He has been widely characterized as a "gut fighter" and appears to regard this somewhat unattractive appellation as an accolade. He demonstrated beyond contradiction, at any rate, that he deserves it. He indulged in a personal attack on Senator HUMPHREY which, for sheer irrationality and imputation of evil has been unrivaled in American politics for many a decade.

The GOP seems to have decided to run against the ADA—that is, against Americans for Democratic Action, a small, energetic, liberal group which has contributed numerous constructive proposals to the country's political dialog. Senator HUMPHREY has long been a member and an officer of ADA. Mr. MILLER began by imputing to the organization ideas which it has never advocated, went on to impute these ideas to Mr. HUMPHREY, despite the Senator's long and brilliant record of opposition to them as a member of the Senate Committee on Foreign Relations, and ended by imputing them to President Johnson. This is very different indeed from Senator HUMPHREY's acceptance speech at Atlantic City—of which the Miller speech was an obvious imitation. Senator HUMPHREY assailed Senator GOLDWATER by citing a series of specific RECORD votes in the Senate in which the GOP candidate himself voted in opposition to a majority of his fellow Republicans.

This is not so much gut fighting as it is gutter fighting. And the country will be the poorer if it is allowed to continue. Senate Majority Leader MIKE MANSFIELD called this attack "one of the most vicious, false and malicious documents in American political history." There is a recklessness and meanness in Mr. MILLER's kind of politicking which pose a terrible danger to the country. Anyone who fights in this way for public office demonstrates that he does not deserve it.

There has always been a lot of roughness and extravagance in American politics. This

country can take this kind of robustness when it falls within the traditional bounds of decency and good taste and when it recognizes the essential good faith and loyalty of political opponents. What Mr. MILLER did on Saturday, however, was to prove that President Johnson was quite right in his assertion that "this Nation's most important concern, as far as we can see ahead, is and should be the unity of this country."

National unity is not a product of uniformity of opinion. It grows out of the resolution of conflict through the democratic process of debate and discussion. There are real differences of opinion and philosophy between the nominees of the two major parties. They ought to be aired vigorously. Debate does not require confrontation of candidates before television cameras. It requires confrontation of ideas.

Let the candidates say as vehemently as they please what they think about the control and use of nuclear weapons, about medicare and social security, about the ways in which to assure civil rights to American citizens, about how to maintain order in the streets of great American cities, about taxes and budgetary deficits and other economic issues, about the whole long range of difficult problems facing America.

But let us put a stop now to the fracturing of America—the inculcation of hatred and distrust and the pitting of race against race, of section against section. It is for a Nation that the coming election is to choose a government. It is for the Presidency of a United States that the rivals are now seeking public confidence.

A NEW PHILOSOPHY: HUMAN BEINGS ARE NO LONGER RESPONSIBLE FOR WHAT THEY DO

Mr. TALMADGE. Mr. President, there appeared in the September 3 issue of the Washington Evening Star an excellent column by Jenkin Lloyd Jones on the "new sociology" which seems to now prevail in this country.

This, unfortunately, is the philosophy that human beings are no longer responsible for what they do, but that instead it is society that really must take the blame. We have seen the results of this new philosophy in city after city where lawlessness has become a virtual way of life for untold numbers. We have reached such a sad state of affairs that there appears to be more concern over the plight of the criminal than for the law abiding.

Mr. Jones' column is worthy of wide dissemination, and indeed I would urge that it be read by everyone who would deny the concept of individual responsibility.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TIME FOR THE NEW-NEW SOCIOLOGY (By Jenkin Lloyd Jones)

The coed was telling me about her year in a famous eastern university.

"The courses were just wonderful," she bubbled. "All except sociology."

"What was wrong with sociology?"

"It was so unreal," she replied. "For two semesters we sat through lectures in which evil things were discussed, but evil was never admitted. Criminals were never responsible

Little do they know that they meet under an empty sky from which the gods have departed.

The foreign policy issue in this campaign is as profound as any that has ever arisen between the two great American political parties. The Goldwater Republicans propose a radical new policy of relentless ideological conflict aimed at the elimination of communism and the imposition of American concepts of freedom on the entire world. The Democrats under President Johnson propose a conservative policy of opposing and preventing Communist expansion while working for limited agreements that will reduce the danger of nuclear war. The Republicans build their policy on the ideologies that divide the world; the Democrats look beyond ideology to the common hopes, the common interests, and the common dangers that unite the human race.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961—CLOTURE MOTION

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. PROXMIRE. Mr. President, I reluctantly rise again in the morning hour to make the same point I previously made; namely, that it is extremely important to emphasize and underline the fact that those of us who oppose the Dirksen amendment and those who favor the Dirksen amendment have taken only 26 hours to discuss the question pro and con. There have been no "live" quorum calls, no attempts at delay, no nongermane debate, and no opportunity for many Senators who oppose the Dirksen amendment to speak even once.

On the bases of the most careful study that my staff can make, this would be the shortest debate ever to be cut off by cloture in the history of the Senate. Anyone who argues that a vital issue is not at stake has not studied the issue; he has not considered what some of the most outstanding lawyers in the country have said about the issue.

A week ago last Sunday, the Washington Post published an article, one of the authors of which was the dean of the Yale Law School. He said, in effect, that this would destroy the Constitution as we know it. He said it would knock out the vital linchpin of the Constitution: judicial review. It would constitute action by Congress suspending a Supreme Court decision for more than a year and, would create a situation in which malapportioned legislatures could act to pass a constitutional amendment that would nullify the action of the Supreme Court.

If anything could be serious enough to warrant extensive debate and thorough consideration, it is this particular issue. For the Senate to adopt a cloture motion after this very limited opportu-

nity to discuss the issue would be a mockery of the historical reputation the Senate has earned for extensive, thorough, and careful consideration, as the one important body in any major country on the face of the earth that permits thorough, careful debate.

I observe that the distinguished senior Senator from Illinois [Mr. DOUGLAS] has entered the Chamber. He has been a strong proponent of limiting debate in the past, as I have; but he and I are agreed that there should not be a limitation of debate that does not permit thorough and complete discussion of a vital issue. I invite his attention to the fact that the Senate has had only 26 hours in which to debate this amendment in the past month.

Mr. HART. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield to the Senator from Michigan.

Mr. HART. I was occupying the chair of the Presiding Officer when the senior Senator from Wisconsin began. I am delighted that I am able now to respond. The Senator from Wisconsin has been a Member of the Senate longer than I, and neither of us has been here very long, as time and tide run in this establishment.

I have no doubt that the question which confronts us as we are asked to flex our muscles in the direction of the Supreme Court is more basic than any issue that has confronted this body during the time I have been a Member—and we have been confronted with the issues of missiles in Cuba, with civil rights for Americans, the nuclear test ban, with tax cuts to accelerate economic growth, and many other important and, indeed, historic proposals.

I share with the Senator from Wisconsin the belief that never, in the few years I have been permitted to sit here, has the Senate faced a question having more long-term implications than the one now before it in the form of the Dirksen amendment. For this reason, therefore, it seems overwhelmingly clear to me that the precipitate action that would be the result of the imposition of cloture would be most unwise. Each of us would live to regret the precedent that would be established.

There are some who say, "It is not so bad. It would not do as much as you who are critical of the amendment suggest." Before we buy that notion, let us be very sure. There have been no committee hearings; and if ever there was a constitutional issue that required careful study and precise analysis by a committee, this is it. In the absence of such a study, I would be disappointed beyond expression if the Senate, so sensitive to the necessity for full understanding before ultimate action, were to support the cloture motion now on file.

Mr. PROXMIRE. Mr. President, will the Senator yield for a question in connection with that statement?

Mr. HART. I yield.

Mr. PROXMIRE. Is it not true, to the certain knowledge of the Senator from Michigan, that a number of Senators have not yet had an opportunity to speak;

that they feel deeply upon the subject and wish to speak; and that with the very limited time available between now and Thursday, when the vote is scheduled, it is unlikely that some of those Senators will have such an opportunity?

Mr. HART. That is true.

The PRESIDING OFFICER. The time of the Senator from Wisconsin has expired.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may proceed for 2 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. As the Senator from Wisconsin commented, the senior Senator from Illinois has just returned to Washington. These days are filled with many compelling commitments on the part of Senators. As the Senator from Arkansas [Mr. FULBRIGHT] has just reminded us, a national campaign of overwhelming significance is in progress. Torn between these obligations, it is impossible between now and Thursday that full opportunity for other Members of the Senate to evaluate their expressions would be available.

Mr. PROXMIRE. I thank the Senator from Michigan.

CHICAGO TRIBUNE'S JANEWAY PRAISES STRENGTH OF THE DOLLAR ABROAD

Mr. PROXMIRE. Mr. President, recently Mr. Eliot Janeway, a columnist for the Chicago Tribune, wrote what I think is an excellent article on the solidity and strength of the U.S. dollar abroad. The article is entitled "Flow of U.S. Dollars to Europe Is Needed." In the course of his analysis, Mr. Janeway points out that the dollar has strengthened abroad recently. The reason is foreign confidence in the American economy and our policies, despite our adverse balance of payments. The proof of the pudding, as Mr. Janeway rightly points out, is that foreigners continue to take and hold our dollars, even though our balance of payments is in deficit. The relative shift out of dollars and into gold has been very slight, and not primarily related to a lack of confidence or desirability of the dollar.

If our balance of payments were to come more nearly into balance, I believe—as do most economists—that this would even further strengthen the dollar. The reason is that such a balance implies a relative shortage of dollars, in the same way that balancing our budget means that the Government is not pumping out additional dollars.

Most economists, I believe, are now forecasting that our balance of payments will gradually come into balance. The reasons, in part, are some of our policies; such as, the interest equalization tax, our encouragement of other countries to take on foreign aid expenditures, and our "Buy America" program.

But more basic is the expectation that foreign costs and prices are rising more rapidly than ours, putting us in a relatively better competitive position.

* Hans Morgenthau, "Politics Among Nations," 3d ed. (New York: Alfred A. Knopf, 1960), p. 259.

Mr. Janeway is an accomplished economist and an able man.

This testimony to the soundness of our economic policy is most pertinent and appropriate.

I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JANEWAY'S VIEW: FLOW OF U.S. DOLLARS TO EUROPE IS NEEDED

(By Eliot Janeway)

NEW YORK, August 30.—The political lull between the excitement of the party conventions and the start of the Presidential campaigns is a good time to survey the economy overseas for possible storm warnings. One that has cropped up again is the rise, in the second quarter, of our balance-of-payments deficit. According to the book, a rising international payments deficit almost always spells trouble. It's usually a sign that a country is falling behind in world competition or is living beyond its means. If the warning isn't heeded, foreigners soon begin to distrust the currency of the country running a deficit.

But today's situation looks like an exception to the rule. At least that's what the evidence of the marketplace is suggesting. It's always the better part of prudence to check the experiences and theories codified in the book by a reading of the stresses felt in the marketplace.

This summer they show that, despite the apparent deterioration in last spring's payments deficit, the dollar nonetheless remains strong in the money market. The proof of the pudding is in the bidding. Europe is continuing to bid for more dollars than are offered. In fact, the universal complaint on the other side is that there aren't enough dollars to go around.

How does the apparent contradiction between a strong dollar and rising payments deficit come about? Because the dollar is one of the world's two international clearing currencies, and the British pound, which is the other, is weaker still.

LONDON LOOKS FOR HELP

In fact, sterling is so sick that London has had to look to us for help. And this is one contributing reason for the rise in our payments deficit. We've had to advance dollars, first, to head off a financial collapse in Italy (where an interim government is drifting while inflation rages); and, more recently, to backstop the pound.

Hindsight leaves little doubt that, if we hadn't taken energetic measures to anticipate an August sterling crisis, the pound would have broken its moorings under the severe buffeting it's just had to take with severe repercussions for us.

The one sure way to expose the dollar to a repeat performance of the money troubles of the late 1920's and the early 1930's would be to stand by and let the pound go under, taking with it a good deal of Europe's (and the free world's) structure of finance. It's worth remembering that the depression of the last generation blew in from a financially stricken Europe and knocked a booming United States galley west.

ONLY PRACTICAL ALTERNATIVE

The moral is that a moderate and manageable payments deficit is a burden we shall have to carry as the only practical alternative to running Europe into a money squeeze for lack of the dollars which are feeding Europe's boom. Certainly, the alarming \$5 billion payments deficit rate of 1963, with its threat of a gold run on the dollar, is too much: it's not needed to help Europe and any return to it would hurt us.

But under the present conditions, so would any drastic and abrupt drying up of net dollar outflow. With Italy in chronic crisis, with Britain on the brink and with none of the richer European countries willing to lay hard cash on the line to help either neighbor, the only way we can protect the tremendous U.S. stake in European financial stability is by running a \$1 to \$2 billion payments deficit.

Every time our annual payments deficit rate goes down toward the billion dollar mark, storm warnings go up all over Europe. But as soon as we release enough dollars to ease the deficit back toward a \$2 billion rate, the all-clear sounds again, that's this summer's story.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

CLOTURE MOTION

Mr. DIRKSEN. Mr. President, I have listened with distress of spirit to the wails and lamentations of my distinguished friend, the Senator from Wisconsin [Mr. PASTORE], over the limited time the Dirksen-Mansfield proposal has been before the Senate for discussion.

It was introduced in its present form on the 12th of August. A constitutional amendment was introduced before that time, and we added still to the version of the proposed legislation before the Senate, and had the discussion going.

So at least 3 weeks have gone by. There has been ample opportunity for my distinguished friend from the Badger State to make his point—and for any other Senator to make his point—should he wish to do so.

In that period of time, there were occasions when the Senate adjourned early because, somehow, there were no pre-emptors of the time which was available for the discussion.

Let me say to the Senator from Wisconsin that in May of 1962, by one of the quirks of history, another Dirksen-Mansfield proposal for cloture was before the Senate. Actually, that proposal on the literacy test was pending only 2 weeks, and then I joined the majority leader to file a cloture motion. Oddly enough, the distinguished Senator from Wisconsin voted for it. My distinguished friend, the Senator from Michigan [Mr. HART], who shares the acute feelings of the Senator from Wisconsin, voted for it. My esteemed colleague from Illinois, who is now in the Chamber, voted for it; yet, the proposal was here only 3 weeks and the cloture motion was then filed.

However, I heard no voices ascend in a crescendo of volume to the heavens lamenting the fact that there was not enough time to discuss the proposal.

Mr. President, I have been in Congress for 31 years; and I have watched the volumes of printed hearings ground out until the Government has become the purveyor of the greatest quantity of wastepaper of any merchandiser anywhere in the world. We come lugging these hearings into the Senate Chamber; and I begin to wonder who reads them.

We go through all these exercises, sometimes with a sense of sheer futility, particularly when the issue is plain and does not require many volumes of discussion.

An old universalist minister friend of mine from Peoria used to say that no souls were saved after the first 20 minutes. Yet, the Senator knows that 26 hours at \$100 a page have already been occupied in the CONGRESSIONAL RECORD in the discussion of this question.

Frankly, anyone who is interested needs only to read the majority opinion of the Court, and then to read that completely devastating opinion, that unanswerable dissenting opinion, of Justice John Marshall Harlan; and there is the whole story.

I suppose that we could make the welkin ring and fairly rock the plaster from the walls of the Senate Chamber, but we shall not throw more light on the subject than will be obtained from those two opinions.

Mr. PROXMIRE. Mr. President, will the Senator from Illinois yield to me?

Mr. DIRKSEN. I am happy to yield to the Senator from Wisconsin.

Mr. PROXMIRE. Is it not true that there have been no hearings whatsoever on this proposal?

Mr. DIRKSEN. The Senator is correct.

Mr. PROXMIRE. In either House or Senate. Is it not also true—

Mr. DIRKSEN. Is it not also true that there are other proposals on which many hearings have been held?

Mr. PROXMIRE. In which cloture was involved?

Mr. DIRKSEN. I do not know about that.

Mr. PROXMIRE. I cannot think of any. The communications satellite bill involved many hearings. On the civil rights bill there were extensive hearings, lasting many months. To date there have been no hearings on this proposal.

Mr. DIRKSEN. It does not make a particle of difference, because those who are opposed to it have freely stated over and over—and some of them have stated to me privately—that they are going to keep this show going, whether or no. They will not do this for the purpose of adding light, because when we orate to an empty Chamber, day after day, we must confess that perhaps a Senator or two is in the Chamber, but no more, to listen to those words of wisdom.

The PRESIDING OFFICER (Mr. INOUYE in the chair). The time of the Senator from Illinois has expired.

Mr. DIRKSEN. Mr. President I ask unanimous consent that I may proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIRKSEN. When one has been expounding all this wisdom, what happens to it? There is no one in the Chamber to listen. It is because they have come to a conclusion with respect to the basis of this issue. I believe that they are only dilly-dallying. It has been confessed that that is the whole purpose—what the distinguished majority leader has so aptly called the “cuddly baby” filibuster.

Mr. PROXMIRE. We have not had all the time that the Senator implies we have had. Since August 13, the Senate has passed 89 bills, passed 30 resolutions, and adopted 17 conference reports. It has sent 10 bills to the House. It has acted upon appropriation bills. The vastly complicated social security bill, took an entire week. Then there was the Democratic National Convention, the long Labor Day weekend. Clearly, we have not had time to go into the very complex and difficult proposal which affects every single one of the 50 States in varying ways.

I plead with my reasonable colleague the Senator from Illinois [Mr. DIRKSEN] to consider the fact that we have not had a real opportunity to discuss this complicated proposal in anything like the detail which has always been characteristic of the Senate in discussing measures of importance before cloture has been invoked, or even proposed.

Mr. DIRKSEN. There is no doubt about the volume of words which has been uttered during this period, whether it is measured by pages, bushels, gallons, or any other unit of measurement. I was in the Senate Chamber. The majority leader was also in the Senate Chamber all the time.

To revert to the calendar, we start by agreement with Calendar No. 1403, for example, and within 10 seconds from the time it is called up, it is passed. Then we go on to the next bill. If we talk about an intrusion upon our time, let the Senator go back and look at the number of bills, especially the claims bills from the Judiciary Committee, that we whack away at on an assembly line basis, at the rate of perhaps 10 to 15 an hour.

Do not let the impression get out to the country that 86 bills have been passed that were world shaking and have had an indelible effect upon the domestic and foreign policy of the country. Some have, to be sure.

Mr. PROXMIRE. Some have, indeed. The RECORD shows the great amount of time which has been taken upon other measure by the leadership—and I believe rightly so—to expedite this session and get important legislation out of the way. We have documented the case, and only 26 hours out of all that time has been consumed on this particular issue. We cooperated with the leadership. We could have insisted on a Friday session or a Saturday session, so we are told; but the Senator from Illinois knows that that would have been a terrible imposition on other Senators who were eager to get home. It would also have been difficult for us. It would have been unfair to the leadership if we had done that, and unfair to Senators. We did not do it. We had the right to do it, I am sure, and the leadership would have cooperated with us if we had asked for it.

We should have further opportunity to discuss the issue thoroughly, and to have the opportunity—for those of us who have not really had an opportunity to speak at all—to come to the Senate and speak.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. MANSFIELD. I have listened to the debate with interest. I find it hard to comprehend what the distinguished Senator from Wisconsin is driving at.

I believe that he and his colleagues have had plenty of time to explain a simple issue to the Members of this body. It is my belief, for what it is worth, that so far as cloture is concerned, the chances are very doubtful that it will be invoked. That means, if my assumption is correct, that even if a motion to table is defeated, as I assume it may well be, there will be plenty of time to debate the subject, although, frankly, I believe the issue is pretty clear cut. I doubt, as of now, that any more minds will be changed.

I admit that in the past 2 or 3 weeks, there has been an addition of strength to the forces of those in favor of the Supreme Court position. But I point out that under the rules of the Senate, at least in my opinion, there could be talk on this subject from now until doomsday. I do not see where any time is lost. I do not see why the cry is raised now that there should be more time to discuss the matter when the Senator well knows that an agreement was arrived at last week by means of which it was thoroughly understood and agreed that a cloture motion would be presented this Tuesday, and that a vote would be taken on the motion next Thursday under the rules of the Senate. Is that not correct?

Mr. PROXMIRE. There has been no alternative. It is within the power of the minority leader to make the motion at any time he wished and we would have to agree.

Mr. MANSFIELD. No; not any time. The Senate was considering the social security bill.

Mr. PROXMIRE. There was no opportunity to discuss it last week. As the majority leader well knows, the Senate was considering the social security bill. It is true that we could have insisted on a Friday session. The majority leader would have accommodated us. But we would not have had any audience. There would not have been any real opportunity to discuss the motion. It was entirely within the discretion of the minority leader. He chose to file the motion today. He could have given us more time in which to discuss it.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. MANSFIELD. After discussing the question with Senators who favor the Supreme Court decision and obtaining their agreement, I went to the desk of the minority leader and asked him if he would hold back the motion until today. He agreed to do so. I believe, in good faith, that that statement should be made. I am quite sure that Senators who favor the Supreme Court decision are well aware of that.

Mr. PROXMIRE. Certainly. But that is no accommodation to us.

Mr. MANSFIELD. The minority leader did not have to agree to set aside the pending business last week to allow the Senate to proceed with the social security bill. But he did so at my specific request after he made a statement to the effect that he would object to anything

further being done in the way of laying aside the pending business.

Mr. PROXMIRE. Yes, indeed. But that was an accommodation to the majority leader and to the whole Senate. For the purpose of bringing up the social security bill.

Mr. MANSFIELD. It could have been an accommodation to the people of the United States, to take up the social security bill.

Mr. PROXMIRE. It was. But it was no accommodation to us. We knew that we would have no opportunity to discuss the motion during that time. We had to spend the entire week on the social security measure. That was perfectly agreeable to us. We were in favor of that, too.

Mr. MANSFIELD. That is true, but the minority leader could have presented the cloture motion a week ago. We would have been in the same position then. I believe that we are ahead, by reason of having followed this procedure.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. DOUGLAS. We do not so much object to the junior Senator from Illinois [Mr. DIRKSEN] filing his motion, as we hope that not many Senators will vote for it. That is what we are discussing today—whether the majority and minority leaders will be able to ram down the throats of Senators a cloture which will greatly restrict future debate.

My colleague from Illinois [Mr. DIRKSEN] is perfectly within his rights to introduce the motion today. I hope that he will fail by a big margin to get the required two-thirds vote in favor of his motion on Thursday.

While I am on this subject, there is a very sharp distinction to be drawn.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I ask that the Senator from Illinois be allowed 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOUGLAS. There is a very sharp distinction to be drawn between a filibuster and an extended debate. The purpose of a filibuster is to prevent a vote. The purpose of an extended debate is to delay a vote. The reason for delaying the vote is so that the Members of the Senate and the public may become better informed about the issue and thus be able to reach a more mature decision.

We do not intend to prevent a vote. But we had hoped that we might have an opportunity to delay the vote until some Senators who inadvertently became involved in the plan for an anti-reapportionment constitutional amendment might be able to extricate themselves from the coils which have been wound around them.

Mr. MANSFIELD. When I hear talk of extended debate and filibuster, I am reminded of a statement made by a distinguished Senator who is now running for President on the other party's ticket, concerning something relating to a choice, not an echo. What I think I hear is an echo which I have heard time and again in this Chamber. There is no difference whatever between an extended

debate and a filibuster. It depends on who is wearing the shoe at the time, as to who makes the statement.

Furthermore, the distinguished Senator from Illinois has used the word "ram." I have never in my 12 years in the Senate tried to ram anything down anybody's throat. And I do not intend to do so now. So far as I am concerned, the Senate can remain in session until January 3, 1965. If the Senator wishes to talk that long, it is all right with me. But there will be no ramming of anything down anybody's throat. The RECORD ought to be clear in that regard.

Mr. DOUGLAS. I am not accusing the Senator from Montana of ramming this through in a personal sense.

Mr. MANSFIELD. The Senator said, "The majority and minority leaders will be able to ram it down the throat of the Senate."

Mr. DOUGLAS. If a Senator votes for cloture, that will mean that the rules of the Senate will force a premature vote down the throats of the minority—not in a personal manner, but in an impersonal fashion through the operation of cloture.

The distinguished majority leader [Mr. MANSFIELD] said that there is no difference between an extended debate and a filibuster. The Senator may not remember the fight that some of us put up in connection with offshore oil.

Mr. MANSFIELD. I believe the Senator should remember it. I was on the side of the Senator from Illinois.

Mr. DOUGLAS. I cannot remember all the votes with certainty. When we started, it was the plan of the proponents to give all of the offshore oil to the States. They would have given the States all of the offshore oil, not just within a 3-mile or 3-league limit but out to the edge of the Continental Shelf.

For 30 days, the Senator from Alabama [Mr. HILL] and I, brought to bear such arguments as we could. As a result of the fight which we made, we convinced the Senate that even if it felt obligated to give the royalty rights to the States for the oil located up to 3 miles out—and in the case of Texas, 3 leagues—the United States of America has the rights to the oil beyond that, to the edge of the Continental Shelf. The explorations since then appear to show that the major portion of the offshore oil is located on that Continental Shelf beyond the 3-mile limit. The decision which we helped to secure from the Congress means a difference of hundreds of millions of dollars a year to the U.S. Treasury.

That is one specific case in which a fight on the floor of the Senate, called a filibuster at the time by our opponents, resulted in a big improvement in the final action that was taken. I could mention another illustration.

Mr. MANSFIELD. I agree with the Senator. But I point out that no matter how it is termed, it is still a filibuster.

Mr. DOUGLAS. That is the opinion of the Senator from Montana.

The Senator may remember the Kerr gas bill in 1950, which was aimed at depriving the Federal Power Commission of the right to fix the price of gas at the point where it entered the pipelines.

There was debate on the bill for more than a month. We were defeated, but the developments and force of that debate so changed public opinion that the President of the United States vetoed the bill. While some of the effect of that veto was later removed by shilly-shallying on the part of the Federal Power Commission, the private oil and gas interests have not been able to get all they wanted, even now. So extended debate serves a useful purpose. If the Senator from Montana votes on Thursday for cloture—and I expect the Senator will—with the best intent in the world, he will still diminish the opportunity which is accorded to Senators to convince other Senators and the people that the Supreme Court is correct. He would take from us the opportunity to show that the present malapportionment of State legislatures should be corrected, that the legislatures themselves have not corrected it by themselves, and that the only hope of fair apportionment really lies in the Supreme Court. We hope that we can so convince the Senator.

The PRESIDING OFFICER. The time of the Senator from Illinois has once again expired.

Mr. MANSFIELD. Mr. President, I have not as yet stated how I shall vote on the cloture motion presented by the distinguished minority leader. I am sorry that the distinguished Senator from Illinois [Mr. DOUGLAS] made the assertion that he did, because it may or may not be true. But at least I was trying to keep my position secret until the time came to make a decision.

It is my candid belief that the cloture motion will not command sufficient votes to make it effective; further, it is my candid belief that, so far as the debate on the subject is concerned, Senators who are opposed to the Mansfield-Dirksen amendment will have all the time they wish to discuss the subject and to convince their colleagues. Moreover, it is my belief that from now on not a single vote will be changed. The Senator either has the votes on his side or he has not; and that is it.

Mr. PROXMIRE. Mr. President, will the Senator yield on that point?

Mr. MANSFIELD. I yield.

Mr. PROXMIRE. Since the debate began, a number of votes have been changed. We have not had an opportunity to discuss that subject with the Senator.

Mr. MANSFIELD. From now on no votes will be changed.

Mr. PROXMIRE. There are all kinds of arguments still to be made which we seek to develop. A number of Senators who wish to discuss those points have not been able to do so. We have not been able to discuss the subject with those Senators since the Labor Day weekend. In view of the limited opportunity we have had to discuss the subject, to say that not a single vote would be changed from now on is a statement with which I would disagree. I make that statement on the basis of the experience we have had in the past week or so. Votes have changed whenever we have gotten the ear of our colleagues. But many of them have not yet been reached.

Mr. MANSFIELD. Mr. President, I could be completely mistaken. All I am doing is giving the Senate my judgment.

Mr. PROXMIRE. A number of Senators have not yet made up their minds.

Mr. MANSFIELD. I believe I know the Senators to whom the Senator from Wisconsin has reference. Some of those have not spoken; others have had their statements printed in the RECORD. But so far as changing minds further is concerned, very few, if any, will be changed from now on. I admit that in the past 3 weeks some minds have been changed. That is why I made the statement that, in my opinion, it will not be possible to invoke cloture on the motion which was presented earlier today. Therefore, the Senate will have all the time in the world, at least until noon January 3, 1965, if it so desires, to discuss the subject.

Mr. HART. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HART. Mr. President, I ask unanimous consent that the Senator from Illinois may have 3 additional minutes.

Mr. DOUGLAS. Mr. President, is not the Senate now in the morning hour; and is not the Senator from Michigan entitled, in his own right, to speak for 3 minutes?

The PRESIDING OFFICER. The Senator from Michigan is entitled to speak for 3 minutes.

Mr. HART. I thank the Chair. It occurs to me that since I was about to make a comment which would involve the Senator from Illinois [Mr. DIRKSEN], it would be more courteous if I did it on his time. In either case, I shall speak for no longer than 3 minutes.

Mr. President, it might be helpful to put into perspective what is a filibuster and what is not a filibuster, who is proceeding precipitately and who is dragging his feet.

I suggest that we turn our minds back a few months to a situation in this Chamber when we were confronted with a proposal made by the majority leader that the Senate take up the civil rights bill. As well as I can reconstruct the situation, on the 9th day of March the majority leader moved that the Senate take up the civil rights bill. The Judiciary Committee had held 9 days of hearings on the bill before that. I have not been able to determine how many days of hearings the Commerce Committee had held on the bill. Serving on both committees, I am uncertain in my memory which was the longer. But it is my impression that the Committee on Commerce devoted more time to consideration of the measure. In any event, when the majority leader moved to take that bill up so that something could be done about it, there had been 9 days of hearings before the Judiciary Committee.

On the 25th day of March, the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN] counseled us thus:

If this is as important as the zealots would have us believe, it is all the more reason why

the Senate should be most careful about a bill of this kind.

Parenthetically, there are those who feel that the domestic crisis then confronting us in civil rights was more compelling than the constitutional crisis that confronts us in the Dirksen amendment. But I am sure that all thoughtful persons would agree that both were and are of major importance.

The minority leader then went on to say:

There seems to be great haste and hurry, but when we stop to think of the importance of this measure and what its impact on the country would be, we can afford to take some time and be careful in our scrutiny.

This was the 25th of March. The Senator was commenting on a motion that had been pending since the 9th of March to take up the bill for discussion. Finally the minority leader counseled us:

There has been great discussion about the intent of Congress. The courts will take a look at the language in the bill, and out of it they will finally come to a conclusion as to what was the intent. I believe that one of the most scholarly articles I have ever read on the subject of intent of Congress appeared in the Harvard Law School Journal. Whoever wrote it did a very good job, because the very first line in that article was: "The intent of Congress is a fiction."

The second sentence was: "The intent of Congress is what the courts say it is."

Where do the courts go? They go to the language in the bill, and the courts go to the reports.

The impact of the bill will be "from now on," and the social pattern of our country will be changed. Some time later I do not wish to lament and to rue the day when I did not take sufficient time to give sufficient scrutiny to the words, the phrases, the implications, the legal significance, and what its impact will be upon the economic and social fabric of our country.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HART. Mr. President, I ask unanimous consent that I may have 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. I invite the attention of Senators to the fact that caution was voiced by the Senator from Illinois a few months ago, because the words are not inapplicable at the present time. The caution is not unrelated, because the Dirksen amendment would affect in some form or other—though there is no record to inform us how—each of the 50 States of the Union with respect to composition and operation of its State legislature.

If on the 25th of March, on a motion that had been pending since the 9th of March to take up the civil rights bill, we were cautioned as I have described by the Senator from Illinois, he would not find us, I am sure, to be inflexible and unreasonable in suggesting that, without any committee hearings—unlike the case of the civil rights bill—and with only 20-some hours of discussion available to us, we insist that what he told us then is relevant now. For that reason it is well that we get into perspective exactly where we stand and how much time ought to be devoted to the subject and

what sort of record should be developed before the Congress of the United States goes on the road to reaching over into the Supreme Court building and, in effect, telling the Justices to move over. Once we adopt that precedent, history will make it an unfortunate day.

Mr. DIRKSEN. Mr. President, I wish I could take time adequately to answer my distinguished friend from Michigan. Senators will observe that he put the emphasis on the month of March. The committees had produced little legislation at the time. When I said, in that statement on the floor, "We can afford to take some time," I meant exactly that, because we had time, and there was nothing crowding the Senate at the moment. So there was no reason why it could not go back. Now we are getting close to the middle of September. I know the mood of the Senate. I know the mood of the House of Representatives. Members want to go home. I want to go home. I want to get out on the hustings and do a little campaigning and answer some of the speeches such as the one we heard from the distinguished Senator from Arkansas [Mr. FULBRIGHT] a little while ago.

How long are we going to keep Senators here as they gather up these pearls of wisdom? Senators talk to an empty Chamber. There was a conference. One Member of that group came to this desk any number of times to ask whether or not I was going to submit a cloture motion. At the time I had no thought of it. When it was said to me, "We will continue, then, ad infinitum," with Members of Congress wanting to get home, that is a horse of another color.

So there was a reason to file the cloture motion. If it fails, the amendment will still be here, and the Senate will get a vote on it, or my name is not DIRKSEN.

It can be tabled. Any Senator is free to make that motion. Why does not the Senator rise in his place and offer a motion to table? There is nothing to stop the Senator. Some Senators have a political motive. They are going to get a few votes and gather a little strength.

No such thought occurred to me. I was ready to file the motion for cloture, in accordance with the agreement I had with the majority leader, after he had conferred with the Senator. I could have done it a week ago. But it is an appropriate time, at the end of the Labor Day weekend. So there has been time to discuss it. Senators have not been able to keep other Senators here to listen to them. But they know the arguments. When I say "them" I mean Members of the Senate. They read the Washington Post. They read the articles by the law professors and deans. I read them. Everybody has read them. If Senators are not familiar with the issue by now, all I have to say is that instead of throwing light on the subject, Senators have obfuscated it and made it more complex and bewildering than it really is.

So there is the answer to all this argument, and every Senator is going to have a vote, one way or another, on this amendment, because I mean to carry it to a conclusion.

WHITESTONE COULEE UNIT OF THE OKANOGAN-SIMILKAMEEN DIVISION, CHIEF JOSEPH DAM PROJECT, WASHINGTON

Mr. NELSON. Mr. President, I ask the Chair to lay before the Senate the amendment of the House of Representatives to Senate bill 2447.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2447) to authorize the Secretary of the Interior to construct, operate, and maintain the Whitestone Coulee unit of the Okanogan-Similkameen division, Chief Joseph Dam project, Washington, and for other purposes, which was, to strike out all after the enacting clause and insert:

That for the purpose of furnishing a new and a supplemental water supply for the irrigation of approximately two thousand five hundred and fifty acres of land in Okanogan County, Washington, for the purpose of undertaking the rehabilitation and betterment of existing works serving a major portion of these lands, and for conservation and development of fish and wildlife resources and improvement of public recreation facilities, the Secretary of the Interior is authorized to construct, operate, and maintain the Whitestone Coulee unit of the Okanogan-Similkameen division of the Chief Joseph Dam project, in accordance with the provisions of the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto). The principal works of the unit shall consist of: facilities to permit enlargement and utilization of Spectacle Lake storage; related canal and conduits, diversion dam, pumping plants, and distribution systems; and necessary works incidental to the rehabilitation and expansion of the existing irrigation system.

SEC. 2. The provisions of section 2 of the Act of July 27, 1954 (68 Stat. 568, 569), shall be applicable to the Whitestone Coulee unit of the Okanogan-Similkameen division of the Chief Joseph Dam project. The term "construction costs" used therein shall include any irrigation operation, maintenance, and replacement costs during the development period which the Secretary finds it proper to fund because they are beyond the ability of the water users to pay during that period.

SEC. 3. (a) The Secretary is authorized as a part of the Whitestone Coulee unit to construct, operate, and maintain or otherwise provide for basic public outdoor recreation facilities, to acquire or otherwise to include within the unit area such adjacent lands or interests therein as are necessary for public recreation use, to allocate water and reservoir capacity to recreation, and to provide for public use and enjoyment of unit lands, facilities, and water areas in a manner coordinated with the other unit purposes. The Secretary is authorized to enter into agreements with Federal agencies or State or local public bodies for the operation, maintenance, and additional development of unit lands or facilities, or to dispose of unit lands or facilities to Federal agencies or State or local public bodies by lease, transfer, exchange, or conveyance, upon such terms and conditions as will best promote the development and operation of such lands or facilities in the public interest for recreation purposes. The costs of the aforesaid undertakings, including costs of investigation, planning, Federal operation and maintenance, and an appropriate share of the joint costs of the unit, shall be nonreimbursable. Nothing herein shall limit the authority of the Secretary granted by existing provisions of law

relating to recreation development of water resources projects or the disposition of public lands for recreational purposes.

(b) The costs of means and measures to prevent loss of and damage to fish and wildlife resources shall be considered as project costs and allocated as may be appropriate among the project functions.

SEC. 4. There are hereby authorized to be appropriated for construction of the new works involved in the Whitestone Coulee unit, of the Okanogan-Similkameen division of the Chief Joseph Dam project \$5,312,000, plus or minus such amounts, if any, as may be required by reason of changes in the cost of construction work of the types involved therein as shown by engineering cost indices and, in addition thereto, such sums as may be required to operate and maintain said division.

Mr. NELSON. Mr. President, I move that the Senate concur in the House amendment.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. MAGNUSON. This is a very important piece of legislation, authorizing the Whitestone Coulee unit of the Chief Joseph Dam unit. Chief Joseph Dam is primarily a huge power project, one of the greatest in the world, but the possibilities of some irrigation from it are very good, and this is one of the units that can lend itself to irrigation. I am glad the Senator from Wisconsin is bringing the matter up.

I ask unanimous consent to have placed in the RECORD at this point a letter from the Department of the Interior to my distinguished colleague [Mr. JACKSON], chairman of the Committee on Interior and Insular Affairs, describing the project, its value, and the benefit-cost ratio. I appreciate the action of the Committee on Interior and Insular Affairs in pressing the bill through. I know it is expedient to accept the House amendment to the Senate bill.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 2, 1964.

HON. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: This responds to your request for the views of this Department on S. 2447, a bill to authorize the Secretary of the Interior to construct, operate, and maintain the Whitestone Coulee unit of the Okanogan-Similkameen division, Chief Joseph Dam project, Washington, and for other purposes.

We recommend enactment of the bill with certain amendments suggested hereinafter.

The Whitestone Coulee unit is a potential irrigation development to serve 2,660 acres in north-central Washington about 10 miles from the international boundary with Canada. Existing facilities of the Whitestone Reclamation District now serve 1,830 irrigable acres of the project area. The plan of development of the unit provides for rehabilitating and enlarging existing works and constructing new facilities to serve an additional 705 acres of lands that are now dryfarmed. Continuation of water service within their entitlement to a further 125 acres of class 6 district lands which have a water right is also proposed. The 125 acres of class 6 lands would not be included

within the district for repayment purposes; however, they would pay appropriate operation, maintenance, and replacement charges.

The lands in the unit area are devoted almost exclusively to apple production, with cover crops. By climate, topography, and soils the area is particularly well suited to this crop pattern under sprinkler irrigation. The district lands in question have a long and successful production history, and the new lands included in the project plan are equally well suited for apple production.

The Whitestone Reclamation District holds adjudicated rights to the flows of Toats Coulee Creek. The plan of development contemplates replacing an existing diversion dam on that creek with a new structure, rehabilitating the main supply canal which runs from the point of diversion on Toats Coulee Creek to Spectacle Lake some 4 miles away. Active storage capacity of Spectacle Lake would be expanded from 3,800 to 6,250 acre-feet by construction of a dike and outlet control works. Three small pumping plants would be built and the gravity distribution system of canals, siphons, and buried pipe laterals would be rehabilitated and expanded as necessary. These improvements would provide an adequate water supply for irrigation of all lands of the unit.

Development of the unit as proposed would produce no flood control benefits of significance, nor is there opportunity for the production of hydroelectric power. Investigations disclosed no need in the area for industrial water supplies or pollution control or other public health measures. Existing facilities for domestic water service are adequate and will remain in use. Thus, the Whitestone Coulee unit is proposed principally as an irrigation development.

There are, however, opportunities to provide excellent fishery and general recreation benefits. These would be realized under the plan of development proposed. The State and private interests have already developed Spectacle Lake as a recreation facility. By virtue of annual stockings of fingerlings by the State Department of Game, it is an excellent rainbow trout fishery. With increased capacity and project improvements the fishery would be enhanced to produce average annual benefits estimated by the Fish and Wildlife Service at \$4,050. Lands would be acquired to replace existing public-access areas inundated by enlargement of the reservoir, and basic recreation facilities would also be constructed.

The project is engineeringly and economically feasible. Based on a 100-year period of analysis, the benefit-cost ratio is 5.6 to 1, demonstrating the productivity of irrigated orchard land in the area.

Okanogan County, Wash., in which the unit is located has been designated as a rural redevelopment area under criteria in the Area Redevelopment Act of 1961 (75 Stat. 47). Accordingly, the benefits which would accrue to area redevelopment from project construction and operation have been calculated. We propose that this function be recognized as a project purpose in accordance with principles for water resource development evaluation adopted by the President on May 15, 1962 (S. Doc. 97, 87th Cong.), for application within the executive branch. To accomplish this, the bill should be amended by adding the words "and for area redevelopment," after the word "facilities," on line 2, page 2.

Also, section 4 should be renumbered section "5" and a new section 4 reading as follows should be added:

"Sec. 4. The Secretary is authorized, if the Whitestone Coulee unit is located in whole or in part in a redevelopment area as defined in the Area Redevelopment Act (75 Stat. 47) to recognize redevelopment as a function of the unit, to evaluate the benefits of the unit in relieving persistent unemployment or un-

deremployment, and to allocate costs to the redevelopment function as appropriate, which costs shall be nonreimbursable."

The total project cost is estimated to be \$5,312,000. Of this, \$813,000 would be allocated to area redevelopment, \$4,336,000 to irrigation, and \$163,000 to fish and wildlife enhancement and recreation. On the basis of budget studies, we have estimated the repayment capability of the irrigators to be \$1,100,200 over a 50-year period. This is 25 percent of the irrigation allocation. The balance of the irrigation allocation would be returned from revenues of the Federal Columbia River power system.

Orchards are slow to develop. Consequently, those project farmers whose lands are not now in orchards will require a 10-year development period, during which they will experience very low revenues. For that reason it is necessary to fund a part of the operation and maintenance costs of the unit during that period. Projections are that approximately \$74,000 in operating costs would be funded as an irrigation cost item.

The first sentence of section 2 makes applicable to the Whitestone Coulee unit the provisions of section 2 of the act of July 27, 1954, authorizing the Foster Creek division of the Chief Joseph Dam project (68 Stat. 568). The provisions of section 2 of the act of July 27, 1954, are not entirely appropriate to the Whitestone Coulee unit—those provisions are:

(1) Establishment of a 50-year repayment period (this is necessary);

(2) Adoption of a variable repayment formula (this is not necessary, general reclamation law now provides this authority, act of August 8, 1958 (72 Stat. 542));

(3) Provision for financial assistance from Chief Joseph Dam (financial assistance is required, but because of recent changes in accounting practices for the Federal Columbia River power system it is no longer appropriate to the financial assistance to an individual project or dam); and

(4) Availability of Chief Joseph project energy for project pumping at rates not exceeding the costs of generation (similarly, the change in accounting practices makes it no longer appropriate to tie the unit pumping power reservation and charges to an individual project).

In order to provide for a 50-year repayment period for the irrigators, fund operating costs as necessary during the development period, reserve power for unit pumping and provide financial assistance to the unit, we recommend that section 2 be deleted and the following substituted therefor:

"Sec. 2. Irrigation repayment contracts shall provide for repayment of the obligation assumed thereunder with respect to any contract unit over a period of not more than fifty years exclusive of any development period authorized by law. Operation, maintenance, and replacement costs during the development period which the Secretary finds it proper to fund because they are beyond the ability of the irrigators to repay during that period shall be returned by the irrigators during the repayment period. Construction costs allocated to irrigation beyond the ability of the irrigators to repay, shall be returned to the reclamation fund from revenues derived by the Secretary from the disposition of power marketed through the Bonneville Power Administration. Power and energy required for irrigation water pumping for the unit shall be made available by the Secretary from the Federal Columbia River power system at charges determined by the Secretary."

Finally, to accommodate the bill to the administration's proposed legislation concerning cost-sharing at water resource projects, a new subsection 3(b) should be added as follows:

"(b) The costs of means and measures to prevent loss of and damage to fish and wildlife resources shall be considered as project costs and allocated as may be appropriate among the project functions."

Authorization to proceed with the White-stone Coulee unit would be most timely. The unit has a very high benefit-to-cost ratio and will produce substantial benefits in a community that is undergoing serious economic hardship.

A statement of personnel and other requirements that enactment of this legislation would entail is enclosed in accordance

Whitestone Coulee unit Okanogan-Similkameen division, Chief Joseph Dam project

[Estimated additional man-years of civilian employment and expenditures for the 1st 5 years of proposed new or expanded programs, as required by Public Law 801, 84th Cong.]

	1st year	2d year	3d year	4th year	5th year
Estimated additional man-years of civilian employment:					
Administrative services: Clerical.....	None	1	1	1	None
Substantive (program): Engineering aids and technicians.....	None	3	3	3	None
Total estimated additional man-years of civilian employment.....	None	3.25	4	2.75	None
Estimated expenditures:					
Personal services.....	(1)	\$154,200	\$194,465	\$144,097	\$10,942
All other.....	(1)	1,089,780	2,278,535	1,078,903	3,458
Total estimated expenditures.....	\$197,000	1,235,000	2,473,000	1,223,000	14,400

¹ General investigation expenses.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wisconsin to concur in the House amendment.

The motion was agreed to.

CROOKED RIVER FEDERAL RECLAMATION PROJECT

Mr. NELSON. Mr. President, I ask that the Chair lay before the Senate the amendment of the House of Representatives to Senate bill 1186.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1186) to amend the act authorizing the Crooked River Federal reclamation project to provide for the irrigation of additional lands, which was, to strike out all after the enacting clause and insert:

That the first section of the Act entitled "An Act to authorize construction by the Secretary of the Interior of the Crooked River Federal reclamation project, Oregon", approved August 6, 1956 (70 Stat. 1058), as amended, is amended by inserting immediately before the period at the end of the first sentence of such section the following: "and the Crooked River project extension, together referred to hereafter as the project. The principal new works for the project extension shall include six pumping plants, canals, and related distribution and drainage facilities".

SEC. 2. There are hereby authorized to be appropriated for construction of the new works involved in the Crooked River project extension \$1,132,000, plus or minus such amounts, if any, as may be required by reason of changes in the cost of construction work of the types involved therein as shown by engineering cost indexes and, in addition thereto, such sums as may be required to operate and maintain said extension.

SEC. 3. Supplemental power and energy required for irrigation water pumping for the project shall be made available by the Secretary of the Interior from the Federal Columbia River power system at charges determined by him.

with the provisions of Public Law 801, 84th Congress.

The Bureau of the Budget has advised that there is no objection to the presentation of this proposed report from the standpoint of the administration's program, subject to possible supplementary advice from the Bureau of the Budget when views of the Department of Commerce on the proposed amendments to the bill dealing with area redevelopment are received.

Sincerely yours,

KENNETH HOLUM,

Assistant Secretary of the Interior.

Mr. NELSON. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion to concur in the House amendment.

The motion was agreed to.

The PRESIDING OFFICER. Is there further morning business?

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

CLOTURE MOTION

Mr. DOUGLAS. Mr. President, Mr. Arthur J. Freund, of St. Louis Mo., is one of the most prominent attorneys in the Middle West. He was one of the first to call attention to the actions taken at a meeting sponsored by the Council of State Governments in Chicago in the fall of 1962. That meeting of the so-called assembly of the States started the movement which has now come to fruition in the Dirksen-Mansfield amendment.

The council proposed to the State legislatures three application for constitutional amendments, one of which would have denied any authority to the U.S. Supreme Court to order reapportionment of State legislatures.

That amendment application has been approved by 13 State legislatures to date. It is not quite certain what its constitutional status is as compared with the amendment which the Senator from Illinois [Mr. DIRKSEN] will offer in the Congress if the present Dirksen-Mansfield amendment to the foreign aid bill is adopted.

The present Dirksen-Mansfield amendment would anesthetize for a period of

time—the precise duration of which is uncertain—any present or future action of the Supreme Court in ordering reapportionment, and would freeze the State legislatures, with the possible exception of two or three, in their present malapportioned form.

My colleague was completely frank in saying that it is his intention, when Congress reconvenes in January, to introduce a constitutional amendment which would establish a permanent prohibition against any order of the Supreme Court providing for reapportionment.

If the present effort is successful in the House and the Senate—and particularly if the cloture motion is approved on Thursday by a two-thirds vote—I think we can be certain that, unless there are appreciable changes in the composition of the Congress by January, such an amendment would go through Congress and that the present malapportioned State legislatures would then undoubtedly ratify it. That is what is at stake in this whole issue.

It is a very grave issue.

Mr. Freund, some weeks ago, wrote me a very detailed letter before the full tactics in connection with the Dirksen-Mansfield amendment were revealed.

I ask unanimous consent that this letter appear at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ARTHUR J. FREUND,
ATTORNEY AT LAW,
7 NORTH SEVENTH STREET,
ST. LOUIS, MO., July 30, 1964.

Re proposals to amend the U.S. Constitution relating to apportionment in State legislatures.

HON. PAUL H. DOUGLAS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR DOUGLAS: In utmost earnestness I write you regarding the current proposals to amend the Constitution of the United States so as to deprive the Federal courts of jurisdiction in causes having to do with the malapportionment of State legislatures.

You are aware that I was one of those who early advocated opposition to the three proposals of the Council of State Governments to amend the Constitution. One of the Council's proposals was designed to nullify the decision of the Supreme Court of the United States in *Baker v. Carr*, (1962) 369 U.S. 186, relating to the malapportionment of a State legislature, and it is one of a number of proposals on this subject now before the Congress. S.J. Res. 181, introduced by Senator STENNIS on July 8, 1964, and S.J. Res. 185, introduced by Senator DIRKSEN on July 23, 1964, are also typical of proposals directed to the same ultimate end. The proposals to amend the Constitution and dilute the judicial process generated by *Baker v. Carr* have been multiplied as a result of the more recent decisions of the Supreme Court requiring equal population representation in both houses of State legislatures where the bicameral system prevails, delivered on June 15, 1964. In *Reynolds v. Sims*, — U.S. —, 12 L. ed. 2d 506, the Court held that the malapportionment of the Alabama Legislature was in contravention of the equal protection clause of the Constitution. This was followed on the same day by comparable holdings with respect to the legislature in New York (*WMCA v. Lomenzo*, — U.S. —, 12 L. ed. 2d 568); in Maryland (*Maryland Committee v. Tawes*, — U.S. —, 12 L. ed. 2d

595); in Virginia (*Davis v. Mann*, — U.S. —, 12 L. ed. 2d 609); in Delaware (*Roman v. Sincok*, — U.S. —, 12 L. ed. 2d 620); and in Colorado (*Lucas v. Colorado General Assembly*, — U.S. —, L. ed. 2d 632). On June 22, 1964, the Court delivered like opinions affecting the State of Washington, (*Meyers v. Thigpen*, — U.S. —, 12 L. ed. 2d 1024) and Oklahoma (*Williams v. Moss*, — U.S. —, 12 L. ed. 2d 1026).

The essence of the opinions in these cases, as it was in *Baker v. Carr*, is stated by the Chief Justice in *Reynolds v. Sims*, supra, at 12 L. ed. 2d 506, 527 l.c.:

"Legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests. As long as ours is a representative form of government, and our [State] legislatures are those instruments of government elected directly by and directly representative of the people, the right to elect legislators in a free and unimpaired fashion is a bedrock of our political system.

"We conclude that the equal protection clause guarantees the opportunity for equal participation by all voters in the election of State legislators. Diluting the weight of votes because of place of residence impairs basic constitutional rights under the 14th amendment just as much as invidious discriminations based upon factors such as race * * *, or economic status * * *. (12 L. ed. 2d 529, 530 l.c.)"

The proposals now before Congress in both Houses of the Congress to amend the Constitution to reverse the effect of these decisions take a variety of the forms, but they proceed from the same approach as does the proposal of the Council of State Governments which would amend the Constitution to provide: "The judicial power to the United States shall not extend to any suit in law or equity, or to any controversy relating to apportionment of representation in a State legislature."

This specific proposal has been disapproved by the American Bar Association, the Missouri Bar, the Bar Association of St. Louis, the Bar Association of St. Louis County, the Madison County (Ill.) Bar Association, the Bar Association of Kansas City, Mo., the Association of the Bar of the City of New York, the Essex County (N.J.) Bar Association, the Philadelphia Bar Association, as well as by a large number of other National, State, and local bar groups from one end of the country to the other.

The proposals now before Congress on this subject would withdraw from Federal constitutional protection the equal and effective exercise of political rights which are fundamental and essential to a true representative democracy. They would, if any of them should be ultimately adopted, constitute the first diminution in our history of any Federal guarantee of liberty, justice or equality. More specifically, the equal protection clause has up to now been left, as it came into the Constitution, entirely universal and unqualified; "equal protection of the laws," not as to some matters, but as to all. To begin diluting any of our constitutional guarantees, to begin introducing exceptions into the concept of equality under law are alarming and portentous steps. It is ironical that the likelihood that some of the flagrant present abuses in State apportionment may be eliminated by Federal judicial action should be the stimulus for an assault upon one of the most cherished of all the constitutional safeguards of our civil liberties.

Moreover, any diminution or exclusion of Federal judicial power in this area would reach far beyond the equal protection clause and could have consequences not foreseen or even desired by many of those persons who support such proposals. For example, if the proposal of the Council of State Governments or the proposal of Congressman WILLIAMS M. McCULLOUGH, or the proposal of Senator

STENNIS, or that of Senator DIRKSEN were adopted, any State which used apportionment as a guise for practicing the most extreme forms of racial, economic or other invidious discrimination would be completely insulated from any effective restraint. By the same token even the Congress would be rendered almost powerless to implement the purpose of the 15th amendment, since any meaningful legislation would require judicial enforcement of the very kind that would be eliminated by the plan proposed. It is fair to say that the adoption of such a proposal would operate not only as a sanction, but as an invitation for legislatures so disposed to evolve apportionment schemes with the most obnoxious consequences for any system of representative government. It is not unreasonable to suggest that a State government which would profit from any arrangement to perpetuate itself in power would not be inclined to change that arrangement if it were immunized from any judicial intervention.

These considerations and others raise questions of the gravest import; they are considerations basic to the political and constitutional continuation of our present form of government. They should have the most careful scrutiny by both Houses of the Congress and by its committees charged with responsibility in this vital area. Before any final conclusion is reached by Congress there should be an intensive national debate concerning the objectives sought by the proponents of such proposals since their aims affect every citizen in every State of the Union.

Such a debate—and adequate time and preparation for it—must be had so that there may be informed and national molding of sentiment on proposals of such paramount significance. Only in that orderly way, the typical American way, can a sound and mature conclusion be reached by our people who, in the last analysis, must make the decision.

It is my hope that the most careful consideration of these proposals will be given by the Committee on the Judiciary of the Senate, as well as the House. These proposals involve the basic postulates of the American constitutional system of government and your committee could have no greater responsibility or duty than to protect and defend the Constitution.

I urge you to give your utmost consideration to this subject; to encourage a most comprehensive study and discussion by the bar and press, as well as all other informed sources, upon the effect of any of the proposals on the operation and the maintenance of our constitutional form of government. Sober, thoughtful, and informed consideration rather than speed should, in my view, govern the deliberations of Congress in one of the most important constitutional crises to arise in our time.

Respectfully,

ARTHUR J. FREUND.

Mr. DOUGLAS. Mr. Freund writes that:

The proposals now before Congress on this subject would withdraw from Federal constitutional protection the equal and effective exercise of political rights which are fundamental and essential to a true representative democracy. They would, if any of them should be ultimately adopted, constitute the first diminution in our history of any Federal guarantee of liberty, justice or equality. More specifically, the equal protection clause—

Which, as we know, is in the 14th amendment—

has up to now been left, as it came into the Constitution, entirely universal and unqualified; "equal protection of the laws," not as to some matters, but as to all. To begin diluting any of our constitutional guarantees, to begin introducing exceptions into the

concept of equality under law are alarming and portentous steps. It is ironical that the likelihood that some of the flagrant present abuses in State apportionment may be eliminated by Federal judicial action should be the stimulus for an assault upon one of the most cherished of all the constitutional safeguards of our civil liberties.

Mr. President, to cite only 1 or 2 examples of grossly unfair representation from among the thousands which exist 14,000 people in 1 senatorial district in California have the same representation in the California Senate as the more than 6 million people in Los Angeles County.

A hamlet of 36 people in Vermont has the same representation in the lower house in Vermont as a city of 38,000.

There is gross malapportionment in Tennessee and in Alabama, which the Supreme Court sought to correct.

There is gross malapportionment in New Jersey, Maryland, and New York. There is appreciable malapportionment in my State of Illinois.

We can call the roll of State after State in which the metropolitan population has increased over the recent years by a third or approximately two-thirds without any adjustments to accord fair representation.

I see in the Chamber the distinguished Senator from Florida [Mr. HOLLAND]. The latest figures I have been able to obtain from the State of Florida indicate that 15 percent of the population of Florida elects a majority in both the Florida Senate and the Florida House.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOUGLAS. Then I shall take my seat and continue at another time.

AMENDMENT OF THE INTERNATIONAL CLAIMS SETTLEMENT ACT OF 1949

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1460, H.R. 12259.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 12259) to amend the International Claims Settlement Act of 1949 to provide for the determination of the amounts of claims of nationals of the United States against the Government of Cuba.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with amendments on page 2, line 1, after the word "Cuba", to insert "which have arisen out of debts for merchandise furnished or services rendered by nationals of the United States without regard to the date on which such merchandise was furnished or services were rendered or"; in line 13, after the word "States.", to insert "This title shall not be construed as authorizing an appropriation or as any intention to authorize an appropriation for the purpose of paying such claims."; on page 3, line 20, after the word "Cuba", to insert "arising out of debts for merchandise fur-

for administrative expenses to local development districts. The amount of any such grant shall not exceed 75 per centum of such expenses in any one fiscal year. No grants for administrative expenses shall be made to a local development district for a period in excess of three years beginning on the date the initial grant is made to such development district. The local contributions for administrative expenses may be in cash or in kind, fairly evaluated, including but not limited to space, equipment, and services; and

(2) either directly or through arrangements with appropriate public or private organizations (including the Commission), to provide funds for investigation, research, studies, and demonstration projects, but not for construction purposes, which will further the purposes of this Act.

(b) Not to exceed \$5,500,000 of the funds authorized in section 401 of this Act shall be available to carry out this section.

Annual Report

SEC. 303. Not later than six months after the close of each fiscal year, the Commission shall prepare and submit to the Governor of each State in the region and to the President, for transmittal to the Congress, a report on the activities carried out under this Act during such year.

TITLE IV—APPROPRIATIONS AND MISCELLANEOUS PROVISIONS

Authorization of Appropriations

SEC. 401. In addition to the appropriations authorized in section 201 for the Appalachian development highway system, there is hereby authorized to be appropriated for the period ending June 30, 1966, to be available until expended, not to exceed \$237,200,000 to carry out this Act.

Applicable Labor Standards

SEC. 402. All laborers and mechanics employed by contractors or subcontractors in the construction, alteration, or repair, including painting and decorating, of projects, buildings, and works which are financially assisted through the Federal funds authorized under this Act, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176, 64 Stat. 1267, 5 U.S.C. 133—133z-15), and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

Definition of Appalachian Region

SEC. 403. As used in this Act, the term "Appalachian region" or "the region" means that area of the eastern United States consisting of the following counties:

In Alabama, the counties of Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Colbert, Coosa, Cullman, De Kalb, Elmore, Etowah, Fayette, Franklin, Jackson, Jefferson, Lawrence, Limestone, Madison, Marion, Marshall, Morgan, Randolph, Saint Clair, Shelby, Talladega, Tallapoosa, Tuscaloosa, Walker, and Winston;

In Georgia, the counties of Banks, Barrow, Bartow, Carroll, Catoosa, Chattooga, Cherokee, Dade, Dawson, Douglas, Fannin, Floyd, Forsyth, Franklin, Gilmer, Gordon, Gwinnett, Habersham, Hall, Haralson, Heard, Jackson, Lumpkin, Madison, Murray, Paulding, Pickens, Polk, Rabun, Stephens, Towns, Union, Walker, White, and Whitfield;

In Kentucky, the counties of Adair, Bath, Bell, Boyd, Breathitt, Carter, Casey, Clark, Clay, Clinton, Cumberland, Elliott, Estill, Fleming, Floyd, Garrard, Green, Greenup, Haman, Jackson, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, McCreary, Madison, Magoffin, Mar-

tin, Menifee, Monroe, Montgomery, Morgan, Owsley, Perry, Pike, Powell, Pulaski, Rockcastle, Rowan, Russell, Wayne, Whitley, and Wolfe;

In Maryland, the counties of Allegany, Garrett, and Washington;

In North Carolina, the counties of Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Davie, Forsyth, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Stokes, Surry, Swain, Transylvania, Watauga, Wilkes, Yadkin, and Yancey;

In Ohio, the counties of Adams, Athens, Belmont, Brown, Clermont, Gallia, Guernsey, Harrison, Highland, Hocking, Jackson, Jefferson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Ross, Scioto, Vinton, and Washington;

In Pennsylvania, the counties of Allegheny, Armstrong, Beaver, Bedford, Blair, Bradford, Butler, Cambria, Cameron, Carbon, Centre, Clarion, Clearfield, Clinton, Columbia, Crawford, Elk, Erie, Fayette, Forest, Fulton, Greene, Huntingdon, Indiana, Jefferson, Juniata, Lackawanna, Lawrence, Luzerne, Lycoming, McKean, Mercer, Mifflin, Monroe, Montour, Northumberland, Perry, Pike, Potter, Schuylkill, Snyder, Somerset, Sullivan, Susquehanna, Tioga, Union, Venango, Warren, Washington, Wayne, Westmoreland, and Wyoming;

In South Carolina, the counties of Anderson, Cherokee, Greenville, Oconee, Pickens, and Spartanburg;

In Tennessee, the counties of Anderson, Blaine, Blount, Bradley, Campbell, Carter, Claiborne, Clay, Cocke, Coffee, Cumberland, De Kalb, Fentress, Franklin, Grainger, Greene, Grundy, Hamblen, Hamilton, Hancock, Hawkins, Jackson, Jefferson, Johnson, Knox, Loudon, McMinn, Macon, Marion, Meigs, Monroe, Morgan, Overton, Pickett, Polk, Putnam, Rhea, Roane, Scott, Sequatchie, Sevier, Smith, Sullivan, Union, Van Buren, Warren, Washington, and White;

In Virginia, the counties of Alleghany, Bath, Bland, Botetourt, Buchanan, Carroll, Craig, Dickenson, Floyd, Giles, Grayson, Highland, Lee, Pulaski, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe.

All the counties of West Virginia.

Severability

SEC. 404. If any provision of this Act, or the applicability thereof to any person or circumstance, is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Termination

SEC. 405. This Act shall cease to be in effect on July 1, 1970.

Mr. MANSFIELD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 562 Leg.]

Aiken	Ellender	Mundt
Allott	Ervin	Nelson
Anderson	Gruening	Proxmire
Bartlett	Hart	Randolph
Bayh	Inouye	Saling
Bible	Jordan, Idaho	Sparkman
Boggs	Magnuson	Talmadge
Carlson	Mansfield	Walters
Church	McClellan	Williams, N.J.
Clark	McNamara	Williams, Del.
Curtis	Metcalf	Young, N. Dak.
Dirksen	Miller	Young, Ohio
Dominick	Monroney	
Douglas	Morton	

Mr. HUMPHREY. I announce that the Senator from Maryland [Mr. Brewster], the Senator from North Dakota

[Mr. BURDICK], the Senator from Connecticut [Mr. DODD], the Senator from Tennessee [Mr. GORE], the Senator from Missouri [Mr. LONG], the Senator from Louisiana [Mr. LONG], the Senator from Wyoming [Mr. McGEEL], the Senator from New Hampshire [Mr. McINTYRE], the Senator from Oregon [Mr. MORSE], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from South Carolina [Mr. THURMOND], are absent on official business.

I also announce that the Senator from Nevada [Mr. CANNON], the Senator from Mississippi [Mr. EASTLAND], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Indiana [Mr. HARTKE], the Senator from Washington [Mr. JACKSON], the Senator from North Carolina [Mr. JORDAN], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], the Senator from Rhode Island [Mr. PELL], the Senator from Missouri [Mr. SYMINGTON], and the Senator from Texas [Mr. YARBOROUGH], are necessarily absent.

I further announce that the Senator from Alabama [Mr. HILL] and the Senator from Massachusetts [Mr. KENNEDY], are absent because of illness.

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BEALL], the Senator from New Hampshire [Mr. COTTON], the Senator from Hawaii [Mr. FONG], the Senator from Arizona [Mr. GOLDWATER], the Senator from Nebraska [Mr. HRUSKA], the Senators from New York [Mr. JAVITS and Mr. KEATING], the Senator from New Mexico [Mr. MECHAM], the Senator from Vermont [Mr. PROUTY], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from Pennsylvania [Mr. SCOTT], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The PRESIDING OFFICER. (Mr. SALINGER in the chair). A quorum is not present.

Mr. RANDOLPH. Mr. President, I move that the Sergeant at Arms be directed to request that presence of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay Mr. BENNETT, Mr. BYRD of Virginia, Mr. BYRD of West Virginia, Mr. CASE, Mr. COOPER, Mr. FULBRIGHT, Mr. HAYDEN, Mr. HICKENLOOPER, Mr. HOLLAND, Mr. HUMPHREY, Mr. JOHNSTON, Mr. KUCHEL, Mr. LAUSCHE, Mr. MCCARTHY, Mr. MCGOVERN, Mrs. NEUBERGER, Mr. PASTORE, Mr. PEARSON, Mr. ROBERTSON, Mr. RUSSELL, Mr. SMATHERS, Mrs. SMITH, and Mr. STENNIS entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

ORDER OF BUSINESS

Mr. RANDOLPH. Mr. President, it is my understanding that the pending business is S. 2782; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. RANDOLPH. Mr. President, I yield to the Senator from Ohio [Mr. YOUNG], with the understanding that I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the rule of germaneness be waived for the remainder of the day.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. RANDOLPH. Mr. President, I shall discuss the Appalachian regional development bill later in the afternoon; but it is my desire now to accommodate Senators who wish to discuss subjects not pertinent to that measure.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield to the Senator from Montana.

Mr. METCALF. I wish to speak briefly on reapportionment problem. Will the Senator from West Virginia yield to me after the Senator from Ohio has completed his remarks?

Mr. RANDOLPH. I shall yield first to the Senator from Ohio, and immediately afterward to the Senator from Montana.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961—CLOTURE MOTION

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. YOUNG of Ohio. Mr. President, the pending amendment regarding the Supreme Court reapportionment decisions is one of the most important and far-reaching legislative proposals ever to come before the Senate. How we act upon it will shape the governments of all our States, the Federal Government and the lives of all Americans for generations to come. It is unfortunate that a legislative proposal of such great significance should be hurriedly debated and given half-hearted consideration.

The Senate debated the recently enacted civil rights bill for more than 100 days. The bill before us is also a civil rights bill, for it affects the voting rights of well over half of the citizens of our Nation. Stripped of all its verbiage, the amendment comes down to the essential question of whether we are willing to recognize the concept of "one man, one vote" in our democracy. It is foolhardy to try to resolve this issue hurriedly and without careful deliberation during the closing days of the Congress in the charged atmosphere of an election year campaign.

It is, perhaps, regrettable that the Federal Courts had to intervene in this matter. However, the States asked for it. They have had years to take some corrective action but, in most instances, have done nothing. In fact, by doing nothing, many States violated their own constitutions. The people who are being deprived of fair representation—for the most part Americans living in metropol-

itan areas—had no alternative but to appeal to the Federal courts once their petitions were rejected by their State courts.

The Supreme Court ruling was, quite simply, a ruling in favor of fair representation for all citizens. The pending amendments is, by admission of its chief sponsor, in reality an attempt to gain time so that a constitutional amendment can be adopted which would strip the Supreme Court of its power to rule on apportionment cases. This legislative proposal is no postponement of the issue; it is no breather to give State legislatures time to reapportion themselves. In effect, it will allow evil to perpetuate itself. It will permit present State legislatures, many of which are comprised of representatives from counties having only a fraction of the population of other counties, to have the same total representation in the State legislature, and the opportunity to prevent reapportionment for decades to come. Never before was the adage "Justice delayed is justice denied" as appropriate to the circumstances.

Not only will this affect the composition of our State legislatures but also of our Federal Government. The legislature of each State draws the boundaries for congressional districts. Under the status quo, rural-dominated legislatures have to a great extent so gerrymandered their States that citizens living in cities and their suburbs do not have fair representation in the House of Representatives of the U.S. Congress. The proposal is nothing more than a blatant attempt to stop the clock of progress and to perpetuate a system whereby millions of our citizens do not receive fair representation in the legislative bodies of this Nation.

There are numerous examples of some State legislatures sitting for 50 years or more without so much as acknowledging the requirement of their own State constitutions regarding apportionment. I am glad to say that in my State of Ohio the situation is not so desperate. However, even in Ohio there is a need for reform. The Ohio constitution grants at least one representative in the State house of representatives for each of the 88 counties. This is because of the so-called Hanna amendment. It was adopted under the leadership of Marcus Alonzo Hanna, who was then the boss of the Republican Party in Ohio and was ambitious to become a Senator of the United States at a time when the legislatures of the various States elected U.S. Senators. Following the adoption of the Hanna amendment, under which each of the 88 counties had at least 1 representative in the State legislature, Hanna was in fact chosen by the Legislature of Ohio and represented my State as a Senator of the United States. That was a good many years ago.

Vinton County, one of Ohio's 88 counties, has a population of 10,274. Cuyahoga County, in which I live, has a population of more than 1,600,000. Cuyahoga County has 17 members of the House of Representatives of the General Assembly of Ohio, and Vinton County, having a population of 10,274, has 1. My vote in Cuyahoga County is worth a

very small fraction of the vote of a resident of Vinton County, when it comes to the selection of a member of the House of Representatives of the General Assembly of Ohio.

Lake County, which adjoins Cuyahoga County to the east, has a population of 148,000. Also adjoining both Cuyahoga and Lake Counties is Geauga County. The difference is not quite so bad there; but Geauga County, with a population of 48,000, has one representative in the General Assembly of Ohio. The same sort of people, having the same interests, live in Cuyahoga, Lake, and Geauga Counties. Yet Lake County, with a population of 150,000 compared with its neighboring county of Geauga, with 48,000, has but one representative in the general assembly.

The 68 less densely populated counties of Ohio, with a population of 2,760,000, have 68 representatives in the House of Representatives of the Ohio Legislature. The remaining 20 more heavily populated counties of my State having a total population of 6,946,000, have only 66 representatives in the legislature. The result is that 28.4 percent of Ohio's population has 50.7 percent of the seats in the house.

Regarding the State senate, I am glad to note, that the situation in Ohio is not so bad. There, it would require only a minority of 44.8 percent to elect a majority.

In addition, the amendment represents a wrong of even greater magnitude. It is also an attempt on the part of some persons to discredit and weaken the Supreme Court of the United States because those citizens disagree with many of the important decisions handed down by that great Court, of which we all have good reason to be proud.

The proposal strikes at the heart of the Federal system of checks and balances. It strikes at the very heart of our democracy. It seems to me unconscionable for Congress to allow itself to be used for such purposes. I strongly urge that this legislative proposal be tabled or laid aside until it can receive the consideration due it by what has been termed the greatest deliberative body in the world.

I firmly believe that votes should be cast by persons on an equal basis. As one born and reared in a rural county—I was born in Puckerbrush Township in Huron County, Ohio, a county not far distant—perhaps 50 miles—from Cuyahoga County, where I now live. Huron County is strictly a rural county with a population of approximately 47,000.

I know from living in a rural area of Ohio, and from having lived in urban areas of my State, that citizens of our cities will not act unjustly, capriciously, or vengefully in legislative matters.

Equal representation for all citizens without discrimination cannot be dangerous, despite the view of those who are opposed to this, including my opponent in Ohio for election as a Senator, come November.

On what basis, for example, does he regard citizens of Franklin County or Cuyahoga County, or of his own Hamilton County—which contains the very fine and beautiful city of Cincinnati—

to be intellectually or morally inferior to citizens of Union or Vinton Counties?

I ask unanimous consent to have an editorial printed in the RECORD which was published in the Cleveland Press on Saturday, August 15, 1964, entitled "Taft Knows Better"; also an editorial published in the Toledo Blade of August 22, entitled "Unjustified Means"; and an editorial published in the Akron Beacon Journal of August 5, entitled, "Stopping the Clock." These three newspapers, the Cleveland Press, the Toledo Blade, and the Akron Beacon Journal, are regarded by knowledgeable people throughout the United States as among the greatest and the most respected newspapers in the Nation.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Cleveland Press, Aug. 15, 1964]

TAFT KNOWS BETTER

Congressman ROBERT TAFT, a big-city Republican (Cincinnati), can't be allowed to go unchallenged on his statements Thursday regarding Ohio apportionment.

TAFT denied that Ohio's Legislature was dominated by rural elements. He said he knew because he had served there for 6 years.

How could the Congressman have served for that long and not know:

That 28.4 percent of Ohio's population has 50.7 percent (a majority) of the regular house seats in Columbus? Or, to put it another way—

That the 68 smallest counties, population 2,760,608, have 68 regular representatives—while the 20 largest counties, population 6,945,789, have only 66 seats? And also—

That the seven largest counties have 51.8 percent of Ohio's population and only 35.8 percent of the regular house seats?

The two most powerful figures in the legislature—Representative Roger Cloud and Senator Stanley Mechem—stride from the cornfields into the capitol. And their control over lawmakers could hardly be more complete.

TAFT was testifying for a constitutional amendment which would stymie reapportionment of Ohio's house, ordered by the U.S. Supreme Court.

In supporting this amendment, Congressman TAFT said he feared the rural counties of southern Ohio would be underrepresented if population were the sole consideration for legislative seats.

What does TAFT think of the plight of underrepresented city dwellers in Cuyahoga and Lake Counties, to name only a couple?

Would he rather represent wornout coal mines and pine trees or people?

[From the Toledo (Ohio) Blade, Aug. 22, 1964]

UNJUSTIFIED MEANS

As the Senate continued to wrestle over Senator EVERETT DIRKSEN's effort to postpone application of the Supreme Court's State reapportionment rulings, some commentators began to look beyond his tactics to find merit in his goal.

Columnist Walter Lippmann, for instance, declared in last Tuesday's Blade that there is a great deal to be said in favor of taking a breather in the reapportionment battles. In brief, his argument was: So drastic a change in our political structure as the realignment of representative power is a proper subject for deliberation and debate. Congress and the people should be brought into the decision through, say, a proposed constitutional amendment to modify the rules laid down by the Court.

Consequently, Mr. Lippmann found these advantages in delay of such overriding im-

portance as to excuse Senator DIRKSEN's technique, which the columnist conceded is "a bit awkward and rather inconvenient."

We, too, can see the value in carefully weighing the full potential impact of the Court's mandate, especially the order that both houses of a legislature should represent population to the exclusion of all other interests and factors.

This is why we have expressed the hope that lower courts would allow time for study of all the problems involved in each State's specific situation. And this is why we have granted the need in some States to take account of geographic peculiarities or unusual population concentrations, even while allocating seats within the general one-man-one-vote framework.

Yet, just because of this concern, we think the question raised by Senator DIRKSEN's strategy is not whether it is justified by the need for caution, but whether it really serves that goal.

Is attention properly focused on the problems of reapportionment by attaching the delay proposal as a rider to a bill as irrelevant as the foreign aid authorization? Is full-scale deliberation encouraged by throwing a last-minute "monkey wrench" into the legislative works?

Experience with this kind of tactic—and it is a familiar one in legislative halls—compels a negative answer to both questions. The result of such maneuvers, in fact, is usually just the opposite of calm, reasoned, wise action.

It is for that very reason that the device is most often used to block rather than to promote constructive movement. And that is why Senator DIRKSEN's aim seems to be protection of vested political interests rather than correction of the imbalance of power in legislative chambers.

[From the Akron Beacon Journal, Aug. 5, 1964]

STOPPING THE CLOCK

Amending the Constitution of the United States is not something which can be done overnight—or even within a year.

The usual process involves a favorable two-thirds vote by each House of Congress and then ratification by the legislatures of three-fourths (38) of the States. Since many legislatures meet only once in 2 years and all but one have two houses, ratification is a time-consuming process. Even in the case of a noncontroversial amendment, it usually takes 3 or 4 or more years.

It is understandable, therefore, that Representative WILLIAM M. McCULLOCH, of Ohio, is afraid that his proposed amendment nullifying the Supreme Court's "one person, one vote" decision will be too late—if, indeed, it ever should be adopted.

McCULLOCH and others in Congress want to write into the Constitution a provision that only one house in a State legislature must be apportioned on a population basis. This would mean that the other house, in the words of Chief Justice Warren, could represent trees, or cows, or acres.

Federal courts are already hewing to the new precedent set by the Supreme Court and, in some States legislatures are moving to correct the imbalance without waiting for court orders.

Fearful that the reform in representation may soon be accomplished, Representative McCULLOCH has introduced an interim resolution which would abolish, for a period of 7 years, the power of either State or courts to decree the reapportionment of one house of a State legislature.

In a parallel move, Senator DIRKSEN yesterday pushed through the Senate Judiciary Committee a bill to halt Court orders for reapportionment until, in each case, a State legislature has held two regular sessions.

In other words, this would give 2 to 4 years for legislatures to act on the proposed con-

stitutional amendment, while keeping the present apportionment in status quo.

It seems to us highly questionable whether the constitutional interpretations of the Supreme Court can be nullified or delayed by a mere act of Congress.

To be sure, the Constitution may be amended, but can Congress overrule the Court while the amendment process goes on?

McCULLOCH's resolution, which goes further than DIRKSEN's bill, would even tell the State legislatures that they couldn't proceed with reapportionment.

Isn't that a direct contradiction of all that he and other States righters have been screaming about? They say they don't want any interference with the right of the States to set up their legislative apportionment in their own way. And now McCULLOCH would have Congress tell them they can't give fair representation.

The U.S. Supreme Court ruled on this subject only after it became apparent that citizens had no other recourse against legislatures which neglected or refused to apportion representation on a fair basis.

Under prodding, many of the legislatures, including Ohio's, are now facing their responsibilities.

Is the clock now to be turned back, so that all the inequities of unequal representation can be perpetuated? That's the purpose of DIRKSEN's and McCULLOCH's last-ditch fight to keep the status quo.

Mr. YOUNG of Ohio. Mr. President, the editorial in the Cleveland Press, which is a Scripps-Howard newspaper, the first of that great chain of newspapers, with a circulation of more than 350,000 states:

Congressman ROBERT TAFT a big-city Republican (Cincinnati), cannot be allowed to go unchallenged on his statements Thursday regarding Ohio apportionment.

TAFT denied that Ohio's Legislature was dominated by rural elements. He said he knew because he had served there for 6 years.

How could the Congressman have served for that long and not know: That 28.4 percent of Ohio's population has 50.7 percent (a majority) of the regular house seats in Columbus? Or, to put it another way—

That the 68 smallest counties, population 2,760,608, has 68 regular representatives—while the 20 largest counties, population 6,945,789, have only 66 seats? And also—

That the seven largest counties has 51.8 percent of Ohio's population and only 35.8 percent of the regular house seats?

The editorial continues, explaining that:

TAFT was testifying for a constitutional amendment which would stymie reapportionment of Ohio's House, ordered by the U.S. Supreme Court.

In supporting this amendment, Congressman TAFT said he feared the rural counties of southern Ohio would be underrepresented if population were the sole consideration for legislative seats.

What does TAFT think of the plight of underrepresented city dwellers in Cuyahoga and Lake Counties, to name only a couple?

Would he rather represent wornout coal mines and pine trees or people?

The Toledo Blade, which is one of the great newspapers of this country, stated:

As the Senate continued to wrestle over Senator EVERETT DIRKSEN's effort to postpone application of the Supreme Court's State reapportionment rulings, some commentators began to look beyond his tactics to find merit in his goal.

Columnist Walter Lippmann, for instance, declared in last Tuesday's Blade that there is a great deal to be said in favor of taking a breather in the reapportionment battles. In brief, his argument was: So drastic a

change in our political structure as the realignment of representative power is a proper subject for deliberation and debate. * * *

Consequently, Mr. Lippmann, who is certainly one of the most respected columnists in this country—

found these advantages in delay of such overriding importance as to excuse Senator DIRKSEN's technique, which the columnist conceded is "a bit awkward and rather inconvenient."

We, too, can see the value in carefully weighing the full potential impact of the Court's mandate, especially the order that both houses of a legislature should represent population to the exclusion of all other interests and factors.

This is why we have expressed the hope that lower courts would allow time for study of all the problems involved in each State's specific situation. And this is why we have granted the need in some States to take account of geographic peculiarities or unusual population concentrations, even while allocating seats within the general one-man-one-vote framework.

That is a perfectly logical statement. The situation in some States—Alaska, for example—might be unique. Undoubtedly the situation is different in that new State. Perhaps there is good reason to have every section represented. However, it might be a reason that would not apply to a State such as Ohio, with a population of 10 million in a compact area, as contrasted with a huge State such as Alaska.

The columnist is certainly accurate in his statement that time should be given in which to determine the factors involved in every State in the Union.

The editorial continues:

Yet just because of this concern, we think the question raised by Senator DIRKSEN's strategy is not whether it is justified by the need for caution, but whether it really serves that goal.

Is attention properly focused on the problems of reapportionment by attaching the delay proposal as a rider to a bill as irrelevant as the foreign aid authorization? Is full-scale deliberation encouraged by throwing a last-minute monkey wrench into the legislative works?

Experience with this kind of tactic—and it is a familiar one in legislative halls—compels a negative answer to both questions. The result of such maneuvers, in fact, is usually just the opposite of calm, reasoned, wise action.

It is for that very reason that the device is most often used to block rather than to promote constructive movement. And that is why Senator DIRKSEN's aim seems to be protection of vested political interests rather than correction of the imbalance of power in legislative chambers.

We in the Senate should be vigilant to prevent any disturbance in the delicate relationship between the three coordinate and equal branches of our Government—the legislative, executive, and judicial.

The third editorial to which I referred appeared in the Akron Beacon Journal under the caption "Stopping the Clock." I also call this editorial to the attention of my colleagues as an outstanding editorial printed in one of the great newspapers of my State.

The editorial reads:

[From the Akron Beacon Journal, Aug. 5, 1964]

STOPPING THE CLOCK

Amending the Constitution of the United States is not something which can be done overnight—or even within a year.

The usual process involves a favorable two-thirds vote by each House of Congress and then ratification by the legislatures of three-fourths (38) of the States. Since many legislatures meet only once in 2 years and all but one have two houses, ratification is a time-consuming process. Even in the case of a noncontroversial amendment, it usually takes 3 or 4 or more years.

It is understandable, therefore, that Representative WILLIAM M. McCULLOCH, of Ohio, is afraid that his proposed amendment nullifying the Supreme Court's "one-person, one-vote" decision will be too late—if, indeed, it ever should be adopted.

McCULLOCH and others in Congress want to write into the Constitution a provision that only one house in a State legislature must be apportioned on a population basis. This would mean that the other house, in the words of Chief Justice Warren, could represent trees, or cows, or acres.

That could be the effect if the cloture motion should be agreed to, and this measure were passed.

The editorial continues:

Federal courts are already hewing to the new precedent set by the Supreme Court and, in some States, legislatures are moving to correct the imbalance without waiting for court orders.

Fearful that the reform in representation may soon be accomplished, Representative McCULLOCH has introduced an interim resolution which would abolish, for a period of 7 years, the power of either State or courts to decree the reapportionment of one house of a State legislature.

In a parallel move, Senator DIRKSEN yesterday pushed through the Senate Judiciary Committee a bill to halt court orders for reapportionment until, in each case, a State legislature has held two regular sessions.

In other words, this would give 2 to 4 years for legislatures to act on the proposed constitutional amendment, while keeping the present apportionment in status quo.

It seems to us highly questionable whether the constitutional interpretations of the Supreme Court can be nullified or delayed by a mere act of Congress.

To be sure, the Constitution may be amended, but can Congress overrule the Court while the amendment process goes on?

McCULLOCH's resolution, which goes further than DIRKSEN's bill, would even tell the State legislatures that they couldn't proceed with reapportionment.

Isn't that a direct contradiction of all that he and other States righters have been screaming about? They say they don't want any interference with the right of the States to set up their legislative apportionment in their own way. And now McCULLOCH would have Congress tell them they can't give fair representation.

The U.S. Supreme Court ruled on this subject only after it became apparent that citizens had no other recourse against legislatures which neglected or refused to apportion representation on a fair basis.

Under prodding, many of the legislatures, including Ohio's, are now facing their responsibilities.

Is the clock now to be turned back, so that all the inequities of unequal representation can be perpetuated? That's the purpose of DIRKSEN's and McCULLOCH's last-ditch fight to keep the status quo.

We in this Nation are proud that we have three coordinate branches of our Government—the legislative, executive, and the judicial. The pending amendment, if enacted, would destroy that equality which our Founding Fathers proposed. I hope that the pending amendment will be defeated.

I strongly urge against taking any precipitate action on the measure until it can be considered in a deliberative manner, in a calmer atmosphere, after the new Congress convenes next January.

As a U.S. Senator, representing the sovereign State of Ohio, I shall vote against the motion to close debate on this matter. I feel that we should put this aside altogether, not seek to have it adopted during this session of the Congress, and immediately go on with business that we should attend to; and then we should adjourn sine die.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. YOUNG of Ohio. I yield.

Mr. METCALF. I have heard the excellent presentation made by the Senator from Ohio. The Senator has analyzed the so-called Dirksen amendment as to its effect on his own State. He has made an excellent presentation for a continuation of the debate until another Congress convenes and we can analyze, work on, and hear evidence about a proposed constitutional amendment, which is the way to approach the subject.

Has the Senator from Ohio completed his remarks?

Mr. YOUNG of Ohio. Yes; I yield the floor.

Mr. METCALF. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. METCALF. As I understand, by unanimous consent the Senator from West Virginia [Mr. RANDOLPH] yielded the floor to the Senator from Ohio [Mr. YOUNG], and then the Senator from Ohio [Mr. YOUNG] yielded to the junior Senator from Montana.

The PRESIDING OFFICER. The Senator is correct.

Mr. METCALF. At the conclusion of my remarks, will the Senator from West Virginia again have the floor?

The PRESIDING OFFICER. The Senator is correct.

Mr. METCALF. I thank the Chair.

Mr. President, I wish to address myself briefly to the same proposal about which the Senator from Ohio spoke, namely, the proposed amendment relative to reapportionment.

As a preface and in order to demonstrate objectiveness on this question I will analyze, as best I can, how the reapportionment provision will apply in Montana. This is an anniversary year in Montana, we are celebrating our centennial as a territory, and our 75th year as a State. The Organic Act of 1864 served as the Montana Constitution for the first 25 years. Section 4 of that Act provided as follows:

4. And be it further enacted, That the legislative power and authority of the said

territory shall be vested in the Governor and a legislative assembly. The legislative assembly shall consist of a council and house of representatives. The council shall consist of seven members having the qualifications of voters, as hereinafter prescribed, whose term of office shall continue two years. The house of representatives shall, at its first session, consist of thirteen members, possessing the same qualifications as prescribed for the members of the council, and whose term of service shall continue one year. The number of representatives may be increased by the legislative assembly, from time to time, to twenty-six, in proportion to the increase of qualified voters; and the council, in like manner, to thirteen. An apportionment shall be made, as nearly equal as practicable, among the several counties or districts for the election of the council and representatives, giving to each section of the territory representation in the ratio of its qualified voters as nearly as may be. And the members of the council and of the house of representatives shall reside in, and be inhabitants of, the district, or county, or counties for which they may be elected, respectively.

Congress in enacting that law apparently intended that the council and the house of representatives should be apportioned "as nearly equal as practicable" on the basis of population.

When Montana became a State and adopted its Constitution, it changed this concept of equal apportionment for both houses to one that is contained in the following provisions:

ARTICLE VI

SEC. 2. The legislative assembly shall provide by law for an enumeration of the inhabitants of the State in the year 1895, and every tenth year thereafter; and at the session next following such enumeration, and also at the session next following an enumeration made by the authority of the United States, shall revise, and adjust the apportionment for representatives on the basis of such enumeration according to ratios to be fixed by law.

SEC. 3. Representative districts may be altered from time to time as public convenience may require. When a representative district shall be composed of two or more counties, they shall be contiguous, and the districts as compact as may be. No county shall be divided in the formation of representative districts.

SEC. 4. Whenever new counties are created, each of said counties shall be entitled to one Senator, but in no case shall a senatorial district consist of more than one county.

The first Governor of Montana, Joseph K. Toole, was a delegate to the Constitutional Convention and he argued eloquently and fought long and hard against the proposition that each county would be entitled to one senator "and no more."

Governor Toole, more than three-fourths of a century ago, in a statement that has a prophetic ring to it, said:

This section is inherently wrong and does not meet the requirements of the Constitution of the United States which guarantees to every State a republican form of government. The counties in Montana, whether they contain 200 or 200,000 inhabitants are all placed on equal footing. What I understand to be meant by a republican form of government is a government where sovereignty is confided to and immediately exercised by the popular will.

Governor Toole suggested that it was appropriate and desirable for each county to have at least one senator in

order that local interests have an expression but the limitation of one senator to each county was strenuously resisted on the same grounds as the Supreme Court of the United States laid down in Reynolds against Sims.

Mr. Arthur J. Craven, another member of the Montana Constitutional Convention, made a speech that sounds as if it came directly out of the decision of the Supreme Court 75 years later. He said, that the idea of one senator, and no more than one senator, for each county was "equivalent to saying, Go over all this broad domain of ours and let the rocks and the grasses and the squirrels and the cattle have representation instead of men and women—the most preposterous idea, I think, that has ever been seriously considered by a parliamentary assembly."

But the convention did not go along with these ideas. The spokesmen for equal representation were 75 years ahead of their time. Instead, the provisions above quoted were adopted and approved by Congress in the Enabling Act.

At the time the constitutional convention met in 1889 there were about 130,000 people in Montana territory. Half of these lived in three counties, Silver Bow, Deer Lodge, and Lewis and Clark, that are the mining counties of Montana. The cities of Butte, Anaconda, and Helena controlled the territorial legislature, and the smaller counties—smaller in population—had come to resent this tricounty control. It was the mining counties against the ranching and farming economy of the rest of the State.

It must also be remembered that in 1889 Montana was a State of the old frontier. Even the best roads were dirt, and most of them were impassable in inclement weather. Horses and bugles and wagon trains made the already great distances seem even greater. County seats were small, and in remote areas there was more loyalty to the county and its immediate region than to the rest of the vast territory.

Therefore, the original constitutional convention for Montana was a battleground of the same questions as have been recently decided by the U.S. Supreme Court. Delegates from the farming counties, rural districts that were sparsely populated, fought to contain the influence of the richer and more populous mining counties. The plan for the representation of rocks, grass, squirrels and cattle instead of men and women, won.

During the course of the debate an amendment was offered to provide for "at least one senator per county." And when this was defeated, and the original proposal that there be not more than one senator per county was adopted, one of the newspapers from outside the three most populous counties commented:

We are pleased to state that the swinishness of the populous counties has met with a check.

There is no doubt that the Montana Constitutional Convention knew what it was doing when it apportioned the senate in the way it did. Although the debate did mention the Federal analogy,

the members differentiated it and did not accept it as the basis for the apportionment finally arrived at. The apportionment of the senate was a deliberate effort on the part of rural and sparsely settled counties to wrest control from the three richest and most populous counties. In doing so, one of the greatest of Montana's early Governors warned the members that they were violating the Constitution of the United States.

In 1889 there were 16 counties in Montana, by 1925 40 new counties had been created and the Montana Senate consisted of 56 members. Some of these counties were needed. In some eastern Montana counties the county seat was as much as 200 miles away over impassable and nonexistent roads. But county splitting, and the establishment of county seats became such a popular sport during the homesteading years that many new counties of small population were formed. These counties have not realized the optimistic hopes of their founders. The dreams of the county busters disappeared in the farm depression of the twenties. From 1901 on, the legislature provided that each new county would be entitled to at least one representative. This, of course, upset the balance in the house of representatives so that both branches of the Montana Legislature became malapportioned.

I can personally testify to such disproportionment, because I served as a representative to the Montana Legislature in 1937, when the house of representatives consisted of 102 members, taxing even the accommodations of the house chamber.

In 1961 an apportionment act established the ratio of population for representatives at 1 per 8,500 or major fraction. This aggravated malapportionment in that branch of the legislature. An example is Ravalli County which I represented in 1937. There are 12,341 people. For years it had had two representatives. But in 1963 it lost its second representative because it fell short of the 8,500 plus a major fraction—4,251—or a total of 12,751 for a second representative—410 people short. Yet in the State of Montana there are 17 counties with less than the 3,841 people by which Ravalli County exceeded the 8,500 figure.

Today the Senate in Montana is composed of 56 members, one from each of the 56 counties. In the 1960 election the smallest county—Petroleum—had 535 registered voters. The most populous county—Yellowstone—had 36,407 registered voters. Therefore, the elector in Petroleum County has a voting power in the State senate of over 70 times the voting power of an elector in Yellowstone County. Petroleum County with 535 registered voters and Ravalli County with 6,459 voters have the same representation in the house of representatives; one vote.

Now, what will a realignment and a reapportionment do to the political composition of the house of representatives and the State senate if the decision of the U.S. Supreme Court is followed? This is a difficult question, and at the present time I have not the local election returns that will permit an accurate

analysis of the effect. In a recent article in the Montana Business Quarterly, a publication of the School of Business Administration of Montana State University, Mr. Douglas C. Chaffey published a proposal for "Legislative Apportionment in Montana" that would comply with the decision of the U.S. Supreme Court. Mr. Chaffey is a native of Montana, a graduate of the business school, and is now studying for his doctorate at the University of Wisconsin.

Mr. Chaffey has proposed that districts of approximately 7,000 be created for the house of representatives in the Montana Legislature which would retain the present membership of 94. For reapportionment of the State senate a constitutional amendment would be necessary to eliminate the provision that each county was entitled to one senator. He creates senatorial districts of more than one county based on population. Using a ratio of 20,000 persons for each senator he has drawn senatorial districts that will substantially change the political complexion of the Montana Legislature.

It is admittedly difficult to extrapolate the present membership of the State senate upon a new system of elections. For example some of the leading and most influential State senators are from the rural counties. Given their prestige and their public acceptance these men would be elected from any larger senatorial district regardless of party affiliation.

But merely for the purpose of demonstrating the effect of a reapportionment on the basis of population as recommended by Mr. Chaffey, I have worked out what might have happened in 1960 had the vote for state senator been cast in the same proportion as the vote for Governor, for President, and for U.S. Senator in the 1960 election.

Montana now has 35 Democratic State senators and 21 Republicans. The proposal made by Mr. Chaffey would create 20 senatorial districts in Montana with a total of 33 elected senators. The table for the population breakdown and the number of State senators for each district is as follows.

I ask unanimous consent that it be included in the CONGRESSIONAL RECORD at this point as a part of my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

A proposed apportionment of the Montana Senate

Senatorial district	Population	Senators
1. Yellowstone, Carbon	87,333	4
2. Cascade	73,418	4
3. Missoula, Mineral, Ravalli	60,041	3
4. Silver Bow, Jefferson	50,751	3
5. Flathead, Lincoln	45,502	2
6. Lewis and Clark, Meagher, Broadwater	33,426	2
7. Glacier, Pondera, Toole, Teton	32,448	2
8. Deer Lodge, Granite, Powell	28,656	1
9. Hill, Chouteau, Liberty, Blaine	20,364	1
10. Wheatland, Mussellshell, Fergus, Golden Valley, Judith Basin	27,024	1
11. Gallatin	26,045	1
12. Phillips, Valley	23,107	1
13. Custer, Fallon, Carter, Powder River	22,192	1

A proposed apportionment of the Montana Senate—Continued

Senatorial district	Population	Senators
14. Daniels, Sheridan, Roosevelt	22,043	1
15. Dawson, Garfield, McCone, Prairie, Wibaux	21,632	1
16. Park, Stillwater, Sweet Grass	21,984	1
17. Lake, Sanders	19,984	1
18. Big Horn, Treasure, Rosebud	17,539	1
19. Beaverhead, Madison	12,405	1
20. Richland	10,541	1
Total (20 districts)	674,767	33

Mr. METCALF. Using Mr. Chaffey's proposal and the Democratic and Republican vote for Governor in 1960 as a guide for the probable vote for Democratic and Republican State senators in these districts, it would consist of 27 Republicans and 6 Democrats. If the 1960 returns in the presidential contest between John F. Kennedy and Richard M. Nixon be used as a guide, it would be closer, there would be 20 Republican State senators and 13 Democratic senators.

Richard Nixon carried the State for President by about 7,000 votes; former Gov. Donald G. Nutter was elected Governor by a plurality of 28,500 votes. On the other hand, I was elected U.S. Senator in the same statewide election by 4,000. Using the election returns in the U.S. Senate race as a guide, the margin would change and the State senate would consist of 18 Democrats and 15 Republicans.

The trial courts of record in Montana are the district courts. In order to attempt to balance the work of the courts, the counties have long been combined into judicial districts. The table for the combination of counties in each judicial district and the number of judges therein is contained in a table which I ask unanimous consent to have included in the CONGRESSIONAL RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Judicial district	Counties	Population	Number of judges
1st	Broadwater and Lewis and Clark	30,810	2
2d	Silver Bow	46,454	2
3d	Deer Lodge, Granite, and Powell	28,656	1
4th	Missoula, Mineral Lake, Ravalli, and Sanders	80,025	3
5th	Beaverhead, Jefferson, and Madison	17,287	1
6th	Park and Sweet Grass	16,458	1
7th	Dawson, McCone, Richland, and Wibaux	27,837	1
8th	Cascade and Chouteau	80,766	3
9th	Teton, Pondera, Toole, and Glacier	34,417	1
10th	Fergus, Judith Basin, and Petroleum	17,997	1
11th	Flathead and Lincoln	45,502	2
12th	Liberty, Hill, and Blaine	29,368	1
13th	Yellowstone, Big Horn, Carbon, Stillwater, and Treasure	104,211	3
14th	Meagher, Wheatland, Golden Valley, and Mussellshell	11,733	1
15th	Roosevelt, Daniels, and Sheridan	21,944	1
16th	Custer, Carter, Fallon, Prairie, Powder River, Garfield, and Rosebud	32,661	2
17th	Phillips and Valley	23,107	1
18th	Gallatin	26,045	1

Mr. METCALF. There are 28 district judges; and again using the 1960 election results for Governor, President, and U.S. Senator as a guide and assuming that there would be as many State senators as there are now district judges, the results would come out about the same as in the above proposal. If the election returns for Governor were transferred to the State senator race, the Montana State senate would not consist of 35 Democrats and 21 Republicans as now organized, but would be 23 Republicans and 5 Democrats. Using the presidential election returns, the ratio would be 18 Republicans and 10 Democrats; and again using the returns in my contest in 1960, there would be a slight Democratic advantage of 16 Democrats and 12 Republicans.

It is obvious from these figures that any reapportionment of the Montana State senate would work to the advantage of the Republican Party. There are outstanding and experienced and well-known men in each party whose personal following would change the values given above. But over the years and considering the whole State the ratio would probably work out to the advantage of the Republican Party.

An apportionment with districts such as are suggested by Mr. Chaffey however, does give a basis for practical malapportionment and misrepresentation in the same manner as I have earlier suggested. I mentioned the Fourth Judicial District where the large county of Missoula completely dominated the smaller surrounding counties. Another such example is the combination of Yellowstone County with a population of 79,016 and Carbon County with a population of 8,317 into one senatorial district to elect 4 State senators. Actually the entire number would come from Yellowstone County and unless there were an exceptional and well-known individual from Carbon County that area and its special interests would never be represented. This is why I believe that we should have hearings on a constitutional amendment to permit one house of a bicameral legislature to be represented by other than a population ratio. On the other hand, there may be serious and overriding political reasons that should prohibit such a division of legislative authority and the whole question should be threshed out in thorough and comprehensive hearings before the legislative committees of the Congress who are skilled in these political questions and not come to us as an amendment to a foreign aid authorization bill.

Mr. President, I have shown what would probably happen in the State of Montana if there were a reapportionment of the State senate. It would work to the advantage of the Republican Party.

I have demonstrated this because I still believe that we should oppose the present amendment and vote against the present proposal to invoke cloture on next Thursday, and vote for a constitutional amendment, and for comprehensive and thorough hearings on such an amendment, to properly and adequately appraise the political aspects of the situation.

According to Madison's reports of the debates in the Constitutional Convention, on June 11 the Chairman, Benjamin Franklin said:

It has given me great pleasure to observe that till this point, the proportion of representation, came before us, our debates were carried on with great coolness and temper. If anything of a contrary kind, has on this occasion appeared, I hope that it will not be repeated; for we are sent here to consult, not to contend, with each other; and declarations of a fixed opinion, and of determined resolution, never to change it, neither enlighten nor convince us. Positiveness and warmth on one side, naturally beget their like on the other; and tend to create and augment discord and division in a great concern, wherein harmony and union are extremely necessary to give weight to our councils, and render them effectual in promoting and securing the common good.

I must own that I was originally of the opinion that it would be better if every Member of Congress, or our National Council, were to consider himself rather as a representative of the whole, than as an agent for the interests of a particular State; in which case the proportion of Members for each State would be of less consequence, and it would not be very material that they voted by States or individually. But I find this not to be expected. I now think the number of Representatives should bear some proportion of the number of the represented.

Franklin was speaking on the issue of suffrage in the proposed National Legislature which became Congress in the final draft of the Constitution. But I find this quotation appropriate at this time because this is the first occasion since I became the junior Senator from Montana that I have disagreed so strongly from the position taken by my senior colleague. Because of my affection and regard for him, and my respect for his wisdom and leadership I hope that I can today set forth my differences with him on this issue without engendering the warmth that Franklin sought to avoid. At the same time I am convinced that in justice to my constituents and my esteem for my colleague, the majority leader, that I set forth the reasons why I oppose the amendment he has cosponsored with the minority leader, the distinguished Senator from Illinois. As Franklin said:

I now think the number of representatives should bear some proportion to the number of the represented.

I must confess when the decision in *Baker v. Carr*, 369 U.S. 186, was handed down in March of last year, I did not read the case, I read about the decision in the newspapers and periodicals and actually arrived at no conclusion about it, other than to say that it was about time that something was done about malapportionment in some of the congressional districts. Nor did I read the other decisions that followed until the last few weeks when this amendment was first advanced. I have now read and studied to the best of my ability not only *Baker* against *Carr*, but *Reynolds* against *Sims*; *WMCA, Inc.* against *Lomenzo*; *Roman* against *Sincock*; *Maryland Committee for Fair Representation* against *Tawes*; *Lucas* against the *Forty-fourth General Assembly of Colorado*; *Davis* against *Mann*, all re-

lating to various phases of the reapportionment question. In addition, I have reread some of the *Federalist Papers*, several *Law Review* articles, and the minutes of the procedures of the Constitutional Convention. After such, by no means exhaustive, research I have come to the conclusion that I agree with *Reynolds* against *Sims*:

We hold that, as a basic constitutional standard, the equal protection clause requires that the seats in both houses of a bicameral State legislature must be apportioned on a population basis. Simply stated, an individual's right to vote for State legislators is unconstitutionally impaired when its weight is in a substantial fashion diluted when compared with the votes of citizens living in other parts of the State.

Again later on the Court says:

By holding that as a Federal constitutional requisite both houses of a State legislature must be apportioned on a population basis, we mean that the equal protection clause requires that a State make an honest and good faith effort to construct districts, in both houses of its legislature as nearly of equal population as is practicable.

These declarations are reinforced by statements made by our Founding Fathers. For example, James Wilson, a delegate to the 1887 Constitutional Convention said:

The doctrine of representation is this—first the representative ought to speak the language of his constituents, and secondly that his language or vote shall have the same influence as though the constituents gave it.

And Jefferson said:

Equal representation is so fundamental a principle in a true republic that no prejudice can justify its violation, because the prejudices themselves cannot be justified.

The Declaration of Independence stresses the democratic ideals of equality and the right of representation. The Northwest Ordinance of 1887 provided that all the people would be forever entitled to representation in the legislature in proportion to their members.

But if one of the basic assumptions of democratic rule is the one man, one vote concept so that all citizens will have approximately the same political voting weight in both houses of a bicameral State legislature, I am not certain that sound political doctrine requires such an apportionment. In his dissenting opinion in *Reynolds* against *Sims*, Mr. Justice Harlan enumerates some of the factors that have been used as criteria for establishing electoral districts in one body of a bicameral legislature other than population. They are as follows:

First, history; second, economics of other sorts of group interests; third, area; fourth, geographical considerations; fifth, a desire "to insure effective representation for sparsely settled areas"; sixth, "availability of access of citizens to their representatives"; seventh, theories of bicameralism (except those approved by the Court); eighth, occupation; ninth, "an attempt to balance urban and rural power"; tenth, the preference of a majority of voters in the State.

I find merit in Justice Harlan's argument that "legislators can represent their electors only by speaking for their interests—economic, social, political—

many of which do reflect the place where the electors live."

For example, in Montana, where I grew up, the Fourth Judicial District, which is the district for original trial of cases under the jurisdiction of the first court of record, was composed of five counties: Missoula, Mineral, Lake, Ravalli, and Sanders. Missoula County had a voter registration of 22,000, and the combined registration of the outlying counties was 18,300. Time and again I have seen a lawyer from Mineral, or Sanders, or Ravalli, or Lake run for one of the two positions open for district judge and get a majority of the vote in all the outlying counties and still be defeated by the hometown candidates in Missoula. If the judicial district had been a senatorial electoral district, the electors of the outlying counties would have been more effectively disfranchised than residents of malapportioned districts. But this is a matter for a constitutional amendment, and the questions raised by the various criteria mentioned by Justice Harlan, and others, are questions that should be carefully explored in comprehensive congressional hearings and not be regarded as side issues to a foreign aid authorization bill in the closing days of a Congress.

The controversy in which we are engaged is reminiscent of the last days of the 85th Congress when I was a Member of the other body and several bills limiting the power of the Supreme Court were still pending. The House sent to the Senate such legislation as the notorious H.R. 3, which was a broad preemption bill, a bill modifying the Supreme Court's decision in the *Mallory* case, and a bill to limit Federal judicial review of State criminal trials by habeas corpus. This latter proposition has come under popular scrutiny as a result of the *New Yorker* magazine articles that have been issued as a book under the title of "Gideon's Trumpet."

By a curious coincidence the dates are almost identical. The then majority leader of the Senate, now President Johnson, wanted to adjourn sine die on August 23. The target date this year was August 22.

In that year Senator HUMPHREY and Senator DOUGLAS led the assault on the legislation, and when Congress adjourned a little group of Senators had defeated the congressional attack on the courts.

But that year the questions were a little different. For example, there was the preemption issue brought up, chiefly, by the decision of the Supreme Court in *Pennsylvania v. Nelson*, 350 U.S. 497 (1956), in which the U.S. Supreme Court held that the Pennsylvania State sedition act was invalid because the Federal Government had preempted this area and the State no longer had any power.

H.R. 3 would have provided:

No act of Congress shall be construed as indicating an interest on the part of Congress to occupy the field in which such act operates to the exclusion of any State laws on the same subject matter unless such act contains an express provision to that effect, or unless there is a direct and positive conflict between such act and the State law so that the two

cannot be reconciled or consistently stand together.

A second section of the bill dwelt directly with Nelson case and provided that Federal antisubversion legislation could not prevent enforcement of State sedition statutes.

Section 1, if enacted, would have been a broad statutory declaration by Congress that it does not intend to preempt any field without a specific declaration of such an intent. The mischief of H.R. 3, of course, was that it was retroactive. But clearly such a declaration is within the power of the legislative branch.

Another decision was that of *Yates v. United States*, 354 U.S. 298, which involved the conviction of 14 Communists in California for violation of the Smith Act. This case did not question the constitutionality of the Smith Act, but it did consider statutory interpretation, judicial procedure, and evidence. The convictions of five defendants were reversed, and nine defendants were granted a new trial.

In the majority opinion of *Yates*, Justice Harlan relied on one of the oldest rules of statutory interpretation—that penal laws are to be strictly construed. This rule, as Chief Justice Marshall said in *U.S. v. Wiltberger*, 5 Wheat. 76, “is founded on the tenderness of the law for the rights of individuals; and on the plain principle that the power of punishment is vested in the legislature, not in the Court, which is to define a crime, and ordain its punishment.” The Court went on to interpret and construe the word “organize” in the Smith Act in a very narrow way that excluded the defendants before the bar. This decision was actually based on a desire, as stated above by Justice Harlan, to have the Court leave the question of legislating to the Congress, even though the decision was attacked as judicial legislating.

A third question that brought about the attack on the Supreme Court in the 85th Congress was the passport decision. The power to give the Secretary of State broad discretionary powers to deny passports dated back to the basic statute, passed in 1856, which provided:

The Secretary of the State may grant and issue passports * * * under such rules as the President shall designate and prescribe.

In *Kent v. Dulles*, 375 U.S. 116 (1958), the Court held that the right to travel was an individual constitutional right, protected by the due process clause, that could not be infringed by vague and indefinite statutory implication. If the right was to be limited, a clear and specific statutory foundation had to be laid and these limitations had to be subject to the classic rules for delegation of legislative power to the executive.

I have dwelt upon these cases in some detail because I want to point out the essential difference between what is being attempted at this time and what the advocates of the bills to curb the Supreme Court were attempting in the 85th Congress.

Incidentally, on August 21, 1958, in a crucial vote the Senate recommitted the preemption bill by a vote of 41 to 40. Both authors of the present amendment and the then majority leader, and now President Johnson voted to recommit the

bill. I ask unanimous consent that the rollcall on that vote be printed at this point in the RECORD.

There being no objection, the vote was ordered to be printed in the RECORD, as follows:

Yeas, 41: Aiken, Anderson, Beall, Bennett, Bible, Carroll, Case of New Jersey, Case of South Dakota, Chavez, Church, Clark, Cooper, Dirksen, Douglas, Green, Hayden, Hennings, Humphrey, Jackson, Javits, Johnson of Texas, Kefauver, Kennedy, Langer, Lausche, Magnuson, Malone, Mansfield, McNamara, Morse, Morton, Murray, Newberger, O'Mahoney, Pastore, Proxmire, Purtell, Saltonstall, Symington, Wiley, Yarborough.

Nays, 40: Barrett, Bridges, Butler, Byrd, Capehart, Cotton, Curtis, Dworshak, Eastland, Ellender, Ervin, Fulbright, Goldwater, Gore, Hickenlooper, Hill, Hoblitzell, Jenner, Johnston of South Carolina, Jordan, Knowland, Kuchel, Long, Martin of Iowa, Martin of Pennsylvania, McClellan, Mundt, Potter, Revercomb, Robertson, Russell, Schoeppel, Smith of Maine, Sparkman, Stennis, Talmadge, Thurmond, Thyne, Watkins, Williams.

Not voting, 15: Allott, Bricker, Bush, Carlson, Flanders, Frear, Holland, Hruska, Ives, Kerr, Monroney, Payne, Smathers, Smith of New Jersey, Young.

Mr. METCALF. Mr. President, I have emphasized that in each of the categories mentioned the Supreme Court was interpreting statutes and defining statutory rights or limiting statutory restrictions that had been created by Congress.

The passport issue, the loyalty-security issue, the preemption issue—all turned upon the construction of legislative language, upon the application of classic rules for ascertaining legislative intent, upon basic considerations coming to us from the common law upon protecting from vague statutory language the rights of individuals charged with crimes. Such decisions are always within the purview of the Supreme Court; and when the Court misjudges legislative intent, misconstrues legislative language, or points out that the statute is indefinite or obscure, the legislature or Congress has the duty and obligation to examine the decision and correct the wrong legislative interpretation, or redefine the crime, or clarify the language.

But in the amendment offered by the majority and minority leaders, we are not only confronted with statutory interpretation and determination of legislative intent, but we have before us a basic constitutional issue. Justice Holmes once declared:

If American law were to be represented by a single figure, skeptic or worshipper alike would agree without dispute that the figure could be one alone, and that one John Marshall.

Of course, the great decision of Chief Justice Marshall was that of *Marbury against Madison*, 1 Cranch. 137—1803. *Marbury against Madison* established the principle of the supremacy of the judiciary in constitutional matters. The authority of the U.S. Supreme Court to declare a statute unconstitutional was laid down, an authority that is now firmly established in American jurisprudence.

In the Dirksen amendment, as in the Tuck bill, we are not confronted by legislative interpretation, or by clarification of language that has been held to be

vague or indefinite. We are faced with a series of decisions that hold that “one man, one vote” is a basic constitutional proposition for electors for the House of Representatives of the Congress, and equally for both houses of a bicameral State legislature. The majority leader has said that one purpose of his amendment is to gain some time for the legislatures to act. He says that he regrets that the Court did not mention “deliberate speed” with which the States could comply with the decision, as was mentioned in the school segregation cases. But a reading of *Raynolds against Sims* forcefully demonstrates that great flexibility is permitted by the Court, even more than a solitary mention of “deliberate speed.”

In the statement of the case, the Court pointed out that the Alabama constitution required reapportionment immediately after each decennial census and yet, in spite of population changes, no such reapportionment had taken place since 1901. Here, then, is more than a half century of inaction; certainly this is not precipitous activity on the part of the Court. Throughout the opinion the Court has laid down flexible standards in language such as:

By holding that as a Federal constitutional requisite both houses of a State legislature must be apportioned on a population basis, we mean that the equal protection clause requires that a State make an honest and good-faith effort to construct districts, in both houses of its legislature, as nearly of equal population as is practicable. We realize it is a practical impossibility to arrange legislative districts so that each one has an identical number of residents, or citizens, or voters. Mathematical exactness or precision is hardly a workable constitutional requirement.

Again the legislative act:

Would be constitutionally valid, so long as the resulting apportionment was one based substantially on population and the equal-population principle was not diluted in any significant way. Somewhat more flexibility may therefore be constitutionally permissible with respect to State legislative apportionment than in congressional redistricting.

Then the Court works out the technique of handling the cases, not making general rules but declaring:

Developing a body of doctrine on a case-by-case basis appears to us to provide the most satisfactory means of arriving at detailed constitutional requirements in the area of State legislative apportionment.

It is just this case-by-case analysis as a judicial process that the Congress proposes to halt by the pending amendment.

I read from the case of *Roman against Sincok*:

Our affirmation of the decision below is not meant to indicate approval of the District Court's attempt to state in mathematical language the constitutionally permissible bounds of discretion in deviating from apportionment according to population.¹ In

¹ The court below suggested that population-variance ratios smaller than 1½-to-1 would presumably comport with minimal constitutional requisites, while ratios in excess thereof would necessarily involve deviations from population-based apportionment too extreme to be constitutionally sustainable. See 215 F. Supp., at 190.

our view the problem does not lend itself to any such uniform formula, and it is neither practicable nor desirable to establish rigid mathematical standards for evaluating the constitutional validity of a State legislative apportionment scheme under the equal protection clause. Rather, the proper judicial approach is to ascertain whether, under the particular circumstances existing in the individual State whose legislative apportionment is at issue, there has been a faithful adherence to a plan of population-based representation, with such minor deviations only as may occur in recognizing certain factors that are free from any taint of arbitrariness or discrimination.

Mr. President, in *Wesberry* against *Sanders*, the Court held that congressional representation must be based on population as nearly as is practicable. There is also provision for flexibility insofar as the time is concerned. *Reynolds* against *Sims* says that limitations on the frequency of reapportionment are justified by the need for stability and continuity in the organization of the legislative system, although undoubtedly reapportionment no more frequently than every 10 years leads to some imbalance in the population of districts toward the end of the decennial periods, and also to the development of resistance to change on the part of some incumbent legislators. In substance, we do not regard the equal protection clause as requiring daily, monthly, annual or biennial reapportionment so long as a State has a reasonably conceived plan for a periodic readjustment of legislative representation.

So, the real flexibility is in compliance with the decision of the Supreme Court. The rigidity that is deplored is in adopting the pending amendment that will stay all proceedings.

But the basic proposition through all the reapportionment cases is the constitutional right of the individual to have his vote count for just as much as any other individual's. This is the golden thread that runs through all the decisions. In *Baker* against *Carr* the Court said:

We conclude that complainant's allegations of a denial of equal protection present a justiciable constitutional cause of action upon which appellants are entitled to a trial and decision. The right asserted is within the reach of judicial protection under the 14th amendment.

Mr. PROXMIRE. Mr. President, will the Senator from Montana yield?

The PRESIDING OFFICER (Mr. McGovern in the chair.) Does the Senator from Montana yield to the Senator from Wisconsin?

Mr. METCALF. I am glad to yield to the Senator from Wisconsin.

Mr. PROXMIRE. The Senator's contention that, as he puts it, the golden thread consistently runs through the courts' decisions, is that it is a constitutional right of each individual to have his vote count as every other individual vote; is that not correct?

Mr. METCALF. The Senator is correct. It is a basic, individual constitutional right, with which I agree. I believe that an examination of the *Federalist Papers*, the minutes of the original Constitutional Convention, and other documents of our Founding Fathers, will bear out that it was the original

intention in both legislatures and in the House of Representatives that the one man-one vote principle should be a part of our republican form of government.

Mr. PROXMIRE. As I understand, then, what is most unfortunate and wrong about the *Dirksen* and the *Tuck* proposals is that they would have the Congress to intervene, after a Supreme Court decision, and suspend or overrule the action of the Supreme Court, which would in effect end judicial review as we have known it and would seriously weaken the division of powers; is that not correct?

Mr. METCALF. The Senator is quite correct. The Senator has anticipated an argument I am about to make further on in my address, that adoption of either the *Tuck* or the *Dirksen* proposal would seriously hamper the separability of power which is a basic consideration in our form of government.

Mr. PROXMIRE. If the Senator intends to develop that point a little later let me revert to an earlier point he made—one which has not received sufficient stress and discussion on the floor; namely, the timing of the action by the Supreme Court, whether the Supreme Court has demanded precipitate, sudden, instant response on the part of State legislatures, whether it has required them to apportion in an unreasonably short time, or whether, in the judgment of the Senator from Montana, who has been a judge himself and has had the opportunity to study these cases carefully, the Supreme Court has allowed adequate time in such cases, so that the State legislature would have an opportunity to act, with the will to do so, without serious inconvenience.

Mr. METCALF. I most certainly do. I believe that is a special point. As was pointed out in one case, it was 50 years since there had been reapportionment, so that there was no precipitate action on the part of the Supreme Court.

Mr. PROXMIRE. In what case?

Mr. METCALF. *Reynolds* against *Sims*.

Mr. PROXMIRE. *Reynolds* against *Sims*.

Mr. METCALF. Certainly, no case comes to the U.S. Supreme Court, to a district court, or to a circuit court, without someone bringing in the case. There must be some underlying action before the case can even be brought into court. As I have pointed out from these decisions, the Court points out that each of the States must have its rights, its liabilities, and its duties allowed upon a State-by-State and a case-by-case basis. Here, we are asked to pass general legislation at a late date in the Congress, and without any hearings, which would prohibit any action by any courts; whereas the Court says that we should not act too precipitately. We do not require mathematical precision. We do not require daily, monthly, yearly, or even decennial reapportionment.

But we require that as much as practicable be accomplished, that there be a reapportionment, so that as a practical matter the one man, one vote principle would be applied to State legislatures.

Mr. PROXMIRE. What the Court has

tried to do is to apply this principle on an individual basis, depending on the merits of each case, and examining the merits carefully. The Court has tried to lay down rules of flexibility so that each State can adopt its own procedure in accordance with its own particular and peculiar problems—historical problems, and so forth. It is in a position to do that individually because of the nature of the judicial system. But Congress would substitute a blanket order which, in the case of *Michigan*, *Wisconsin*, and many other States, could result in a chaotic situation.

Mr. METCALF. I believe that is true in the case of *Illinois*.

Mr. PROXMIRE. Yes. Whereas, Congress might provide a remedy in one or two other States, the Supreme Court is trying to study each case individually and decide it on a fundamental basis as it decided the *Reynolds* against *Sims* case, as to how the various States can comply with that order and do it most conveniently and most appropriately, but eventually.

Mr. METCALF. That is correct. It decided it on the basic facts that are presented to the district court in adversary procedure for that purpose. It admonished each of the district courts that might hear the case that there is no hard-and-fast rule, that they must do the best practical thing under the circumstances. There is the real flexibility, the genuine flexibility that is in the Supreme Court decision, rather than the rigidity of the amendment, which states, in effect, "You shall cease the hearing of all cases until 1966."

Mr. PROXMIRE. I thank the Senator.

Mr. METCALF. I spoke about the right of the individual to have his vote count for as much as the vote of any other individual. I stated that the vote was a basic, individual, constitutional right.

In *Reynolds* against *Sims*, the Court stated:

We hold that, as a basic constitutional standard, the equal protection clause requires that the seats in both houses of a bicameral State legislature must be apportioned on a population basis. Simply stated, an individual's right to vote for State legislators is unconstitutionally impaired when its weight is in a substantial fashion diluted when compared with votes of citizens living in other parts of the State.

And later the Court said:

Congress simply lacks the constitutional power to insulate States from attack with respect to alleged deprivations of individual constitutional rights.

I enumerate these cases and emphasize the fact that we are talking about what the Court has said in all the cases about the basic, individual, constitutional right. I seek to differentiate what was done in the 85th Congress when a group—some of the same group who are opposing this amendment and the minority and the majority leader—now the President of the United States—and others made a strong fight to prevent Congress from overruling the Supreme Court in cases where no basic, constitutional right was involved. It involved merely a case of statutory interpretation or construction of legislative language, or the definition

of a crime. That is a thing on which the Court frequently conflicts with the legislature, and the legislature in turn says, "This is what we meant. This is what our real interpretation is."

Then, once the legislature has spoken, the Court continues and follows through with the construction of the language, as the amended bill provides.

But we are dealing here with a basic, individual, constitutional right. We are not dealing with the definition of a crime, the construction of statutory language, or the interpretation of the Constitution. We are dealing with something that goes further back than that. We are dealing with something that is as substantial as the right of a trial by jury or the right of freedom of speech.

I think of an analogy. Suppose we were to say that the right of women to vote interferes with the election of some of our officers, and someone suggests the introduction of a constitutional amendment in the next Congress, but that until then we should pass a law that women would not have the right to vote. That would be a clear violation of the 19th amendment. Of course, we could not do that. Suppose we were to say that because of the unfortunate situation in Mississippi, Alabama, and Georgia, we are convinced that the people in Mississippi, Alabama, and Georgia do not have a fair jury trial, and until the civil rights situation has cleared up, for a couple of years, we would set aside the right of trial by jury in that situation, and there would be no more jury trials.

Clearly, such an act would be unconstitutional, whether we were to do it for a day, a week, or as the Tuck bill provides, set aside a constitutional right forever. That is the difference between what happened in the 85th Congress and what is being attempted here today.

Mr. PROXMIRE. Is it not true that, pursuing the same analogies that the Senator from Montana did, Congress might in a time of national emergency and hysteria suspend the right of free speech, the right of worship, which are the most fundamental rights that have been written into the first amendment of the Constitution, which, in the judgment of many Americans, distinguishes this country as the bastion of liberty more than any other phase of our entire Government. The right of an equal vote in the State legislature is just as fundamental in principle on the basis of the Supreme Court decision as any of the other rights which the people of America have been willing to fight and die for.

Mr. METCALF. We could paraphrase the Dirksen amendment and say, "Instead of the one-man, one-vote suspension and instead of saying that no court can have jurisdiction to entertain any case brought under the provisions of the Bill of Rights, we will suspend the entire Bill of Rights until 1966," or, as the Tuck bill provides, suspend it forever. We are now talking about constitutional rights. This is not a statutory decision. This is not construction of language. This is not a tempering of words. The Court has held in the cases that I have already enumerated, and that I shall read later, that this is a basic, individual, constitutional right.

Mr. PROXMIRE. The distinguished Senator from Montana is making a highly significant speech. I hope that our colleagues will have an opportunity to study it in the RECORD. This issue goes to the very heart of our objections to the Dirksen amendment.

Some of us feel very deeply about one man, one vote. Some of us feel very strongly about the inequity this proposal would work against many of our urban citizens. And, while that is very important, it seems to me that it is not in the same class as an objection as the fundamental principle that the Senator from Montana is stressing now, that our very constitutional rights are threatened if we agree to the Dirksen amendment, which seeks to abridge, postpone, or destroy a ruling of the Supreme Court by an act of Congress.

I believe that the Senator from Montana is presenting this argument in an unanswerable way. I have not heard a single word of argument to refute what the Senator has said so far.

It would be very interesting if those who support the Dirksen amendment could find any way to meet that argument. They have talked about inconvenience to State legislatures. They have talked about an analogy with the U.S. Senate. They have talked about how the farm groups and rural groups need greater representation. I have studied the CONGRESSIONAL RECORD very carefully, as has the Senator from Montana. Proponents of the Dirksen amendment have not begun to answer the fundamental issue which is at stake, namely, Shall the Supreme Court be in a position to protect and affirm constitutional rights, or shall it not? That is the question which is at stake. The Senator from Montana is making the most significant speech on this subject to date.

Mr. METCALF. I thank the Senator from Wisconsin for his remarks. He has pointed out that this is the most dangerous constitutional crisis that our Nation has ever faced, because if Congress can set aside a basic constitutional right such as one-man, one-vote has been declared to be, Congress can set aside any other part of the Constitution, and we would see the end of our constitutional form of government. It alarms me and concerns me that so many Senators who continually talk about the Constitution and about constitutional government have signed the cloture motion, have spoken in defense of the postponement of constitutional rights, and have wished to repeal decision after decision, going back to the great decision of Chief Justice Marshall in *Marbury against Madison*.

In *Davis against Mann*, a case coming to the U.S. Supreme Court from Virginia, the majority opinion summarized the holding of *Reynolds against Sims* as follows:

In *Reynolds v. Sims*, decided also this date, we held that the equal-protection clause requires that seats in both houses of a bicameral State legislature must be apportioned substantially on a population basis. Neither of the houses of the Virginia General Assembly, under the 1962 statutory provisions here attacked, is apportioned sufficiently on

a population basis to be constitutionally sustainable.

In *Lucas against The Forty-fourth General Assembly of the State of Colorado*, the question was on the apportionment of the Colorado State senate as approved by a majority vote of the electorate of Colorado in a referendum submitted for that purpose. The Court examined the apportionment provided and concluded:

That the fact that a challenged legislative apportionment plan was approved by the electorate is without Federal constitutional significance, if the scheme adopted fails to satisfy the basic requirements of the equal-protection clause.

The Court said:

Apportionment of senate seats * * * clearly involves departures from population-based representation too extreme to be constitutionally permissible.

In *WMCA against Lomenzo*, a New York case, the Court said:

Neither house of the New York Legislature, under the State constitutional formulas and the implementing statutory provisions here attacked, is presently or, when reapportioned on the basis of 1960 census figures, will be apportioned sufficiently on a population basis to be constitutionally sustainable.

So here we are dealing with a vastly different proposition than that which confronted us in the 85th Congress. Here is a constitutional right which the proposed amendment will set aside or temporarily stay for a period, as I have discussed in the colloquy just held with the Senator from Wisconsin [Mr. PROXMIRE].

If there is one thing that *Marbury against Madison* decided it is that the legislative branch cannot destroy the individual constitutional rights of citizens. This proposition is basic in the law and is the foundation for the declaration in *Wesberry against Saners* that "laws which debase a citizen's right to vote" come under this power. Not only is it hornbook law that the Supreme Court is the constitutional guardian against congressional encroachments upon the constitutional rights of the citizen, but it is equally as well established that Federal rights under the U.S. Constitution may be protected from violation by acts of the States. This has been statutory law since the original Judiciary Act in the First Congress. It is basic case law since *Marbury against Madison*. This is the holding in the landmark cases of *Fletcher v. Peck* (6 Cr. 807), and *McCullough v. Maryland* (4 Wh. 316). One of the functions of the U.S. Supreme Court is to pass on the constitutionality of State laws and the Constitution itself establishes the U.S. Supreme Court as the final tribunal for constitutional adjudication. For example, in *Cooper v. Aaron* (358 U.S. 1, (1958)), which was a case involving interposition, the Court said that *Marbury against Madison* had laid down the duty "to say what the law is" and then continued:

This decision declared the basic principle that the Federal judiciary is supreme in the exposition of the law of the Constitution, and that principle has ever since been respected by this Court and the country as a permanent and indispensable feature of our constitutional system.

In *Martin v. Hunter's Lessee* (1 Wheaton, 304 (1816)), the State of Virginia had confiscated land grants relying on a statute prohibiting aliens from inheriting real property.

In 1813, the Supreme Court ruled against Virginia's action but the State's court of appeals held that section 25 of the Judiciary Act of 1789 was unconstitutional and refused to obey the mandate. Section 25 of the Judiciary Act authorized the Supreme Court to review any State court decisions that challenged the validity of Federal authority.

The case was again brought before the Supreme Court in 1816, and Justice Story logically, learnedly, and thoroughly delivered a telling blow to the compact theory and sustained the theory of the basic constitutional right. He held that the Supreme Court review of State laws is necessary to maintain uniformity of decisions throughout the whole United States. I quote from the decision in the case of *Martin v. Hunter's Lessee* (1 Wheaton U.S. 304):

The third article of the Constitution is that which must principally attract our attention. * * * The language of the article throughout is manifestly designed to be mandatory upon the legislature. Its obligatory force is so imperative that Congress could not without violation of its duty, have refused to carry it into operation. The judicial power of the United States shall be vested [not may be vested] in one supreme court and such inferior courts as Congress may, from time to time ordain and establish.

If then, it is a duty of Congress to vest the judicial power of the United States, it is a duty to vest the whole judicial power. The language, if imperative as to one part, is imperative as to all. If it were otherwise, this anomaly would exist: That Congress might successively refuse to vest the jurisdiction in any one class of cases enumerated in the Constitution, and thereby defeat the jurisdiction as to all; for the Constitution has not singled out any class on which Congress is bound to act in preference to others.

We are suspending for a period or taking away from the citizen a basic constitutional right guaranteed by the Federal Constitution.

Up to now I have outlined some of the methods by which Congress has sought to control the Supreme Court. In the 85th Congress the general preemption proposal, the modification of the loyalty and passport statutes were legislative means of control that did not touch the Constitution. Similarly back in the famous so-called Court-packing plan of the New Deal, the proposal was not to suspend constitutional rights and privileges but to expand the Supreme Court in the hope that newly appointed judges would reverse the previous decisions of the Court.

Another technique that has been adopted is to take away the remedy from the citizen so that it is admitted that he has a basic right but no remedy to enforce that right. It is contended that this is what is being done in this case. I have been unable to satisfy myself as to whether or not the requirement of due process with respect to judicial review of constitutional questions means that such review by the Federal courts, but our concept of Federal supremacy dating from *Marbury* against Madison and re-

iterated in cases whose numbers are legion would seem to argue that it does.

The pending amendment is directed to any Federal court. It would leave to the State and local courts the enforcement of Federal constitutional rights of individuals. In *Bush v. Orleans School Board* (D.C., La.), 188 F. Supp. 916, 924-925 (1940), affirmed, 365 U.S. 569, the Court quoted from "Warren's Supreme Court in U.S. History," volume 1, pages 27-28, 1923 edition, as follows:

Changes * * * restricting the appellate jurisdiction of the Court * * * would result in leaving final decision of vastly important national questions in the State or inferior Federal courts, and would effect a disastrous lack of uniformity in the construction of the Constitution so that fundamental rights might vary in different parts of the country.

The question here, then, is whether or not the Congress can suspend jurisdiction of the Federal courts over legislative apportionment which has been held to involve a basic constitutional right. In removing the remedy and directing a legislative act suspending the jurisdiction of "any court" to exercise either original jurisdiction or review of a question concerning the violation of the Constitution of the United States, does not Congress exceed its constitutional power?

The existing statutes relating to original jurisdiction that would be amended by implication by the Dirksen-Mansfield rider are:

SEC. 1331. FEDERAL QUESTION; AMOUNT IN CONTROVERSY; COSTS.—

(a) The district courts shall have original jurisdiction of all civil actions wherein the matter in controversy exceeds the sum or value of \$10,000 exclusive of interest and costs, and arises under the Constitution, laws, or treaties of the United States.

(b) Except when express provision therefor is otherwise made in a statute of the United States, where the plaintiff is finally adjudged to be entitled to recover less than the sum or value of \$10,000, computed without regard to any setoff or counterclaim to which the defendant may be entitled, and exclusive of interests and costs, the district court may deny costs to the plaintiff and, in addition, may impose costs on the plaintiff. (June 25, 1948, ch. 646, 62 Stat. 930; July 25, 1958, Public Law 85-554, sec. 1, 72 Stat. 415.)

SEC. 1343. CIVIL RIGHTS AND ELECTIVE FRANCHISE.—

The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

(1) To recover damages for injury to his person or property, or because of the deprivation of any right of privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section 1985 of title 42;

(2) To recover damages from any person who fails to prevent or to aid in preventing any wrongs mentioned in section 1985 of title 42 which he had knowledge were about to occur and power to prevent;

(3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States;

(4) To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights, including the right to vote.

(June 25, 1948, ch. 646, 62 Stat. 932; Sept. 3,

1954, ch. 1263, sec. 42, 68 Stat. 1241; Sept. 9, 1957, Public Law 85-315, pt. III, sec. 121, 71 Stat. 637.)

SEC. 2281. INJUNCTION AGAINST ENFORCEMENT OF STATE STATUTE; THREE-JUDGE COURT REQUIRED.—

An interlocutory or permanent injunction restraining the enforcement, operation, or execution of any State statute by restraining the action of any officer of such State in the enforcement or execution of such statute or of an order made by an administrative board or commission acting under State statutes, shall not be granted by any district court or judge thereof upon the ground of the unconstitutionality of such statute unless the application therefor is heard and determined by a district court of three judges under section 2284 of this title. (June 25, 1948, ch. 646, 62 Stat. 968.)

SEC. 1983. CIVIL ACTION FOR DEPRIVATION OF RIGHTS.—

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. (R.S. sec. 1979.)

SEC. 1988. PROCEEDINGS IN VINDICATION OF CIVIL RIGHTS.—

The jurisdiction in civil and criminal matters conferred on the district courts by the provisions of this chapter and title 18, for the protection of all persons in the United States in their civil rights, and for their vindication, shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where they are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies and punish offenses against law, the common law, as modified and changed by the constitution and statutes of the State wherein the court having jurisdiction of such civil or criminal cause is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern the said courts in the trial and disposition of the cause, and, if it is of a criminal nature, in the infliction of punishment on the party found guilty. (R.S. sec. 722.)

In addition this would affect the various provisions of the Civil Rights Act of 1964, Public Law 88-352.

Some of the statutes relating to appellate procedure and review that would be altered and amended by implication by the adoption of the Dirksen-Mansfield rider are:

SEC. 1253. DIRECT APPEALS FROM DECISIONS OF THREE-JUDGE COURTS.—

Except as otherwise provided by law, any party may appeal to the Supreme Court from an order granting or denying, after notice of hearing, an interlocutory or permanent injunction in any civil action, suit or proceeding required by any Act of Congress to be heard and determined by a district court of three judges. June 25, 1948, ch. 646, 62 Stat. 928.)

SEC. 1254. COURTS OF APPEALS; CERTIORARI; APPEAL; CERTIFIED QUESTIONS.—

Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods:

* * * * *

(2) By appeal by a party relying on a State statute held by a court of appeals to be invalid as repugnant to the Constitution, treaties or laws of the United States, but such

appeal shall preclude review by writ of certiorari at the instance of such appellant, and the review on appeal shall be restricted to the Federal questions presented.

SEC. 1257. STATE COURTS; APPEAL; CERTIORARI.—

Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court as follows:

(2) By appeal, where is drawn in question the validity of a statute of any State on the ground of its being repugnant to the Constitution, treaties or laws of the United States, and the decision is in favor of its validity.

(3) By writ of certiorari, where the validity of a treaty or statute of the United States is drawn in question or where the validity of a State statute is drawn in question on the ground of its being repugnant to the Constitution, treaties or laws of the United States, or where any title, right, claimed under the Constitution, treaties or statutes of, or commission held or authority exercised under, the United States. (June 25, 1948, ch. 646, 62 Stat. 929.)

SEC. 1441. ACTIONS REMOVABLE GENERALLY.—

(b) Any civil action of which the district courts have original jurisdiction founded on a claim or right arising under the Constitution, treaties or laws of the United States shall be removable without regard to the citizenship or residence of the parties. Any other such action shall be removable only if none of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.

SEC. 1984. SAME; REVIEW OF PROCEEDINGS.—

All cases arising under the provisions of this act in the courts of the United States shall be reviewable by the Supreme Court of the United States, without regard to the sum in controversy, under the same provisions and regulations as are provided by law for the review of other causes in said court. (Mar. 1, 1875, ch. 114, sec. 5, 18 Stat. 337.)

Article III of the U.S. Constitution gives to Congress authority over the inferior Federal courts. The article is as follows:

SECTION 1. The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time obtain and establish. * * *

SEC. 2. The judicial power shall extend to all Cases in Law and Equity, arising under this Constitution, the Laws of the United States. * * *

Congress has changed the jurisdiction of the inferior courts from time to time. For example, in 1801 in the words of the Constitution, Congress granted the inferior Federal courts jurisdiction of "all cases in law and equity, arising under the Constitution and the laws of the United States." The next session of Congress withdrew this broad grant of power. In 1875 the Federal "inferior" courts were given jurisdiction over cases where the amount in controversy was \$500 or more, in 1887 this was increased to \$2,000, in 1911 to \$3,000 and in 1958 to \$10,000. But this is not a case for the enforcement of a right to collect \$500 or \$2,000 or \$10,000 in a damage suit. This is a question of enforcement of a constitutional right.

As for review, the Congress has almost always granted review to the U.S. Supreme Court from decisions of the district court.

The power granted to the judiciary in article III of the Constitution is not self-enacting insofar as the inferior courts are concerned. In 1793 Justice Iredell in *Chisholm v. Georgia* (2 Dall 419, 423) said:

I conceive that all courts of the United States must receive, not merely their organization as to the number of judges of which they are to consist; but all their authority, as to the matter of their proceeding from the legislature only.

In 1789 Congress forbade diversity of citizenship suits on promissory notes, and this was sustained as a valid power of Congress:

The judicial power [except in a few specified instances] belongs to Congress.

In *Bank of the United States against Deveau*, the Supreme Court said that a right to sue does not imply a right to sue in Federal Court unless such power is expressly granted by an act of Congress.

In *Stuart v. Laird* (1 Cr. 799 (1803)), the Supreme Court affirmed the power of Congress to remove a suit from one circuit to another. In *U.S. v. Hudson and Goodwin* (7 Cr. 32, 33), the Court said:

The power which Congress possess to create Courts of inferior jurisdiction, necessarily implies the power to limit the jurisdiction of those Courts to particular objects.

In *Sheldon v. Still* (8 How. 441, 448-449 (1850)), the question was the jurisdiction of the circuit court, Mr. Justice Grier said:

The Constitution has defined the limits of the judicial power of the United States, but has not prescribed how much of it shall be exercised by the circuit court; consequently, the statute which does prescribe the limits of their jurisdiction, cannot be in conflict with the Constitution, unless it confers powers not enumerated therein.

The Court concluded:

Having a right to prescribe, Congress may withhold from any Court of its creation jurisdiction of any of the enumerated controversies.

Such were the early cases. They have been cited over and over again as sustaining the power of Congress to withdraw from the "inferior" Federal courts original jurisdiction to adjudicate certain categories of cases.

But these cases deal with statutory rights and with the existence of remedies. The cases do not deal with judicial review. They do not raise constitutional questions. In a very cursory survey in the time at hand, I have found but one case which did specifically treat the constitutional question. This was *Mayor of Nashville v. Cooper* (6 Wall. 247, 251-2 (1868)). In that case the Court—Justice Swayne—prefaced its decision with the usual and familiar rule:

This Court has the power to declare an act of Congress to be repugnant to the Constitution, and therefore invalid. But the duty is one of great delicacy, and only to be performed where the repugnancy is clear, and the conflict irreconcilable. Every doubt is to be resolved in favor of the constitutionality of the law.

The circuit court decision, according to Justice Swayne's opinion, proceeded "entirely upon the grounds of constitu-

tional invalidity." Therefore, it is appropriate to take into consideration the discussion that this case made of the question even though the actual decision was on another issue. Here are some quotations from the decision:

The Constitution provides, that "the judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish," and that this power "shall extend to all cases, in law and equity, arising under this Constitution and the laws of the United States."

The power here under consideration is given in general terms. No limitation is imposed. The broadest language is used. "All cases" so arising are embraced. None are excluded. How jurisdiction shall be acquired by the inferior courts, whether it shall be original or appellate, or original in part and appellate in part, and the manner of procedure in its exercise after it has been acquired, are not prescribed.

Later:

As regards all courts of the United States inferior to this tribunal, two things are necessary to create jurisdiction, whether original or appellate. The Constitution must have given the Court the power to take it, and an act of Congress must have supplied it. There concurrence is necessary to vest it. It is the duty of Congress to act for that purpose up to the limits of the granted power. They may fall short but cannot exceed it. To the extent that such action is not taken, the power lies dormant.

As to leaving the Federal constitutional question to be determined by the State courts, the Court had this to say:

It is the right and the duty of the national government to have its Constitution and laws interpreted by its own judicial tribunals. * * * The courts of the several States might determine the same questions in different ways. There would be no uniformity of decisions.

It would appear that these early cases have uniformly held that all jurisdiction may be removed from the inferior courts, that jurisdiction must be specifically granted and if not granted lies dormant.

The general authority in the Supreme Court to review constitutional questions in the absence of statute granting such an authority is more doubtful. In *Chisholm v. Georgia* (2 Dall. 419, 423 (1793)), Justice Iredell held:

I conceive that all the courts of the United States must receive not merely their organization as to the number of judges of which they are to consist; but all their authority, as to manner of their proceeding, from the legislature only.

In another discussion of this question I will review in detail some of the early cases, both on the authority of the inferior Federal courts and on the imposition of the power in Congress to delimit appellate review and withhold and withdraw jurisdiction from the Federal courts.

Suffice to say at this time that the most celebrated case is *Ex Parte McCardle* (6 Wall. 318 (1868); 7 Wall. 506 (1869)). McCardle was arrested by the military authorities under the provision of the Reconstruction Acts. He filed a petition for a writ of habeas corpus alleging unlawful restraint and challenging the validity of the acts. After a hearing in the Federal circuit for south-

ern Mississippi, McCardle was remanded to the custody of the military. He appealed to the U.S. Supreme Court under the provisions of the statute—14 Stat. 386. Before the Supreme Court could act, Congress enacted new legislation—15 Stat. 44—withdrawal of appellate jurisdiction from the Court on "appeals which have been or may hereafter be taken." The Supreme Court said:

Without jurisdiction the Court cannot proceed at all in any cause. Jurisdiction is power to declare the law and when it ceases to exist, the only function remaining to the Court is that of announcing the fact and dismissing the cause.

It should be noted, however, that the statute is strictly interpreted and it is only an appeal to the Supreme Court that was taken away. There still remained a right to appeal to the circuit courts in habeas corpus proceedings.

It is this strict construction and the actual fact that McCardle was very narrowly limited that has permitted scholars to suggest that McCardle is not authority for full and complete power over the appellate jurisdiction of the Federal courts.

There are cases under the due-process doctrine that seem to indicate that Congress cannot prevent a test of the constitutionality of a statute, see for example, *United States v. Carolene Products Co.* (304 U.S. 144 (1938)):

We may assume for present purposes that no pronouncement of a legislature can forestall attack upon the constitutionality of the prohibition which it enacts * * * a statute would deny due process which precluded the disproof in judicial proceedings of all facts which would show or tend to show that a statute depriving the suitor of life, liberty or property had a rational basis.

The same is true of the supremacy doctrine for instance in *St. Joseph Stock Yards Co. v. U.S.* (298 U.S. 38), Justice Brandeis commented:

The supremacy of law demands that there shall be an opportunity to have some court decide whether an erroneous rule of law was applied; and whether the proceeding in which facts were adjudicated were conducted regularly. To that extent, the person asserting a right, whatever its source, should be entitled to the independent judgment of a court on the ultimate questions of constitutionality.

If the Dirksen amendment, or the even more restrictive Tuck bill, is enacted there will be withdrawal and withholding from the inferior and the appellate courts of any power of enforcement of an individual constitutional right. No Congress has gone so far, no court has yet been confronted with so far reaching a proposition as this one that directs "any court" to withhold enforcement. I have grave doubts that the legislative branch of Government can so completely dominate the judicial branch in a constitutional question. In a future speech I will analyze the different cases and attempt to demonstrate that suspending both original and appellate jurisdiction over State apportionment cases is violative of the due-process clause of the fifth amendment.

But even if it is conceded that the Congress has a right to withhold, to suspend and to withdraw individual constitutional rights, it is wrong in principle.

A basic doctrine of our American Government is that of separation of powers. The three departments of Government "should be kept completely independent of the others, so that the acts of each shall not be controlled by, or subjected to, directly or indirectly, the coercive influence of neither of the others—*Humphrey v. U.S.* (295 U.S. 602).

Ours is a government of law. Judge John J. Parker, in an eloquent article in the *American Bar Association Journal*, volume XXXVI, page 523, 1950, said:

Society, whether a free society or not, is not a mere aggregation of individuals. It is an organism. The law is the life principle of that organism.

This respect for law is basic to us. If we can overturn the fundamental law of the Constitution by taking away or withholding a man's constitutional right to having a vote equal to that of other men, then we can take other constitutional rights away in the same manner. There are those that complain that murders and assaults in Mississippi are not being punished because of the difficulty of getting convictions by a jury. But shall we take away the right to indictment and jury trial? Such a right would be endangered if we embark on this first step. The freedoms of the press and of speech, and of religion can be taken away in the same manner and the Bill of Rights set aside, as I suggested previously to the Senator from Wisconsin, and the entire Bill of Rights could be set aside.

Prof. Bernard Schwarz, a student of the French political system pointed out:

The French experience shows that a constitution which cannot be judicially enforced contains but empty words. It is judicial review which ensures that the American Constitution is not violated and gives that instrument its practical meaning. It is the failure of the French courts to assert a review power over the constitutionality of acts of the legislature that has made the various constitutions in France mere paper instruments.

In Russia, Vyshinsky once said:

From top to bottom the Soviet social order is penetrated by the single general spirit of the oneness of the authority of the toiler. The program of the All-Union Communist Party (of Bolsheviks) rejects the bourgeois principle of separation of powers.

Madison, writing in the *Federalist*, said:

[I]t may clearly be inferred that, in saying, "There can be no liberty where the legislative and executive powers are united in the same person, or body of magistrates," or, "if the power of judging be not separated from the legislative and executive powers," he [Montesquieu] did not mean that these departments ought to have no partial agency in, or no control over, the acts of each other. His meaning, as his own words import, and still more conclusively as illustrated by the example in his eye, can amount to no more than this, that where the whole power of one department is exercised by the same hands

which possess the whole power of another department, the fundamental principles of a free constitution are subverted.

The contest between the three departments in National, State, and local governments still goes on from day to day with varying results, but with all of the skirmishes, sometimes none too edifying, the goal remains constant—a government of law rather than of official will or whim. This goal can only be attained by a government of limited powers distributed both vertically and horizontally, as a glance at the dictatorships of today and yesterday will demonstrate to all who are willing to learn from the experience of others.

These views are in marked contrast to those of the Founding Fathers. Washington, in his Farewell Address, warned:

The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism.

John Adams reasoned:

It is by balancing each of these three powers against the other two, that the efforts in human nature toward tyranny can alone be checked and restrained, and any degree of freedom preserved in the Constitution.

Jefferson was of the same mind:

The concentrating of these in the same hand is precisely the definition of despotic government. It will be no alleviation that these powers will be exercised by a plurality of hands and not by a single one; 173 despots would surely be as oppressive as 1.

Madison was equally emphatic:

The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of "tyranny."

No concept of government has been so unanimously accepted by all the statesmen whose genius brought into being the American Nation as has the doctrine of the separation of governmental powers.

I am convinced that the Dirksen amendment is wrong, it is wrong in the spirit of the Constitution, it is wrong in the principle of the separation of powers, it is wrong in the doctrine of the supremacy of the law. It should be rejected.

SENATOR METCALF'S GREAT SPEECH ON LEGISLATIVE AP- PORTIONMENT

Mr. McGOVERN. Mr. President, one of the great speeches of this Congress was delivered today by the thoughtful junior Senator from Montana [Mr. METCALF]. Senator METCALF, a distinguished jurist in his own right, has carefully traced the mistaken notions on which the Dirksen apportionment amendment is based. He has made perfectly clear that the Dirksen proposal would create a dangerous precedent under which Congress could prevent the courts from protecting basic American constitutional rights. In this case, the equality of individual voting rights for all citizens is

threatened. But, as Senator METCALF has warned, if Congress can prevent the courts from protecting a single right of a citizen, Congress could use that precedent to set aside the entire Bill of Rights.

The Dirksen amendment is a dagger aimed at the heart of our constitutional system, and especially at the integrity and authority of the Supreme Court.

I trust that every Member of Congress will read the carefully drafted, compelling speech made this afternoon by Senator METCALF. While I was presiding over the Senate, I had the privilege of hearing a portion of the speech; and I intend to read the entire speech carefully when it is printed in the CONGRESSIONAL RECORD.

MEMORIAL TRIBUTE TO LATE SPEAKER SAM RAYBURN BY JAMES A. FARLEY

Mr. RANDOLPH. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Washington [Mr. MAGNUSON] with the understanding that I shall retain my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. I thank the Senator from West Virginia.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a memorial tribute to the late Speaker of the House of Representatives, Hon. Sam Rayburn, delivered by Hon. James A. Farley at the Democratic National Convention at Atlantic City, N.J., August 27, 1964. It is an intelligent analysis of the great career of the Speaker of the House of Representatives.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

MEMORIAL TRIBUTE TO THE LATE SPEAKER OF THE HOUSE OF REPRESENTATIVES, SAM RAYBURN, DELIVERED BY THE HONORABLE JAMES A. FARLEY AT THE DEMOCRATIC NATIONAL CONVENTION IN ATLANTIC CITY, N.J., AUGUST 27, 1964

Speaker MCCORMACK, Senator HARTKE, members of the clergy, ladies, and gentlemen of the convention, and my friends, the Congress of the United States is the mighty structure of American liberty. Neither our country nor any other country—neither the American people nor any other people—can call themselves free—unless there is an open legislative parliament where the will of the people can be enacted into law. Indeed, the Congress of the United States is literally freedom in action.

In this 20th century, two great men prided themselves on being "men of the House"—Sir Winston Churchill and Speaker Sam Rayburn. Their accomplishment are such that the 20th century's histories of their countries—and the laws they sponsored—are almost biographies of their lives. In his various capacities Speaker Sam Rayburn caused to be enacted into law more than 100 pieces of legislation. Today, they are the guidelines of every American's daily life. They range from rural electrification and collective bargaining to securities regulations and social security.

These laws, I know, he believed to be both

his life work and his monument. No one of them has been repealed. On the contrary, every one of them has been expanded. Since both major parties have embraced their principles in their platforms they are now the dynamic force in the expanding American way of life.

Speaker Sam Rayburn believed—as Pericles and Sir Winston Churchill—that the only victory is in persuasion. And no man in its long history has carried more weight of persuasion in the Congress. When he spoke, Members of the House not only heard—they listened. They listened not because he aroused them with dramatic oratory, not because he soothed them with his mellow voice, not even because he compelled them with his flawless logic. They followed him because they trusted him. They accepted his leadership because he moved them as a sincere and knowledgeable captain of soundest judgment—an exalted and yet practical man—who truly knew whereof he spoke—and spoke only whereof he knew. The breadth of his vision was matched by the depth of his integrity. He was a Texan, and in the Texas tradition his word was his bond.

I have mentioned the more than 100 basic laws because I know that it is for them he would like you to remember him. And so I ask you to recall that in large part:

Because of Sam Rayburn the hard earned savings of the American people are no longer the subject of heartless market manipulation. They are guarded by a Securities and Exchange Commission.

Because of Sam Rayburn, the small deposits of the tens of millions of American working people are no longer in danger of any bank failure. They are protected by the insurance of the U.S. Government.

Because of Sam Rayburn and the late great Senator Wagner, an individual American need no longer stand helpless in the marketplace, forced to sell his labor as a commodity. He has the protection of collective bargaining. Because of Sam Rayburn there has been incorporated into the laws of this land the Fourth Commandment of the laws of God: "Honor thy father and thy mother, that thy days may be long upon the land." No longer does our Nation turn its back on the men and women who are too old to work. Social security protects their ego and their self-respect. This is not only a matter of the Nation's laws—but because of Speaker Sam Rayburn it is now a part of the Nation's conscience.

Here I cannot refrain from stating that I have known three generations of great Americans from Texas. I know that if Speaker Sam Rayburn were here tonight he would unhesitatingly say that much of what he accomplished he owed to his great teacher, Speaker of the House, Vice President of the United States John Nance Garner who brought him up in the ways of the Congress.

And, presumptuous as it may seem, I most earnestly believe that the President of the United States would be the first to say that for much of his effectiveness he is indebted to the instruction and advice of Speaker Sam Rayburn. As a Democrat and an American I am thankful to God the President of the United States is the representative of that tradition because of the precepts of Speaker Sam Rayburn, the Nation and the world could not be in more knowledgeable, more courageous, nor more honorable hands.

There is one single act of legislation, however, which to me especially hallows the name of Speaker Sam Rayburn. Because of his tremendous efforts it is the law of our land that children may no longer be compelled to spend the precious hours of childhood at hard work. No longer are little girls in the mills

and little boys in the mines part of our national economy. Because of Sam Rayburn they have been elevated to their proper place—the single great asset of our national treasury.

By his generalship in the House, Speaker Sam Rayburn wrote the emancipation proclamation for American childhood—a law which in my opinion gave more freedom to more children—boys and girls—without regard to race, creed, or color, than any document in recorded history.

"Suffer little children to come unto Me," said our Maker—and if this be the mightiest law of all—it is upon it that I commend my old friend to you—the American people—and to God—your faithful servant, Mr. Sam of Texas.

SITE FOR CONSTRUCTION OF SEA LEVEL CANAL CONNECTING THE ATLANTIC AND PACIFIC OCEANS

Mr. MAGNUSON. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2701.

The PRESIDING OFFICER (Mr. McGovern in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 2701) to provide for an investigation and study to determine a site for the construction of a sea level canal connecting the Atlantic and Pacific Oceans, which were, on page 1, line 4, strike out "seven" and insert "five"; on page 1, line 4, strike out all after "men" down through and including "Commission" in line 6, and insert "from private life"; on page 2, strike out lines 13 through 17, inclusive, and insert:

SEC. 3. The Commission shall report to the President for transmittal to Congress on July 31, 1965, with respect to its progress, and each year thereafter until the completion of its duties. The President shall submit such recommendations to the Congress as he deems advisable. The Commission shall continue until the President determines that its duties are completed, but not later than June 30, 1968.

And on page 2, line 20, strike out "Act." and insert "Act, not to exceed \$17,500,000."

Mr. MAGNUSON. Mr. President, S. 2701, which was originally introduced by me, finally turned out to be a bill agreed to by all members of the Committee on Commerce. Therefore, it can be called a committee bill. It provides for an investigation and study to determine a site for the construction of a sea level canal to connect the Atlantic and Pacific Oceans. The bill was introduced on March 26, 1964.

The bill was unanimously approved by the Committee on Commerce after extensive hearings had been held on several similar legislative proposals. The Senate passed the bill without amendment on March 30. The measure has now been considered and passed by the House with several minor amendments. I find the amendments acceptable, and I am advised by the distinguished senior

purpose of proposing an amendment. The amendment affects Kentucky and no other State. I understand, of course, that this would not be possible unless, after talking to Senator BYRD and Senator WILLIAMS, I find that this procedure is acceptable to the Finance Committee.

The amendment consists of striking out lines 2 and 3 on page 40 of the bill, which specifically add Kentucky to the list of 17 States now authorized to divide their State and local government retirement systems into two parts for purposes of social security coverage.

This provision was contained in the House bill. However, only yesterday, I received word from the president of the Kentucky Education Association and the board of trustees of the Kentucky Teachers Retirement System, that both State organizations of teachers are strenuously opposed to the provision—which principally affects only teachers in the State of Kentucky.

Because the provision is controversial in Kentucky, and this information was received so late, it would be helpful if it could be considered in conference.

I know this is an unusual request, but perhaps I can talk to you about it and will look for you before the Senate convenes on Tuesday.

Sincerely yours,

JOHN SHERMAN COOPER.

SEPTEMBER 4, 1964.

HON. RUSSELL B. LONG,
U.S. Senate, Washington, D.C.

DEAR RUSSELL: The social security bill as passed in the Senate yesterday contains a provision in new section 109, specifically adding Kentucky to the list of 17 States now authorized to divide their State and local government retirement systems into two parts for purposes of social security coverage.

This provision was contained in the House bill. However, only yesterday, I received word from the president of the Kentucky Education Association, and the Board of Trustees of the Kentucky Teachers Retirement System, that both State organizations of teachers are strenuously opposed to the provision.

Since the matter has turned out to be controversial, principally affects teachers in Kentucky whose organizations oppose the provision, and affects no other State, it would be helpful if it could be considered in conference. But, this will not be possible unless we could secure unanimous consent when the Senate convenes on Tuesday to reconsider the final vote for the express and limited purpose of asking that lines 2 and 3 on page 40 be stricken from the bill.

I know this is an unusual request. But, if you have no objection and could accept the amendment, it would be very helpful and I am sure could be disposed of quickly.

I would like very much to talk to you about this and will try to see you when the Senate convenes on Tuesday.

Sincerely yours,

JOHN SHERMAN COOPER.

JOHN SHERMAN COOPER,
U.S. Senator,
Capitol, Washington, D.C.

Board of trustees, Kentucky Teachers' Retirement System strongly oppose section 12 of H.R. 11865. Teacher retirement contribution increases to 7 percent of salary July 1965. Addition of social security at approximately 5 percent too great a burden for teacher and taxpayer. Studies show 50 percent Kentucky teachers are married women with social security coverage through husband. Enactment of this legislation means eventual weakening of one of strongest retirement programs in Nation. Original proposal as sponsored by Congressman Snyder came from small group of older teachers

in Louisville who are interested in windfall. Twenty-five school districts would be required to raise local property tax rate beyond present legal limit to pay employers portion of tax. Cost in Pulaski County 20 cents of \$1.50 rate. Laurel County would need 21 cents beyond the legal \$1.50 rate. Strongly urge every effort to delete this provision.

JAMES L. SUBLETT,

Executive Secretary, Teachers' Retirement System of State of Kentucky.

Senator JOHN SHERMAN COOPER,
Senate Office Building,
Washington, D.C.:

For a number of years the Kentucky Education Association has been opposed to combining Kentucky Teachers' Retirement System with any other retirement plan, including social security. As late as 1963 the KEA delegate assembly composed of 600 teachers from throughout Kentucky reaffirmed its position as follows: "We reaffirm the position taken by KEA in keeping the Kentucky retirement system actuarially sound in preference to supplementary coverage from other sources."

ROGER H. JONES,

President, Kentucky Education Association.

Mr. COOPER. Briefly, the bill as passed by the House and sent to the Senate contained a provision adding the States of Alaska and Kentucky to the list of 17 States now authorized to divide their State and local government retirement systems into two parts, for purposes of social security coverage.

When I received word that this provision might not be desired by the majority of teachers in Kentucky, I did send a telegram to Mr. Sublett and to Mr. Jones on Wednesday, September 2. But, as the letters explain, I did not receive their response until after the Senate had acted upon the entire bill. Although I had received no advice on this subject from the two organizations earlier, because of their opposition, I thought it would be helpful to have the provision considered in conference.

I appreciate very much the courtesy of the majority leader in taking the unusual action of securing a Senate order requesting that the House of Representatives return the bill to the Senate, so that I might have the opportunity of making a unanimous-consent request to remove the Kentucky provision from the Senate bill, so that it could be considered in conference between the two Houses. I understand that when the order of the Senate was received by the Secretary of the Senate, the House of Representatives had already adjourned until Thursday, September 10, so that it was impossible for this to be done.

I know that the authority granted by the provision in the bill is permissive; that before it could be put into effect, enabling legislation by the Kentucky General Assembly would probably be required; that the teachers' retirement system could not be divided unless the State decided to do so; and, finally, that if the State did so decide, the question would be submitted to State and local groups of teachers, for their decision by referendum or as individuals. So I do not think any action can be taken against the wishes of the majority of the teachers in Kentucky, who now have their own retirement system.

I know that my colleague from Kentucky [Mr. MORTON], who is a member of the Finance Committee, also tried to correct this provision, and, I am sure, joins in expressing to the majority leader our thanks for his extraordinary action in helping to explore every possibility of carrying out the wishes of the teacher organizations of our State.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes—cloture mention.

Mr. HART. Mr. President, those of us who are attempting to bring the Senate to a fuller understanding of the implications of the very real dangers that are inherent in the effort, in effect, to overrule the decision of the Supreme Court on reapportionment of State legislatures have been encouraged greatly by the growing support across the country for our efforts.

Earlier today we made the point that we feel it is not a flattering commentary that the Senate continues to consider this complex and far-reaching proposal without the benefit of a single page of hearings, or a day of consideration by a standing committee of the Senate.

We are approaching the time when the roll will be called on cloture, the effort to terminate the Senate debate. In this setting, it seems important that this RECORD show some of the opposition which has developed to the Dirksen amendment in many of the States where fair-apportionment groups have long been carrying on the struggle to achieve constitutional representation in the State legislatures.

Mr. President, in order that there may be some indication available of the concern that is expressed, I shall read into the RECORD some of the communications which, as one Senator who has been attempting to get the facts before the Senate and the public, I have received recently.

As early as June 23, the League of Women Voters of Oklahoma, more vigilant than most of us, issued the following statement in opposition to measures which would restrict the jurisdiction of the Supreme Court in State reapportionment cases:

STATEMENT, LEAGUE OF WOMEN VOTERS OF OKLAHOMA, JUNE 23, 1964

The bloc of Congressmen now contemplating an amendment to the U.S. Constitution to prevent the U.S. Supreme Court from ruling on cases of apportionment of State legislatures is threatening the balance of powers on which our Government is based. The Constitution provides guards for individual rights and individual liberties. To restrict the Supreme Court by constitutional amendment and to deny recourse to minorities and individuals whose rights may be threatened weakens the fabric of our form of government.

Congress has a way right now to override the Supreme Court, and it has used it in the past. After the Supreme Court declared a Federal income tax unconstitutional, Congress passed by a two-thirds vote an amendment which was ratified in 1913 by three-

fourths of the States, the 16th amendment, which granted Congress the power to tax incomes.

If two-thirds of the Congressmen feel the decisions of the Court in the case of reapportionment of State legislatures are too far-reaching, let them attempt a remedy by trying to solve the problem of unrepresentative State governments, not by destroying the only recourse left to the underrepresented. Let them draft a positive amendment, not an amendment designed to destroy the checks and balances.

On August 31, an emergency committee of 175 civic leaders and interested citizens met in Oklahoma City in support of fair apportionment and in opposition to measures pending before the Congress to overturn the Supreme Court's decision. The meeting was chaired by the distinguished mayor of Oklahoma City, the Honorable George H. Shirk.

Following are two resolutions adopted by this meeting, articles which subsequently appeared in the Oklahoma City Times and the Daily Oklahoman, and an editorial which appeared in the Oklahoma Journal:

RESOLUTION I

Whereas the Supreme Court of the United States has held that under the U.S. Constitution all citizens of each State are entitled to equal and fair representation in their State legislatures; and

Whereas a special three-judge U.S. district court in Oklahoma City, Okla., has decreed that the Legislature of Oklahoma must be reapportioned to give each citizen, regardless of the place of his residence, an equal voice in the selection of the lawmakers of this State; and

Whereas such constitutional rights for certain citizens have long been denied by the failure of the State legislature to reapportion itself according to the constitution of Oklahoma, as well as the U.S. Constitution; and

Whereas there is pending in Congress certain legislation which has as its purpose the delay and ultimate defeat of the rights of all citizens to fair and equal representation; and such legislation, known as the Tuck bill and the Dirksen-Mansfield amendment, is incompatible with the American sense of fair play and represents an attack upon the ideal of equal representation of all citizens in their State legislatures: Now, therefore, we, the undersigned, do hereby

Resolve, That the Tuck bill and the Dirksen-Mansfield amendment should be defeated so that all citizens may be secure in their constitutional rights and just representation in the State legislatures.

And we further resolve that copies of the foregoing resolution be sent, together with such names that are subscribed thereto, to our representatives in the Congress of the United States.

RESOLUTION III

Whereas the specially constituted Federal district court hearing the Oklahoma legislative reapportionment cases has had its prior decision affirmed on appeal by the U.S. Supreme Court, and such decision required equal representation in both houses of the Oklahoma Legislature; and

Whereas prior to entering its decree, the Federal district court repeatedly emphasized the solemn duty of the legislators to reapportion the Oklahoma Legislature and the court withheld its order of judicial reapportionment until after the 1964 session of the legislature refused to pass reapportionment legislation which would be consistent with the Constitution of Oklahoma and of the United States; and

Whereas there have been scurrilous attacks upon the Federal court, which court courageously performed its judicial duty under the concept that this is a nation whose principles are based on a rule of law, and all persons are bound by such rule of law: Now, therefore, we do hereby

Resolve and hope, That Oklahomans will accept the final decision of the courts which secures equal representation to all of our citizens, regardless of place of residence, and will refrain from any further actions which would tend to lessen our respect for judicial decisions or which would divide Oklahomans to the detriment of our great State.

We do also hope that all fair-minded Oklahomans share our belief that the obtaining of equal legislative representation for all of our citizens is a victory for all citizens and a defeat for none, and that all sections of our State shall together move forward in harmony and mutual respect to the end that our State may benefit therefrom.

[From the Oklahoma City (Okla.) Times, Sept. 1, 1964]

APPORTION SUPPORT

A convincing demonstration of local support for fair reapportionment and concern over threats to it was given by the large attendance at the Monday luncheon of the Emergency Committee for Reapportionment.

Although the luncheon was held on short notice to beat efforts in Congress to cripple reapportionment, more than 170 persons crowded into the session to show support for the cause. Resolutions and petitions to be forwarded to Congress and to our city council were signed by those present.

The hearty applause given as the chairman, Mayor Shirk, introduced such longtime toilers in the reapportionment vineyard as Attorneys Norman Reynolds, Del Stagner, Sid White, and Jack Hewett, and Mrs. Trimble Latting demonstrated Oklahoma City's backing. Mrs. Latting recently was designated by the three-judge Federal court to draw the reapportionment map under which the September 29 elections will be held.

Beyond that the crowd was briefed on the threats to reapportionment under bills now in Congress. These are the Tuck bill which in effect would kill reapportionment, and the Dirksen amendment which would delay it for 16 months.

V. P. Crowe, prominent Oklahoma City attorney who was keynoter for the meeting, pointed out that the latter was a device by which a constitutional amendment to take reapportionment out of the hands of the Federal courts could be rushed through the presently malapportioned legislatures of the States before reapportionment can take place.

Crowe said that a constitutional issue even greater than reapportionment itself was involved here. That is the question of whether Congress just because it doesn't happen to like a Federal court ruling can pass legislation to take the entire matter out of the hands of the courts. He said the Tuck and Dirksen bills would be nothing less than passing laws to take away from the Supreme Court the right to interpret the Constitution—a right fundamental to our system since the earliest day of the Republic.

Particularly in relation to reapportionment, Crowe said, "the right to vote in our society is too important to be stripped of judicial protection."

Reynolds gave a history of the long fight for reapportionment in Oklahoma and stressed that it is "just bunk" to say the courts are acting hastily here.

Those at the meeting agreed to wire or write Senators MONRONEY and EDMONDSON opposing the Tuck and Dirksen measures. Other citizens of Oklahoma County also can help the cause by doing likewise (c-o Senate Office Building, Washington 25, D.C.).

[From the Oklahoma Journal, Sept. 1, 1964]

VOTER NEEDS PROTECTION

"Sired by expediency and born from the womb of politics."

That is the description given Monday to the Dirksen amendment to the Tuck bill.

A crowd numbering almost 200 greeted the expression with approbation at a downtown hotel.

They were members of the emergency committee for reapportionment meeting to muster forces in opposition of last-ditch efforts of malapportionment forces to deny the individual his voting rights.

V. P. Crowe, a longtime foe of malapportionment, rang the bell when he declared, "I haven't heard the people complain about reapportionment—it's the politician—the fellow in office."

He pointed out that the Dirksen amendment is aimed at buying time so malapportionment forces can launch further legislation to perpetuate a system the courts have declared to be unconstitutional.

The question naturally comes to mind, Who is the final arbiter in matters dealing with the Constitution—the Supreme Court or Congress?

It was made amply clear at Monday's meeting the individual's right to vote is direly in need of judicial protection in America.

[From the Daily Oklahoman, Sept. 1, 1964]

COMMITTEE URGES VETO OF TUCK BILL

The "emergency committee for reapportionment" Monday launched an attack against pending legislation in the U.S. Senate aimed at stalling Federal court reapportionment orders.

By resolution, the committee urged defeat of the Tuck bill, authored by Representative WILLIAM TUCK, Democrat, of Virginia, and an amendment to the foreign aid bill proposed by Senator EVERETT DIRKSEN, Republican, of Illinois.

The Tuck bill, which passed August 16 in the House, would take reapportionment out of the hands of the Federal courts.

"FREEZE" SOUGHT

The Dirksen amendment would "freeze" all reapportionment under court orders until January 1, 1966.

Copies of the resolution, along with the signatures of about 200 persons attending Monday's meeting, will be sent to members of Oklahoma's congressional delegation. Senator MIKE MONRONEY has said he is in favor of the Dirksen amendment.

The committee also asked the City Council of Oklahoma City to reaffirm its stand on legislative reapportionment. The council has previously passed a strong resolution favoring reapportionment of the State legislature.

VIEWS GIVEN

V. P. Crowe, attorney, told the emergency committee that the Dirksen amendment supposedly would give various State legislatures time to comply with constitutional apportionment provisions.

However, he said, the general supposition is that the amendment's purpose is to give the present malapportioned legislatures time to pass a constitutional amendment to take reapportionment out of the hands of the Federal courts.

This would require approval by 38 legislatures.

Crowe said Congress is invading the right of the U.S. Supreme Court to interpret the Constitution, and asserted that is a more important issue even than reapportionment.

MOVE CALLED THREAT

"It is a threat to the people of this country for the Congress to tell the U.S. Supreme Court how to rule on constitutional questions," he said.

Quoting the High Tribunal itself, Crowe asserted: "The right to vote in this country

is too important to strip of judicial protection."

Mayor Shirk, who heads the committee, introduced several persons who have worked actively for reapportionment. They included Norman Reynolds, Del Stagner, Sid White, Jack Hewett and Mrs. Trimble Latting.

Reynolds traced events in the reapportionment controversy, starting back in 1946.

He said the legislature has had plenty of time to reapportion itself, but hasn't and never would.

Those in Georgia who have been working long years for fair apportionment stand opposed to the Dirksen amendment. Following is a letter I have received from Mr. Alva W. Stewart, of Atlanta, Ga., and a statement by Mr. Israel Katz, of Atlanta, counsel for plaintiffs in the pending Georgia legislative reapportionment case, *Toombs against Fortson*:

ATLANTA, GA.,
August 29, 1964.

HON. PHILIP A. HART,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HART: As a State correspondent of the National Civic Review and an ardent supporter of the National Municipal League, I wish to go on record as endorsing the June 1964 decision of the U.S. Supreme Court relating to apportionment of State legislatures.

This decision is long overdue and will contribute materially toward giving residents of urban areas throughout the Nation the representation to which they are entitled in their State legislatures. The "one man, one vote" doctrine enunciated by the Court in this decision is a logical corollary of the Court's ruling in *Baker v. Carr* (Mar. 1962).

The Federal analogy argument which has been used frequently by so many critics of the Court's decision is not valid for the obvious reason that the cities and counties do not bear the same relationship to the State government as the 50 States bear to the National Government. Our States still possess some degree of sovereignty; our counties and municipalities have never, and do not now, possess this attribute.

For too long a time many of our State legislators have been representing pigs, chickens, and trees rather than people. The representation of nonhuman constituents may have some advantages to the lawmakers, but such representation is patently unfair if it is done at the expense of men and women who are deprived of representation on the State level. As any impartial observer of State government in recent years will admit, thousands of urban residents in almost every State have been deprived of adequate representation in their State legislative bodies.

Like many other Americans, I would rather see these inequities in representation reduced or eliminated by State legislatures instead of the Supreme Court. However, if the legislatures failed to discharge their constitutional mandate to reapportion themselves periodically, I believe the Court is fully justified in ordering reapportionment based entirely upon population.

I hope you will continue your efforts to support the Court's ruling and to oppose the Dirksen proposal or any other proposal which would have the effect of either nullifying or delaying the Court's decision. You can be assured that thousands of students of municipal and State government stand behind you and your Senate colleagues who are exerting their efforts toward defeating the Dirksen proposal.

Sincerely yours,

ALVA W. STEWART.

STATEMENT ON LEGISLATIVE APPORTIONMENT

There was a time in Georgia prior to the *Baker v. Carr* decision, when our Georgia House of Representatives controlled by constituencies representing 22 percent of the people, would adopt very regressive legislation. These bills in turn would go over to our State senate, wherein a majority then controlled by constituencies representing approximately 5 percent of the people, would alter such regressive legislation to make it even more regressive. The final bill would then be passed on to our Governor, elected under a county-unit system from constituencies representing 22 percent of the people, whereupon the bill would be signed into law.

Thanks to the Supreme Court decisions in *Baker v. Carr* and *Sanders v. Gray*, we do not have quite that situation in Georgia today. Yet our house where all revenue and appropriation bills must originate, is still controlled by constituencies containing 22 percent or less of the population of Georgia. Of course, only a majority vote in those constituencies are necessary to elect their representatives, so that it is entirely possible that slightly over 11 percent of the people have the final say-so in the selection of the majority of the representatives to the lower house of the Georgia General Assembly. In January of 1965, our general assembly, so malapportioned, will adopt a \$1 billion appropriations bill. The power to tax and spend is of the essence of government, yet the majority of the people have little effective representation in this regard. I am enclosing a self-explanatory affidavit, submitted in *Toombs v. Fortson*, the Georgia reapportionment case, which affidavit and table attached gives an idea of the way that a malapportioned legislature avoids meeting the fiscal needs of the people in the more populous areas. Little wonder that we have to increasingly call on Washington to meet unfulfilled needs.

In Georgia, we have the amazing spectacle of our population based body, the Georgia senate, constantly caving in on matters of basic principle, and acquiescing in the position of the lower house, even where the general welfare is diametrically opposed, and where the position of the senate has been diametrically opposed.

For instance, our Georgia senate at its last session, although owing its very existence to the Supreme Court decision in *Baker v. Carr*, went along with a house resolution denouncing the U.S. Supreme Court for ruling in apportionment cases. Why? Several of the senators when questioned about their vote, said simply that "We have to work with the lower house, you know, and we thought it would make them feel better, and appreciate that we were friendly to them, if we went along with that resolution." Others more honestly pointed out that their senatorial districts, since becoming based on population, embraced 8, 10, or 12 of the old rural representative districts, not yet reapportioned, and that to adopt any position opposed to that many lower house representatives, was certain to mean stern and swift political reprisal, and probably political death. Although there should only be two, three or at the outside four representative districts in any Georgia senatorial district, based on a population, this goal has not yet been obtained, and the political reality is as stated.

Although the State senate almost unanimously felt that the State school superintendent should be appointed, so as to free this office from political pressures that make it difficult to get the best qualified man, the senate flip-flopped and voted 43 to 9 to have the State school superintendent elected, because this was the position of the rurally dominated lower house. Although the State senate had virtually unanimously voted

2-year terms for the house, and 4-year terms for the senate, the State senate acquiesced that the house would also have 4-year terms because otherwise no legislation could be passed through the lower house. These illustrations could be repeated ad infinitum, and recounted perhaps best by members of the general assembly, who as a practical matter know that you do not have popular based government, where one of the two bodies is thoroughly malapportioned.

For Congress to be so irresponsible as to favor legislation that would permit one of the two houses of the general assembly to be on any basis, however, unrepresentative of the population, is a complete abdication of duty. What this would mean is that the States of this great Nation, would never realize full potential, and harness their full resources in a modern world.

It would also mean that areas wherein States could operate and administer services in a responsible manner, would be circumscribed indeed, and a continuing need for Federal supervision and administration would continue and increase. Those who are truly in favor of local self-government, could not be against letting the majority of a people in a particular State, govern their own destinies. Certainly in a homogeneous type society as that found in Georgia, there is no reason to view the 159 counties as little sovereignties, that need protection against one another, in the same manner that the Thirteen Original States of the Federal Constitution felt that they needed protection, thus resulting in the great compromise over the makeup of the U.S. Senate. It is simply an absurdity propounded, in order to keep an inordinate amount of power into the hands of a discouragingly small percentage of the population. Primarily it is expressed by those who really do not believe in self-government, but who simply want to retain power.

We have had a long fight in Georgia for true representative government, and are on the threshold of obtaining that type of government for the first time in a hundred years. Our three-judge Federal court has recently ruled that the lower house of the general assembly must reapportion itself in time for the 1966 elections, and that special elections must be held prior to 1966 to insure that a representative lower house takes office at that time. To have the Congress of the United States frustrate this struggle for democracy, is almost beyond what one can bear.

I have no political ambitions, but I entreat the Members of Congress to disdain this last gasp attack on democracy, and instead to support the U.S. Supreme Court, rather than destroy it.

ISRAEL KATZ,
Former President of Active Voters of
Georgia, and Counsel for Plaintiffs
in Georgia Legislative Reapportionment
Case, *Toombs v. Fortson*, Now
Pending.

Following is a statement made before the House Judiciary Committee by Mr. Eugene H. Nickerson, county executive of Nassau County, N.Y.:

AUGUST 12, 1964.

STATEMENT OF EUGENE H. NICKERSON OPPOSING PROPOSALS TO STAY REAPPORTIONMENT BY CONGRESSIONAL ACTION

I am county executive of Nassau County, the most populated county in New York State outside of the city of New York, and a party to the New York reapportionment case now pending in the District Court for the Eastern District of New York. I strongly urge the defeat of the present proposal to frustrate the right of the 1,400,000 citizens of Nassau County and millions of other citi-

zens throughout our State to reapportionment of New York's State Legislature on a constitutional basis.

The New York case, *WMCA v. Lomenzo*, was commenced more than 3 years ago, in May of 1961. It has been before the U.S. Supreme Court twice on appeal. The three-judge statutory U.S. District Court for the Southern District of New York has held extensive hearings on the matter both before and after the June 15 decision of the U.S. Supreme Court; hundreds of pages of testimony and scores of exhibits were before that Court.

Republican State officials have used every device possible to delay reapportionment despite the clear ruling of the U.S. Supreme Court that our present New York Legislature and scheme of apportionment was unconstitutional. They have created synthetic difficulties and shouted "impossibility" and "impracticability" although in just a few days in Nassau County attorney's office under my direction and the New York City corporation counsel's office drew maps and devised a full timetable for immediate reapportionment and constitutional elections in November of this year. Although we pressed for immediate reapportionment, the Federal statutory district court has, in what we consider to be extreme deference to sensibilities of State officials, decided not to interfere with elections to be held in November of this year and to permit the present malapportioned legislature to sit for yet another year.

Now it is proposed to deny the individual constitutional rights of our citizens still longer by closing the Federal courts to them, as Senator DIRKSEN proposes, or by suggesting further delay as is proposed in a "compromise" reported in yesterday's New York Times permitting, but not requiring, stays in the Federal courts. Amendment No. 1191, attached to bill H.R. 11380, amends title 28 of the United States Code by requiring a stay "until the end of the second regular session of the legislature" of the State. This means a further denial of our rights for from 2 years until eternity.

I address myself to what I shall refer to as the Dirksen proposal for a mandatory stay. The so-called compromise providing for permissive stays is not as objectionable but it serves no useful purpose. In the first place, as I have already pointed out, the courts already have this power and they have exercised it in New York and elsewhere to deny immediate reapportionment. In the second place, it would constitute an unseemly interference by the Congress in pending litigations in favor of State officials acting unconstitutionally and against individuals whose rights are currently being violated.

The points I would like to make are two. The first is that, any interference by Congress at this stage of these litigations would unfairly deprive millions of citizens of both New York State and the Nation of constitutional rights which they are legally and morally entitled to as of now. The second is that any proposal, such as that of Senator DIRKSEN, derogating from the jurisdiction of the Federal courts, must be condemned as contrary to basic American constitutional principles of judicial review and separation of powers. It strikes at the heart of our traditional process of constitutional adjudication.

We in Nassau County are particularly concerned because it is our residents who are the most discriminated against in the matter of legislative representation of any county in the State of New York. In this respect our plight typifies that of suburban communities throughout the country. While not wishing to regale you gentlemen by a parade of horrible examples, I think a few illustrations of the unfair handicap placed upon us in the State of New York would be

helpful in your comprehending why we, in Nassau County, feel so strongly about this matter.

The least populous assembly district in the State is Schuyler County with a citizen population of 14,974. The average assembly district in Nassau County has a citizen population of 212,634—almost 15 times the population of the State's least populous district. The largest assembly district in our county has a citizen population of 314,721—21 times the population of the assembly district composed of Schuyler County.

In the State senate each Nassau County senator represents 2½ times the population of the least populous senate district. Our neighboring Long Island county of Suffolk is disadvantaged even more than we in its representation in the senate. Its single senator represents 650,112 citizens—nearly four times that of the least populous district.

It is thus obvious, as the Supreme Court has found, that the constitutional rights of the people of Nassau County and the State of New York are presently being violated.

What is involved is not only the precious right to vote and the right to equal representation but the protection of the social and economic well-being of the people of our county our State and this country who are presently seriously underrepresented.

We in Nassau County are continually suffering from our lack of equal representation. The denial of proper voting rights to Nassau County residents results in unfair tax burdens being placed on them, in inadequate distribution of funds for education and other important municipal services, such as police, sewage, and transportation required in densely populated suburban areas, and in a failure of the legislature to enact legislation vital to the well-being of Nassau County.

New York State is presently under court order to reapportion by April 1965 in time to hold elections for a constitutionally apportioned legislature in November 1965. With equal and constitutional representation at long last within the grasp of our citizens, it seems anomalous to suspend such action while the political forces, which for so long have unfairly dominated the legislatures of New York and other States, make a desperate last-ditch attempt to protect the rotten borough system they have used to make a mockery of our democratic system of equal voting rights. Gentlemen, it is time, I submit, for all tampering with the votes of American citizens to cease. One test should guide us: "one man—one vote."

The U.S. Supreme Court has determined what is a constitutional apportionment. I have always understood that the Constitution, as interpreted by the Supreme Court, could only be altered by constitutional amendment. Now, however, the attempt is being made by simple act of Congress to forbid citizens to exercise their constitutional rights for a period of at least 2 years. Constitutional rights cannot be so toyed with.

We in New York must now wait 1 more year for a constitutional legislature. To require us to wait longer is unfair, unwarranted—and a betrayal of our constitutional rights.

The Dirksen proposal would have the effect of denying Federal courts original jurisdiction to hear reapportionment cases for a period of time and would also deny the Supreme Court the right to review decisions of the highest State courts in reapportionment cases.

While it would not, theoretically, prevent an application for relief to the State courts, the proponents undoubtedly hope that State courts would not act while the Federal courts were stayed. In view of the supremacy clause of the Constitution, however, it is difficult to see how any State court could refrain from enforcing the U.S. constitutional right to equal apportionment were actions

brought in State courts. Denying Federal jurisdiction in these cases would be, therefore, a first sledge hammer blow calculated to cause our Constitution to crumble into 50 separate little constitutions. The Constitution of the United States has endured for almost 175 years—it is, as you know, the world's oldest continuous and operative Constitution. This Nation has always—with one tragic exception, 100 years ago—believed that the Constitution must be finally interpreted by one voice and one voice only. No federal system could exist with each of its component parts deciding for itself what its basic and common constitutional duties and responsibilities mean.

We have long found it far better to adhere to the interpretation of the Constitution by the Supreme Court of the United States rather than to allow it to be interpreted finally by each of the States. This function of judicial review was perhaps best summed up by Mr. Justice Story in the 1816 Supreme Court case of *Martin v. Hunter's Lessee*, 1 Wheaton 304, 348, where he stated: "A motive * * * perfectly compatible with the most sincere respect for State tribunals might induce the grant of appellate power over their decisions. That motive is the importance, and even necessity of uniformity of decisions throughout the whole United States, upon all subjects within the purview of the Constitution. Judges of equal learning and integrity, in different States, might differently interpret a statute, or a treaty of the United States, or even the Constitution itself; if there were no revising authority to control these jarring and discordant judgments, and harmonize them into uniformity, the laws, the treaties, and the Constitution of the United States would be different in different States, and might, perhaps, never have precisely the same construction, obligation, or efficacy, in any two States."

While I have no intention of making any jurisprudential statement on the Constitution, as a lawyer, who had the high privilege and honor of serving as law clerk to the Chief Justice of the United States, Harlan F. Stone, I feel obliged to say a few words concerning *ex parte McCardle*, a decision upon which so much reliance is being put. Few legal historians would today justify as sound the statute which deprived the Supreme Court of its appellate powers in cases arising out of Reconstruction measures.

Indeed, only recently did Mr. Justice Douglas remark that "There is a serious question whether the *McCardle* case could command a majority view today" *Glidden Co. v. Danok*, 370 U.S. 530, 605 (1962) (dissenting opinion).

When it seemed that the Supreme Court would hold invalid some of those harsh and restrictive measures adopted during Reconstruction following the Civil War, Congress limited the power of the Supreme Court. Looking back with the wisdom of 100 years of experience, it is clear that the Supreme Court should not have been muzzled. A free Supreme Court might have corrected abuses and avoided the backlash of unjust repressions of the Negro which has resulted in so many of the race problems which plague us today.

It must be noted that even the doubtful authority of the *McCardle* case gives no support to the abrogation of Federal jurisdiction to protect the constitutional rights of individuals. That case only involved a limitation on the appellate jurisdiction of the Supreme Court to hear appeals in certain cases decided in lower Federal courts.

The exercise by Congress of its control over Federal jurisdiction must be subject to compliance with the 5th and 14th amendments. Power to control the jurisdiction of the Federal courts must not be so exercised as to deprive any person of life, liberty, or prop-

erty without due process of law or equal protection under the laws.

Interference by Congress in specific pending cases violates the spirit of article III of the Constitution, vesting "The judicial power of the United States in the Federal courts." The "judicial power," section 2 of article III provides, "shall extend to all cases, in law and equity, arising under this Constitution." The reapportionment cases arise, as you know, under the "equal protection of the laws" clause of the 14th amendment. Thus, the Dirksen proposal, in addition to being unsound, may well be itself unconstitutional.

I urge you gentlemen to remember that the Supreme Court has always been one of the three pillars of our Government. At one time or another liberals have thought it would destroy this Nation, conservatives have thought it would destroy us, labor and business have each condemned it, but all have subsequently recognized that they were wrong and that their liberty and well-being required this great Court to remain free.

We need only cast our thoughts back less than 30 years to recall another era when the Supreme Court was being challenged—then on the ground that it was too conservative. Some of those who then spoke passionately against President Roosevelt's "court packing" bill now urge a "court hamstringing" bill even more corrosive of our constitutional scheme of government. To limit and destroy the power of the Federal courts to protect individual constitutional rights strikes at the heart of the Constitution itself.

This country's theory of freedom and individual rights is under attack both at home and abroad. Now, more than at any time before in our history, we must stand firm and protect our constitutional heritage, our concept of individual right under law. The issue is of transcendental importance. Do not, I urge you gentlemen, permit the pique of the moment, or the disagreement of some with a particular decision of the Supreme Court, to furnish the excuse for tearing down the constitutional structure which shelters us all.

Here is a statement on the reapportionment situation in Vermont by Mr. John H. Downs, an attorney in St. Johnsbury, Vt.:

STATEMENT OF JOHN H. DOWNS ABOUT
REAPPORTIONMENT IN VERMONT

A Federal three-judge court has ruled that the Vermont Legislature must be reapportioned. Particular attention is directed to the house, a majority of its 246 members, each of whom represents 1 town, being elected by 11 percent of the voters. Such a directive has been long overdue.

The court has given Vermont until April 1, 1965, in which to complete the task. Vermonters have tackled more difficult tasks and solved them in less time.

As a member of the house of representatives since 1961, and chairman of the house ways and means committee in 1963-64, I am satisfied that the job of reapportionment can be done and will be completed promptly so long as it continues to be legally necessary for it to be accomplished.

I oppose Senator DIRKSEN's amendment and any legislative attempt to delay the implementation of the court order, or otherwise to affect the Supreme Court's jurisdiction. I do not agree with Senator AIKEN when he suggests that reapportionment cannot be achieved within the time limit of the present court order.

Most Vermonters who suggest that more time is needed—and I do not include Senator AIKEN among those—desire delay for the sole reason that they hope the passage of time will make any reapportionment unnecessary.

In Vermont there is no compelling reason why the vote of a citizen of our smallest town

should have any greater or less weight than the vote of a citizen of our largest city. Vermont is a small State and we are a closely knit people, with proper regard and consideration for the rights of each other. We act expeditiously, even though it hurts, when the necessary goal is clearly indicated.

I hope the U.S. Congress will resist all legislative measures which will delay Vermonters in getting on with the task at hand.

The following is a statement by the League of Women Voters of Oregon in support of one-man, one-vote apportionment for their State legislature:

STATEMENT OF THE LEAGUE OF WOMEN VOTERS
OF OREGON

In the November 6, 1962, general election, the League of Women Voters of Oregon opposed an amendment to the constitution which read as a ballot title: "Legislative Apportionment Constitutional Amendment—Purpose: Changes Legislative Apportionment Formula—Creates 30 Permanent Representative Districts—Permits Enlargement of Senate to 35—Enlarges House to 65 or More—Provides for Enforcement."

The league opposes freezing into the constitution fixed representative districts. The "permanent districting plan" would set into the constitution 30 representative districts guaranteed of one representative regardless of population; and would make further provision for 35 additional representatives to be allotted on a population basis; with no constitutional limit set on the size of the house.

Because there will always be fluctuation in the population, the league believes that the mechanics of establishing districts should be statutory and not frozen into the constitution. It opposes guaranteeing representation to a district without regard to population. A major premise in the league stand is that a legislator can represent only people, not geography.

The league's opposition to the area reapportionment plan is based on a position reached in 1952 after 3 years' study of reapportionment.

In 1952 the league cosponsored with the Young Democrats and Young Republicans the initiative petition that became the amendment enforcing reapportionment. The 1952 amendment brought about the first reapportionment in 41 years by requiring reapportionment every 10 years; and enabling appeal to the State supreme court by electors whose degree of representation was so small to be unconstitutional. The judicial review clause of the amendment was used in 1961 when petitioners to the Supreme Court challenged the constitutionality of the 1961 legislature's reapportionment. The appeal was successful, and the Court ordered another plan drawn up by the secretary of state.

There was an effort in the 1957 session to change the method of apportionment adding five representatives and allowing each county at least one. The league opposed the change. Similar proposals have come up repeatedly in the legislature; all of which the league has acted against.

The League of Women Voters of Oregon has as its continuing responsibility the support of apportionment of the legislature on the basis of population.

I have received the following letter from Mr. David Friedland, of Friedland, Schneider & Friedland, Jersey City, N.J., who represents the plaintiffs in the pending New Jersey legislative reapportionment suit:

AUGUST 24, 1964.

Senator PHILIP A. HART,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HART: I represent the plaintiffs in the suit which has been brought to

reapportion the New Jersey Legislature and which has been pending in our State court for approximately 2 years.

I know that you are actively engaged in the battle designed to preserve our constitutional freedoms. I hope that you will understand that it is out of a desire to preserve the integrity of the Supreme Court and to affirmatively secure the establishment of equal voting rights for New Jersey residents, that I address this letter to you. If you desire, you may include these remarks in the CONGRESSIONAL RECORD.

In New Jersey a minority of the people have always been able to control both houses of our State legislature. Presently only 19 percent of the people can elect a majority of the senate, while 46.5 percent of our people can elect a majority of our assembly. The system as applied over the years has resulted in a financial stranglehold on the cities and other areas of major population concentration. All pleas for aid to our cities go unheeded, while measures which favor a minority of the people are passed with ease.

There is no impediment to immediate change in New Jersey. The Supreme Court decision in Reynolds can be implemented immediately without undue haste. In an effort to show that reapportionment could be accomplished in a fair and impartial manner, we solicited the services of the Electronic Business Services Corp. and they prepared several impartial reapportionment plans incorporating the population principle. Numerous plans can be achieved by resort to modern science literally overnight. These plans could be put into full force and effect within a few months. We do not have primary elections in the State of New Jersey until April of 1965. Implementation of the Supreme Court decision would, therefore, not disrupt the electoral process in the State of New Jersey. I have included a copy of our brief which I hope you will read and include as part of my remarks on this matter.

I am quite concerned that the passage of the Dirksen legislation might result in a delay of the effectuation of our constitutional rights. I understand, in fact, that there is no pretense about the legislation. Its declared purpose is to secure a delay of the implementation of federally protected constitutional rights. The delay is sought on the presumption that a constitutional amendment is needed in order to change the effect of the U.S. Supreme Court decision. In most cases, however, the only people who favor such delays are those who are already entrenched in office and are now at the very last moment grasping for a political stall in order to save their jobs.

I hope that the Senate will not be deceived. I believe that we are involved in a struggle which may ultimately determine whether or not we are a government of the people, by the people, and for the people.

Very truly yours,

DAVID FRIEDLAND.

I have received the following letter from Mr. Upton Sisson, of Gulfport, Miss., who has been active in the reapportionment efforts in that State:

AUGUST 27, 1964.

Senator PHILIP A. HART,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HART: I am in receipt of a letter from Mr. William J. D. Boyd of the National Municipal League in New York City requesting that I furnish to you any statements or speeches which I have made in connection with legislative reapportionment.

While I have made many speeches on the subject of legislative reapportionment, I have no written copies of the same. I was attorney for the complainants in a suit filed in the chancery court of this State styled *Marvin Fortner, et al. v. Ross Barnett, et al.* In my

final argument to the court in that case, I made the following statement:

"It has been said that Mississippi is unfair to the Negro; I say that Mississippi is not even fair to its own white people in the matter of legislative reapportionment."

In an amicus curiae brief, which I filed in *Baker v. Carr*, in the U.S. Supreme Court, I made the following observations:

"Without any thought or intention to reflect, in any way, discredit of any kind upon those fine and substantial citizens who dwell in our rural areas, nevertheless the gravamen of reapportionment cases arises as a controversy, at least to a large extent, between rural and urban areas. The rural areas, on the one hand, strongly oppose their displacement in the dominant political power acquired by them through inheritance and maintained by refusal of relinquishment, while the urban areas, on the other hand, seek equal representation as a fundamental and inherent right under a republican form of government.

"Equal representation is a right under the concept of democracy as guaranteed by the Constitution of the United States, and special favor is tenable neither as a divine nor political privilege. While it is true that nature, in her partiality, designates here and there an individual as the favored recipient of her special endowments, and ordains him to a particular sphere of eminence, it is rarely that she allocates such an array of special talents within the confines of rural areas to the exclusion of urban areas, and on the whole it may be safely assumed that the destiny of the several States will be protected and preserved as well through equal representation as it will by dominant rural minority control. If we must concede preemption by rural minorities in the field of legislative representation, then under what conceivable theory can the advocates of democracy criticize totalitarianism, and most especially today when the whole world is literally on fire?

"It is indeed a strange manifestation of equity and fairness to demand States rights on the one hand, and at the same time to deny individual rights within the State itself. Obviously these individual rights cannot be salvaged by the people through political resort to the election polls, for the apparent reason that the legislatures will not allow a referendum thereon when so to do would be tantamount to their political demise. Therefore, if relief in the matter of legislative reapportionment is denied by this Court it may not be entirely facetious to predict that some legislatures, assured of their impunity in matters violative of the U.S. Constitution, may shortly grant letters of marque and reprisal, and even perhaps enact bills of attainder against those who dare challenge their authority. And it is feared that in some areas the legislative frustration resulting from the Court's recent nullification of the doctrine of interposition will serve to increase the retaliatory proclivities of such bodies to an extent which might well endanger the enactment of sane legislation, but which condition could, and would, be greatly diluted, if not entirely dissipated upon reapportionment.

"If the purposes of a State constitution are to be effectuated, the popular representation provisions of that instrument must be honored.

"Noncompliance defeats the purpose of the Constitution itself. The judicial role in the problem is one of holding government to its constitutional course.

"A failure to secure compliance with the constitutional mandate regularly to reapportion is not merely a matter of a legislative duty left undone; it is a failure to secure for the people such government as our Constitution assures them they shall have. Where the legislative branch has failed to meet so fundamental a duty, the judicial branch should then act to uphold

the Constitution. The policies underlying the structure of the government and the distribution of its powers, are not frustrated but rather are fulfilled by such judicial action."

If you desire to use these statements in connection with your opposition to pending legislation designed to set aside holdings by our U.S. Supreme Court in the matter of reapportionment, you have my permission to do so.

I am also enclosing herewith copy of a letter which I have this day written to Congressman WILLIAM COLMER from the Fifth Congressional District of Mississippi.

Trusting that you will be successful in your endeavor to prevent legislation which would in any way disturb the U.S. Supreme Court holdings on reapportionment, and with kindest regards, I am

Sincerely yours,

UPTON SISSON.

Following is a letter from Mr. Forest Frank, executive director, of the City Charter Committee, Cincinnati, Ohio, and a statement representing the position of that organization in opposition to the measures now pending before the Congress:

CITY CHARTER COMMITTEE,
Cincinnati, Ohio, August 27, 1964.

Senator PHILIP A. HART,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: Because of your expressed interest in the problem presented by current proposals to curb the authority of the Federal courts in reviewing protests against legislative malapportionment, I am enclosing herewith a brief statement of the position of the city charter committee, of which I am executive director.

The city charter committee through its officers was the plaintiff in one of the suits before the Supreme Court, which precipitated the recent wave of criticism against the Court. Membership in the city charter committee is composed of Republicans, Democrats, and independents and is numbered in the thousands. We appeal to you to support our position that the Federal courts must be permitted to retain jurisdiction in these matters and to oppose the current attacks being made on that position.

Respectfully,

FOREST FRANK,
Executive Director.

STATEMENT OF CITY CHARTER COMMITTEE, CINCINNATI, OHIO

Critics of the one-man, one-vote principle underlying recent court decisions in the field of legislative apportionment profess to find little or no connection between the plight of urban areas and the unfair distribution of seats in our State legislatures.

How much actual firsthand knowledge these critics have of either subject, urban problems or legislative malapportionment, is debatable. As an organization with a 40-year history of effort to improve local government the city charter committee, however, speaks with considerable experience. And it is our view that legislative malapportionment is one of the major reasons the city of Cincinnati and Hamilton County, Ohio, today are hamstrung in meeting both current fiscal needs and the greater fiscal problems involved in trying to do justice to human needs of the community.

Such matters as long overdue reorganization of county government, home rule in taxation, annexation, distribution of State-collected taxes originally earmarked for local government, matching funds for relief, aid to dependent children, maintenance of through highways—these are only a beginning of the long list of items in pursuit of which Cincinnati and Hamilton County along with other major Ohio urban areas are periodical-

ly frustrated by the Ohio General Assembly. The root of the frustration is the Hanna amendment to the Ohio constitution of 1903—an amendment proposed and adopted for purely political motives—by which Vinton County with barely 10,000 population has the same voice in the House of Representatives of Ohio as Lake County with 150,000 population.

Ohio has 88 counties; its urban population is centered in 16 of these and chiefly in 8 of the 16. The early apportionment provisions of the Ohio constitution (written and adopted in 1851) were reasonable and based largely on a requirement of the original Northwest Territory Act making equality of representation mandatory.

The Hanna amendment by guaranteeing every county one seat in the house of representatives gravely distorted this original plan of apportionment. The distortion has become acute since 1920 until now counties having less than 30 percent of the population of the State are in complete control of the house of representatives. The number of counties which owe their disproportionate influence in the house to the Hanna amendment has grown from 8 in 1910 to 40 in 1920 and 48 in 1964. Contrary to the arguments of the present critics of the Federal court rulings in this area, it was clearly not the intention of Ohio voters in 1851 to guarantee every Ohio county its own representative. In 1851, 13 of the 88 counties lacked the one-half quota of population required to qualify for a seat in the legislature. As a result, the 13 were joined to neighboring counties for the election of representatives. In short, it is apparent that framers of the Ohio constitution in 1851 felt they had gone far enough when they conferred a separate seat on counties possessing only one-half of the normal quota for representation. And it is this position that the Supreme Court in effect has upheld by its decision in our suit requesting repeal of the Hanna amendment.

The representatives of the rural counties of Ohio have repeatedly been asked to permit Ohio citizens to vote on the subject of retention or repeal of the Hanna amendment—and each time they have turned the request down. There is a provision in the Ohio constitution for initiative in these matters—but the terms of the provision are such that without at least token support from a few rural counties, it is impossible to bring the matter on the ballot by initiative petition. Needless to say, no such support is available.

Under the circumstances it is inconceivable that Congress should permit political considerations to undermine the position of the cities of Ohio further—or for that matter the cities of other States discriminated against in this respect.

The city charter committee representing thousands of citizens of both political parties, Republicans and Democrats, as well as independents of neither party affiliation, earnestly urges the Members of Congress to be wary of the unjust position into which they are being persuaded by critics of the Federal courts. In the case of Ohio, the Federal courts have not tried to tell Ohio legislators or Ohio officials how they shall proceed in the business of equitable apportionment. They have merely laid down guidelines that a fair apportionment process should take into consideration. Congress can hardly improve on their handiwork.

REPUBLICAN VICE-PRESIDENTIAL NOMINEE MAKES FALSE CHARGES ON IMMIGRATION REFORM AND ASYLUM FOR REFUGEES FROM COMMUNIST TYRANNY

Mr. HART. Mr. President, most of the problems which concern the electorate of this country and make up the

Digest of CONGRESSIONAL PROCEEDINGS

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
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OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE

Washington, D. C. 20250

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CONTENTS

Appalachia.....1	Grants-in-aid.....1	Poverty.....6,8
Appropriations.....9	Mining.....1	Public lands.....3
Beef and cattle.....2	Nomination.....6	Rural America.....7
Flood control.....4	Pastureland.....1	Timber.....1
Foreign aid.....5	Political platforms.....7	Watersheds.....4

HIGHLIGHTS: Senate debated Appalachia bill and deleted provisions for pastureland improvement. Sen. Humphrey analyzed problems in beef and cattle industry. Sen. Allott commended Sen. Hruska's efforts for legislation to limit beef imports.

SENATE

1. APPALACHIA. Continued debate on S. 2782, to provide public works and economic development programs and the planning and coordination needed to assist in the development of the Appalachian region (pp. 21123-4, 21149-53). Agreed to an amendment by Sen. Metcalf to strike out the section of the bill authorizing the Secretary of Agriculture to make grants to landowners to assist in the improvement and development of pastureland for livestock in the region (pp. 21123-4, 21149-53). Agreed to an amendment by Sen. Randolph which he stated was a perfecting amendment to the section relating to housing (p. 21153).

As reported, this bill included provisions as follows:

Provides for the establishment of an Appalachian Regional Commission composed of one Federal member and one member from each participating State in the Appalachian region to develop plans and programs, conduct and sponsor studies of the region, serve as coordinating unit for Appalachian programs, etc.

Authorizes the Secretary of Agriculture to make grants to landowners to assist in the improvement and development of pastureland for livestock in the region. Grants to any landowner shall not exceed 80 percent of the costs of

improving and developing 25 acres of his pastureland. Provides for agreements between the Secretary and landowners for periods not to exceed 10 years. Authorizes not to exceed \$17 million for this program.

Authorizes the Secretary of Agriculture to provide technical assistance in the organization and operation of timber development organizations for improved timberland productivity, better quality timber, etc. Authorizes the Secretary to provide not more than one-half of the initial capital requirements of a timber development organization. Authorizes not to exceed \$5 million for this program.

Provides that the Secretary of the Interior shall, in cooperation with other agencies, including this Department, make a survey and study of strip and surface mining operations in the United States, and shall submit to the President his recommendations for a long-range program for reclamation and rehabilitation of strip and surface mining areas in the U. S. for transmittal to Congress not later than July 1, 1966.

Provides that the Secretary of the Army shall, in cooperation with other agencies, including this Department, prepare a comprehensive plan for the development and utilization of the water and related resources of the Appalachian region, and shall submit the plan through the Commission and the President to the Congress not later than December 31, 1967.

Authorizes the Secretary of Commerce to allocate funds to heads of Federal departments and agencies responsible for the administration of Federal grant-in-aid programs in the Appalachian region. Funds allocated shall be used for the purpose of increasing the Federal contribution to projects under grant-in-aid programs above the fixed maximum portion of the cost of such project otherwise authorized by the applicable law. Authorizes not to exceed \$90 million for this purpose.

Provides that this program for Appalachia shall expire July 1, 1970.

2. BEEF AND CATTLE. Sen. Humphrey analyzed problems in the beef and cattle industry, reviewed actions the administration has taken to aid the industry, and enumerated steps the administration will take to continue to help the industry. pp. 21166-69

Sen. Allott commended Sen. Hruska's efforts for enactment of legislation to restrict beef imports and inserted Sen. Hruska's speech before the Colo. Cattle Feeders Assoc. discussing the problem of beef imports. pp. 21100-02

3. PUBLIC LANDS. Concurred in the House amendments to H. R. 5498, to authorize the Secretary of the Interior to sell limited tracts of public lands to meet rapidly increasing needs of local governments and private enterprise. This bill will now be sent to the President. pp. 21130-1

Concurred in the House amendments to H. R. 5159, to provide that certain lands administered by the Secretary of the Interior be classified in order to provide for their disposal or interim management under principles of multiple use and to produce a sustained yield of products and services. This bill will now be sent to the President. p. 21131

4. WATERSHEDS; FLOOD CONTROL. Concurred in the House amendment to S. 2370, to authorize maintenance of flood and arroyo sediment control dams and related works to facilitate the Rio Grande canalization project. This bill will now be sent to the President. p. 21130

5. FOREIGN AID. Continued debate on the motion by Sen. Dirksen to invoke cloture and bring to a close the debate on the Dirksen-Mansfield reapportionment amendment to H. R. 11380, the foreign aid authorization bill. pp. 21098-21100, 21138-49, 21153-5, 21157-62, 21169-70

Christian Democratic candidate, Eduardo Frei. The victory is a great relief to every important capital in the Western Hemisphere from Washington in Buenos Aires. Only Havana will fail to rejoice in it.

The Chilean election had everywhere been rated as the most important in Latin America in years. Had Mr. Frei's opponent, Salvador Allende, won, the world would have seen a Socialist-Communist coalition elected democratically for the first time. As it is, history was made by Mr. Frei, for this is the first national victory by a Christian Democratic Party in the Western Hemisphere. It represents a notable boost for the entire Christian and social democratic movement throughout Latin America.

The reasons for widespread relief are obvious, even though Eduardo Frei is a leftist who has promised radical social and economic reforms in Chile. Christian democracy, by definition, is democratic. Hence Chile will remain an orthodox member of the Organization of American States, allied to the West. Where the rival group, the FRAP, would have nationalized the copper and nitrate industries (about 90 percent American-owned), the Christian Democrats merely plan to have all copper refined in Chile. They intend to sell the copper everywhere, including to the Iron Curtain countries.

The drastic structural changes that Mr. Frei promises will shake up Chilean society profoundly. Although a true democracy in the political sense, Chile is a nation with grave social imbalances. This is especially true in the rural areas, and a radical farm reform is a certainty. However, Mr. Frei's program is "revolutionary" only in the sense of the Alliance for Progress. His victory is, in fact, a reprieve for the Alliance, which is an added reason why the Johnson administration is rejoicing.

Yet, it would be wrong for anyone in Washington to think of Eduardo Frei as a complacent junior partner who can be taken for granted. He is a man of strong and independent character with a determined social sense. His Catholicism is not reactionary; it is the Catholicism of Pope John XXIII's socially advanced *Mater et Magistra*.

The strength of Chilean democracy was shown by the instant acceptance of Mr. Frei's victory by Dr. Allende, who had offered the voters a clear choice and had fought a hard, clean campaign. Unlike 1958 when he lost to Jorge Alessandri by the narrowest of margins, he has now been decisively defeated. The popular verdict means that Chileans want social and economic reforms, but not by the extreme methods of a socialism spurred on by communism. Chile has chosen the road of social democracy.

[From the Washington Post, Sept. 8, 1964]
CHILEAN PRESIDENT INDICATES COPPER SALES TO RUSSIANS

(By George Natanson)

SANTIAGO.—Major realignments in Latin America seem likely in the wake of Eduardo Frei's surprisingly decisive victory in Chile's presidential election, diplomats and political observers suggest.

Frei represents a new force in Latin American politics—the revolutionary and determined left intent on bringing about a forceful but peaceful socio-economic revolution through legal processes.

At a news conference Saturday, Frei served notice that a closer Santiago-Washington accord depends in large part on greater respect in Washington for Chilean economic and political interests, as determined by Chile.

The President-elect said his government would establish diplomatic relations with any friendly nation seeking them. This clearly means he will be receptive to Communist-bloc overtures for diplomatic exchanges.

Frei also promised the electorate that he would direct government intervention in the

largely American-owned copper mines, at least to the extent of seeking the best price for Chilean copper in the world market—no matter where it is. This does not conform to the U.S. policy of embargoing shipments of such strategic materials to Red nations.

Frei's victory made him an overnight giant among Latin leaders. Chile, always respected by other Latin nations for its long tradition of nonviolent democracy, has suddenly become a prime candidate for leadership of the progressive, democratic forces in Latin America.

Frei's Christian Democratic Party is also established in several other Latin countries. It is opposed to the rightist oligarchy clinging to power in several Latin nations. It similarly opposes the Communists, particularly in their totalitarian aspects.

But the Christian Democrats are committed to their kind of revolution, which they sum up oversimplistically as "revolution with freedom."

They aim frankly at supplanting present government structures with a planned economy and major reforms in landownership, educational opportunity and economic opportunity.

[From the New York Times, Sept. 7, 1964]

FREI SAYS OAS NEEDS OVERHAUL—CHILEAN ASSERTS IT MUST AID FIGHT FOR SOCIAL CHANGE

(By Henry Rayment)

SANTIAGO, CHILE, September 6.—Eduardo Frei Montalva, Chile's President-elect, said today that the moment was approaching for a new inter-American effort to settle hemispheric differences and concentrate on "the common battle against social and economic backwardness."

Mr. Frei declared in an interview that the Organization of American States had lagged in this task.

He said the Organization must develop a more "dynamic and constructive" approach to ease political tensions among its members and to implement rapidly the goals of the Alliance for Progress.

Mr. Frei, a new power in the Americas since his sweeping victory in Friday's election, indicated he would call for specific steps to "revitalize" the inter-American Organization after he assumes office November 4.

One proposal discussed privately by some of his foreign-policy advisers is an informal consultation with other Latin American governments for a fresh attempt to draw Cuba back into the hemispheric community. The move would presumably be postulated on Premier Fidel Castro's willingness to sever his military and political ties with the Communist bloc.

BETTER PROSPECT SEEN

Mr. Frei said at a news conference yesterday that he expected "more favorable" conditions for a peaceful settlement of the Cuban problem to develop after the U.S. election.

The President-elect also expressed hope that there would be a high-level review of Alliance for Progress plans. The objective would be to increase Latin America's responsibility in the execution of that U.S.-sponsored program of social and economic development and to make the OAS "more alive to the spirit of change that is sweeping the hemisphere."

"The Organization of American States no longer has any real vitality," Mr. Frei said. "The moment is approaching for a decision whether to put it up to date with a rapidly changing world and in line with the goals of the Alliance for Progress, or to let it become a sarcophagus of outmoded ideas."

Mr. Frei, leader of the Christian Democratic Party, spoke confidently of Chile's future relations with the United States. The two countries, he said, share "profound democratic convictions" and a desire to see an end of misery and underdevelopment in the hemisphere.

Although he favors closer contacts with the Asian and African countries, and broad exchanges, Mr. Frei rejected the notion that Chile should move toward a policy of non-alignment as advocated by Senator Salvador Allende Gossens, the defeated candidate of the Socialist-Communist coalition.

"We certainly may share some economic problems as producers of raw materials who want to project themselves into an industrial age," he asserted. "But Chile belongs to the Americas, where our ideas have been nourished by the Judeo-Christian ethics of the western world. It is within this sphere that we must try to resolve our problems."

RELATIONS WITH RED BLOC

The President-elect said, however, that he planned to establish diplomatic relations with the Soviet Union and other Communist countries with which Chile now has only commercial relations. Communist China was not among those he mentioned.

From these and other statements it appeared that Mr. Frei would cooperate closely with the United States, although he is likely to speak with an increasingly independent and critical voice about hemisphere affairs if he thinks it necessary.

The President-elect feels that the Organization of American States may have relied too long on punitive rather than on conciliatory action. Chile would be in a special position to serve as a bridge to Cuba. Prominent figures in Mr. Frei's party have continued to advocate toleration toward the Castro regime even though they disapprove of its repressive aspects.

[From the New York Times, Sept. 7, 1964]

CHILEAN CRUSADER EDUARDO FREI MONTALVA

SANTIAGO, CHILE, September 6.—During the 30 years he struggled to gain power for his Christian Democratic Party, Eduardo Frei Montalva has been called a hot-headed young man and a religious fanatic. He has been considered by many Chileans to be the only leader capable of offering a democratic alternative to the desperately poor peasants and workers who make up two-thirds of the country's population.

Mr. Frei, a tall, lean man of 53 years, is unquestionably a tireless crusader for a new social doctrine, based on Christian humanism, as the answer to the poverty and economic underdevelopment that afflict this country and most of Latin America. His speeches are often on the academic side, but he exudes confidence and a sense of a man who knows where he is going.

This has attracted to his side a group of eager young technicians and professionals, strikingly similar in spirit to those who gathered around President Kennedy.

Along with beginning a campaign for social action, including associations of slum-dwellers, housing cooperatives, and institutes for rural education, they built a highly efficient political machine that provides the basis for last Friday's victory by the Christian Democratic Party over the more conventional leftist coalition of the Popular Action Front and over the once-powerful Radical Party.

But Senator Frei points out that in spreading its message of social revolution, Christian democracy is providing more than a pragmatic approach to Chilean politics.

IDEOLOGY CALLED VITAL

"It is impossible in Latin America to govern effectively without an ideology," he declared recently. "That is why communism has had an impact in our societies and that is why it sees in Christian democracy its greatest challenge."

Senator Frei is convinced that the Marxist conception of the world is obsolete and that the Chilean people need solutions in accord with a new age of science and technology that will at the same time protect personal rights.

"Christian democracy believes that the modern world is in crisis," he said, "and that only a complete readjustment of society can save man from materialism and collectivism."

It was this belief in an urgent need to humanize capitalism through a democratic revolution that in 1931 led a group of student leaders headed by Mr. Frei to drift away from the middle-class conservative party.

Four years later they established the National Falange, which had only the name in common with the Spanish organization, that supported Generalissimo Francisco Franco during the civil war. Throughout World War II the Chilean Falange leaders supported the allied cause and in domestic politics more often found themselves in sympathy with the leftists than with their former conservative friends.

SOUGHT END OF MONOPOLIES

The leadership of the Falange, which came mainly from patrician and well-to-do families, had as its main objective ending what it considered the country's false democracy where the rules favored the wealthy and the monopolies. The leaders organized the Christian Democratic party in 1957.

Mr. Frei's reputation as one of the most efficient and dedicated members of the Senate is rarely challenged even by his most bitter political enemies, who range from Communists to ultraconservatives.

The son of an affluent Swiss immigrant, Mr. Frei was sent to a public school in the working-class suburb of Lontue, near the fine villas of the Chilean aristocracy. The sight of underfed and poorly clothed classmates developed a keen sense of social injustice in the boy.

Mr. Frei has avoided the luxury he criticizes among wealthy Chileans. He lives with his wife Maria, a former teacher, and their seven children in an unpretentious house in a middle-class residential suburb of Santiago.

He holds a law degree from the Catholic University of Chile, and has devoted much time to the study of economic planning. He once held the post of Minister of Public Works.

VISITED UNITED STATES AND EUROPE

Mr. Frei (the name is pronounced "Fray") has traveled extensively. He made nine trips to the United States, the last one in 1962 for a conference at Columbia University on underdeveloped countries. He has also attended several congresses of Christian Democratic parties in Europe.

These links abroad and an intense interest in international affairs have strongly influenced Senator Frei's views. References to East-West relations and the role of the smaller nations as promoters of world understanding marked his campaign speeches.

True to Chilean tradition of tolerance and fairplay, Mr. Frei reiterated today his respect for Senator Salvatore Allende Gossens, his popular Action First opponent in the election. "He is an honorable and hard-working man as well as a first-rate parliamentarian," he observed.

A relaxed host and a devoted father, Mr. Frei takes delight in books and in long walks in the forests surrounding Santiago.

A visiting American asked him how he felt during the election and what it represented to the future of the Christian Democratic movement. He replied:

"I had an extraordinary sensation of inner peace. I was absolutely confident. The most important and positive factor is that our victory comes as the party is achieving its maturity after the experience of a hard and prolonged struggle. It would have been disastrous had success come prematurely while we were still in a stage of development."

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961—REAPPORTIONMENT OF STATE LEGISLATURES

Mr. DOUGLAS. Mr. President, the public is becoming more and more informed about the dangers of the so-called Dirksen amendment to the foreign aid bill, which would suspend for an indefinite period of time court orders providing for reapportionment of unrepresentative State legislatures. I am greatly pleased that some of the great newspapers of the country and some of the keen thinkers of the country are taking up the challenge and are making the issues clear.

Mr. RANDOLPH. Mr. President, will the Senator from Illinois yield at that point?

Mr. DOUGLAS. Yes, indeed.

Mr. RANDOLPH. When the able Senator mentions the newspapers of the country, I wish to have the RECORD indicate that as reasoned an editorial as I have read on the reapportionment subject, and which expresses the belief of the Senator from Illinois as well as the senior Senator from West Virginia, was contained in a compelling comment in the Charleston, W. Va., Gazette. I appreciate the prior insertion into the RECORD of that editorial by the senior Senator from Illinois. The Charleston Gazette is a liberal and progressive newspaper in its editorial policy. It is an exceedingly courageous newspaper editorially on public questions. I am delighted that both the Senator from Illinois and the Senator from West Virginia, now speaking, are in agreement on this subject, and that is that the Dirksen amendment should not prevail in the Senate.

Mr. DOUGLAS. I thank the Senator from West Virginia. His attitude on this, as on so many other topics, is both enlightened and sturdy. I am very glad that he mentioned the Charleston, W. Va., Gazette, because I regard it as one of the truly fine newspapers of the country.

Mr. President, another fine newspaper is the St. Louis Post-Dispatch. On the 2d of September it published an able editorial entitled "Myths of Apportionment," in which the editorial writer properly said that the Senate ought to deal with so important an issue separately and after careful reflection, but that it should not deal with it until there is time for calm review and sober second thoughts.

On yesterday, the 8th of September, the St. Louis Post-Dispatch followed up that editorial with another editorial stating that there had not been—

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOUGLAS. Mr. President, I ask unanimous consent that I may proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOUGLAS. The St. Louis Post-Dispatch stated that there had not been reasonable consideration of the Dirksen

rider. It pointed out that there had been no committee hearings on it. The editorial stated that the author of the amendment had assumed in what he thought were the last days of the session that the amendment could be tied onto a foreign aid bill, which he thought the President could not veto. "And to what end?" inquires the St. Louis Post-Dispatch. The editorial states:

The end is to overcome the Supreme Court's historic decision that both houses of State legislatures should be based on population. The Dirksen rider would require all Federal courts to stay at least until 1966 all orders to redistrict in line with this decision. In that time, the malapportionment forces hope to press a constitutional amendment through the malapportioned legislatures, forever ending Federal court jurisdiction.

In addition to these editorials, there have been interesting letters to the editor which have appeared in the New York Times and the Washington Post. On September 6 of this year a letter from Mr. David M. Roseman, of Boston, was published in which he stated that the proposition that one person's vote is entitled to the same effect as that to be given to another is hardly a revolutionary theory.

Of course, that is the point of view which the Court has been advocating in saying that representation should be substantially based on population.

On the 8th of September, yesterday, a very able letter appeared in the Washington Post, by Elaine Jacoby, pointing out that Montgomery County is handicapped because it does not have adequate representation in the Maryland Legislature.

In this morning's Washington Post there is another letter stating that political scholars have pointed out that the Supreme Court decisions on apportionment came only after State legislatures refused to conform to their own constitutional requirements, and after State courts refused to require State officers to fulfill their oaths of office.

I ask unanimous consent that the editorials and letters be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOUGLAS. Mr. President, as a final comment, yesterday the distinguished junior Senator from Montana [Mr. METCALF] made one of the most notable addresses delivered in a long time before this body. While the audience on the floor which heard him was not very large, I hope every Member of the Senate and tens of thousands of Americans will read his speech in the RECORD. I have read it twice this morning. I regard it as one of the most able, comprehensive, and persuasive addresses ever delivered before this body.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. METCALF. I appreciate the comments the Senator from Illinois has made about the speech I delivered yesterday. I hope in the future, if this matter is not

dropped, I shall be permitted to develop further the danger to constitutional government, to the doctrine of separation of powers, and to individual freedom, which the Dirksen amendment presents to the whole constitutional system of the United States.

I am pleased that the Senator from Illinois has read my speech. I hope others read the speech and become aware of the danger to the individual constitutional freedoms of Americans if this sort of legislation continues to be considered.

Mr. DOUGLAS. I thank the Senator. He developed this point succinctly. I hope, if occasion arises, he will take time to make an exhaustive review of the cases which he analyzed yesterday briefly, beginning with Marbury against Madison and coming down to the Colorado case.

Mr. METCALF. If the opportunity arises, I shall do so.

EXHIBIT I

[From the St. Louis (Mo.) Post Dispatch, Sept. 2, 1964]

MYTHS OF APPORTIONMENT

The reconvening Senate has put off, temporarily, its struggle over Senator DIRKSEN's proposal to delay or halt State legislative reapportionment as ordered by the Supreme Court or other Federal courts. The Senate's action amounts to putting off the main event, but Congress can well use time for calm review and sober second thoughts.

Before Congress recessed for the Democratic Convention, the dispute had created some myths and half-truths, on both sides. William G. Colman, executive director of the Advisory Commission on Intergovernmental Relations, did his best to dispel these notions in testimony before a House Judiciary Subcommittee.

It is not true, for one thing, that there is something historic, if not sacred, about bicameral legislatures. Georgia, Pennsylvania, and Vermont had unicameral legislatures in the early days of the Republic; Nebraska has one now.

It is not true that one house traditionally has to be based on something other than population. Population was the sole basis for apportionment of legislatures in most of the original States. At one time or another, 36 States have made it the primary basis for both legislative houses.

It is not entirely logical that one house ought to be based on geography in order to produce diversity of representation. For example, in a popularly based system, members of a small senate would represent a more diversified constituency than members of a large house, whose delegates, in turn, would represent more specialized interests.

It is not entirely true that rural domination of malapportioned legislatures leads to discrimination against the cities. There may be such discrimination at times, but more often the rural representatives contend that their urban colleagues cannot agree on what they want. This situation does not excuse a legislature's refusal to do what is best, nor does it justify the deliberate weighting of a house in favor of rural minorities.

Finally, it is not true that all urban residents want equal representation. Coloradans voted overwhelmingly for a misapportionment that the Supreme Court threw out on the ground that a majority vote could not abolish a constitutional right to equal protection of the laws.

Perhaps many Americans do not want equal representation because they think legislatures ought to be modeled upon the U.S. Congress. The Supreme Court held that there is no parallel, in history or law. But political conservatives often favor rural-

dominated legislatures because these are likely to be more conservative legislatures. This sentiment crosses urban-rural boundaries and explains many of the attacks on the Supreme Court's decisions.

Weighting apportionment to get specified ideological or legislative results distorts popular government. It cannot be justified any more than any other way of saying that the end justifies the means. Yet this is what defenders of the status quo in State legislatures are defending, by devious means. Senator DIRKSEN would attach his proposal to the foreign aid bill, where it does not belong in any case.

The Senate ought to deal with so important an issue separately and, after necessary reflection, deal with it summarily.

[From the St. Louis (Mo.) Post-Dispatch, Sept. 8, 1964]

AGAINST THE CONSTITUTION

Senator EVERETT M. DIRKSEN intends to file a petition to shut off debate on his rider aimed at fair voting legislatures, at the Supreme Court, at judicial review and the Constitution itself. What follows should be a dramatic lesson in the workings of our Government.

For some weeks a small band of Senators has been filibustering against the Illinois Senator's rider to the foreign aid bill. Their numbers have grown, however, and it is no longer certain that Mr. DIRKSEN can find the two-thirds vote necessary for cloture.

The issue pits many who do not believe in the filibuster rule, but are now using it against other Senators who traditionally uphold the filibuster, or at least the two-thirds rule that makes it difficult to overcome. In this case, the filibusters are right to use the weapon, and not just because it is there.

Certainly the two-thirds rule should be ended, because it encourages the kind of talkathon by which a minority can prevent any Senate action at all. But the rule should not be ended without establishing procedures to guarantee ample public hearings and ample debate. The cloture issue is essentially one of reasonable consideration versus unreasonable suffocation.

In the case of the Dirksen rider, consideration has been anything but reasonable. There were no committee hearings on it. The author jammed it into what he thought were the last days of the session, and tied it onto a foreign aid bill he thought the President could not veto. The technique was that of a rush job. And to what end?

The end is to overcome the Supreme Court's historic decision that both houses of State legislatures should be based on population. The Dirksen rider would require all Federal courts to stay, at least until 1966, all orders to redistrict in line with this decision. In that time, the malapportionment forces hope to press a constitutional amendment through the malapportioned legislatures, forever ending Federal court jurisdiction.

Even if the Dirksen rider were intended only as a temporary block to judicial authority, it would be highly objectionable. What it signifies is that Congress can tell the courts they cannot enforce the Constitution, temporarily or otherwise. The Supreme Court's decision is based on the 14th amendment requirement of equal protection of the laws. There is nothing equal in the voting laws of a State which allow 12 percent of its people to elect a majority in one house.

If Congress can thus limit court protection of one constitutional liberty, why cannot Congress limit others? Why can't it withdraw from court jurisdiction the defense of Negro voting rights, or of free speech, freedom of the press, property rights, fair trial or due process of law?

The path of the Dirksen proposal is the path of indirect amendment, of the Consti-

tution, which is the path the Dirksen forces have accused the Supreme Court of taking. More is involved here than the right of new urban majorities to be fairly represented in rural-dominated legislatures. The Dirksen rider represents a ride against the power of judicial review and an independent judiciary. It is a legislative attack on the third branch of Government and on the fundamental doctrine of separation of powers.

So serious is the nature of this issue that President Johnson, who has not spoken out on its publicly, should lend all his help to the embattled band of Senators trying to stave off the Dirksen challenge. The President is sworn to uphold the Constitution. The Constitution is deeply involved in the Senate struggle. It must be upheld.

[From the Washington (D.C.) Post, Sept. 9, 1964]

CLOAK OF DARKNESS

Malapportionment is a percentage racket—a house take to make a Las Vegas boss turn green with envy. Specific issues between the underrepresented and the overrepresented only rarely make news. The Michigan Senate over years of controversy chose to bring that rich State to the edge of bankruptcy rather than to allow the income tax urged by Governor Williams. New York City every year must beg for its life from upstate legislators in a share of the money which city people pay in State taxes.

For the most part, State legislatures operate within a cloak of darkness. Most of their actions are not made interesting to news reporters or newspaper readers. Typical pile-ups of legislation in the last days of sessions create masses of law whose fine print is literally unavailable to interested parties until weeks later.

Honorable apportionment will not make perfect overnight our State governments. Democracy, in the graceful phrase of Sir Winston Churchill, is the worst system of government—except for every other system attempted by man. But the most elemental drive within political man is to achieve self-government. No military junta, no monarch, no aristocracy, no Communist apparatus, and no special interest coalition can deprive its people of the right which our own Declaration of Independence attributes to a higher law than man's; none of these can deprive us permanently.

Political scholars have pointed out that the Supreme Court decisions on apportionment came only after refusal by State legislatures to conform to their own constitutional requirements, after State courts refused to require State officers to fulfill their oaths of office. Commentators who tell us that the Federal courts acted as a last resort neglect to invoke one further resort of a people who are deprived of self-government.

LOUIS M. TETTELBAUM.

ALEXANDRIA.

[From The Washington (D.C.) Post, Sept. 8, 1964]

THE PEOPLE'S VOICE

Your recent editorials regarding attempts by legislators in both Houses of Congress to change the Supreme Court ruling on State reapportionment are to be highly commended. Surely the effort to rush through these acts in the closing days of Congress without careful consideration by that body, and before the people back home can wake up to what's happening is a reprehensible act. It will not cover up the nature of this effort, which is a naked power play by the legislators, whose State legislatures are controlled by the few, to continue this unfair situation.

Take the State of Maryland where I live, for example. Only 14 percent of the population can control the Senate of the State of Maryland. This senate can block any legislation for the State and often does. Only the

State government in Maryland may levy income taxes, by far the largest revenue producer, and this is turned back to the localities in accordance with a formula approved by the same minority legislature.

Montgomery County may levy only real estate taxes, and only such other minor taxes as the State legislature will permit. Nor, can the county legislate on many other important local issues without the express approval of the State legislature. In other words, Montgomery County is not able to determine how it can tax itself, no matter how willing, but must depend on the State legislature for this and many other matters. The limits imposed by the State of Maryland on Montgomery County to govern itself are much greater than the limits imposed by the Federal Government, direct or indirect, on the State of Maryland.

How can we in Montgomery County ever adequately meet the needs of our fast growing population to educate our children, and provide a host of other urgently needed services in these circumstances? Is it any wonder that we urban and suburban communities are turning more and more to the Federal Government for help, when our own States turn a deaf ear to our needs? The States cannot have it both ways. Either they will have to be reformed (if necessary under court orders) to give an adequate voice to the urban and suburban communities, where the bulk of the population now is, or inevitably they will have less and less voice in the affairs of their people.

ELAINE JACOBY.

BETHESDA.

[From the New York (N.Y.) Times,
Sept. 6, 1964]

APPORTIONMENT BACKED—COURT RULING SEEN AS AN ACT OF UNIFICATION FOR NATION

To the Editor:

The Supreme Court is again under assault and this time the attack is not directed by the radicals.

It is being challenged by a substantial number of legislators qua legislators as reflected by the passage by the House of Representatives of the Tuck bill which would deny jurisdiction of all Federal courts over reapportionment cases.

The anti-Court argument holds that as the Court has grown into an institution whose scope reaches beyond that conceived by the Founding Fathers to umpire areas of fundamental social conflict, its powers must be reduced. Thus, the weight and effect to be given to the individual's vote ought to be left to the will of the majority acting through local legislatures.

This is the argument for States rights, and it runs in the teeth of American constitutional history. For soon after our Republic was established, the Court found that it had the power to measure governmental action—whether Federal or State—against the Constitution, and to nullify such action when it judged it to be violative of the Constitution.

And in its exercise of the power of judicial review, the Court viewed the Constitution as designed to meet the needs of a growing, vibrant nation, and of governing a society whose population, technology, and complexity was not limited, and could not be limited, to that of 1787.

MAKING STANDARDS UNIFORM

But it is in the area of protection of individual rights from the excesses of majority rule that the court is making its significant contribution. For by defining the rules of fair conduct which must be complied with by both Federal and State Governments in their treatment of the individual, and in making these minimal standards uniform throughout the country, the Court is tying this diverse land into one nation.

This is not to argue that the Court is substituting its wisdom for that of the State or Federal Legislatures, nor to hold that local differences and customs, whether of short or long duration, shall, in every instance, be obliterated. It is only to say that the fundamental standards of fair behavior which the Constitution requires shall be observed in Mississippi as well as in Massachusetts, in Maine as well as Montana.

The proposition that one person's vote is entitled to the same effect as that to be given to another is hardly revolutionary theory. The consternation of the beneficiaries at losing a formula which has given them additional representation is understandable. But it is folly—and in a basic sense insurrection—to attempt to make the Federal judiciary powerless to enforce what is now the law of the land.

DAVID M. ROSEMAN.

BOSTON, September 2, 1964.

SENATOR WILLIAMS OF DELAWARE AND THE BAKER CASE

Mr. BOGGS. Mr. President, I ask unanimous consent that an editorial from the Chicago Tribune complimentary of my colleague's work on the Baker case be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE BAKER GHOST GALLOPS AGAIN

President Johnson has been obliged, however reluctantly, to acknowledge the existence of a Baker scandal. The latest vein of evidence unearthed by Senator WILLIAMS of Delaware is so flagrant and well documented that the President has ordered the Federal Bureau of Investigation to look into it. In essence, Mr. WILLIAMS made four charges before the Senate on Tuesday:

That the Democratic Party campaign fund received an illegal "payoff" of \$25,000 in 1960 in return for giving the \$19 million District of Columbia Stadium contract to the firm headed by Matthew McCloskey, Jr., a prominent Democrat who recently resigned as Ambassador to Ireland. The stadium, completed in 1962, is the home of the Washington Redskins football team and Senators baseball team.

That Bobby Baker, who was then secretary of the Democratic majority of the Senate and is the central figure in an expanding web of scandal, received \$4,000 for seeing that McCloskey obtained his performance bond through Baker's insurance pal, Don B. Reynolds. This charge had been made before. Reynolds is the man who sold Lyndon Johnson two life insurance policies, paid for a hi-fi set given to the Johnsons, and paid for some advertising time on the Johnson television station in Austin, Tex., though he had no conceivable use for it.

That William McLeod, clerk of the House District of Columbia Committee, received \$1,500 for similar services.

And that these improper kickbacks came out of \$100,000 in public District of Columbia funds which had been advanced to McCloskey, allegedly to cover the cost of his performance bond.

Mr. WILLIAMS supported his charges with testimony from Reynolds; with a copy of a check from the McCloskey Co. to Reynolds for \$109,205.60, although the bond premium due was only \$73,631.28; and with documents showing that the District of Columbia payment to McCloskey had been approved in August 1960, 2 months before the check was made out to Reynolds.

The difference between the premium due and the amount paid was \$35,574.32—an odd figure which, Reynolds was quoted as say-

ing, was intended "to confuse the auditors." Mr. WILLIAMS quoted Reynolds as saying further that his commission was \$10,031.56 and that he paid Baker and McLeod out of this, and that the remaining \$25,000 was given to Baker for Kennedy-Johnson campaign expenses—\$10,000 by check and \$15,000 in three cash payments.

WILLIAMS said that this arrangement enabled McCloskey to violate the law limiting political contributions to \$5,000; to write these contributions off as deductible business expenses instead of listing them as non-deductible political payola; and finally to charge the whole business to the taxpayer.

Mr. WILLIAMS promised long ago that he wouldn't let the Democrats bury the Baker case. Now that Mr. Johnson is running on a promise of integrity in Government, it's up to him—as Mr. WILLIAMS says—to demonstrate what he means by those words.

If it's playing politics to insist that the voters know the truth before they go to the polls in November, then maybe Mr. WILLIAMS is playing politics, as the White House charges. But if the FBI report is completed and made public promptly, there will be no doubt as to who has been playing the more disgraceful game of politics. And if the report is concealed, glossed over, delayed until after the election, or used as a dodge to prevent Senate or grand jury action, we'll know anyway.

SENATOR HRUSKA'S LEADERSHIP RESPONSIBLE FOR BEEF IMPORT LAW

Mr. ALLOTT. Mr. President, on August 27, the senior Senator from Nebraska [Mr. HRUSKA] appeared before the Colorado Cattle Feeders Association at Estes Park, Colo. His remarks there constitute a masterful appraisal of the long and arduous battle to obtain legislation providing for quotas on the import of beef.

Certainly no one in the Congress is better equipped to discuss this important matter. Without Senator HRUSKA's steadfast leadership, there would not be a beef imports law today. Without his leadership, in the face of the most strenuous administration opposition, there would not be today this breakthrough signifying an awakening realization of the adverse effects of such agricultural imports on our farm economy.

Mr. President, it is a source of great satisfaction to me that I have been privileged to work with the Senator from Nebraska in the signal accomplishment which the beef import bill represents.

I ask unanimous consent to have inserted in the CONGRESSIONAL RECORD the text of Senator HRUSKA's remarks at Estes Park.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR ROMAN L. HRUSKA BEFORE THE COLORADO CATTLE FEEDERS ASSOCIATION, ESTES PARK, COLO., AUGUST 27, 1964

In certain respects this date for my appearance has been most fortunately chosen. The 2d session of the 88th Congress has all but adjourned, and its most important decisions have been taken. For the cattle industry, it has been a session of extraordinary interest. Meeting with you on this particular date gives me an opportunity to review with you some of those events of the session, to summarize the results, and perhaps also to draw a few lessons from experiences.

"The immediate answer to these riots, once they start, is force. I believe that you have to be firm and use whatever force is needed to put down illegal rioting and looting.

"In the long run, though, the answer has to be found in better living conditions for our Negroes and in better training for their youngsters. We are trying to carry out economic and educational programs with that in mind here in Jersey City."

Elizabeth and Paterson, N.J., also were ripped by Negro riots in August. The toll in those cities added up to 14 persons hurt, 37 shops vandalized.

CHICAGO

It was a comparatively small-scale riot that erupted August 16 in Dixmoor and Harvey, Ill.

But it alarmed all Chicago—because Dixmoor and Harvey are suburbs of this city, and the racial hostility displayed in the suburban riot is found on a far larger scale inside Chicago itself.

Some clues to the reasons for the suburban riot may emerge from a Cook County grand jury study, starting September 9, of the evidence against 80 persons—43 Negroes and 37 whites—who were arrested in the riot.

What set off the violence was a Negro woman's charge that a white man roughed her up after accusing her of stealing gin from his liquor store.

A crowd, mostly Negro, gathered. Bongo drums were heard.

"Then I knew we had trouble," says Harvey Police Chief Matt Romer.

Mob action

A rock was thrown through the liquor store window and the riot was on. At its height, police estimated 1,000 persons were milling in the area. Passing cars were stoned, some whites were dragged from their

cars and beaten. The following night a mob set fire to the liquor store.

But property damage was relatively minor—and there was no looting.

Stanley Gruszczyk, chief of the Dixmoor force of 10 part-time policemen, says he is still surprised because:

"We've had Negroes living here right along, and people here take integration for granted. I didn't think a place could be any more integrated."

About half of Dixmoor's 3,600 residents are Negroes. Harvey has a large percentage of Negroes among its 29,000 population.

Chicago, however, contains 800,000 Negroes, many in crowded slums. And Chicago has a history of racial tension marked by frequent conflict. Chicagoans grow alarmed as they see the wave of mob violence spreading.

Trouble in many cities

Besides the major riots, there have been incidents of racial conflict in one city after another in many parts of the country.

There were attacks by mobs of Negroes on police in Kansas City, Kans., and Cleveland, Ohio, early in August.

In Detroit, Mich., on August 29, a white youth was stabbed and six other persons injured when fighting between Negro and white youths broke out in an area set aside for teenagers at the Michigan State Fair.

Some 200 white and Negro youths battled in Keansburg, N.J., on August 28. On the same day a shooting spree erupted when police tried to arrest two Negroes in Memphis, Tenn. About 200 whites and Negroes fought in Westminster, S.C., on August 30.

Week by week, the human toll and financial cost of mob violence rises.

Now warnings are heard of more riots to come, and concern grows.

What Negro riots have cost—a city-by-city report

City and date of riots	Killed	Injured	Arrested	Shops looted or damaged	Dollar cost to community ¹
Philadelphia, Pa. (Aug. 28-30)-----	0	341	174	225	More than \$3 million.
New York City (July 18-23)-----	1	144	519	541	\$1 to \$2 million.
Rochester, N.Y. (July 24-25)-----	4	350	976	204	\$2 to \$3 million.
Jersey City, N.J. (Aug. 2-4)-----	0	46	52	71	\$300,000.
Paterson, N.J. (Aug. 11-14)-----	0	8	65	20	\$50,000.
Elizabeth, N.J. (Aug. 11-14)-----	0	6	18	17	Minor.
Chicago suburbs (Aug. 16-17)-----	0	57	80	2	Minor.
Total-----	5	552	2,484	1,080	\$6.5 to \$8.5 million.

¹ Costs include damage to buildings, stolen merchandise, cost of troops and extra police and, in some instances, estimates of business losses.

THE ROAD TO ANARCHY

(The following is an excerpt from an interview with one of the Nation's leading police officials, Police Chief William H. Parker, of Los Angeles, that appeared in the Aug. 10, 1964, issue of U.S. News & World Report.)

Question. Can a society survive if a people can choose to obey some laws and not the others, and to flout the police whenever they wish?

Answer. Of course, they can't. I made this statement to people in high positions in the Federal Government when it appeared they were condoning the violation of local laws held by some people to be unfair. I said then that as long as the Federal Government appears to support the violation of local laws, which have neither been repealed nor declared unconstitutional, the Federal Government is advocating anarchy.

Question. Yet aren't clergymen and politicians saying that it's all right to violate some laws?

Answer. Oh, I'm sure of that. Without quoting names, I have read public statements by such persons saying that, if the law was not based in justice, then it need not be obeyed. This is what they call civil disobedience. But when you do that, you

then violate the very basis upon which this democratic Republic must rest—and that's the rule of law.

The minute you countenance a disregard of the rule of law, you begin to destroy that which keeps a free society together. And then you're going to get sporadic anarchy until sometime the man on the white horse will come forward and lead you into slavery under the pretext of solving your problem. This is history.

Mr. ALLOTT. Mr. President, I do not agree with the title of the article. I do not believe looting is the price of race violence. I want to make that clear. The people in this country who are running loose and rampant, the hoodlums and hooligans, whether they are black or white, may be doing it because they can throw around their shoulders the pure mantle of civil rights and equality, but the fact is that these hoodlums, hooligans, and outlaws are no different from the brigands of the Middle Ages who roamed the countryside of Great Britain, no different from the Dillingers

and the rest who afflicted this country in earlier days, or no different from the gangsters of Chicago who afflicted this country some years ago.

They are not any different from any of those brigands. They are hooligans. They are hoodlums. They are bent on violence. They have put this cloak around their shoulders and fooled some people. I am surprised that the person who wrote this particular article would be fooled into putting in the heading of that article the words "The High Cost of Race Violence."

It is true that the colored people of this country have not had the equality of opportunity they deserve and to which they have a right, and my record in the Senate for the 10 years I have been a Member of this body shows my concern for that equality of opportunity. But I wish to discuss particularly the remarks of a police sergeant. I quote from page 39 of the article I have placed in the RECORD. I shall read all his remarks into the RECORD, because I think his remarks constitute one of the greatest challenges to the administration of Philadelphia and one of the greatest challenges to the administration of justice, including district attorneys and everyone else who has a concern with the problem:

"OUR HANDS ARE TIED," CRIES POLICE SERGEANT (The following article was published in the Philadelphia Inquirer on Aug. 30, 1964)

A beleaguered city police sergeant called the Inquirer Saturday night. His embittered statement, which follows, reflects the feeling of many policemen trying to fight a war under extraordinary circumstances:

"During the rioting, we were told not to use pistols no matter what. Our only weapon was to be our night sticks.

"How the hell do we defend ourselves?

"We try to defend citizens and their property and even our own men, yet we have nothing to help ourselves. This is not fair to the public, let alone ourselves.

"We were told not to interfere with the rioting or the looting.

"We saw people looting the stores, and we didn't stop them.

"I have been on the force 15 years. If I knew of a better way to make a living, I'd leave the force—and I'm not the only cop that feels this way. If they want us to do a job, why do they tie our hands?

"The city gave these people the green light to go ahead. Would the mayor take the same position if this was taking place on Chestnut Street or Market Street? What would he do then?

"These little shopowners—we felt sorry for them. But we couldn't do anything to help them. Why should these poor people be out on the streets? These people are ruined.

"I never saw anything like it in my 15 years. It's a voting gimmick. Decency should be for the small man as well as for the big man.

"We should be allowed to protect the property in any manner that we see fit.

"Tear gas is the best solution, and the police should have masks.

"We don't want any violence, but if the city does not wake up this is only the beginning.

"This has nothing to do with civil liberties. This is outright looting. And we can't do anything about it because our hands are tied."

Mr. President, that is the most damning indictment of a city administration I have ever heard. No matter what their places or stations in life

might be, people are entitled to protection. The sooner the people of this country quit letting themselves be fooled into believing that this rioting is being done on the basis of civil equality and not upon the basis of sheer desire to perform illegal and unlawful acts, both with respect to the persons of the people and their property, the sooner they will return this country to a course of lawfulness.

I have praised our police officers, and I say again, as I have said on the floor of the Senate before, that police officers today are the only people in the United States who stand between us and anarchy. The individual citizen had better start assuming his responsibility in this respect in the support of the police and in the support of lawfulness. The police should have the means and the authority of stopping unlawfulness wherever it may occur, and under whatever circumstances.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961—CLOTURE MOTION

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. ALLOTT. Mr. President, it had been my hope that the Senate Judiciary Committee could report Senate Joint Resolution 185, sponsored by Senator DIRKSEN and others, including the senior Senator from Colorado. It seems, however, that a small group would like to prevent the Senate from considering that measure or any similar measure this year.

Mr. President, I should like to say, since I have been the signer of many cloture motions in behalf of civil rights, that I have also signed the present cloture motion, because I do not believe any Senators have a right to indefinitely keep the Senator from Colorado or any other Senator from voting on the issue before the Senate.

In this respect I agree with and concur wholeheartedly in the perhaps caustic but very brilliant remarks recently made on the floor by the distinguished senior Senator from Vermont [Mr. AIKEN].

That abhorrent, arch-reactionary device known as the filibuster has been liberally employed—and the pun is intended—to defeat Senate action on amendment No. 1215 or any other measure which would overturn or delay the full effect of the Supreme Court decisions in Reynolds against Sims and the related cases.

Senate Joint Resolution 185, as Senators know, would propose a constitutional amendment to allow States to recognize factors other than strictly the distribution of population in apportioning one house of a bicameral legislature. Amendment No. 1215, sponsored by both the majority leader and minority leader, would place a moratorium on court consideration of the question of apportionment. If adopted, it would give the Congress and the States time to fully

consider and debate the merits of such proposals as that embodied in Senate Joint Resolution 185. It is my hope that some such constitutional amendment would be adopted; but even if it were not, the proposal now being considered would allow the States time to comply with the Supreme Court pronouncements on apportionment in an orderly fashion, rather than doing so in unseemly haste, under the gun.

I have said that I hope a constitutional amendment would be adopted. I am in vigorous disagreement with the Supreme Court decisions on legislative apportionment, and I will have more to say about that a little later. But I would prefer to see a change to the Constitution itself, rather than simply a congressional withdrawal of jurisdiction from the courts, effective immediately and forever after, as embodied, for example, in the Tuck bill, House Resolution 845, recently passed by the House. My opposition to this method of meeting the problem does not stem from any question as to the constitutionality of the Tuck approach, although the Tuck bill has been attacked on those grounds. Ex parte McCardle, decided in 1869, should be answer enough to those who say the Congress lacks power under the Constitution to withdraw jurisdiction from the courts. And certainly Senators are familiar with more recent legislative withdrawals of jurisdiction, and Supreme Court concurrence that this was a valid exercise of the legislative power under the Constitution. Probably the most notable example in recent history is the Norris-La Guardia Act, which provided that no Federal court would have jurisdiction to issue injunctions in labor dispute cases.

If this is not a clear case of withdrawal of authority of Federal courts, I do not know what a withdrawal is. Those who say that a delay, as provided in amendment No. 1215, is unconstitutional, are really taking a far tack to the right—or perhaps I should say to the left.

No, I do not question the constitutionality of the Tuck bill, although I do wonder whether the Supreme Court as presently constituted would follow the precedent I have mentioned. But I do believe that a constitutional amendment would be a surer way to accomplish the end we seek, and would gain greater acceptance by the public—which, after all, is the soundest basis which a law can have.

As to my reasons for opposing the Supreme Court decisions in the apportionment cases:

One of the strongest points of our American form of government, perhaps the real genius of the framers of the Constitution, lies in the division of power embodied therein. And I include in that phrase not only the division among the three branches of the Federal Government, but between the Federal Government and the States. The 10th amendment, a part of the Bill of Rights, states:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

The Supreme Court, in the recent cases concerning apportionment of State legislatures, has transgressed on the powers reserved to the States under the 10th amendment. In doing so, it has demonstrated remarkably careless scholarship. As Justice Harlan phrased it in his dissent to those cases:

Had the Court paused to probe more deeply into the matter, it would have found that the equal protection clause was never intended to inhibit the States in choosing any democratic method they pleased for the apportionment of their legislatures. This is shown by the language of the 14th amendment taken as a whole, by the understanding of those who proposed and ratified it, and by the political practices of the States at the time the amendment was adopted. It is confirmed by numerous State and congressional actions since the adoption of the 14th amendment, and by the common understanding of the amendment as evidenced by subsequent constitutional amendments and decisions of this Court before *Baker v. Carr*—made an abrupt break with the past in 1962.

The failure of the Court to consider any of these matters cannot be excused or explained by any concept of "developing" constitutionalism. It is meaningless to speak of constitutional "development" when both the language and history of the controlling provisions of the Constitution are wholly ignored. Since it can, I think, be shown beyond doubt that State legislative apportionments, as such, are wholly free of constitutional limitations, save such as may be imposed by the republican form of government clause (Constitution, art. IV, sec. 4), the Court's action now bringing them within the purview of the 14th amendment amounts to nothing less than an exercise of the amending power by this Court.

I do not know of any stronger statement or any clearer and more concise reasoning that expresses my feelings about the decision in that case.

Further, the Court has injected itself into what is basically a political question, in which it had until recently consistently refused to get involved. As recently as 1948, in *MacDougall* against Green, the Court said:

It would be strange indeed, and doctrinaire, for this Court, applying such broad constitutional concepts as due process and equal protection of the laws, to deny a State the power to assure a proper diffusion of political initiative as between its thinly populated counties and those having concentrated masses, in view of the fact that the latter have practical opportunities for exerting their political weight at the polls not available to the former. The Constitution—a practical instrument of Government—makes no such demands on the States.

Mr. Justice Stewart summed up the action of the Court in the recent apportionment cases this way:

What the Court has done is to convert a particular political philosophy into a constitutional rule, binding upon each of the 50 States, from Maine to Hawaii, from Alaska to Texas, without regard and without respect for the many individualized and differentiated characteristics of each State, characteristics stemming from each State's distinct history, distinct geography, distinct distribution of population, and distinct political heritage. My own understanding of the various theories of representative Government is that no one theory has ever commanded unanimous assent among political scientists, historians, or others who have considered the problem. But even if it were

thought that the rule announced today by the Court is, as a matter of political theory, the most desirable general rule which can be devised as a basis for the makeup of the representative assembly of a typical State, I could not join in the fabrication of a constitutional mandate which imports and forever freezes one theory of political thought into our Constitution.

That is exactly what the decision in the Sims case did. I agree thoroughly with Justice Stewart's statement. There may be room for argument on what is, in political fact, the best system of choosing representatives; but I believe that there is no room for argument that the Constitution itself, including the 14th amendment taken as a whole, does not require—nor was it believed to, when it was adopted—absolute equality in the manner now required by the Supreme Court.

Justice Harlan also discusses the political ramifications when the judiciary gets involved in the question of apportionment. He speaks of the difficulties which courts are likely to encounter in this field, and says:

Generalities cannot obscure the cold truth that cases of this type are not amenable to the development of judicial standards. No set of standards can guide a court which has to decide how many legislative districts a State shall have, or what the shape of the districts shall be, or where to draw a particular district line. No judicially manageable standard can determine whether a State should have single-member districts or multi-member districts or some combination of both. No such standard can control the balance between keeping up with population shifts and having stable districts. In all these respects, the courts will be called upon to make particular decisions with respect to which a principle of equally populated districts will be of no assistance whatsoever. Quite obviously, there are limitless possibilities for districting consistent with such a principle. Nor can these problems be avoided by judicial reliance on legislative judgments so far as possible. Reshaping or combining one or two districts, or modifying just a few district lines, is no less a matter of choosing among many possible solutions, with varying political consequences, than reapportionment broadside.

While the amendment which I have sponsored with Senator DIRKSEN and others does not require States to use factors other than population in apportioning one house of their legislatures, but simply leaves them free to do so, I can see good argument for taking such other factors into account. I have no doubt that an intolerant majority can be fully as oppressive as a dictatorship, when there is no restriction placed on that majority. And I have no illusions that all values worth protecting are fully protected in the Constitution, particularly if we permit the Constitution to be changed by judicial fiat, without full and adequate debate. Again, our system of checks and balances among the branches of Government and between Federal and State Governments affords protection—political protection—to a minority who otherwise might be completely submerged and run over roughshod were there no such checks.

I have heard asked on the floor of the Senate, time and time again, the question: "How can you justify districts in

which there are so few people? Land does not vote; buildings do not vote; trees do not vote. Therefore, the principle should be one vote for one man."

The great majority of the legislatures in this country have been so formed over a period of years, and the fact that the different economic positions, different geographical positions, and different interests of the people are recognized in the two-way division of the Houses has served to balance the legislatures throughout their history.

Everyone seems to ignore the fact that although we took our basic principles from the English parliamentary system, our fathers who wrote the Constitution knew that they did not want any system of peerage in this country. So they wisely framed a government under which we have a system of checks and balances and under which the Senate is elected upon a different basis, both geographically and otherwise, than the House of Representatives.

In the August issue of *Fortune* magazine there is an article dealing with this question, and I ask unanimous consent to have this article printed in the *RECORD* at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALLOTT. Mr. President, the basic point which the author of that article makes is that the majority of the Supreme Court has ignored the fact that our forefathers, in drafting the Constitution, were fully aware of the possibility of pure democracy but made a conscious choice in favor of representative, republican government instead. He argues that Chief Justice Warren, in his opinion written for the majority, confuses qualitative and quantitative values, choosing democracy—quantity in election—as the controlling factor, thus overturning the intent of the framers of the Constitution, who were concerned with quality of representation in a republican government. The Senate was seen, in the various States as well as in the Federal Government, as a check on the House—that is, on the body chosen by purely democratic means.

Incidentally, Earl Warren apparently considered this a political question when he was Governor of California. He opposed a strict one-man, one-vote theory, and opposed reapportioning the State senate on a strictly population basis in these words:

Many * * * counties are far more important in the life of the State than their population bears to the entire population of the State. It is for this reason that I have never been in favor of restricting their representation in the senate to a strictly population basis. It is for the same reason that the Founding Fathers of our country gave balanced representation to the States of the Union, equal representation in one house and proportionate representation based on population in the other. Moves have been made to upset the balanced representation in our State, even though it has served us well and is strictly in accord with American tradition and the pattern of our National Government. There was a time when [this State] was completely domi-

nated by boss rule. * * * Any weakening of the laws would invite a return of boss rule, which we are now happily rid of.

Specifically, Mr. President, I am disturbed about the Colorado reapportionment case. I am not as familiar with the situation in the other States where reapportionment has been decreed, but in Colorado we had a constitutional provision which had been properly implemented by the legislature, the constitutional amendment having been adopted by a majority vote in every one of our 63 counties—on a one-man, one-vote basis—including those counties which, according to the Supreme Court, are "under represented." I believe that the Colorado plan struck a reasonable balance between urban and rural interests, with neither group having a clear, overriding balance of power.

So that the *RECORD* may be complete, let me state that in 1962 there was an initiated law, which can be done under the constitution and statutes of the State of Colorado, entitled "Federal Plan for Reapportionment." The year 1962 was a year for a general election, so that everyone who voted had an opportunity to vote on it. It was adopted by a vote of 305,700 to 172,725. In that vote, every county in the State carried the amendment. That same year, on the same ballot, there was also an amendment entitled "No. 8," which conformed to the present decision of the Supreme Court—the one man, one vote. It was defeated by a vote of 311,749 to 149,822.

What I am saying is that, in 1962, the people of Colorado, on an initiated law, in every single county in the State, turned down the theory—which the Supreme Court has arrogated to itself under the Sims decision—by a vote of over 2 to 1; and by a vote, almost, of 2 to 1 adopted the principle that our State has maintained throughout its life since 1876.

(At this point Mr. SALINGER took the chair as Presiding Officer.)

Mr. ALLOTT. Mr. President, to quote again Mr. Justice Stewart, in discussing the Colorado situation:

In the Colorado House, the majority unquestionably rules supreme, with the population factor untempered by other considerations. In the senate rural minorities do not have effective control, and therefore do not have even a veto power over the will of the urban majorities. It is true that, as a matter of theoretical arithmetic—

I might say that this theoretical arithmetic has shown up on charts scattered all over the desks of Senators in the Chamber at the present moment—

a minority of 36 percent of the voters could elect a majority of the senate, but this percentage has no real meaning in terms of the legislative process. Under the Colorado plan, no possible combination of Colorado senators from rural districts, even assuming arguing that they would vote as a bloc, could control the senate. To arrive at the 36-percent figure, one must include with the rural districts a substantial number of urban districts, districts with substantially dissimilar interests. There is absolutely no reason to assume that this theoretical majority would ever vote together on any issue so as to thwart the wishes of the majority of the voters of Colorado. Indeed, when we eschew the world of numbers, and look to the real world of effective representation, the simple fact of the matter is that Colorado's three metro-

politan areas: Denver, Pueblo, and Colorado Springs, elect a majority of the senate.

To this I would add that when the State is apportioned solely on population, we find that the Denver metropolitan area alone, composed of Denver, Adams, Arapahoe, Boulder, and Jefferson Counties, can impose its wishes on the whole of the State.

Just think of that, Mr. President. The city and county of Denver, and the counties of Adams, Arapahoe, Boulder, and Jefferson which together comprise Metropolitan Denver, can impose their wishes on the whole State.

This area contains 53 percent of the State's population, although it accounts for only 3.5 percent of the area of the State. The vote of the city and county of Denver alone is sufficient to offset 55 other counties' votes, out of a total of 63 counties in the State. This situation could lead to absurd results. Assume that a new agricultural facility is planned for the State—perhaps a retraining school for agriculture workers. Is 16th and California Streets, in downtown Denver, the best location? Obviously not, but Metropolitan Denver could force that decision on the State.

I do not really believe that legislators from the urban areas would insist on this type of legislation, but I do believe that the hypothesis demonstrates what the opponents of amendment No. 1215 have ignored. Those opponents cry loudly that we are now in a position to break the stranglehold which the rural areas have imposed on State legislatures. They assume that rural legislators will ignore the needs of urban areas, and at the same time they seem to assume that urban legislators will be somehow fairer and wiser in treating all the problems of all the people in a State.

Colorado's constitutional provision which was struck down by the Supreme Court, and which, I repeat, was adopted by a majority of the voters in every county, was carefully drafted to provide the balance which is vital to the protection of the conflicting interests found in every region. John Adams, in 1789, put it this way:

The essence of a free government consists in an effectual control of rivalries.

Colorado's plan failed the Supreme Court's test of one man, one vote. But it was the solution which was worked out by the people of Colorado, adopted in free elections, and enshrined in their constitution. Further, they had the right to change their plan whenever a majority of voters in the State decided it was desirable to do so. With the initiative and referendum in Colorado, the people do not lack protection from a malapportioned legislature; it simply is not possible for "the bad guys" to perpetuate themselves in office forever, with this kind of protection available to the voters.

It is for these reasons that I shall work as vigorously as possible to overturn the Supreme Court decisions with a constitutional amendment and return the matter to the States, where it has resided for 175 years, and where I believe it belongs. It is for these reasons, also, that I urge adoption of amendment No.

1215, offered by the distinguished majority and minority leaders.

Mr. President, I yield the floor.

EXHIBIT 1

THE SUPREME COURT AND THE REPUBLIC

(By Felix Morley)

In his final opinion as a Supreme Court Justice, delivered from that bench on March 26, 1962, Felix Frankfurter quietly observed that: "What is actually asked of the Court in this case is to choose * * * among competing theories of political philosophy."

The case was *Baker v. Carr*, establishing jurisdiction for Federal courts over the system of representation in the general assembly of Tennessee, and, in effect, ordering that representation in the lower house be made proportionate to the geographic spread of population. Justice Frankfurter, in his monumental dissent, pointed out that arithmetical equality in voting "was not the system chosen by the Constitution" and "is not predominantly practised by the States today." The case, he concluded, "is of that class of political controversy which, by the nature of its subject, is unfit for Federal judicial action."

That, however, was not the majority opinion. And the theory of judicial control over legislative composition has now been carried much further by the Supreme Court's judgment of June 15, on six similar cases appealed from Alabama, Colorado, Delaware, Maryland, New York, and Virginia. In all of these Justice Harlan, associated with Frankfurter in the Tennessee dissent, again denies validity to the argument that the legislatures of these States "are apportioned in ways that violate the Federal Constitution."

The progression to the current cases from that of 1962 is noteworthy. In the Tennessee ruling the Court established its right to intervene, justifying this by the "invidious discrimination" among electoral districts of the lower house with very unequal population. In the current cases the right of intervention is assumed. Local efforts to rectify imbalance without profound disturbance of traditional patterns are found inadequate. And not just one but both houses of the affected State legislatures are told that they must reapportion on the principle of "one person, one vote."

With this decision, which demands reorganization of legislative arrangements in almost every State, the import of Justice Frankfurter's prescient observation becomes more clear. What the Court is doing is to impose on the States a new conception of representative government, far more egalitarian than that established by the Founding Fathers. The effect is no less revolutionary because ordained by an agency—the Federal judiciary—not customarily associated with profound political upheavals.

Nor is it to be expected that the resultant tremors will be confined to State capitols and local political organizations. In *Wesberry v. Sanders* the Supreme Court decided, some months ago, that "our Constitution's plain objective" is to provide "equal representation for equal numbers of people." This goes for the Federal House of Representatives as clearly as for the State legislatures. And if the U.S. Senate is safeguarded by very specific constitutional guarantees the current decisions none the less imply that its system of representation—two Senators alike from sparsely and heavily populated States—is somehow un-American and undesirable.

THE CHOICE

The "competing theories of political philosophy" to which Justice Frankfurter referred are that of a federal republic, on the one hand, and that of a unitary democracy on the other. "Totalitarian" would be a more descriptive adjective than unitary, ex-

cept that it has acquired a strongly derogatory flavor. The point is that the opposite to the division of governmental power essential for a federal republic is the concentration of governmental power necessary to make a democracy operative.

Democracy, in its political sense of unqualified majority rule, upholds the principle of "winner takes all." Carried to a logical conclusion it means that minorities have no rights which "the will of the people" may not override. Vox populi, vox dei, as the old Romans said. The trouble there was that ambitious generals soon saw themselves as spokesmen of all the people and therefore as godlike rulers. Thus representative government, lacking careful institutional restraint, soon ceased to be democratic even as it claimed that objective. We see the same phenomenon operating in Communist countries today, called democratic people's republics by their dictators on the assumption that they are the only legitimate interpreters of the popular will.

The Greeks, for a brief but glorious period, were able to avoid this political degeneration, simply by stressing the excellence for which they were taught to strive in every aspect of life. Government should be representative, serving the interests of all, impartially. But those who conduct it should be, in every sense, an "elect" group, chosen by a very limited suffrage.

The authors of the Constitution, for the most part good classical scholars, paid close attention to the Greek and Roman precedents. While firm believers in representative government, they found democracy, in its political as contrasted with its social sense, abhorrent. The word is not mentioned in the Constitution and became especially mistrusted when the doctrine of absolute equality led to the Reign of Terror in France. This prompted the famous aphorism of John Adams, our second President: "There never was a democracy that did not commit suicide."

THE MEANING OF FEDERALISM

In fact, it was impossible for the Government of the United States, in origin, to be really democratic. It had to take Federal form to achieve the union of the Thirteen Originally Independent States. The essence of federalism is the reservation to its component parts of certain defined powers, which of itself involves a limitation of the powers of the general government. No matter what their collective desires, the people of a federation are not entitled to decide matters reserved to the authority of the constituent states. In a federation, majority opinion is therefore sometimes ineffective, unless it coincides with the public opinion of autonomous localities.

That much is true of any federation, but in our own the curbing of democracy was originally carried further. Some of these curbs on popular control have been removed, but others of great significance remain. Congress, for instance, "shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." Here is a clear contraction of democracy but not of representative government, which serves to protect those very minorities that democracy is disposed to crush. Under our system an opinionated religious sect, like the Amish is safeguarded not by sending representatives to Congress but simply because the conventional majority there is denied the democratic power to suppress.

While deeply interested in political personalities and detail, most contemporary Americans are far more ignorant of political theory than were their forefathers. This presumably explains why the present Supreme Court can effectively suggest that representative government is necessarily democratic, and that democracy is necessarily representative. Yet illustrations of the

important difference between the two are all around us. As the electoral system has developed it will be the rule, not the exception, in November for a simple majority, or even a plurality, of the voters in each State to decide the entire electoral vote of that State. This accords with the democratic principle of "winner takes all." But it is difficult to find anything representative in the procedure.

There are many indications that the objective of some Americans today is to substitute pure democracy for our traditional system of representative government. One way to accomplish this is to take all intelligent content out of the technical political term "democracy," and to make it a "good" word surrounded with a mystique calculated to make people react with spontaneous favor to its utterance. Over the years this has been done. Today it is almost embarrassing to recall that James Madison considered political democracy "incompatible with personal security or the rights of property."

The second way to weaken representative government is to erode the Federal structure by a continuous and progressive centralization of governmental functions. This process, too, was underway long before the day of F.D.R., who probably deserves less credit, or discredit, than he generally receives for the concentration of power in Washington.

But the movement to eliminate the States as sovereign entities is greatly impeded by the fact that local self-government, though often inefficient and not infrequently corrupt, is still generally regarded as preferable to dictation by distant bureaucrats. At many points along the road to socialism the Congress has dug in its heels, showing strong skepticism toward the provision of "bread and circuses," as the old Romans characterized the various new and fair deals by which the unconquerable empire was undermined from within.

A DANGEROUS PRECEDENT

There is, however, an infrequently used device by which the executive may overcome the obstruction of a recalcitrant legislature. It can summon the third arm of government, which is the judiciary, to its aid, and if the judges are compliant, giving fluid interpretation to the laws, representative government may in effect be frustrated. Such a policy is dangerous and a great deal depends on the manner in which it is undertaken. King Charles I of England called on the judiciary to support the divine right of kings, as did Louis XVI a century and a half later in France. In both cases the monarchs were decapitated for their pains.

It is a more subtle and promising tactic to have the judges find legislative obstruction "undemocratic" since the charisma of democracy protects the executive against any charge of arrogance, seems favorable to everybody, and accords with the general sense of justice, in which the judicial profession is assumed to be expert. And though the Supreme Court is, ironically, the most undemocratic of our institutions it is working assiduously in favor of more democratic representation.

"The right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government." So says Chief Justice Warren in his controlling opinion on the latest reapportionment cases. But the right to vote freely is not at issue in any of these cases. The issue is merely whether there is improper discrimination when all votes are not equally weighted on a nose-count basis. And that question does not affect "the heart" of representative government. Its major concern is quality of representation while that of democratic government is quantity in election. New York was not underrepresented

at the Philadelphia Convention of 1787 because it had only one delegate—Alexander Hamilton—to sign the Constitution, whereas Delaware had five, whose names would today be recognized by very few.

"NOT TREES OR ACRES"

Confusion of qualitative and quantitative values, in Chief Justice Warren's opinion of June 15, leads to a tortured reasoning not likely to become more impressive as it is subjected to the test of time. The opinion relies, in large part, on that clause of the 14th amendment which says that no State shall "deny to any person within its jurisdiction the equal protection of the laws." Taking this clause out of context it is laboriously argued that equal protection is denied unless representatives speak for an arithmetically equal number of people. "Legislators," say the current judgment, "represent people, not trees or acres." That is the theory of pure democracy, which reduces individuals to so many faceless integers, to be electronically numbered and herded about like sheep. The theory of representative government is that those who make the laws should consider their constituents not merely in quantity but also in quality. Their interests, too, merit consideration and these include trees, acres, and countless other properties, tangible and intangible. To ignore these manifold interests is to debase human nature.

That is what happens when representative government concentrates wholly on democratic principles. But if it ignores these principles entirely it also ceases to be representative. By the latter mistake the States collectively have invited the further blow to their sovereignty that the Court has now delivered. In many of the local legislatures there has been no redistricting for decades, so that rural areas continue to dominate the State capitols in a manner palpably unfair to the swollen metropolitan ganglia. Chief Justice Warren points out that "the last apportionment of the Alabama Legislature was based on the 1900 Federal census, despite the requirement of the State constitution that the legislature be reapportioned decennially." Few would deny that the Supreme Court has both the authority and the duty to request a State to observe its own constitutional provisions.

Unfortunately, the decision in regard to Alabama and the five others goes far beyond any such timely admonition. It rules that both houses must be apportioned strictly on the basis of population, asserting that "the fundamental principle of representative government in this country is one of equal representation for equal numbers of people. * * * If the U.S. Senate seems to refute this dictum it is because that body is a case apart, constituted not on the basis of logic but of compromise at the Constitutional Convention of 1787."

MORE THAN A CONVENIENCE

Compromise between the large and small States certainly played a part in the decision to make representation in the Senate equal for all, while adjusting it to a population ratio in the lower House. But the suggestion that this arrangement was merely a matter of convenience is not sustainable. When the Constitution was drafted many of the State legislatures already had senates formed on a geographical basis, regardless of population. And it was this arrangement that made the eventual equivalence of two Senators from each State in the Union not merely plausible but also logical. As Madison wrote, in No. 62 of the *Federalist*, "in a compound republic, partaking both of the national and Federal character, the Government ought to be founded on a mixture of the principles of proportional and equal representation."

Nor is it convincing for the Court to say

that there is no analogy between the Federal and State governments, and therefore a State senate based on geographic considerations "is impermissible." The Constitution does not concern itself with the organization of State government, except to guarantee that in each case the form shall be "republican." But the record shows that the counties were generally regarded as having the same relation to the States as these would have to the General Government, with senates in both sovereignties serving as "an anchor against popular fluctuations." This is particularly emphasized in No. 63 of the *Federalist*, where Madison closes six arguments for a distinctive second chamber by saying: "It adds no small weight to all these considerations to recollect that history informs us of no long-lived republic which had not a Senate."

UNHEEDED ADVICE

Madison is discussing all legislative bodies, not just the U.S. Congress, when he argues for an upper house "distinct" and "dissimilar in genius" from the more numerically representative legislative chamber. Then comes a passage that is poignant reading in connection with the Supreme Court's decision of June 15. "This [distinctive senate] is a precaution founded on such clear principles, and now so well understood in the United States, that it would be more than superfluous to enlarge on it."

Since the Founding Fathers are practically ignored, it is scarcely surprising that the Warren opinion pays no attention to the arguments of John Stuart Mill, in his classic essay on "Representative Government." In this, first published in 1861, the reasons for bicameral legislatures based on differing principles are set forth in universal terms. In a passage that might have been written for the Warren court, Mill says: "It is important that no set of persons should, in great affairs, be able even temporarily to make their *sic volo* [thus I wish] prevail without asking anyone else for his consent." He then argues that the most effective check on legislative blundering is provided when the second chamber is organized on a wholly different principle from that of its opposite number. "One being supposed democratic, the other will naturally be constituted with a view to its being some restraint upon the democracy."

That, of course, is the principle of check and balance underlying bicameralism in the State legislatures as well as in Congress. To strike at that principle in the case of the States is to injure it for the Nation as a whole. With tiresome statistical detail Chief Justice Warren emphasizes that in the Alabama State Senate "members representing 25.1 percent of the people of Alabama" can theoretically control that body. This the Court calls "invidious discrimination." But it is also true that Senators representing only 16.4 percent of the people of the U.S. form a majority of that body. What is invidious for 50 Capitoline geese can scarcely be admirable for the more august gander who cackles across the park from the Supreme Court's majestic home.

A final flaw in the reapportionment policy that has been ordered is that it can never be accurate. In its 1964 opinion the Court takes statistics from the 1960 census to show disparities. But population changes daily. The most meticulous reapportionment during the next few months would be outdated when made, and continuously more so until replaced after the 1970 census.

So the assumption that "dilution" of a vote is unconstitutional leads on to the unanswerable question: How much dilution? As population mounts it would appear that the condition of the country steadily deteriorates. In the first Congress no Member of the House represented more than 30,000 people. Currently, with many more Representatives, the

average is 1 for approximately 425,000. The only way to stop this progressive "debasement" would be to cut off all immigration and then exactly equalize the numbers of births and deaths.

NOT A RIGHT BUT A PRIVILEGE

Reluctantly the Court concedes that "it may not be possible to draw congressional districts with mathematical precision." And this is fortunate, since if it were possible the most dangerous flaw in the argument might be concealed by feasibility. Representative government, as Mill so cogently argued a century ago, is not a right but a privilege, successful only when voters are "willing and able to fulfill the duties and discharge the functions which it imposes on them." To emphasize his point Mill was intentionally provocative. He would exclude from the franchise not only the illiterate and incompetent but also all who receive any form of relief from public funds. He also advocated multiple voting by university graduates, on the dubious assumption that higher education would have improved their minds. "It is not useful, but hurtful, that the Constitution of the country should declare ignorance to be entitled to as much political power as knowledge."

A SUPERFLUOUS COURT

Yet this, swinging to the opposite extreme, is precisely what the Supreme Court declares in its strongly egalitarian ruling. Equality means, literally, deficient in quality and to eliminate quality has never been a dominant American objective, in the choosing of legislative bodies or in any other function. Though "all men are created equal," in the sense of being entitled to equal social consideration and legal protection, they do not remain equal in their abilities and accomplishment. Equal opportunity has never implied that competition is undesirable. The customs and laws of the country have always encouraged individuals to "get ahead"—which means to become unequal.

Justice Harlan has the importance of excellence in mind when he warns that the reapportionment edicts have "portents for our society and the Court itself which should be recognized." We shall have a very different society if a dead level of mediocrity is successfully established as the national image. If the Federal structure is destroyed to gain this objective, there will no longer be any function for the Supreme Court. Its only constitutional purpose is to maintain the delicate balance between the National and State Governments. If the latter lose their autonomy the Court becomes superfluous.

There is no similar organ in the Soviet Union, where totalitarian democracy is triumphant, at the cost of representative government.

Mr. ANDERSON. Mr. President, we are now engaged in a debate which centers on the vital organs of our form of government, and reopens arguments raised and resolved by the men who shaped the Constitution of the United States. The outcome of this debate and the issue which prompted it could, over the years, have a deeper effect on more Americans than the civil rights bill we passed in June. The House of Representatives has passed a bill, the Tuck bill, which would bar the Supreme Court from acting in cases involving the reapportionment of State legislatures. This bill defies the basic principle established by the Founding Fathers that the Supreme Court should exercise the role of final arbiter in disputes of interpretation of our Constitution because it would destroy one of the foundation stones of our Republic.

The Tuck bill, in my opinion, should have been defeated. There were those, however, who believed that the extreme measure passed by the House would force this body to accept some sort of more modest counter to the Supreme Court's decisions on legislative apportionment in the States. This so-called more modest measure took the form of the Dirksen amendment. I am as strongly opposed to the Dirksen amendment—even though some would label it a modest proposal—as I am to the Tuck bill. No hearings were held on the Tuck bill in the House. We have not held hearings in the Senate on the Dirksen amendment, yet we are asked here to attach this disruptive amendment to the foreign aid bill.

If this amendment should become a part of the foreign aid bill and the foreign aid bill be sent to the President, I would rather see the President veto that vital legislation rather than let the Dirksen amendment become the law of the land. The amendment abrogates the principles for which the Founding Fathers labored long and diligently in the Philadelphia Convention of 1787. More than that, it would encourage Congress to foreclose Supreme Court actions in other areas which might be unpopular with an active and influential minority. Even when the Supreme Court in 1954 handed down its momentous decision that there should be desegregation in the public schools, I do not recall that any measure was introduced in Congress to deprive the Supreme Court of the right to rule in such cases. Could it be that this issue has generated so much opposition because reapportionment has such a profound effect on the political power structure?

I find it somewhat surprising that the distinguished Senator from Illinois, who was one of the architects of the civil rights bill, should be the principal architect of this proposal which is nothing else but a civil wrongs bill, because it would deny to many the right of equal representation and does violence to the 14th amendment which was one of the bases for the civil rights bill. There are those who say that the Dirksen amendment accepts the decisions of the Supreme Court that both houses of State legislatures must be apportioned on the basis of population, but merely delays implementation of the rulings. In truth the purpose of the Dirksen amendment is to buy time—time in which it is hoped a constitutional amendment can be adopted that will produce the same results, wholly or partially, as the Tuck bill if it were enacted. In reality, we would wind up in the same leaky boat, nullifying the action of the Supreme Court, but worse, foreclosing future decisions by the Supreme Court in this area of fundamental principle. The Dirksen amendment only delays the day of final judgment for the inequality and injustices which have been the lot of large numbers of Americans for so many decades. Malapportionment will still be with us. I am afraid that millions of our citizens will despair that nothing can be done to erase this blot on our democracy. They will believe that Congress has left them

hostage to the whims and will of legislatures which do not accurately respond to their needs.

The number of taxpayer suits that have been filed in recent years and the number of organizations with large memberships which have made this issue a major cause in behalf of good government indicate that we will not be putting the problem to rest. Justice delayed is justice denied and cannot be tolerated.

Just as the Supreme Court was long reluctant to get into this reapportionment question, which Mr. Justice Frankfurter once called a "political thicket," I, too, have been somewhat hesitant. In my State, after the Baker against Carr decision in 1962, a suit was filed in an effort to bring about a reapportionment of the New Mexico House of Representatives on a more equitable population basis. The New Mexico Legislature passed, and the Governor signed, a bill that would have provided for a weighted-vote plan. This law was held unconstitutional by the State court. But over the months I have grown increasingly concerned about the perpetuation of a situation by which 14 percent of the people of New Mexico could elect a majority of members of the State senate. What holds true in New Mexico applies to a more inequitable degree in some States and to a less severe extent in many others.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield.

Mr. DOUGLAS. The Senator has just made a very significant statement. Do I correctly understand that 14 percent of the population of New Mexico can elect a majority of the Senate or the House?

Mr. ANDERSON. Of the State senate. The figure as to the house is somewhat variable. It has been approximately 27 percent. But 14 percent of the people of our State can elect a majority of the State senate. I believe that is bad. Our State has shifted a great deal in recent years. Some new people have moved in. New industries have been developed. We have had a wonderful class of people come into our State to take part in the atomic energy installations. Those are among the people who would lose their power as voters under this situation.

Mr. DOUGLAS. I have some statistics which indicate that the Albuquerque metropolitan district in 1950 had 146,000 people. In 1960, it had 262,000 people. It had a growth of 80 percent.

Mr. ANDERSON. That is correct. There are other figures which are even more interesting. I came to Albuquerque in about 1917. I was able to go back to work in about 1919, after a little bout with tuberculosis. In the 1920 census, the population of Albuquerque was 15,200, I believe. In 1930, it was about 22,000. In 1940, it was about 36,000. In 1950, it was about 100,000. By 1960, the population was 262,000.

Mr. DOUGLAS. And if we include the metropolitan district, the growth has been even greater.

Mr. ANDERSON. That is correct. This growth has taken place to a very substantial extent, not solely, because of

the development of the atomic industry. The growth of this industry brought a class of citizens to our State which, I would say, is above the national average in its possession of college degrees. There are many men and women with doctors degrees in science.

They are a very intelligent class of people. They become very intelligent voters. Yet, they realize that their vote does not begin to count when compared with the vote of certain other people. It takes about 165 of those very fine citizens to equal the vote of 1 person in some of the other counties in the State.

The 14 percent figure which I gave the Senator from Illinois is the figure for 1960. We have not had a census since then. But if we had an accurate count of the population as of today, the percentage would come down below 13 percent as of 1964. The percentage is dropping very rapidly. It will be down to 12 percent in a very short time, I assume.

Mr. President, there are those who say that this reapportionment issue is in reality a grab for power by the unions or by the city dwellers or that it will benefit the Democratic Party or the Republican Party. I personally do not feel that such a conclusion is justified. Indeed, in my own State, it is certainly difficult to determine which party, if indeed any single party, would reap the greater benefit.

One of the great unknown areas politically in the Nation is the suburbs because they are relatively new phenomena and what the future will bring in terms of political effectiveness cannot be accurately forecast at this time. It is the suburbs which hold the balance of political power in many States, and it is also the suburbs which I believe have a tendency politically to hold opinions which, in fact, represent a cross-section of the country.

Therefore, the argument that fair reapportionment would benefit a particular political party could well be wrong. What I am striving for is not political gain but political justice, and I think this is the intent of the Supreme Court ruling.

Mr. President, intemperate and misinformed critics contend that the Supreme Court of late has been doing violence to the basic principles on which this Nation was created. Some have been so extreme as to suggest that foreign ideologies—whatever that sinister phrase might mean—have come to dominate the Supreme Court. It is a pity that such extremism should receive any measure of favorable response, but it is gratifying that this response is only echoed by a distinct minority.

Throughout the framing of the Constitution delegates from the great State of Virginia took a leading role in fighting for a strong Federal Government. The Virginia delegation to the Constitutional Convention was led by the leading citizen of that State and the leading citizen of the United States as well, George Washington. Included in the delegation were Patrick Henry, Edmund Randolph, James Blair, James Madison, George Mason and others, all of whom left an indelible mark upon the history of this Nation. It is ironic that the State

which led the fight for a strong Federal Government and the separation of powers among the legislative, judicial, and executive branches should now be the State whose representative introduced a bill to strip the Supreme Court of its authority to rule on a particular constitutional question. I would hope that this change in attitude exemplified by the Tuck bill is not really representative of the wishes of the citizens of the great State of Virginia.

It is no accident that the process of amending the Constitution of the United States insists that all changes to the Constitution finally be passed on by the people rather than the State legislatures. The attempt to amend the Articles of Confederation had taught by bitter experience that the objection of a single State was sufficient to block the will of all the others. It was evidently necessary that provisions should be made for amendments to the new Constitution with the consent of less than the whole number of States. It was also felt that this same principle ought to be applied in the modifications proposed in the existing instrument, and those who favored a Government responsible to the people directly advocated as a first step in this process the ratification of amendments of the Constitution by the people rather than by the legislatures.

There was an obvious theme of representation based on population running through the Constitutional Convention in Philadelphia.

Madison, an eminent Virginian, to whom we are indebted for his notes on the Philadelphia Convention, expressed his distress with the proposal for equity of votes between the States regardless of size or population. Madison said:

The prospect of many new States to the westward was another consideration of importance. If they should come into the Union at all, they would come when they contained but few inhabitants. If they should be entitled to vote according to their proportion of inhabitants, all would be right and safe. Let them have an equal vote, and a more objectionable minority than ever might give law to the whole.

Alexander Hamilton, during the Convention in Philadelphia, voiced his objection to the plan put forward by the small States for equal representation in the Senate.

Hamilton stated:

Another destructive ingredient in the plan is that equality of suffrage which is so desired by the small States. It is not in human nature that Virginia, and the large States should consent to it; or if they did, that they should long abide by it. It shocks too much all ideas of justice and every human feeling. Bad principles in a government, though slow, are sure in their operation and will gradually destroy it.

For in fact, Mr. President, the original constitutions of 36 of our States provided that representation in both houses of the State legislatures would be based completely, or predominantly, on population. The Founding Fathers "clearly had no intention of establishing a pattern or model for the apportionment of seats in the State legislatures when the system of representation in the Federal Congress was adopted." The Northwest

Ordinance adopted in 1787—the same year as the Constitutional Convention met in Philadelphia—provided for the apportionment of seats in territorial legislatures solely on the basis of population. The Northwest Ordinance stated:

The inhabitants of the said territory shall always be entitled to the benefits * * * of a proportional representation of the people in the legislature.

Thomas Jefferson, a great President and a great Virginian, repeatedly denounced the inequality of representation provided for under the 1776 Constitution. Often he proposed that the State constitutions provide that both houses be apportioned on the basis of population. In 1816, he wrote—I am glad that the Senator from California [Mr. KUCHEL] stated the same quotation a few moments ago—that:

A government is republican in proportion as every member composing it has his equal voice in the direction of its concerns * * * by representatives chosen by himself.

Three years later, he stated:

Equal representation is so fundamental a principle in a true republic that no prejudice can justify its violation because the prejudices themselves cannot be justified.

Mr. President, I cite the early history of the Republic only as a way of diminishing and diluting the opinion repeatedly charged that the action of the Supreme Court and the actions of the Congress are not in keeping or have drifted away from the original philosophy upon which this Government was constructed.

Mr. President, it is argued that the States, in establishing for themselves houses of representatives based approximately on population and Senates based on population and other factors, have adhered to the Federal plan as embodied in Congress. This resemblance between the system of representation in the Federal Congress and the apportionment schemes in the States is more superficial than actual. The apportionment of the U.S. Senate covered by the Constitution of the United States was the result of the great compromise. It represented an agreement among sovereign, independent States. After many proposals, it was decided that the sovereign States would approve the Constitution only if their sovereignties were adequately reflected in the Senate of the United States. Counties and cities draw their powers solely from the States and cannot, under any stretch of the imagination, be considered sovereign entities.

A valid argument against little federalism is that each U.S. Senator is more likely to represent, because of political realities, all interests within a State—rural, suburban, urban—so, in fact, he does represent the gross interests of the people of his State; whereas State senators from small political subdivisions of the State have a tendency to represent, with some exceptions, only a narrower interest group.

In 1955, the Commission on Intergovernmental Relations, established by President Eisenhower, submitted its report to the President for transmittal to Congress. The report stated:

Reapportionment should not be thought of solely in terms of a conflict of interests between urban and rural areas. In the long run, the interests of all in an equitable system of representation that will strengthen State government is far more important than any temporary advantage to an area enjoying overrepresentation.

The problem of reapportionment is important, the Commission said, "because legislative neglect of urban communities has led more and more people to look to Washington for more and more of the services and controls they desire." One of the study reports prepared for the Commission makes this very clear:

If States do not give cities their rightful allocation of seats in the legislature, the tendency will be toward direct Federal-municipal dealings. These began in earnest in the early days of the depression. There is only one way to avoid this in the future. It is for the States to take an interest in urban problems, in metropolitan government, in city needs. If they do not do this, the cities will find a path to Washington as they did before, and this time it may be permanent, with the ultimate result that there may be a new government arrangement that will break down the constitutional pattern which has worked so well up to now.

The Commission declared:

One result of State neglect of the reapportionment problem is that urban governments have bypassed the States and made direct cooperative arrangements with the National Government in such fields as housing and urban development, airports, and defense community facilities. Although necessary in some cases, the multiplication of national-local relationships tends to weaken the State's proper control over its own policies and its authority over its own political subdivisions.

Along with other sunshine States—Nevada, California, Arizona, and Florida—New Mexico has had an extremely rapid growth in population and accompanying this change has come a change in the basic economy of our State. Agriculture, mining, and grazing are less dominant in the economy than they were. We have had an influx of relatively highly educated people to staff laboratories and test facilities, and we would hope to attract more of the kinds of activities with which they are associated. Only by keeping our State government and our State legislature in tune with the rapidly changing times can we hope to continue to attract these kinds of people and these kinds of industries. If one analyzes the kinds of people who man these laboratories and test sites, we would find that they are scholars and have been faculty members of some of the major universities in the United States and are therefore issue oriented. To deny this segment of the State's inhabitants the full participation in Government, may be denying the State the knowledge and talent which it needs to develop its capabilities to face great issues. By a more equitable distribution of representation in the State legislature, the State may attract qualified men and women. I think each of us who has experienced political life knows that there is always room for improvement in the quality of men who make our laws at the State and National level.

Mr. President, I ask unanimous consent that an article by Fred Buckles on

this particular matter which appeared in the Albuquerque Journal of September 3, 1964, be printed at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IN THE CAPITAL: NEW MEXICO'S SENATORIAL IMBALANCE IS FOURTH GREATEST IN NATION (By Fred Buckles)

SANTA FE.—New Mexico's State senatorial districts—each county is a district—have the fourth greatest population imbalance in the Nation.

Attacked in a U.S. District Court suit in Albuquerque, the present State senate apportionment is highly vulnerable for this reason.

New Mexico is 1 of 10 States in which less than 20 percent of the population can elect a majority of the senate.

Only 14 percent of New Mexico's population chooses a majority of the senate. The percentage is lower only in: Nevada, 8 percent; California, 10.7 percent; and Arizona, 12.8 percent.

Less than 20 percent of the voters can also pick a majority of the senate in: Maryland, 14.2 percent; Florida, 15.2 percent; Rhode Island, 18.1 percent; New Jersey, 19 percent; Idaho, 16.6 percent; and Montana, 16.1 percent.

The pending court action was filed in Albuquerque by two women Democratic candidates for the State house of representatives—Mrs. Imogene Lindsay in district 17 and Mrs. Mary E. Beauchamp in district 11.

Their move could easily strengthen their chances for election in Bernalillo County with the general election November 3 less than 9 weeks away.

UNDERREPRESENTED

On a population basis, Bernalillo County is the most underrepresented county in the State in the senate by a wide margin.

The imbalance is 140 to 1 between Bernalillo County and Harding County on the basis of the 1960 Federal census. Bernalillo County had a 1960 population of 262,199 and Harding County's census was 1874.

Each county is represented by one senator in Santa Fe.

The imbalance is 95 to 1 between Bernalillo and Catron counties on the 1960 census. Catron's population 4 years ago was 2,773. The ratio is 81 to 1 between Bernalillo and De Baca County which had 2,991 population in 1960.

The imbalance is steadily growing between populous Bernalillo County and the sparsely settled counties of New Mexico.

The Bureau of Business Research of the University of New Mexico estimated Bernalillo County's population in 1963 at 287,200. The bureau estimated populations of lightly settled counties as follows—Harding, 1,900; Catron, 3,000; De Baca, 2,700; Hidalgo, 5,000; Guadalupe, 5,900; Mora, 5,700; Union, 6,100; Torrance, 6,300; Sierra, 7,000; and Lincoln, 8,000.

Attorney General Earl Hartley said this week the State will ask the U.S. district court to stay action on the Senate reapportionment suit until the 1965 legislature meets and considers reapportionment.

Hartley accepted service of the Federal suit early this week for the four State defendants—himself and the State Canvassing Board composed of Gov. Jack M. Campbell, Secretary of State Alberta Miller and Chief Justice J. C. Compton of the supreme court.

TO CITE DECISION

Hartley said the State's answer which will be filed in 20 to 30 days will cite part of the historic decision of the U.S. Supreme Court on reapportionment issued June 15.

Chief Justice Earl Warren said in the ma-

jority opinion, "Under certain circumstances such as where a pending election is imminent and a State's election machinery is already in progress, equitable considerations might justify a court in withholding the time of immediate, effective relief in a legislative apportionment case even though the existing apportionment scheme was found invalid."

Hartley said, "I don't think anyone will think that the (U.S. district) court's going to hear the suit before the legislature meets and has a chance to act."

Soon after the U.S. Supreme Court held both houses of State legislatures should be apportioned as nearly as practicable on a population basis Governor Campbell and First Assistant Attorney General Boston Witt announced the ticklish subject of apportionment would be left to the 1965 legislature.

Witt said then the State would immediately move to stay action on any reapportionment suit filed before the legislature meets.

Based on the present 32-seat Senate Bernalillo County would get about 11 seats or more than one-third of the total, if reapportionment was enacted strictly on the basis of population.

The chances that this will occur in the 1965 session are remote. Senators representing sparsely settled counties, including some of the most powerful figures in the legislature, are strongly opposed to a reapportionment of the senate in the session starting January 12.

Mr. ANDERSON. Mr. Buckles, the Santa Fe correspondent of the Albuquerque Journal, is a newspaperman of long experience. I am particularly gratified to see the article which he wrote on the subject.

If time were acting to remedy this problem in the States, then I would say let us wait and over a period of a few years without any action by the Federal courts or by State legislatures equity would be achieved. I know by experience in my own State that time is not on the side of equity.

In 1950, 16 counties with a population of 145,475 had 16 senators and Bernalillo County, the most highly populated county, had 145,673 and it had 1 senator.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield.

Mr. DOUGLAS. May we have those figures? The Senator said that 16 counties with a population of 145,000—

Mr. ANDERSON. One hundred and forty-five thousand four hundred and seventy-five, had 16 Senators, and Bernalillo County, with a little bit more than that, had 1 Senator.

Mr. DOUGLAS. So the average person in those 16 counties would have 16 times the representation that a citizen in the county in which Albuquerque is located would have.

Mr. ANDERSON. Yes. They went back to that old political formula of 16 to 1.

Mr. DOUGLAS. Yes, that was Bryan's cry.

Mr. ANDERSON. But I should like to call the Senate's attention also to the fact that by 1960, 22 counties with 255,469 people had 22 senators and Bernalillo County with 262,199 people had 1 senator.

Mr. DOUGLAS. The ratio is 22 to 1.

Mr. ANDERSON. The ratio is 22 to 1 and going in a very bad direction.

Mr. DOUGLAS. As of 1965 does the Senator think that it might be 25 to 1?

Mr. ANDERSON. It is moving in that direction. I suppose it might be 23 or 24 to 1 by the time of the next census.

By 1960, 22 counties with 255,469 people had 22 senators and Bernalillo County with 262,199 people had 1 senator. So that the ratio in 1950 of 16 senators from the 16 smallest counties to 1 senator from the largest county had changed in 1960 to 22 senators from the 22 smallest counties to one senator from the largest county. And it is interesting, too, Mr. President, that of the 22 counties with the smallest population in 1960, 16 of them had lost population between 1950 and 1960—one of them, Harding, losing more than one-third of its population while Bernalillo experienced an 80 percent gain in population with no change in its representation in the State senate.

Now I say that time is not going to solve our problem, because the projections for the mid-1970's period show that 23 counties with a population of 386,970 will have 23 senators if the present arrangement goes unchanged. Assuming no change is made in present apportionment, Bernalillo County would have a population of 416,830 and still have 1 senator.

Time will not cure this.

So that in 25 years this imbalance will have gone from 16 to 1 to 23 to 1.

In truth, Mr. President, the equity in legislative apportionment was greater in 1910 than it is today. In 1910, Bernalillo County, then as today, the largest county in population, had 23,306 people. The house of representatives and the senate districts at that time were based to a degree on population, and Bernalillo County had 3 seats in the house and 1½ seats in the senate. Guadalupe County in 1910 had a population of 10,927 and it had 1½ seats in the house and one-half seat in the senate. Fifty years later, Bernalillo had 262,199 people and 9 members in the house, but only 1 member in the senate. Its population had increased 1,029 percent. Guadalupe County, on the other hand, had had about a 50-percent decline in those 50 years and its population in 1960 was down to 5,610. Yet it had one member of the house and one member of the senate. To sum up, Bernalillo County had lost a measure of representation in the senate while Guadalupe gained; and while Bernalillo County increased its representation in the house, Guadalupe saw its representation in the house decline hardly at all. By last year Guadalupe County had 0.59 percent of the State population and Bernalillo 28.68 percent of the State population. But one would never realize if he were simply to look at the representational system in Santa Fe.

In referring to Bernalillo County and the inequity of its representation in the State legislature, I do not mean to imply that Albuquerque, the principal city in Bernalillo County, is the only urban area in the State which is on the short end of equitable representation. In 1960 Roswell, the second largest city in the State,

had 39,593 residents. Mr. President, 25 individual counties—each with 1 senator—had less population than the city of Roswell. And Roswell had to share its State senator with the rest of Chaves County. Santa Fe, the State capital, had a population of 33,394, according to the 1960 census, and 22 counties each had less individual population than the city of Santa Fe, and 21 counties in 1960 had less population each than the fourth largest city in the State, Las Cruces.

Mr. President, I ask unanimous consent that three tables which show the inequities of the senatorial apportionment in New Mexico be printed at this point in my remarks.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

Counties ranked in order of population, 1950 census

	Population
Harding.....	3,013
De Baca.....	3,464
Catron.....	3,533
Hidalgo.....	5,095
Guadalupe.....	6,772
Sierra.....	7,186
Union.....	7,372
Lincoln.....	7,409
Mora.....	8,720
Luna.....	8,753
Socorro.....	9,670
(Los Alamos).....	10,746
San Juan.....	12,438
Quay.....	13,971
Otero.....	14,909
Roosevelt.....	16,409
Colfax.....	16,761

Sixteen counties, 145,475 population, 16 senators. One county, Bernalillo, 145,673, 1 senator.

¹ Los Alamos did not have a senator in 1950. Not included in total of 145,475.

Counties ranked in order of population, 1960 census

County	Percentage loss () or gain of population 1950-60	Population 1960
Harding.....	(37.8)	1,874
Catron.....	(21.5)	2,773
De Baca.....	(13.7)	2,991
Hidalgo.....	(2.6)	4,961
Guadalupe.....	(17.2)	5,610
Mora.....	(30.9)	6,028
Union.....	(17.7)	6,068
Sierra.....	(10.8)	6,409
Torrance.....	(18.9)	6,497
Lincoln.....	4.5	7,744
Luna.....	12.4	9,839
Socorro.....	5.1	10,168
Quay.....	(12.1)	12,279
Los Alamos.....	24.4	13,037
Colfax.....	(17.6)	13,806
Sandoval.....	14.2	14,201
Taos.....	(7.1)	15,934
Roosevelt.....	(1.3)	16,198
Grant.....	(13.6)	18,700
San Miguel.....	(11.5)	23,468
Rio Arriba.....	(3.2)	24,193
Curry.....	40.0	32,691

22 counties, 255,469 population, 22 senators. 1 county, Bernalillo, 262,199 population, 1 senator. Bernalillo, 80.6 counties showed gain 1950-60, 18 showed loss in population.

Mid-1970 projection—Counties ranked in order of population

	Population
Harding.....	2,270
Catron.....	3,080
De Baca.....	3,290
Guadalupe.....	5,390
Hidalgo.....	6,100
Sierra.....	6,330
Mora.....	7,100

Mid-1970 projection—Counties ranked in order of population—Continued

	Population
Union.....	7,550
Lincoln.....	8,590
Torrance.....	8,680
Luna.....	13,040
Socorro.....	13,440
Quay.....	13,530
Los Alamos.....	14,600
Taos.....	19,010
Colfax.....	19,290
Roosevelt.....	20,240
Grant.....	22,260
Sandoval.....	24,420
San Miguel.....	30,190
Rio Arriba.....	34,580
Curry.....	46,330
McKinley.....	57,660

Twenty-three counties, 386,970 population, 23 senators. One county, Bernalillo, 416,820 population, 1 senator.

Mr. ANDERSON. Mr. President, the first table shows the counties ranked in order of population according to the 1950 census. It shows that 16 counties with a population of 145,475 have 16 senators, while 1 county, Bernalillo, with a population of 145,673, has only 1 senator.

The next table is a table of the counties ranked in order of population according to the 1960 census. It shows the situation with respect to the counties.

The third table is a table of the counties ranked in order of population on a mid-1970 projection. It shows that 23 counties with a population of 386,970 will have 23 senators, and 1 county, Bernalillo, with a population of 416,820, will have 1 senator.

Another way to view this situation is on the basis of tax revenue. In July of 1964, Bernalillo County paid 30.53 percent of the State school taxes, which is the largest single tax source in the State. Guadalupe County paid 0.6 percent of these taxes, and there were counties that paid even less. I use Guadalupe County only because I have used it in previous references and because counties even smaller in population were not established as counties in 1910, the period of my comparison. If one looks at the assessed valuation of counties in New Mexico, Bernalillo has an assessed valuation of \$188.5 million, while Guadalupe has \$9.7 million and other counties had even smaller assessed valuations.

My remarks should not be interpreted to mean that I believe that a county's representation in the State legislature should be based on the amount of taxes it contributes. This argument was resolved by the Founding Fathers when they determined that taxes returned by the States to the Federal Treasury should not be the basis of representation in the House, but that population should be. Nor do I believe that the county that contributes the largest amount of funds should receive the greatest amount from the State. Those that have the revenue capability should be willing, and indeed have been willing, to support the needs of the less financially able counties.

One element of the changing and social economic character of our country is the automobile and its rapidly increasing numbers. In New Mexico tourism has become a major industry—an industry unheard of at the time of statehood

and perhaps unappreciated when inequitable distribution of legislative seats was made part of our State constitution. As a result of rural dominance, the New Mexico State Legislature passed an anti-bypass law. This law has slowed down the interstate program in the State and has given a veto power to many small communities all out of proportion to their size and position of influence in the State. Yet traffic flow has a major bearing on the economy of the State and its economic growth, and this fact is dramatized by the 72 percent increase between 1952 and 1962 in the number of passenger cars registered in New Mexico. This is one of the largest increases in any State in the Union. Yet we find small towns and sparsely populated counties hamstringing plans for effective highway needs.

Why is it that our State cannot get rid of that law? I will give Senators a hint: The Bernalillo County senator might vote to do so, but these less populous counties with less total people than the lone county of Bernalillo have 22 votes out of 32 votes in our State senate. They have control—and that control the Dirksen amendment seeks to continue, world without end.

Our Founding Fathers and framers of the great American Constitution viewed their handiwork as a historic and noble experiment in unifying all citizens of the several States under a Central Government of law and not of men. The right of the judiciary to rule on constitutional questions was so implicit in the opinion of the framers of the Constitution that they saw no need to include specific language in the Constitution to confer upon the judiciary that authority. The point was debated and resolved during the discussion of the idea to create a Council of Revision which would include the judiciary and the executive departments of Government.

The framers of the Constitution had a great dream of creating a union which would withstand the test of time, adversities, and internal differences of opinion. It was a dream which is still in process of fulfillment. To strip or limit the Supreme Court by an act of Congress of the authority to rule on constitutional questions may set back this Nation's fulfillment of this dream.

From the very beginning this Union has been the envy of European countries which had for centuries been trying through various schemes to unify people of different backgrounds into a monolithic group, without violating their political heritage or individual rights. The American Constitution has already succeeded in doing so to a great degree and will continue to succeed beyond the fondest dreams of its authors. Let not one branch of Government be the cause of its faltering along in its dedicated course.

Mr. President, for the philosophical and practical reasons I have stated this afternoon, I intend to vote against cloture.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. ANDERSON. I am happy to yield.

Mr. DOUGLAS. I commend the Sen-

ator from New Mexico for the very able speech which he has delivered, and which will have a great effect on the vote tomorrow, and on any subsequent votes which may occur.

The Senator has given pungent testimony from his own State showing the way in which the metropolitan district of Albuquerque—and I assume also of Santa Fe, Roswell, and other cities—has been hamstrung by the overrepresentation of the sparsely settled counties which are sometimes referred to by those who do not live in New Mexico as sagebrush counties, and the effect that this has had on such a simple matter as transportation. He has cast the whole issue in a larger frame as well. I thank the Senator for his excellent contribution. I hope it will be studied carefully by Members of the Senate. I am sure it will have great effect. I congratulate him.

Mr. ANDERSON. I thank the Senator for his kind remarks. One of the reasons why I have spent some time on this matter is that I have been interested in the growth in our part of the country. I was forced to go to New Mexico. It was not a question of wisdom on my part that I went there, but I was fortunate in being forced to go there. I went there for another reason than choice. I landed in a region that has been growing and growing rapidly. One could hardly make a mistake in Albuquerque. One might pay too much for property, but all he had to do was hold on a little longer, because its value has been constantly growing.

The parts of our country that have been growing the fastest—and one can consult the charts—are Nevada, California, Arizona, New Mexico, and Florida. Those are the States which are most sharply out of balance so far as their representation in the senates of those States is concerned. The reason for it is that there has been a vigorous growth, and they have been unable to correct the imbalance. If anyone had stood up in the legislature of my State and tried to reapportion, he would have been voted down, because those who have the control do not want to give it up.

Mr. DOUGLAS. How long has it been since the scheme of representation in New Mexico has been in effect?

Mr. ANDERSON. If one wants to go back to the beginning—I went to New Mexico in 1917—the district of San Miguel had three senators. There was one senator from San Miguel County, and one senator from Mora County and San Miguel, and one senator from Guadalupe County and San Miguel.

Guadalupe and Mora, being small counties, had no control over the three.

All this was based on the State constitution we adopted in 1912.

Mr. DOUGLAS. Has that situation been revised?

Mr. ANDERSON. No.

Mr. DOUGLAS. It has remained the same for more than 50 years?

Mr. ANDERSON. I should say that some changes have been made. A change has been made to provide each county with one senator. Therefore San

Miguel County no longer has three senators, one direct and two by proxy. It now has one senator.

Mr. DOUGLAS. No allowance has been made for the development of the cities. Is that correct?

Mr. ANDERSON. The Senator is correct. Bernalillo County, with its population, does not have anywhere near enough representation. I do not say that the apportionment must be done entirely on a population basis. However, in order to have a State government that is responsive to the needs of the people of the State, there must be some flexibility.

Mr. DOUGLAS. Is the lower house much better from the apportionment standpoint?

Mr. ANDERSON. The lower house is somewhat better. An attempt was made to reapportion through the legislature. The legislature struggled with the problem, and finally it was brought into court. It was said, "Let the court decide it." The court laid down some rules. This was done by one of our Republican judges—and I should not say it was done on a partisan basis. He laid down the basis, and the legislature tried to go on from there. When they were through, they were in such a mess that the court had to throw it out again on the ground that it was unconstitutional. But a change was approved to make for a more equitable situation in the House starting next January.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield.

Mr. METCALF. The Senator from New Mexico has made a fine speech, and in making it he has added to the evidence that is piling up which shows the need for reapportionment in every State of the United States.

Yesterday I pointed out that historically the State of Montana has been malapportioned deliberately against the warnings of a great Governor of the State of Montana, who said that we were violating the Constitution of the United States and had been doing so for 75 years.

The same thing has happened in State after State.

The speech of the Senator from New Mexico has added to this accumulating evidence, which shows that this subject must be taken care of at the present time. The only remedy we have is through the Supreme Court.

Mr. ANDERSON. Recently I picked up a copy of the New York Times of August 16. On one page it shows the State of Michigan and how the districts had been allocated. They were not in equal balance. On the opposite page the Times shows the new districts. The population of the districts is shown as being within 1 percent of each other. Certainly an equitable job was done there. If this can be done in Michigan, it can be done in New Mexico and in every other State of the Union. I hope it will be done.

Mr. METCALF. Another significant contribution that the Senator from New Mexico has made is that when we have properly apportioned legislatures the States will begin to play a proper part

in the government—in the Federal, State and local governments—and to bear their fair share of the burdens that we have had to take care of because of the dereliction of the States.

Mr. ANDERSON. Yes. Returning to my home county, in that county there is located the Sandia Corp., which is a Government-owned corporation—although there is some question about that—in which the stock is held by the Western Electric, a part of the American Telegraph & Telegraph Co. The individuals in this corporation are far above the average. They are fine people, and we have the benefit in our community of their wonderful presence. However, those people cannot vote—at least not to the same extent that other people in the State can vote in the sense of representation in the State senate. I would very much like to have full weight given to the vote of these people. That is all we ask.

Mr. METCALF. That is all we seek.

Mr. JAVITS. Mr. President, the real argument between the contending parties in the reapportionment issue is as much the power of the Supreme Court as it is apportionment itself.

A number of recent decisions, including the reapportionment decisions, the school prayer decisions, and the Brown decision on public school desegregation, have raised, with the intensity in which it existed in the time of Chief Justice Marshall, in the time of Chief Justice Taney, and in President Jackson's time, the issue of whether the Supreme Court shall have the power to construe the Constitution and implement its decisions as an independent third branch of our Federal Government.

Personally, I would deplore greatly in our national society a confrontation between Congress and the Supreme Court. I believe it must be and should be avoided by all who love the nature of our society and its constitutional system of checks and balance. It is in order to contribute to that end that I make this statement today.

Mr. President, for the first time in my Senate career I shall vote against cloture tomorrow on the pending Dirksen-Mansfield reapportionment stay amendment to the foreign aid bill. I am not voting for cloture now because I do not believe that, by Senate standards, those who oppose this amendment have had adequate time to debate it. I reserve the right to vote for cloture if a cloture motion on this amendment comes up again.

The opponents of the Civil Rights Act of 1964, it should be remembered, took 17 days to discuss the preliminary motion to make the bill the pending business. Then they were permitted more than 2 months of so-called educational debate on the bill itself before cloture was invoked on June 8 of this year.

In 1962 the opponents of the communications satellite bill were given 16 days to debate that measure before cloture was invoked against them.

Mr. President, we all know that it is rather the fashion in this body, with respect to filibusters, to treat conservatives much more kindly than liberals.

This is, perhaps, an opportunity to right the balance. Even assuming that liberals are held to much more stringent standards than are conservatives—and there may be something to that, in view of the fact that liberals are fighting against filibusters and against rules that permit filibusters, while conservatives like them, and perhaps therefore we should practice more ardently what we preach than we ask of the others—those who oppose the Dirksen-Mansfield amendment will have had 6 days of debate out of a potential 9 days, several of which were consumed in debate on other matters. That is even less time than the short-term communications satellite debate in which the liberals were permitted to engage in 1962—and many of those liberals are now engaged in the present debate—and certainly it does not bear the remotest comparison to what we accepted as fair in the case of those conservatives who set themselves against the civil rights bill of 1964.

Therefore, I believe that the proper vote on the cloture motion is "nay."

I have consistently taken the position that the majority should have the opportunity to work its will in the Senate, as it does in every other parliamentary body in the world; but I have also sought to insure that there will be adequate opportunity for the minority to make its views known in debate. The proposal for amending the filibuster rule, rule XXII, which I have consistently supported, would permit an estimated 4 to 6 weeks of debate before a constitutional majority of Senators could finally invoke cloture.

The distinguished senior Senator from Illinois [Mr. DOUGLAS], who is in the Chamber today, is the author of that particular proposal, which I have supported on a number of occasions in our struggles in the Senate. I also had the honor, together with the Senator from Georgia [Mr. TALMADGE], to be a member of the rather famous two-man subcommittee which dealt with the question of rule XXII when I was a member of the Committee on Rules and Administration.

I can see no sound reason for imposing stricter debate limitations on the pending amendment than in other recent cases, particularly when the proponents of the amendment have themselves used the Senate rules to seek to append a highly controversial, nongermane amendment to a crucial annual foreign policy bill, the foreign aid authorization bill—a bill which we all know the President cannot veto—in the closing weeks of the session. So I do not believe we can have one side posing as a model of virtue while enforcing against the other side an unusually strict limitation of debate.

On the merits of reapportionment, I have said before that I am opposed to the Dirksen-Mansfield amendment in its present form. My position in this case is a middle position. Although I am not always found in that part of the road in respect to controversial questions, I find myself there now. I have long believed that there is a need for fairer representation of some of our urban and subur-

ban areas, which have been disadvantaged by apportionment which was established when our Nation was less centralized in urban areas than it now is.

But I believe that some of the lower Federal court decisions purporting to implement the Supreme Court's one-man, one-vote decision of June 22 have been pressing State legislative reapportionment too rapidly, in the light of some States' electoral procedures. My own State of New York has a particularly acute case. There, a three-judge Federal court has ordered three elections in 2 years, with State senators and assemblymen serving for only 1-year terms instead of the 2-year terms prescribed by the State constitution. The Speaker of the New York State Assembly, Joseph F. Carlino, warned during the past weekend, that this would produce a "virtual legislative stalemate" in the legislature because of the practical inability to enact new revenue measures in election years. I fully agree with him that this is quite likely to occur.

Similarly in Vermont, a lower court has ordered the legislature to meet only for the purpose of reapportioning the State legislature, and then to disband without transacting further business. This is a most drastic injunction, one that is hardly compatible even with the dignity of a State.

I respectfully submit that the lower Federal courts, unless corrected by the Supreme Court, may produce a climate in Congress which, in my judgment, will be most inimical to the ultimate implementation of the decision of the Court itself and strongly against the national interest. Yet such a climate could be produced. I do not believe I would be touched by it, but I believe that others might.

The time has come for the lower Federal courts to understand two things: First, that every act that is adopted by a legislature, notwithstanding the fact that the legislature is malapportioned, is legal. This is not a case in which legislatures are acting illegally, and in which the Supreme Court has to hasten to shut down the business of a legislature because all of its acts are a nullity. That is nonsense. In my judgment as a lawyer—and I think it is borne out by the cases—the Supreme Court will hold that every one of the acts of any State legislature, no matter how malapportioned the legislature may be, is legal.

Under these circumstances, such drastic injunctions as requiring 1-year terms or forbidding legislatures to do anything except to meet and reapportion are hardly compatible with the dignity of the States. I would urge the Supreme Court, whatever may happen with respect to this proposed legislation, to pay particular and strict attention to what is said on this subject in the interests of the Nation and of the Court's own future and the future of the balance of powers between the legislature and the judiciary.

Haste of the kind which I have described might have been warranted if there were any danger that the acts of malapportioned legislatures might be

considered per se invalid. But it is unthinkable that the Supreme Court would so hold; in fact, those Courts which have faced this issue since the decision in *Baker against Carr*, in 1962—the basic decision on this subject—have uniformly held to the contrary; namely, that the acts of a malapportioned legislature are and continue to be valid.

In addition, I believe it must be said that there may be a case for an amendment to the U.S. Constitution, if it is limited only to permitting the people of any State, if they wish it, to choose by referendum to have one house of their legislature apportioned with reference to a factor other than population. Such a proposal has been introduced in the other body by Representative McCulloch, of Ohio; and I shall sponsor it in the Senate.

Along that line, the constitutional amendment proposed by the junior Senator from Illinois [Mr. DIRKSEN] has perhaps caused more difficulty than the Dirksen amendment to the foreign aid bill. The proposed Dirksen constitutional amendment would purport to do two things:

First. It would cut off the power of the Supreme Court in respect to apportionment cases. I thoroughly disagree with that. The Supreme Court should continue to have that power.

Second. It would put it within the possibility—and I emphasize the word “possibility”—of a State legislature, once the constitutional amendment were adopted, to reapportion without the action being subject to scrutiny and consideration either by the Supreme Court of the United States as to the fairness of that reapportionment or even by the citizens of that State in a referendum. I do not believe that is right.

One of the houses in every State legislature should be apportioned strictly on the basis of one man, one vote, but the people of that State should have the right to make some compact among themselves as to the apportionment of the second house, as has been made by the United States. There may be different historical reasons, but the idea of a Senate not necessarily based on population is now so thoroughly ingrained in the American public consciousness that I believe it would be difficult to convince people that it is fair to insist that both houses of a State legislature must be based strictly upon population, if—and it is a big “if”—the people of that State do not prefer it that way as to one house.

It seems to me that the concept of the United States, namely, that one house is based solely on population, is a sound one. Let us remember that the whole constitutional system is based upon the premise that the American people can rise in their might and power in 2 years—a very short period of time—and stop all the machinery of government, if they choose, by electing Members of the House of Representatives who, for example, will not vote a nickel for any government department. That is their privilege. That is all right. That is the way it should be, according to our concept of government.

The question, then, is how Congress may constitutionally manifest its desire for time to avoid hasty solutions and perhaps to propose a constitutional amendment. I do not believe the Dirksen-Mansfield amendment can do so validly under the doctrine of the separation of powers of the coordinate branches of the Federal Government unless the Court construes it as a request, not an order. I have heretofore argued that in my judgment, the Supreme Court will strike down the Dirksen-Mansfield amendment unless it construes the words “unusual circumstances,” as contained in the amendment, to allow it, for all practical purposes, to consider that amendment as a request, not an order. That is a dangerous piece of business. The Court may feel constrained, as a matter of morality in the construction of the law, to hold that this is an order to the Court, and to strike it down, and face the terrible confrontation between Congress and the Court, which I do not believe anyone who loves our country and its institutions should invite. If the amendment is mandatory, if it is a statute, then it could well be construed as an attempt by Congress to impose upon the Federal courts what is called, in words of art, “a rule of decision.” This has been held invalid in cases involving constitutional rights already pending before the courts. I have argued on the floor of the Senate the famous *McCardle* case. There is a great likelihood, in view of the later *Klein* and *Glidden* cases, that the *McCardle* decision is unlikely to be the law of the land as construed by the Supreme Court at this time. It is for these reasons that I wish to avoid this confrontation.

To give us the time which I believe is properly needed for the dignity and efficiency of our system of government, the Senator from Minnesota [Mr. McCARTHY] and I have introduced a “sense of Congress” resolution, requesting the Supreme Court that adequate time be given to comply with the Supreme Court’s decision consistent with each State’s electoral process and with its procedures for amending its constitution; and also to afford time for consideration of a proposed amendment to the Constitution along the lines which I have described.

Mr. METCALF. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. METCALF. I know that the Senator from New York has pointed out the series of cases. Especially, I am referring to *Reynolds* against *Sims*. Throughout the cases, there is the business of the Supreme Court saying that these cases will be cited on a case-by-case basis, and that there will be time, that there will be not mathematical precision but as much precision as is practicable. It would seem to me that this case-by-case approach would be much more effective than any approach we could make generally.

Mr. JAVITS. Let me say to the Senator from Montana that the Court originally laid down a strict standard as to what malapportionment would be obnoxious to justice.

The Senator from Montana will remember that. I believe it is, in words of art—

Mr. METCALF. Invidious.

Mr. JAVITS. Invidious—exactly right.

The Court ratified that to mean one man, one vote. What happened is that the lower courts picked up that ball and ran with it harder, faster, and more drastically than anyone expected. We do not yet know what the Supreme Court would say about the lower court orders. For example, in New York, the order of the three-judge court, with all respect and dignity, is being appealed to the U.S. Supreme Court. Other cases will come up in the same way, but I believe that on a question of this great importance to the people of each State, it would be appropriate to evidence congressional intent that the people be given an opportunity to absorb this question, and that the Congress be given an opportunity to deal with it in some fashion by a constitutional amendment. It seems to me that there is not too much difference in this approach from the many cases which the Senator from Montana, who is learned in the law, has read, in which the Court has stated, “We are deciding that such and such a thing is unconstitutional and, of course, it can be changed so that it is constitutional.”

The Court does not hesitate to lay down the responsibility upon us, in just so many words, when it believes it is deserved. I believe that although it may be somewhat novel, it is not unusual in the sense that it is only reciprocal for us to lay our feelings at the door of the Court and, as the Senator from Minnesota [Mr. McCARTHY] and I have suggested, say, “We intended to propose a constitutional amendment. There is a likelihood that we shall. We ask you, as a coordinate branch of the Government—just as you ask us many times to correct something in the law—to exercise a little moderation in this process and give us an opportunity to act in good faith.”

Mr. METCALF. I have listened to what the Senator from New York has just stated. I agree that it is within the constitutional right of Congress to make such a request to another coordinate branch of the Government. Yesterday, I tried to point out that there is a great deal of difference between what we did and what was attempted to be done in the 85th Congress to change the statutory interpretation, and in changing the construction of legislation involving the invasion of an individual constitutional right. The proposed legislation before us now, we are told, would suspend an individual constitutional right. I agree with the Senator from New York that it would be an absolutely unconstitutional act, and would be a violation of a basic right of the separation of powers.

I feel that the Supreme Court is correct, but I would much prefer to vote for some such approach as the Senator from New York and the Senator from Minnesota have suggested than to vote for a completely unconstitutional act. We would at least demonstrate that we

respect a coordinate branch of the Government of the United States. The Senator is suggesting an approach which is at least within the bounds of the Constitution and within the traditions of our American constitutional government.

Mr. JAVITS. I value very highly the favorable views of the Senator from Montana [Mr. METCALF]. I know that he comments as an honest and studious lawyer on the approach which has been suggested.

I believe we are facing a rather grave potential confrontation between the Supreme Court and Congress. I believe that it behooves all who love our system of government to use not only their ingenuity but also their patience and forbearance in such a situation, to see whether the practical result which we all seek—the Senator from Illinois [Mr. DIRKSEN], the Senator from Montana [Mr. MANSFIELD], the Senator from Illinois [Mr. DOUGLAS], the Senator from Montana [Mr. METCALF]—can be achieved without this confrontation.

Incidentally, this suggestion was originally Senator McCARTHY's suggestion. I told him that I should like very much to join him in carrying it out, and in his typical modesty he insisted that I should introduce it and that he would join with me. But it was originally a McCarthy suggestion.

This approach is expressly designed to give Senators like myself, who do not wish this confrontation, who wish to avoid the confrontation, and who believe it can be avoided, an opportunity to support an approach which would allow things to cool off a bit on this subject, and not endeavor to have a confrontation on constitutional powers which, in my judgment, could only be serious to the Nation.

Mr. METCALF. I am delighted to know that at least my good friend and good lawyer, the Senator from New York, agrees that we must avoid the grave constitutional crisis which this issue brings up—the confrontation which we are talking about between two separate and coordinate branches of the Government.

Mr. DOUGLAS. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. DOUGLAS. The Senator from New York has heartened us all very much by certain passages in his speech. I believe that he has driven another nail into what we hope will be the coffin of the Dirksen amendment to the foreign aid bill. For that, we are very grateful.

I take it, though, that he somewhat skirts the issue that he does not wish a constitutional amendment which would permanently prevent the Supreme Court from passing upon reapportionment measures. There is room for consideration in the other questions he raises.

In conjunction with the able address made by the Senator from New Mexico [Mr. ANDERSON], the Senator from New York has given great heart to all of us about the vote tomorrow.

I can only hope that Senators who may attempt to be absent tomorrow will come into the Chamber, so that the cloture

motion may be defeated by a very large margin.

Again, I thank the Senator from New York.

Mr. JAVITS. I thank the Senator from Illinois for his helpful intercession.

Mr. President, I yield the floor.

Mr. RANDOLPH. Mr. President, I now yield to the Senator from Montana, with the understanding that I shall retain my rights to the floor.

The PRESIDING OFFICER (Mr. BREWSTER in the chair). Without objection, it is so ordered.

ECONOMIC DEVELOPMENT PROGRAMS FOR DEVELOPMENT OF THE APPALACHIAN REGION

The Senate resumed the consideration of the bill (S. 2782) to provide public works and economic development programs and the planning and coordination needed to assist in the development of the Appalachian region.

Mr. METCALF. Mr. President, I have taken this time for the purpose of calling up my amendment, No. 1264, which has already been read by the clerk.

When the bill was heard in committee, the Secretary of Agriculture, Mr. Freeman, testified in support of the general bill. I am proud to be a cosponsor of the proposed legislation. As a Senator from the West, I appreciate the many things which Congress has done for us. The only thing "West" about this bill is that West Virginia is included. But we have benefited in the western part of the United States from such general legislation as that of the Bureau of Reclamation. The Corps of Engineers has worked in our State and throughout the West. We benefit from the Department of Agriculture, and the administration of the national forests. We benefit from having the national parks and the tourist trade that is generated. We benefit from being a part of the United States, and from participating in and enjoying the benefits that develop from being part of the United States.

I am proud to reciprocate and be able to help another region enjoy the benefits of citizenship in the United States. I express to the Senator from West Virginia [Mr. RANDOLPH] and those from the Appalachian region the sentiment that we in Montana and in the West are proud of the opportunity to pay back some of the contributions that those in the Eastern and Midwestern States have made to the development of our region. It is a development which has meant a great deal to the development of the whole Nation, just as the development of the Appalachian region will make a similar contribution to the entire Nation.

When this bill came up and the hearings were held, I mentioned that Secretary Freeman appeared. He testified in support of section 203, which provides for pastureland improvement and development. At that time, the present Presiding Officer, the Senator from Maryland [Mr. BREWSTER] was present.

The Senator from Hawaii [Mr. INOUYE] was present. I was present. We interrogated the Secretary of Agriculture sharply about how this pastureland subsidy would affect the price of beef.

As the Senator knows, the price of beef has deteriorated in the past 2 years. It has resulted from several things. There has been an increase in the number of cattlemen, in the size of the beef animals, and in the availability of other meat products. There has been an increase in the kind of domestic animals slaughtered and, of course, an increase in the imports.

The other day the Senate adopted an amendment originally sponsored by the senior Senator from Montana [Mr. MANSFIELD], the majority leader, which provided for a quota in the imports of beef. That will help to take care of the disastrous slump in beef prices that has resulted in the past 2 years.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. METCALF. I yield.

Mr. CURTIS. In order that I may properly understand the amendment of the Senator from Montana, what the Senator is proposing to do is strike out from the Appalachia bill the section which amounts to a subsidy for further pastureland.

Mr. METCALF. The Senator is correct.

Mr. CURTIS. I not only approve of that action, but my colleague, the senior Senator from Nebraska [Mr. HRUSKA], intended to propose a similar amendment. Naturally, every citizen of the United States has a right to expect that the Government should not offer a financial inducement to one citizen to provide additional unfair and burdensome competition for another citizen.

Mr. METCALF. The Senator from Nebraska is correct. I was trying to point out that on the one hand the Government is making a contribution in order to try to assist the cattle industry, as the Senator from Nebraska [Mr. CURTIS] has made a significant contribution to the passage of the Mansfield bill as a member of the Finance Committee. We not only established a quota for imports, but we tried to develop our foreign market. We increased the purchase of beef for the school lunch program. We increased the propaganda for the eating of beef, and on the other hand, on the pastureland provision, we are providing a subsidy to compete with the present beef producers.

Mr. CURTIS. Mr. President, I support the amendment of the distinguished Senator from Nebraska.

Mr. METCALF. When Secretary Freeman testified, he pointed out that there is a cycle in the development of beef and in the price of beef.

I assure the Senator from West Virginia [Mr. RANDOLPH] and my friends from the Appalachian region that when this cycle recurs—when the price of beef goes up and there is a shortage of beef animals—perhaps that might be the time to come forward with such a pastureland proposal. But at the present

time, when the Federal Government is doing so much for and making such an effort to help the impoverished beef producers, it would seem to me that this would be no time to put another program underway in an effort to help subsidize beef.

I hope the Senator from West Virginia, with the assurance that the Senator from Montana and others will help him when it is appropriate, will accept my amendment.

Mr. RANDOLPH. Mr. President, the Senator from Montana [Mr. METCALF], and the Senator from Nebraska [Mr. CURTIS] have spoken in reference to an amendment or amendments which are pending which would delete the program for improvement of the pasture land within the Appalachian region.

I want the RECORD to indicate that Senators who have expressed, by sponsorship and cosponsorship, their consensus of approach to this program, including the Senator from Montana [Mr. METCALF], the Senator from Utah [Mr. MOSS] and —

Mr. METCALF. Mr. President, will the Senator yield at that point?

Mr. RANDOLPH. I yield.

Mr. METCALF. If Senator Moss had been present and were not detained on official business, he would have submitted this amendment in his own right. I would have supported it.

I have submitted it at his request. Senator Moss is the prime mover in this amendment.

Mr. RANDOLPH. The Senator from Montana is very generous, and, in this instance, correct as to the situation. I do recall that the Senator from Montana, during the executive session of the Committee on Public Works, expressed his concern about this provision. He did not exactly say that he would offer or support an amendment to delete the provision, but indicated that he felt it was a matter that concerned him very much.

I had the feeling then, as he has now so well expressed it, that he was opposed to the proposal in view of the present depressed market for beef. I am most grateful for his assurances that he would perhaps view the pasture improvement program for Appalachia in a more favorable light when the market for beef improves in the future.

Mr. President, I continue to list the names of Senators who have shared that concern and who have been either sponsors or cosponsors of amendments relating to section 203 of the bill.

As has been indicated, the Senator from Utah [Mr. MOSS] had an amendment on this subject. Naturally he would have liked to be present in the Chamber this afternoon, but he was detained on important business. For that reason he has not been provided the opportunity to argue the point.

Yesterday the Senator from Iowa [Mr. MILLER] discussed an amendment which he had submitted. In the colloquy with the Senator from Iowa I indicated that the provision in the pending bill to which his amendment referred was important. Yet I was realistic. I said we might have to yield on this point at the present time. Today at an earlier hour in the Senate

the Senator from Iowa asked unanimous consent that his name be included as a sponsor of the Metcalf-Moss amendment, and that permission was given to the Senator from Iowa. Another proposal on the same subject was presented by the distinguished Senator from Nebraska [Mr. HRUSKA], who was joined by his colleague [Mr. CURTIS], the Senator from Colorado [Mr. DOMINICK], the Senator from South Dakota [Mr. MUNDT], the Senator from Kansas [Mr. PEARSON], and the Senator from Texas [Mr. TOWER].

So, in effect, nine Senators have either expressed themselves as cosponsors or sponsors of an amendment to delete that section, or have spoken on the subject on the floor of the Senate.

I express to them my appreciation for the study that they have given. I reiterate my belief that this provision of the bill should be retained. At this point, I wish to indicate, however, as I said yesterday, that it will be difficult to hold section 203 in the House. I frankly believe, although I may be in error, that we could hold this provision of the Appalachian regional development bill in the Senate. I am not sure of that, of course, for there is a difference of opinion. But, I am a realist in connection with legislation of the kind proposed. It is my feeling, however, that our hearings demonstrated that such a program for Appalachia is feasible.

I call to the attention of the Senate table I, which appears on page 185 of the committee hearings. That is a presentation of data on the growth of beef cow production in the Appalachian region from 1950 to 1960. I ask unanimous consent to have that portion of the hearings and the subsequent relevant testimony by Secretary of Agriculture Freeman printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection?

There being no objection, the table and testimony were ordered to be printed in the RECORD, as follows:

Senator RANDOLPH. Thank you, Mr. Secretary.

(The tabulation referred to follows:)

TABLE 1.—Changes in the number of beef cows on farms, by Appalachian States, Appalachian region, and United States, 1950 and 1959¹

State	1950	1959	Percent change
	Thous.	Thous.	
Alabama.....	46.5	152.1	227.0
Georgia.....	14.8	66.5	349.6
Kentucky.....	32.9	79.3	140.8
Maryland.....	4.1	8.6	110.6
North Carolina.....	18.3	45.9	150.6
Pennsylvania.....	31.1	76.5	146.3
Tennessee.....	67.4	164.0	143.3
Virginia.....	50.3	81.7	62.5
West Virginia.....	82.7	141.9	71.6
Total ²	348.0	816.5	134.6
United States.....			54.1

¹ Source: U.S. Census of Agriculture: 1950, 1959.

² Because of rounding, some totals may not equal the sum of the items listed.

Secretary FREEMAN. Studies of feeder calf production indicate that it is profitable even at a 20-cent per pound market price for feeder calves. A study just completed at West Virginia University shows part-time farmers operating small farms making money from cow-calf operations under good levels

of management. It is the best judgment of farm management specialists in the area that cow-calf operations represent one of the best agricultural alternatives. The cow-calf operation on relatively small farms requires relatively little capital, utilizes the grass production necessary to protect the erosive soil, uses little labor, and fits well in areas where many farm operators have part- or full-time jobs off the farm. The high capital requirement of alternative livestock enterprises such as modern dairying and cattle feeding prevent these enterprises from becoming practical choices.

The principal opportunity for enhanced income from agriculture in Appalachia lies in a further expansion of livestock production. We calculate that by 1972, with the full development of Appalachia's pasture resources, farmers in the region could raise their total annual income to a level about \$230 million above its present level. But a concerted effort to rebuild Appalachia's wornout pastures and convert unprofitable cropland to this purpose will require new incentives, especially for small farmers. That is the purpose of section 203, which would authorize Federal payment of 80 percent of the cost of pasture establishment or improvement, limited to 25 acres per landowner. This 25-acre limitation would apply to each landowner regardless of how many farms he may own or operate.

Loan funds would be made available through the Farmers Home Administration for improvement of pasture acreage above 25 acres, as well as for the farmer's 20-percent share on the original 25 acres. The pasture improvement program would be administered in the same manner as the present agricultural conservation program which has proven its effectiveness over the years. The technical assistance funds would be utilized by the Soil Conservation Service in making soil surveys, selecting grass mixtures, and advising on cultivation practices.

These are operating agencies, as the members of this committee well know, who are carrying forward programs comparable to this one, and have been administering them for a good many years.

Funds would be allocated among the States based on (a) the number of acres which need to be improved, (b) the estimated cost, and (c) the interest of farmers in using the program.

The increase in net returns on a typical small farm in Appalachia resulting from improvement of 25 acres of pasture will range from \$200 to \$500. This additional income, small as it is, will be significant to most farm families, since the typical family income in these cases is less than \$3,000.

Many of these low-income farmers are boxed in, that is, they are immobile because of advanced age, lack of education and skills, limited funds, and poor health, and cannot make adjustments to a new occupation. The added income from the cow-calf enterprise may be sufficient to improve the economic opportunities for the children, for example, by prolonging the educational period, so that this boxed in situation does not carry over to the next generation. It would be less costly to assist these families in place than to encourage their movement to areas where they would become very expensive wards of the public.

Some questions have been raised as to whether this pasture improvement program is timely, in the light of the current depressed cattle price situation. I believe these questions are based in part upon a misunderstanding of the nature of this proposal. The pasture improvement program would not result in the production of fed steers, but rather feeder calves that would move to other areas, primarily in the Midwest, for fattening. Imports of feeder cattle have been heavy from Canada and Mexico, reaching the peak level of 1,216,741 cattle in 1962. In

to Senators that two-thirds of the Appalachian farm counties are in the lowest one-fifth of U.S. counties in the last agricultural census. Most of the remaining counties fell within the next lowest one-fifth. Our national farm price support programs and other programs which are designed to assist farmers are of little benefit to the people who live in the farm areas of Appalachia.

Less than one-third of the farmers in Appalachia have participated directly in price support, soil bank, and other conservation programs in the years 1957 and 1958. Direct payments for Appalachian farmers averaged less than \$45, and indirect benefits have been estimated to average not more than \$120 annually for the years from 1954 to 1958. I do not believe that farm conditions in Appalachia have altered significantly since then.

In this regard, Mr. President, a recent study conducted by Profs. Homer C. Evans, W. W. Armentrout, and Robert L. Jack, of West Virginia University, supports the argument that our Federal farm programs are largely irrelevant to the needs of Appalachian farmers. Because I think this is a significant study, and I wish the RECORD to disclose what those men have found, I ask unanimous consent to have printed in the RECORD an excerpt from the penetrating analysis entitled "Some Effects of Price and Income Support Programs on Marginal Farms."

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The evidence would indicate that price and income support programs have contributed to the rapid adoption of new technology in specialized areas in recent years. Marginal areas either have not adopted new technology or have adopted it at a relatively slow rate.

It would appear that price and income programs have encouraged the shifting of production from marginal areas to the specialized areas. For example, Shepherd and Richards found that as a result of all influences corn acreage and production are in fact becoming somewhat more rather than less centralized in the heart of the Corn Belt.

Cochrane et al. found that potato programs were instrumental in accelerating movement toward more efficient production. The shift in production from marginal areas to more specialized areas would increase the efficiency of production and would force marginal areas out of production, thereby reducing their income until alternatives are developed. Mackie and Baum came to similar conclusions as far as the adoption of new technology is concerned:

"These farmers (the 'have-nots'—or low-income farmers) lack adequate capital, land resources, and possible education to take advantage of the latest technical knowledge and innovations. So adjustments made by successful farmers appear to be impossible to this group. Thus, the recent technological revolution in agriculture has not only by passed the 'have-not' farm people—it has left them relatively worse off."

Mr. RANDOLPH. Mr. President, for these reasons I shall continue my efforts to bring about solutions to the problem of our farm population within the Appalachian region. In this respect, if the proposed legislation becomes law—and I hope it will during this Congress—

I shall attempt in the next Congress to revive this provision of the act.

Mr. President, I will accept the amendment which is pending at the desk.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Montana [Mr. METCALF], for himself and other Senators, to the committee amendment.

The amendment to the amendment was agreed to.

Mr. RANDOLPH. Mr. President, I send to the desk a perfecting amendment to the committee amendment.

The ACTING PRESIDENT pro tempore. The amendment offered by the Senator from West Virginia will be stated.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment offered by Mr. RANDOLPH to the committee amendment is as follows:

On page 71, strike out line 9 and all that follows down through and including line 21 on page 71 and insert in lieu thereof the following:

Sec. 213. (a) Section 701(a) of the Housing Act of 1954 (40 U.S.C. 461(a)) is amended by striking the word 'and' at the end of paragraph (7), by substituting for the period at the end of paragraph (8) the phrase "; and", and by adding a new paragraph (9) to read as follows:

"(9) the Appalachian Regional Commission, established by the Appalachian Regional Development Act of 1964, for comprehensive planning for the Appalachian region as defined by section 403 of such Act."

"(b) Section 701(b) of the Housing Act of 1954 (40 U.S.C. 461(b)), is amended by adding before the period at the end of the first sentence the following: ', or to the Appalachian Regional Commission'."

Mr. RANDOLPH. Mr. President, I desire the RECORD to show that this is a perfecting amendment to bring section 213 into conformity with the recently enacted Housing Act of 1964.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment to the committee amendment.

The amendment to the amendment was agreed to.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. BREWSTER. Mr. President, on July 31, the Senate began consideration of the foreign aid authorization bill. After a few opening statements, this bill was laid aside each day for the consideration of other business, until August 7. Then, on August 12, an amendment was introduced which would set aside court-ordered reapportionment until January 1, 1966, or until a State legislature had "reasonable" opportunity to take action in regular session.

On August 13, formal debate began on this nongermane rider to the foreign aid

bill. Today is September 9. Hoped-for adjournment dates have come and gone. Labor Day has come and gone. Considerable legislation is still pending.

A cloture petition has now been filed and will be voted on tomorrow. If this petition fails, as I hope it will, we may look forward to an indeterminate and perhaps fruitless extension of the session. We may expect further delay in the passage of long overdue appropriations, and in the clearing of other legislation on the calendar.

Mr. President, at this time the Senate is faced with no less than four major issues, each of which is of sufficient merit to warrant the most careful consideration on its own terms.

First, the pending business of the Senate since July 31 has been the foreign aid authorization. This is legislation of the greatest import. The policies which are established and the funds allocated in the pending bill go far to shape American foreign policy and the American image abroad.

It is a source of great concern to me that this vital matter—with international significance—should become submerged in an important, but totally unrelated domestic problem. The possibility that foreign aid legislation upon which the most distinguished Members of the Senate have labored hard and long might have to be permanently shelved in order to break the deadlock over reapportionment is a prospect I do not like to contemplate.

This distressing situation is caused, of course, by the attachment of a "rider" to the foreign aid bill. The merits of a rider as a parliamentary tactic are, therefore, the second question with which the Senate is faced.

Certainly no one can be confused about the reasons for the "rider" tactic. The distinguished minority leader, in his several statements on this amendment, has made clear his reasons for adopting the "rider" technique.

This technique is being employed because the reapportionment issue considered as an independent measure, in accordance with the regular procedures in the Senate, would almost surely ultimately fail. Therefore the rider technique is utilized to circumvent the regular procedures of the Senate and the constitutional procedures required for constitutional amendments. It is a maneuver to ram this proposal through the Senate and onto the President's desk in the closing days of this marathon session.

In essence, this amendment amounts to an illegal attempt to amend the Constitution with a statute which has not been considered by the committees of either House, which will not require a two-thirds vote for passage, and which will not be submitted to the States for ratification.

The selection of the foreign aid bill as the vehicle for this rider is also the result of considerations of expediency, although an attempt was made to excuse it on the ground that part 4 of the Foreign Assistance Act Amendments is entitled "Amendments to Other Laws."

I should like to take this opportunity to compliment the distinguished chairman of the Senate Foreign Relations Committee, my colleague the junior Senator from Arkansas, for pointing out at the time this rider was introduced that part 4 of the Foreign Assistance Act Amendments was hardly meant to indicate that the sky was the limit; or that the committee had undertaken in the bill to reach out and go into the apportionment provisions of our Constitution, or that the committee believed that amendments not reasonably relevant to the foreign aid program were germane.

Mr. President, I believe the utilization of this parliamentary gimmick cannot be rationalized. I oppose the rider technique generally, and I abhor its employment in this instance to circumvent regular procedures, and thus threaten the life of major unrelated legislation of great importance to our national security.

The third question which faces the Senate is occasioned by the filing of a cloture petition. At the appointed hour tomorrow, the Senate will vote on whether or not to limit further debate on the reapportionment rider to 100 additional hours.

Mr. President, as I previously noted, formal debate on this rider commenced on August 13. With the exception of the recess, during which many of us enjoyed the hospitality extended to our great party by the fine people of Atlantic City, the Senate has been in session every day, including some Saturdays. While I would hesitate to total the number of hours during which this rider has already been debated, the fact is that the Senate has not kept the debate germane, but has consistently laid aside the rider in question in order to conduct other business.

The Senate of the United States is both the world's greatest deliberative body and also the body in which some of the world's greatest decisions are made. Our obvious responsibility is to give careful and conscientious consideration to every request and then to vote it up or down. In this particular case, we refuse to face reality and act on issues with precision and force when we snarl up all important legislation involving U.S. foreign policy by the present disagreement on the Dirksen amendment. An obvious course of action suggests itself—namely, the withdrawal of the Dirksen amendment at this time and the separate consideration of it on its own individual merits.

Because of the parliamentary tactics now employed by the proponents of this amendment and also because my own very strong opposition to it, I will not at this time vote in favor or cloture. I sincerely hope that the cloture motion fails tomorrow and that then a motion to table the Dirksen amendment will prevail. I repeat, all the maneuvering that has gone on and will go on in the Senate will be unnecessary if the Dirksen amendment is considered on its own merits. If there were such a separate proposal, I would have no hesitancy about voting for cloture after full debate

as I have heretofore voted for cloture in the recent civil rights debate.

Mr. President, the final question which faces us now is that involving the merits of the proposal that existent court-ordered reapportionment be set aside by legislative statute until January 1, 1966, or until a State legislature has had a "reasonable" opportunity to take action on reapportionment in regular session. Proponents of the reapportionment rider offer several general arguments in favor of its adoption by this body. One of the first reasons seems to me to be one of the least valid—a theory which strikes at the heart of our judicial system, of the separation of powers—a theory which contravenes the entire history of jurisprudence. This argument reasons that the dissenting opinion of Mr. Justice Harlan in the Reynolds case should prevail.

I hardly need point out that under the Constitution, the judicial power of the United States is vested in one Supreme Court. This Court is generally understood to be the arbiter of the Federal system and the last appeal on questions of law, equity, and constitutionality. I think I can confidently say that few would challenge the necessity or importance of such a body to the proper functioning of democracy.

In accordance with democratic traditions and the practices of the court, the decisions of the Supreme Court are made by majority vote, and the decision and accompanying opinion represent the final judgment on the case in question.

A second argument presented in support of the rider is that it is only intended to delay the effectiveness of the Court's decision, and not to overturn it. Mr. President, I suggest that this argument is a sham. My distinguished colleague, the senior Senator from Illinois, has made this abundantly clear at an earlier time in this debate. I quote:

During the period of the freeze, a constitutional amendment, if passed by the House and Senate by a two-thirds vote, would be submitted to the legislatures of the various States for ratification. The terms of the amendment would then permanently freeze the legislatures of the various States in their present unrepresentative character. Therefore, the objective of the Dirksen amendment is to assure that the grossly unrepresentative legislatures would pass upon the constitutional amendment which would prevent the Supreme Court from ever changing the situation, or ever producing a reapportionment more in accordance with population.

Mr. President, I need only point out that it would, in fact, remove the Supreme Court from any jurisdiction over the apportionment of State legislatures or, in other words, it would deprive the Court of any power to protect the rights of the citizens of the United States to equal representation. I shall have more to say on this later.

Another argument made by the proponents of the rider is the argument that a democratic legislature must not only represent the people as its constituents, but also the geographic areas within its jurisdiction. I reject this argument because I believe that legislators are elected to represent people, not trees, not acres, not farms, not cities. A study of

the great documents of our democracy bears this out. No phrase expresses it more clearly than Lincoln's "Government of the people, by the people, for the people."

In attempting to support the demand for geographic representation, supporters of the reapportionment rider lean heavily on the Federal analogy. They point out that each of the men elected to this body are elected equally from the States, regardless of population, and are intended to represent the interests of the State as well as those of its people. Mr. President, this analogy is erroneous.

Any student of American history or of constitutional law knows full well that the system of representation in the Federal Congress resulted from the binding together of a group of separate and independent States. They know, too, that the counties, cities, and towns within these States are the political subdivisions of the States, and never were, nor have been, considered sovereign entities. They are rather the creatures of the States, or the instrumentalities of the States for carrying out their governmental functions.

Let me cite one additional argument which is offered by the proponents of this rider. It is said that the rider offered by the distinguished Senator from Illinois has the unqualified support of the great majority of State legislators across the nation. I say—naturally. No matter how we might wish otherwise, it is a fact that any reapportionment of a legislature almost inevitably means the loss of seats by certain of its members. This is a fact of life which we cannot ignore.

Is it surprising that State legislators are generally opposed to reapportionment, and are the more violently opposed if the plans put forward threaten the seat they hold?

I submit that this argument is not reasonable grounds for questioning the constitutional right of American citizens to equality before the law, and equal representation in the legislatures of this land.

Mr. President, if these are some of the arguments raised in support of the amendment, and if they are, as I have tried to show, arguments without substance, then it is now time to consider the persuasive arguments against the adoption of this amendment.

Fundamental to the American system is our Constitution. The Supreme Court of the United States is a creature of this great document. This Court has been under increasingly intense attack in recent months. I submit that the proposed rider to the foreign aid bill represents a frontal attack on the jurisdiction of this Court, and on the rights of all Americans which it is designed to protect.

In attempting to set aside, even temporarily, the decisions of this Court, the proposed rider strikes at the separation of powers basic to our constitutional system at the same time that it strikes at the integrity and respect of the Court itself. This proposal would make the Court a creature of the Congress and its

decisions subject to congressional review.

I cannot in good conscience and under my oath to protect and defend the Constitution of the United States accept such a proposal.

Not only does the rider strike a mortal blow at the constitutional separation of powers fundamental to our democracy, but it proposes that the Supreme Court shall not be permitted to protect what must be considered among the most basic rights of American citizenship—the right to equal representation.

No events in American history are better known by every citizen than the events surrounding the American Revolution. The birth of this great democracy was occasioned more by the failure of its people to enjoy equal representation than any other single factor. No slogan is better known than the slogan, "no taxation without representation."

The progress of democracy, from monarchies to the present day, has been based on overcoming the distinctions and the privileges between citizens. And this is a battle we are continuing to fight. Up to 1919, when the country voted on the question of women's suffrage, franchise was given only to males. We have been gradually and slowly overcoming the dilution of democracy which has prevented people from being properly represented.

Mr. President, I submit that the whole history of democracy can be traced in terms of the history of representation. Malapportionment is misrepresentation in its most insidious form. It deprives the citizens of a democracy of that rule which must be considered basic to democracy—one man, one vote. No other arrangement can be justified philosophically, constitutionally, or practically. This is the essence of democracy. Thomas Jefferson saw it that way when he protested the malapportionment of Virginia where constituencies varied as much as 20 to 1. I protest it today when the ratio in some States is as great as 1,000 to 1.

In my own State of Maryland, the smallest subdivision represented in the Maryland House of Delegates has 6,541 persons per member; the largest county has 82,071 persons per member. This imbalance means that it takes 12½ times as many votes to elect a person from the largest county as it does to elect one from the smallest. It also means that 1 Senator from 1 county on the Eastern Shore of Maryland with a population of 15,000 has the same voice in the Maryland Senate as a senator from Baltimore County with a population of 492,000. It also means that the nine counties of the Eastern Shore of Maryland have nine times the representation of Baltimore County, with a little less than half the population. The combined counties of Baltimore, Montgomery, and Prince Georges have a total population of 1,250,000 persons, yet they have only 3 senators compared to the 9 senators from that area of the State with one-sixth the population.

Mr. President, I cannot overemphasize the corruption to democracy, to the separation of power, and to our system of

jurisprudence than that embodied in the rider now being debated.

Mr. President, what the Senate is being asked to do is to turn back the progress of representative government through the adoption of a proposal which has never received committee consideration, which takes the form of a rider, which comes in the rush toward adjournment, which is extremely difficult for the Congress or the President to deal with on its merits, and which, most important of all, amounts to the Congress suspending completely for a highly indefinite time an interpretation of the highest judicial tribunal in the land.

Mr. President, I am unalterably opposed to the rider for the reasons advanced above. I shall vote against it and shall hope that a sufficient number of my colleagues will do likewise in the interest of the preservation of representative democracy in this land. I certainly will not support the cloture motion which attempts to end our fight.

FOREIGN POLICY AND THE REPUBLICANS

Mr. CURTIS. Mr. President, I ask unanimous consent to have printed in the RECORD at this point an editorial entitled "It Wasn't the Republicans" published in the Duluth Publicity of August 21, 1964.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

IT WASN'T THE REPUBLICANS

People who listen to rash remarks about Senator GOLDWATER being "trigger happy" and that his victory at the polls in November would turn the world into chaos, should ponder the following truths:

It wasn't the Republicans who recognized the Soviet in 1933 and gave it acceptance into our country and world society as if it were a respectable and dependable member thereof.

It wasn't the Republicans who, at Tehran, against the urgent advice of Mr. Churchill, agreed to give the Russians a free hand in the Balkans.

It wasn't the Republicans who secretly divided Poland and gave half of it to the Soviet Union.

It wasn't the Republicans who agreed to the Communist takeover of a hundred million people in Eastern Europe who are not Russian.

It wasn't a Republican administration which at Potsdam gave the Soviet Union East Germany and left West Berlin cut off from the rest of the free world.

It wasn't the Republican administration that publicly promised that Manchuria would go back to its rightful owners, the Chinese, and then secretly at Yalta gave control of Manchuria to the Russians.

It wasn't a Republican administration that divided Korea and gave control of North Korea to the Communists.

It wasn't a Republican administration that gave the Soviet Union the Kurile Islands which had never been anybody's except Japan's thereby endangering both Japan's and our own security in the north Pacific.

It wasn't under the Republicans that 600 million people disappeared behind the Iron Curtain in the first 5 years after World War II.

It wasn't the Republicans that perpetrated the Bay of Pigs disgrace, making it possible for Khrushchev to establish a base in Cuba, only 90 miles from our shores.

No. These are some of the works of the Democratic Party which is asking to be continued in office—to do what next?

THE BOBBY BAKER INVESTIGATION

Mr. CURTIS. Mr. President, I wish to speak on a phase of the Bobby Baker investigation. Because of the revelations made by the distinguished Senator from Delaware [Mr. WILLIAMS] concerning facts that may present evidence of a very serious irregularity involving Mr. Matthew McCloskey, this matter has again come before the Senate. The facts referred to by the Senator from Delaware involve the allegation of overpayment by Mr. McCloskey of a sum of money allegedly for the purpose of a performance bond but with the excess being channeled into the 1960 political campaign of Mr. Kennedy and Mr. Johnson.

Because of these revelations, it appears that the Senate will direct renewed efforts in the Bobby Baker investigation.

The choice before the Senate will very likely be a choice between a proposal by the distinguished majority leader [Mr. MANSFIELD], that the Rules Committee again proceed to investigate, and a proposal by the distinguished Senator from Delaware [Mr. WILLIAMS] that the investigation be assigned to the Committee on Government Operations headed by the distinguished Senator from Arkansas [Mr. McCLELLAN]. If it develops that the Senate has such a choice, I sincerely hope that it will assign the task to the Committee on Government Operations under Senator McCLELLAN. That committee has a subcommittee entitled the Permanent Investigating Subcommittee. It has an experienced and continuing staff which can proceed to do the job.

On the other hand, it was necessary for the Committee on Rules and Administration to assemble a staff, at least to a large extent, when they were working on the unfinished investigation. Substantially all of that staff have been released, and they have gone back to the work in which they were previously engaged.

From the standpoint of economy, time, and money, the investigation ought to be carried on by the McClellan committee.

There are other reasons why the Committee on Rules and Administration should not be directed to take up the investigation.

I believe I can speak with considerable objectivity in this regard. I serve on both committees. With me it is neither a matter of seeking an opportunity to participate in an investigation nor running away from an investigation.

My reason for not having the Rules Committee conduct the investigation is that that committee had an opportunity to do so, and the majority refused to do it. They refused to call a single witness requested by the Republican minority, even though the rules of the committee provide that any member has the right to have a witness called if his testimony is relevant.

In this connection, I ask unanimous consent to have printed at this point in the RECORD, a letter dated March 9, 1964,

directed to Hon. B. EVERETT JORDAN, chairman, Senate Rules and Administration Committee, and signed by the Senator from Kentucky [Mr. COOPER], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from Nebraska [Mr. CURTIS].

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, D.C., March 9, 1964.

Hon. B. EVERETT JORDAN,
Chairman, Senate Rules and Administration Committee, Senate Office Building,
Washington, D.C.

DEAR MR. CHAIRMAN: The purpose of this letter is to convey our request that the individuals listed herein be called as witnesses in the current Baker investigation. We do not discount the value of staff interviews, but we feel that testimony under oath before the committee is more beneficial.

May we also stress the point that making this request for an individual to be called as a witness does not imply wrongdoing, but he is called for the purpose of providing information for the committee.

Our hearings should include all Senate employees and past employees who were associated with Mr. Baker in his duties during the period covered by the investigation; therefore, our request for witnesses is as follows: Mrs. Margaret Broome, Mr. Rein J. Vander Zee, Mr. Jessop McDonnell.

The three pages who performed any duties in connection with Mr. Baker's business transactions.

We also request as witnesses the following people who have had business transactions with Mr. Baker or who were officers or partners in one or more of Mr. Baker's enterprises: Mr. Matthew McCloskey, Mr. Max Kampelman, Mr. Paul Aguirre, Mr. Warren Neil, Messrs. Jack Anderson and James H. Carmichael, of Riddle Airlines (newspaper clipping attached), Mr. Charles Baker, Mr. Nick Popich.

Because a portion of the testimony of Don Reynolds was contradicted elsewhere and because Robert Baker refused to clear up the matter, we, therefore, request the committee to call as witnesses the following: Mr. Walter Jenkins and Mr. George Sampson.

Mr. Chairman, we are aware that plans may already be underway to call some of the foregoing witnesses, but we felt it essential that we provide you with our request and with an expression of our feelings that these individuals should be called as witnesses in order for the committee to properly carry out the directions of the Senate. We will be submitting a further request later.

With kindest personal regards, we are,

Sincerely yours,

CARL T. CURTIS,

JOHN SHERMAN COOPER,

HUGH SCOTT.

Mr. CURTIS. Mr. President, that was on March 9. On March 13, this matter was brought up orally in the committee. Actually, it was discussed many times, but I refer to the hearings of March 13, 1964, page 2079. I quote from a statement by the distinguished Senator from Kentucky [Mr. COOPER]:

Now, I want to speak about Mr. McCloskey—Matthew McCloskey. My judgment about the importance of his testimony would be this: Mr. Reynolds testified and made certain statements that as a result of Reynolds being awarded the business of writing a performance bond for Mr. McCloskey in connection with the construction of the stadium, that he was later asked by Mr. Baker to make a payment to him, which he said he did—although, as he said, he

agreed to conceal its nature by making it appear that he had loaned Mr. Baker \$4,000 rather than given it to him.

The Senator from Pennsylvania [Mr. CLARK] asked the Senator from Kentucky:

Will the Senator yield?

Senator COOPER replied:

Can I just finish a minute, and I will. This whole thing goes into the credibility, also, of Reynolds. I think it would be important to learn from Mr. McCloskey, if it is possible, at least have an answer from him, whether or not he had any knowledge of any arrangement between Baker and Reynolds which looked forward to the payment of \$4,000 to Baker, if payment was actually made. He, by reason of being in Mr. Baker's office, and being, as Reynolds said, there with Reynolds and with Baker—I think that his testimony is of value.

Senator CLARK. Will you yield at that point?

Senator COOPER. Yes, indeed.

Senator CLARK. Mr. Chairman, I can see no useful purpose in requesting the testimony of Mr. McCloskey.

Mr. President, how can any sense be made out of sending this issue back to the Committee on Rules and Administration? The membership of that committee has not changed. Its membership now is the same as it was on March 9, when, in writing, the minority members were asking that Mr. McCloskey be called. The committee has the same majority members now as it had on March 13, when the Senator from Kentucky [Mr. COOPER] pressed for Mr. McCloskey's testimony.

I also invite attention to the hearings on March 23, which was some time after the request that Matthew McCloskey and other persons be called as witnesses.

At this time we were going over a list of witnesses, explaining why we wanted them. The hearings as of that date, at pages 2130 and 2131, show the discussion as to why Mr. McCloskey should be called.

The Senator from Pennsylvania [Mr. CLARK] appeared on the scene then and said:

I think it is really looking for needles in a haystack to seriously suggest, in view of the very candid statement which Mr. McCloskey has made, that he should be called to testify before this committee.

That may be a needle in a haystack to the Senator from Pennsylvania; but to the Senator from Delaware [Mr. WILLIAMS] and to other taxpayers it involves a matter of about \$25,000.

The question was discussed all the way back to page 2136. Finally, the roll was called.

The committee had a rule that any Member who desired to call a witness, if his testimony were relevant to our investigation—and this certainly was—he could be called. But the chairman said:

Well, I am going to be forced to rule that it is not pertinent to what we are doing.

So we passed on to the next item, and then we called the roll on this one. The roll was called, and by a vote of 6 to 3, the Chair was sustained. Mr. McCloskey was not called. Those same six votes are still on the Committee on Rules and Administration. Those six Senators have

made no public statement of any change in attitude. Their staff has been disbanded.

Mr. President, there is something more. On two occasions the Senate cast votes of no confidence in the Rules Committee, because of the committee's failure to investigate into the Bobby Baker case. On July 24, by a yea-and-nay vote of 50 to 33, the Senate rejected the proposal of the Committee on Rules and Administration that that committee should have continuing power to investigate. Mr. President, can you imagine the Senate, on July 24, by a vote of 50 to 33, refusing the request of the Committee on Rules and Administration that it be allowed continuing authority to investigate wrongdoing in our own establishment, but, for some reason or other, assigning them the duty now? That was one time when the Senate cast a vote of no confidence in the Committee on Rules and Administration. The handling of this investigation by that committee was so flagrant that to this very hour every proposal brought in by a majority of that committee has been slapped down by the Senate. It is a matter of record.

On July 27, the majority members of the Committee on Rules and Administration brought in a proposal called A Public Disclosure by Members and Employees. It was not a good proposal; it was filled with loopholes and all manner of defects. The Senate, by a yea-and-nay vote, again slapped down the majority of the Committee on Rules and Administration, this time by a vote of 48 to 39.

How ridiculous can we be? This is a committee that asks to continue to investigate. The Senate says, "No." The committee comes forth with one other proposed solution of corruption, and the Senate says, "No." Both times, by yea-and-nay votes, the Senate voted against the committee rather emphatically. The committee staff has been disbanded. Is there any hope or expectation that there is any plan for a thorough investigation?

Mr. President, every investigator knows, whether he is a police officer in the smallest municipality or the chief of detectives of our largest and most efficient police force, that the way to investigate is to get all the facts, to pursue every avenue, and get every fact possible. We owe that to everyone to protect the innocent. It is necessary to ascertain guilt. If it is the intention to open up this investigation and have anything less than a complete and thorough investigation, I wish no part of it. We have already wasted too much time in such an endeavor. If it is to be a limited investigation, narrowed down to a small scope, in a little area, and does not bring in all the facts and all the witnesses, it will be a waste of time.

Whatever the Senate does tomorrow, I shall abide by it. I invite attention, however, to what was stated, in part, in the official report by the minority, on page 86:

The minority pressed for the calling of Mr. Matthew McCloskey, to furnish sworn testimony for the committee. Mr. McCloskey was the longtime treasurer of the Demo-

cratic Party and had served as Ambassador to Ireland. He was the bulider of the District of Columbia Stadium, as well as many other expensive Government buildings. Mr. McCloskey's testimony was vitally needed. He should have been asked to give his version of his meeting in Baker's Capitol office attended by, among others, Baker, Don B. Reynolds, Silver Spring, Md., insurance man, and William McLeod, who at that time was clerk of the House District of Columbia Committee. McCloskey should have been asked why the performance bond on the construction of the stadium was handled by Don Reynolds when the firm which actually acted as agent was the same firm with which his son-in-law was associated. McCloskey should have been asked what he knew about Reynolds' kickback to Baker of \$4,000. He should have been asked what conversation was had, if any, in his presence concerning all kickbacks. McCloskey should have been asked what he knew about Reynolds' payment of \$1,500 to McLeod, whose committee handled the legislation for the District of Columbia Stadium. McCloskey should have been asked what dealings, if any, he had had with Baker or any other Senate employee or any Senator or former Senator in connection with any other Government construction contracts.

Mr. President, on page 88 of the same report, it states in part:

The request of the minority members for the testimony of McCloskey, which, under rule 19 (app. 1) should have been honored, was resisted and ultimately denied by the majority. The formal motion made by the minority to call McCloskey as a witness was voted down.

Mr. President, that proposal was voted down by 6 to 3.

We can rest assured that if we had to call Mr. McCloskey and had him on the stand, I would have asked him about every payment he made to the Reynolds Insurance Agency all through this period. It would either have brought to light the transactions brought out by the distinguished Senator from Delaware [Mr. WILLIAMS], or it would have amounted to dangerous concealment.

The hearings of February 17, 1964, when Mr. McLeod was on the witness stand, recite in part as follows:

Senator CANNON. You said that you were in the room when the bids were opened for the stadium.

Who was present at that time?

Mr. McLEOD. Well, the law required certain people to be there. It required that the members of the Armory Board be there, and they were there. Floyd Akers was Chairman of the Board. Robert E. McLaughlin—

Incidentally, that name appeared in print today. We shall have more to say about that tomorrow.

Continuing to quote:

one of the Commissioners, was a member of the Board, and General Abendroth. He is the head of the National Guard. Then there were members—Tom McCloskey was there, who is Mr. McCloskey's nephew or son.

Mr. President, we know that if we are going to investigate this case, the only way we can get all the answers is by asking all the questions. The only way we can protect the innocent is to get all the facts. The only way we can clear up suspicion is to get all the facts. The only way we can make sure that people are guilty of the allegations made against

them is to get all the facts from all the witnesses.

If that is to be done, it should be undertaken by the Government Operations Committee. Certainly, it should not be handed down to a committee with respect to which the Senate, on a ye-and-nay vote on July 24, refused by a vote of 50 to 33 to grant authority to continue the investigation.

Mr. President, I yield the floor.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961—CLOTURE MOTION

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. HART. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call may be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. HART. Mr. President, in view of our heritage, it is not surprising that many of our democratic ideas and ideals, many of our institutions and with rare exception even our basic system of law represents in considerable part an adaptation of the ideas, ideals, the institutions and laws of England. Yet, in the late 18th century, our country had reason to believe that it should break the ties that bound it to England.

Many factors entered into that decision. This is not the occasion to discuss or elaborate on the multitude of such factors. Poor government, unrepresentative government was certainly one factor. We know that America in colonial days took fire from the slogan that: "Taxation without representation is tyranny." We know that while the seeds of democratic government had been planted in England, they were still in the embryonic stage; that England was controlled by the few. It had, as you will recall, a Parliament which was unrepresentative; property qualifications still determined the vote in many areas, and the failure to redistribute seats in accordance with the movement of population resulted in the development of "rotten boroughs," boroughs which had lost most of their population but retained most of their original representation, and "pocket boroughs," which were under the control of landed proprietors who frequently sold the right to represent the borough in Parliament.

In the Scottish constituency of Bute, only 1 of the 14,000 inhabitants had the right to vote—he was, I am told, elected to Parliament unanimously. We have heard of the constituency of Old Sarum, which had no residents at all, and Dunwich which had sunk beneath the sea, but each of which was still represented in Parliament.

No complete or wholly accurate anal-

ogy can be drawn between the England of the 18th century and the State governments in our country today, but let us recall clearly that our Founding Fathers objected to the lack of representation accorded them; the lack of any adequate voice in the Parliament which in large part determined their fate; and that they rebelled against what they considered tyranny.

The English sought to abolish the "rotten borough" and the "pocket borough" in the Great Reform Act of 1832 which established for them the principle that representation must approximate population—and today redistricting there and in many other countries with a tradition of representative government is accomplished regularly and on a nonpartisan basis. But redistricting in this country is still a vexing problem.

Our forefathers were acutely conscious of the pernicious character of the "rotten borough" system and, by and large, tried to avoid it. The original constitutions of some 36 States provided that representation in both houses of the State legislature would be based completely, or predominantly, on population. The system of representation in the Federal Congress—which reflected the great compromise—was not to be the pattern or model for apportionment of seats in State legislatures. This is made clear by the fact that the Northwest Ordinance of 1787—adopted in the same year as the Federal Constitution—provided for the apportionment of seats in territorial legislatures solely on the basis of population.

"Rotten borough" politics during the past two decades however, has been both the hallmark and disgrace of many of our State Governments. The root of the problem, as we all know, has been the great population shift. In the last three-quarters of a century this country has changed from one that was two-thirds rural to one that is two-thirds urban and suburban. But while apportionment controversies are often viewed as urban-rural conflicts, this is not necessarily true. It is the fast-growing suburban areas which are probably the most seriously underrepresented in many of our State legislatures. We should recognize that, while the current thrust of malapportionment may result in underrepresentation of urban and suburban areas, in earlier times cities were, in fact, overrepresented in a number of States. Malapportionment or the "rotten borough" system can and historically has gone in a variety of directions. The point is that whatever its direction, it is wrong.

The problem we face today is the population shift which has not been reflected in the legislatures that govern most of the States. In some instances State constitutional provisions froze apportionments; in others there was simply a refusal to redistrict. As a consequence, the legislatures in too many States have become less and less representative of the people. By the 1960's the situation was so bad that in one State—Florida—that less than 15 percent of the people chose a majority of the members of both houses

of the State legislature and, although this is a particularly bad example, it is but one of many that could be cited. In any number of States one-third or less of the voters effectively control the legislature.

The statistics of malapportionment are well known and need not be repeated here. They are in the *RECORD*. What is not so well known—what is often ignored or studiously avoided—are some of the effects on State government. Mass migration has developed metropolitan complexes with profound social and economic problems. The mayors of some of our principal cities have pointed out again and again that underrepresentation in the State legislatures has worked a hardship on their communities both in terms of State taxes and State expenditures. It would appear that we have come full circle and again have taxation without adequate representation and—though muted in the Federal-State context—that is still tyranny.

Domination of State legislatures by the few has prevented a sympathetic understanding at the State level of the problems of the urban and suburban citizens and their communities. On their own initiative the legislatures have been unable or unwilling to make serious attempts to solve these problems. Their magnitude has increased to such an extent—Luther Gulick as quoted in the *New Republic*, April 23, 1962—that one student of metropolitan affairs has predicted that “these amorphous urban complexes will soon be unfit for human occupancy.” And now we find these communities in self-defense against the State’s indifference and, in recognition of their limited means, necessarily and with increasing frequency are bypassing the State governments and appealing directly to Washington for aid. Although this may be necessary in some cases, the multiplication of Nation-local relations tends to weaken the State’s proper control of its own policies and its authority over its own political subdivisions.

The Commission on Intergovernmental Relations has observed that:

The more the role of the States in our system is emphasized, the more important it is that the State legislatures be reasonably representative of all the people.

It is somewhat ironic—but it seems to me to be true—that those who are most often critical of the drift of power and “decisionmaking” to Washington are the very ones who would frustrate the effectiveness of State governments.

Regardless of how desirable, how necessary, and pressing apportionment “reasonably representative of the people” had become, the unfortunate truth is that the problem was for all practical purposes insoluble without substantial intervention by the Federal judiciary. Many State legislators had such a fixed interest in the status quo that they were unwilling to apportion to achieve the end of representative government.

The fight for fair representation in State legislatures—the fight to end the “rotten borough” system—reached a turning point in March of 1962, when the Supreme Court handed down its decision in *Baker v. Carr* (369 U.S. 186).

The Court there held that a claim asserted under the equal protection clause—challenging the constitutionality of a State’s apportionment on the ground that the right of certain citizens to vote—was effectively impaired since in fact it was debased and diluted—presented a justiciable controversy subject to adjudication by the Federal courts.

While *Baker against Carr* represented a new step, it would seem that it was an inevitable step—to cope with a serious problem of long standing.

That the Constitution protects the right of all qualified citizens to vote at State as well as Federal elections, is hardly a startling proposition. A long and consistent line of decisions by the Court in cases involving attempts to deny or restrict the right of suffrage had made this indelibly clear. It had been repeatedly recognized that all qualified voters have a constitutionally protected right to vote—*Ex Parte Yarborough*, 110 U.S. 651. Fifty years ago the Court in *United States v. Mosely*, 238 U.S. 383, said:

It is as equally unquestionable that the right to have one’s vote counted is as open to protection * * * as the right to put one’s ballot in a box (286 U.S. at 386).

And many years before *Baker against Carr*, the Court had held that the right to vote could not be denied outright—*Guinn v. United States*, 238 U.S. 347, *Lane v. Wilson*, 307 U.S. 268—that it could not be destroyed by alteration of ballots nor diluted by ballot box stuffing—*United States v. Classic*, 313 U.S. 299, 315; *Ex Parte Siebold*, 100 U.S. 371; *United States v. Saylor*, 322 U.S. 385. The Court in *United States against Classic* said:

Obviously, included within the right to choose, secured by the Constitution, is the right of qualified voters within a State to cast their ballots and have them counted (313 U.S. at 315).

Racially based gerrymandering and the conducting of white primaries, both of which result in denying to some citizens their right to vote, had already been held constitutionally unpermissible—*Gomillion v. Lightfoot*, 364 U.S. 339; *Nixon v. Herndon*, 273 U.S. 536; *Nixon v. Condon*, 286 U.S. 73; *Smith v. Allright*, 321 U.S. 649; *Terry v. Adams*, 345 U.S. 461.

The right to vote freely for the candidate of one’s choice is the very essence of a democratic society and any restrictions on that right strike at the core of representative government. It is equally obvious that the right of suffrage can be denied by a debasement, dilution, or depreciation of the weight of a particular citizen’s vote just as effectively as by wholly prohibiting the free exercise of the franchise.

While *Baker against Carr* was concerned only with the situation in the single State of Tennessee, it served to focus attention on the problem of apportionment. Certainly, we were all aware that it was not confined to the State of Tennessee. Many of us knew of its existence in our own States. But except for students of political science, few realized the full extent of the problem. Its real magnitude was demonstrated by the fact that within 9 months of the decision litigation challenging the

constitutionality of State legislative apportionment schemes had been instituted in at least 34 States.

In *Baker against Carr*, the Court with commendable restraint did not venture beyond the needs of the case before it. It did not state any views as to the proper constitutional standards for evaluating the validity of a State legislative apportionment scheme, or give consideration to the question of an appropriate remedy. It remanded the case with the observation that the district court would be able to fashion relief if violations of constitutional rights were found.

In the several opinions entered in the case, reference was made to “invidious discrimination” and to the need for at least a minimum standard of rationality, but the Court laid down no substantive standard. It appeared inevitable, however, that at some point a substantive standard of equal protection would have to be stated, for otherwise many malapportionment problems would be unaffected and indeed might be aggravated.

As one student—Professor Bickel—observed, a minimum rationality standard would in all probability ultimately lead the Court to uphold many apportionments containing gross population disparities. To declare these apportionments consistent with constitutional principles would be a mistake. It would endow with the Court’s prestige and moral authority many malapportionments. In other words, it would entail approval by the Court of a principle that permits gross deviations from the population principle if they reflected some rational policy. The effect of such legitimization would be to generate consent for, or approval of, many existing expedient arrangements which, although not unconstitutional under a minimum rationality test, are nevertheless greatly responsible for the problems of urban decay. Some argued that the Court should not declare such apportionments constitutional but should stay its hand and allow them to continue. This is strange reasoning and the Court had a duty which it did not shirk.

As the Chief Justice pointed out in his decision in *Reynolds against Sims*:

We are told that the matter of apportionment representation in a State legislature is a complex and many-faceted one. We are advised that States can rationally consider factors other than population in apportioning legislative representation. We are admonished not to restrict the power of the States to impose differing views as to political philosophy on their citizens. We are cautioned about the dangers of entering into political thickets and mathematical quagmires. Our answer is this: A denial of constitutionally protected rights demands judicial protection; our oath and our office require no less of us.

Squarely facing the problem, therefore, in *Reynolds against Sims* and the companion cases decided in June of this year, the Court enunciated the basic principle of “one man, one vote” and held that the legislatures of our States must be apportioned according to population. The Court could do nothing less, for there is no justification in our democratic heritage in logic, or the

practical requirements of government for choosing any other course. In its rulings the Court merely upheld the fundamental principle of our democracy. The Court did not, however, bog down in any mathematical quagmire. Basically and fundamentally, it provided a set of principles upon which any proper system of legislative apportionment must be constructed. It did not proclaim mathematical nicety or mathematical exactness. It did not proclaim reapportionment on a day-to-day, or year-to-year basis. It suggested great latitude in the carrying out of the fundamental principle that one man's vote was entitled to the same weight as another's.

The purpose of legislative representation in a democratic system of government is just that—to represent. The legislature acts on behalf of the voters. The proper goal of a system of apportionment must be, therefore, to provide effective representation for the body politic. The very history of democratic institutions points compellingly in the direction of population as the only legitimate basis of representation.

The first parliamentary institutions reflected their feudal origins. Social, economic, and political power were in the hands of the few. Government as such had only a marginal effect on the lives of most of the people and in those circumstances it was natural that parliaments should represent not people but great estates, wealth or possibly great geographic strongholds. When feudal concepts of privilege and position began to disappear, political responsibility spread to the whole of the population and that responsibility under our accepted democratic theory falls today on every citizen.

In an increasingly complex and industrialized society, government becomes vastly more important to the individual and impinges more heavily on his life. It is no longer tolerable for a House of Lords to exercise real legislative power over a people with no voice in it. It is equally apparent that as transportation and communications are revolutionized, the logic of separate representation for geographical strongholds disappears. In this year of 1964, there is no basis for representation in State legislatures other than population.

Proposals have been made for area representation but when a thinly settled area is given as many representatives as one more populous, it simply means that the people in the thinly settled areas have more representation. As the Chief Justice observed in *Reynolds* against *Sims*:

Legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests.

As long as ours is a representative form of government and our legislators are those instruments of government elected by and directly representative of the people, the right to elect legislators in a free and unencumbered fashion is the bedrock of our political system.

The Chief Justice also observed that it would appear extraordinary and shocking to suggest that a State could con-

stitutionally be permitted to enact a law to provide that certain of the citizens could vote 2, 5, or 10 times for their legislative representatives while voters living elsewhere and simply because of the accident of geography could vote only once. Yet it is true that State legislative districting schemes which provide the same number of representatives to unequal numbers of constituents produce this very effect.

Any candid statement of a nonpopulation theory of representation must rest on one of two possible propositions: Either it rests on the premise that the residents of thinly populated areas are more virtuous than other Americans and accordingly deserve more representation; or, on the premise that the residents of the sparsely populated areas have special needs which only can be met by giving them greater representation than that afforded others.

I doubt that any Member of this body seriously would advance the proposition that certain of their constituents, identified only by means of geography, are so much more honest and intelligent than other constituents that each should have 2 or 3 or 10 votes. Such a proposition is manifestly untenable.

The second possible premise, that is, that certain classes of citizens have special problems that justify giving them more proportionate power in the legislature, likewise do not stand up. This contention has indeed been advanced on behalf of some of the more sparsely populated areas which are now so generally overrepresented in State legislature. We are told that the people in these areas represent a minority; that they do have special needs and that these needs would be neglected in a legislature faithfully representing the State's population as a whole. However, it is equally obvious that the problems of cities and suburbs and their need for effective government have been as great as those of rural areas in recent times. No one, however, has been heard to argue that these urban and suburban areas should, therefore, be given disproportionate weight in the legislature.

In our system habitually we protect minority groups by means other than giving them majority control of legislatures. The claim that legislative control is needed by the minority can lead to some surprising and absurd results. In one State, for example, represented with distinction by the present occupant of the chair [Mr. BREWSTER] the rural counties which contain less than 15 percent of the State's population can elect a majority of the members of the State senate. On the other hand, Negroes are a slightly larger minority in this very same State, making up almost 17 percent of the State's population. If we were to pursue the logic of the proposition—of a minority with special needs argument—to its ultimate absurdity, it should follow that Negroes are entitled to elect a majority in one house of that State's legislature. But legislative control is not our method of protecting minority rights and logic decrees that it cannot be.

As a result of the decisions of the Supreme Court, which in substance and

effect would outlaw or curtail the "rotten borough" system that infects so many of our States, we find ourselves face to face with a countermove designed to destroy, deflect and ultimately defeat this basic democratic proposition. This is a countermove for more "rotten borough" politics—a countermove for more taxation without representation—a countermove for more tyranny—the tyranny of the few over the many.

An informed, an enlightened electorate would, I believe, reject these machinations out of hand. But to forestall considered, calm, objective appraisal of these maneuvers, we find ourselves confronted in the closing days of this session of Congress with a proposed amendment to the foreign aid bill. This is an important measure having nothing to do with State apportionment schemes—a measure that should be considered on its own merits and wholly apart from the problem of apportionment—but before consideration can be given to this bill, we are told we must concur in and be subservient to a continuation of "rotten borough" politics.

Of great concern to me and quite apart from the merits—or lack of merits—in the basic argument over apportionment is the attempt that is being made to subvert the position of the Supreme Court in our system of government.

None of us are unmindful of the fact that there has been introduced in the House a bill which provides in substance that the Supreme Court "shall not have the right to review the action of a Federal court or a State court" in any matter relating to the apportionment of a State legislature and that the Federal district courts shall not have jurisdiction to entertain a complaint on apportionment.

In this body the attempts at abortion take a somewhat different tack in that we find the proposal to continue "rotten borough" politics coming as an amendment of the foreign aid bill. This proposal, while not as drastic as that entertained by the House, would require the Federal courts, except in "highly unusual circumstances" to stay all reapportionment proceedings until January 1, 1966. Lest there be any doubt about the seriousness of this proposal, the implications inherent in it are as drastic and deadly as those in the more forthright proposal passed by the House. Both of these proposals in essence would accomplish their objective of continuing "rotten borough" political systems by withdrawing jurisdiction from the courts. It has been rightly observed that this device is one of the oldest tools of tyrants. If it were successful in this instance, it would mean the end of our constitutional system providing for judicial review and, therefore, in reality an end to our Constitution. We must fully appreciate that to adopt the course suggested would establish a precedent—it would make it irresistibly easy for an inflamed majority of Congress at any given time to remove one category of cases after another from the reach of the courts. We are all aware of the fact that public opinion often becomes

aroused against decisions of the Supreme Court for short periods of time.

We are equally well aware of how dangerous such an easy procedure of nullification would be. I seriously doubt, for my own part, that this body has the constitutional power to suspend enforcement of constitutional rights; yet the thrust of these proposals is in that very direction. It seems clear to me that we could not withdraw the constitutional right to counsel until after conviction, or circumscribe the right to free speech and assembly. The proposal placed before this body is advanced on the untenable proposition that the decisions of the Court have produced a chaotic condition. This is manifestly incorrect. Those decisions do require adjustments in State legislatures and obviously this is not a simple matter. But they do not require the impossible—they do recognize the need for a period of adjustment where that can be shown as a necessary concomitant. The postponement of constitutional rights has been recognized by the Court as a necessary accommodation for administrative necessity, which is to be geared to the needs of each specific case.

The proposition advanced in this Senate is a blanket suspension not related to the needs of the particular case. It is quite obvious that it has but one objective, and that is to bide time for the passage of a constitutional amendment—a constitutional amendment which would, it is hoped, be passed on by the very "rotten borough" system that it seeks to sustain.

We are told that these proposals are bottomed on article 3 of the Constitution which provides:

The Supreme Court shall have appellate jurisdiction * * * with such exceptions, and under such regulations as the Congress shall make.

The proponents claim that this provision authorizing the Congress to regulate the appellate jurisdiction of the Supreme Court is to be interpreted as overriding and in effect nullifying the whole of the judicial power which is outlined in article 3 read in its entirety. I suggest that the generality of this proviso relative to appellate jurisdiction is not wholly definitive and absolute; that it must be weighed in relation to other grants of power and to the purposes and provisions of the Constitution as a whole. This proviso, I believe, is subordinate to the basic affirmation, the basic grant of power found in the first sentence of both sections 1 and 2 of article 3, that:

The judicial power of the United States shall be vested in one supreme Court and in such inferior Courts as the Congress may from time to time ordain and establish; and this judicial power is to extend to all cases, in law and equity, arising under this Constitution.

Bearing in mind our tripartite system with its delegation of duties, rights, and responsibilities to the legislative, executive, and judicial bodies, we find that this "judicial power shall extend to all cases arising under this Constitution." This single sentence backed with the full force of our constitutional history, would indicate—in fact, I believe would compel—

the conclusion that Congress cannot remove by its fiat one particularly disfavored category of constitutional claims from the reach of the courts. A principal reason for having an independent Federal judiciary is to uphold the constitutional guarantees in all of those cases in which its construction is necessary to a decision of the case. If this is not true, then the Court exists merely at the sufferance of the Congress. The maneuver suggested now ignores the fundamental principles that are involved in the separation of powers outlined in our Constitution. If Congress can withdraw this constitutional right from the safeguard of the Court, why not every and all such rights?

No extended legal argument is either necessary or desirable, but I suggest that neither history, precedent, nor logic support the proposition that the exception clause can be used by the Congress to abrogate all judicial power to protect any one basic constitutional right. I am aware that the case of *ex parte McCardle* has been cited as supporting the position of the proponents. Nevertheless, I feel this case on analysis will not support this radical departure from constitutional history and tradition. The *McCardle* case has been interpreted by some as standing for the proposition that the Congress has unlimited power to withdraw jurisdiction from the Federal courts in all cases involving constitutional rights. In reality, the decision does no such thing. The case has been analyzed time and time again by students of constitutional government. It seems unnecessary for me at this point to reexamine the many analyses that have been made. The distinguished senior Senator from New York [Mr. JAVITS] ably contrasted the *McCardle* case with *U.S. v. Klein*, 13 Wall. 128, cited with approval as recently as 1962 in *Glidden v. Zdanok*, 370 U.S. 530. Those interested should read each of these decisions and then read the comments of Senator JAVITS at 19204–19206 of the RECORD.

I believe it is more important at this point to emphasize that the decision in the *McCardle* case was a very limited one and represents dubious authority for the maneuvering that is now proposed to this body. The opinion certainly minimally represents a departure from our constitutional heritage and it is not without significance that this case—an aftermath of the highly inflamed opinion prevalent in the Civil War period—has no counterpart. In other words there has never been a similar effort to curb the Supreme Court's jurisdiction over comparable constitutional rights between that time and today by the deceptively simple expedient of curbing its jurisdiction. If the Congress can accomplish this, it can amend the Constitution—it can do away with rights guaranteed by the Constitution—by the simple expedient of a statute denying the jurisdiction of the Supreme Court. This is a monstrous suggestion that I trust the people will ultimately reject out of hand. In my view we have not as yet achieved that omnipotence, that perspicacity, that judgment or total understanding so that the people will leave in our hands com-

pletely unchecked and unfettered their fundamental rights. The procedure suggested must of necessity be bottomed on a contrary premise.

It would seem to me apparent that the proposals now made are wrong in principle, that they are wrong as constitutional law, and that they are wrong as a procedure for considering changes in our constitutional law.

There is a method for changing our Constitution, and if the people of this country, after being fully advised in the premises, desire a change, that can be accomplished. But we are confronted now with a hasty, and I think, ill-conceived, maneuver to defeat, deflect, or destroy rights now guaranteed by our present Constitution. If these are to be changed, if we are not to have the right of representative government in our State legislatures, then this should be done in the orderly process of constitutional amendment, and not through the hasty and ill-considered action that characterizes the present proposals before the House and the Senate. And let us be certain the constitutional change is not presented to and made by the unconstitutionally organized legislatures, which is exactly why the proponents of the amendment seek to "buy time."

We know that there has been no opportunity for open discussion or proper expression of public opinion. While it will be argued that these proposals are necessary in order to maintain the status quo, this argument is without real merit for nothing can be done by the courts now that cannot be undone by constitutional amendment, if the people after being informed are of the opinion that State legislatures should be unrepresentative of the population. But again, do not put to the unrepresentative legislatures the question of whether they should be "made constitutional."

While I cannot at the present time appreciate the arguments for a continuation of the "rotten borough" system, I feel that basically it presents a question to be decided by the people—not a few people—not the ones who have an ax to grind—or a status or position to maintain—but all of the people. Putting that aside for the moment, however, I am much more concerned with the proposition now advanced that the Supreme Court's power to decide constitutional issues can be abrogated by a majority vote in the Congress; that our long-recognized method of amendment is to be circumvented and set to naught. To me, this strikes at the very heart of our constitutional form of government and must be rejected. Few of us, no matter what our length of service in the Senate, will face a more fundamental question than the one now pending.

Mr. President, I hope that when the roll is called tomorrow on the proposal that debate be closed on the basic question, overwhelmingly we shall say "no," and then, given an opportunity to carefully study the implications of the proposal as offered by the distinguished junior Senator from Illinois [Mr. DIRKSEN], we shall, when that roll is called, overwhelmingly reject that, too.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. DOUGLAS. I have listened with both interest and admiration to the very scholarly and logical address of the Senator from Michigan. He has developed his argument with precision, and with complete absence of passion—although there is emotion underneath—and with admirable restraint. Every sentence is packed with meaning, and the constitutional argument which he has made is profound.

The Senator has served as Lieutenant Governor of the State of Michigan. In that capacity I believe he presided over the Michigan Senate. In that correct?

Mr. HART. The Senator is correct. That was a privilege which was given me for 4 years.

Mr. DOUGLAS. I wonder if the Senator from Michigan would describe the method by which members of the Michigan Senate were elected during the period in which he was its presiding officer.

Mr. HART. I was about to say that the representation in the 32 senatorial districts, which at that time comprised the State senate, was as unbalanced as one could imagine. However, that is not true. I realize now that there were States in which the imbalance was even greater. One member of the State senate carried, in effect, about 15 times the power of a colleague who sat probably not more than one chair away from him.

The senior Senator from Illinois [Mr. DOUGLAS] has discussed, in the 28 hours or so that Senators have been permitted to speak on the amendment, a scholarly analysis, which was printed in the Washington Post, and which was inserted in the CONGRESSIONAL RECORD.

There we saw a map of Michigan, which showed on the left side the composition prior to reapportionment and, on the right side, the new apportionment. What we are being told by the proponents of the amendment to be such a difficult problem, namely, bringing legislative districts into reasonable balance, did not prove to be so difficult in the case of Michigan, once the word was firmly established under the Supreme Court decision that it should be done.

Mr. DOUGLAS. In other words, would reapportionment have been carried through by the Michigan Legislature itself?

Mr. HART. The answer is "no," underlined and underscored.

Mr. DOUGLAS. Reapportionment only followed Baker against Carr, is that not correct?

Mr. HART. That is correct. Indeed, there was a flurry of legislative effort to reapportionment as a result of the new constitution, which was adopted in Michigan 2 years ago. Reapportionment was obtained. Lo and behold, when the Supreme Court, in the Reynolds case, finally rendered its decision, that reapportionment was found again to be faulty and violative of constitutional requirements.

Therefore I feel that while there are those who wring their hands today at what they describe as the intrusion of the Supreme Court into this thicket, the Supreme Court probably was as unhappy

as anyone else at having to move into the thicket.

The finger of criticism should be pointed, not at the Supreme Court, but all across the country at State capitols, where for years legislators sat, unwilling to make adjustments which ultimately were required to be made as a result of the Supreme Court decision.

Mr. DOUGLAS. In many cases, that was in violation of the State constitutions, which required decennial apportionments according to population. Is that correct?

Mr. HART. That is correct. Why do the proponents now argue that such legislatures can be entrusted to pass judgment on the constitutional amendment if they were willing periodically to examine their constitutional obligations with respect to reapportionment and at the same time do nothing? Why are we now to assume that if they are asked, "Do you like the way you are composed," they will say, "No"?

Mr. DOUGLAS. Is it not a fact that as a practical matter, the unrepresentative character of the Michigan Legislature, and in particular of the Michigan Senate, prevented both a Democratic and a Republican Governor from placing in effect a revenue system which would relieve the State's financial difficulties?

Mr. HART. The Senator from Illinois states accurately what happened.

I am sure that when the history of the climactic, horrendous consequences which resulted from malapportionment is written, a chapter on this issue in Michigan will be included, even in a very short book on that subject. I am delighted that the senior Senator from Illinois is present, because I wish to make an admission to him. Earlier in my remarks, I discussed the rotten borough system. I must confess that I learned about this subject from the senior Senator from Illinois, who astounds all of us by the breadth of his knowledge and the detail and retentiveness of his mental index.

I have been amazed that when a Senator rises to discuss situations in his State, whether it be Rhode Island, Arizona, New Mexico, or any other State, the senior Senator from Illinois is able to identify cities and old figures in political history in those States. I say to the Senator from Illinois that my education in the rotten-borough system and its history was at his hands.

Mr. DOUGLAS. This is very pleasant, but I am sure the Senator from Michigan does not need any instruction from me, and that his long experience in the Michigan Senate and as a student of constitutional law abundantly prepared him for the great help which he has rendered in this struggle.

I express my personal indebtedness to him. I believe that although not many Senators have been in the Chamber to hear his address, it will be read in the RECORD tomorrow by many thousands of people, and will have a profound influence not only on the vote tomorrow, but on the subsequent proceedings before this body.

Again, I thank the Senator from Michigan.

Mr. HART. The kind remarks of the senior Senator from Illinois will be remembered by me a long time after they have been forgotten by others.

Mr. McNAMARA. Mr. President, I compliment my colleague from Michigan upon the thoughtful, well ordered presentation he has made on this vital subject. The constitutional authority which he has cited at such great length demonstrates his careful legal training. As the Senator from Illinois has said, the junior Senator from Michigan has made an outstanding contribution to the cause. Long after the vote tomorrow, his remarks will help those of us who are on the side of the Supreme Court in this case.

Mr. HART. I thank my colleague from Michigan.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. PROXMIRE. It was not possible for the Senator from Wisconsin to hear all of the speech delivered by the distinguished junior Senator from Michigan; but from what I heard and the opportunity I have had to learn about the speech, it was a remarkably comprehensive talk, which covers the entire scope of the issues, and covered them thoroughly.

I recommend to other Senators that if they want a concise, comprehensive argument, they can do no better than to read the excellent speech that has just been delivered by the distinguished Senator from Michigan, who is not only a leader in the fight to sustain the Supreme Court, but also is an eminent lawyer, a member of the Committee on the Judiciary, and a man who understands this issue, from a legal standpoint, as well as does any other Member of the Senate.

AMENDMENTS NOS. 1266 AND 1267

Mr. DOUGLAS. Mr. President, I submit two amendments to the Dirksen-Mansfield amendment. I ask that the reading of the amendments be dispensed with but that they be printed and be considered as amendments parliamentarily appropriate in the future discussion of the Dirksen-Mansfield amendment.

Mr. MILLER. Mr. President, reserving the right to object, I am sure that the Senator from Illinois does not intend to do anything contrary to the rules of the Senate. I am sure that he intends by this request that the amendments to the Dirksen-Mansfield amendment be not considered until after the vote on cloture.

Mr. DOUGLAS. Oh, no; but that they be considered as appropriate for consideration.

It is my understanding that amendments to the proposal upon which cloture is obtained can be acted upon only if they have been submitted prior to the vote on cloture.

The PRESIDING OFFICER (Mr. BREWSTER in the chair). The Senator is correct; except by unanimous consent. And these amendments would be considered subject to the limitation of the cloture rule. So, without objection, the unanimous-consent request is agreed to.

The amendments will be received, printed, and lie on the table; and, without objection, the amendments will be printed in the RECORD.

The amendments are as follows:

AMENDMENT No. 1266

On page 1, line 9, strike the word "shall" and insert in lieu thereof the word "may".

On page 1, line 10, strike the words "entry or".

On page 1, line 7, immediately after the word "action", insert the words "instituted after the date of enactment of this section".

On page 2, line 2, strike the period after word "interest" and insert a comma and add the words: "and consistent with the principles of the Constitution."

Beginning with line 3, page 2, strike out all, to and including line 16, page 2.

Redesignate succeeding subsection numbers accordingly.

AMENDMENT No. 1267

On page 2, line 2, strike the period after the word "interest" and insert a comma and add the words: "and consistent with the principles of the Constitution."

Beginning with line 3, page 2, strike out all, to and including line 16, page 2.

Redesignate succeeding subsection numbers accordingly.

AMENDMENTS NOS. 1268 AND 1269

Mr. McNAMARA. Mr. President, I submit two amendments that are in exactly the same category, and I may the same request as that made by the Senator from Illinois.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 1268 and 1269) were ordered to be printed and lie on the table, and to be printed in the RECORD, as follows:

AMENDMENT No. 1268

On page 1, line 9, strike out the word "shall" and insert in lieu thereof the word "may."

Beginning with line 10, page 1, strike out all, to and including line 16, page 2, and insert in lieu thereof the following: "execution of any order relating to the apportionment of membership in any house of the legislature of a State for such a period as will be in the public interest and consistent with the principles of the Constitution."

AMENDMENT No. 1269

On page 2, beginning with line 4, strike out all, to and including line 8, page 2.

On page 2, line 9, strike out "(ii)".

On page 2, line 10, strike out the words "in regular session".

On page 2, line 16, strike the words "of highly unusual circumstances." and add in lieu thereof the words "any inconsistencies with the principle of the Constitution."

Redesignate succeeding subsection numbers accordingly.

AMENDMENTS NOS. 1270 AND 1271

Mr. HART. Mr. President, I submit two amendments and ask unanimous consent that they be considered as having been read, so as to comply with the requirements of the cloture rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 1270 and 1271) were ordered to lie on the table and to be printed, and ordered to be printed in the RECORD, as follows:

AMENDMENT No. 1270

Beginning with line 3, page 2, strike out all, to and including line 16, page 2.

On page 2, line 19, insert after the words "any party" the words "of interest".

On page 2, line 21, strike the words "without other authority" and insert in lieu thereof the words "by permission of the court of the United States having jurisdiction of the matter."

Redesignate succeeding subsection numbers accordingly.

AMENDMENT No. 1271

On page 1, line 9, strike the word "shall" and insert in lieu thereof the word "may".

Beginning with the dash in line 3, page 2, strike out all, to and including the clause designation "(ii)" in line 9, page 2.

On page 2, line 10, strike out the words "in regular session."

Mr. MILLER. Mr. President, in connection with the debate on reapportionment, I ask unanimous consent to have printed at this point in the RECORD an extract from a portion of my recent newsletter on the subject "Reapportionment," which was published shortly before the Democratic National Convention in New Jersey. I make this request with a view to doing what I can to assist in understanding of the precise issues facing the Senate.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

REAPPORTIONMENT

(By U.S. Senator JACK MILLER)

Widespread comment followed the recent decision of the U.S. Supreme Court in *Reynolds v. Sims* that, under the equal-protection clause of the 14th amendment to the Constitution, both houses of a bicameral State legislature must be apportioned as nearly as practicable on a population basis. But when the Court then applied this principle in declaring unconstitutional the apportionment of the Colorado Legislature in *Lucas v. Colorado General Assembly*, many Members of Congress felt the Court went too far. The reason was that two separate plans of reapportionment had been submitted to a general referendum of the people of Colorado: one plan placed both houses on a population basis; the other placed one house on population and the other house on population and area. A majority of the people voted for the latter.

Resolutions calling for a constitutional amendment on this subject have been introduced in both the House and Senate. I am a cosponsor of the one which seems to have the greatest support—at least in the Senate. It is a bipartisan proposal to amend the Constitution to provide that (a) the membership of at least one house of a bicameral legislature shall be apportioned as nearly on a population basis as possible; and (b) the people of a State shall have exclusive power to determine the makeup of the other house. There are many who believe that to have a check-and-balance legislative system, other factors than population should govern the composition of the second house. It isn't just a case of representing "acres." Economic interests which are vital to a State and its people—such as agricultural land, mineral deposits, recreational areas, industrial sections—are not necessarily accompanied by a large resident population. It would seem that the people of a State should have the right to take such factors into account, if they wished, in establishing a check-and-balance legislative system.

Congress has recessed for the National Democratic Convention, and there will be so much pressure for final adjournment when we return afterwards that it is unlikely that action can be taken on a constitutional amendment. However, it is hoped that such action can be taken early next year so that the numerous State legislatures which will

be meeting in 1965 will have an opportunity to consider ratification of the amendment (three-fourths of all States must ratify). Granted that many of these legislatures will be malapportioned, it would be a question of ratifying a constitutional amendment to let the people decide the composition of the second house, so it can hardly be maintained that the legislators would be ratifying an amendment which would perpetuate themselves in office. Meanwhile, almost every State is involved with Federal court litigation over reapportioning their legislatures; and there has been no uniformity among the Federal courts regarding the time of such action (one court directed a State to reapportion itself within 15 days). Accordingly, after much bipartisan work and consultation with the Department of Justice, the Senate leaders (DIRKSEN and MANSFIELD) have offered an amendment under which the Governor, attorney general, or any member of the legislature may obtain a stay of Federal court proceedings "to allow the legislature of such State a reasonable opportunity in regular session or the people by constitutional amendment a reasonable opportunity to apportion representation in accordance with the Constitution." What would constitute "a reasonable opportunity" would be for the Court to decide; and if the State fails to apportion representation in accordance with the Constitution within the time allowed by the Court, the Court would do the apportioning. Of course, if the resolution calling for a constitutional amendment is ratified in the meantime (leaving it to the people to decide the composition of the second house) reapportionment of the second house would be left to the people rather than a court. In my judgment, the Dirksen-Mansfield amendment would not affect the interim plan under which our legislature will be operating next year. Action on the amendment will come after the Democratic Convention.

Thus far, a few so-called ultraliberal Members of the Senate have been filibustering the Dirksen-Mansfield amendment. However, Walter Lippmann, one of the columnists most favored by this group, recently said of the amendment: "It seems to me sound and in the end desirable."

Before recessing, the House passed the Tuck bill, which would deny the Federal courts jurisdiction over any reapportionment matter. Such action would prevent the courts from deciding whether the equal-protection clause of the 14th amendment to the Constitution was being violated because of an apportionment situation. I doubt that the bill will be acted on favorably by the Senate, but it could result in favorable action on the Dirksen-Mansfield amendment and also on the constitutional amendment leaving it to the people to decide the composition of the second house.

THIS IS THE YEAR OF THE
CARPETBAGGER

Mr. MILLER. Mr. President, much has been said and will be said in the coming months of a new development on the American political scene this year—the advent of the carpetbagger.

I venture to say that 1964 will go down in history as the year of the carpetbagger, a year in which the laws or traditions of States were ignored, in order to seek victory in the political arena.

If this attitude should catch on and others seek to do the same thing in the years to come, it could very well establish a trend in which the traditional relationship between the State and its representatives in Congress will become a thing of the past.

serve fair competition in the marketing of livestock.

Second. The conservation programs of the Department of Agriculture and other agencies will be designed to preserve our forests and public lands and gain the maximum grazing conditions consistent with sound conservation practices.

Third. This administration will utilize every authority to maximize aid to cattlemen in need of credit, consistent with sound business practices. We are determined to use the regular facilities of the Government so that cattlemen can work out their problems.

FREE MARKET FOR LIVESTOCK

Fourth. Consistent with the principles enunciated so often by cattlemen, we do not propose or support any direct price support programs, control programs, or subsidy payment programs—domestic or export—for beef cattle. We will support the cattlemen of America in their determination that there be a free market for livestock.

Fifth. With consultation and the aid of the cattle and beef industry we will continue to use the facilities of the Government to encourage beef promotion, purchases for school lunch and needy persons, export market development, and other actions designed to aid the profitable marketing of livestock and livestock products.

Sixth. The United States will continue to urge in negotiations in GATT that European and Japanese markets be open to all. We are interested in helping beef exporting nations find expanding markets outside the continental United States to relieve the pressure on our own people.

Seventh. The import quota legislation recently enacted into law and signed by the President now is the law of the land. This will be used when necessary, taking into full consideration the needs of the domestic cattle industry, the American consumer, and the stake of American agriculture in world markets.

Mr. President, the American cattleman is the guardian of a proud heritage. Like his father before him, he deals in the elements—birth and death, drought and storm, cold and heat. He believes in the free market and he is willing today as his forebears to raise the calves and feed the cattle that put beef on our tables. The only thing he asks, and rightly so, is to share, as do other segments of our population, in the regular services of a government dedicated to a free agriculture. We will continue to help him help himself through this period of adjustment.

Never in the history of the world has more beef been produced and consumed in as short a period. We are determined to continue to build markets, because the future of beef, as is true of all agricultural commodities, is in increased markets at fair prices.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961—CLOTURE MOTION

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. JAVITS. Mr. President, I ask unanimous consent that the name of the distinguished Senator from Minnesota [Mr. HUMPHREY] may be added to amendment No. 1234, proposed by the Senator from Minnesota [Mr. McCARTHY] and myself as a substitute for the so-called Dirksen-Mansfield amendment, amendment No. 1215, to the foreign aid bill now pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I thank the Chair, and I thank the Senator from Minnesota for joining us in this effort which I regard as a most constructive way to deal with the reapportionment problem.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. HUMPHREY. I thank the Senator for his initiative in this matter and also commend the initiative that my colleague from Minnesota has taken with the Senator from New York. I studied very carefully today the Senator's proposed amendment as a substitute for the Dirksen-Mansfield amendment. As the Senator knows, tomorrow the Senate will vote on the cloture motion. It is my hope that it will be defeated. I shall vote against it. Then it would be my hope that the Senator from New York might, on behalf of the two Senators from Minnesota—and I am sure there will be many others who will be equally interested—offer his substitute expressing the sense of the Congress.

That substitute gets at every point about which we have deep concern. It asks the courts to take into consideration the time needed for legislatures to carry out effective reapportionment under the terms of the Court order. It also provides a request for time for preparation of a constitutional amendment if such is desired.

I think it goes a long way, but we must get "off the hook" on which we are now caught in the Senate so we can proceed with the business of the Senate.

I have serious doubt about the Dirksen-Mansfield amendment, not only as to its constitutionality, although I believe lawyers have said it is constitutional. I believe it works like some of the new drugs we hear about, which are designed for a cure, but the side effects of which are sometimes worse than the conditions at which they are directed.

I have listened to the debate and have read the RECORD. I have been considerably disturbed about the difference in interpretation as to the meaning of the Dirksen-Mansfield amendment. That is why I have joined the Senator in what I think is a clear-cut proposal. I do not think there is any doubt about what the Senator's proposal is. It gets to the point. It is not ambiguous. I think it will serve the interests of constitutional government and the interests of the States deeply concerned over the impact of the Supreme Court ruling. It will be fair and judicious. I am sure no one will ever want to ignore a resolution of the Congress.

Mr. JAVITS. I thank my friend.

Earlier today I announced that I would vote against cloture. I analyzed the situation and gave my opinion that to sustain the Dirksen-Mansfield amend-

ment would require an interpretation by the Supreme Court which would make it of no more effect than our "sense" resolution. Therefore, it seemed to me much more appropriate, under the doctrine of the separation of powers, to avoid a confrontation between Congress and the Court, as long as it could be done with dignity and propriety and achieve the same result. So I urge adoption of the substitute which, as the Senator noted, will be offered at the appropriate time. I am glad the Senator from Minnesota was able to join in that measure.

Mr. RUSSELL. Mr. President, I understand that the time on tomorrow between the convening of the Senate and the vote on cloture has already been divided by unanimous consent. I therefore wish to make a very brief statement as to my position on the cloture petition.

I wish to make perfectly clear at this time that if I ever have an opportunity, I shall vote for the amendment offered by the majority leader and the minority leader. Indeed, if I had the opportunity, I would be very happy to vote in favor of the much more far-reaching bill that passed the House of Representatives. In particular, I do not like that provision of the Dirksen-Mansfield amendment which places the stamp of congressional approval on the constitutionality of the Supreme Court's decision on the reapportionment of State legislative bodies, because I do not believe it was ever contemplated that the Court would have any legal authority in that area.

None of the original colonies had legislative bodies that were based solely on population.

In this modern day, we often lose sight of the fact that the States created the Federal Government. We seem to assume it was the other way around, and that the Federal Government in some manner created the States.

The Supreme Court decision on reapportionment denies to States rights they had when they created the Federal Government. It further denies a right the States gave to the Federal Government—that is, to have one House of the legislative branch of the Government based on population and to take other factors into consideration in the constitution of the other body of the legislative branch.

This is not the time nor the occasion to discuss that aspect of the question at length, but if Congress has any interest or any desire to maintain the form of government that has served us so well, it will soon be compelled to place some curbs on the Supreme Court.

I have never been more serious than now when I say that in my judgment the greatest threat to the future of this country is not Khrushchev or Mao Tse-tung, or all the forces that those two tyrants might bring to bear against us. The greatest menace to the rights and freedoms of future generations of American citizens is the tendency of the present Supreme Court to set itself up as an all-powerful agency that not only has the power to enact ordinary laws, but also asserts the power to amend and change the Constitution of the United States.

In the philosophy of a majority of the present Court, there are no such things as coequal and coordinate arms of Gov-

ernment. A majority of the present Court seems to feel that the Court can not only exercise powers that are vested in the legislative branch by the Constitution, but also exercise powers that are reserved by the Constitution of the United States to all the people of the United States.

I therefore feel very deeply that some action should be taken, even if it is as weak a gesture as the Dirksen-Mansfield amendment appears to me to be.

Mr. President, I would like very much to be able to convince myself that I could honorably support the cloture motion. I have marveled many times at the cynicism and elasticity of conscience of many Senators. They stand here on the floor and proclaim their undying devotion and dedication to the adoption of the strongest sort of gag rule in the Senate. But when it serves their purpose they do not hesitate to conduct a first-class filibuster.

I know it has been stated on the floor by some Senators that they can assuage their conscience and reconcile their judgment by saying that, inasmuch as there is a rule that permits a filibuster, they intend to utilize it, even though they are opposed to it.

I would that my conscience and my convictions were so elastic that I could say that, because the gag rule of cloture is found in rule XXII, I will utilize it, even though I have always held to the conviction that any Senator from a State, or a once sovereign State, should enjoy and have the right of expressing the views that he holds, and the views of his constituency, on any issue as fully as he might desire to do so, bound, of course, only by Jefferson's cloture, which forbids any Senator to make more than two speeches on the same subject in the same legislative day.

Unfortunately, however, I have considered this matter carefully for the past 3 days, and I have not been able to convert my convictions into a rubber band.

I really speak the truth when I say I believe in freedom of debate in the Senate, and I refuse to resort to the specious reasoning that because there is a rule with which I disagree, I am completely justified in resorting to its use.

I am surprised at times to hear Senators make that argument, because in its last analysis it is an argument that the end justifies the means. When we come to adopting that as a principle in the Senate, our Government is on tenuous ground.

Honesty also impels me to say, Mr. President, that no real effort has been made to break the filibuster against the Dirksen-Mansfield reapportionment amendment. I do not recall that there has been a single night session. I can well remember that for a period of about 3½ months in the spring of this year, the Senate convened at 10 o'clock—and on some few days at 9 o'clock—and ran for 12 or 13 hours. That was when there was what was called a filibuster against the Federal Force Act, which was then before the Senate.

This has been a "powder puff" filibuster. I concede that. But the leadership has only undertaken to use a feather duster as a weapon to break the "powder puff" filibuster.

Mr. President, I cannot vote for cloture, because I would stultify myself in so doing. But I am perfectly willing to stay here in continuous session for such time as is necessary to bring the Dirksen-Mansfield amendment to a vote in this body.

If a majority of the Senate really believes in this effort to place a modest restraint on a judiciary that is running wild, we can stay here and bring this issue to a vote in the Senate.

Of course, if we are interested only in form and pretense and publicity, we can have the vote on cloture. The vote will lose. Then the leadership can say, "This is all we can do, and therefore we will move to lay this amendment on the table."

Mr. President, I wish to make my position perfectly clear. I am in wholehearted support of the Dirksen-Mansfield amendment. My only objection it is that it is too weak and that it places the stamp of congressional approval on the Supreme Court's reapportionment decision.

Mr. President, I cannot bring myself to vote to gag the Senate, because I am sincerely opposed to gag rule. But I

wish to make it perfectly clear to any of those who are really interested in the adoption of this amendment that I shall be willing to stay here with them until January 3, 1965, if it is necessary, in order to reach a vote, although I do not believe it would be necessary to get a vote on the question. I shall, of course, oppose any effort to table this amendment. I shall oppose any effort to water it down any further, because if it is made any weaker, we will not be able to see it.

I hope that after the cloture vote is had the leadership will take the action on this amendment that they have taken in other cases in which they were interested and give the Senate a real opportunity to debate it. Let us have a real educational campaign, if that is what the opponents wish to call it. Let them have a chance to educate for 14 hours a day by having the Senate remain in session for that long, as was the case when a handful of us opposed the Federal force bill earlier this year.

ADJOURNMENT

Mr. RUSSELL. Mr. President, I move that the Senate adjourn, under the previous order, until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 11 o'clock and 50 minutes p.m.) the Senate adjourned, in accordance with the order of September 8, 1964, until tomorrow, Thursday, September 10, 1964, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate September 9, 1964:

BOARD OF PAROLE

Charles E. Casey, of California, to be a member of the Board of Parole for the term expiring September 30, 1970.

COLLECTOR OF CUSTOMS

Mrs. Mavis Wyatt, of Tennessee, to be collector of customs for customs collection district No. 43, with headquarters at Memphis, Tenn.

POSTMASTER

The following-named person to be postmaster:

Leslie N. Shaw, Los Angeles, Calif., in place of O. K. Olesen, retired.

Digest of CONGRESSIONAL PROCEEDINGS

OFFICE OF
BUDGET AND FINANCE

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OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE

Washington, D. C. 20250

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CONTENTS

Adjournment.....12	Holiday.....11,21	Scientific information...20
Appalachia.....5	Iowa.....10	Sisal.....4
Area redevelopment.....16	Lands.....2	Soil conservation.....15
Civil defense.....13	Legislative	Stockpile.....4
Cloud seeding.....19	accomplishments.....17	Virgin Islands.....6
Electrification.....7	Loans.....7	Water pollution.....8,18
Farm program.....14	Public Law 480.....1	Watersheds.....9
Foreign aid.....3	Roads and trails.....2	Weather.....19

HIGHLIGHTS: Sen. Byrd, W. Va., spoke in support of Appalachia bill. Rep. Purcell inserted article reviewing civil defense activities in rural areas. Sen. Humphrey introduced and discussed measure to establish President's Advisory Staff on Scientific Information Management.

SENATE

1. PUBLIC LAW 480. Conferees were appointed on S. 2687, to extend the Public Law 480 program (pp. 21244-5). House conferees have already been appointed.
2. LANDS; ROADS AND TRAILS. The Interior and Insular Affairs Committee reported with amendment S. 3116, to establish a commission to develop plans for marking the route traversed by Louis and Clark from St. Louis to the Pacific Northwest (S. Rept. 1531). p. 21280
3. FOREIGN AID. Continued debate on amendments to H. R. 11380, the foreign aid authorization bill (pp. 21225-44, 21308-9). By a vote of 30 to 63, rejected the motion by Sen. Dirksen to invoke cloture and bring to a close further debate on the Dirksen-Mansfield reapportionment amendment (two-thirds of the Senators present and voting not having voted in the affirmative) (pp. 21225-36).
4. STOCKPILE; SISAL. The Armed Services Committee reported without amendment H. R. 12091, to authorize the disposal, without regard to the prescribed 6-month waiting period, of approximately 9,500,000 pounds of sisal from the national stockpile (S. Rept. 1537). p. 21280

5. APPALACHIA. Sen. Byrd, W. Va., spoke in support of enactment of S. 2782, the proposed economic development program for the Appalachian region. pp. 21309-10
6. VIRGIN ISLANDS. The "Daily Digest" states that the Interior and Insular Affairs Committee "adopted a committee resolution approving recommendations and findings of fact submitted today by its Subcommittee on Territories and Insular Affairs in connection with the disposition of certain naval lands in the Virgin Islands." p. D762
7. ELECTRIFICATION. Received from the Administrator of REA a report on a loan of \$2,837,000 to the Northern Minnesota Power Assoc., Grand Rapids, Minn., to finance certain transmission facilities. p. 21280
8. WATER POLLUTION. Sen. Morse inserted an article on the dangers of water pollution, "Pollution -- Everybody's Fight." pp. 21305-6

HOUSE

9. WATERSHEDS. The Agriculture Committee approved work plans for the following watersheds: Willow Swamp, S. C.; Squirrel Creek, Okla.; Pennahatchee Creek, Ga.; Upper Tradewater River, Ky.; and Crooked Lake, Ark.; to Appropriation Committee. p. 21172
10. IOWA. Rep. Jensen urged location of industries in Iowa calling attention particularly to its plentiful water supply, farm products, and flood control systems. pp. 21176-7
11. HOLIDAY. Rep. Libonati commended a subcommittee of the Judiciary Committee for scheduling on his bill, H. R. 8189, to make October 12 a legal holiday honoring Columbus, and inserted his testimony before the subcommittee. p. 21218
12. ADJOURNED until Mon., Sept. 14. p. 21224

ITEMS IN APPENDIX

13. RURAL CIVIL DEFENSE. Extension of remarks of Rep. Purcell inserting an article stating that the possibility of a nuclear disaster puts a big "responsibility on agricultural agencies, farmers, and ranchers to feed people," and advising that this Department and its many agencies "already are actively engaged in rural defense." p. A4648
14. FARM PROGRAM. Extension of remarks of Rep. Purcell inserting his newsletter criticizing Sen. Goldwater's views on taxes in which he stated that the Senator's proposal would eliminate the "complete operations of the Department of Agriculture" and discontinue "all farm commodity programs." p. A4653
Rep. Rumsfield inserted his newsletter including comments on farm legislation. pp. A4654-5
15. SOIL CONSERVATION. Extension of remarks of Rep. Schwengle commending the Scott County, Iowa, contest for compilation of a workbook on soil conservation and inserting the statement of the winner. p. A4655
16. AREA REDEVELOPMENT. Extension of remarks of Rep. Talcott inserting an article critical of the Area Redevelopment Administration. pp. A 4661-2
17. LEGISLATIVE ACCOMPLISHMENTS. Reps. Marsh and Donohue inserted summaries of legislative accomplishments during the 88th Congress. pp. A4663-5, A4670-75

Senate

THURSDAY, SEPTEMBER 10, 1964

The Senate met at 12 o'clock meridian, and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Lord of all being, who holdest the world in Thy hand, and to whom all souls are dear: At another day's noon-tide, as representatives of the public trust come to counsel for the Nation's good, by their dedication make them worthy of these days of world destiny.

In this quiet moment, emptied of the strife of tongues, lifting our eyes to far horizons above the rampart confusions of the present, may today be seen in its true perspective.

Give us to discern that so often the things that disturb and agitate us most, and which loom so close to our eyes, are like the grass which groweth up: In the morning, it flourisheth and groweth up; in the evening, it is cut down and withereth. Save us, we pray, from the paralysis of mistaken magnitudes. Grant us a constant awareness of eternal principles, white and winning, whose paramount and permanent constancy arches the ages.

We ask it in the name whose truth is the same yesterday, today, and forever. Amen.

THE JOURNAL

On request by Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, September 9, 1964, was dispensed with.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nominations on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEE ON ARMED SERVICES

Mr. McINTYRE. Mr. President, from the Committee on Armed Services, I report favorably the nominations of 10 Reserve colonels and 4 Reserve brigadier generals for promotion to the grade of brigadier general and major general, respectively, in the Army Reserve; 1 brigadier general and 4 colonels for temporary appointment in the Army to the grade of major general and brigadier general, respectively; and Prof. John Robert Jannarone for appointment as dean of the Academic Board of the U.S. Military Academy. I ask that these

names be printed on the Executive Calendar.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations are as follows:

Brig Gen. William Welby Beverley, U.S. Army, and sundry other officers, for temporary appointment in the Army of the United States;

Col. Arthur Frank Brandstatter, Military Police Corps, and sundry other officers, for promotion as Reserve commissioned officers of the Army; and

Prof. John Robert Jannarone, U.S. Military Academy, for appointment as dean of the Academic Board of the U.S. Military Academy.

Mr. McINTYRE. In addition, I report favorably 457 promotions in the Navy in the grade of captain. Since these names have already appeared in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk, for the information of any Senator.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations are as follows:

Paul A. Adams, and sundry other officers of the U.S. Navy, for temporary promotion to the grade of captain.

The ACTING PRESIDENT pro tempore. If there be no further reports of committees, the nominations on the Executive Calendar will be stated.

NATIONAL LIBRARY OF MEDICINE

The Chief Clerk proceeded to read sundry nominations in the National Library of Medicine.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

NOMINATION PASSED OVER

The Chief Clerk read the nomination of Robert Sargent Shriver, Jr., of Illinois, to be Director of the Office of Economic Opportunity.

Mr. MANSFIELD. Over, Mr. President.

The ACTING PRESIDENT pro tempore. Without objection, the nomination will be passed over.

PUBLIC HEALTH SERVICE

The Chief Clerk proceeded to read sundry nominations in the Public Health Service, which had been placed on the Secretary's desk.

The ACTING PRESIDENT pro tem-

pore. Without objection, these nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

On motion by Mr. MANSFIELD, the Senate resumed the consideration of legislative business.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961—CLOTURE MOTION

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Montana will state it.

Mr. MANSFIELD. Do I understand correctly that the time is limited, to be divided between the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], and the distinguished Senator from Pennsylvania [Mr. CLARK], or some Senator representing him?

The ACTING PRESIDENT pro tempore. The Chair is about to make a statement on that subject. It is the understanding of the Chair that the Senator from Minnesota [Mr. HUMPHREY] will have charge of the time of the opponents.

In view of the unanimous-consent agreement controlling the time until 1 p.m. today on the so-called Dirksen-Mansfield reapportionment amendment to H.R. 11380, the Foreign Assistance Act of 1964, the Chair lays the bill before the Senate.

Under the agreement, the Senator from Illinois [Mr. DIRKSEN] has control of time for the proponents, and the Senator from Minnesota [Mr. HUMPHREY] for the opponents.

Mr. MANSFIELD. Mr. President, I ask unanimous consent, pending arrival of the Senator from Minnesota [Mr. HUMPHREY], that the Senator from Wisconsin [Mr. PROXMIRE] be placed in charge of the time for the opponents.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. Time is running.

Mr. PROXMIRE. Mr. President, I yield 5 minutes to the Senator from Idaho [Mr. CHURCH].

Mr. CHURCH. Mr. President, as the issue before the Senate is of some mo-

ment, I believe that I should state briefly the reasons why I have concluded to vote against the pending cloture motion.

In the past, I have voted for cloture only after the most extended debate has taken place, and after every aspect of the issue in question has been exhaustively explored. I have favored the blocking of further debate only when it had become irrefutably clear that no other, less drastic course could enable the Senate to reach a vote. In the instant case, neither sufficient time has elapsed, nor has enough evidence been assembled, to warrant the imposition of cloture upon either of these grounds. It must be said, at the very least, that this cloture motion is premature.

But I would be less than candid if I were to account for my vote upon these procedural objections alone. There are also substantive reasons why I cannot vote for cloture on this issue, either now or later. They can be summed up simply enough: I do not favor the Dirksen rider.

I have pondered the matter; I have reviewed the debate; I have considered the precedents. I have concluded that, regardless of how one approaches it, the Dirksen rider is wrong. It is wrong to force a vote upon it without benefit of committee hearings; it is wrong to attach it to the foreign aid bill, where it has no place, and thus to attempt to coerce the consent of the President. But, above all, it is wrong on its merits, because it seeks to suspend the Constitution of the United States as that document relates to the right of each citizen to have representation in his State legislature which is as equal as possible to that of all other citizens of his State.

I do not believe that it is within the power of the Congress to suspend the Constitution, either in this, or any other particular. If the Dirksen rider were to pass, I believe that it would be promptly struck down by the courts. The folly of our action would then be matched by its futility.

Even if one were to assume, for the purpose of argument, that the Dirksen rider might somehow be upheld as a valid exercise of congressional power, under a forced interpretation of article III, section 1, conferring power upon Congress to establish "such inferior courts as the Congress may from time to time ordain," or of article III, section 2, giving the Supreme Court appellate jurisdiction "with such exception, and under such regulations as the Congress shall make," how could one defend the wisdom of exercising such authority for the purpose of suspending a constitutional right?

It is no answer to say that the rider will suspend the right to equal representation for a period of only 2 years. If we can cross this threshold, what is then to prevent us from extending the suspension for another 2 years, or for 5, or indefinitely?

Nor is it an answer to say that the suspension is justified in this special case, in order that the legislatures of the various States might have time to deliberate

whether to comply with the constitutional requirement for reapportionment, or to avoid it altogether by changing the Constitution through amendment. If the Constitution can be suspended by Congress to permit its amendment, it is nothing more than the instrument of Congress, having a stature little different from that of an ordinary statute.

This cannot be permitted.

For, if this were to come to pass, the independence of our judiciary to give force and effect to the Constitution will be thoroughly undermined, and the checks and balances upon which our system of government has long rested will be placed in the gravest jeopardy. The very underpinnings of the Constitution itself will be destroyed, as its efficacy, together with all its precious guarantees of individual freedom, will depend, from day to day, upon the shifting sands of congressional acquiescence.

What is really at issue here is the Constitution of the United States, fortified by an independent judiciary, and interpreted, in the last analysis, by the Supreme Court.

It is not possible to be a fair-weather friend of the Constitution, upholding it when a given Court decision receives general approval, but denying it when a decision proves unpopular. I concede that there is widespread disapproval in my State, in the rural and mountain areas, of the Supreme Court's reapportionment decisions. But I cannot forsake my allegiance to the Constitution, nor my oath to support it, on this account.

I, myself, would prefer to leave the question of legislative apportionment to the people of each State, provided that the people themselves, in each case, are furnished with the opportunity to ratify their system by majority vote through a popular referendum. This would place the decision directly in the hands of the people, where sovereignty properly resides.

The ACTING PRESIDENT pro tempore. The time of the Senator from Idaho has expired.

Mr. PROXMIER. Mr. President, I ask unanimous consent that the Senator from Idaho may proceed for 1 additional minute.

The ACTING PRESIDENT pro tempore. Without objection, the Senator from Idaho is recognized for 1 additional minute.

Mr. CHURCH. Mr. President, I would support a constitutional amendment designed to accomplish this objective. Such is the remedy we should seek. It is the only course of action which comports with the system of law—and the method of government—which we have traditionally maintained.

The Congress, to be sure, can initiate such an amendment, or any other it sees fit to adopt, and the amendment may then be ratified either by special conventions called for the purpose, or by the legislatures of three quarters of the States. But, in the meantime, the Constitution cannot be set aside. Unless and until it is changed by amendment, it must be observed as the supreme law of the land.

Because the Dirksen rider represents an attempt to set aside the Constitution for a 2-year period, insofar as reapportionment is concerned, it is inherently defective, and, in my judgment, unworthy of support. Therefore, I shall vote against this move to invoke cloture in order to force a vote upon it. And if cloture is approved, I shall then vote against the Dirksen rider itself.

This does not mean that I also oppose the sense of Congress resolution which has been submitted by the senior Senator from New York [Mr. JAVITS] and the junior Senator from Minnesota [Mr. McCARTHY]. To express our opinion, as a guideline for the courts, that reasonable time should be given the State legislatures to comply with the constitutional requirement for reapportionment, is, in my judgment, an entirely appropriate exercise of congressional discretion. The resolution does not undertake to set aside the Constitution, or to interfere with the power of the courts to implement or enforce it. I intend, accordingly, to vote for the resolution, should the opportunity arise.

Mr. President, I ask unanimous consent that there appear hereafter the text of the Dirksen rider and of the Javits-McCarthy sense-of-Congress resolution so that all who are interested may read and compare them.

There being no objection, the texts of the Dirksen rider and of the Javits-McCarthy sense-of-Congress resolution were ordered to be printed in the RECORD, as follows:

S. 3069

(Mr. DIRKSEN (for himself, Mr. EASTLAND, Mr. LAUSCHE, and Mr. STENNIS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary)

A bill to amend title 28, United States Code, to provide for a temporary stay of proceedings in any action for the reapportionment of any State legislative body

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 21, title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 461. Stay of proceedings for reapportionment of State legislative bodies

"Upon application made by or on behalf of any State or by one or more citizens thereof in any action or proceeding in any court of the United States, or before any justice or judge of the United States, in which there is placed in question the validity of the composition of any house of the legislature of that State or the apportionment of the membership thereof, such action or proceeding shall be stayed until the end of the second regular session of the legislature of that State which begins after the date of enactment of this section, and the court may make such orders with respect to the conduct of elections as it deems appropriate except that no order shall be inconsistent with any apportionment made pursuant to referendum. The court shall not deny any person or persons the right to make such application."

(b) The chapter analysis of that chapter is amended by adding at the end thereof the following new item:

"461. Stay of proceedings for reapportionment of State legislative bodies."

AMENDMENT No. 1234

Amendment intended to be proposed by Mr. JAVITS (for himself and Mr. MCCARTHY) to the amendment (No. 1215) intended to be proposed by Mr. DIRKSEN (for himself and Mr. MANSFIELD) to H.R. 11380, an act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes

Strike out all on and after line 1, page 1, and insert in lieu thereof the following:

"SEC. 402. It is the sense of the Congress that in any action or proceeding in any court of the United States or before any justice or judge of the United States in which there is placed in question the validity of the composition of any house of the legislature of any State or the apportionment of the membership thereof, adequate time should be accorded (1) to such State to conform to the requirements of the Constitution of the United States relating to such composition or apportionment consistently with its electoral procedures and proceedings and with its procedure and proceedings for the amendment of the constitution of such State, and (2) for consideration by the States of any proposed amendment to the Constitution of the United States relating to the composition of the legislatures of the several States, or to the apportionment of the membership thereof, which shall have been duly submitted by the Congress to the States for ratification."

Mr. PROXMIRE. Mr. President, I yield 1 minute to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, the senior Senator from Rhode Island will vote against cloture and will vote to lay the Dirksen amendment on the table. He will vote to lay the amendment on the table for the simple reason that it does not belong in the foreign aid bill.

This is an unfair attempt to force upon the President of the United States the dilemma of accepting the amendment or vetoing the foreign aid bill and calling Congress back into session.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. PASTORE. May I have 2 additional minutes?

Mr. PROXMIRE. Certainly.

The ACTING PRESIDENT pro tempore. The senior Senator from Rhode Island is recognized for an additional 2 minutes.

Mr. PASTORE. Mr. President, this is an important piece of legislation. I realize that it raises many practical questions that should be resolved. But there is no better place for these questions to be resolved than in committee hearings. There have been no committee hearings.

Without stating all of my reasons for opposing the Dirksen amendment, a very cogent argument is made against the Dirksen amendment and against the application of cloture in an editorial which appeared in the Washington Post this morning. I cannot state the case better than it is stated in this editorial.

Therefore, Mr. President, I ask unanimous consent that the editorial published in the Washington Post of September 10, 1964, entitled "Rotten-Borough Retreat" be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ROTTEN-BOROUGH RETREAT

Senator DIRKSEN's cloture motion comes before the Senate today with two strikes against it. In the first place sponsors of the motion have failed to show that this is a proper occasion for the limitation of debate. In the second place, the end which they seek to attain would be highly detrimental to the American system of government.

Cloture is an essential device to cut off discussion after all the arguments have been heard, thus enabling the Senate to work its will on an issue that is properly before it. In the present case, however, the arguments have not all been heard. On the contrary, this scheme to upset the Supreme Court's reapportionment decisions was hatched in secrecy and rushed out of the Judiciary Committee without hearings. In these circumstances extended debate on the floor is necessary to alert the country to what is in the wind.

Full debate is further justified by the sly tactics employed to thwart the President's veto power. Instead of submitting the issue to be determined on its own merits, Mr. DIRKSEN is determined to attach his court-curbing bill as a rider to the foreign-aid bill. This would be an easy way of getting it before the House and of forcing the President to sign it or risk destruction of the foreign-aid program. Certainly there is no obligation on any Senator to support cloture in furtherance of this highly irregular procedure. The limitation of debate is a device to curtail the abuse of power—not to promote it.

On the merits of the Dirksen-Mansfield bill behind the cloture motion the case is equally clear. Senator DOUGLAS accurately characterized this measure when he said: "I believe that what we are asked to do is to suspend for an indeterminate time the constitutional guarantee of the equal protection of the law, and to deny this protection to individuals who may wish to obtain it."

The Supreme Court has found many State legislatures to be so badly malapportioned that they cannot be reconciled with the "equal protection" requirement. These rulings have unquestionably become the law of the land. It is not the function of Congress to set aside that law, even temporarily, or to thwart its operation. The spectacle of Congress trying to use its legislative power to deny or temporarily nullify constitutional rights which the Supreme Court has clearly upheld is such a serious encroachment upon the orderly division of powers that even extraordinary measures would be justified to defeat it.

There is much controversy, to be sure, over the soundness of the Court's edict that both houses of the State legislatures must be apportioned on the basis of population. This is a matter for extended national soul-searching. The next Congress will be free, if it wishes, to propose a constitutional amendment after exhaustive hearings, analysis and debate. Meanwhile, however, Congress should not seek to short circuit judicial decisions or to prejudice a great national issue by resorting to irregular procedures of its own.

It should also be clear to everyone who probes into this controversy that the "rotten borough" system must go. Senator DOUGLAS and others have provided an abundance of details to show how grossly unrepresentative most of our State legislatures have become.

The practical effect of the Dirksen proposal would be to keep this system in operation—temporarily through restrictions upon the courts and then through a constitutional amendment which would enable the "rotten borough" legislators to perpetuate their hold upon the State legislatures forever.

The whole problem needs to be debated, not from the viewpoint of irritations over

a Court decision, but with the object of rescuing the State governments from the malaise into which they have fallen. The Dirksen way, like the Tuck bill passed by the House, would be merely a retreat back toward the "rotten borough" system. The Senate can begin its march in the other direction by voting down the cloture motion.

Mr. PROXMIRE. Mr. President, I yield 2 minutes to the Senator from Michigan.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized for 2 minutes.

Mr. HART. Mr. President, as I indicated earlier, it is my intention to vote against cloture. I was delighted to hear the senior Senator from Rhode Island indicate his intention—which is mine—to vote to table the amendment if the appropriate motion is made.

I should like to make one point very clear. As a member of the Committee on the Judiciary, I believe the Senate should understand that there is not one single line of testimony, not one witness, not one piece of paper that was prepared in the careful atmosphere of a committee, on which the judgment of the Senate can be based. While I have not been here very long, it would be my suspicion that this is a most unprecedented procedure. A matter which raises the gravest of constitutional questions is sought to be presented to the Senate without a single moment of hearings.

It is not unfair to suggest that those who seek to have the Senate adopt this amendment wanted to avoid hearings because the hearings would have made the case—which those of us in floor debate have been seeking to establish in the past few days—that the course that is proposed to be taken is extremely unwise.

A written constitution which provides rights for people is worth exactly the cost of the paper on which it is printed if there is no independent judicial review available to insure the delivery of those rights. Many nations in the world have magnificent sounding written constitutions. They are worth precisely what I have indicated—the cost of the paper on which they are printed. They lack an independent judiciary review to insure that the rights announced in the Constitution are, in fact, available to them.

I suggest that the long-term effect of the course advocated by the proponents of this amendment would be to have a Nation in which our Constitution would continue to read magnificently, but it would be a Constitution for which there would be no judicial relief available.

Mr. PROXMIRE. Mr. President, I yield 3 minutes to the Senator from New Mexico.

Mr. ANDERSON. Mr. President, I am going to vote against invoking cloture on this reapportionment rider. Yesterday I set forth at length my reasons for opposing the Tuck bill and the Dirksen amendment. I cited the historical and philosophical basis for apportioning seats in State legislatures on the basis of population with particular reference to the inequities that exist in the apportionment of the State senate in New Mexico.

On several occasions in the past I have sponsored resolutions to liberalize the

rule by which the Senate might invoke cloture. To date those efforts—and I have had support from many other Senators—have been unsuccessful. But I continue to believe that cloture should be invoked only after an appropriate amount of time for thorough debate and analysis of an issue has passed.

We spent 78 days earlier this year on the civil rights bill and that was more than enough time for Members to determine the pros and cons in this case. We have been discussing the Dirksen amendment for 10 days, but I think we are only now arriving at the point where there is an increasing understanding of just what the Dirksen amendment would do to our system of government and to the representational rights of large numbers of our citizens. The fundamental issue confronting us was set out, I believe, quite clearly by the Chief Justice of the United States in his June 15, 1964, opinion when he said:

The weight of a citizen's vote cannot be made to depend upon where he lives. Legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests. As long as ours is a representative form of government, and our legislators are those instruments of government elected directly by and directly representative of the people, the right to elect legislators in a free and unimpaired fashion is a bedrock of our political system.

Mr. President, it is very interesting to note that the financial journals write about the growth factors in stocks. They are very much interested in preserving the growth factors. We talk about the growth factors of our cities and the growth factors of the wilderness areas. We do not seem to worry about the growth factor in the legislative bodies.

I wonder what is so foreign to our ideas of the growth factor in legislative bodies, and the growth factor for wilderness areas and for cities.

I therefore intend to vote against cloture at this time on the theory that we need these growth factors in our legislative bodies.

Mr. LAUSCHE. Mr. President—

Mr. PROXMIRE. I yield 1 minute to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, while the opponents of the Dirksen amendment have made no serious effort to present their arguments, and have allowed other subjects to be considered by the Senate, nevertheless I am of the opinion that the time is not now justly at hand to shut off further debate.

I favor the Dirksen amendment, and will at a proper later time vote for cloture, if the debate continues.

Mr. PROXMIRE. Mr. President, would the distinguished minority leader agree to use some of his time now? We have already used much of our time. It would be very helpful if the distinguished minority leader could use some of his time now. We know that he, being on the affirmative, should have the last speech. But it would be helpful if he could speak now.

Mr. DIRKSEN. Certainly.

The ACTING PRESIDENT pro tempore. How much time does the minority leader yield to himself?

Mr. DIRKSEN. Mr. President, I yield myself 15 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized for 15 minutes.

Mr. DIRKSEN. Mr. President, seldom has an important issue been presented to the Senate that has been so confused and obfuscated in debate. And seldom has there been an issue where there has been such misplaced emphasis as on the matter that now engages the attention of the Senate.

It has been alleged on the floor, and in editorials, that this is an attack on the Court. I could use an inelegant term to describe those allegations. But I shall content myself with saying that nothing could be further from the truth.

It is said that the issue involved here is one man—one vote. That is not the issue. Any legislature in the land can provide for one man—one vote if it undertakes to do so.

It has been said—and I have read it in the columns—that this proposal is designed to save the legislative skins of some of our State legislators. I believe that Mr. Roscoe Drummond ought to know better than to promote a column on that subject.

It has been said that this is a rotten-borough approach. My colleague from Chicago, the senior Senator from Illinois [Mr. DOUGLAS], ought to know. If ever there was an example of one metropolitan area undertaking to dominate a legislature, it will be found there.

It has been said that no hearings have been conducted. There was no hearing on the Lausche amendment when the UN bond issue was before the Senate. No hearings were held on the amendment which removed Indonesia from any benefits under foreign aid. All of those questions were resolved on the floor of the Senate. It is merely a question of circumstance.

Finally it was said that we were acting too hastily, and it was said that we ought to rely on the amending process.

All this started in 1962 with the Baker against Carr case in Tennessee. The only issue in that case was whether or not the case was justiciable in the courts. That was the only question that was decided.

But then came the case of Reynolds against Sims, and with that case the damage started. As a result, that doctrine has been applied to six States, and it will apply to all the rest of them. As Senators contemplate the picture, they will know that time will run out.

That was the reason for the amendment. It was on the 23d of July that I introduced a joint resolution providing for a constitutional amendment—24 Senators were sponsors and cosponsors of that joint resolution. But we could see at once that there would be no opportunity to launch a constitutional amendment in the time that remains for the Congress to be in session; the process would take a longer time.

It is sheer nonsense to say that the proposal is an attack upon the Supreme Court of the United States. With respect to hearings, I have so indicated.

With respect to haste, the three-judge

court in Colorado gave the legislature 15 days to come into being at the call of the Governor and to reapportion one of their bodies, only to have their own supreme court declare the measure unconstitutional.

Senators talk about haste. Fifteen days were allowed to get a legislature together and do the kind of job that was done. I should like to know who wishes to talk about haste. If Senators will examine the New York picture, they will see that one election is held to elect members of the legislature for a period of 1 year, when their constitution calls for a 2-year term, the second year another election, and then a third election, notwithstanding the New York constitution, before they go back on a 2-year term basis.

We talk about haste. The decision of the Supreme Court did not come down until June of this year. We had to make the best of the time factor since the clock and the calendar were running out.

Justice Harlan, in his dissenting opinion, which blew the majority out of the water, said on page 32 of his opinion that we can forget about any stay from here on unless something is done. So another 44 States will come under the Federal hammer merely because the Court interpreted the 1st section of the 14th amendment and completely ignored the 2d section and all the historical background that was applied in 1866, not only in this body, but also in the House of Representatives.

What is the basic issue? It is a question of whether the Constitution empowers the Court, the Congress, or any other agency of Government to determine how a State legislature shall be composed. That is the issue, and nothing else. It involves the State-Federal Union or the Federal-State Union, anyway we might wish to put it, and if anyone wishes to be made knowledgeable on the subject, I suggest that he go back and read what Representative Bingham of Ohio had to say with respect to the 2d section of the 14th amendment for there it is clear as crystal as to what the Congress intended. It did not intend to infringe the rights of the States when dealing with suffrage in their own States.

Justice Harlan said that this procedure goes far beyond the authority of the Court and is actually an interposition into a legislative field.

I was rather interested in a comment that Judge Learned Hand, a great jurist, made with respect to the Supreme Court. He spoke of the Court's tendency to "become a third legislative chamber." That is precisely what was done in the Reynolds case.

There probably has been no greater student of the Constitution than Prof. Edward Corwin, late professor of jurisprudence at Princeton University, who spoke of "the aggressions of the Court." The situation is precisely in that category, and Congress will have to deal with the question.

The amendment before the Senate is a breather. It is nothing more. We had no choice on the question. Our resolution was submitted, but how could we do something about it before the present

session of the Congress adjourned? It would have to go through two committees and two Chambers before it could be launched, and then it would have to be ratified by the States before it could become effective. The shortest period for any amendment to the Constitution to become a part of the Constitution would be 7 months. Obviously, if 3-judge courts should start working in the other 44 States, the damage would be done and it would be difficult indeed to retrieve it. So we had no course left except the approach that we have taken.

What would the Mansfield-Dirksen or the Dirksen-Mansfield amendment do? An action must be pending in a Federal court; otherwise, there are "no dice." The amendment would not affect State courts at all. An application could be filed for a stay of proceedings. It would not throw the proposal out the window. It could keep us in a state of suspension.

Who could file the application? A State, a Governor, an attorney general, a member of the legislature of a State, or other parties in interest.

Incidentally, my colleague from Illinois [Mr. Douglas] made a great point of the fact that if we amended the Constitution, we would still have to go back to malapportioned legislatures. I suggest that Senators read the amendatory portion of the Constitution, which provides that amendments may be ratified by legislatures or conventions, and it is up to the Congress to determine what language shall go into that kind of resolution. How long shall this last? So long as there is a public interest, and in the absence of highly unusual circumstances, that there be one State election prior to January 1, 1966, and that there be a reasonable opportunity for the State legislature to work its will, if it so desires, in a regular session, in order to cure the problem that is before us.

I have made it as manifest as I could in public and private statements and on the floor of the Senate that I contemplate and have contemplated initiating such a constitutional amendment in the new Congress in January. I am not insensible to what must be done, but a time element is involved. When we speak about haste, we must be in a hurry if we are to meet the problem before Congress adjourns and Members go out on the hustings for the campaign. No other agency in Government can do it, except the Congress. With respect to this amendment and what was said a moment ago about engrafting it into the foreign aid bill, I should say that 3 weeks ago I went to the President of the United States. I submitted proposed language to him. I talked to him in private.

There was a session of an hour and a half. I said, "I will not take you by surprise. I want you to know what is going on." So he is fully advised about it. I made it clear that this proposal would be of no value unless it were put on a measure that was going to the President's desk.

Mr. President, that is not an unusual proceeding. It has been done a good many times. Suppose we managed to get before the Senate the Tuck bill, which has already passed the House.

What do Senators think would happen to it at the White House? It would be vetoed. I know that.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. PASTORE. Should the President be denied that privilege? Should he have on the auction block the foreign aid bill because he does not like the rider?

Mr. DIRKSEN. Oh, I know legislative techniques. I have not been around here for 32 years without knowing the score. I said to the President, "I am going to put it on the foreign aid bill. I want to do so in order that it may be at your desk for either signature or veto."

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. DIRKSEN. I yield myself 5 minutes more.

What is the use of going through an exercise in futility? What is the use of going through such procedure unless results are obtained? We must be rather practical when we start on this course.

So there we are. I was advised that this "baby filibuster," as it is called by the distinguished majority leader, is to be continued. That is all right with me, because this issue will be here to be voted on, unless a substitute is accepted. There has been proposed an amendment to the amendment. It is a sense of the Congress resolution.

Mr. McCLELLAN. Mr. President, will the Senator yield at that point?

Mr. DIRKSEN. I yield.

Mr. McCLELLAN. May I inquire whether it is the Senator's intention or his contemplation, if this little filibuster to which he refers continues after the vote today, assuming cloture is rejected, to file another cloture petition at a later date, say in a few days perhaps? The Senator says that his amendment is to be voted on sometime before this session ends.

Mr. DIRKSEN. I might.

Mr. McCLELLAN. Will the Senator yield further?

Mr. DIRKSEN. Yes.

Mr. McCLELLAN. The question of voting for cloture gives me some concern. I have been against it. I am still against cloture as a legislative weapon. But the Senate, on the 10th of June, this year, employed cloture as a weapon to compel the enactment of the civil rights law—a law that I opposed and that my people opposed—a law that I think is unconstitutional, a law that I think will be of great detriment to this country. If cloture is to be used and adopted as an instrument, as a weapon, in legislative battles in the Senate, against me and my State, although I deplore the use of it, the logic of such circumstances may very well compel me on occasions to vote for cloture and thus make use of the same weapon as that with which I have been stabbed.

If cloture is to become the practical procedure for the U.S. Senate, then in order to make my vote most effective in representing my State I may desire to

use it against those who employ it against me.

So, on a second cloture petition on this measure, I may vote for it.

I may not vote for cloture today, but I am not always going to maintain the position that, irrespective of what the practice may become and what precedents may be established in using this weapon, I shall continue to refrain from using it.

Mr. DIRKSEN. I have heard intimations from the opponents of the Dirksen-Mansfield amendment that this discussion would continue. Very well. I can remain here until Christmas. I can stay here until the 3d of January, when the 89th Congress will come in, if that is the way to reach a vote. But I helped on two occasions to break filibusters. The first one was on the communications satellite bill. I got on my knees on this side to beg Members to vote for cloture.

Mr. PASTORE. Mr. President will the Senator yield?

Mr. DIRKSEN. Not at the moment. My friend will thank me for that.

Mr. PASTORE. Oh, I will not. [Laughter in the galleries.]

The ACTING PRESIDENT pro tempore. The guests in the galleries will please remain in order.

Mr. DIRKSEN. Oh, Mr. President, I do not mind if they snicker a little.

The ACTING PRESIDENT pro tempore. The Chair has the responsibility to maintain order.

Mr. DIRKSEN. I know that.

I got on my knees and begged Members on this side of the aisle to vote for cloture. I hope my friend will approve. He nods his head "yes."

What is proposed is provided for under rule XXII. I am operating under the rules of the Senate; and I believe I know what the rules are. The opponents can take their time, but this amendment will still be here. They can offer a substitute. A substitute has now been proposed. It is a sense of the Congress resolution. I cannot lay my hand on it at the moment, but it expresses the sense of the Congress that the Supreme Court ought to give adequate time.

Is it not wonderful for this legislative, coordinate branch of government to get on its knees and say to the Court, "Please Mr. Court, be gracious, be graceful. Let us give them adequate time"? We are asked to beg a little. I do not propose to beg, because that demeans the dignity and authority and equality of this branch of government.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. DIRKSEN. Mr. President, how much time have I remaining?

The ACTING PRESIDENT pro tempore. The Senator has 8 minutes remaining.

Mr. DIRKSEN. I yield myself 1 additional minute.

After all, it was no accident that the legislative branch was provided for in article I of the Constitution. As President Monroe once said, "It is by all odds the most important branch in all the Government, because of the powers that have been conferred on it."

Mr. President, that is the story. I said yesterday there will be a vote on the amendment one way or the other, or on a substitute, but it is going to be the business. I stood aside for the social security bill. Yesterday I had to say to our very gracious and self-effacing majority leader, for whom I have the deepest affection, that I cannot permit putting this amendment aside any longer, for the Appalachia bill or any other purpose.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. DIRKSEN. I yield myself 1 more minute.

When we are through with the vote on cloture, and when we are through with the Mansfield resolution on the McCloskey matter, and the Williams substitute, we shall be back on foreign aid and this amendment will be the pending business. The opponents can talk as long as they like, but it will still be here, and this issue will have to be resolved.

The country is watching, because it was alerted to this issue, starting in 1962, after the Supreme Court decision in Baker against Carr. The legislative conference of the Council of States made this one of the major matters on its agenda.

Mr. PROXMIRE. Mr. President, I yield 2 minutes to the Senator from New Jersey [Mr. CASE].

The ACTING PRESIDENT pro tempore. Will the Senator suspend for a moment until the Senate is in order?

Mr. CASE. Mr. President, I shall vote against cloture on the Dirksen-Mansfield amendment. The real question before us is not cloture but whether the people of the several States shall have the right to govern themselves or shall be compelled to accept the dictates of a relatively small minority.

Mr. PASTORE. Mr. President, will the Senator speak louder, so that we may hear him?

Mr. CASE. The reapportionment decisions of the Supreme Court involve problems which have given real concern to me as they have to many others. Ideally, the political question of how State legislatures are constituted would be much better left to the States themselves. But, in the face of obvious malapportionment resulting from population growth and shifts, many State legislatures have deliberately failed to act. And those affected have no effective recourse other than the courts.

Mr. PASTORE. Mr. President, will the Senator speak so that we can hear him?

Mr. CASE. I wish I had the vocal organs of the Senator from Rhode Island. I shall have to ask that he do his best to increase his hearing power to that of his vocal power, because today I am not able to speak much louder.

Mr. President, I have not been so honored for many years as to have the orator of the Democratic Party sitting at my feet. This is indeed a real switch. [Laughter.]

In my own State, when the legislature called a constitutional convention in

1947, it specifically provided "that the convention shall in no event agree upon, propose or submit to vote of the people, either separately or included among other provisions, any provision for change in the present territorial limits of the respective counties, or any provision for legislative representation other than" the existing basis.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. CASE. Mr. President, I ask for 2 more minutes.

Mr. PROXMIRE. Unfortunately we are rather short of time. I yield 1 more minute to the Senator from New Jersey.

Mr. CASE. There is merit to the point that in some cases the lower Federal courts have acted with what seems to be too great haste and have not given State legislatures sufficient time to do a decent job of reapportionment.

The States are not, however, helpless in this situation. Surely the courts would not arbitrarily refuse appropriate relief in this respect upon the application of States endeavoring to bring their legislative apportionment into compliance with the Supreme Court's holding.

And, in any event, the admitted purpose of the Dirksen-Mansfield amendment is not to permit more time to comply with the Supreme Court's reapportionment decisions. Its purpose is to give time for the adoption of a constitutional amendment which would make it unnecessary for any State to reapportion its legislature, regardless of inequalities, however great, in representation of the total population.

There would be considerable justification for this if the constitutional amendment were to be passed upon by the people themselves. But there is no intention that the matter should be submitted to the people of the several States. The effect of the Dirksen-Mansfield amendment is to make it possible for the State legislatures as now constituted to approve a constitutional amendment designed to enable them to perpetuate their present composition and cut off any recourse either to the people or the courts.

Mr. President, back in 1923 Chief Justice Hughes came to Columbia University to pay tribute to Chancellor James Kent. He made a memorable speech. It included this observation on the realities of democratic living:

Democracy must be its own savior, and security is to be found, if at all, not in the denials of the right of participation in the affairs of government, but in education, public discussion, and the self-imposed restraints of an intelligent and justice-loving people. There is no shorter way.

I repeat that the real question before us is not cloture. It is whether or not the people of the several States shall have the right to govern themselves.

Accordingly, I have come to the conclusion that I cannot support the Dirksen-Mansfield move.

Mr. PROXMIRE. Mr. President, I yield 4 minutes to the Senator from Tennessee.

Mr. GORE. Mr. President, the issues raised by the pending amendment are of great importance to the American

people. The amendment involves the fundamental question of representative government at the State level. It involves, also, the concept of separation of powers, which is a hallmark of our form of National Government.

In my view, the amendment in its present form should not be enacted into law.

Recent court decisions directing, and in some cases effecting, reapportionment of State legislatures, have had a serious impact upon orderly procedure in our elective processes.

Mr. President, when reapportionment is so long delayed that representation becomes so disproportionate that Los Angeles County in California, with a population of 6 million people, larger than that of any 1 of 40 States, elects only 1 member of the senate in the State legislature while another senatorial district in the same State with only 14,000 people elects 1 senator, something has gone seriously awry with representative government.

These decisions have been controversial, and to some extent disruptive; but they are predicated on findings that apportionment of representatives in the State legislature in such States is so grossly inequitable as to deprive citizens adversely affected thereby of their constitutional rights. The denial of constitutional rights is a serious matter. It is one which the courts cannot ignore.

Even so, I find considerable merit in, and I have considerable sympathy with, a proposal to provide State legislatures a reasonable period of time in which to make their apportionment and to make adjustment and accommodation to the Supreme Court decisions.

But we are not privileged to reach a decision upon that basis. The proponents have been perfectly candid in saying that they seek an interim period during which a hasty amendment may be made to the U.S. Constitution, in part, by the action of legislatures which have been held to be grossly disproportionate and unconstitutional.

Such a constitutional amendment might seek to freeze into existence, perhaps for all time to come, the grossly disproportionate, inequitable, and declared unconstitutional existing apportionment in certain legislatures.

This I cannot support.

Mr. President, there is nothing sinister about proposing a constitutional amendment. That is the procedure provided for changing our fundamental law. A constitutional amendment may be proposed and acted upon whether or not there is a stay in judicial proceedings affecting apportionment.

The fact remains, however, that if judicial proceedings are stayed, as proposed in the amendment, a constitutional amendment submitted to the States for ratification would be acted upon in some States by legislatures which would already have been judicially determined to be unconstitutionally apportioned. A State legislature resisting change in its apportionment might well be disposed to ratify a constitutional amendment which would permit perpetuation of its existence, even though such action would be

contrary to the wishes of a majority of the people of that State. A constitutional amendment ratified by legislatures, some of which are unconstitutionally apportioned, would not serve the cause of representative government.

Moreover, in my view, the pending amendment is potentially a dangerous precedent in that it would constitute action by Congress to inject itself deeply into the area reserved by the Constitution to the judiciary. Some have argued that the Supreme Court in its decisions has undertaken to usurp the prerogatives of Congress in the legislative field. However that may be, it seems to me that the pending amendment would certainly put Congress into the field of administration of justice.

The amendment is sweeping in its terms. It directs our judges as to how they shall rule on petitions that may be filed in cases already decided, in cases that are pending, and in cases not even commenced. The courts are directed as to the type of judgment they shall render unless "highly unusual circumstances" which are nowhere defined or spelled out are found to exist. If it is appropriate for the Congress to so dictate to the courts on this question, future Congresses may well find it appropriate to dictate to the courts on other questions. Should such practice become common, we shall have lost one of the cornerstones of constitutional government.

The question immediately pending is the issue of limiting debate on the amendment. I have never voted for cloture. This is not to say that there are no circumstances under which I would regard limitation of debate as being warranted and necessary. But in my opinion, such action should be taken only when overriding considerations of the national interest make the need therefor both clear and compelling.

The right of free and full debate in the Senate is essential to careful, deliberative, legislative process. A vote for cloture is tantamount to approval of the pending question in its present form. Recent experience has demonstrated that meaningful changes in a legislative proposal are not feasible after cloture is invoked.

In my view, the pending amendment, in its present form, does not meet the test of clear and compelling national need which would justify invoking cloture. On the contrary, for the reasons I have stated, I believe adoption of the amendment would be unwise. Accordingly, I shall vote against cloture.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. PROXMIRE. Mr. President, I yield 1 minute to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, after thorough study, I support cloture on the Dirksen-Mansfield amendment.

In a brilliant address on the subject of reapportionment and the rights of States to reapportion themselves, the distinguished senior Senator from California [Mr. KUCHEL] stated it was his view that the people of each State themselves should have the continuing right

to determine at the polls what basis they wished to use in creating their legislative districts. He stated that as a matter of policy he favored a constitutional amendment preserving to the people of each State a continuing constitutional authority to decide the basis of their State legislative reapportionment as they themselves may choose, with appropriate judicial systems to prevent a frustration of their authority.

I am much impressed with this suggestion; and when he submits such an amendment, I shall be glad to cosponsor it.

Mr. PROXMIRE. Mr. President, I yield 3 minutes to the Senator from Connecticut.

Mr. RIBICOFF. Mr. President, the Dirksen amendment should be opposed for two very simple reasons. First, it stands on the most doubtful constitutional basis. Second, it is being pressed to bring about a result that is plainly unconstitutional.

The first point rests on a doctrine which is normally urged with much force by Members of this body. That is the doctrine of separation of powers. It is a keystone of our form of government. We in this body are rightfully concerned that the legislative power be, as article I of the Constitution prescribes, vested in the Congress. We should be equally concerned that, as article III prescribes, the judicial power shall be vested in our courts.

Yet the Dirksen amendment seeks to blur these constitutional principles. For the first time we are being asked to suspend by legislative action the enjoyment of constitutional rights. We are being asked to tell the Federal judiciary that the equal protection clause of the 14th amendment is to be temporarily suspended.

For the courts themselves to take such action would be unwise. Far better to proceed as they are doing on a case-by-case adjudication of the individual problems that may be encountered in each of the States. But for Congress to impose its own ideas of the proper functioning of the judicial process is not only unwise, it raises constitutional issues of the most serious magnitude.

If there are those who disagree with the Supreme Court's interpretation of the 14th amendment, the remedy is amendment of the Constitution. But the proponents of the Dirksen rider are not content to follow the procedures which the Constitution prescribes for amendment. They ask us to invade the judicial area and tamper legislatively with the vindication of constitutional rights. That is a strange stance to be taken by those who claim to be defenders of the Constitution.

The second objection is even more basic. Those supporting the Dirksen amendment concede with candor that their ultimate purpose is to have the Constitution amended to reverse the Court's apportionment decision. Of course they have a right to press for such an amendment. But they have no right to have their proposed amendment adopted by unconstitutional means. Yet that is what they seek to do in the course they are now urging us to follow.

The plain purpose of the Dirksen rider is to freeze the State legislatures in their present unconstitutional setup so that these malapportioned legislatures will be the ones that vote on whether to adopt a new constitutional amendment. This is unwise, unfair, and unconstitutional.

The Supreme Court has ruled on the application of the 14th amendment to State legislatures. That decision should now be promptly carried out, as most of the States are trying to do in an orderly fashion. Then when State legislatures are reapportioned on the basis of population, it will be time enough to consider whether the Constitution itself should be changed.

Mr. DOUGLAS. Mr. President, I hope the cloture motion will be decisively defeated. It should be defeated for at least three reasons.

First, only a little over 30 hours have been taken in discussing the completely extraneous Dirksen-Mansfield amendment to the foreign aid bill—which has been sprung upon this body without any prior hearings having been held before a Senate committee. In contrast, the opposition to the civil rights bill was given nearly 3 months in which to debate before a cloture motion was invoked and three Senate committees had held many days of hearings on sections of that bill.

And yet the proposed Dirksen-Mansfield amendment, and the forces which it would set in motion, are just as important and perhaps even more important than the civil rights bill. The amendment would freeze indefinitely action under the Supreme Court's decisions on fair apportionment and would suspend indefinitely an important individual right guaranteed by the Constitution. Time is needed to alert, not merely Congress, but also the country, to the issues involved. In fact, we have yet to understand the full implications and the proponents have failed to give evidence in support of their charges that the amendment would prevent chaos. There has already been a significant awakening of public opinion and there will be more if the discussion is only allowed to proceed.

Secondly, Mr. President, when the first Supreme Court decisions on this subject were handed down in 1962, they began to remedy one of the worst abuses of our political system; namely, the gross underrepresentation in the State legislatures of our metropolitan areas. In using that term, I include suburban areas as well as urban areas.

Fifty years ago, those areas included less than one-third of the population. Today they include nearly two-thirds. In future years, they will include three-quarters. Yet until the Supreme Court issued its first decision in March 1962, very few reapportionments had been carried out by the various State legislatures. Gross abuses abounded, and still abound, in all sections of the country, and in virtually every State. This has been fully documented in material which has been placed in the RECORD during the course of this debate. But the State legislatures had, in the main, refused to cure these abuses. The Supreme Court, in my opin-

ion, was completely correct in ruling that citizens could not be guaranteed the equal protection of the laws, which is their right under the 14th amendment, unless they were granted substantially equal representation in the very legislatures which made the laws.

Under the stimulus of these decisions, some States are beginning to make progress in reapportionment; and if they are allowed to operate, much further progress will be made.

But the Dirksen-Mansfield amendment would stop all this. It would prevent the court orders from going into effect for an indeterminate period—certainly to January 1, 1966, and probably appreciably beyond that.

During this time, my colleague from Illinois [Mr. DIRKSEN] has stated with admirable frankness that it is his intention and that of his supporters to initiate a constitutional amendment which, if ratified, would forever prohibit the courts from ordering such a reapportionment. If such an amendment were submitted to the States, the present badly apportioned State legislatures could then ratify it with a rush, and seal the present abuses into effect in perpetuity.

As the urban and suburban populations increased both absolutely and relatively, as they will, they would still be under the domination of decreasing rural minorities. This is what lies at the end of the road; and unless we defeat the cloture motion by a decisive vote, it is likely to happen.

Finally, the right to the equal protection of the laws is a constitutional right. It cannot be superceded temporarily. If temporary suspension of constitutional rights is permitted in matters of representation, why can it not be done in the future so far as free speech, a free press, and trial by jury is concerned? Does Congress have the right to reverse and suspend decisions of the Supreme Court? Should it try to do so? How can such action be reconciled with the jurisdiction given to the Federal courts under article III of the Constitution over all cases under the Constitution? I believe that we do not possess that supremacy and that we should not seek it.

In conclusion, let us not muffle the trumpets which sound the alarm upon the battlements of the metropolitan areas. The forces which would seek to abridge the individual liberties of the great majority of Americans are not only at the gate, but are at the point of having their way. Rather, allow the clear notes of those trumpets to sound forth the notes of the truth, so that all may hear and have an adequate opportunity to decide.

The ACTING PRESIDENT pro tempore. Six minutes remain before the close of the debate.

Mr. PROXMIER. Mr. President, has all time on the side of Senators opposing cloture expired?

The ACTING PRESIDENT pro tempore. The time of the opponents of the cloture motion has expired. The junior Senator from Illinois has 6 minutes remaining; then the debate will be closed.

Mr. DIRKSEN. Mr. President, I listened to the distinguished Senator from

Tennessee [Mr. GORE] speak about vindicating abuses. The answers lie in the States. It is proposed, through the Supreme Court, to take a shortcut and not do the job that should have been done by Tennessee. I am familiar with what has happened there. It has lasted for nearly half a century. Why did not the people get on their high horse and go to the legislature to have the job done, instead of going to the Supreme Court of the United States?

My friend from Connecticut [Mr. RIBICOFF] speaks of constitutionality. I do not know how much of an authority he is; but I do know that on the day we left Senator MANSFIELD's office, Archibald Cox, the Solicitor General, from the Department of Justice, and Nicholas Katzenbach, Deputy Attorney General, put the stamp of approval upon this amendment, so far as constitutionality is concerned. The Senate can take its choice as to where it wants to go from here.

The debate will continue, either on this amendment or on a substitute. I do not know how long it will require; frankly, I do not care. If my friends from Pennsylvania, Illinois, Michigan, and Wisconsin care to carry on this "baby" filibuster, it will be quite all right with me. I shall be present all the while. But that would push the adjournment of this Congress well into the future. If cloture does not prevail today, there will be another opportunity to vote on cloture, and I think before too long. Then perhaps the Senate will wish it had put an end to this interminable discussion.

A point was made the other day about how much time had been devoted to hearings and discussions. I had our assistant secretary on this side of the aisle clock the Senate all of Tuesday afternoon, starting with 3 o'clock. This is the way the attendance ran, by 15-minute quarters: Nine on the floor of the Senate; two on the floor; three on the floor, two on the floor, five on the floor. If Senators were so much interested in having a full measure of debate, why was not the Chamber full of Senators at the time? Evidently they had fixed their minds, by dint of newspaper articles and dissertations. They know what the issue was; and the issue is very simple. The people will not be confused when we get back home. They will know what the issue is. It is whether the Federal Government or the Supreme Court is going to ignore section 2 of the 14th amendment, which is an integral part of that amendment, as has been demonstrated by the opinion of Mr. Justice Harlan, and then move in and, by judicial fiat, determine how the States shall compose their legislatures. I shall not be a party to such procedure. I shall rest the case there. No amount of sophistry, no amount of discussion, no fancy words will obscure the issue, because it will be before the people. This is not a "rotten borough" amendment, as my friend from Chicago says. I have before me a little pamphlet entitled, "Is Daley going to control the legislature of the State of Illinois?" This is going to be an issue not only in my State, but in other States, as well.

So Senators may take their choice. Let

the discussion continue, if they please. Let the "sense of Congress" resolution be offered as an amendment. But, oh what a business it will be to stultify this branch of the legislature, to have it get on its knees and say, "Please, Mr. Court, do give the States adequate time. Please, Mr. Court, do not be so capricious; do not be so arbitrary."

I will not do it, because I have pride in this branch of the Government, which is coequal with any other. I do not propose to surrender its dignity or its importance in the governmental scheme. That is all I have to say.

Mr. MANSFIELD. Mr. President, will the Senator from Illinois yield me one-half minute?

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the Senator from Montana may proceed for one-half minute.

The ACTING PRESIDENT pro tempore. Without objection, the Senator from Montana is recognized for one-half minute.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD a statement I made relative to the Mansfield-Dirksen amendment on August 13, 1964, in the CONGRESSIONAL RECORD, on pages 18871 and 18872.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Mr. MANSFIELD. Mr. President, I listened with great interest, as I always do, to the remarks of the distinguished minority leader today, regarding the pending amendment. He said, at one point, that the purpose of the amendment was to buy time, and that the purpose of the additional time was to enable the Congress and the States to enact a constitutional amendment to overturn the decision of the Court in Reynolds against Sims.

I wish to say that I agree with the distinguished minority leader when he says that this amendment is to provide time, because there have arisen in several States situations which require additional time to be properly worked out in an orderly manner. However, I do not agree that the purpose of the additional time is to allow the passage of a constitutional amendment to overturn the Reynolds decision. In the first place the time allowed by this amendment, which will in most cases end at the conclusion of the first State legislative session after the election this November, will probably not be long enough to complete the processes required for the adoption of a new constitutional amendment.

Second, although I thoroughly agree that the States should have the opportunity to vote on a constitutional amendment allowing them to apportion their own legislatures as they see fit, I do not believe this chance to vote must come while the State legislatures are still apportioned as they are today. That would give an alleged malapportioned State legislature the power to validate itself, the right to pass upon its own validity, and the ability to perpetuate itself indefinitely. That does not seem just to me. I am certainly in favor of giving the people the opportunity to vote as they wish on such a proposed constitutional amendment. But when that vote comes, it should be on the basis of one man, one vote, as required by the Reynolds decision.

May I say also that, in my opinion, this amendment does not make the granting of the stay mandatory along the percentage stated by the distinguished minority leader—the figure, I believe, was 99½ percent—

but considerably, very considerably less—perhaps 75 to 25 especially in those States well on the way to a successful and constitutional apportionment.

Mr. President, in the amendment before us, everything I am sorry to say—is not as we would like it to be. It is not all black, nor is it all white. There are shades of gray. Men of good will and men who believe in the Constitution can find a meeting of the minds if they will set themselves to it, and if they will not make up their minds before they have a chance to look up the facts and to evaluate the picture.

Last June the Supreme Court of the United States handed down its decision in the historic case of Reynolds against Sims. The decision held that equal protection of the laws, which is guaranteed by our Constitution, required, in the election of a State legislature, that each person in a State have the same value assigned to his vote as every other person. This was stated in the now famous phrase, "one person, one vote."

Since that time the district courts of the United States and the State governments have endeavored to carry out this requirement of the Constitution as speedily and with as little confusion as possible. Generally these efforts have been successful. In several cases, however, because of the demands of time and the nearness of the fall election, the actions taken have been disruptive upon these particular States governing and electoral procedures. It is clear this result was not intended by the Supreme Court which warned against hasty actions of reapportionment where the State election machinery was already in process.

We are met, therefore, with a situation not totally intended or expected and it is a situation which, I believe, the Congress can and should make some attempt to ease, within the bounds of its constitutional power to do so.

The design of the original Dirksen amendment was to put off for two meetings of the State legislatures in any State involved in the apportionment problem, the implementation of the Court rule. In the meantime, supporters of that amendment hoped that a constitutional amendment could be achieved. But, of course, that is a far cry from the proposal which is before the Senate today. It is as different as day is from night. In my opinion, the first amendment was clearly unconstitutional. This one, I believe, is constitutional. As a result of the efforts put forth by the joint leadership, the attorneys attached to the Senate, and the Deputy Attorney General, Mr. Nicholas deB. Katzenbach, we think we have come up with something which is within the requirement of the law, which recognizes the decision of the Court, which does not try to overturn that decision. It does seek through the use of a brief stay where it is necessary to bring about a settling of a situation which has developed to serious proportions in various States.

There is a need for flexibility. No Member of this body will gainsay that fact in view of what is happening in such States as Oklahoma, New York, and Colorado.

The amendment which Senator DIRKSEN has introduced, and of which I am a cosponsor, in my judgment is a great improvement over those proposals which would have, in effect, suspended the constitutional right of equal protection for an extended period of time. The amendment is, under section 5 of the 14th amendment, an exercise of the congressional power to enforce and implement by appropriate legislation the requirements of that 14th amendment. The amendment offered by the Senator from Illinois and myself merely attempts to establish an orderly procedure in the carrying out of the constitutional requirement of the Reynolds against Sims decision in a situa-

tion where some congressional guidance may be helpful. This amendment is not in any way an attempt to overturn or subvert that decision. The basic purpose of this amendment is to allow the States one election and one session of the legislature which could be before or after that election, so that the States might be given a chance to solve their own apportionment problem. If at the end of that limited period the State has not by its own governing processes met the constitutional requirement, then section (d) of the amendment requires the district courts to do it for them. Furthermore, the stay of action suggested by this amendment is to be measured in terms of the public interest. In the opinion of many, the public interest and the requirements of orderly government necessitate the States having this opportunity. But the amendment provides that even this chance need not be given where highly unusual circumstances would indicate that it should not be.

There are many who will not be satisfied with this amendment, and I can only say to them that there are also many who were not to be satisfied by anything else.

In my opinion we have not by this amendment interfered with the decision of the Court but have instead helped to implement it in a way which will in the long run add strength to its meaning. It would seem to me that the malapportionment, or misbalance, which existed in some States until this time has been indefensible. In one State, for example, I am informed that every voter in one county had the equivalent power in State elections of 100 voters in another.

In other States, the State legislatures had failed to redistrict and reapportion themselves for many decades despite the plain requirement of their own constitutions to do so.

To those who say that governing initiative in this country has passed from the States to the Central Government, I point out that perhaps this is one of the reasons why. A free people will not long respect nor patiently submit to an unresponsive government. Insofar as some State governments have been grossly malapportioned, it is likely also that they have been unresponsive. It may be that in the end the requirement for fair apportionment in the State governments will bring about a resurgence of strong influence by State governments upon our Nation's affairs.

Mr. PROXMIER. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. PROXMIER. The Senator has made a very constructive and helpful statement. It begins to give the kind of meaningful judicial discretion which is mighty important if we are to have an amendment that is not unconstitutional and is workable. I deeply appreciate the fine statement which the Senator has made.

I should like to add one further point. It seems to those of us who believe in one man, one vote that we should not delay apportionment. We should proceed. There are situations such as that in Oklahoma that from a practical standpoint are very difficult. That is why I offered the pending amendment, the Proxmire amendment to the Mansfield-Dirksen amendment. This would provide that the stay, in court action for the period necessary, shall not—I repeat, not—be deemed to be in the public interest in the absence of highly unusual circumstances. But under such circumstances, a court might find in Oklahoma that the highly unusual circumstances would make a stay wise and necessary. There may be difficulties which would cause enormous inconvenience and great difficulty for those running.

It seems that the amendment I have just called up would turn the proposal around

and make it in fact as different as night and day from the other proposal. It would still rely on the one man one vote principle. It would say to the court that the court should not stay reapportionment except under unusual circumstances that would cause great difficulty to those involved. I commend the Senator from Montana, our majority leader, for his very helpful statement, which is a characteristic of his whole attitude. I appreciate it very much.

Mr. MANSFIELD. I am deeply grateful to the distinguished Senator from Wisconsin for his remarks.

I point out that when we try to reach an agreement which will be satisfactory to a majority of the Members of this body, it is not an easy task. We spent many days since last Thursday—in effect, until yesterday afternoon—trying to draft an amendment which would uphold the powers of the Court and at the same time bring relief to those States which are in distress because of the Court decision which had been handed down.

I did not get all that I wished in the amendment. The distinguished minority leader did not get all that he wanted. But we arrived at a consensus in the gray area which we thought would face the situation, which would recognize that the courts had powers which should be adhered to, but which also recognized a situation which affected several of the States of the Union, and in which the need for some alleviation seemed to be very apparent.

We have done our best. We hope that the Senate will understand the spirit in which we carried on these bipartisan negotiations.

In response to a statement made by a Senator earlier today, I wish to say that the negotiations were not carried on in secret. I am sure that every Senator knew about what the leadership was doing. The press reported our doings quite carefully. We did not rush out and give them bulletins every hour on the hour, because we were trying to do a constructive and workmanlike job. We think we have accomplished that. It was not easy, but we have laid our proposal before the Senate and now it is for the Senate to decide.

Mr. DIRKSEN. Mr. President, in connection with my remarks, I ask unanimous consent to have printed in the RECORD a letter to the editor of the New York Times written by Morris D. Forkosh, chairman, Department of Public Law, Brooklyn Law School, on August 6, 1964; also an article written by Robert N. Wilkin, a distinguished jurist, and published in the New York U.S. News & World Report in its issue of August 24, 1964, entitled, "A Noted Jurist Says, 'Repeal the 14th Amendment.'"

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 8, 1964]

CONGRESS VERSUS THE COURTS—POSITION ON DIRKSEN BILL DELAYING REDISTRICTING UPHOLD

To the EDITOR:

Your August 6 editorial on "Congress versus the Courts" flays a legally dead horse, albeit the politicking aspect makes sense.

You write that Senator DIRKSEN's bill to delay the reapportionment of State legislative districts, pursuant to the Supreme Court's decision, raises "grave questions of the division of authority between the legislative and judicial branches," that the bill "ought not to be railroad through" Congress, and that it amounts to "legislative blackmail, not deliberation."

Your final sentence mentions, however, that the reapportionment "timetables for

change fixed by Federal judges in many States are so immediate" that hostile Congressmen feel they have no choice but "to act with [such] indecent speed before adjournment."

First, on the division of authority:

There are instances too numerous to list, that Congress may not only overrule judicial decisions (and this is found especially in the area of interstate commerce), but that the Court invites Congress so to do.

CONSTITUTIONAL AUTHORITY

Furthermore, the Constitution divides the Supreme Court's power into appellate and original jurisdiction, and article III gives to Congress the ability to control the former. For example, in 1867 Congress broadened the Supreme Court's appellate jurisdiction; the following year McCordle's writ of habeas corpus came up on appeal under this broadened power and the Court assumed jurisdiction; in early March of 1869 the case was argued and taken under advisement; in late March Congress, notwithstanding the President's objections, repealed its 1867 legislation and the Supreme Court thereupon dismissed the appeal for lack of jurisdiction.

Additionally, Congress may control the High Court through the number of justices sitting thereon. For example, in 1870 the Legal Tender Acts were invalidated by a 4 to 3 decision; the same day President Grant sent two nominations to the Senate to fill vacancies on the bench; the two new justices combined with the minority to overrule, in 1871, the earlier decision and uphold the law (this description is simplified).

Finally, congressionally proposed amendments may overrule Supreme Court decisions, as witness the 11th and 16th amendments, and a Civil War may likewise overrule another decision, as with the Dred Scott case of 1857.

LEGISLATIVE SPEED

Second, on the railroading and blackmail aspects: There are many instances of speed in the legislative process, and the famous 100 days of 1933 are still fresh in our minds. So, too, have amendments to the Constitution been speedily proposed and adopted, e.g., the 12th (7 months), the 17th (12 months), the 19th (15 months), the 20th (11 months), the 21st (10 months).

In 1932 the Norris-La Guardia Act withdrew from the Federal judiciary all jurisdiction over injunctions in labor disputes save as these otherwise provided. Since then Congress has relaxed these barriers in certain instances, e.g., the Taft-Hartley and Landrum-Griffin Acts, but the early statute is still effective.

There are many instances where "riders" have been attached to legislation whereby congressional desires in particular instances have been thereby effectuated.

Regardless of the policy reasons (on which I express no personal view), Congress does not deserve to be castigated as you do.

MORRIS D. FORKOSCH,

Chairman, Department of Public Law,

Brooklyn Law School.

BROOKLYN, August 6, 1964.

[From U.S. News & World Report, Aug. 24, 1964]

A NOTED JURIST SAYS, "REPEAL THE 14TH AMENDMENT"

(By Robert N. Wilkin, U.S. District Judge, retired, Northern District of Ohio)

(NOTE.—Once again the United States is embroiled in controversy involving the 14th amendment—and how it is interpreted by the U.S. Supreme Court. Here, a former Federal judge looks at the history of this amendment and finds it responsible for some dangerous trends.)

Our country is confused and distressed by two prevalent but opposed tendencies. One is a trend to centralization of all political

power in the National Government. The other is a trend toward control of all government by mass emotion and public demonstrations. People generally are divided into factions that support one or the other tendency; and some people, without awareness of the inconsistency, support both tendencies.

Both movements, however, are willful rather than lawful. They lead therefore to irrational and violent conduct. Centralization of power leads to tyranny, and mass emotion produces anarchy.

If these two evil tendencies are not corrected, the American Republic will go the way of the Roman Republic. The symptoms of disintegration today are the same as they were during the last century before the advent of the Roman Empire.

The only way in which these evil trends can be arrested is by a return to and restoration of constitutional government. That can be accomplished lawfully only by a constitutional amendment.

The U.S. Supreme Court has been the spearhead of the centralization of power in Washington. It has assumed final jurisdiction over such controversial problems as prayers in public schools, integration in State schools, apportionment of representatives in State legislatures, and determination of what is or is not obscene and immoral in public pictures and printed publications—problems which the Constitution and first 10 amendments "reserved to the States, respectively, or to the people."

Many proposals for constitutional amendments have been made with the purpose of nullifying the objectionable decisions of the Court, but such procedure would not be satisfactory. It would be useless to cancel separate decisions if the statements on which the Court based its decisions were left in the Constitution. Such procedure would produce a crazy quilt of constitutional law. Since the Court has based its assumption of authority on the 14th amendment, that article should be repealed or its pertinent language deleted.

First, it is necessary to analyze and understand what the Supreme Court has done, and how it was accomplished. The analysis is somewhat technical and tedious, but no good can be accomplished until the conditions and their cause are clearly understood.

The first amendment, adopted at the time of the ratification of the Constitution, states: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

The 2d sentence of the 14th amendment, which was proclaimed as a part of the aftermath of the War Between the States, says: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States," etc.

Although the 14th amendment did not expressly amend or repeal the 1st amendment, the Supreme Court's interpretation has the effect of inserting the words "or a State," so that the 1st amendment is made to read, "Congress or a State shall make no law," etc.

The sole intent and purpose of the 14th amendment was to protect the colored population and secure suffrage to the freedmen. The effect, however, of the Supreme Court's decisions is to extend Federal jurisdiction into the fields of religion and education and impose restrictions on States rights.

Although the Court admitted that voluntary prayer in public schools was not "an establishment of religion," it held that authorized prayer was unconstitutional because it might lead to establishment of a religion. The Supreme Court then completely ignored the following phrase in the first amendment which inhibits a law "prohibiting the free exercise" on religion.

The Court also disregarded section 1 of article I, which says: "All legislative powers

herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." It is clear that a provision of law which extends Federal jurisdiction into a field where formerly it did not exist is a legislative act.

The peace and civil order of the Nation has been disturbed and life kept in turmoil by controversy and strife that surges over and around such questions as:

What is the propriety or benefit of prayer in public schools?

What is the possibility or use of efforts to integrate different races by law?

What is the proper method of apportioning representatives in State legislatures?

What is obscene and immoral?

Consideration of the problems raised by these questions impels the inevitable conclusion that they involve personal, local, social, and State conditions which are different at different times and places. A just solution therefore cannot be made by a decree or command issued out of the National Capital. Specific questions require specific answers. The effort for overall control is prompted by the arrogance of ignorance, is unjust and, in the end, futile.

Current events are revealing to open and fair minded citizens that the real, basic question is: What authority has the Supreme Court or the National Government to interfere in such matters?

"ERROR OF FEDERAL INTERVENTION"

A cursory analysis of the specific problems reveals the error of Federal intervention. It is impossible to separate religion and public action. Religion is an inherent condition of human life. Religious feeling and practice exist wherever humanity is found. Religious feeling and discipline distinguish humanity from the rest of creation.

When the lawful authorities of a State or a local community offer a plan for some voluntary religious expression in public schools, and that plan is acceptable to an overwhelming majority of citizens and is approved by the trial and appellate courts of the State, why should a majority of the judges of the U.S. Supreme Court overrule the action of the State and local authorities and hold at naught the desire of the people of the community at the request of one or two atheists or zealots?

At a time when our technological and materialistic age needs so urgently spiritual enlightenment and the moral discipline of religion, why should the Court issue a decree "prohibiting the free exercise thereof"?

There may be a community where secularism is so strong and religious bigotry so rife that it would be inexpedient to try to establish any form of prayer or other religious exercise for public schools. In such a community, public authorities should not favor any religious ceremony. On the other hand, there are many communities where religious feeling is so strong and religious tolerance so general that some form of religious exercise could be established without any substantial dissent.

In any event, therefore, the problem should be solved in the local community, and national controversy and strife would be avoided.

Segregation en masse and integration en masse are both wrong for the same reason. They are efforts to settle the controversial problems as a whole on a racial basis. The position and treatment of a citizen of any race should be, and is generally, controlled by his personal worth and merit, and local conditions. When Government grants citizenship and maintains courts of law to which citizens can appeal for protection of their political rights, it has done about all that should be expected. If it attempts more, it becomes paternalistic and socialistic.

Experience warns against governmental interference in social relationships. Govern-

ment can, at times of need, improve economic conditions by maintaining a public-works program in fields where private industry cannot enter, but, if it goes beyond that, it develops into state capitalism or communism and free enterprise is then suppressed.

The Negroes were brought to this continent against their will, but their presence here has not been without blessings. Some individuals have made great progress and have been respected and honored. As a race, however, they could hardly attain a development in 300 years which it took other races 3,000 years to attain. As a race they have citizenship and should be given political equality and fair economic opportunity, but they should not expect to be coddled or pampered. Misguided reformers, burdened by messianic and martyr complexes, should cease their emotional drives and insurrections.

The Supreme Court has assumed authority to determine for all the country what is not lewd or lascivious, and to restrain State and local authorities from efforts to protect their communities from what State courts had designated as "filth for profit." The Supreme Court evidently ignores the element of truth in the ancient, but somewhat cynical and paradoxical, saying that "morality is a matter of geography." It is apparent that what might be a proper exposition or publication for an association devoted to the science of psychology or criminology or art would not be proper for a boys' or girls' preparatory school. It is also apparent that standards of morality and esthetics differ in different communities.

Now, that the Supreme Court has assumed control of apportionment of representatives in State legislatures and also the administration of criminal law by State courts, it becomes doubtful whether there are now any powers "reserved to the States respectively, or to the people." By what the late Judge Learned Hand referred to as the Court's tendency to become "a third legislative chamber," and what Prof. Edward Corwin (late professor of jurisprudence at Princeton University) designated as "the aggressions of the Court," the status of the States in the Union becomes about the same as the status of counties in the States.

A TREND "CONTRARY TO THE CONSTITUTION"

Careful analysis and detached deliberation reveal that the trend of recent events is contrary to the spirit and letter of the original Constitution and universal principles of natural law. Public opinion is aroused and there is grave apprehension that the dual nature of government by the Nation and the States, and the balance of powers among legislative, executive, and judicial departments are being undermined. There is wide fear that the Constitution and government of law are being eroded.

Those who champion the Court's usurpation by interpretation argue that such power is necessary in order to effect needed reforms. A prominent columnist recently advocated that such power is absolutely required when reform is needed and other government agencies fail to act. It was, of course, implied that the Court would determine when reform was needed and other branches had failed. Such political sophistry was emphatically rejected by the Founding Fathers. Washington said, "The spirit of encroachment tends to consolidate the powers of all departments in one, and thus to create, whatever the form of government, a real despotism." Adams, Jefferson, and Madison expressed the same opinion in almost the same terms.

Currently the daily newspapers are reporting public demonstrations that create counterdemonstrations and violence, riots that destroy life and property, bomb-throw-

ing, secret murders and insurrections by sit-down, lie-down and defiance of law and resistance against law-enforcement officers. Conditions today recall the statement made by a perceptive and courageous statesman 2,000 years ago, during the disintegration of the Roman republic. He said:

"Laws are made to be men's defenses not only against others but against their own emotions. They are man's safeguards against man's passions.

"Whenever in the past the great bulwark of the law has been weakened, the consequences have been invariably calamitous. If by any act it should now be seriously impaired, the danger is that it may be ultimately completely overthrown, to the disaster of all within the state."

That pronouncement was abundantly confirmed by subsequent events. Unfortunately, however, history reveals that one generation seldom heeds or profits by the experience of preceding generations.

THE SPECIFIC REMEDY: REPEAL

The prevalent trends to despotism and to anarchy are causing general expressions of alarm and regret, but there is little agreement as to a remedy. Since the Supreme Court has decided that it has authority to make the controversial decisions, there is no other court to which an appeal can be made for a reversal. To indulge in denunciation and disobedience only adds to the general lawlessness. The champions of civil order must proceed by lawful means, and the Constitution specifies the only method available. Article V provides that a movement for amendment may be initiated by two-thirds of both Houses of Congress or by the legislatures of two-thirds of the several States.

Three former Presidents—Hoover, Truman, and Eisenhower—many Congressmen, editors, and commentators have suggested constitutional amendment as the proper and necessary remedy. There has been no specification of the exact terms or purpose of such an amendment. Since the Court has based its assumption of authority on the 14th amendment, the specific remedy would seem to be the repeal of that amendment.

Such a movement would require time, effort, and education. If the issue is clearly defined, its purpose can be accomplished just as the 18th amendment was repealed by the 21st amendment.

The proposal to repeal the 14th amendment would be favored and supported by many citizens. That amendment has never had the respect and reverence accorded to the original Constitution and its Bill of Rights. The 14th amendment was prompted in great part by vindictiveness toward the vanquished Southern States. It was part of the same policy that motivated the carpet-baggers and their deplorable conduct in the South. The repeal would in a way be an act of belated justice.

Furthermore, respected historians have maintained that the 14th amendment never was adopted in accordance with the requirements of the Constitution. When Congress passed the resolution declaring it adopted, the legality of proceedings in some States was questioned, and some States had repealed their resolutions of approval before the action by Congress. The country should welcome another opportunity to act on the amendment. Repeal would naturally be favored in the Southern States, and it would be approved in many Northern States, where there is strong opposition to further centralization of power in Washington.

RESTORING GOVERNMENT OF LAW

The repeal of the 14th amendment would restore constitutional government, government not of men but of law, and local self-

government—and national disrupting controversies would subside.

The National Government, however, could still render great public service by maintaining and expanding public works programs, devoted mainly to conservation and development of natural resources, but not competing with private industry or suppressing individual initiative. Such program would improve the economic conditions of all races. They would tend to place idle men on idle land, and, by training dependent citizens in the crafts of science and arts of husbandry, they would create independent citizens of respectability. The popular vortex, which the Founding Fathers feared and which now threatens civil order, would be converted to a spiral of improvement that would support a law-abiding community.

Such developments as the Muskingum Conservancy District [in Ohio] have proved that National State and local agencies, private corporations and individuals can work together harmoniously for the public welfare, national economy and individual security without loss of political freedom. They have demonstrated that scientific capitalism, with its regard for the dynamic spiritual power of religion, can be much more beneficial than can atheistic communism.

People who have lived in both the South and the North know that there are communities in Virginia, Tennessee, the Carolinas, Florida and other States that have much better race relations than the Northern cities have been able to establish since the great influx of Negroes to the industrial centers.

The further industrialization in the South, development of natural resources and technical education will extend the better racial relations of the advanced and enlightened communities to the retarded and undeveloped localities, if the self-appointed reformers cease their intrusion and imposition and direct their efforts to improvement in their home communities.

It is a hopeful sign that people of intelligence and character, who make and express public opinion, are beginning to understand that lawful and constructive programs and work will do more good and less harm than factional demonstrations, racial drives, insurrections and riots. "The Federalist," which John Fiske [the historian] said "is the greatest treatise on government that has ever been written," proclaimed that "it is the reason, alone, of the public, that ought to control and regulate the government. The passions ought to be controlled and regulated by the Government."

Whoever breaks away from the law is a runaway; whoever defies the law is an outlaw; whoever resists or attacks a law-enforcement officer is an enemy of society—he abandons all right to protection by the law; he is still, however, subject to the punishment which the law imposes for the protection of society.

The ACTING PRESIDENT pro tempore. All time has expired.

It now being 1 hour after the meeting of the Senate today, the Chair, under the rule, preparatory to placing before the Senate the cloture motion on the so-called Dirksen-Mansfield amendment to the Foreign Assistance Act of 1964, directs the Secretary to call the roll for a quorum.

Mr. DOUGLAS. Mr. President—

The ACTING PRESIDENT pro tempore. The Senate will be in order.

Mr. DOUGLAS. Mr. President, is this a call for a quorum or is this a call for the yea-and-nay vote?

The ACTING PRESIDENT pro tempore. This is a quorum call.

Mr. DOUGLAS. I thank the Chair.
The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 563 Leg.]		
Aiken	Gore	Moss
Allott	Gruening	Mundt
Anderson	Hart	Muskie
Bartlett	Hartke	Nelson
Bayh	Hayden	Neuberger
Beall	Hickenlooper	Pastore
Bennett	Holland	Pearson
Bible	Hruska	Pell
Boggs	Humphrey	Prouty
Brewster	Inouye	Proxmire
Burdick	Javits	Randolph
Byrd, Va.	Johnston	Ribicoff
Byrd, W. Va.	Jordan, N.C.	Robertson
Cannon	Jordan, Idaho	Russell
Carlson	Keating	Salinger
Case	Kuchel	Saltonstall
Church	Lausche	Scott
Clark	Long, Mo.	Simpson
Cooper	Magnuson	Smathers
Cotton	Mansfield	Smith
Curtis	McCarthy	Sparkman
Dirksen	McClellan	Stennis
Dodd	McGovern	Symington
Dominick	McIntyre	Talmadge
Douglas	McNamara	Thurmond
Eastland	Mechem	Tower
Edmondson	Metcalf	Walters
Ellender	Miller	Williams, N.J.
Ervin	Monroney	Williams, Del.
Fong	Morse	Young, N. Dak.
Fulbright	Morton	Young, Ohio

Mr. HUMPHREY. I announce that the Senator from Washington [Mr. JACKSON], the Senator from Wyoming [Mr. McGEE], and the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

I also announce that the Senator from Louisiana [Mr. LONG] is absent on official business.

I further announce that the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Alabama [Mr. HILL] are absent because of illness.

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The ACTING PRESIDENT pro tempore. A quorum is present.

A quorum being present, the Chair, in further pursuance of the rule, submits to the Senate, without debate, the question, Is it the sense of the Senate that the debate shall be brought to a close?

On this question, the yeas and nays are required by the rule, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Louisiana [Mr. LONG], is absent on official business.

I also announce that the Senator from Alabama [Mr. HILL], and the Senator from Massachusetts [Mr. KENNEDY] are absent because of illness.

I further announce that the Senator from Washington [Mr. JACKSON], the Senator from Wyoming [Mr. McGEE], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I further announce that if present and voting, the Senator from Louisiana [Mr. LONG], and the Senator from Washington [Mr. JACKSON] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The yeas and nays resulted—yeas 30, nays 63, as follows:

[No. 564 Leg.]

YEAS—30

Aiken	Eastland	Monroney
Allott	Fong	Morton
Bennett	Fulbright	Mundt
Boggs	Hickenlooper	Pearson
Carlson	Holland	Prouty
Cooper	Hruska	Saltonstall
Cotton	Jordan, Idaho	Smathers
Curtis	Mansfield	Smith
Dirksen	Mechem	Walters
Dominick	Miller	Williams, Del.

NAYS—63

Anderson	Hartke	Nelson
Bartlett	Hayden	Neuberger
Bayh	Humphrey	Pastore
Beall	Inouye	Pell
Bible	Javits	Proxmire
Brewster	Johnston	Randolph
Burdick	Jordan, N.C.	Ribicoff
Byrd, Va.	Keating	Robertson
Byrd, W. Va.	Kuchel	Russell
Cannon	Lausche	Salinger
Case	Long, Mo.	Scott
Church	Magnuson	Simpson
Clark	McCarthy	Sparkman
Dodd	McClellan	Stennis
Douglas	McGovern	Symington
Edmondson	McIntyre	Talmadge
Ellender	McNamara	Thurmond
Ervin	Metcalf	Tower
Gore	Morse	Williams, N.J.
Gruening	Moss	Young, N. Dak.
Hart	Muskie	Young, Ohio

NOT VOTING—7

Goldwater	Kennedy	Yarborough
Hill	Long, Mo.	
Jackson	McGee	

The ACTING PRESIDENT pro tempore. Two-thirds of the Senators present and voting not having voted in the affirmative, the cloture motion is rejected.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, in accord with the half pledge or promise made to the Senate on yesterday, I should like at this time to ask unanimous consent to call up the resolution which I introduced, unless the distinguished Senator from Delaware [Mr. WILLIAMS] wishes to have his resolution considered first.

I make the last comment because, if I remember correctly, when the Senator from Delaware submitted his resolution yesterday, he had not determined then whether it would be offered as a substitute or as an original resolution.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. Mr. President, could I get an answer first?

Mr. WILLIAMS of Delaware. Mr. President, I am willing to offer it as a substitute for the resolution of the distinguished majority leader.

Mr. MANSFIELD. Fine.

The ACTING PRESIDENT pro tempore. The unfinished business is the so-called Dirksen-Mansfield amendment. Does the Senator desire to have it laid aside?

Mr. MANSFIELD. Yes, because of the promise made yesterday that on the completion of the cloture vote, the Senate would be given an opportunity to vote on the two resolutions which were submitted yesterday afternoon.

Mr. DIRKSEN. Mr. President, when this matter was discussed yesterday afternoon, the majority leader, the distinguished Senator from Montana [Mr. MANSFIELD], the distinguished Senator

from Delaware [Mr. WILLIAMS], and I had a colloquy in the office of the majority leader. I was willing at that time, because of the urgency of the matter, to have the pending business temporarily laid aside in order to dispose of both the Williams substitute and the Mansfield resolution dealing with the McCloskey matter. But, at the same time, I made it abundantly clear that foreign aid would not be set aside for any other measure.

I would have to object. And if a motion were made, I would have to do the best I could to defeat the motion until consideration of the Dirksen-Mansfield amendment and the foreign aid bill has been concluded.

I believe the distinguished Senator from New York [Mr. JAVITS] proposes to offer a substitute. I am quite opposed to it. But, that is neither here nor there.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. RUSSELL. Mr. President—

The ACTING PRESIDENT pro tempore. The Senator from Montana has the floor. Does the Senator yield?

Mr. MANSFIELD. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I propose to offer a substitute for the Dirksen amendment, and then stand aside, pursuant to the commitments of my own leader, so that other measures may be considered.

I should like, if it is in order, and agreeable to the Senator from Montana [Mr. MANSFIELD], to offer a substitute on behalf of the senior Senator from Minnesota [Mr. HUMPHREY], the junior Senator from Minnesota [Mr. McCARTHY], and me, to be laid before the Senate in place of the pending business.

Mr. RUSSELL. Mr. President, I object. If there is no other way, I object.

The ACTING PRESIDENT pro tempore. The question before the Senate is the unanimous-consent request of the Senator from Montana to temporarily lay aside the pending business—

Mr. RUSSELL. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. RUSSELL. Mr. President, I was trying to get into the discussion before it got beyond this stage, in order that we might ascertain what the real purpose is with respect to the so-called Mansfield-Dirksen substitute.

As I stated here yesterday, this has been a "powder puff" filibuster up to now. Only a feather duster has been used to attempt to break it.

I wish to know whether it is proposed to try to obtain a vote on the Dirksen-Mansfield amendment, or whether it is proposed that it shall be laid aside until the Senate is driven by necessity to lay the amendment on the table. I believe that there should be a test of strength in the Senate that will indicate whether or not any substantial number of Senators think that the Senate should proceed with the Mansfield-Dirksen proposal. I am supporting that proposal, although I am not altogether happy about it. I think it is about as weak a proposal as I have seen in some time,

and I have been unable to understand why all of our friends who are so strongly dedicated against a filibuster have seen fit to filibuster this very pale proposal. It leaves the question in the discretion of the courts. Worse than that, it would put the seal of congressional approval on the constitutionality of the Supreme Court's decision in the reapportionment cases. That is an extremely high price to pay for a delay of 1 year, which would probably come about anyway due to the litigation in the various States and the time that would be required to bring it to a final decision in the Supreme Court.

The present members of the Supreme Court have frequently said that they are not bound by the doctrine of stare decisis, and will reserve the right to change their minds whenever they please—and they do so with great frequency and velocity. There is a possibility that they might change their minds. Some of them might read Mr. Justice Harlan's dissenting opinion in the Reynolds against Sims case and decide to proceed in accordance with the Constitution.

Mr. President, yesterday I said that if we were interested only in form, pretense, and publicity, we could vote on cloture and the vote would lose. Then the leadership could say that that is all that we could do. Therefore, the majority leader would move to lay the amendment on the table. I did not think the motion would be made immediately after the cloture vote.

It seems that we are going ahead now into a number of other highly controversial questions, and we shall proceed to lay the Dirksen-Mansfield question aside whenever any other business comes before the Senate. If the distinguished majority leader wishes to make a motion to lay aside the pending bill, he is at liberty to do so, and undoubtedly he has the votes to assure the adoption of that motion. But I do not believe that the Senate should play that kind of game with an issue as vital as the one before the Senate. The issue is whether the Senate will recognize that the Supreme Court is capable of error and would suggest that the error be postponed for 1 year, or whether we shall say that the Supreme Court is omnipotent and cannot err. The question should be brought to a conclusion by a vote.

I have observed with some interest the difference in the procedure that has been applied to the present proposal as compared with the procedure followed in relation to a bill which was pending in the Senate in the spring, which I call the Federal force bill. At that time the Senate met at 10 o'clock in the morning and, if I am not mistaken, some mornings at 9 a.m., and remained in session until 10 p.m., 11 p.m., or midnight to consider and discuss that bill. Those of us who were opposed to the bill conducted our educational campaign, which failed—not for want of merit, but because of the fact that we could not get our discussions and arguments disseminated across the country to the people.

Mr. President, I should like to hear some statement as to how far we are going. I should like to know if the pending

bill will be further considered, laid aside, then taken up again and laid aside again. We ought to bring it to a conclusion now. If a serious effort is to be made to obtain a vote on the amendment, I believe that some indication of it should be given.

Personally I am for the Mansfield-Dirksen proposal solely because there is no stronger measure before the Senate to support in order to express the self-respect of the Congress of the United States. After all, we will merely be expressing our own self-respect and saying that the Court is not only invading the legislative field but also is preempting to itself powers to exercise rights that are vested in all the people of the United States; and under those circumstances I believe we ought to stop this little game.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Illinois.

Mr. RUSSELL. Mr. President, I have not surrendered the floor. The Presiding Officer cannot take me off my feet in that cavalier fashion.

The ACTING PRESIDENT pro tempore. The Chair is sorry.

Mr. RUSSELL. Mr. President, have I the floor?

The ACTING PRESIDENT pro tempore. The Senator from Georgia has the floor.

Mr. RUSSELL. I yield to the Senator from Massachusetts with the understanding that my doing so will not in any wise affect my right to the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SALTONSTALL. Mr. President, the Senator from Georgia has said that the issue is the self-respect of the Congress. In my opinion, involved also is the self-respect of the States as well as the people of those States.

Mr. RUSSELL. Of course certain rights are reserved to all the people of the United States. That is the issue involved here. We can brush it aside. We can lay the amendment aside while the newspaper barrage continues to assail any criticism whatever of any decision that is handed down by this Court until the Congress is intimidated by newspaper editorials, or we can stay here and make a serious effort to obtain a vote on the amendment. I am in favor of making a serious effort to reach a vote on the amendment. I do not know of any other way to get a test of strength except by objecting to a unanimous-consent request, thereby bringing about a motion to lay the bill aside. Then there will be an indication.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. RUSSELL. Mr. President, I yield to the Senator from Florida with the understanding that my doing so will not result in my losing the floor.

Mr. JAVITS. Mr. President, I object. The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. RUSSELL. I yield to the Senator from Florida for a question.

The ACTING PRESIDENT pro tempore. The Senator from Georgia yields to the Senator from Florida for a question.

Mr. HOLLAND. I thank the distinguished Senator from Georgia and I thank the distinguished Senator from New York for his courtesy.

Does not the distinguished Senator feel that after the vote which has been taken it would be highly appropriate, within a short time, to take a vote on a motion to lay the measure on the table to test the sentiment of the Senate with reference to the Dirksen-Mansfield amendment?

Mr. RUSSELL. At the outset of my remarks I gave some indication that it seems to me that the leadership should either pursue the matter by trying to bring the amendment to a vote on the merits, or that a motion should be made to lay it on the table and get it out of the way.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. If the Senator will keep it in the form of a question, because the last thing I would desire to do would be to displease the distinguished Senator from New York [Mr. JAVITS]. I therefore ask the Senator to keep anything that he might say in the form of a question in order to conform to the ethics and high ideals of the Senator from New York.

Mr. HOLLAND. Does the Senator still feel, as he did when he voted to upset the Supreme Court's decision in the so-called Tidelands case, when he voted to upset the Supreme Court's decision in the so-called railroad rates conference case, and when he voted to upset the Supreme Court's decision in the so-called insurance rate conference case, that this legislative body of the Congress, as directly elected representatives of the people of the several States and of the United States, has the authority and the duty, when it feels that the Supreme Court has wandered far afield, to assert itself in the way we asserted ourselves on those three occasions?

Mr. RUSSELL. I most assuredly do. I answer the Senator's question in the affirmative. I am not one of those who believes that the Congress of the United States has outlived its usefulness and should be a shrinking violet every time the executive branch of the Government or the judicial branch of the Government asserts itself.

I think we should defend our rights and prerogatives as a legislative body. Even as the other two branches of Government assert their rights and expand their rights. The legislative branch has been stepping back and back from year to year. I refer not only to this instance, but to other cases in which we have abandoned our responsibility. When we abandon our responsibility and leave a vacuum, either the Court or executive branch, headed by the President, steps into that vacuum.

I should like to see a Congress that has pride in discharging its responsibility as the legislative branch and is willing to defend its prerogatives as a co-equal, coordinate branch of Government, which has just as much power in this field under our system of checks and balances that has brought us our greatness, as was displayed in former days. I real-

ize that it is a vain hope, because so many Senators think that any statement by the President—and I do not refer to any particular President, but to the Office of the Presidency—or any edict of the courts is sacrosanct. Without examining to see whether it is correct or not, they salaam and say, "O Almighty President, O Exalted Court, we have no rights. We will not challenge you for a moment, but we will step back, back, back," to the point where Congress has very little to do except to appropriate money. We do that in such a way and provide such discretion on the part of the executive branch as almost to paralyze the power of the purse—the great weapon the legislative branch has by which to defend itself.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield to the Senator from Florida for a question.

Mr. HOLLAND. Does not the distinguished Senator, who has read every word of the debates in the Congress on the submission of the 14th amendment—as has the Senator from Florida, incidentally—agree with the Senator from Florida that the opinion of Mr. Justice Harlan to the effect that not only was the Supreme Court not given the authority which it has sought to exercise in these legislative reapportionment cases by the 14th amendment but that such authority was specifically and deliberately withheld by the Congress of the United States which submitted the 14th amendment? Does the distinguished Senator agree with that conclusion?

Mr. RUSSELL. I will say, in response to the query by the Senator from Florida, that the authors of the 14th amendment would be shocked beyond the power of expression if they could see the application of that amendment and the way it has been construed by the judiciary. They knew what they were undertaking to do. The debates clearly demonstrate their objective.

The 14th amendment has been designed as a cover-all which has been stretched to embrace not only the remainder of that Constitution but all the laws of the Congress as well as the constitutions and laws passed by the legislative bodies of the States.

As a matter of fact, to the present Court the 14th amendment is the Constitution, and the construction they place upon it makes it paramount; to this Court, every other provision of the Constitution, all the laws enacted by the Congress, and the constitutions and laws of all the States are completely subservient to the strained construction that has been placed upon the 14th amendment.

Mr. HOLLAND. Mr. President, will the Senator yield for another question?

Mr. RUSSELL. I yield for a question.

Mr. HOLLAND. Does the Senator agree with the recent article of Mr. Walter Lippmann that the historical statement of Mr. Justice Harlan in his dissenting opinion in the Reynolds case is completely unanswerable except for the fact that State legislatures have failed to act, and that therefore the action is on

the basis of expediency rather than on the basis of right or wrong?

Mr. RUSSELL. I have not read the article to which the Senator has referred. I have earlier stated, however, that I hope the Members will get around to reading and studying and analyzing the dissenting opinion of Mr. Justice Harlan in this case, for it expresses very clearly what is the proper construction of the 14th amendment.

Mr. HOLLAND. Mr. President, will the Senator yield for one more question?

Mr. RUSSELL. I yield for a question.

Mr. HOLLAND. Does not the Senator from Georgia agree with the Senator from Florida that many of those who oppose the Dirksen-Mansfield amendment do so because of their grief over the failure of the State legislatures to properly redistrict, rather than upon any defense of the constitutional right of the Supreme Court so to act? Does not the Senator believe that is taking the position that the end, regardless of how desirable, justifies the means, no matter how wrong?

Mr. RUSSELL. I would not undertake to examine into or analyze the motives of a Member of the Senate. It would not be appropriate or proper for me to do so. No Senator has any right to question the motives or the reasons that prompted any other Member of the Senate to take the position he has taken, and I do not do so.

I say, however, that this issue should not continue to hang fire and be batted back and forth like a shuttlecock in a game of badminton until it is swept under the table with the argument that, "Congress must adjourn and get out of here. The last amendment remaining is this amendment. The foreign aid authorization bill must be enacted. The appropriation bill from the House is before us. We must get rid of this amendment and get it out of the way."

I did not think it was possible to get a much weaker amendment than the one before us, but I understand there is one that will be proposed. It will be one that Senators can see through. The pending amendment is of such a coloration that one can scarcely see it.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. RUSSELL. For a question.

Mr. MANSFIELD. Mr. President, I would hope that the distinguished Senator from Georgia would not object to taking up Senate Resolution 367, having to do with a study and investigation covering allegations raised in connection with the construction of the District of Columbia Stadium and matters related thereto.

Senators may recall that when this resolution was submitted yesterday a promise was given by the leadership that, at the conclusion of the cloture vote, an attempt would be made to take it up. The distinguished Senator from Delaware [Mr. WILLIAMS] likewise has a resolution.

At that time the distinguished minority leader [Mr. DIRKSEN] made it very clear that, except for this particular resolution, it was not his intention to have

the pending business laid aside any further until a decision was reached one way or the other. I should like to ask the Senator to defer his objection to the request that the resolution be laid before the Senate for consideration.

Mr. RUSSELL. We are confronted now with exactly the same situation we shall face in connection with other legislative proposals.

I believe the resolution should be considered. The Senate would be remiss in its obligation to the American people unless it reopened this inquiry, in the light of the new matter that was submitted to the Senate by the distinguished Senator from Delaware [Mr. WILLIAMS].

However, everything in its season. There are other legislative matters that should be disposed of before the Senate adjourns. If we proceed to lay aside temporarily the pending business for this matter, that matter, or some other matter, until everything that is mandatory and on the so-called "must" list of legislation has been acted upon, I know that the Senate will get rid of this amendment, and it will probably do it by adopting a paler version which declares that it is the sense of Congress that it hopes the Supreme Court will not make so many errors in the future, or will delay applying this particular rule; but it will be only a hope—not even a pious hope, but an expedient hope, which will enable the Congress to get away.

The Senate should adopt a resolution. I am prepared to vote for such a resolution.

Other legislative matters will come before the Senate and the Senator from Montana, our distinguished leader, will say, "Are not Senators in favor of this bill? It is an important bill."

How about Appalachia? That bill is of vital concern to a great many people in the part of the country whence I come. I would like to see it passed.

When we bring up one bill after another and leave this amendment as the last matter, after the House has passed the foreign aid appropriation bill, I know what will happen to the amendment. I have seen it happen before.

This is a serious matter, and we should reach a vote on this amendment. It is high time to go about it. It is high time to do something about it.

The Senator from Montana has referred to what the Senator from Illinois said yesterday. Unfortunately, I was not on the floor yesterday. I regret it very much, because I always like to hear the distinguished Senator from Illinois speak. I like to hear him even when I wholly disagree with what he has to say. The distinguished Senator from Illinois can cut my throat with such beautiful verbiage that I hardly feel the razor as it cuts. I would have liked very much to hear his remarks yesterday. However, I have not heard the Senator from Montana say that he is determined to get to a vote on the amendment of which he is the sponsor, jointly with the Senator from Illinois. When it came to the matter I adverted to earlier, what I call the Federal force bill and what the Senator from Illinois calls the civil rights bill,

the Senator from Illinois was in a different position, and he utilized that position to the fullest, to my great sorrow and, I believe, to the detriment of our country. However, that is not the point of debate now. The Senator from Illinois utilized the power of the minority then. But the minority will not decide whether or not there is a vote on the pending amendment. It will require the majority to determine if the Senate is to remain in session to bring this matter to a vote.

If the Senator from Montana does not have the same dedication that the Senator from Illinois has expressed, and as the Senator stated yesterday, what I fear will happen is sure to come about.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. MANSFIELD. I stated earlier during the course of the debate that I had completely stated my position. What I had to say I said in 10 minutes or less. There is nothing I can add to my remarks. So far as I am concerned, I am prepared to stay here until January 3, 1965, at 12 o'clock noon, to dispose of this matter one way or another. I have so stated on a number of occasions.

Mr. RUSSELL. Mr. President, I had not heard the Senator make that statement. I do not like to act contrary to the wishes of a large number of Senators. I would not like my friend from Illinois or the Senator from New York to take umbrage at something that I had done.

Relying on the statement of the Senator from Montana, even though I know that if he does not do so, his right arm, the Senator from Minnesota [Mr. HUMPHREY], will be here to urge the passage of other bills, I shall not interpose an objection now.

I yield the floor.

Mr. LAUSCHE. Mr. President, will the Senator yield?

The ACTING PRESIDENT pro tempore. Does the Senator from Georgia yield the floor?

Mr. RUSSELL. I yield the floor.

Mr. DIRKSEN. Mr. President, first I should like to propound a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. DIRKSEN. What is the pending business?

The ACTING PRESIDENT pro tempore. The pending business is the Dirksen-Mansfield amendment to the foreign aid authorization bill, the Senator's own amendment.

Mr. DIRKSEN. Mr. President, I wish to say to my distinguished friend from Georgia that yesterday, in the colloquy with the majority leader, he expressed the hope that perhaps I would be willing to let the Appalachia bill come ahead of the unfinished business. I said I was sorry. I had yielded on social security, and for a good reason; namely, the well-being of many senior citizens in the United States. Also, that bill had to go to conference, and it might take some time to iron out the differences between the House and the Senate.

I said I had no objection to seeing it go to conference but, I said that after that and after action on the resolution that was brought in yesterday afternoon, which I trust will not take very long, there will be no further setting aside of the foreign aid authorization bill and the pending amendment until it is disposed of.

I give the Senator from Georgia my solemn word that I shall use everything in the rulebook to see that that is done.

Mr. RUSSELL. With that assurance from the Senator from Illinois, and on the basis of the statement of the Senator from Montana, I withdraw any objection.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DIRKSEN. Mr. President, I wish to say further that I can appreciate what the Senator from Georgia has said with respect to this matter getting lost in the adjournment rush.

However, a supplemental appropriation bill is still to come before the Senate. That bill will carry more than a billion dollars. We still must finish action on the foreign aid authorization bill. We still must pass the foreign aid appropriation bill. We still must finish action on the Appalachia bill, which contains perhaps a billion dollars over a 5-year period.

Therefore, there is still work ahead for us to do so far as the "must" calendar is concerned.

I sit at the feet of the Senator from Georgia, who has been here a long time, and from whom I am always glad to take counsel when it comes to trying to get things done and at the same time not be subjected to the charge that I am stalemating the Senate or stultifying myself.

Mr. RUSSELL. The Senator cannot be charged with stalemating or stultifying the Senate. Is not the Senator ready to vote on his amendment?

Mr. DIRKSEN. Yes; I am ready to vote.

Mr. RUSSELL. How can the Senator be charged with stalemating the Senate when he is ready to vote on the amendment?

Mr. DIRKSEN. The Senator would be surprised to hear what I have been charged with. Some of it is not printable or expressible. Never have I had so much exposure. I have been the subject of a Drew Pearson article for three full columns. I have been subjected to Herblock's cartoons for the past week. Law school deans have been writing to the Vox Pop columns of the newspapers, and the Sunday editions have been filled up.

I have become sympathetic, with a melting heart, to the Senator from Georgia in undertaking to get before the country his story on civil rights. I have been trying as best I can to get this story to the country.

Even in the New York Times, I am excoriated by means of blackmail tactics. I have asserted over and over again that this issue will be resolved one way or another, so long as there is any life, or breath left in me. I am ready to vote.

But the Senator from Illinois [Mr. DOUGLAS], my senior colleague; the Senator from Pennsylvania [Mr. CLARK], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Michigan [Mr. HART], and other Senators who have participated in the baby filibuster do not want a vote to take place. They go on the theory that the longer the debate continues, the more votes they will be able to gather, and perhaps they will be able to put the tag of defeat on it.

Some say we should have done better in cloture. They ask, "Are you not frustrated?" I am never frustrated. I know what happens around here. I know how arms are twisted and other things happen that finally decide what a vote will be. But despite the cloture vote, the issue is still before the Senate, and the Senate will vote on it one way or another. We shall vote either on a substitute or on the Dirksen-Mansfield proposal; Senators can take their choice.

In addition, the Tuck bill is on the Calendar, to deal with the appellate jurisdiction of the courts, and even the jurisdiction of Federal district courts. That bill can be offered as a substitute for the Dirksen-Mansfield proposal, if any Senator wishes to offer it.

Now I wish to address my friend from Georgia, who has reflected a little upon the Dirksen-Mansfield amendment as a sort of pale amendment. I believe it was Aristotle who said that politics is the art of the possible. We might apply that statement to legislation. It is the art of the possible. We cannot get all we want, so we have to settle as we go along. I was seeking a breather. I thought we did a fairly competent job. That is all we had in mind. We could not get a resolution for a constitutional amendment passed by the two bodies and started through the country and have it ratified in time. Until it was ratified, it would have no effect. The Supreme Court could continue, in Georgia, in Illinois, and other States, to mandate three-judge courts to allow legislatures 15 days in which to try to comply with their orders.

Mr. RUSSELL. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I will yield if my friend from New York will be so kind as to permit me to do so.

Mr. JAVITS. Mr. President, will the Senator from Illinois yield to me to explain that point? I am being put in a false light.

I have never failed to agree to unanimous consent for any Senator to make a speech or for any other purpose; but there is a question now as to whether a motion to table the Dirksen-Mansfield amendment should come before the consideration of a substitute. When one is speaking of substantive rights, that is different from the normal courtesies of the Senate. Of course I do not object to any speech that any Senator may wish to make at any time.

Mr. DIRKSEN. If the motion to table should prevail, that would be the end.

Mr. JAVITS. I realize that.

Mr. DIRKSEN. If it did not prevail, the Senator could still offer his proposal to express the sense of the Congress that the Supreme Court ought to listen, please, to our entreaties and give adequate time, and not be so capricious.

I said when the Senator from Georgia [Mr. RUSSELL] was not in the Chamber that I will not bend the knee to another branch of the Government. I intend to assert the dignity and authority of this branch because, in my judgment, it is the most powerful branch. There would not be a single court of Federal status in the country, except the Supreme Court, if Congress abolished them.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. JAVITS. All I had in mind was that, although there is always the risk in the Senate of recognition of another Senator, I did not want the question decided simply because one Senator yielded to another who then made a tabling motion. I am sure the Senator from Georgia, and probably the Senator from Florida, did not have that in mind; but that was the only reason for my making the point. I will take my chances of recognition. If I am recognized, fine; if not, the motion to table may come. The only reason I sought to offer my substitute was to provide the Senate with an opportunity to consider such a proposal. If I was unsuccessful, the Senator from Illinois or the Senator from Florida could still move to table the whole ball of wax. But at least, the Senate could, in an authoritative way, have the proposals juxtaposed.

Mr. RUSSELL. Mr. President, in response to what was said by the Senator from New York, I absolutely fail to see the connection between his position and the position I take about the Senator from Florida engaging in a colloquy. Not only has the Senator from Illinois said that the Senator from New York could offer his substitute; but if the amendment of the Senator from Illinois were tabled, the Senator from New York could still offer his amendment to the foreign aid bill. So there is absolutely no relationship between having a colloquy and the parliamentary situation that is pending. The Senator would still be within his rights, under the rules—not always applied—to confine any colloquy to a question, if he desired to do so.

I did not intend to be critical of the Senator from Illinois when I referred to his amendment as being a pale means to correct what I regard as a monumental invasion of the right of Congress to preserve the rights of all the people of the United States under the Constitution. The Senator from Illinois did well to get this much of a concession. The Senator is quite adept at obtaining concessions from the Department of Justice and others. He has proved it on a number of other occasions. I shall not go into that, because one of the occasions was too excruciating to deal with it at any length. But I commend the Senator. I expressed the view that it would be desirable to have something that would

be even more stringent and would have more effect upon the operation of the Supreme Court.

So far as I personally am concerned, I am prepared to vote for the so-called Tuck bill as a substitute for the amendment of the Senator from Illinois. I doubt whether it could be passed. But I should like to go on record as supporting it.

I was not criticizing the Senator from Illinois. I commend him for his courage in standing up for his belief. I hope he does not weary of doing good. I hope he will not be deterred by the slings and arrows of calumny and the tirades of abuse that are hurled at him. All of us are human. None of us likes to be lampooned or attacked or misrepresented or ridiculed. There are times when such things occur.

The Senator from Illinois and the Senator from Montana [Mr. MANSFIELD], in the finest traditions of Congress, have at least put the country on notice that Congress is still here, still meeting; and that if it desires to assert itself, it still has some power.

Mr. DIRKSEN. Mr. President, I wish to be sure that the language of the amendment intended to be offered by the distinguished Senator from New York [Mr. JAVITS] will come to the attention of the Senate. I shall read it now.

Strike out all on and after line 1, page 1, and insert in lieu thereof the following:

"Sec. 402. It is the sense of the Congress that in any action or proceeding in any court of the United States or before any justice or judge of the United States in which there is placed in question the validity of the composition of any house of the legislature of any State or the apportionment of the membership thereof, adequate time should be accorded (1) to such State to conform to the requirements of the Constitution of the United States relating to such composition or apportionment consistently with its electoral procedures and proceedings and with its procedure and proceedings for the amendment of the constitution of such State, and (2) for consideration by the States of any proposed amendment to the Constitution of the United States relating to the composition of the legislatures of the several States, or to the apportionment of the membership thereof, which shall have been duly submitted by the Congress to the States for ratification."

That is the amendment. It begins, "It is the sense of the Congress." There is not a binding word in it. We would merely say to the Supreme Court, "Please, Mr. Court."

Mr. RUSSELL. Supplication.

Mr. DIRKSEN. Yes—definitely so. I have no recollection in all the years I have served in the House and Senate that the Congress ever has fairly supplicated the Supreme Court to give adequate time and to give consideration. It seems to me that when we do it, we demean our own branch.

Mr. President, without losing my right to the floor, I yield to the distinguished Senator from Montana [Mr. MANSFIELD].

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside and that Senate Resolution 367 be laid before the Senate and made the pending business.

Mr. JAVITS. Mr. President, reserving the right to object—

Mr. AIKEN. Mr. President, I object to the unanimous-consent request.

Mr. CURTIS. Mr. President—

The PRESIDING OFFICER (Mr. EDMONDSON in the chair). Is there objection to the unanimous-consent request?

Mr. AIKEN. Mr. President, I object.

Mr. MANSFIELD. This is the Bobby Baker resolution.

Mr. DIRKSEN. Mr. President, I have the floor, and I yield to the Senator from Vermont [Mr. AIKEN].

The PRESIDING OFFICER. Does the Senator from Vermont object?

Mr. AIKEN. Mr. President, I believe that the Senator from New York is on soft ground when he states that anything we could do would be unfair to him. The most unfair thing we could do now would be to let Senators who come from the congested centers of population go home and say to their political leadership, "We have sustained the Supreme Court by a 2-to-1 vote. From now on we are running the show."

The amendment intended to be offered by the Senator from New York and others is merely a commendation of the Court. It does not do anything else. It says that it is the sense of the Senate that the States should have sufficient time in which to reapportion. The courts have already said, "We have given the States sufficient time, and we accept the compliment of the U.S. Senate, which shows conclusively that it is in full agreement with the judicial coup which we are pulling off on the Government."

So, the way to determine whether we are to stay here for 1, 2, 3, 4, or 6 weeks longer is to find out how the Senate stands on the Mansfield-Dirksen amendment.

In order to find out, there must be a vote on it.

Mr. President, I move to table the Dirksen-Mansfield amendment.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. On this question the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. WALTERS (after having voted in the negative). Mr. President, on this vote I have a pair with the Senator from Massachusetts [Mr. KENNEDY]. If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. HUMPHREY. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Indiana [Mr. BAYH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Alabama [Mr. SPARKMAN], the Senator from Ohio [Mr. YOUNG], and the Senator from Louisiana [Mr. LONG] are absent on official business.

I also announce that the Senator from Alabama [Mr. HILL], and the Senator from Massachusetts [Mr. KENNEDY] are absent because of illness.

I further announce that the Senator from Washington [Mr. JACKSON], the Senator from Wyoming [Mr. MCGEE], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana [Mr. BAYH] would vote "yea."

On this vote, the Senator from Pennsylvania [Mr. CLARK] is paired with the Senator from Louisiana [Mr. LONG]. If present and voting, the Senator from Louisiana would vote "nay," and the Senator from Pennsylvania would vote "yea."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The result was announced—yeas 38, nays 49, as follows:

[No. 565 Leg.]

YEAS—38

Anderson	Humphrey	Muskie
Beall	Inouye	Nelson
Brewster	Javits	Neuberger
Burdick	Keating	Pastore
Case	Kuchel	Pell
Church	Long, Mo.	Proxmire
Dodd	Magnuson	Randolph
Douglas	McCarthy	Ribicoff
Edmondson	McGovern	Salinger
Fulbright	McNamara	Scott
Gore	Metcalf	Symington
Hart	Morse	Williams, N.J.
Hartke	Moss	

NAYS—49

Aiken	Fong	Mundt
Allott	Gruening	Pearson
Bennett	Hayden	Prouty
Bible	Hickenlooper	Robertson
Boggs	Holland	Russell
Byrd, Va.	Hruska	Saltonstall
Byrd, W. Va.	Johnston	Simpson
Cannon	Jordan, N.C.	Smathers
Carlson	Jordan, Idaho	Smith
Cooper	Lausche	Stennis
Cotton	Mansfield	Talmadge
Curtis	McClellan	Thurmond
Dirksen	McIntyre	Tower
Dominick	Mechem	Williams, Del.
Eastland	Miller	Young, N. Dak.
Ellender	Monroney	
Ervin	Morton	

NOT VOTING—13

Bartlett	Jackson	Walters
Bayh	Kennedy	Yarborough
Clark	Long, La.	Young, Ohio
Goldwater	McGee	
Hill	Sparkman	

So Mr. AIKEN's motion to lay on the table was rejected.

Mr. AIKEN. Mr. President, I move that the vote by which the motion to table was rejected be reconsidered.

Mr. DIRKSEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCARTHY. Mr. President, I ask unanimous consent that amendment No. 1234, submitted by the Senator from New York [Mr. JAVITS] for himself and me on August 17, in which amendment the senior Senator from Minnesota [Mr. HUMPHREY] joined as a cosponsor, be laid before the Senate.

The PRESIDING OFFICER. The clerk will state the amendment to the amendment.

The CHIEF CLERK read as follows:

Amendment intended to be proposed by Mr. JAVITS (for himself and Mr. MCCARTHY) to the amendment (No. 1215) intended to be proposed by Mr. DIRKSEN (for himself and Mr. MANSFIELD) to H.R. 11380, an act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, viz: Strike out all on and after line 1, page 1, and insert in lieu thereof the following:

"Sec. 402. It is the sense of the Congress that, in any action or proceeding in any court of the United States or before any jus-

tice or judge of the United States in which there is placed in question the validity of the composition of any house of the legislature of any State or the apportionment of the membership thereof, adequate time should be accorded (1) to such State to conform to the requirements of the Constitution of the United States relating to such composition or apportionment consistently with its electoral procedures and proceedings and with its procedure and proceedings for the amendment of the constitution of such State, and (2) for consideration by the States of any proposed amendment to the Constitution of the United States relating to the composition of the legislatures of the several States, or to the apportionment of the membership thereof, which shall have been duly submitted by the Congress to the States for ratification."

The PRESIDING OFFICER. The question is on agreeing to the request of the junior Senator from Minnesota [Mr. MCCARTHY]. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I yield to the junior Senator from Illinois.

Mr. DIRKSEN. Mr. President, the Senate, in its wisdom, has determined not to limit debate on the Mansfield-Dirksen proposal. The Senate, in its great wisdom, has decided not to table this proposal.

We are somewhat in the dilemma of the old lady from a town in Massachusetts who died and went to heaven. She used to be quite a gossip. St. Peter said, "I am sorry, but you cannot stay here. You might go elsewhere." So, she went to another place identified with eternity and the Devil said, "I am sorry. You cannot stay here." She said, "What shall I do?" He said, "Well, I guess you had better go back to your hometown of Duxbury."

We are back in Duxbury now.

I yield to the distinguished Senator from Georgia.

Mr. RUSSELL. Mr. President, I appreciate the story of the Senator. But I do not believe we are exactly in the position of anyone from Massachusetts. We are in the position in which the Senate has been on a number of occasions. And on those occasions, I have heard distinguished Senators who are opposing this amendment rise and say, "When a majority of the Senate wishes to act, it ought to have the right and the power to act. The majority should not be deferred and delayed by the ill-timed remarks of the minority."

Has the distinguished junior Senator from Illinois [Mr. DIRKSEN] not heard that statement made here time and time again?

Mr. DIRKSEN. Indeed, yes.

Mr. RUSSELL. More eloquently, of course, and in more different forms than Heinz has varieties. But it boils down to the fact that Senators say that when a majority of the Senate wants to act, the Senate should be permitted to vote.

The vote that has just been had indicates very strongly to me that a majority of the Senate is ready to vote on the Dirksen-Mansfield amendment.

Mr. DIRKSEN. I believe so.

Mr. RUSSELL. I wonder how many of our eloquent friends will rise and repeat the speeches they made so often during the spring to the effect that it is

a disgrace to think that when a majority of the Senate of the United States is ready to take action, and when a matter has been discussed, it should be postponed by the dilatory tactics of the minority.

I shall await with interest to see how many Senators who made such statements in the spring are willing to make them now as we are moving into Indian summer.

Mr. DIRKSEN. I can hardly wait.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I repeat my unanimous-consent request that the Senate proceed to the consideration of Senate Resolution 367.

The PRESIDING OFFICER. Is there objection?

Mr. LAUSCHE. Mr. President, reserving the right to object—

Mr. JAVITS. Mr. President, reserving the right to object—

Mr. LAUSCHE. Mr. President, may I ask—

Mr. DIRKSEN. Mr. President, I have the floor.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. LAUSCHE. Earlier this afternoon the Senator from Montana made the statement that there were two resolutions that he might wish to bring up. That was one. What other resolution does he have which might interfere with the unbroken consideration of the pending bill?

Mr. MANSFIELD. The distinguished senior Senator from Delaware [Mr. WILLIAMS] has an amendment on the same subject, which I understand he intends to offer as a substitute for the resolution.

Mr. LAUSCHE. Do I correctly understand that no other extraneous business would then be brought up to interrupt the pending bill?

Mr. MANSFIELD. We have so informed the Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. JAVITS. Mr. President, reserving the right to object—

Mr. HICKENLOOPER. Mr. President, reserving the right to object—

Mr. HOLLAND. Mr. President, reserving the right to object—

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa.

Mr. HICKENLOOPER. I believe I know what the resolution is, and I should like to see it considered. But I should like to ask the sponsor of the proposal, the majority leader, whether the resolution would be subject to unlimited debate if it were taken up.

Mr. MANSFIELD. It would.

Mr. HICKENLOOPER. Would it be subject to discussion? Does the Senator from Montana have any assurance that there would not be a filibuster on the part of certain Senators in connection with that resolution?

Mr. MANSFIELD. The Senator from Montana never has such assurance.

Mr. HICKENLOOPER. Has the Senator any thought of proposing a limitation of debate on the proposed resolution if consent is given to supplant the pending business in order to bring up that resolution?

Mr. MANSFIELD. No Senator would be more agreeable to such a limitation because, in fact, I should like to catch a plane tonight to visit my home State.

Mr. HICKENLOOPER. Would the Senator—

Mr. MANSFIELD. But I have raised the question with Senators most interested in these resolutions, and the answer has been to take it easy, that we would not spend too much time on these resolutions.

Mr. HICKENLOOPER. I appreciate that the Senator from Montana would be glad to expedite consideration of the resolution, but the Senate happens to be a body composed of 100 Senators. On occasion they assert their independence of thought and do not always agree. I wondered if the Senator might test the question to see if there could be a limitation of, say, 2 hours of debate on the measure, which should be sufficient. I believe there is no question about the awareness of all Senators as to the general subject of the proposal. I can see from my standpoint no particular reason for not having a reasonable limitation of discussion on the question by unanimous consent. If such a limitation could be obtained, I would have no particular objection to the consideration of the resolution.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. MANSFIELD. I have made soundings, and they have not been too encouraging. I would prefer not to make such a request unless I had the assurance of certain Senators that they would go along.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. SALTONSTALL. I agree entirely with the Senator from Iowa. I would feel constrained to object to bringing up the resolution unless there were an agreement to finish debate on the resolution and the substitute this afternoon and evening.

Mr. MANSFIELD. This is a fine kettle of fish. I have been trying to bring up Resolution 367 and the Williams resolution. We find delay and procrastination taking place on the floor of the Senate, which is the body most vitally interested, and which supposedly has the most at stake. For the life of me I cannot understand why we cannot get my resolution and the Williams resolution before the Senate and have them discussed in some fashion or other.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MILLER. Mr. President, will the Senator yield?

Mr. DIRKSEN. Mr. President, I believe I have the floor.

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the Mansfield resolution be considered under a limitation of time; namely, 1 hour, a half hour on each side, and that an hour be devoted to the Williams substitute, the time to be divided equally a half hour on each side. That would be a total of 2 hours.

The distinguished Senator from Delaware [Mr. WILLIAMS] has several meetings back home that he wishes to attend, and I believe we ought to accommodate him.

The distinguished majority leader will go to Montana tonight. He must leave this hilltop at 5 o'clock if he is to catch his plane. Surely, the Senate can forbear and spend, let us say, an hour on each of the resolutions and then vote. That would give Senators time to get away for their—

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. MANSFIELD. I deeply appreciate what the distinguished minority leader has said, but if we cannot make a 6 o'clock plane, we shall make another plane at some other time. So I shall not let that plan interfere.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. JAVITS. While Senators are present on the floor of the Senate, I should like to say that we should stand aside and let this question be handled on the basis of a limitation of debate. I hope that Senators—though the resolution sponsored by the Senators from Minnesota [Mr. HUMPHREY and Mr. MCCARTHY], and myself has been treated as a supplication—will await the debate before making up their minds on it. I assure Senators that, in my judgment, it is the only clearly effective thing we can do, and unless the Dirksen resolution itself were construed in that way, it would be held unconstitutional, and we should be in hotter water than we are in. For those reasons I am perfectly willing to stand aside and let the issue to which the majority leader has referred be determined.

Mr. MUNDT. Mr. President, I should like—

Mr. DIRKSEN. Mr. President, I have the floor.

Mr. MUNDT. Then I shall reserve the right to object.

Mr. DIRKSEN. Very well.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. MUNDT. Mr. President, today we are discussing a great many interesting subjects, including the necessity of protecting the sanctity, the rights, and the power of the Senate. I agree wholeheartedly with that posture. In that connection I should like to have the attention of the Parliamentarian, because I should like to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from South Dakota may proceed.

Mr. MUNDT. The Senator from South Dakota desires to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MUNDT. The inquiry grows out of what seems to me to be an increasing tendency of the long arm of lobbyists to extend through the Senate doors from the corridors down to the very desks of the individual Senators here on the Senate floor.

I do not know what the rules are, in this connection and therefore I wish to make a parliamentary inquiry about the rule insofar as it pertains to lobbying on the floor of the Senate by outside influences. I was frankly disturbed when I walked into the Senate today and found on my desk a propaganda piece directed against the Dirksen-Mansfield substitute, unattributed and unattributable to any Member of the Senate.

It was apparently placed on my desk by either some agent of the St. Louis Post Dispatch or the New York Times, because it is not attributable to a Member of the Senate. My parliamentary inquiry is as follows: Is there a rule in the Senate which prohibits the distribution of lobbying material or other propaganda on the desks of Senators if it is not attributable to a Member of the Senate? If not, I think there should be.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. MUNDT. I shall yield as soon as I have an answer to my parliamentary inquiry.

Mr. DOUGLAS. I should like to say that I had that document put on the desks of Senators. I thought that the information—

Mr. MUNDT. Mr. President, my parliamentary inquiry still stands.

It is not attributable to the Senator. I did not happen to be present when he was at my desk distributing the material. I believe that there should be a rule so that when we come to our desks we shall be assured that we are not being propagandized by someone, without knowing who it is. I find now, long after the vote, that the Senator from Illinois [Mr. DOUGLAS] put it there.

Mr. DOUGLAS. I directed that it be put on the desks of Senators.

Mr. MUNDT. The Senator has a right to do so. I still desire an answer to my parliamentary inquiry, however, because if there is no rule to protect the sanctity of the Senate against lobbying from the outside, there ought to be such a rule.

Mr. DOUGLAS. Mr. President, may I be heard on that?

The PRESIDING OFFICER. If the Chair may answer the Senator from South Dakota, there is no rule, but there is a precedent in the Senate that these matters can be placed on desks of Senators only when a Senator will take authority for it and say he is putting it there at his direction.

Mr. MUNDT. Do I correctly understand the parliamentary situation to be that there is no rule that protects a Senator from the possibility of coming to his desk and finding there a 3-foot pile of propaganda from every pressure group in the country, without the necessity of having that propaganda attributed to any Member of the Senate? I want to know what the rule is, because if that is the

kind of void and vacuum we have in the rule book, there ought to be a rule on the subject. I think it is a reprehensible policy to make the private desks of U.S. Senators the depositories for propagandists from all over the country.

I am not criticizing the Senator from Illinois [Mr. DOUGLAS], because I did not know he was responsible for it, but I think there should clearly be some rule or precedent which would identify the source of the material placed on the desk of a U.S. Senator. I think the prevailing practice is carrying the technique of lobbying much too far.

The PRESIDING OFFICER. Let the Chair respond to the Senator from South Dakota that there is no written rule pertaining to this subject. Matters are placed on Senator's desks only at the request and under the jurisdiction of some Senator.

Mr. DOUGLAS. Mr. President, may I be heard?

Mr. DIRKSEN. Mr. President, I have the floor.

Mr. MUNDT. I had the floor on a reservation of the right to object.

Mr. DOUGLAS. I believe that taking the floor and yielding only to certain Senators who wish to speak is transgressing the courtesy of the floor.

Mr. DIRKSEN. The Senator can obtain the floor if he reserves the right to object.

Mr. DOUGLAS. I would like to clarify the matter which the Senator from South Dakota has raised. I would like to do that on my own right, and not by courtesy of any other Senator.

Mr. DIRKSEN. I am trying to get action.

Mr. MUNDT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from South Dakota will state his parliamentary inquiry.

Mr. MUNDT. I should like to buttress my position by reading for the benefit of the Senate a letter published on the stationery of the United States Senate Committee on Rules and Administration, dated April 24, 1947, it being a letter signed by C. Wayland Brooks—another distinguished citizen of Illinois—at that time chairman of the Committee on Rules and Administration. The letter is as follows:

The Committee on Rules and Administration at its meeting on April 23, 1947, took up the problem presented by your letter—

This being a letter to Mr. Mark Trice—dated April 17, 1947, relating to the placing of articles, publications, and printed material on the individual desks of Senators in the Senate Chamber.

It is the opinion of the committee that only official Government documents, and articles or statistical information prepared by Senators relating to the subject under consideration by the Senate should be placed on the individual desks of Senators in the Senate Chamber and the committee suggests that such a policy be carried out.

I do not know whether this is considered a precedent, I do not know whether it is considered a Senate rule, but I think we ought to know about it, because this is a dangerous situation that

can come back to plague us all. I continue with the letter:

The committee is cognizant of the fact that the promulgation of a Senate standing rule on this specific subject would require the adoption by the Senate of a Senate resolution, and the committee is of the opinion that an attempt should be made to reestablish the rule of custom referred to in your letter of April 17, 1947, and that only official Government documents and articles or statistical information prepared by Senators relating to the subject under consideration by the Senate should be placed on the desks of Senators in the Senate Chamber.

In the event, after a trial, it is found impossible to enforce such a rule of custom without the existence of a formal standing rule of the Senate, it is suggested that the committee be advised and further consideration will be given to the problem.

Sincerely yours,

C. WAYLAND BROOKS,
Chairman, Committee on Rules and Administration.

If it is a custom to prevent this form of lobbying, I should like to inquire from the Parliamentarian if it is enforceable. If it is not enforceable, I again suggest that the Senate write a rule so that all Senators may be guided by the same code of ethics when it comes to the distribution of propaganda material on the desks of Senators.

The PRESIDING OFFICER. The Chair rules that is not a parliamentary inquiry. It is not the duty of the Chair to answer.

Mr. MUNDT. This then is a parliamentary inquiry. Is there an enforceable rule, practice, or custom prohibiting lobbyists from placing lobbying material unattributable to any Senator on the desks of Members of the Senate if some Senator asks a page to distribute the anonymous propaganda? That is a parliamentary inquiry.

The PRESIDING OFFICER. The Chair states to the Senator from South Dakota that there is no rule of the Senate on that matter.

Mr. MUNDT. Very well, there is no rule.

Is there an enforceable custom?

The PRESIDING OFFICER. As the Chair stated, there is a precedent, or the Senator can call it a custom—

Mr. MUNDT. I will take the Chair's word. Is there an enforceable precedent?

The PRESIDING OFFICER. The Chair does not know of any.

Mr. MUNDT. There not being any, no rule of precedent has been violated, but I think there should be such a rule. Otherwise, this is an invitation to every lobbyist in town to ask to have placed on the desk of Senators all the anonymous propaganda that lobbyists might induce a Senator to have distributed by pages of the Senate. It is wrong. I think when that is permitted it invades the sanctity of the Senate Chamber.

Mr. DOUGLAS. Mr. President, I understand that technically I can obtain the floor if I reserve the right to object.

Mr. DIRKSEN. Yes.

Mr. DOUGLAS. Mr. President, reserving the right to object, may I reply to the Senator from South Dakota? Since the three sheets which I asked

the pages to place on the desks of Senators have become a stimulant for the Senator from South Dakota's making the comments he made, may I say that this morning I asked the pages, through an assistant of mine, to distribute on the desks of Senators an editorial from the St. Louis Post-Dispatch for Tuesday, September 8, 1964, which I now ask unanimous consent to have made a part of the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AGAINST THE CONSTITUTION

Senator EVERETT M. DIRKSEN intends to file a petition to shut off debate on his rider aimed at fair voting legislatures, at the Supreme Court, at judicial review and the Constitution itself. What follows should be a dramatic lesson in the workings of our Government.

For some weeks a small band of Senators has been filibustering against the Illinois Senator's rider to the foreign aid bill. Their numbers have grown, however, and it is no longer certain that Mr. DIRKSEN can find the two-thirds vote necessary for cloture.

The issue pits many who do not believe in the filibuster rule, but are now using it, against other Senators who traditionally uphold the filibuster, or at least the two-thirds rule that makes it difficult to overcome. In this case, the filibusters are right to use the weapon, and not just because it is there.

Certainly the two-thirds rule should be ended, because it encourages the kind of talkathon by which a minority can prevent any Senate action at all. But the rule should not be ended without establishing procedures to guarantee ample public hearings and ample debate. The cloture issue is essentially one of reasonable consideration versus unreasonable suffocation.

In the case of the Dirksen rider, consideration has been anything but reasonable. There were no committee hearings on it. The author jammed it into what he thought were the last days of the session, and tied it onto a foreign aid bill he thought the President could not veto. The technique was that of a rush job. And to what end?

The end is to overcome the Supreme Court's historic decision that both houses of State legislatures should be based on population. The Dirksen rider would require all Federal courts to stay at least until 1966 all orders to redistrict in line with this decision. In that time, the malapportionment forces hopes to press a constitutional amendment through the malapportionment legislatures, forever ending Federal court jurisdiction.

Even if the Dirksen rider were intended only as a temporary block to judicial authority, it would be highly objectionable. What it signifies is that Congress can tell the courts they cannot enforce the Constitution, temporarily or otherwise. The Supreme Court's decision is based on the 14th amendment requirement of equal protection of the laws. There is nothing equal in the voting laws of a State which allow 12 percent of its people to elect a majority in one house.

If Congress can thus limit court protection of one constitutional liberty, why cannot Congress limit others? Why can't it withdraw from court jurisdiction the defense of Negro voting rights, or of free speech, freedom of the press, property rights, fair trial or due process of law?

The path of the Dirksen proposal is the path of indirect amendment of the Constitution, which is the path the Dirksen forces have accused the Supreme Court of taking. More is involved here than the right of new urban majorities to be fairly represented in

rural-dominated legislatures. The Dirksen rider represents a ride against the power of judicial review and an independent judiciary. It is a legislative attack on the third branch of government and on the fundamental doctrine of separation of powers.

So serious is the nature of this issue that President Johnson, who has not spoken out on it publicly, should lend all his help to the embattled band of Senators trying to stave off the Dirksen challenge. The President is sworn to uphold the Constitution. The Constitution is deeply involved in the Senate struggle. It must be upheld.

Mr. DOUGLAS. Mr. President, I also asked to have distributed two tables or charts from the New York Times of Sunday, August 16 and June 21, 1964, respectively.

Since charts cannot be printed in the CONGRESSIONAL RECORD, but tables can be, may I say that the chart for August 16 classified States into three categories—States in which less than 20 percent of the voters elected more than a majority of State senators; those where the ratio was from 20 to 40 percent; and those where over 40 percent elected a majority.

While I do not wish to take the time of the Senate unnecessarily, let me point out that the chart illustrates that in Montana, Idaho, Nevada, California, Arizona, New Mexico, Florida, Maryland, New Jersey, and Rhode Island less than 20 percent of the voters elected a majority of members of the State senates.

In the State of Nevada, only 8 percent can elect a majority, in Arizona 12.8 percent, in New Mexico 14 percent, in Montana 16 percent, in California 11 percent, in Florida 15 percent, in Maryland 14 percent, and in Rhode Island 18 percent, can elect majorities of the State senates.

In the following States 20 to 40 percent of the voters can elect a majority of the State senates: Washington, 33.9 percent; North Dakota, 31.9 percent; South Dakota, 38.4 percent; Wyoming, 24.1 percent; Utah, 21.3 percent; Texas, 30.3 percent; Iowa, 38.9 percent; Illinois, 28.7 percent; Louisiana, 33 percent; Mississippi, 37.2 percent; Alabama, 27.6 percent; South Carolina, 23.2 percent; Connecticut, 32 percent.

In the remaining States between 40 and 50 percent of the population can elect majorities of the State senates.

I also included a chart which was printed in the New York Times for June 21 which gave the figures for the senates as of June and the figures for the lower houses as of June. Since June there have been some changes in the composition of the senates, but I think not too great changes in the composition of the houses.

As of June, in four States less than 20 percent of the population can elect majorities of the State lower house: Kansas 19.4 percent; Delaware, 18.5 percent; Connecticut, 12 percent; Vermont, 11.9 percent.

In the following States between 20 and 40 percent of the population can elect a majority of the lower house: Washington, 35.3 percent; Nevada, 29.1 percent; Utah, 33.3 percent; Texas 38.7 percent; South Dakota, 38.6 percent; Minnesota, 34.5 percent; Missouri, 20.3 percent; Oklahoma, 32.5 percent; Louisiana, 33.1

percent; Tennessee, 39 percent; Arkansas 33.3 percent; Alabama, 37.9 percent; Georgia, 22.2 percent; Florida, 29.6 percent; Illinois, 39.9 percent; North Carolina, 27 percent; Ohio, 29.4 percent; Maryland, 35.6 percent; New York 34.7 percent; and Maine, 39.7 percent.

Then there are States in which from 40 to 50 percent of the people elected a majority, in many cases it being close to 49 percent: Oregon, California, Idaho, Arizona, Montana, Wyoming, Colorado, New Mexico, North Dakota, Nebraska, Iowa, Wisconsin, Michigan, Indiana, Mississippi, Pennsylvania, Massachusetts, Rhode Island, West Virginia, Kentucky, Virginia, South Carolina, New Jersey, and New Hampshire.

Mr. President, I did not put 3 pounds of material on the desk of Senators. I placed these three very slender sheets there. I regard the statistical studies in the New York Times as completely accurate so far as one can tell. I regard the St. Louis Dispatch one of the great newspapers of the Nation. I am proud to place in the RECORD the editorial from the St. Louis Post-Dispatch. No outside person suggested that I do this. I did this completely on my own initiative. I am very glad to make this explanation.

EXTENSION OF AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2687) to extend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes, which was to strike out all after the enacting clause and insert:

That the Agricultural Trade Development and Assistance Act of 1954, as amended, is further amended as follows:

(1) Effective January 1, 1965, that part of Section 103(b) of such Act which precedes the colon is amended to read as follows: "Agreements shall not be entered into under this title during the period beginning January 1, 1965 and ending December 31, 1967 which will call for appropriations to reimburse the Commodity Credit Corporation in a total amount in excess of \$4,000,000,000 plus any amount by which agreements entered into in prior years have called or will call for appropriations to reimburse the Commodity Credit Corporation in amounts less than authorized for such prior years by this Act as in effect during such years."

(2) Section 104 of such Act is amended by striking out in subsection (c) the word "military" and inserting after the words "common defense" the words "including internal security".

(3) Section 104 of such Act is amended by adding the following new subsection:

"(u) None of the foreign currencies generated under this Act shall be used to promote or to help promote, or to increase production of any farm commodity units of which shall have been exported from such country in the preceding calendar year, in competition with production in the United States."

(4) The first proviso at the end of section 104 of such Act is amended by striking out "to not less than 10 per centum of the foreign currencies which accrue under this title:" and substituting "effective with respect to agreements entered into during the period beginning January 1, 1965 and ending

December 31, 1967 to not less than 20 per centum in the aggregate of the foreign currencies which accrue under such agreements:"

(5) Section 107 of such Act is amended by adding at the end thereof the following: "For the purposes of titles I and IV of this Act, the term 'friendly nation' shall not include any country which permits ships or aircraft under its registry to transport to or from Cuba (excluding United States installations in Cuba) any equipment, materials, or commodities, so long as Cuba is governed by the Castro regime."

(6) Section 108 of such Act is amended by striking out the words "six months" and inserting in lieu thereof the word "year".

(7) Sections 109 and 204 of such Act are amended by striking out "1964" and substituting in lieu thereof "1967".

(8) Section 203 of such Act is amended by striking out "1961" and substituting "1965"; by striking out "1964" and substituting "1967"; by striking out "\$300,000,000", and substituting "\$450,000,000"; and by inserting after "charges for general average contributions arising out of the ocean transport of commodities transferred pursuant hereto" the following: "or donated under said section 426, section 308 of this Act or section 9 of the Act of September 6, 1958."

(9) Section 203 of the Act is amended by inserting after the third sentence of said section the following new sentence: "In addition to other funds available for such purposes under any other Act, funds made available under this title may be used to purchase foreign currencies accruing under title I in order to meet costs (except the personnel and administrative costs of cooperating sponsors, distributing agencies, and recipient agencies, and the costs of construction or maintenance of any church owned or operated edifice or any other edifices to be used for sectarian purposes) designed to assure that commodities made available under this title or under title III are used to carry out more effectively the purposes for which such commodities are made available or to promote community and other self-help activities designed to alleviate the causes of the need for such assistance: *Provided, however,* That such funds shall be used only to supplement and not substitute for, funds normally available for such purposes from other non-United States Government sources," and by inserting after the word "costs" in the last sentence the words "or for the purchase of foreign currencies".

(10) Section 101 of such Act is amended by striking out in subsection (f) the words "from the government or agencies thereof" and further by striking the period at the end of subsection (f) and adding the following: "; and which are not less favorable than the highest of exchange rates obtainable by any other nation."

(11) The President is directed that no funds under this Act shall be spent in any country unless he finds such country is not (a) an aggressor, in a military sense, against any country having diplomatic relations with the United States, or (b) using funds, of any sort, from the United States for purposes inimical to the foreign policies of the United States.

(12) Section 107 of such Act is amended by striking the phrase "(2) any nation or area dominated or controlled by the foreign government or foreign organization controlling the World Communist movement," and insert in lieu thereof the phrase "(2) any nation or area dominated or controlled by a Communist government or by the world Communist movement."

SEC. 2. Subsection (b) of section 612 of the Foreign Assistance Act of 1961, as amended, is amended (1) by redesignating it as subsection (t) of section 104 of the Agricultural Trade Development and Assistance Act of 1954, as amended.

quick discharges, and jobs, houses and education on their return. Mindful of the upheaval, unemployment, and bonus marches that followed the relatively short and smaller First World War, there was widespread fear about the potentially explosive reaction of 15.3 million World War II veterans whose lives had been uprooted in a longer, more far-flung and disruptive war.

One economist predicted a whopping 19 million unemployed if the postwar economy dropped back to its 1940 level of output. More conservative estimates placed the figure at a staggering 8 million. A sociologist, recalling that Hitler and Mussolini had recruited idle veterans, wrote gloomingly: "Veterans have written many a bloody page of history and those pages have stood forever as a record of their days of anger."

That the United States won victory in this great peacetime battle is a tribute to an unique piece of legislation—the GI bill of rights.

Exactly 16 days after D-Day, when U.S. Armed Forces made history with the sword, President Roosevelt made another kind of history with the stroke of his pen. He signed the GI bill of rights on June 22, 1944.

This year marks the 20th anniversary of the birth of this historic example of long-range planning, which has been compared with the Morrill Act creating land-grant colleges, the Monroe Doctrine, and the Marshall plan.

What was the GI bill of rights, actually titled "The Serviceman's Readjustment Act of 1944"? It provided for loans, education, readjustment allowances for veterans, and expanded veterans hospitals and employment service.

There were those who scoffed at the proposal for the GI bill. They called it an "all-time gravy train," aiming particularly heavy fire at the readjustment allowances. Yet only 10 percent exhausted this benefit. Some opponents claimed that veterans returning to school under the GI bill would breed "educational hobo jungles" on college campuses. Instead, they raised the intellectual level of the entire country.

Gloomy prophets dourly predicted that GI homes would be a haven for "deadbeats," that veterans would move in when housing was scarce and then walk out from their obligations. On the contrary, veterans have proved to be excellent credit risks.

But the opposition faded away along with their dire predictions. "With the signing of this bill," said President Roosevelt at a White House ceremony, "a well-rounded program of special veterans' benefits is nearly completed. It gives emphatic notice to the men and women of our Armed Forces that the American people do not intend to let them down."

The feeling was mutual. Veterans certainly did not intend to let America down. "They would be a potent force for good or evil in the years to come," as one veterans' leader predicted at the time. "They could make or break our country. But given the opportunity provided by the GI bill of rights, there was only one alternative—veterans would be a tremendous force for good, and help build a better America, after they had destroyed Nazi, Fascist, and Nipponese totalitarianism."

The words could not have been more prophetic. Here's a rundown on their GI bill record after 20 years.

1. Under the education and training provisions of the bill, 7,800,000 veterans—nearly half of all who served during the war—received training. With well over 2 million in college and another 3,500,000 in other schools, veterans filled every nook and corner of the dormitories, laboratories, and classrooms. They attended classes at 19,000 trade and technical schools, and Quonset huts dotted

2,600 campuses from the University of Maine to the University of Southern California.

About 1,400,000 veterans increased their skills in on-the-job training, and about 700,000 learned the newest agricultural techniques in on-the-farm training.

Today we are a far stronger nation for the infusion of the skills manpower gained through the GI bill: 450,000 engineers, 180,000 doctors, dentists, and nurses, 360,000 schoolteachers, 150,000 scientists, 243,000 accountants, 107,000 lawyers, 36,000 clergymen, 17,000 writers, 711,000 mechanics, 383,000 construction workers, 288,000 metalworkers, 138,000 electricians, and the almost 700,000 who trained for business and executive careers.

Altogether, it was the largest program of mass adult education ever undertaken at bargain rates. The \$14.5 billion cost has been more than recouped.

The GI bill continues to pay for itself at close to \$1 billion a year. The return comes from additional income tax paid by better-educated, higher-earning GI bill veterans.

2. Equally beneficial has been the long-range effects of the GI bill loan program. Structural evidence of it dots the countryside. One out of every five homes built since the end of World War II was financed with a GI loan. As someone said, the landscape architect of postwar America has been the VA loan guarantee officer.

More than 5,268,000 World War II veterans were granted Veterans' Administration home, farm, or business loans totaling more than \$43 billion. The almost 5 million home loans in this total helped touch off a postwar housing boom that turned Americans into a nation of homeowners. This infusion of credit, of course, resulted in an enormous stimulus to our national economy. For purchases of new housing dilate the economic arteries. Purchases of new furniture, new appliances, new cars follow; and school construction and other public works are not far behind as new suburban communities mushroom. (These are communities with good credit ratings, it might be said, for more than a third of the GI loans are paid in full.)

3. Often under fire, the GI bill readjustment allowance program helped tide nearly 9 million veterans through the initial period while they looked for jobs. The average stay on the rolls was only 19 weeks, and some \$3.8 billion was expended in this program, only 900,000 veterans, or about 1 out of 10, exhausted their full rights to unemployment benefits. Most veterans just weren't content with \$20 a week, when they could be bringing home \$100 from a job, or improving their skills and education.

It was an underappreciated bulwark against adversity for unemployed veterans. In most instances, the payments were not strung together. They were spread over periods when veterans were changing jobs, trying to find themselves in a new world.

4. Millions of veterans skipped school; most of the older, married and previously employed veterans, headed back to their old jobs, or better ones, if they could land them. One of the lessons that World War I demobilization drove home was that a strong, well-financed, public employment service is indispensable to a smooth readjustment process.

One Government official evaluated the GI bill by paraphrasing Winston Churchill. "Never before," he said, "has so much been done for so many for so little."

A leading industrialist, who knew a good investment when he saw one, agreed. Said Henry Ford II:

"Millions of veterans, who otherwise might not have had the opportunity, have been enabled to enter college or to complete specialized training.

"The Nation gains by having created a great new source from which to draw its leaders."

Leaders they are and leaders they will be, for years to come, according to Dr. Amos Yoder, who made a survey of the GI bill's impact on men listed in the 1960-61 Who's Who. He found approximately 1,000 who had benefited. All were under 46 years, which, he said, is a sizable number when it is realized that almost all of the men who make Who's Who are older.

Since the past is also prolog, the lessons of the GI bill have great value on the contemporary scene. In his message to Congress outlining plans for a war on poverty, President Johnson pointed out that if annual earnings of 10 million among the poor could be raised by only \$1,000, it will add \$14 billion a year to the national output; reduce the \$4 billion in public assistance payments; and lower the costs of fighting crime, delinquency, disease, and hunger.

"Our history has proved," President Johnson said, "that each time we broaden the base of abundance, giving more people the chance to produce and consume, we create new industry, higher production, increased earnings and better income for all." The GI bill is an excellent example of the wisdom of his words.

Mr. MORSE. Mr. President, the article by the Administrator of Veterans' Affairs takes on additional significance in connection with the cold war GI bill of rights, a measure for which I have fought shoulder to shoulder with the distinguished Senator from Texas [Mr. YARBOROUGH] and many of our colleagues over the years.

There is a great and continuing demand from the citizens of our Nation for enactment of the cold war GI bill. On August 24, for example, I received from President Marvin P. Busbee, of the National Association of State Approval Agencies, a letter and a resolution which had been passed by his organization on this subject.

I ask unanimous consent that the letter and the resolution be printed in the RECORD at this point in my remarks.

There being no objection, the letter and the resolution were ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF
STATE APPROVAL AGENCIES,
August 24, 1964.

HON. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I am enclosing herewith a resolution which was unanimously adopted during the 17th annual conference of the National Association of State Approval Agencies—an organization consisting of the Approval Agencies for Veterans' and War Orphans' Training.

As a cosigner of S. 5, I know that you are fully cognizant that prior education and training legislation for veterans resulted in the greatest advances in education which the State and Nation has ever experienced within one generation as well as benefits to future generations.

The expenditures by the Federal Government to finance this education and training is not a gift—it is an investment which will be repaid through a higher tax being paid by the veterans through increased earnings. In addition to this repayment, another important factor is the effect upon our national economy. This additional income, necessary to sustain the veteran and his family during his period of training, goes to expand our national economy, resulting in more jobs

and greater income for producers of goods and services who in turn pay a higher standard of living and we will benefit from the increase in skilled and professionally trained manpower.

The N.A.S.A.A. with its 17 years of experience, and its members, many with 20 years of experience, being fully aware of this need, respectfully request that favorable consideration be given to education and training legislation for our cold war veterans.

Sincerely,

MARVIN P. BUSBEE,
President.

RESOLUTION OF THE NATIONAL ASSOCIATION OF STATE APPROVAL AGENCIES

Whereas education and training programs of readjustment for veterans of World War II and the Korean conflict have proven to be educationally and economically sound and a tremendous investment in our human resources for the continued benefit of these veterans, their families, and the Nation as a whole; and

Whereas our national policy requiring compulsory military service for certain selected persons is continued; and

Whereas the ranks of the unemployed and underemployed are increasing daily by the release from service of cold war veterans; and

Whereas no legislation old or new has met the special needs of veterans with the satisfaction and success of the GI bills; and

Whereas there is an obvious need for a program of readjustment benefits for cold war veterans: Now, therefore, be it

Resolved, That the National Association of State Approval Agencies in annual conference assembled in Miami Beach, Fla., June 19-24, 1964, urgently request the Congress of the United States to enact at an early date appropriate legislation to provide education and training as well as other readjustment benefits for veterans who first entered the military service after January 31, 1955, and for as long as the national interests demand that we maintain a policy of compulsory military service; be it further

Resolved, That copies of this resolution be sent to the President of the United States, chairmen of the appropriate congressional committees, a copy to each member of said committees, and a copy to other interested groups and individuals.

Mr. MORSE. Mr. President, I urge all citizens interested in obtaining this needed educational assistance to join me in attempting to persuade the administration of the importance of the early enactment of the bill into statute.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. DIRKSEN and several other Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIRKSEN. Mr. President, first let me direct a parliamentary inquiry to the Chair—

The PRESIDING OFFICER. The Senator will state it.

Mr. DIRKSEN. The pending business, as I understand, is the Javits-McCarthy amendment to the Dirksen-Mansfield amendment. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DIRKSEN. I understand it would be agreeable on both sides if a vote on

that amendment were deferred until Tuesday next at 2:30 p.m. There are some compelling reasons for that undertaking, but I think mainly it is agreeable to both sides. I would, therefore, present a unanimous-consent request that, on the Javits-McCarthy proposal a vote come at 2:30 on Tuesday next.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. JAVITS. In the first place, it is the amendment of the Senator from Minnesota [Mr. McCARTHY], myself, and the senior Senator from Minnesota [Mr. HUMPHREY]. Aside from that, I think there should be 2 hours' debate immediately preceding the vote, to be equally divided and to be controlled on the part of the proponents by me or the Senator from Minnesota [Mr. McCARTHY], and on the part of the opponents by the majority or minority leader. Which would the minority leader prefer?

Mr. DIRKSEN. After the convening of the Senate on Tuesday next, I would assume there would be the usual morning hour, and after 2 hours of debate—to be equally divided by the proponents and opponents, without specifying who would be in control, but I think it might be me so far as the opposition is concerned, and either the Senator from New York or the Senator from Minnesota—the Senate would vote, and that vote would be held at 2:30 p.m.

Mr. JAVITS. Mr. President, the unanimous consent would include the provision that the morning hour would end at 12:30.

Mr. DOUGLAS and Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois [Mr. DIRKSEN] has the floor.

Mr. DOUGLAS. Mr. President, reserving the right to object—and it is not my present intention to object—I am sure those of us who were active in opposing cloture and who have been charged with filibustering will be happy to vote on Monday, so any delay until Tuesday is not at our request. But if the proponents of the amendment and the majority and minority leaders believe we should vote on Tuesday, we will reluctantly put it over. But we are ready to have a vote on Monday.

The PRESIDING OFFICER. The Chair wishes to direct a question to the Senator from Illinois. Is the understanding of the Chair correct, that the Senator from Illinois is proposing that the morning hour conclude at 12:30?

Mr. DIRKSEN. Yes; but it offers one difficulty. There may be one more amendment offered, either before or after the Javits amendment is pending. We shall have to make provision for that, also, because the Tuck bill may be offered as an amendment to the Dirksen-Mansfield amendment.

Mr. PASTORE. Mr. President, reserving the right to object, in view of the last development, why would it not be proper to have this unanimous consent cover any amendment that might be offered and in the meantime have the vote on this amendment immediately follow? In other words, the Senator from

South Carolina [Mr. THURMOND] has an amendment to offer. We would take a vote on it at 2:30, with this amendment to follow immediately.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Is it a fact that the amendment I have proposed is an amendment in the second degree and that it cannot be amended?

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. Therefore, we had better vote on this amendment. It cannot be amended. If it is turned down, any Senator can offer an amendment to the Dirksen-Mansfield amendment.

Mr. DIRKSEN. Mr. President, may I interpose this thought? There will be a religious holiday next week, and I think we should be respectful of what that faith requires as to when the holiday begins. The hour of 2:30 was therefore set so as to accommodate all persons who might be involved. After action on the Javits amendment, an amendment can then be offered. I am sure there is no objection to that.

Mr. JAVITS. Of course not. Any amendment will then be in order.

Mr. PASTORE. Mr. President, if the Senator will yield, is it proposed to have a vote on the McCarthy-Javits-Humphrey amendment at 2:30 p.m.?

Mr. JAVITS. Yes.

Mr. DOUGLAS. Mr. President, reserving the right to object—and it is not my present intention to object—I would like a parliamentary clarification as to what will be in order between now and Tuesday noon? Will any amendment to the Javits-McCarthy-Humphrey amendment be in order, or will this unanimous consent supersede that, so no further amendment can be offered?

The PRESIDING OFFICER. First the Chair will state to the Senator from Illinois that the Javits-McCarthy-Humphrey amendment is not open to amendment.

Mr. DOUGLAS. Then, it will be the pending business?

The PRESIDING OFFICER. Debate would not be possible on the amendment until 2:30 p.m. on Tuesday, and the work of the Senate would be whatever the Senate wished to have before it.

Mr. DOUGLAS. In the interim, however, no amendment to the Javits-McCarthy-Humphrey amendment could be offered; nor could the Javits-McCarthy-Humphrey amendment be set aside. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DOUGLAS. Except by unanimous consent.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOUGLAS. I serve notice that some of us will not give unanimous consent to any motion connected with or variant of the Javits-McCarthy-Humphrey amendment.

Mr. DIRKSEN. Obviously, the Javits-McCarthy-Humphrey amendment is in the second degree; therefore, there can be no amendment of it until it is disposed of. The only way the Senate could

proceed to other business would be by unanimous consent or motion to lay the pending business aside to take up bills on the calendar. To that I would have to object. So, Mr. President, this is going to be the business until the foreign aid bill, with the Dirksen-Mansfield amendment, or amendments thereto, have been disposed of.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. MORSE. I thank the Senator for his clear explanation. I am now able to reinstate an invitation which I have to be in Miami to address the Machinists, which invitation I had to cancel because I thought my duties would keep me here.

Mr. DIRKSEN. Mr. President, the distinguished Senator from Oregon can go as far as Stanleyville in the Congo to make his speech and still be back in time.

Mr. PASTORE. He can begin to spend his honorarium.

Mr. DIRKSEN. Yes; or he can go to a cattle show.

Mr. MORSE. My friend from Rhode Island is usually right, but in this case I am making a gratuitous speech.

Mr. JAVITS. I wish one other point to be clearly understood. I ask unanimous consent that I shall have the right to modify my amendment until the yeas and nays are ordered.

The PRESIDING OFFICER. The Senator has that right.

Mr. DIRKSEN. That is guaranteed under the rule.

Mr. JAVITS. Not after the yeas and nays have been ordered. We had that problem the other day.

Mr. DIRKSEN. As long as the yeas and nays have not been ordered.

The PRESIDING OFFICER. The Senator is correct.

Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered.

The unanimous-consent agreement, as subsequently reduced to writing, is as follows:

UNANIMOUS CONSENT AGREEMENT

Ordered, That the Senate, on Tuesday, September 15, at 2:30 p.m. proceed to vote on the pending Javits amendment No. 1234, as a substitute for the Dirksen amendment No. 1215, with the time between 12:30 p.m. and 2:30 p.m. on that day to be equally divided and controlled by the proponents and the opponents, respectively, and that the Senator from New York [Mr. Javits] have the right to modify his amendment until the yeas and nays are ordered thereon.

ECONOMIC DEVELOPMENT PROGRAMS FOR DEVELOPMENT OF THE APPALACHIAN REGION

Mr. BYRD of West Virginia. Mr. President, by legislating to authorize a program of public works and human and economic developments for the Appalachian region, we will be doing for our own country what we have been generously doing for other countries through foreign aid for the past 17 years, and we will be helping people who want to be useful partners in the expanding economic progress of our great country. In short, the program represents a sound investment in an area which—though

rich in human and natural resources—is going to waste.

The program embodied in the Appalachian Regional Development Act of 1964 should not be looked upon as welfare for the people in the nine States who will participate in the projects. We shall all benefit from this effort by making another area of our Nation more self-sufficient.

I must admit to having a personal interest in the legislation because of its importance to West Virginia and her bordering States. We look with hope to the development of better health and treatment centers, vocational education facilities, long-needed highway expansion, a better utilization of our rich timber resources, and to a revitalization of the coal industry which, we all know, is the economic backbone of the region.

In each case, the proposed legislation would answer specific needs and, in the long run, would increase the standards of living of all Americans.

For the moment, I would ask the Senate to consider the plight of the men and women in this section of our country—men and women who are the sons and daughters of pioneers who, themselves, gave to the United States and the world, in peace and in war, their best years and efforts.

Through the years, children have been taught in schools about the value of coal in the industrial revolution that propelled America into the forefront of world developments. In years to come, history will record the role of Appalachia in rebuilding Europe from the rubble of World War II.

The achievements of coal miners, their daring and bravery in their daily work, and the advancement made by the industry have helped to instill a deep love for America in the hearts of our schoolchildren.

When the coal industry was going full force, Appalachia was also progressing. However, the advancement of science and automation was also moving ahead. In recent years, increased use of residual oil has added to the problems of the coal industry, and unemployment has resulted.

By 1960, the ranks of the unemployed had swelled to 380,000, or 7.1 percent of the Appalachian labor force, compared to 5.0 percent throughout the United States.

With the slowdown in employment, there was an understandable lack of investment in the area by business enterprises looking for expansion. This withdrawal of investment had its effect, too, on job opportunities in the region.

While each pitfall spelled a new hardship for families who were born and reared in these States, these problems, when combined, were even more devastating. They forced a massive outmigration of this native population from its homeland to other States.

Many of the people who remained now find themselves casualties of the era of automation.

The report of the President's Appalachian Regional Commission contains an endless number of important facts about this area. These are a few of the most vital:

In Appalachia, almost one in three families lives on an annual income of \$3,000 or less. Elsewhere in the United States, that figure drops to one family in every five.

The average per capita income for the balance of the United States—\$1,900—is 35 percent greater than the Appalachian figure of \$1,400.

For every 100 persons over 25 years of age elsewhere in the United States, 8 have failed to finish 5 years of school. In Appalachia, that figure rises to more than 11, or 45 percent higher than the balance of the United States.

Thirty-two out of every 100 Appalachian citizens over 25 have finished high school, contrasted to almost 42 persons out of every 100 in the balance of the United States.

Retail sales in Appalachia in 1962 were equal to 6.4 percent of national totals, a figure well below Appalachia's 8.5 percent share of U.S. population.

In this area, 26.6 percent of the homes need major repairs and 7.5 percent are in such a dilapidated condition that they endanger the health and safety of the families. The comparable percentages for the rest of the United States are 18.1 and 4.7, respectively.

If it were not for the faith of these people in their land, these figures would certainly have discouraged the most hearty among them.

Let us now look at this program of self-help to rebuild the land of Appalachia—that ribbon of neglect which stretches from Pennsylvania to Alabama.

The milestones are, of course, the projects that will improve health, education, and economics. We will be ever grateful for those efforts to educate both the children and young adults in the grants to construct vocational education centers.

Grants to build vitally needed hospitals and regional health diagnostic and treatment centers will be similarly welcomed.

We have heard much talk about the highway program about which the report from the President's Commission says:

Instead of upgrading or expanding the most heavily traveled routes, a development system seeks to stimulate the flow of people and goods to and through remote areas which have a developmental potential; it seeks, in short, to create traffic and to open up areas where commerce and communication of people with people have been sorely inhibited by lack of ready access.

Those of us who have long believed that highways are the key to economic growth in West Virginia welcome this recognition by our Federal Government.

Important, too, is the \$5 million fund that would be set up to spur the development of the timber industry.

A revitalized timber industry can be a key element to the economic growth of Appalachia. The present growth of timber is underutilized within the region, and its possible contribution to employment and local wealth is far from realized. Measures to expand and diversify the region's forest industries must and will be undertaken by this legislation.

The investment of \$21.5 million to rehabilitate areas damaged by careless mining practices is sound and practicable.

It will be used for grants to States to seal and fill voids in abandoned coal mines; it will assist in planning and executing projects for extinguishing underground and outcrop mine fires; it will expand and accelerate fish and wildlife restoration projects; and it will carry the intent of Congress to provide for the development of a comprehensive, long-range program for the purpose of reclaiming and rehabilitating strip- and surface-mining areas in the United States.

Much more could be said about the needs of Appalachia, but it is more essential that the emphasis now be placed on action.

At this moment, I am reminded of a suggestion by the late President John F. Kennedy concerning the problems facing the country when he took office in 1961. They are many, he said, and there could be endless debate as to the proper place to begin. The important thing, he said, is, "Let us begin."

So, too, should we begin on Appalachia.

KEYNOTE ADDRESS BY SENATOR PASTORE AT THE DEMOCRATIC NATIONAL CONVENTION

Mr. BREWSTER. Mr. President, 2 weeks ago those of us on this side of the aisle returned from Atlantic City with a deep sense of pride in the great party to which we belong.

The Democratic Convention brought together many of the great leaders of this country. It paid tribute to our past, and set the tone for our future.

Compared to the performance at the Cow Palace in San Francisco, the Democratic Party presented the country with a program of progress—a program which promises increased economic and educational opportunities for all Americans and a continuing growth in our already unprecedented prosperity.

The Democratic Party is a party dedicated to peace, to dignity, to reason, and to the people of this country. The Democratic Party has proved itself capable of leading this Nation through crisis to greatness—capable of keeping its promises.

Mr. President, the Democratic Convention which nominated for President and Vice President of the United States two men with a distinguished record of service in the Senate chose for its keynoter another brilliant Member of this body, the capable and convincing senior Senator from Rhode Island.

Mr. President, no words that I could add here could contribute to the eloquence of Senator PASTORE's address to the convention and to the Nation. It was a magnificent summary of our party's achievements, a thrilling call for four more years of progressive Government, and a biting indictment of the decadent philosophy which has captured the opposition.

I ask unanimous consent that the keynote address of the Honorable JOHN O.

PASTORE be printed at this point in the RECORD for the edification of my colleagues on the other side of the aisle, and for the consideration of all Americans.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

KEYNOTE ADDRESS OF U.S. SENATOR JOHN O. PASTORE, AT THE DEMOCRATIC NATIONAL CONVENTION, ATLANTIC CITY, N.J., AUGUST 24, 1964

Fellow delegates and fellow Americans, this is not in my script, but, indeed, it is in my heart. I would be a strange person, indeed, if I did not acknowledge this marvelous and wondrous manifestation of good will.

This is something that could happen in America alone. I am a first-generation native American of immigrant parents who came to this great land at the turn of the century. My State has already honored me with the two highest positions in the gift of our people to bestow upon any citizen; namely, the governorship of the State and now membership in the U.S. Senate for 14 years. [Applause.]

And, if that were not enough, my party has seen fit to grant me the privilege to speak to you tonight as your keynoter. [Applause.] My cup tonight runneth over—and the best way I can express it is to say—God bless America. [Applause.]

We meet here tonight to proclaim as the first business of this convention to assure the people of the United States of America and the people of the world that—on the American political scene—reason—and respect—and responsibility still survive. [Applause.]

In this hour of decision for America, this is a time for plain talk.

This is no time for any party to speak in any language that has to be explained away tomorrow—and tomorrow—and tomorrow. [Applause.]

As the party in office we must speak of the facts of life as they are, in a way that every American home will understand them—and we will not be misunderstood either in Moscow—in Peking—or anywhere else in the world. [Applause.]

Our responsibility is now.

We Democrats meet tonight in the glow of the four inspiring Kennedy-Johnson years—a showpiece of partnership, progress, and leadership. [Applause.]

Truly, it is a record of which every Democrat can be justifiably proud.

In this campaign we shall talk—and we shall talk proudly—of these past 4 inspiring years—4 years replete with accomplishments for our people—for the prosperity of the Nation—and for peace in the world. [Applause.]

Our task—yours and mine—is to bring this great record to the attention of every home and every heart in America—for what we do here and how well we do it—will be of no avail unless we carry the convincing story of the Democratic Party to every voter in our land. [Applause.]

Our economy has moved through 42 months of continuous climb. We are breaking all records of peacetime good times.

Never before in the history of this great Republic have we known such prosperity.

We have more income—more profits—more jobs—more security today than we had 4 years ago.

Moreover—in the process—we have built up the mightiest military power this world has ever known—greater than the military might of all the other nations of the world combined. [Applause.]

But—in the words of President Johnson—we maintain this power not for plunder—not for conquest—but in order to avoid conflict—and to preserve the peace of the world. [Applause.]

We have helped the new nations to freedom and friendship—and our Peace Corps is winning the hearts of the world.

This is what President Johnson means when he speaks of people and prosperity—preparedness and peace.

Speaking of peace, we can be proud that only 3 weeks ago we celebrated the first anniversary of the nuclear test ban treaty—and this was the greatest victory for mankind in our time. [Applause.]

And, mind you this—this treaty was sought by President Truman. This treaty was sought by President Eisenhower. This treaty was opposed by the Republican nominee—and this treaty was brought to fruition by our beloved President John F. Kennedy. [Sustained applause and ovation.]

This year, fellow delegates and fellow Americans, we reached another milestone in humanity.

It is truly a memorial to President Kennedy as in this session of the Congress we passed a civil rights law. [Applause.]

It has been due for a hundred years. [Applause.]

We debated it for another year. We acted neither in haste nor in hate—and finally the conscience of America spoke—and it spoke impressively.

The vote was overwhelming.

In the House of Representatives it was passed by 289 to 126—better than 2 to 1.

In the Senate it was passed by 73 to 27—almost 3 to 1.

The Republicans voted for civil rights 4 to 1—and in full fairness tonight, we acknowledge the support and assistance given to us by these Republicans. [Applause.]

After all, it is a Democratic habit to give credit where credit is due. [Applause.]

This was not a partisan performance. It should not be partisan. It was in the spirit of our Founding Fathers. It is in keeping with our American concept that all men are created equal. [Applause.]

This act of justice was the dream of President Kennedy—and it was brought to fulfillment by President Johnson. [Applause.]

Now—this, to be sure, is not the whole record of this administration.

There is much more—and, in due time, we shall bring it to the attention of every voter in America by chapter and by verse. [Applause.]

We are a positive party. We are a party that can boast of a record we have made—of promises made and promises kept. [Applause.]

But we cannot rest on our laurels of the past or the present. Ours is a vision of an even brighter future. We know that times change and we are ready to meet each new challenge.

When we go forth from Atlantic City, it will be with a platform that speaks in language powerful but plain. [Applause.]

Just as no Democrat has to apologize for our performance of the past, no Democrat will have to explain away the promises of our platform.

We will move forward in decency and dignity. [Applause.]

We invite every American to contrast our record—and contrast our conduct here with the spectacle in the Cow Palace only 6 weeks ago. [Applause.]

The Cow Palace is only a continent away—but we Democrats are a world apart from all the confusion—all the dissension—and all the defection that took place at the Cow Palace 6 weeks ago. [Applause.]

Will the American viewing public ever forget how the Governor of New York was rebuffed and jeered when he tried to speak.

As for the Republican keynoter, I must say tonight that he tried real hard, but he just didn't quite make it. [Applause.]

He wrote his speech for Rockefeller—he made his speech for Scranton, and he ends

Digest of CONGRESSIONAL PROCEEDINGS

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
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OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE

Washington, D. C. 20250

Official business Postage and fees paid
U. S. Department of Agriculture

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CONTENTS

Animal quarantine.....19	Education.....9	Ocean freight.....7
Appalachia.....3	Expenditures.....8	Pastureland.....3
Appropriations.....12	Experiment station.....19	Pesticides.....14
Area redevelopment.....13	Feed.....16	Sugar.....1
Beef exports.....7	Foreign aid.....1,2	Trade.....10
Budget.....8	Meat imports.....5	Water.....18
Conservation.....11	National parks.....17	Watersheds.....4
Crop insurance.....15	Natural resources.....6	

HIGHLIGHTS: Sen. Pearson submitted amendment to foreign aid bill to increase domestic sugar quotas. Sen. Bennett expressed disappointment over final form of bill to restrict meat imports. Sen. Simpson expressed opposition to proposed Appalachia bill. Sen. Curtis inserted editorial critical of USDA expenditures. Sen. Pearson commended watershed program at Atchison, Kan. Sen. Fulbright inserted article on Sen. Goldwater's views on natural resource development. Sen. Sparkman stated disparities in ocean freight rates restrict U. S. meat exports.

SENATE

1. SUGAR. Sen. Pearson submitted (for himself and Sens. Young, N. Dak, and Simpson) an amendment to H. R. 11380, the foreign aid authorization bill, to increase the amount of the domestic beet sugar and mainland cane sugar marketing quotas for 1964 to 1969, and criticized the administration for not submitting new sugar legislation. pp. 21352-3
2. FOREIGN AID. Continued debate on reapportionment amendments to H. R. 11380, the foreign aid authorization bill. pp. 21372-3, 21377-86

3. APPALACHIA. Sen. Simpson expressed his opposition to the proposed Appalachia bill and commended the action of the Senate in deleting the provision for a pastureland improvement program for the Appalachian area. pp. 21373-4

4. WATERSHEDS. Sen. Pearson commended the creation of a watershed district in Atchison, Kans., and plans for the construction of detention damsites to prevent future floods in the city. pp. 21354-5

Received from the Budget Bureau plans for works of improvement on the following watersheds: Farm Brook, Conn., Cass Draw watershed, N. Mex., and Plum Creek, Wis. (to Agriculture and Forestry Committee), and Montpelier Creek, Idaho, and Sutherlin Creek, Oreg. (to Public Works Committee). pp. 21351, 21352

5. MEAT IMPORTS. Sen. Bennett expressed disappointment over the final form of legislation enacted to restrict meat imports, contended that the quota restrictions on imports were not high enough, and stated he had supported the bill because it was better than nothing. pp. 21355-6

6. NATURAL RESOURCES. Sen. Fulbright inserted an article reviewing Sen. Goldwater's views on the development of natural resources, "CAP and TVA: Barry's Fine Distinction." pp. 21357-9

7. BEEF EXPORTS; OCEAN FREIGHT RATES. Sen. Sparkman stated that hearings by the Joint Economic Committee "has brought to light disparities between outbound and inbound ocean freight rates and has raised the possibility that these disparities are seriously adverse to American Business," and contended that such disparities prevents the export of additional U. S. beef to the European market. pp. 21366-71

8. EXPENDITURES; BUDGET. Sen. Curtis inserted an editorial critical of the size of the USDA budget and stating that it would be helpful "if farm budget figures were broken down and analyzed for the public in their true light." p. 21372

9. EDUCATION. Received a report of the U. S. Advisory Commission on International Educational and Cultural Affairs. p. 21352

HOUSE

10. TRADE. Received from the Commerce Department a quarterly report required under the Export Control Act. p. 21349

ITEMS IN APPENDIX

11. CONSERVATION. Sen. McClellan inserted Rep. Mills address reviewing the progress being made in soil and water conservation, watershed protection, and river basin surveys. pp. A4683-4

12. APPROPRIATIONS. Rep. Marsh inserted a tabulation of the appropriations passed during the first session of the 88th Congress. pp. A4686-7

13. AREA REDEVELOPMENT. Extension of remarks of Rep. Patman inserting an article favoring extension of the area redevelopment program as an aid to the war on poverty. p. A4687

14. PESTICIDES. Extension of remarks of Rep. Cunningham inserting an article, "Pesticides and the Scare Campaigns," tracing the various campaigns against pesticides dating back to 1900. pp. A4687-8

finished. It requires the attention and effort of every individual concerned with the national welfare.

I am sure that you are entirely aware of the national importance of achieving balance-of-payments equilibrium. I ask you fully to take into account this urgent national problem in carrying out your mandate as head of an independent regulatory agency of the United States.

Sincerely,

LYNDON B. JOHNSON.

MAY 20, 1964.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: With reference to your letter of May 14, 1964, which describes the necessity of making every effort to achieve balance-of-payments equilibrium, I would like to report to you that this agency regards that goal as perhaps its most important responsibility.

As you know, our agency is charged with the responsibility of facilitating U.S. exports by assuring that export freight rates are reasonable and nondiscriminatory; and promoting the economic welfare of the U.S. merchant marine by eliminating foreign discrimination against U.S. shipping. Both of these responsibilities are directly related to this country's balance-of-payments position.

The most important program being undertaken by the Commission is an investigation into ocean freight rate disparities; in our most important export trades, the export freight rates are substantially higher than the import rates on the same or similar commodities. As pointed out by the Joint Economic Committee of the Congress such disparities can have a profound and detrimental effect on this Nation's export capacity and, consequently, upon its balance-of-payments situation. The Commission is engaged in an all-out effort, involving informal investigations, factfinding investigations, and formal hearings, to insure that there are no unwarranted discriminations against this country's exports.

This agency is, likewise, energetically engaged in the removal of foreign discriminations against our merchant marine which have the effect of reducing its revenues, thereby reducing the dollars earned by these companies which would otherwise contribute to a favorable balance-of-payments position.

I assure you that this agency recognizes the national importance of these programs and will continue to devote its fullest energies to the solution of this most urgent national problem.

Sincerely yours,

JOHN HARLLEE,
Rear Admiral, U.S. Navy, Retired,
Chairman.

TEXT OF THE CORRESPONDENCE BETWEEN THE
SECRETARY OF COMMERCE AND THE CHAIRMAN
OF THE FEDERAL MARITIME COMMISSION

MAY 26, 1964.

DEAR ADMIRAL HARLLEE: During my recent trip through Central America, Colombia, and Venezuela, a persistent theme by the businessmen and by government officials was the existence of markedly higher freight rates on shipments of U.S. goods to the area than on comparable shipments from Western Europe. In Nicaragua, for example, we were told that it costs \$586 (plus inland freight charges) to ship a tractor from New Orleans to Corinto; and \$314 (including any inland freight charges) to ship a tractor from the United Kingdom to Corinto. The Minister of Finance of Honduras lodged a similar complaint.

I realize that you have been working on this problem for some time. I especially appreciate the fact that your instituted fact-finding investigation No. 6 at the request of this Department. I also realize that the

Joint Economic Committee of Congress, under Senator DOUGLAS' leadership, also has held extensive hearings on the subject.

However, I thought you would like to know about some of the complaints made to me on my recent trip to help improve our commercial relations and to expand our exports. To the extent that these complaints are valid, there is an inevitably bad effect on our export expansion drive. I am confident that the Federal Maritime Commission will continue to make every effort to remove these freight rates impediments which hamper our exports.

This Department remains willing to assist you in whatever ways it can.

Sincerely yours,

LUTHER H. HODGES,
Secretary of Commerce.

JUNE 3, 1964.

DEAR MR. SECRETARY: I was very pleased to receive your letter of May 26 reporting on some of the information you gathered on your recent trip to Latin America. Your report of complaints that freight rates are often higher on shipments of U.S. goods than on comparable shipments from Western Europe coincides with facts developed by Senator DOUGLAS in his investigation of freight rate disparities. As was developed by the Joint Economic Committee hearings, disparities in the foreign-to-foreign trade can have an even more profound effect upon our export expansion program than inbound-outbound disparities. I want to assure you that the Commission is sensitive to the very real problem created for our exporters by such rate disparities.

I must point out, however, that the corrective action that can be undertaken by this Commission is severely limited. As you are aware, the Commission has no jurisdiction, and of course desires none, over foreign-to-foreign rate levels. It is, however, a violation of U.S. laws for a carrier to discriminate unjustly against an American exporter as compared with his foreign competitor in the rates the carrier charges. But this means that the Commission can act only where it is the same carrier who is operating both in U.S. trade and the foreign-to-foreign trade. This severely limits what the Commission can do, as does the lack of information about foreign-to-foreign shipping rates and the identities of carriers engaged in foreign-to-foreign commerce.

You will be interested, I believe, in the current investigation being conducted by the Commission on disparities in rates applicable to boilers. There is some evidence to suggest that American exporters of boilers must pay significantly higher freight rates than their foreign competitors.

You may be assured that where the Commission has jurisdiction to act, it will act to insure that no carrier engaged in U.S. commerce is discriminating against American exporters. Needless to say such discrimination can have an adverse effect not only on the U.S. trade expansion program but on the economy of the recipient nation as well.

I would again like to thank you and your Department for the assistance you have consistently offered to the Commission in discharging its regulatory responsibilities.

Sincerely yours,

JOHN HARLLEE,
Rear Admiral, U.S. Navy, Retired,
Chairman.

Mr. SPARKMAN. Mr. President, I understand also that the Merchant Marine Subcommittee of the House of Representatives is presently holding hearings to review the operations and activities of the Maritime Commission since it was reconstituted by Reorganization Plan No. 7 in 1961.

As a further measure, the Senate Small

Business Committee, upon which I serve as chairman, has begun to look into the impact of ocean freight rate disparities upon small shippers, who are especially vulnerable because of their lack of bargaining power. The committee would like to determine the extent to which opportunities for continuing business and profits on the part of American business, particularly small business, are being sacrificed because of these disparities and the complexities which surround them.

Mr. President, it is my hope that the combined efforts of all who are active in this field will in time eliminate completely the "freight rate barrier," so that American goods can participate freely and profitably in international maritime commerce.

BIG BUSINESSMEN FOR JOHNSON

Mr. CURTIS. Mr. President, some 2 weeks ago, a committee of big businessmen was formed to promote the election of the Johnson-Humphrey ticket. An examination of the membership of that committee will reveal a wide interest by some of the major companies in our country. It has been well said that one of the issues in this campaign is contracts versus conscience.

The Omaha World-Herald of September 8, 1964, published an excellent editorial entitled "The 45 for Johnson," which clearly sets forth what is involved in this action of these "Wall Street darlings" of the Johnson-Humphrey ticket. I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Omaha (Nebr.) World-Herald,
Sept. 8, 1964]

THE 45 FOR JOHNSON

The fact that 45 eminent big businessmen last week formed a national independent committee to work for the Johnson-Humphrey ticket should surprise no one.

For the truth is that big government and big business are necessarily allies. They depend upon each other.

Government needs big business to carry out its massive projects. Big business needs big government to pay the bills.

The economics of the matter are quite simple.

The Federal Government this year will spend in excess of \$100 billion. Directly or indirectly, it will be by far the biggest customer of every major steelmaker, every automobile concern, every computer builder, and every airplane factory in the land.

If you, dear reader, were the executive head of such an institution, would you declare war on your best customer?

To do so might be rather imprudent.

Are we being overly cynical?

Perhaps. In fairness it should be added that there is a certain political compatibility between the men of big business and the men of big government which is not directly related to tomorrow's contracts.

The issue which brings them together is inflation. They both like it.

Big government, as exemplified by the Johnson administration, is dedicated to more welfare, more foreign aid, greater spending, and lower taxes. This course, naturally, will lead to greater deficits, which in turn will produce continuing spirals of inflation.

And why is the prospect of more inflation pleasing to some big business men?

Most of them are hired managers, not principal owners. Their reputations are enhanced when the dollar profit of their companies goes up year by year. Their personal fortunes are enhanced when the value of their stocks rises. Inflation is helpful toward both those ends.

Thus there is a community of interest between the welfare politicians of big government and the latter-day managers of industry who have taken the places of such giants as John D. Rockefeller, Andrew Carnegie, and Henry Ford.

We are not here trying to explain American politics entirely in terms of economic determinism. Some people have convictions and stand by them at any cost—and damn the torpedoes.

But we think it is true that people who are in the same boat, or on the same roller coaster, are likely to have a common interest in the conveyance they are riding. That is why we say it is not particularly surprising that certain spokesmen for big business have declared themselves in favor of the political ticket which emphatically supports big spending.

We hope the time will come when those who are harmed by inflation—primarily men and women who work on salaries or on farms and those who live on fixed incomes—will become equally interested in maintaining an honest dollar.

FEDERAL FARM SPENDING FIGURES

Mr. CURTIS. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an editorial entitled "Those Federal Farm Spending Figures," published in the Stockman's Journal, of Omaha, Nebr., for August 26, 1964.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THOSE FEDERAL FARM SPENDING FIGURES

The New York Times tells us that nearly all the defense savings achieved by Robert S. McNamara, Secretary of Defense, were offset in the fiscal year just ended "by another large and unexpected spending increase in the program that has been the despair of successive administrations for 15 years—the farm program."

Warning to its subject, the Times says that "detailed figures for the fiscal year reveal that farm spending hit a record of \$7 billion. This was \$1 billion more than had been estimated in January of this year and \$1.3 billion more than had been estimated when the budget for the fiscal year was first presented more than 18 months ago.

"If the record of the past is any guide, it is highly unlikely that this spending will drop to \$4.9 billion as estimated in the budget for the current fiscal year. If the President's target of holding total spending below \$98 billion is to be met, there will have to be savings elsewhere. Despite the changes in the farm program proposed by the present administration, most of which Congress has accepted, farm spending has risen steadily. The administration has regularly claimed that the changes would reduce costs.

"In all but 1 year of the decade of the 1950's farm outlays were less than \$5 billion. But in fiscal 1961, they rose to \$5.2 billion, then to \$5.9 billion in 1962, \$6.9 billion in 1963, and \$7 billion in 1964. And in nearly every year they have turned out higher than the budget estimates."

This record may be difficult to run on in the campaign ahead, though members of the Democratic Party have demonstrated an adeptness at turning a record of spending and budget deficits into votes in national

elections. Perhaps they will succeed in doing so again, but we lean to the view that, if they are successful at the polls in November, it will be more in spite of their Federal farm programs than because of them. It will be interesting to see what is singled out to brag about in this administration's handling of the farm question.

Just exactly how the farmer's cause has been advanced during the past 4 years of steadily increasing farm spending, we aren't sure. But perhaps the campaigners will enlighten us. Despite what the general public may erroneously think, the condition of the farmer's pocketbook would seem to indicate that those billions of dollars appropriated and spent in the farm name must have been sidetracked and diverted from their intended destination.

It would help a great deal, of course, if farm budget figures were broken down and analyzed for the public in their true light. For instance, the cost of administering farm programs takes a healthy sum. How much? The public should be told. And, too, how about the welfare and relief programs—school lunches, food for the needy, etc., both at home and abroad—that are being financed out of the agriculture budget?

Surely all these and other such ventures should not be lumped together in Federal farm spending totals. No wonder the public is confused and tired of hearing about the farm problem.

There is more than a touch of irony, incidentally, in the fact that just about the time that record farm spending figures were being publicized and worried over in high places, it was also revealed that the farm parity price ratio had skidded to its lowest level in around 20 years. It will also be interesting to see what there is in this situation to brag about on the campaign trail.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. SIMPSON. Mr. President, the Constitution of the United States says without equivocation in article 4, section 4, that "the United States shall guarantee to every State in this Union a republican form of government."

The Constitution does not say that after 13¼ centuries as a republic, the Federal courts will summarily reorganize the governments of the many States. But that is exactly what the Supreme Court is requiring in its June 15 edict on reapportionment.

The importance and impact of this edict are the reasons why we have spent the last month debating proposals by the distinguished majority and minority leaders and why we will tomorrow vote on a compromise offered by the Senator from New York. Let me point out at this juncture of my remarks that I cannot lend my support to a compromise which is, in the words of the Senator from Georgia [Mr. RUSSELL] and the Senator from Illinois [Mr. DIRKSEN], supplication to the High Court. As the distinguished minority leader pointed out in debate on last Thursday:

There is not a binding word in (the Javits' proposa.) 1

I would hope that not only would the proposal by the Senator from New York be rejected by the Senate, but that the stronger, although not completely ade-

quate, amendment authored by the minority and majority leaders would be passed subsequent to the rejection of the proposal by my friend and colleague from New York.

The Mansfield-Dirksen amendment is brief. It embodies substantially more than supplication. Simply stated, it provides for the halting of reapportionment actions until January 1966, to permit States to hold elections under existing laws. It would also allow State legislatures reasonable opportunity to reapportion in regular session or to amend the U.S. Constitution.

For nearly 200 years, Mr. President, the many States of the Republic managed to transact their constitutionally lawful affairs, protect the welfare of their citizens, and enjoy general prosperity with State governments organized as the Federal Constitution provides—by the States themselves within the framework of a republican form of government.

As the Senator from Illinois has so eloquently stated, and as the title of his bill substantiates, a stay of proceedings is all that is being sought in this proposal. We are not asking nor can we ask that the Congress override the ruling of the Court. We ask only that the system which has endured, which has prospered, and which has given us a chain of union forged of 50 strong and viable links not be summarily destroyed. We ask only that a reflective pause be granted long enough to allow voluntary reapportionment or the consideration of a constitutional amendment to lawfully and properly overrule the High Tribunal's edict and allow bicameral legislatures their historic prerogative of constituting one house on other than a population basis.

The Mansfield-Dirksen measure is not an anti-Court amendment, it is not an antimetropolitan amendment, it is not an antisuburban amendment. It is a proposal to the Senate that we agree to a reapportionment breather; that we grant the governments of the 50 States time in which to rethink the question of their own composition without the specter of the Federal courts hovering above their capitols ready to snip the horse hair and send a juridical sword of Damocles cleaving through their governments, their philosophies, and their institutions.

Senators supporting this bill seek not to use it as a vehicle for changing the Constitution. We seek not to deny any groups or any areas or any classes or segments of our society their constitutional representation in the governments of the States.

We seek in this legislation to protect those individual and States rights by providing time for serious consideration by the States of the whole question of legislative apportionment.

My sentiments on this bill are as those of the Judiciary Committee on an earlier proposal. I feel this bill "would provide the Congress with sufficient time to consider proposed amendments to the Constitution dealing with this subject. It would relieve the States from hurried acts of reapportionment made pursuant

to Court order issued before the matter is fully resolved."

The committee further noted:

Many proposed amendments to the Constitution dealing with the right of the citizens of a State to determine the apportionment of the membership of the State legislature are pending in committee both in the House of Representatives and in the Senate. There may not be sufficient time remaining in this session of the Congress to give adequate study to these proposals. A breathing spell is needed both for the harassed States and for the Congress.

Mr. President, the one sentence, the one rationale absolute, which in itself cries out to the Senate to pass legislation of this kind is the committee's assertion that it "does not believe that reasonable reapportionment laws or amendments to State constitutions, when required, can be contrived in haste."

Mr. President, contriving apportionment in haste is precisely what the Federal courts seek to do behind the impetus of the High Tribunal's June 15 decision.

Contriving in haste is precisely the purpose of the special interest groups who have filed reapportionment suits in States whose legislative compositions are clouded by the High Court's decision.

Contriving in haste is the purpose of metropolitan power cliques who seek to prostitute the Court's edict and derive from it a greater measure of Tammany-type control over State governments.

One of the principal champions of the city-dominated State legislature system, the Washington Post, published an article datelined August 9, announcing:

Fifteen prominent law school deans and professors wired Senate leaders that this proposal to delay reapportionment "dangerously threatens the integrity of our judicial process."

The dispatch further stated that these "legal scholars" denied their protest had anything to do with the correctness of the Court's June 15 decision on reapportionment—which is a stroke in their favor. Instead, their fears are based on the contention that the bill would be "a drastic interference" with the powers of the courts to enforce the Constitution.

Even though their *bête noire*—the original Dirksen amendment—has been abandoned, it gladdens my heart and elevates my spirits to think that any group of men whose credentials are those of bona fide legal scholars would suddenly be so concerned about drastic interference.

If they seek to occupy themselves with issues of drastic interference, let these gentlemen consider the instances—and they are legion—in which the Supreme Court has interfered drastically in the affairs of Congress.

In the Sanders case, the Court interjected itself into the question of congressional districts, and in the issue before the Senate today, we must remember that the Supreme Court has invaded the domain not only of the Congress but also of the States themselves in asserting—in Reynolds against Sims—the specious "one man, one vote" thesis.

Furthermore, the Chief Justice of the Supreme Court has been quoted as say-

ing that he is more than willing to interject the Court into any social, moral, religious, or political question.

Where, then, is the concern of the legal scholars for the drastic interference of the Court into the affairs of the other two-thirds of government?

America, in her greatness, is anchored firmly to her constitutional framework of laws respecting the rights of individuals and the rights of States. Surely, no national issue has ever affected or threatened these rights more than the wiping out of nearly two generations of law and precedent with Justice Warren's summary announcement:

The fundamental principle of representative government in this country is one of equal representation for equal numbers of people.

Reapportionment is an issue which requires not sophomoric presumption in haste and indignation but intellectual deliberation in research and thought. It is an issue in which the States must be given an opportunity to act either through voluntary reapportionment or in the drafting and ratification of a remedial amendment to the Constitution.

I importune and I implore my colleagues to pass this bill. Let it become a part of the foreign aid bill, and let it be signed into law, so that the legislatures of the States may continue to be constituted on the historically tenable dual basis of area and population—rather than on capricious edicts "contrived in haste."

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call may be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ECONOMIC DEVELOPMENT PROGRAMS FOR THE APPALACHIAN REGION

Mr. SIMPSON. Mr. President, unfortunately, I was not present in the Chamber on Tuesday, September 8, during the colloquy between the senior Senator from West Virginia [Mr. RANDOLPH] and the junior Senator from Iowa [Mr. MILLER] on S. 2782, but I should like to associate myself with the position and the remarks of the Iowa Senator. I have every sympathy for the plight of the people in the Appalachian area, and particularly for the people of West Virginia. Indeed, the senior Senator from West Virginia has made an eloquent plea for this proposed legislation. One might say that he has plucked a mournful melody upon our heartstrings.

However, Mr. President, I am concerned at this time with the pasture-improvement feature of this bill. I hold in my hand a copy of a news story which was published on the front page of the Bluefield Daily Telegraph, Bluefield,

W. Va., on Friday, September 4, 1964. This story, datelined Lewisburg, W. Va., carries the byline of John Hall, Associated Press writer, and announces that one of the finest cattle herds east of the Mississippi will be put on the auction block. We wonder why a top Hereford cattle herd, in a State which is requesting Federal assistance to encourage the cattle industry, must end on the auctioneer's block. The reason given in this newspaper article is:

Sources close to the family said the sale was undertaken to avoid both corporation and personal income taxes.

Has the State of West Virginia implemented such tax laws as to make the cattle industry, and maybe others, in that State prohibitive? This news story certainly gives that impression.

This is no ordinary cattle herd. The Morlunda herd, situated in the rolling hills of southern West Virginia, is composed of 115 bulls, 627 cows, and 350 calves, and has won 253 blue ribbons over the last 2 years. On the first day of the auction, 131 head sold for a total of \$133,950. This included \$29,500 paid for the 1,900-pound merit bull "Morlunda Coxwain the 23d," and \$10,000 for "Morlunda Matador the 77th."

Mr. President, in order that Senators may have the full details of this incident, I ask unanimous consent to have this news story, entitled "Bull Brings \$29,500 as Morlunda Sells Herefords" printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SIMPSON. Mr. President, this article indicates that there are problems within the boundaries of West Virginia, and they would appear to be problems which must be resolved within that State. It is the responsibility of every State to provide a climate to make it possible for business to grow, to progress, to flourish. When businesses are forced to the auction block because of the tax structure of that State, such a climate has not been provided. This situation, unfortunate as it is, substantiates my conviction that this proposed legislation is not an aid but a handout. The people in the Appalachian area are too fine to receive this kind of treatment. Neither the pasture-improvement feature, nor any other portion of this bill will be a kindness to these people.

EXHIBIT 1

BULL BRINGS \$29,500 AS MORLUNDA SELLS HEREFORDS

(By John Hall)

LEWISBURG, W. Va.—Cattlebuyers from 30 States and Canada were lured to the rolling acres of Morlunda Farms Thursday as one of the top Hereford cattle herds in the Nation went on the auction block.

The Nelson family, owners of the Morlunda and blue-ribbon Hereford breeding stock with such names as "J. H. Beau Promino 826th," planned to sell its entire herd during a 3-day auction.

Sources close to the family said the sale was undertaken to avoid both corporation and personal income taxes.

Auctioneers had sold 131 head by late Thursday for a total of \$133,950.

THE SUM OF \$29,500 FOR A BULL

Bringing the biggest price was "Morlunda Coxswain the 23d," a register of merit bull weighing 1,900 pounds. Coxswain's new owner, K. D. Owen, of New Harmony, Ind., paid \$29,500 for the animal.

Morlunda, President Oscar Nelson termed the auction one of the biggest in years east of the Mississippi River.

The buyers and lookers ate barbecued beef—Hereford, of course—as they wandered over the Nelsons' farm set among green hills and highlighted by the stately, white-columned family home.

The Morlunda herd, composed of 115 bulls, 627 cows and 350 calves, had won 253 blue ribbons over the last 2 years.

HORSES, DOGS

By Sunday morning, the only animals belonging to the Nelsons should be 15 quarter horses and several dogs.

"But it will take us 2 months to get them out of here," said Eric Nelson, a brother of Oscar.

Another top bull sold Thursday was "Morlunda Matador the 77th," for which A. P. Van Winkle of Buffalo, Tex., paid \$10,000.

Joe Katz of the Double-T ranch of Conyers, Ga., put down \$8,200 for "J. H. Beau Promino" and \$4,600 for "Morlunda Ellen the 3d," a cow.

Mr. SIMPSON. Mr. President, I yield the floor.

(At this point Mr. EDMONDSON took the chair as Presiding Officer.)

EMPLOYMENT REDUCTION IN CERTAIN NAVAL YARDS

Mr. JAVITS. Mr. President, in yesterday's Washington Star it was reported that Secretary of Defense McNamara has had in his possession for the last month the long-awaited report on the efficiency of the Nation's naval yards, and that this document suggests that the Philadelphia and Brooklyn yards be abandoned.

The article states further that although the report contains no classified material, it has been marked "Confidential" and "For Official Eyes Only," because it is not to be released until after the November elections.

If this is true—and I have taken steps this morning to seek to determine if it is true—the Department of Defense should release the report or reject it publicly. Otherwise, it would be blatantly playing politics with our defense effort and with the livelihoods of the more than 90,000 employees of our 11 naval yards, including the 10,000 in the New York naval shipyard. If the report does now exist and is based strictly on defense requirements and naval yard efficiency, and not on politics, then it will be claimed to be just as accurate today as it would be after the people of the communities involved cast their votes in November and the people should have a chance to consider it now. I have asked Secretary McNamara for an immediate answer as to whether this report exists, and if so, why it has not been made public.

If the report does in fact exist, then I shall call on the President—who as Commander in Chief of the Armed Forces must hold the final responsibility for decisions with such far-reaching consequences to our defense—to make it public immediately. I shall call on him to

allow the people of the country to evaluate it, as one gage of the ability of this administration to conduct our defense effort.

I make this request because it should now be clear to everyone that the pronouncements of the Department of Defense on this subject are not sacrosanct. In a similar report 6 years ago, the Department suggested that seven naval yards be closed. Last December, it was learned that the Secretary was prepared to suggest that the yards at Philadelphia, Boston, and San Francisco be closed. Apparently there are some very serious questions in the Department itself on this whole subject.

This is exactly the reason why I and my colleague, Senator KEATING, and Senators COTTON, MUSKIE, SCOTT, INOUE, MCINTYRE, and FONG sought an amendment to the Military Construction Act that would have required the Department of Defense to give the Senate Armed Services Committee a chance to review any closing order affecting the Nation's naval yards. In the absence of review by an appropriate congressional committee, the people should be allowed to make such a review. That is the reason I made the request today. If there is such a report, it should be made public, and if the Department of Defense rejects that report, it should make public the information it contains. The people are entitled to know.

Mr. President, I ask unanimous consent that the article published in the Washington Star of September 13, 1964, entitled "Cuts Weighed for Shipyards," be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CUTS WEIGHED FOR SHIPYARDS—TWO BIG PLANTS FACE CLOSING
(By Allen M. Smythe)

Defense Secretary McNamara has on his desk a document recommending the immediate closing of the Navy's two largest shipyards—the billion-dollar bases in Brooklyn and Philadelphia.

The 200-page report, which is not scheduled to be released until after the November elections, could also pave the way for the closing of the San Francisco and Portsmouth (N.H.) shipyards if a slight policy change is made regarding the Navy's wartime requirements. And it could mean sharply reduced activities for the Boston yard and California's Long Beach and Mare Island yards.

The politically potent report, which has been in the hands of Mr. McNamara for more than a month, is the result of a survey made to determine which of the 11 big Navy yards are surplus for the needs of the Nation's present-day fleet of 860 ships. At its peak in World War II, the Navy had 10,600 vessels.

OPPOSED BY M'CORMACK

Last December, when Mr. McNamara was shutting down many small military bases, plans were made to announce the closing of the Boston, Philadelphia, and San Francisco Navy Yards. This recommendation had been made 2 years ago by Adm. Ralph K. James, former Chief of the Bureau of Ships.

The day before the planned release, the news leaked out of the White House. There was an uproar in Congress, dominated by the protesting voice of House Speaker M'CORMACK, of Boston.

Senator EDWARD M. KENNEDY, of Massachusetts, younger brother of the late Presi-

dent Kennedy, and Robert F. Kennedy, then Attorney General and legal resident of Massachusetts, also were said to have been strong advocates of a go-slow policy on the Boston yard.

NEW SURVEY MADE

Ironically, Brooklyn seems now to have replaced Boston on the chopping block at the time Robert Kennedy has shifted his residence to New York to seek a Senate seat from that State.

As a result of the uproar, a new survey was ordered. Mr. McNamara promised to inspect each Federal shipyard and visit the private shipyards that were handling new construction and repair work on naval vessels at 12- to 32-percent savings.

The survey was completed by July 1, as promised. Mr. McNamara has visited some private shipyards but has not inspected all the vulnerable Navy yards.

MEMBERS OF TEAM

The inspection team, called the "executioners," is composed of Mr. McNamara, Assistant Secretary Thomas Morris, Navy Secretary Paul H. Nitze, and Rear Adm. William Brockett, the new Chief of the Bureau of Ships.

The present study has had a number of previous surveys to review. Because of the impact on local communities all such reports were withheld.

About 6 years ago a report suggested seven yards be closed. Only one of the smallest was closed. It was the Washington Navy Yard here in the District of Columbia.

There is nothing classified about the recent survey but the document and supporting reports are labeled "Confidential," "Secret" and "For Official Eyes Only." Extraordinary precautions were taken to prevent leaks.

MANY FACTORS CONSIDERED

Under rigid rules laid down by Mr. McNamara, the survey team based its recommendations on docking facilities, modern overhaul equipment, proximity to naval operating areas, "homeporting" of naval personnel, and the obligation to the civilian employees. The heavy base maintenance costs were recorded as were the repair costs on marine structures and equipment.

New construction and repair costs on warships compared unfavorably with private industry. Navy Secretary Nitze stressed this and pointed out: "Cost is a valid criterion. New construction costs in private yards are currently 15 to 30 percent lower than such costs in public yards."

The 792-acre Philadelphia Navy Yard is on the bottom of the list as far as its usefulness to the present day fleet is concerned. The original acreage bought in 1801 cost \$494,555. Navy estimates of present day land values vary from \$16,000 to \$150,000 per acre.

The buildings and marine structures cost \$149,164,000. Their replacement value is \$466,156,000. The equipment, including much specially designed, cost \$51.3 million and is easily worth twice as much. During World War II this base served our battleships, heavy cruisers, and aircraft carriers.

BOSTON FACES CUTBACK

Until recently Boston was low on the list of useful Navy yards but a very careful review stressed its anchorage and base maintenance capabilities. Because of a trend to give naval repair work to the lower cost, private shipyards employment there will continue to drop. However, along with Norfolk and Charleston bases, the Boston yard will continue to serve the Atlantic fleets but on a reduced scale.

The Brooklyn Navy Yard now has a low rating for naval usefulness. The 488 acres of swampland brought in 1801 for \$12.5 million now have an estimated value that varies from \$61,000 to \$500,000 an acre. The buildings and marine structures cost the taxpayers

to form a coalition of nations and people on the basis of mutual respect, cooperation, and self-interest which will give us a counterforce to Nasser.

The real problem in the Middle East is that while we are playing ball with Nasser and getting exactly nowhere, and allowing him to do with our resources whatever he chooses in order to buttress his adventures. We are not building up any aggregation of nations or peoples in the Middle East in order to meet the situation which may be created if Nasser finally cuts loose 100 percent and really makes himself the danger to trade and to the whole Middle East which he is capable of becoming.

I urge the State Department, based upon the notice served upon us in this Alexandria meeting, to get about the business of dealing with what will be the next crisis after the crisis which we have had—probably they will be overlapping in the Middle East—which is coming up the pike, as far as anyone can see, as sure as fate.

A nation like ours, with all its resources and power, cannot stand by and wait until crises break. We may be faced with two, three, or more crises in the world at one and the same time. The way to handle those in our case is not to step away from them but to meet them, because in that way we can head off far worse disasters than crises. So I urge the President of the United States to take a personal hand in what is happening in the Middle East now. I believe the State Department is inclined to pursue a policy of appeasement and of placating Nasser on the theory that it will get results. It has not gotten them up until now. The situation is technically peaceful, but this is a very temporary state, and the dangers are overwhelming. Here is one area in which we can head off a real conflagration by acting with intelligence now. That is the reason I have spoken today in the light of news reports which indicate the fact that a storm is brewing in the Middle East and we had better batten down the hatches and handle our resources in such a way as to deal with it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. JAVITS. Mr. President, I should now like to address myself to the amendment in the nature of a substitute, which has been offered by the junior Senator from Minnesota [Mr. McCARTHY], the senior Senator from Minnesota [Mr. HUMPHREY] and myself to the so-

called Dirksen-Mansfield reapportionment amendment to the foreign-aid bill.

I wish to state, because I think it is important to clarify it, the basis upon which we have acted and exactly what we are trying to effect, as I understand it.

First, we must appreciate that when we deal with the Supreme Court of the United States, we are dealing with a completely coordinate branch of Government. In the give and take here the other day, my distinguished colleague and personal friend, the minority leader [Mr. DIRKSEN], spoke of a supplication by the Congress to the Court.

One supplicates a superior—he does not supplicate an equal. Neither can one dictate to an equal or order an equal. This is a very important distinction which must be made. One deals with an equal as an equal. One can express to an equal one's opinion, deeply held, and which one considers persuasive. One can expect that the equal will listen to that opinion, and have every right in good faith to ask that the equal act on that opinion, unless some strong reason to the contrary can be demonstrated.

If the equal will not act in accordance with that opinion, there is not much one can do about it at that level. But there are other things that can be done if one is unhappy about it, because certain relationships exist, either relationships of money—which was evidenced in the dissatisfaction with respect to raising salaries for members of the Supreme Court—or in some other direction. But upon the fundamental point of coordinate power, the Supreme Court has such power.

Whether my judgment in that respect is important or germane or relevant at all, I believe the Supreme Court decided these reapportionment cases under the 14th amendment in the only way in which it could have decided them, under the modern concepts of constitutional law.

Where does that leave us? We are a legislature, to which the decision in the case of Baker against Carr, and as it affected many State legislatures, has come as a matter of first impression. That had not been the law before the decision in Baker against Carr, as we understood it. Those last words are critically important. This doctrine is not written in letters of fire in the heavens which were suddenly pulled apart to reveal it to the earth. This is a situation which matures in the minds of nine judges and in which they, as we do, seek the support of the American people. They do not have to say so, and they do not campaign, but, for all practical purposes, that is what it comes down to.

I see a great analogy between the reapportionment decisions and the decision in the landmark case of Brown against Board of Education, the famous civil rights decision, as it related to segregation in the public schools. Prior to the decision of the Supreme Court in 1954 in the public school desegregation cases, the doctrine of Plessy against Ferguson had been the law of the Nation so far as we all knew. That case had held that separate but equal facilities

fulfilled the constitutional mandate of equal protection of the laws under the 14th amendment.

That concept began to be changed in many cases and in many ways before the Brown case decision, but in the final analysis it was the Brown case which made the change solid as a position for the country to observe. The Court realized it, as well as we did, and in that case provided that in the decrees of the lower courts, accommodation should be given to compliance, in the famous words, "with all deliberate speed."

In the apportionment cases, the Court did not provide that standard, specifically; but even there the Supreme Court did say that it expected some time must elapse until the legislatures could conform to this standard, which the Court had now enunciated in these cases. It contemplated that time would elapse, that good faith to comply would be recognized by the lower courts, and that the process would then proceed to take a measurable period of time. After all, the State legislatures have existed as long as the Republic. This decision had just come down after more than a century and a half of practice which did not accord with that decision. That was the status of law prior to that decision.

Where does the Congress come in? We come in in two ways. First, the lower courts have acted, in the judgment of many, including myself, with undue pressure upon the States—again I emphasize the word "undue"—and have in some cases required what, when we are dealing with the States, is a somewhat undignified procedure.

For example—and I have given these examples before, but I shall repeat them here to illustrate my point—in the case of the State of New York, the Court has bobtailed the legislators' terms from 2 years to 1 year. It has provided for three elections in 3 years, instead of the normal number of elections, which would be two in that period of time. It has provided that the terms of office be curtailed. That, to most citizens, seems like rather an overstrong use of the Court's power when dealing with a State.

In the case of the State of Vermont, the Court has forbidden the legislature to transact any business, except to deal with the needs of the State may be. Again, I believe that to the normal citizen this seems an overly strong use of the Court's power when dealing with a State that is trying to change a situation which has persisted for 160 or 170 years.

That is the first point.

We wish to call to the Court's attention the fact that we believe the way the lower courts have carried out the Supreme Court's decision in these mandates and in other cases is oppressive. The Supreme Court has full power to correct the situation. It is a matter of judgment as to what is reasonable.

It seems to me, therefore, that we have a right to express ourselves as to what is reasonable, in our judgment, or to urge upon the Court that we consider a number of things that are going on to be unreasonable.

The second point is that we have a right to press upon the Court the fact that we may wish to do some things under the Constitution to deal with this situation, which may not be entirely congenial to the point of view of citizens in many States. For example, many citizens find it difficult to understand—though perhaps we, as historians, might understand it—why the U.S. Senate can be organized on a basis not of population and the other House on the basis of population, but the individual States, even if their people so elect—which I emphasize, cannot have the same privilege.

I believe that in many States, even in States that have very heavy concentrations of people in the cities and suburbs—like my own—that is likely to be the result when, as, and if the question is submitted to the people.

If we should with reasonable celerity submit such a constitutional amendment to the people of the United States, an amendment which would permit the citizens of the individual States to opt, if they choose, to set up one house on a basis of other than population, there is no reason why we cannot turn to the Court and say, "We are starting a process which will make a change in the situation that you have interpreted. Give us a reasonable opportunity, first, to pass it through Congress and, second, to see how it takes with the States."

At this point I come to the interpretation of the sense resolution which my colleagues, Senators McCARTHY and HUMPHREY, and I have presented to the Senate. The important point about that resolution is that, while it seeks an opportunity to do these things, it does not ask for a stay until they are done; nor does it imply that they will be done. It does not imply that Congress will author and submit a constitutional amendment. It does not imply that the State legislatures will act to conform, in a way satisfactory to the Court, to the individual decrees or to the principles which the Court has laid down in its decisions.

All it says is this: Do not give us a stay for the whole time span necessary to effectuate these acts, because we do not know whether they will be effectuated. Neither do we know that individual legislatures or Congress itself will proceed with celerity in doing what might be done under these provisions of the resolution to which I am referring. All that we say to the Court is: "This is what we have in contemplation. Go along with us, step by step. As we make progress, give us time to make more progress. If we fall down and fail to make progress, then you can stop the process at any stage, either for any State or, so far as we are concerned, for a constitutional amendment."

What does that mean practically? It means the following: Congress will return in January 1965. The Senator from Illinois [Mr. DIRKSEN] has a constitutional amendment proposal. Representative McCULLOCH has a constitutional amendment proposal. I shall introduce as my own, in a few minutes, a revised draft of the McCulloch proposal. I shall ask that it remain at the desk for a week for cosponsorship.

I do not favor the Dirksen constitutional amendment, because I do not believe the legislatures ought to be allowed to decide for themselves whether one house in each legislature should be apportioned on a basis other than that of population. I believe that only the people of each State should decide that question, and that any constitutional amendment should be only permissive in character. To show my good faith, I shall introduce such a proposed constitutional amendment myself today.

Congress will return in January. The various proposed constitutional amendments will be before us. They may or may not be reported by committees. They may or may not be acted on by Congress. But our resolution says to the Supreme Court: "If we do move into this situation and act with respect to it with reasonable celerity, then, as we go along, you will go along." This does not mean, necessarily, 1, 2, 3, 4, 5, 6 months, or a year. The Court should judge when it wants to continue with us, giving us an opportunity to correct this situation or, at least, to make available the means for correction, and when it wants to quit. As the Court goes along with us, we will go along with it. It seems to me that that is the only way in which we can deal with two coordinate bodies in a great Federal system such as ours.

The same is true of the States. We say to the Court: "The States have now learned what is desired. Give the States a reasonable opportunity to reapportion." The Court might say, "All right. We will wait 3 months. See what you can do. If we are satisfied that the States are proceeding in good faith and are submitting the proposal to the people, we might wait 3 months more, or 3 months after that."

The sense of the resolution we have presented is that we will have informed the Court as to our intentions and desires, so that that will become an element of good faith on our side as well as on the side of the Court. The Court would retain the power. We would not give the Court power or deny it power. Nor would we be giving ourselves power or denying ourselves power. There is no presumption of different or greater powers that either we or the Court would have, or that a State legislature or the people of any State would have. The only thing that would happen would be that, just as the Court has advised us of what it deems should be done, so we apprise the Court of how we would like to continue with our process of conforming the practices and procedures of the States of the United States to the law, now the supreme law of the land as enunciated by the Supreme Court.

I emphasize, therefore, that what we are talking about in this "sense" amendment is not a stay of proceedings, in a kind of wholesale way, until all the legislatures have had a chance to act in respect of apportionment and until Congress has had a chance to act in respect of a constitutional amendment, and holding everything to wait until those great events have developed throughout the country. On the contrary, what we are recommending is that, on a case-by-

case basis, the Court go along with us as we go along with it, and that the timing be based upon the reasonableness of the timing of the actions that are being taken by Congress and by the State legislatures.

The whole concept of a step-by-step basis by us and by the courts is premised upon one fundamental proposition, namely, that Congress has no power to order the Court. That is the concept of the Dirksen-Mansfield amendment. The concept there is that Congress does have the power to order the Court; that it is thought that we save our act from being declared unconstitutional by a provision which entitles the Court to refuse to grant a stay contemplated by the Dirksen-Mansfield amendment, when it finds highly unusual circumstances which dictate against granting a stay.

In my judgment, the Court would have to construe that phrase to mean any conditions, in its own judgment, which dictate that the stay should not be granted. On the other hand, if the Court wishes to show Congress the respect which it should, it will probably have to declare the Dirksen-Mansfield proposal unconstitutional; because if the Court is really going to construe unusual circumstances to be unusual circumstances as a matter of fact, requiring a factual finding to that effect, I believe the Dirksen-Mansfield amendment would be construed by the Court to be a direction, or what might be called a rule of decision, which, in my judgment, the Court would have to strike down as unconstitutional, exactly as it did in respect to a statute which prescribed a rule of decision in the classic Klein case, a case decided some time ago, but which is much in point in this situation. In the Klein case, the Court said:

We must think that Congress has inadvertently passed the limit which separates legislative from judicial power.

In *United States against Klein*, decided in 1872, the Court sharply distinguished from the so-called *McCardle* case, decided 3 years earlier, and upon which so much reliance is being placed in respect of the Dirksen-Mansfield amendment. In that case, the Court passed on an act by which Congress purported to withdraw jurisdiction from the Court of Claims in a class of pending cases. The Supreme Court thereupon held that that statute sought to change for the Court a rule of decision in a pending case, and was unconstitutional.

The Dirksen-Mansfield amendment makes no distinction between pending cases and new cases; nor, indeed, could it make such a distinction, because, after all, in the normal case, the authors of an amendment would say, "We will change it"; but they cannot. The reason they cannot is that most of the cases in the country now are pending cases. Therefore, the fat is in the fire in terms of jurisdiction of the Supreme Court and of the Courts of the United States, both original and appellate, and very little can be done about it.

Suits for reapportionment are pending in the following States: Alabama, Arizona, California, Colorado, Delaware, Florida, Hawaii, Idaho, Illinois, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming.

Most of the States are now in litigation. Hence, we face a fact, not a theory. The Mansfield-Dirksen amendment, therefore, cannot be changed to apply prospectively because if it did, it would be discriminatory and wash out, or seek to wash out its applicability to the vast number of pending cases, which involve most of the States.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MODIFICATION OF UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent to modify the unanimous-consent agreement entered on Thursday last, which reads in part as follows:

Ordered, That the Senate on Tuesday, September 15, at 2:30 p.m. proceed to vote on the pending Javits amendment.

Mr. President, I ask unanimous consent that the time—2:30 p.m.—be changed to 2:20 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. MANSFIELD. The unanimous-consent agreement will then read as follows:

Ordered, That the Senate, on Tuesday, September 15, at 2:20 p.m. proceed to vote on the pending Javits amendment No. 1234 as a substitute for the Dirksen amendment No. 1215, with the time between 12:20 p.m. and 2:20 p.m. on that day to be equally divided and controlled by the proponents and the opponents, respectively, and that the Senator from New York [Mr. JAVITS] have the right to modify his amendment until the yeas and nays are ordered thereon.

The reason I make this request is that it will fit in with the plans of certain Senators for that day. It will allow the time to be shortened by 10 minutes between 12 o'clock and 12:20, rather than between 12 o'clock and 12:30. It will also allow for the vote to get underway at 2:20, if the modification is agreed to. I would hope that the vote would be slowly taken at that time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the unanimous-consent request is agreed to.

The unanimous-consent agreement was subsequently reduced to writing, as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That the Senate, on Tuesday, September 15, at 2:20 p.m. proceed to vote on

the pending Javits amendment No. 1234, as a substitute for the Dirksen amendment No. 1215, with the time between 12:20 p.m. and 2:20 p.m. on that day to be equally divided and controlled by the proponents and the opponents, respectively, and that the Senator from New York [Mr. JAVITS] have the right to modify his amendment until the yeas and nays are ordered thereon. (Sept. 10, 1964.)

Mr. JAVITS. Mr. President, I send to the desk a joint resolution to amend the Constitution of the United States to permit any State to apportion one house of its legislature on factors other than population, with the approval of a majority of the voters. I ask unanimous consent that this resolution may be printed in the RECORD and may lie on the desk for additional sponsors until 1 week from today.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD, and held at the desk, as requested by the Senator from New York.

The joint resolution (S.J. Res. 204) to amend the Constitution of the United States to permit any State to apportion one house of its legislature on factors other than population with the approval of a majority of its voters, introduced by Mr. JAVITS, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE XXV

"SECTION 1. Nothing in the Constitution of the United States shall prohibit a State having a bicameral legislature from apportioning the membership of one house of its legislature upon the basis of factors other than population, if such apportionment has been submitted to the qualified voters of the State through a statewide referendum held in accordance with law and with the provisions of this Constitution, and such apportionment has been approved by a majority of those voters in that referendum.

"SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

Mr. JAVITS. Mr. President, I introduce this joint resolution not because I expect it to be acted on at this session of Congress. We all know that this subject will come before us next year. It may very well have different sponsorship at that time, although I shall hope to be one of its sponsors.

I have introduced the joint resolution to show my good faith, and to show what I have in mind with respect to this matter. I desire to show how I feel with respect to the people in each respective State deciding what they wish to do. These are the very same people, on the same basis of one person, one vote, to whom the Supreme Court in its decision has given the power in respect to the State legislatures. Under the joint reso-

lution that I introduced, this power could be applied within each State by a majority vote in a referendum to change the way in which one house of that State's legislature is organized.

Mr. President, to sum up my position, this is a unique situation in which Congress and the Supreme Court have coordinate power. Congress has the power to propose an amendment to the Constitution under which the legislature of each State would determine what it wishes to do about apportionment. The Supreme Court has the power to declare acts of the States unconstitutional under the 14th amendment equal protection guarantee. I believe the Court has properly exercised such authority in respect to its decisions in Baker against Carr, Reynolds against Sims, and the other cases.

Nonetheless, the time must now elapse, short or long, as the facts may warrant—I emphasize that "short or long as the facts may warrant"—to give the people and the legislature of every State an opportunity to conform to the supreme law of the land enunciated by the Supreme Court.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, as I started to say a moment ago, we are in a situation with relation to two coordinate branches of the Government—one coordinate branch in charge of determining what is and what is not lawful under the constitutional mandate of the 14th amendment for equal protection of the laws; the other, under the constitutional mandate to legislate, including constitutional amendments, which may permit a change in the 14th amendment requirement with relation to the apportionment of State legislative bodies. We are turning to the Court at a time when the law has been declared for the first time, after many years, and saying, "Now that you have determined the law, give opportunity, so long as steps are being taken to implement what you have determined, in good faith and with reasonable celerity, to the State legislatures and to the Congress to proceed in accordance with what has now been declared to be the supreme law of the land."

Mr. President, this is not a statute, because it could not be. As I have explained, in the face of all the pending cases for State reapportionment, which represent most of the States of the United States, and the Supreme Court's holding in the Klein case, such a statute requiring the Court to stay its hand, would, in my judgment, be declared unconstitutional unless the Court construed it solely as a request. In respect to the dignity of the two coordinate bodies, we should accordingly make the request, in order to do what the Constitution permits us to do.

I believe that the Supreme Court will honor our desires if they are presented

with respect for the coordinate equality of the two branches of government—the judiciary and the legislative—seeking the application of a rule of reason to enable implementation of the legal concept to go forward. I base this on what I think is an excellent quotation from the majority opinion in one of the major reapportionment cases, the case of Reynolds against Sims, at page 50 of the pamphlet opinion, which reads as follows:

In awarding or withholding immediate relief, a court is entitled to and should consider the proximity of a forthcoming election and the mechanics and complexities of State election laws, and should act and rely upon general equitable principles. With respect to the timing of relief, a court can reasonably endeavor to avoid a disruption of the election process which might result from requiring precipitate changes that could make unreasonable or embarrassing demands on a State in adjusting to the requirements of the court's decree.

Mr. President, it seems to me that that is an admirable statement when joined with the expression of our intention, which is the resolution which the Senators from Minnesota [Mr. McCARTHY] and [Mr. HUMPHREY] and I have presented to our colleagues. We would express our intention. The Court has said that it is willing to accommodate itself and to make provision against unreasonable or embarrassing demands on a State in adjusting to the requirements of the Court's decree.

Joining our intentions, plus the Court's expressed intention, both parties may be treated with utmost dignity, and may accommodate each to the other's needs and ideas with full respect for the coordinate authority in both bodies of government. If, on the other hand, we order the Supreme Court to do something, and the Court then construes the language "except in the case of highly unusual circumstances" as it ordinarily would construe that language, we run into the danger of an unnecessary confrontation between the Supreme Court and Congress, for the Court knows, as a matter of principle—and this involves very much more than the reapportionment cases—that it would have to strike down such a statute.

Therefore, for reasons of policy and comity between two great branches of government, and for the most fundamental reason of all, the ability to proceed under our own system without governmental paralysis or undue confrontation between two coordinate branches of government, I urge upon the Senate the adoption of the McCarthy-Humphrey-Javits substitute which I have been describing today.

Mr. President, I yield the floor.

Mr. DOUGLAS. Mr. President, does the Senator from New York mean the Javits-McCarthy-Humphrey amendment which was printed and submitted last week?

Mr. JAVITS. The Senator from New York has reserved the right, under the unanimous-consent agreement kindly allowed by the other Senators participating, to modify that amendment if we care to make some modification. I was speaking only of the fundamental prin-

ciple and thrust which was involved in the substitute for the Dirksen-Mansfield amendment.

Mr. DOUGLAS. Mr. President, in its present form, while the intentions of the sponsors of the amendment are excellent, it is unacceptable to those of us who believe that the decisions of the Supreme Court have been correct and that they should not be interfered with by Congress.

The amendment in its present form would put psychological pressure upon the legislatures to delay reapportionment, even if ordered by the Court, and it would also put psychological pressure upon at least the lower courts not to issue apportionment rulings under the previous decisions of the Supreme Court. Since we believe the reapportionment decisions of the Court, we do not want such pressures to be applied.

Perhaps more important than those two considerations is the effect of the language on page two of the amendment which at present reads as follows:

Adequate time should be accorded * * * for consideration by the States of any proposed amendment to the Constitution of the United States relating to the composition of the legislatures of the several States, or to the apportionment of the membership thereof, which shall have been duly submitted by the Congress to the States for ratification.

It seems to many of us that this proposal would be a tacit commitment by the Congress to submit a constitutional amendment to the States. I am opposed to any constitutional amendment because I think the courts have been completely correct in this matter, both as regards representation in one house and in both houses of the various State legislatures.

Furthermore, this language would tend to constitute a stay of an indefinite period during the time the amendment was before the States. During this time the malapportioned State legislatures would again have the power to approve the amendment and thus to seal themselves into office almost in perpetuity. And during the time that the amendment was before the State legislatures any further action in the way of reapportionment would be stayed and prevented. This could be as long as 7 years.

I appreciate the intentions of my good friend from New York. It is my hope that we can reach an agreement upon the language. It pains me to have to say this but I must state that in the form in which the amendment was originally presented it is unacceptable.

Mr. JAVITS. In response to my beloved friend's comments—and I shall answer every one of the items to which he has referred—I shall tick them off to be sure I understand them. What he has said is not within the contemplation of this Senator, and I think it should be reflected also that it is not within the contemplation of either Senator from Minnesota, Senator McCARTHY or Senator HUMPHREY. What we have to do, if we can, is to make it clear to our colleagues who entertain these doubts. I hope we can do that. That is why I welcome the opportunity to make any modifications which may be necessary in the language.

With respect to the reference to psychological pressure upon State legislatures, we have no desire to have any psychological impact brought to bear upon them. When I was stating my case for the substitute, I made it clear that we hoped to find a good faith quotient in the way of the time given the legislatures to proceed to conform to the Supreme Court's decrees. I did not state that we were going to deal with a wholesale stay until everything was completed.

The second point is that the Senator does not personally favor any constitutional amendment of any kind and, therefore, does not think we should leave any implication that we are going, in good faith, to respond to the Court's giving time by getting time to have one. I happen to favor some kind of constitutional amendment. The one which I favor and have submitted would require approval by the people of each State before one house of a State legislature could be apportioned on a basis other than population.

The Senator from Illinois does not wish to be committed—neither do I—to the proposition that based upon this "sense" resolution, we are by implication committing ourselves to proposing an amendment to the States, expressly or by implication.

Third, the Senator from Illinois stated that indefinite time would be granted. I pleaded my case on the basis that the best way for the coordinate branches of government to proceed would be step by step. As the State legislatures move forward or as Congress moves forward, at every step the courts, by a series of relatively short steps, can determine whether enough action is being taken to justify further stays, knowing of the intentions of Congress and of the State legislatures. So I do not contemplate any wholesale stay of 1 or 2 or 3 years, but contemplate instead that the courts will take a look at the matters and determine, within the intention of Congress that stays are deserved.

Finally, on the question of malapportioned State legislatures, I point out that nobody—neither the Senator from Illinois nor any of his colleagues, no matter how strongly they may feel about this matter—is saying that the acts of the State legislatures which are malapportioned are invalid. If that were the result, as the Circuit Court of Appeals for the 10th Circuit has said, there would be anarchy. The processes of government have existed for a long time, and must continue. Therefore, the idea is to move forward—I do not even use the words "with all deliberate speed," because those words were used in another context, and I do not want to use them in this context. But we should go forward with all the celerity of which we are capable. I read one of the Supreme Court's own decisions on this subject as to what it means to go forward. It is found at page 50 of the pamphlet decision in the case of Reynolds against Sims:

With respect to the timing of relief, a court can reasonably endeavor to avoid a disruption of the election process which might result from requiring precipitate changes that could make unreasonable or embarrassing

demands on a State in adjusting to the requirements of the court's decree.

All that we are trying to do by our amendment is to state to a coordinate branch of the Government our desire to afford some period in which to determine the intentions of State legislatures, so that the court may itself determine what are and what are not unreasonable or embarrassing demands on a State.

Answering the four points the Senator has raised—and again I make no plea for the original language of our proposal; it may very well be that it will be very much better expressed, and I hope we can come to that conclusion—the intent of our proposal is certainly no different from what we have just been discussing. It is not intended to put psychological pressure upon the States; there is no intention to guarantee that a constitutional amendment will be proposed; it is not the intention to stay the matter on a wholesale basis; and there is no intention to defer all actions to correct malapportioned legislatures beyond what is required to avoid dealing with States in an unreasonable or embarrassing manner, and within that definition to see that the situation is corrected at the earliest time, but bearing in mind that what the legislatures are doing is not invalid, that we are not in anarchy, and that it is possible to accomplish the purpose in a way that is reasonable and not embarrassing, which is very much the standard that the Court has laid down.

Mr. DOUGLAS. I find myself in general agreement with what the Senator from New York has stated, however, I believe that the language in the present amendment is susceptible of a different interpretation. I am very glad he has made this statement. I suggest that the language needs to be made clearer on this point.

Until there is a definite provision in the Constitution which limits the power of the Supreme Court to interpret the 14th amendment, so far as it refers to the apportionment of State legislatures, I believe the Court should be allowed so to interpret the Constitution, and that the decisions of the Supreme Court should be followed by the lower courts and by the various State legislatures. And I am also opposed to any such amendment since I submit that the Court's decisions have been substantially necessary.

My chief concern is that we should not stay the processes of constitutional interpretation pending the ratification of a supposititious amendment by three-fourths of the States.

If in the meantime the ordinary constitutional process should go on with rulings in various States, but with time given for equitable plans to be worked out, that would be highly desirable. That would as a matter of fact be in conformity with the Court's own standards. However, if the language is to be interpreted as meaning that everything must come to a stop, while an amendment was being proposed and acted upon, which might take years before action was finally completed, it would be in effect a polite form of the Dirksen-Mansfield amend-

ment. As such it should not be supported. But I hope the language may be revised to connote a meaning similar to that which I have suggested.

Mr. JAVITS. I am very grateful to my colleague for his always constructive and informed intercession. I am hopeful that we will find ways in which, having come to a meeting of minds—we need not agree on everything—we may be able to come to an agreement.

Mr. DOUGLAS. I hope that very much.

Mr. JAVITS. I yield the floor.

Mr. INOUE. Mr. President, since Wednesday, August 12, I have sat in the Senate listening to the proponents and opponents of the Dirksen amendment which seeks to authorize temporary stays in execution of court orders for immediate institution of reapportionment in State legislatures based upon the principle of "one-man, one-vote." Except for a relatively brief period when the distinguished senior Senator from Illinois held forth, the discussions have mainly centered on substantive questions concerning the validity or invalidity of the arguments presented in the series of Supreme Court cases handed down last June. Facts and figures have been cited to prove or disprove, as the case may be, the under or over representation, of rural or urban areas.

I have no particular brief against such discussions for the Supreme Court decisions most certainly are based on concrete and specific cases from Alabama to Colorado, all dealing with substantive questions of the equity or inequity of the prevailing mode of representation in the various State legislatures. Political and other social scientists have for years written scholarly articles analyzing the merits or demerits of a system of apportionment tending to favor the nonurban areas of our various State governments. Historians have pointed to various tracts from American history for the purposes of either proving or disproving whatever line of reasoning they were inclined to follow. Far be it for me to cover ground so well traveled by so many experts.

However, I personally believe that a more constructive approach to the question before us is to face up to the procedural questions involved. Indeed, the Dirksen amendment itself does not raise substantive questions of the propriety or impropriety of the court's decisions, although much has already been implied on this floor. The issue raised is mainly procedural. And that issue is one which goes to the very nerve center of our constitutional form of government.

I am deeply convinced that any tampering with this nerve center is to seriously endanger a system which has enabled this country to endure and survive a multitude of internal and external stresses and strains which have weakened or destroyed a number of governments not as prudently endowed. Were I to be alined against the majority of the Justices in the Supreme Court decisions, I would still have to raise my voice against the present attempt to initiate by legislative fiat an inexorable deterioration of the very structure of consti-

tutional government. For to say that the issue is procedural only underscores the fact that the basic precepts of American constitutionalism are being undermined.

Without any attempt to delve into the motives of the sponsors of the Dirksen amendment, and without trying to analyze what appears to be a puzzling conflict in interpretation of the two major sponsors as to the ultimate purpose behind it, I can only see the effect as being detrimental to the concept of separation of powers. I do not know, at this point, whether the aim is to buy time so as to enable Congress and the States to initiate and ratify a constitutional amendment leaving inviolable existing systems of apportionment, or simply to provide the time necessary for the various State legislatures to work out reapportionment schemes more closely in line with the case of Reynolds against Sims. I do not know that these varying opinions are necessarily germane to the basic procedural question. All that I do know is that the Senate, and the Congress, are being asked to stay an interpretation delivered by the Supreme Court. All that I do know is that this amounts to a temporary restraining order from the legislative arm preventing the due execution of a decision rendered by the judicial branch of our Government. And may I add that the period of validity of the restraining order has also very little to do with the procedural question involved.

The fact of the matter, it seems to me, is that a judicial decision has been deemed to be in dire need of legislative moderation. If this can be done with Reynolds against Sims and Lucas against the 44th General Assembly of Colorado. Why was it not done with Brown against the Board of Education of Topeka? And why cannot it be done with any and all Supreme Court decisions which may run counter to the political interests of those affected?

I am sorry to say that I believe a precedent is being created by this amendment which would wreak havoc with our traditional views that the judicial and legislative functions should be kept separate. What other possible interpretation is there for the proposed amendment? A judicial decision has been made. The Constitution has been held to be violated by the existent system. The Court has said, in effect: Correct that system so as to make it consonant with the Constitution. But correct it within certain reservations, to wit:

Remedial technique in this new and developing area of the law will probably often differ with the circumstances of the challenged apportionment and a variety of local conditions. It is enough to say now that, once a State's legislative apportionment scheme has been found to be unconstitutional, it would be the unusual case in which a court would be justified in not taking appropriate action to insure that no further elections are conducted under the invalid plan. However, under certain circumstances, such as where an impending election is imminent and a State's election machinery is already in progress, equitable considerations might justify a court in withholding the granting of immediately effective relief in a legislation apportionment case, even though

the existing apportionment scheme was found invalid.

How more reasonable can the Supreme Court be?

The Founding Fathers were very clear about the division of legislative, judicial, and executive powers. As the wording of article III, section 1, of the Constitution states:

The judicial power of the United States shall be vested in one Supreme Court, and such inferior courts as the Congress may from time to time ordain and establish.

Section 2 sets forth the jurisdiction of the Court as follows:

The judicial power shall extend to all cases in law and equity arising under this Constitution.

The only power Congress has over the courts is in the establishment of them and in the approval of appointees. The Founding Fathers were very careful to limit the judicial power of the legislative branch to cases of impeachment only.

Since we are quoting authorities while debating an idea as revolutionary as this amendment. It would be wise to reread the thoughts of the framers of the Constitution on the doctrine of separation of powers. What do they say? Alexander Hamilton, in *Federalist Paper No. 78*, states:

The complete independence of the courts of justice is peculiarly essential in a limited constitution. By a limited constitution, I understand one which contains certain specified exceptions to the legislative authority, such for instance, as that it shall pass no bills of attainder, no ex-post facto laws, and the like. Limitations of this kind can be preserved in practice no other way than through the medium of courts of justice, whose duty must be to declare acts contrary to the manifest tenor of the Constitution void. Without this, all the reservations of particular rights or privileges would amount to nothing.

Further on in the same paper Hamilton discusses the questions of supremacy if the legislature and the Constitution are divergent in their views:

The interpretation of the laws is the proper and peculiar province of the courts. A constitution is, in fact, and must be regarded by the judges, as a fundamental law. It therefore belongs to them to ascertain its meaning, as well as the meaning of any particular act proceeding from the legislative body. If there should happen to be an irreconcilable variance between the two, that which has the superior obligation and validity, ought, of course, to be preferred; or, in other words, the Constitution ought to be preferred to the statute, the intention of the people to the intention of their agents.

Yet by the Dirksen amendment I think we are saying that Congress is supreme. The Supreme Court in *Reynolds* against *Sims* and *Lucas* against the 44th General Assembly of Colorado held that the equal protection clause of the 14th amendment guarantees to all citizens the principle "one-man, one-vote." The Dirksen amendment, by saying that these decisions may not be enforced, at least for a period of time, is overriding the Supreme Court. I am certain that all of us are familiar with the case of *Marbury* against *Madison*, which sets forth the principle of judicial review and supremacy of the judicial branch as the

proper one to determine the constitutionality of our laws. This proposal comes dangerously close to violating that principle by denying the courts the right to execute their decisions.

In addition, not only would the Dirksen amendment violate the law of the land, it would force others to do the same. By forbidding the execution of the law, it would be hampering the legal process and force law-abiding citizens to live under and vote for unconstitutional governments. In other words, we may be enacting a law to force citizens to live under unconstitutional governments, as it were.

There have been charges that law and order will give way to chaos and uncertainty if the State legislatures followed the Court's decision and reapportioned immediately. But the effect of this measure is far worse—it would validate unconstitutional assemblies, and force, by an act of Congress, the people of the United States, in effect, to disobey and ignore the supreme law of the land.

Another factor to consider is that a dangerous precedent would be set by this proposed amendment. The execution of any reapportionment order could be permanently stayed. The Dirksen amendment could grant stays to January 1, 1966. But what would prevent Congress from changing the year to January 1, 1976, or January 1, 1986? The time limit of this proposal could be extended indefinitely, permanently usurping the power of the Supreme Court to execute its proper functions. What guarantees would there be that this proposal would only be "temporary"? Temporary emergency laws have an unusual habit of taking on the character of permanence.

As I have previously intimated, even if all sorts of guarantees were given that this measure will be a temporary one, that it will not be extended beyond its original duration, it will still set a dangerous precedent. For while this amendment is limited to granting stays only in cases dealing with reapportionment, the principle of the legislature interfering with the functions of the judiciary would have been set. The original purposes, including the "special factors" which compose the situation, may be forgotten in the future.

What is to stop Congress from passing other bills staying the execution of Court orders in any field which any Member of Congress finds repugnant? Reapportionment is the issue today. What is to stop voter registration from being the issue tomorrow, or the practice of certain religions the issue next week? This amendment would strip the courts of their constitutional power and thereby tend to undermine the Constitution. It would tend to reduce the judiciary to a position of subservience to the legislature. It would render it a branch whose pronouncements could only be executed by the grace of Congress. Cases would be decided, claims adjudicated, laws interpreted, but no executions would be allowed without the advice and consent of Congress. Such a situation would make a mockery of the Constitution as the supreme law of the land. We would have, in effect, a system whereby the

branch of government enacting a law, would decide the constitutionality and the enforcement of the law, a system which the framers of the Constitution regarded as tyranny, and a complete abdication of the rights of the people.

May I emphasize in closing that my remarks today were not made in haste nor with any intemperance or malice. I have given long and serious thought to the implications of the amendments as I personally saw them. I would be remiss were I to remain silent on the matter. The issue is much too great and far too significant for one who is deeply committed to our system of government. The issue has far too many implications for the future of American constitutionalism to be ignored.

Reapportionment may be right or wrong, but the role of the court and the doctrine of the supremacy of the Constitution can never be, should never be, challenged.

Mr. DOUGLAS. Mr. President, will the Senator from Hawaii yield?

Mr. INOUE. I am glad to yield.

Mr. DOUGLAS. I congratulate the Senator from Hawaii on his able argument. He has proved himself to be as good a lawyer and authority on the Constitution as he was a soldier.

The Senator from Hawaii—although he is modest about this—has one of the most distinguished war records in the Nation. The battalion in which he served, the 442d, had the finest record of any unit in the American Armed Forces. They had more men killed, more wounded, and more decorated than any comparable unit.

The Senator from Hawaii was one of the bravest and most skillful members of that magnificent battalion. He has now shown himself to be a scholarly constitutional lawyer. The position he takes is, in my judgment, completely sound.

The decisions of the Court were substantively correct. The Senator from Hawaii has not gone into that subject, but he has pitched his argument on the ground that it would be really scandalous were the legislature to insist that it interpret the Constitution and put the Constitution in the deep freeze, so to speak, while it proceeded to act upon the matter, or while a constitutional amendment was before the country.

I conclude as I began, in congratulating the Senator for his excellent argument.

Mr. INOUE. I am most grateful for the generous remarks of the Senator from Illinois. I am happy to be on his team.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOUGLAS. Mr. President, I ask unanimous consent that the order for the quorum call may be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOUGLAS. Mr. President, over the weekend, two significant editorials were published in two great American newspapers.

The first one was published in the St. Louis Post Dispatch for Friday, September 11, and deals with what the St. Louis Post Dispatch properly entitles "Attack on the Court."

It begins by stating:

Senator DIRKSEN's rider against the Supreme Court has been stalled. Only 30 Senators voted to shut off debate on his plan to restrict the Court's power to support legislative apportionment, while 63 (including Missouri Senators SYMINGTON and LONG) voted against cloture.

Mr. President, it is significant that while it would have required a two-thirds vote to obtain a limitation of debate, we had more than a two-thirds vote against limitation of debate.

The editorial, however, correctly goes on to state:

Unfortunately, the rider to the foreign aid bill is not dead. A motion to table it was defeated by 49 to 38.

Mr. President, parenthetically, let me say that there were 5 Members of the Senate who were absent who would have voted for tabling, so that the true strength was about 43; that the motion to table made by the Senator from Vermont [Mr. Aiken] came from a Senator whom we all honor, but he was for the Dirksen amendment and then voted against his own motion to table in the belief that by this unexpected move he would throw the forces against the Dirksen amendment into confusion and that the vote to table would be relatively slight.

The fact that 38 stood fast and voted for tabling was, I believe, most indicative.

The editorial continues that "those who are opposed to the plan are free to go on talking against the Dirksen plan."

The editorial states further:

As the debate proceeds, the public should become fully aware of the grave issues involved. Senator DIRKSEN insists he is not attacking the Supreme Court. He says the issue is whether the Constitution empowers the Court to say how State legislatures shall be composed. What he means is that Congress should decide the Court's power; but the Constitution has already decided that.

I reaffirm the able argument which has just been made on the floor of the Senate by the distinguished Senator from Hawaii [Mr. Inoué].

The St. Louis Post-Dispatch editorial continues:

The Court was enforcing the Constitution in holding that its equal-protection-of-the-laws clause requires both houses of State legislatures to be elected by popular vote.

Mr. President, can we have equal protection of the laws if people are unequally represented in the legislatures, and if groups are grossly underrepresented in the legislatures which make the laws? How can it be said that they will be given the equal protection of the laws?

The St. Louis Post-Dispatch continues:

Senator DIRKSEN is ignoring the Constitution in proposing that Congress, by simple legislation, tell the courts they cannot enforce the equal voting rights principle for a year and more.

It may well be much more than a year.

The St. Louis Post-Dispatch continues:

In that time the Senator hopes for passage of a constitutional amendment to override the Court decision permanently.

This is not the first attack on the Supreme Court, but it is one of the more serious. Only once in history has Congress actually restricted the Court by legislation. In 1868, during a struggle over Reconstruction, Congress withdrew the Supreme Court's authority to hear habeas corpus appeals from lower Federal courts. Even so, Congress did not tell the High Court it could not hear direct appeals on this great writ, and soon a more thoughtful legislature rescinded its ruling. President Franklin D. Roosevelt tried to pack the Court in 1937, when he was dissatisfied with decisions adverse to the New Deal. He proposed that he be given power to name an additional Justice, up to a total of 15, for each one who failed to retire at the age of 70. The Senate of those days was properly outraged, and killed the plan.

As a result of the McCarthy period hysteria, former Senator Jenner, of Indiana, in 1957 tried to remove Supreme Court jurisdiction from cases involving contempt of Congress, Federal loyalty actions and various subversive activities. The Jenner proposals were tabled and never even reached a vote.

Now, for the first time, Congress is asked to interpret the Constitution for itself, taking from the Court that responsibility which the Constitution gives it. Could there be any stronger attack on one branch of Government by another, or any heavier assault on judicial review and separation of powers?

The Dirksen forces have suffered a deserved defeat, with a stalemate as the result. Perhaps Senator HUMPHREY will succeed with his effort to turn the Dirksen command to the courts to advisory legislation only, though there is no great reason for Congress to advise the courts to give States time to comply with the Court decision. The States will have to have time in any case.

The colloquy which we had a few minutes ago with the Senator from New York [Mr. Javits] indicates the reasons why we are dissatisfied with the present draft of the Javits-McCarthy-Humphrey amendment. It is not as bad as the Dirksen-Mansfield amendment. But, in its present form, it is dangerous. It could bring psychological pressure to bear on the legislatures and the courts to slow up the process of carrying out the constitutional requirement for substantial equality of representation in the legislatures.

It might well be interpreted to induce courts and State legislatures to freeze the existing apportionment of membership, pending the ratification of a constitutional amendment. It, in a sense, psychologically commits Congress to submit such a statement, because it carries with it the phrase, "which shall have been duly submitted by the Congress to the States." It makes no provision that any amendment thus submitted should be passed upon by the people either by direct referendum or by a constitutional convention chosen specifically by the people. But it would still permit the rotten borough malapportioned legislatures to ratify such an amendment and have it be legal.

As I indicated, there are many of us who cannot accept the Javits-McCarthy-Humphrey amendment in its present form. We hope that the negotiations which are now being conducted for a revision may be satisfactorily completed.

The editorial concludes with this ringing paragraph:

But when Senator DIRKSEN insists that he is willing to fight for his cause until Christmas or after, the champions of the High Court cannot depend on leaving their trenches by Christmas. However long it takes, however long the Senate must remain in session, the authority of the Supreme Court to uphold the Constitution must be maintained.

My colleague from Illinois issued a ringing statement last week that he was prepared to stay here until Christmas to get his amendment passed.

Some of us are equally determined to stay here until Christmas in order to prevent the Dirksen-Mansfield amendment from being passed. We believe that we are fighting on the side of the Constitution. We are very glad to have our position supported by so great a newspaper as the St. Louis Post-Dispatch. Mr. President, I ask unanimous consent that the editorial published in the St. Louis Post-Dispatch of September 11, 1964, entitled "Attack on the Court" be printed in full at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the St. Louis (Mo.) Post-Dispatch, Sept. 11, 1964]

ATTACK ON THE COURT

Senator DIRKSEN's ride against the Supreme Court has been stalled. Only 30 Senators voted to shut off debate on his plan to restrict court power over State legislature apportionment, while 63 (including Missouri Senators SYMINGTON and LONG) voted against cloture.

Unfortunately, the rider to the foreign aid bill is not dead. A motion to table it was defeated by 49 to 38. So the situation is as it was, with Senator DOUGLAS, of Illinois, and his band free to go on talking against the Dirksen plan. As the debate proceeds, the public should become fully aware of the grave issues involved.

Senator DIRKSEN insists he is not attacking the Supreme Court. He says the issue is whether the Constitution empowers the Court to say how State legislatures shall be composed. What he means is that Congress should decide the Court's power; but the Constitution has already decided that.

It is true, as critics of the Court have said, that the Constitution gives Congress some control of appellate jurisdiction and of lower courts. But the Constitution also creates the Supreme Court, and gives to that Court full jurisdiction in all cases arising from the Constitution.

The Court was enforcing the Constitution in holding that its "equal protection of the laws" clause requires both houses of State legislatures to be elected by popular vote. Senator DIRKSEN is ignoring the Constitution in proposing that Congress, by simple legislation, tell the courts they cannot enforce the equal voting rights principle for a year and more. In that time the Senator hopes for passage of a constitutional amendment to override the Court decision permanently.

This is not the first attack on the Supreme Court, but it is one of the more serious. Only once in history has Congress actually restricted the Court by legislation. In 1868, during a struggle over Reconstruction, Congress withdrew the Supreme Court's authority to hear habeas corpus appeals from lower Federal courts. Even so, Congress did not tell the High Court it could not hear direct appeals on this great writ, and soon a more thoughtful legislature rescinded its ruling.

President Franklin D. Roosevelt tried to "pack" the Court in 1937, when he was dis-

satisfied with decisions adverse to the New Deal. He proposed that he be given power to name an additional Justice, up to a total of 15, for each one who failed to retire at the age of 70. The Senate of those days was properly outraged, and killed the plan.

As a result of the McCarthy period of hysteria, former Senator Jenner of Indiana in 1957 tried to remove Supreme Court jurisdiction from cases involving contempt of Congress, Federal loyalty actions and various subversive activity. The Jenner proposals were tabled and never even reached a vote.

Now, for the first time, Congress is asked to interpret the Constitution for itself, taking from the Court that responsibility which the Constitution gives it. Could there be any stronger attack on one branch of Government by another, or any heavier assault on judicial review and separation of powers?

The Dirksen forces have suffered a deserved defeat, with a stalemate as the result. Perhaps Senator HUMPHREY will succeed with his effort to turn the Dirksen command to the courts to advisory legislation only, though there is no great reason for Congress to advise the courts to give States time to comply with the Court decision. The States will have to have time in any case.

But when Senator DIRKSEN insists that he is willing to fight for his cause until Christmas or after, the champions of the High Court cannot depend on leaving their trenches by Christmas. However long it takes, however long the Senate must remain in session, the authority of the Supreme Court to uphold the Constitution must be maintained.

Mr. DOUGLAS. Mr. President, this morning, the Washington Post published another very able editorial under the title "Shadow of a Shadow." I suppose this is drawn from the passage in Richard II, when Richard II, who had been de-throned, looked in the mirror and it was said that the shadow of his shadow had displaced the reflection of his face.

The editorial states:

The best that can possibly be said in favor of the administration-sponsored compromise of the Dirksen apportionment rider is that it might help to break a Senate deadlock and that it would do serious damage, really, only to the good name of the Congress.

As one who is very jealous of the good name of Congress, I do not wish to contribute gratuitously to its further denigration.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. McCARTHY. I suppose the next step would be that we might pass a resolution giving advice to the Senate as to what it should do.

Mr. DOUGLAS. That would be equally appropriate or incongruous. The article goes on to say:

But it is essentially a silly solution, insulting to the Supreme Court and pointless even from the point of view of its supporters; and while it is, to be sure, not nearly so dangerous or offensive as the Dirksen rider itself, it would still trench damagingly on the constitutional separation of powers.

I am very glad that the junior Senator from Minnesota [Mr. McCARTHY] has just made the statement which he did. I take it that he, in a sense, is detaching himself from the amendment, and publicly assented to it only in the sense of harmony and unity.

The editorial goes on to say:

The compromise, introduced by Senators JAVITS and McCARTHY, with an apparent assent from the White House, would express the "sense of Congress" that "adequate time" be afforded to the States "to conform to the requirements of the Constitution." It would also add a more objectionable provision declaring it to be the sense of Congress that the States be given adequate time to consider any proposed constitutional amendment relating to the composition of State legislatures.

The editorial then goes on to say further:

Some of the Senators who have so ably and sensibly led the fight against the Dirksen rider have now proposed a modification of the administration compromise. They would limit it to a reiteration of the Supreme Court's own language allowing flexibility and patience in implementation of the apportionment decision.

I do not know where the Washington Post editors got the information, but they are apparently mind readers. They have stated the general purpose of our efforts fairly accurately. The editorial continues:

There can be no objection to this proposal except that it is an exercise in futility; it amounts to the shadow of a shadow of the Dirksen rider.

It may be remembered that Abraham Lincoln once referred to a promise as being about as substantial as soup made from the shadow of a crow which had starved to death.

The editorial concludes:

It would be better to avoid casting even this shadow of a shadow on the independence of the judiciary. But perhaps it is justified as the price of getting this mischievous matter settled. And it has the virtue of a reductio ad absurdum.

Mr. President, I ask unanimous consent that the editorial published in the Washington Post of September 14, 1964, entitled "Shadow of a Shadow," be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, Sept. 14, 1964]

SHADOW OF A SHADOW

The best that can possibly be said in favor of the administration-sponsored compromise of the Dirksen apportionment rider is that it might help to break a Senate deadlock and that it would do serious damage, really, only to the good name of the Congress. But it is essentially a silly solution, insulting to the Supreme Court and pointless even from the point of view of its supporters; and while it is, to be sure, not nearly so dangerous or offensive as the Dirksen rider itself, it would still trench damagingly on the constitutional separation of powers.

The compromise, introduced by Senators JAVITS and McCARTHY, with an apparent assent from the White House, would express the sense of Congress that adequate time be afforded to the States to conform to the requirements of the Constitution. It would also add a more objectionable provision declaring it to be the sense of Congress that the States be given adequate time to consider any proposed constitutional amendment relating to the composition of State legislatures.

The first provision serves no purpose whatever. The Supreme Court itself said plainly that "with respect to the timing of relief,"

an inferior court "can reasonably endeavor to avoid a disruption of the election process which might result from requiring precipitate changes that could make unreasonable or embarrassing demands on a State in adjusting to the requirements of the court's decree." The second provision amounts to nothing less than a demand that U.S. courts suspend application of the equal protection clause of the Constitution until Congress finds time to subvert it altogether.

Some of the Senators who have so ably and sensibly led the fight against the Dirksen rider have now proposed a modification of the administration compromise. They would limit it to a reiteration of the Supreme Court's own language allowing flexibility and patience in implementation of the apportionment decision. There can be no objection to this proposal except that it is an exercise in futility; it amounts to the shadow of a shadow of the Dirksen rider. It would be better to avoid casting even this shadow of a shadow on the independence of the judiciary. But perhaps it is justified as the price of getting this mischievous matter settled. And it has the virtue of a reductio ad absurdum.

Mr. DOUGLAS. Mr. President, I join the Senator from Minnesota [Mr. McCARTHY] in feeling that if we can defend the courts, I am willing to pay the price of appearing somewhat ridiculous.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. McCARTHY. Mr. President, I would have to differ with the position expressed by the Senator from Illinois. I do not believe that what we propose in the amendment to which he referred is quite as absurd as that which was proposed in the Dirksen-Mansfield amendment.

Mr. DOUGLAS. No. That is correct.

Mr. McCARTHY. We have really backed away a little from the ultimate.

Mr. DOUGLAS. We have reduced the absurdity.

Mr. McCARTHY. That is correct. As I said when I spoke previously, the Dirksen-Mansfield proposal, if it had any authority in it, immediately moved into the area of the unconstitutional. If it had no authority, it was nothing more than a piece of advice or recommendation to the Court. So at least we were honest in our amendment in doing nothing other than to offer advice to the Court; and I would say that that is a less absurd action than it would be if we were to proceed on the assumption that we had authority in a field in which we have no authority. I suggest that this often happens with regard to the Washington Post. I often find myself in agreement with its conclusions and its recommendations, but sometimes we do well not to read too carefully its justification for its position.

Mr. DOUGLAS. I am glad to find that the Senator from Minnesota seems to be in rough general accord with some of the criticisms which some of us have advanced.

Mr. McCARTHY. As I have said to the Senator, I would prefer to have no amendment or resolution.

Mr. DOUGLAS. So would I.

Mr. McCARTHY. I would leave the Court free to act.

Mr. DOUGLAS. So would I. I hope that the legislative record will be made clear that the current proposal is not a substantive one.

Mr. McCARTHY. The Senator from Illinois and I have discussed the subject before. There are certain areas of confusion because we have let the executive branch of the Government "legislate" in some areas in which I think we ought to act; and we have put too great a burden of the executive responsibility on the Court in a number of critical areas, including civil rights, and now in the area of reapportionment. If we moved each area of responsibility one step to the right, Congress might be left with nothing but a kind of unofficial judicial review as its clear responsibility.

Mr. DOUGLAS. But that has been because of the failure of the Congress and of the various State legislatures to act.

Mr. McCARTHY. In most cases.

Mr. DOUGLAS. In slang parlance, we have "asked for it."

Mr. McCARTHY. In most cases it is the result of our failure to act when we should have acted.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCARTHY. Mr. President, the question of reapportionment is an issue in my State of Minnesota, as it is in many other States.

The Minnesota State constitution provides that both houses, the senate and the house of representatives, shall be apportioned equally in proportion to the population, but this provision has not been followed in any strict way.

I requested the attorney general's office in Minnesota to provide me with a brief summary of the judicial action which has taken place over the years in regard to this provision of our State constitution.

I ask unanimous consent that the review may be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The judicial construction has been as follows:

In *State ex rel. Meighen v. Weatherill* (1914), 125 Minn. 336, 147 N.W. 105, an attack was made on the reapportionment act of 1913, claiming that it was in violation of the above constitutional provisions. The Minnesota court stated that the legislature is vested with wide discretion in forming legislative districts and the courts will not interfere except when there has been a clear and arbitrary departure from the requirement of equality. The court did state that there was a constitutional mandate imposing a duty of reapportionment upon the legislature and that duty continues beyond the legislative session after the decennial census if the legislature had not complied.

In *Smith v. Holm* (1945), 220 Minn. 486, 19 N.W. 2d 914, another legal attack was made upon the reapportionment act of 1913. The Minnesota court adhered to the rule in the *Weatherill* case, supra, and characterized the law as follows:

"In short, if the legislature exercises its judgment and discretion in enacting an apportionment law, the result is not vulnerable to attack in the courts."

The court went on further to say that if a reapportionment act was valid when enacted, it may not be held unconstitutional by reason of subsequent changes in the relative population of the districts, and that it continues in force until superseded by a valid act.

In 1958, an action was initiated in the Federal court, *Magraw v. Donovan* (1958), 163 Fed. Supp. 184, similar to that now pending. The plaintiffs argued that unequal representation deprived them of the right guaranteed by the 14th amendment to the U.S. Constitution and that the reapportionment act of 1913 was unconstitutional in 1958.

The three judge Federal court in *Magraw v. Donovan* (March 21, 1958), 159 Fed. Supp. 901, held that the action was within the jurisdiction of the Federal court. It should be noted that initially the defendants were secretary of state and the county auditors of St. Louis, Hennepin, Ramsey, and Olmsted Counties, but that subsequently the county auditors of Houston, Grant, and Ottertail intervened. The latter counties were over-represented on a population basis in the State legislature.

In *Magraw v. Donovan* (July 10, 1958), 163 Fed. Supp. 184, the Federal court made a determination that there was substantial inequality in the composition of the Minnesota legislative districts. The court pointed out in the Minnesota case of *Smith v. Holm* no question of the equal protection clause under the 14th amendment was presented or considered. The court stated: " * * * it is the unmistakable duty of the State legislature to reapportion itself periodically in accordance with recent population changes. * * * It is not to be presumed that the legislature will refuse to take such action as is necessary to comply with its duty under the State constitution."

The court retained jurisdiction with the provision that following the adjournment of the 1959 session of the Minnesota Legislature the parties could petition the court for such action as they may deem appropriate. The Minnesota Legislature did reapportion in 1959, effective January 1, 1962. Subsequently the plaintiffs moved for an order to dismiss the action without prejudice and the Federal court permitted this in *Magraw v. Donovan* (October 26, 1959), 177 Fed. Supp. 803, over the objection of the intervening defendants.

Mr. McCARTHY. Mr. President, the present range of population in Minnesota legislative districts covers extensive differences. If the population of the State is divided by the 67 senatorial districts, the average would be 50,953. The largest district at the present time has a population of 100,000, or nearly twice the proportionate number. The smallest senatorial district has a population of 24,587, roughly one-half what it would be if the average were applied.

The population of the State divided by 135 house districts would average out to 25,288. The largest house district has 56,000, which is roughly twice the size of what it would be if proportionate representation had been achieved. The smallest is only 8,343. It is the result

of reapportionment which took place following the census of 1960.

Mr. DOUGLAS. Mr. President, will the Senator yield for a question?

Mr. McCARTHY. I yield.

Mr. DOUGLAS. This followed the census of 1960?

Mr. McCARTHY. Yes; this was the most recent reapportionment.

Mr. DOUGLAS. This was "reform" reapportionment?

Mr. McCARTHY. Following the census of 1960.

Mr. DOUGLAS. I use the word "reform" in quotation marks.

Mr. McCARTHY. I understand the implication.

Mr. DOUGLAS. And is not the State grossly malapportioned? The cities of Minneapolis, St. Paul, and Duluth are grossly underrepresented in relation to other districts. Is that not correct?

Mr. McCARTHY. That is true. I would have to state that, from the viewpoint of being advantageous to Democrats or Republicans, strict reapportionment would be somewhat disadvantageous to the Democrats; but we are acting on principle.

Mr. DOUGLAS. That is correct as to Illinois also, since reapportionment is not going to help the Democrats. In fact, the suburbs are considerably more under-represented than are the cities, and the suburbs tend to be Republican.

Mr. McCARTHY. And the rural districts are liberal in my State. So in this case we are doing what we think is best for the State of Minnesota.

Mr. DOUGLAS. The Senator is an authority on the Bible, and he is, therefore, familiar with the Biblical quotation:

He that sweareth to his own hurt, and changeth not.

Mr. McCARTHY. I hope we receive credit not only for using Biblical quotations, but also for the action we have taken.

It is estimated that, theoretically, 40.1 percent of the population could control the senate and 34.5 percent could control the house in the Minnesota Legislature.

Following the decision of the U.S. Supreme Court in *Reynolds* against *Sims*, a case was filed in the U.S. district court in the district of Minnesota, entitled "*Honsey, et al., Against Joseph Donovan, Secretary of State, et al.*," asking for reapportionment of the Minnesota legislative districts.

The attorney general of the State of Minnesota and other officials have filed an answer to the plaintiffs' complaint. This matter is now pending before the U.S. district court.

It is possible that the court could render its decision any day, and it is possible that the court decision would enjoin the November 3 election for the Minnesota House of Representatives, or in the alternative, order the election of the representatives from the various districts to be an at-large election. But I am confident that the court will not take such action and that the election will proceed on November 3 under State law.

The disproportionate representation of our State is rather obvious and clear. I hope that through either the case which is pending in the district court of Minnesota or other action reapportionment may come about in Minnesota.

In any event, I believe it is to be a very serious matter for Congress to attempt to interfere with the decisions which have been made by the court, or in any positive way to try to obstruct the actions which might follow from what we now call the historic decisions, although they have been late in coming.

ADJOURNMENT

Mr. McCARTHY. Mr. President, if there is no further business to come before the Senate, I move that the Senate adjourn until 12 o'clock noon tomorrow.

The motion was agreed to and (at 4 o'clock and 44 minutes p.m.) the Senate

adjourned until tomorrow, September 15, 1964, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate September 14, 1964:

POSTMASTERS

The following-named persons to be postmasters:

CALIFORNIA

Robert B. Ross, Orinda, Calif., in place of L. G. Mallary, retired.

Salvatore J. Montalbano, St. Mary's College, Calif., in place of J. J. Shanahan, retired.

FLORIDA

Harry R. Collier, Deerfield Beach, Fla., in place of E. V. Morrow, deceased.

MARYLAND

Ralph H. Barrett, Bladensburg, Md., in place of C. H. Brown, deceased.

Evelyn E. Lednum, Tilghman, Md., in place of B. V. Sinclair, retired.

MISSISSIPPI

Mamie L. Holland, Glendor, Miss., in place of M. B. Lowe, retired.

MISSOURI

Catherine J. Sinnott, Wayland, Mo., in place of T. H. Sinnott, deceased.

NEBRASKA

Dorothy M. Turner, Firth, Nebr., in place of Delmer Vandewege, transferred.

NEW JERSEY

Leonard F. Errico, Stockton, N.J., in place of W. J. Ledger, retired.

NEW YORK

Jerome P. Meyer, Corfu, N.Y., in place of Celestine Reynolds, retired.

SOUTH DAKOTA

Jennie M. Swartz, Baltic, S. Dak., in place of C. R. Dregseth, retired.

TEXAS

Annie M. Whittley, Barksdale, Tex., in place of Lillie Perkins, retired.

Austin Skinner, Ferris, Tex., in place of A. T. McCarron, transferred.

MONTANA

Lawrence A. Wendel, Helena, Mont., in place of H. K. Potter, deceased.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE

Washington, D. C. 20250

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Issued Sept. 16, 1964

For actions of Sept. 15, 1964

38th - 2nd; No. 176

CONTENTS

Air pollution.....8	Foreign aid.....1	Scientific reserve.....14
Appalachia.....2	Foreign trade.....3	Textile imports.....6
Area redevelopment.....17	Lands.....24	Tobacco.....11
Coffee.....4	Legislative	Water pollution.....9
Conservation.....20	accomplishments.....19	Water research.....5
Education.....13	Meat imports.....21	Watersheds.....18
Electrification.....22,23	Pastureland.....2	Wheat.....12
Expenditures.....7	Political platforms.....16	Wilderness.....22
Farm surpluses.....3	Radiation.....10	
Feed grain.....15	Research.....5,20	

HIGHLIGHTS: Sen. Hruska commended deletion of pastureland improvement provision from Appalachia bill. Sen. McGovern inserted speech urging use of surplus commodities as instrument of foreign policy. Sen. Hruska commended enactment of water resources research bill. House subcommittee tabled bill to encourage industrial utilization of wheat products. House Rules Committee rejected motion to reconsider smoking and health research bill.

SENATE

1. FOREIGN AID. Continued debate on reapportionment amendments to H. R. 11380, the foreign aid authorization bill. pp. 21408-14, 21416-30, 21434
2. APPALACHIA. Sen. Hruska commended the deletion of the provision in the Appalachia bill providing for a pastureland improvement program in the Appalachian area, criticized this Department's support of the provision, and stated that it was "absurd to use Federal funds to induce more people to go into the cattle business." pp. 21414-5

3. FARM SURPLUSES; FOREIGN TRADE. Sen. McGovern commended the productive capacity of American farmers and inserted a speech by the president of the Chicago Board of Trade reviewing agricultural failures in Communist countries and urging that the U. S. use its ability to produce abundantly as an instrument of foreign policy. pp. 21402-3
4. COFFEE. Sen. Javits inserted a letter from the State Department stating that the International Coffee Council has established export quotas for the coffee year beginning October 1, 1964, at 48.5 million bags. pp. 21404-5
5. WATER RESOURCES RESEARCH. Sen. Hruska commended the enactment of legislation to provide an expanded water resources research program and reviewed current water resource problems, particularly in Nebr. pp. 21415-6
6. TEXTILE IMPORTS. Sen. McIntyre expressed concern over "the ever-growing threat to our country's shoe and textile industries represented by unfair imports of cheap shoes and textiles," and urged the Government to take action to restrict such imports. p. 21437
7. EXPENDITURES. Sen. Metcalf inserted several tables summarizing Federal payments to States and local governments, including payments under various programs of this Department. pp. 21440-45
8. AIR POLLUTION. Sen. Muskie inserted an article on the efforts of Federal, State and local governments to combat air pollution. pp. 21398-401
9. WATER POLLUTION. Sen. Keating inserted resolutions of several N. Y. counties urging enactment of legislation for an expanded matching grant program for the control of water pollution. pp. 21388-9
10. RADIATION. Sen. Hart inserted an article stating that there had been a decrease in radioactive fallout. pp. 21397-8

HOUSE

11. TOBACCO. The "Daily Digest" states that the Rules Committee rejected a motion to reconsider H. J. Res. 915, to direct the Secretary of Agriculture to conduct research into the quality and health factors of tobacco. D770
12. WHEAT. The "Daily Digest" states that a subcommittee of the Agriculture Committee tabled H. R. 12018, to encourage the industrial utilization of wheat products. p. D770
13. EDUCATION. The "Daily Digest" states that the Rules Committee "granted a rule sending to conference S. 3060, to amend and extend the National Defense Education Act amendments." p. D770
14. SCIENTIFIC RESERVE. The "Daily Digest" states that the Rules Committee "granted an open rule, with 1 hour of debate, on H. R. 1096, to authorize the Secretary of the Interior to cooperate with the State of Wisconsin in the designation of proposed Ice Age National Scientific Reserve." p. D770
15. FEED GRAIN PROGRAM. Rep. Hoeven criticized that part of Secretary Freeman's recent Iowa speech referring to the feed grain program. p. 21486

deal of consternation because the Senecas point to their original treaty relations with the United States. During the intervening years, the courts have held that the Indian tribes are no longer sovereign nations and cannot be considered as such in their relations with the United States.

Senator ERVIN. Well, Bill, let me ask you a question at this point. As a result of the judicial holding that the Indian tribes were to be considered as sovereign nations, or quasi-sovereign nations, the courts held that Indians were not entitled originally to vote as American citizens and that the constitutional rights which all other Americans enjoyed under the Bill of Rights, did not belong to them and could not be enforced upon their tribal authorities.

BILL CREECH. That is exactly correct, Senator. The American Indians did not become citizens in the early days of our Republic except in very rare instances. During the intervening years, as the Nation expanded westward, many Indians obtained citizenship by various acts of Congress, and finally in 1924, citizenship was conferred upon virtually all American Indians. It is interesting to note that as recently as 1960, one of the circuit courts of appeals pointed out in a case in the Southwest of the United States that an Indian does not have the protection of the Federal Constitution when he is dealing with his tribe; that the tribe is not limited by the Bill of Rights; it is not limited by any provision of the Federal Constitution in dealing with its tribal members. It was very shocking for many people to learn that there are American citizens living within the continental bounds of the United States who do not have the protection of the Federal Constitution.

Senator ERVIN. In the absence of recent legislation on the subject, what is the status of the Indian in respect to his trial and punishment from criminal offenses committed upon reservations?

BILL CREECH. Well, Senator, we have today three types of courts for the administration of justice among tribal groups. We have the traditional courts which are encountered in the southwestern part of the United States among the Pueblo Indians. The law there is very much akin to the law which existed 500 years ago because the Pueblo Indians had a very highly developed civilization. Their system of jurisprudence, their administration of justice is very much akin to the situation when the Spaniards first came.

Senator ERVIN. Is it not very much like our common law that just grew up out of the traditions of the people and their experience?

BILL CREECH. Yes, indeed, Senator. That is correct. Subsequently, as the Indian became more a part of the mainstream of American life—the anthropologists like the term “acculturation”—some of the tribal groups adopted new law and order codes and set up their own tribal courts. The formal development of law and order codes was made possible by the Indian Reorganization Act, which provides that the Secretary of the Interior approve law and order codes for Indian tribes. As a result of this act, Indian tribes have set up tribal courts. At the end of the last century, a small number of Indian tribes were given courts, called Courts of Indian Offenses, which were established by administrative regulation of the Secretary of Interior. So today, you have the American Indian living under three different types of court systems on the reservation. The off-reserved Indian, the Indian who lives in any community of the country other than a reservation, is subject to the same laws as any other citizen.

Senator ERVIN. Among the Indians who are not reserved Indians are the Lumbee tribe in Robeson County, N.C.

BILL CREECH. Yes, sir.

Senator ERVIN. The Lumbees are governed by the law of North Carolina just like all other citizens of the State.

BILL CREECH. Yes, sir, Senator. I think they are considered unique in the American Indian community, since the Lumbees never have been under Federal reservation jurisdiction. I believe that the statute which concerned the Federal Government designating the Robeson County Indians as Lumbees is the only time in the history of the country that the Congress has enacted legislation concerning this tribe.

Senator ERVIN. You know, for a long time we thought of the Indian and in fact he was so described by many writers, as the “Vanishing American.” What observation can you make on that point, Bill?

BILL CREECH. Well, my feeling Senator is that the reverse is true today. The American Indian today numbers somewhere between a half million and 600,000 and he is the fastest growing ethnic group in the United States. This points up the necessity for Congress to enact legislation to meet the needs and basic requirements of the American Indian in regard to his active participation in American life. For instance, a hundred years ago, there were between 8,000 and 9,000 Navajos. If the Federal Government had acted then to provide the Navajos with the means of becoming acculturated into the mainstream of American life—instead of waiting until today—it would have been a fairly simple matter. Today, there are between 80,000 and 90,000 Navajos and we have perhaps, five times as many as we had a hundred years ago who are living at substandard levels of existence in this country.

Senator ERVIN. Bill, I think that most of us have become accustomed to think of the Indians as residing in the far West in such States as Arizona, New Mexico, Montana and in the Dakotas. And we think of them as a people, who, in large measure, have vanished from the eastern part of the United States. I think it would be interesting for you to make any observation you might wish to in respect to the North Carolina Indian communities.

BILL CREECH. Yes sir. Well, Senator, of course we in North Carolina take great pride in our Indian community and we note, of course, that North Carolina ranks fourth in Indian population. Now I believe that on the tribal rolls of Cherokees, there are about 6,000 Indians. However, in eastern North Carolina, there are many Indians who never have been reserved. I believe the official census lists something like 25,000 Indians in North Carolina, though unofficially we are told that perhaps there are as many as 40,000 Lumbees in the eastern part of the State. It's interesting how many southerners have Indian ancestry including some of the Members of Congress who have Indian antecedents. I was interested to note that in Arlington at the Lee-Custis Mansion, the first person buried there was a cousin of Gen. Robert E. Lee and of George Washington. Parke Custis was a young lady who was a descendant of Pocahontas and John Rolfe.

Senator ERVIN. We have one of the Members of Congress now, who is an American Indian.

BILL CREECH. Yes, Congressman BEN REifel, a Sioux Indian from South Dakota.

Senator ERVIN. To my mind, they are great people and I have enjoyed my contacts with them. One thing that has surprised me is their wonderful sense of humor. I had the privilege of visiting the Cherokee Reservation in 1960, the only time I have been there in the summertime. While there, I saw “Unto These Hills,” that magnificent drama of early Cherokee history. Afterward, I went around and saw the making of the bows and arrows and the exhibition of the arts and crafts. Then they took my wife and me down to the storehouse and said they would like to give us a present. They gave Mrs. Ervin a very

fine picnic basket and I said I would take some bows and arrows. After they gave those to me, they said, “Well Senator, we think we have something here that is more appropriate for a U.S. Senator than a bow and arrows. We would like to make you a present of it.” I said, “What is that,” and they said, “a blowgun.”

So I was given a blowgun. I believe that in order to complete this, we are going to have to have another session on Indian affairs. Our time is almost up, and we haven't told exactly what we think of the present method of handling affairs of the reserved Indian through the Secretary of Interior, the Bureau of Indian Affairs and what we propose to do in order to confer upon the Indians, by Federal legislation, what we conceive to be their basic constitutional rights or what should be their basic constitutional rights like those of all other American citizens.

HALL SMITH. Thank you, Senator ERVIN. We would like to offer our special thanks to our guest today, Bill Creech, who is the chief counsel of the Senate Subcommittee on Constitutional Rights from Smithfield, N.C. This is Hall Smith inviting you to join us again next week when direct from Washington, D.C., U.S. Senator SAM J. ERVIN, JR., reports to North Carolina.

TRANSCRIPT OF SENATOR ERVIN'S AUGUST 16, 1964 BROADCAST

HALL SMITH. From Washington, D.C., here is the report to the people of North Carolina for the week of August 16 from U.S. Senator SAM J. ERVIN, JR. Senator, first let me review the fact that the last two programs were devoted to a discussion of the American Indian and some of his problems. We have been indeed fortunate in having Bill Creech, of Smithfield, N.C., who serves as chief counsel and staff director of your Senate Subcommittee on Constitutional Rights as our guest speaker on this topic. Bill has given us some of the background of the areas of difficulty facing the Indians and certain facts which the subcommittee has developed in its 3-year-long study. I think that it would be highly appropriate, Senator ERVIN, if you and Bill Creech will talk about some of your plans to remedy many of these wrongs through Federal legislation.

Senator ERVIN. Well, Hall, I think it is well for us to continue our discussion on this subject. I am delighted to have Bill Creech here because he has done so much work in this field. He has supervised the investigation which the subcommittee has made and in which we have consulted Indians belonging to virtually all the tribes in North America. I think it is well to talk today on what we think should be done to cure the situations we have found to be true among American Indians. As pointed out on the previous broadcast, we found that the American Indian—that is the reserved Indian, as they call the ones who live on a reservation—occupies a status unlike that of any other American; that during the early days of the Nation that the Indian tribes were considered to be foreign nations in a way—not just foreign nations but separate nations—separate sovereignties subject only to the requirement that they could not deal externally with people other than the United States. We had changes of this by legislation from time to time, but as a result of this view of the nature of the tribes we had court decisions which were to the effect that the reserved Indian did not enjoy the same constitutional rights that other Americans had; such as the right to be represented by counsel and the like. So we are delighted to have Bill Creech with us today. Bill, I wish you would explain to our audience what specific steps we have taken in the form of bills to cure the conditions we have discussed on the two previous broadcasts.

BILL CREECH. Thank you Senator. First of all, Hall, I think that it would be very interesting for our audience to know that Senator ERVIN has been so very kind to give me a great deal of credit for the work which has been done in this area when, actually of course, we all know that this work has been done because of his decision and under his supervision. I think that it would be interesting also for our audience to know that Senator ERVIN's interest in the American Indians is one which stems from his boyhood. I know that he won a prize as a freshman in college for writing a paper on the Cherokees. He has had an abiding interest in the American Indians and he has focused a great deal of attention on the Indians and other minority groups in this country who previously have not enjoyed the benefit of congressional scrutiny and assistance. This has been his primary motivation since becoming chairman of the Subcommittee on Constitutional Rights some 3 years ago. Well, with regard to the reserved American Indian, Senator, I think that it is fair to say that his life is regulated by the Federal Government from the cradle to the grave. For, virtually everything he does, if he stays on the reservation, from the time he is born until he dies, is under the influence or is in the hands of the Secretary of the Interior. One of the things that was most surprising to me to learn was that even today a reserved Indian can't make a will without the approval of the Secretary of the Interior. If he makes a will and the Secretary disapproves of it, the will is invalid. It may take him months, even years, to obtain the approval of the Secretary of the Interior. By the same token, one of the things which you have been so much concerned with is the right to counsel. The American Indian tribes who want to employ legal counsel—attorneys to represent them—cannot do so without the approval of the Secretary of the Interior.

Senator ERVIN. Don't you consider it unfortunate in many instances that the Indians have to deal with the Secretary of the Interior and Bureau of Indian Affairs as their guardians and, sometimes, their views and those of the Secretary of the Bureau do not coincide. They certainly ought to have a capable spokesman to present their case.

BILL CREECH. Precisely, Senator. This is one of the great problems for the American Indians today. The subcommittee had this pointed out at our hearings here in Washington and it was very graphically described by the tribal representatives who appeared before the subcommittee in Sacaton, Ariz. At that time, one of the tribal groups presented to the subcommittee a letter which the tribe had received from a reputable law firm in that part of the country, saying that though the tribe had asked the firm to represent them some 11 months earlier approval had not been received during that interim by the Secretary of the Interior. The letter further stated that inasmuch as they had received retainers from a number of other clients in the meantime, it could no longer entertain the possibility of representing the tribe. So the tribe had to start all over again to find another law firm to represent them, because of the delay of the Secretary of the Interior in approving their contract with this law firm. One of the bills which you have introduced, would provide a remedy for this. That bill would provide that if the Secretary of the Interior does not approve a contract between a tribe and a law firm within 90 days, that the contract is valid and the Indians may proceed with their retainer.

HALL SMITH. Bill, may I ask you a question here? Now this is the counsel for the Indian tribe rather than the individual Indian?

BILL CREECH. That's true, Hall, but of course the counsel for the Indian tribe, frequently is counsel for the individual Indian. For instance, the Navajo Tribe will furnish

legal counsel to any member of the tribe any place in the United States.

Now the Indians have had a great deal of difficulty in obtaining legal counsel; this frequently is true because they are indigents—they haven't the funds to employ legal counsel. So the Navajo Tribe has a legal staff which it will send to any part of the country to represent members of the tribe who are involved in private litigation.

Senator ERVIN. Don't you think the fact that the tribal council cannot employ their own counsel without the consent of the Secretary of the Interior really deprives the tribes, in many cases, of any real right to petition the Government for redress of grievances as possessed by all other Americans under the first amendment?

BILL CREECH. Yes, Senator, I do indeed. I think that this is one of the real problems that the Indians have because, obviously, if they don't have adequate counsel to represent them, then it is going to be very difficult for them to be effective in overcoming their problems. One of the allegations which has also been made, is that the Indian tribes are being deprived of due process in pursuing their various claims, or in litigation, by the Secretary of the Interior's failure to approve counsel. If they have to wait years just to have counsel approved, during the interim their witnesses frequently die, or move on, or situations change so abruptly that it is detrimental to their case. Therefore, they are not able to pursue their cases as actively as they might.

Senator ERVIN. What do these bills do with respect to the right of the individual Indian? You mentioned the fact, on a previous broadcast, that the individual Indian is usually denied the right to be represented by counsel when he is tried before tribal courts. In this case, you not only have denial of his rights by the codes that have been adopted under the supervision of the Department of the Interior, but you have a denial of his rights in many cases by the tribal council itself.

BILL CREECH. Yes, sir. Well Senator, of course, you have introduced two bills which would directly touch upon this. One of the bills which you have introduced would provide for the strictures of the Constitution on the tribal government, in that it would carry to the tribal government the prohibitions which presently exist with regard to the Federal and the State governments. These are the safeguards for the individual which the Constitution holds for every American citizen. As we pointed out earlier, the tribal governments have been held not to be subject to the Constitution with regard to individual rights. Another of the bills which you have introduced would provide that in all of the law and order codes, which must be approved by the Secretary of the Interior, there shall be the provision for the same constitutional safeguards that the individual American citizen enjoys when he goes before State courts or our Federal courts. This, of course, would include the sixth amendment provision for counsel in criminal cases and would be of great assistance to the Indian who finds himself in the tribal courts and in the traditional courts where he is not permitted to have counsel of his choosing but is actually precluded by the tribal rules from having legally trained counsel represent him.

Senator ERVIN. One of these bills is designed to remove some of the imperfections in the administration and in the provisions of the Federal statutes, which a few years ago, allowed the State to assume jurisdiction over tribal lands under certain conditions.

BILL CREECH. Yes, sir; that is correct. There was a statute which was passed back in 1957, Public Law 280, which permitted the States to assume civil and criminal jurisdiction over the Indian reserved areas located within their States. This has created a great problem in many parts of the country

because some States have attempted to assume piecemeal jurisdiction and as a result, the Indian community is not certain under which laws they live today. As a matter of fact, this is not just circumscribed to the Indian community, there has been testimony which the subcommittee received from district attorneys and States attorneys indicating that the local law-enforcement officers themselves are not certain whether they have jurisdiction. So as a result, we have vacuums within the law in various parts of the country in which the Indian community lives.

Senator ERVIN. Can it not be said in summary, that if these bills all pass, that the American Indian on the reservation will enjoy for the first time in our history the same rights which other Americans have under the Bill of Rights?

BILL CREECH. Yes, Senator; that is a very fair statement.

HALL SMITH. Thank you, Senator ERVIN. We would like to offer our special thanks today to our guest, Bill Creech, of Smithfield, N.C., who is the chief counsel and staff director of the Senate Subcommittee on Constitutional Rights. This is Hall Smith inviting you to join us again next week when direct from Washington, D.C., U.S. Senator SAM J. ERVIN, Jr., reports to North Carolina.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1964

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

The ACTING PRESIDENT pro tempore. The hour of 12:20 p.m. having arrived, the unanimous-consent agreement goes into effect. The time will be under control equally by the Senator from New York [Mr. JAVITS] and the opponents of the amendment.

Mr. JAVITS. Mr. President—

The ACTING PRESIDENT pro tempore. Does the Senator yield himself time?

Mr. JAVITS. I yield myself 1 minute.

Mr. President, I offer a modification to the pending amendment, which I send to the desk and ask to have stated.

The ACTING PRESIDENT pro tempore. The modification of the amendment will be stated.

The LEGISLATIVE CLERK. The following is the modification of the Javits-McCarthy-Humphrey amendment:

SEC. 402. It is the sense of the Congress that in any action or proceeding in any court of the United States or before any justice or judge of the United States in which there is placed in question the validity of the composition of any house of the legislature of any State or the apportionment of the membership thereof, (1) reasonable time should be accorded to such State to conform to the requirements of the Constitution of the United States relating to such composition or apportionment, and (2) in the event that a proposed amendment to the Constitution of the United States relating to the composition of the legislatures of the several States, or to the apportionment of the membership thereof, has been duly submitted by the Congress to the States for ratification, such fact be taken into consideration in framing a decree for relief.

The ACTING PRESIDENT pro tempore. Under the unanimous-consent agreement, the Senator from New York [Mr. JAVITS] has the right to modify his amendment, and it is so ordered.

Mr. JAVITS. I thank the Chair.

Mr. President, I yield 3 minutes to the Senator from Pennsylvania.

Mr. CLARK. Mr. President, there are two things wrong with the modification offered by the Senator from New York [Mr. JAVITS] and the Senators from Minnesota [Mr. McCARTHY] and Mr. HUMPHREY] to which I quite seriously object.

First, the modification of the amendment would give gratuitous advice by a coordinate body of our Government, the legislature, to the Supreme Court of the United States, which I believe is presumptuous.

Second, the parliamentary procedure under which this and the preceding amendments have been offered is a legislative monstrosity. There can be no excuse whatever, in justice and equity, in ordinary legislative procedures, for attaching a nongermane rider of this sort to the Foreign Assistance Act of 1961. I doubt if it could be done in any other legislative body in the civilized world. It is a cynical approach to perhaps the most serious of the problems which confront the country, if not the most serious, which is the proper reapportionment of State legislatures. Nevertheless, because of the pragmatic and practical situation which confronts us, I intend to vote for the amendment.

My reasons for doing so are two:

First, the amendment does not say anything that the Supreme Court of the United States would not do anyway. I am sure that in the infinite wisdom of the members of the Court, but also in their dignified reticence, they will ignore it, and I hope that to the extent that the amendment would conflict in any way with their judicial duties, they will ignore it. I do not think it would.

Second, it seems to me that the amendment represents a pragmatic, political method of getting out of the way a very difficult problem which has held the Senate unnecessarily in session for several weeks. I am a pragmatist. I like to think of myself as being practical. I would hope that by voting for the faintly ridiculous modification of the amendment, which I shall do, we shall be able to solve a parliamentary snarl which has kept the Senate in session long beyond the necessary time, and which, if adopted, could do no serious harm.

Mr. MORSE. Mr. President, will the Senator from Illinois [Mr. DIRKSEN] yield me 5 minutes?

Mr. JAVITS. Mr. President, will the Senator from Oregon withhold his request for a minute? I should like to yield myself a brief period of time. Having presented the modification, I thought I ought at least explain what the modification is about, and then perhaps what I would say would be a frame of reference for others to speak to the modification.

Mr. MORSE. Mr. President, I withhold my request.

Mr. JAVITS. Mr. President, the reason for submitting the modification is very well known. It is an effort to bring together the support of as many Senators as possible for a solution of the problem which faces the Senate.

It is impossible to suppose that men of conscience and fidelity to their principles would take positions other than those consistent with their principles. Hence the Senator from Pennsylvania [Mr. CLARK], as we have heard, thinks that the amendment could do no harm and it would be a way of resolving the parliamentary dilemma. I believe it would be a serious and meaningful expression of our desires to the Supreme Court of the United States, which the Supreme Court would listen to. I think we would make very clear what we want, and I invoke two doctrines in respect of the effectiveness of what the proposal represents.

The first doctrine is the so-called doctrine of equitable abstention under which the Federal courts in innumerable cases have stood aside upon occasion in order to let other bodies, such as State courts, interpret a State statute. We are dismissing cases in equity. Therefore, the Court could, with complete authority, based upon decided cases, state, "As this is the demonstrated intent of the Congress expressed to us, we shall now stand aside and let it operate."

Second, for those who will call the amendment—and I suspect that some will—an apparition of an apparition, or try to dismiss it as completely superficial, I point out that time and again, upon the most serious matters, the Congress has passed sense-of-Congress resolutions.

Upon a sense-of-Congress resolution the marines went into Lebanon. Upon a sense-of-Congress resolution the 7th Fleet defended Taiwan. Upon a sense-of-Congress resolution we premised action which resulted in oceans of treasure being expended and the blood of American troops being shed in various parts of the world. Even those who violently oppose the sense-of-Congress resolution have offered such resolutions, including my distinguished friend, the minority leader, upon very serious questions, because we realize that there are cases in which two branches of the Government have coordinate powers—this is such a case—and that is the only way in which coordinate bodies can really express their considered intention and desire to each other.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I yield myself 1 additional minute.

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized for 1 additional minute.

Mr. JAVITS. Mr. President, in my judgment, therefore the amendment, as modified, would be a very meaningful act, thoroughly in accordance with the traditions of our country, juxtaposing one coordinate body to the other.

Finally, when we talk about supplication—and it has been said here that we are "supplicating" the Supreme Court—the Supreme Court is a coordinate body. It is our duty and responsibility to respect it as much as it respects us. If we have no power, the least we can do is to inform the Court of our intention. It is my judgment—and Senators must vote

on the question yea or nay—that we do not have power to direct the Supreme Court to carry out a rule of the decision in pending cases. We could not now make the principle applicable merely to new cases, because the apportionment of the legislatures of 34 of the 50 States is already before the Federal courts. So we cannot backtrack on that. Hence, we cannot mandate the Court, and the proposed amendment is the only way in which two great, dignified, and coordinate bodies can express their intention and desire to each other.

The ACTING PRESIDENT pro tempore. The time of the Senator from New York has expired.

Mr. JAVITS. Mr. President, I yield myself an additional 30 seconds.

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized for 30 seconds.

Mr. JAVITS. There are many things in our Government that must work by self-discipline. The Congress could sit on its hands and not give any agency of the Government a dime. We could destroy the country, and there is no provision in the Constitution which states that we must vote money. No one could draw a penny from the Treasury if we did not vote for the appropriation. The Supreme Court could do the same thing. It will not. We shall not, provided we are dignified and cooperative with each other. That is the purpose of the resolution.

Mr. MORSE. Mr. President, will the Senator from Illinois yield 5 minutes?

Mr. DIRKSEN. I yield 5 minutes to the Senator from Oregon.

The ACTING PRESIDENT pro tempore. The Senator from Oregon is recognized for 5 minutes.

Mr. MORSE. Mr. President, no matter how it is disguised nor how Senators swear to the purity of their intentions, the measure being voted on is, and is intended to be, a rebuff to the U.S. Supreme Court. Advocates of a strong proposal along the lines of the Dirksen measure are trying to accomplish something positive: They are trying to overturn the result of one of the finest decisions of the U.S. Supreme Court.

Advocates of a meaningless substitute are trying to replace it with only an insult to the U.S. Supreme Court.

I shall be party to neither. I shall vote for no proposal that in any way casts disrespect upon the Federal court system, or that in any way encourages others to show disrespect to the courts, or that expresses advice or disapproval of Congress of the way the courts do their job.

That kind of proposal is one of the key issues in this election. The confidence of the American people in their judicial system is being undermined and challenged in this presidential election, and it will continue to be challenged. No vote of mine will ever lend aid and comfort to that kind of vote seeking.

Moreover, the back seat driving that the Javits substitute represents is always an unsound disruption of our constitutional system, no matter how innocuously it may be framed. The only reason in the world it is offered, the only

reason it is voted on, is to express at least a concern on the part of Congress that the courts are not acting the way the Congress thinks they should act.

In the political context, that expression of views is of very great impact upon public opinion. In law, it may mean nothing; but among the public it means a great deal and it is the public as much as the courts to which this language is directed. Senators may say: "But it is meaningless; the courts will ignore it." The courts will ignore it, but the public will not and the politicians will not ignore it. For those who want to stir up resistance to court decisions and resentment against the courts in general, any critical advisory opinion from the Congress is a victory.

Once Congress starts to travel that road, it can lead only to the destruction of our constitutional system. We have wisely resisted it for 10 years. For at least 10 years, "court busting" bills have been on this calendar in every session. We have had bills to overturn the Nelson decision on State subversive laws; bills to overturn the passport decisions; bills to overturn the protection of persons charged as security risks; bills to overturn the Mallory rule; bills to limit the jurisdiction of the Federal courts to pass upon the right to practice law in State courts.

We have had bills to restrict the jurisdiction of the courts in habeas corpus cases; and we twice received from the House the Smith bill, H.R. 3, passed by large majorities. That "court buster" tried to instruct the Court that all Federal statutes should be construed as not affecting State laws on the same subject unless the statute specifically preempted the State laws. We had quite a fight on the Smith bill, whose sponsor in the House was the honorable chairman of the House Rules Committee. It, too, came over late in the session; a companion bill had been reported from the Senate Judiciary Committee. H.R. 3 was offered as a floor amendment to a pending bill, and the motion to table it failed by 39 to 46.

But we had a great and cherished colleague then, who served with perpetual vigilance on the Senate Judiciary Committee. I am referring to John Carroll, of Colorado. Senator Carroll wisely moved to recommit H.R. 3 to the Senate Judiciary Committee and the Senate took his advice.

The result has been that Senators will look in vain for any one of these "court busting" bills on the statute books. They have all been blocked by a small but determined group of Senators who were determined that no midnight Congresses should interfere with our judicial system and with our constitutional system.

It has always been possible for a determined majority, if there is one, to come back the next year and pass any one of these bills. But we do not hear anything any more about overturning the Nelson case, or Cole against Young, or the passport decisions, or the security risk decisions, and we do not hear anything today about H.R. 3. The habeas corpus bill is still around, and so are the

Mallory rule changes, but much of the steam has gone out of them.

The PRESIDING OFFICER (Mr. NELSON in the chair). The time of the Senator has expired.

Mr. MORSE. I ask for 2 more minutes.

Mr. DIRKSEN. I yield 2 minutes to the Senator.

Mr. MORSE. If we who fought these measures had started dickering with their advocates to find something we could all agree on, most of them would have been adopted in one form or another. But it is remarkable how the American people come to understand and appreciate the function the Supreme Court performs for them as the umpire of our Constitution. But they need a little time to digest the meaning of some of these Court rulings.

And a very important function of the Senate is to give them that time. That is the only reason we have 6-year terms. We are supposed to be just enough removed from popular passions to resist snap judgments in the enactment of legislation.

Insofar as the Supreme Court is concerned, we have served that purpose very well. In the case of Brown against the Board of Education and other civil rights decisions, the long-term public reaction was in support of these decisions, and the legislation Congress passed provided for their enforcement. But it did not come until 10 years later. It did not come until the American people had digested the rulings of the Court.

But had there been any "sense of the Congress" resolutions passed calling upon the Federal courts to hold off on civil rights cases, there never would have been a Civil Rights Act of 1964, and probably not one in 1974.

Aside from the merits of these decisions and their application, I cannot, as a lawyer, accept the proposition that Congress has any business advising the courts. What would Senators say about a Supreme Court opinion that expressed the sense of the Court that Congress ought not to pass the Dirksen amendment? Or the Javits substitute? Or that Congress ought not approve a proposed constitutional amendment? Or that Congress should not pass upon a constitutional amendment until the courts had time to wind up these reapportionment cases?

The shock and outrage of Senators and members of the House would reverberate throughout the country. Would we say: "Oh, but the Court only said it was concerned about what we were about to do. It isn't binding on us?"

Of course not. We would say it was an unmitigated interference in the functions of Congress, that it was an attempt to undermine public confidence in Congress, and that the Court had plenty to do in its own jurisdiction without butting into ours.

That is exactly how I regard all resolutions and expressions of opinion telling the courts what we think they should do in given cases, and how they should handle those cases.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MORSE. Will the Senator yield

me 1 more minute? I will try to get it back from the Senator from Montana [Mr. MANSFIELD].

Mr. DIRKSEN. I yield 1 minute to the Senator.

Mr. MORSE. The Federal courts are charged by the Constitution to consider all cases and controversies arising under said Constitution. It was not Earl Warren who laid down the theorem that the Supreme Court is the final arbiter of the application of the Constitution: it was a great Virginian, John Marshall. The decision of Marbury against Madison was not handed down by the Warren Court, or the Roosevelt Court. It was handed down by the John Marshall Court in 1803. The principle that the courts shall determine constitutional issues has served this country in good stead ever since, and I do not propose to change that principle now with any Dirksen amendment or Javits substitute.

It is always the right of the people, with the help of this Congress, to change their Constitution if they do not like its application to a given situation. Our job is not to coach the courts on reapportionment; our only job in this field is to pass upon a constitutional amendment.

If we are not going to consider a constitutional amendment, let us adjourn and go home. Let us stop interfering in the function, the duty, and the operation of the Federal courts.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MORSE. I ask for half a minute more.

Mr. DIRKSEN. I yield the Senator half a minute.

Mr. MORSE. If the American people are adamant in their opposition to the Court rulings on reapportionment, if they are determined to have malapportionment in their State legislatures, they will make their will known and felt in the years ahead. A constitutional amendment can always undo what the Supreme Court has already done. A constitutional amendment can permit States that have reapportioned under Court order to go back to their previous disproportionment, if there really is basic, grassroots, long-term public support for malapportionment.

The people will not need any hasty action in the dog days of the 88th Congress to permit them to have area representation in their States. It is only those who do not want to put the people to the test who want to forestall these Court orders and decisions. It is those who know that once popular representation is a fact the people will welcome it, who are trying to suspend the administration of justice.

All these reapportionment propositions are bad on their merits, and they are bad in their effect on our system of government. All should be rejected, and I shall vote against them.

Mr. DIRKSEN. Mr. President, I never cease to be astonished by how skilled debaters in this body can beg the question. Yet the question has been begged almost from the beginning of the discussion of the Mansfield-Dirksen amendment, or the Dirksen-Mansfield amendment, and

then the proposals that are offered as a substitute therefor.

I have freely conceded from the beginning that the way to go about this is by the constitutional process. Anyone familiar with the Constitution knows it. But we are up against a time factor, and in that interim period a great many things can happen to freeze something that probably would require many years to be undone.

One need only consider that there is no time in the 88th Congress to get a constitutional resolution through Congress and send the proposed amendment on its way to the States for ratification. That is a job that remains for the 89th Congress. What, then, is required to enact such a resolution and to send the proposed constitutional amendment to the people and to the States?

First. The new Congress must be organized.

Second. The committees must be appointed, and whatever gap may develop must be filled.

Third. The subcommittees must be established. Then a resolution must be referred to committee. It must go through that process both in the House and in the Senate. I presume that then would come the hearings. Then comes the discussion on the floor of the House and on the floor of the Senate. It takes time. However, we are not up against a theory; we are confronted with a condition. That is the reason for the Mansfield-Dirksen amendment, which is now before the Senate. It is designed to provide a breather until a constitutional amendment can be sent out to the country.

I do not know how much simpler the question can be put. I recognize, of course, that that power lies in the people.

People talk about court "busting." It makes an interesting phrase. However, I do not know that it has any significance or meaning. This is no attack on the Court. This is an exercise of what I think is a constitutional power that Congress possesses.

Congress can change the membership of the Court at any time, and it has done so many times in the history of the Republic. Congress can pass upon the appellate jurisdiction of the Court, and it has done so from the days of the McCordle decision when that Mississippi editor was in durance before the military authorities.

Those facts are all conceded.

All that is asked for in the original amendment is to stay the application of the Supreme Court's decision on the application of a responsible person. Who would be a responsible person?

Certainly the Governor of a State would have an interest. Certainly the attorney general of a State would have an interest. Certainly a member of the State legislature would have an interest. They are provided for as potential applicants under the Dirksen-Mansfield proposal.

It is that simple.

Now it is proposed to substitute first one proposal and then the modification that has been submitted today by the

distinguished Senator from New York [Mr. JAVITS].

What appears in the substitute? It is another "sense of Congress" resolution. It provides:

It is the sense of Congress that in any action or proceeding in any court—

And so forth—

reasonable time should be accorded to such State to conform to the requirements of the Constitution relating to such composition or apportionment.

How effective is a "sense of Congress" resolution? In the international domain it means one thing; in the field of domestic policy, it means quite another. If there be any doubt about it, let us take a look at what happened in connection with the wheat controversy, when it was proposed to sell wheat on long-term credits, ostensibly to be supported by the Export-Import Bank, a Federal instrumentality. It became quite an issue.

Those who opposed it relied upon a provision in the 1961 Agricultural Act, which contained a declaration of policy to the effect that Congress looked askance upon a practice of that kind. The whole matter was thoroughly examined by the Attorney General, and he filed a brief with respect to this matter.

What did he say? Let me read from the Attorney General's opinion. He said:

I have examined the history of the declaration with care and find no indication that Congress itself viewed the amendment as more than an expression of its policy, to be given consideration by the executive in making decisions within the framework of the authorizations and prohibitions established by prior law. Representative LATTA—

Parenthetically, I add that he is from Ohio—

who offered the amendment to the 1961 act and who sponsored the declaration, himself stated that its purpose was to have the Department of Commerce know what the sense of this Congress is with respect to the transactions in question.

What did the Attorney General say? Here it is buttoned up in one sentence:

Congress could, of course, have embodied its policy in a provision of positive law, to which the executive branch would have been bound to adhere. That it did not choose to do so is significant, not only in establishing that that section is without legal effect, but in determining its proper interpretations and application as policy.

No legal effect. Congress had an opportunity to speak affirmatively and positively. It did not do so. It merely said that it was the sense of Congress, and the Attorney General chose to ignore that expression on the part of Congress.

So, Mr. President, where are we?

Incidentally, the Attorney General fortified his opinion with quite a number of cases, and thought he was standing on good ground.

I am content to take that as an expression of the intention on the part of the executive branch as to what it would do under similar circumstances.

Is it not reasonable to suppose that the Supreme Court and the three-judge courts that are set up under the Reynolds against Sims decision would do precisely the same thing? I think it is sus-

ceptible of easy proof. First, we can go back to the opinion of the Chief Justice with respect to whether or not the lower courts should give some reasonable time in order to apply the decision of Reynolds against Sims.

Let me read the language of the Chief Justice himself. It appears under title X of the Court decision, page 50. The Chief Justice said:

However, under certain circumstances, such as where an impending election is imminent and a State's election machinery is already in progress, equitable considerations might justify a court in withholding the granting of immediately effective relief in a legislative apportionment case, even though the existing apportionment scheme was found invalid. In awarding or withholding immediate relief, a court is entitled to and should consider the proximity of a forthcoming election and the mechanics and complexities of State election laws, and should act and rely upon general equitable principles. With respect to the timing of relief, a court can reasonably endeavor to avoid a disruption of the election process which might result from requiring precipitate changes that could make unreasonable or embarrassing demands on a State in adjusting to the requirements of the court's decree.

There the Chief Justice laid down the guidelines for the use of the rule of reason in applying the decision in Reynolds against Sims. Did the lower courts heed that decision? Certainly they did not. The court in Oklahoma allowed 15 days to convene a legislature and to pass a new apportionment bill. The legislature convened, it had a quorum, and then, when the legislature finished its labors, the Oklahoma Supreme Court declared the act unconstitutional.

Then the court set itself to doing the job. Here are the order, the statement, and revised order of the court in the Oklahoma case. What does the court say? On page 12, the three-judge court order reads:

Once a State's legislative apportionment scheme has been found to be unconstitutional, it would be the unusual case in which a court would be justified in not taking appropriate action to insure that no further elections are conducted under the invalid plan.

That was a three-judge court quotation from the Supreme Court decision in the Simms case. Further:

It is suggested that an unusual case is where an impending election is imminent and the State's election machinery is already in process.

Then what does the three-judge court say? They say:

If confusion and hardship result from the vacation of the primary elections, it is not of our making.

The three-judge court disclaimed any responsibility for it. They said:

Our duty is to reapportion the Oklahoma legislature in accordance with the established law of the land.

And in the doing, they made an unholy mess of the whole matter.

Senators ought to read the judicial apportionment of some of the districts. One in particular, district No. 35, requires three pages of single-spaced type-writing to define it. When one looks at

the map, he sees, for instance, shoestring districts, he sees squiggled districts, he sees districts running into alleys and streets. It is a phenomenal thing; in fact, it is incredible. Yet there was the Supreme Court's admonition about the rule of reason. Did the three-judge court adhere to it? Did they heed it? Did they take that admonition? Indeed, they did not. They said:

The confusion is not of our making.

So when we talk about the sense of Congress, the Attorney General said it has no validity, it has no force, it has no effect, it has no legal standing. The executive branch can proceed to do exactly what it wishes and pay no attention to the Senate or House of Representatives, or to both bodies jointly, in pursuing the application of the decision in Reynolds against Simms.

My friend the distinguished senior Senator from New York [Mr. JAVITS] comes to us with a new substitute. I have already alluded to the first part. But it is still the sense of Congress; and in that respect, it is meaningless to the extent that if a judge does not wish to pay heed to it, he does not have to do so, because the language is not binding.

But the second part of the new Javits-McCarthy-Humphrey amendment goes even further and is, therefore, even more objectionable. This is how it reads:

And (2) in the event that a proposed amendment to the Constitution of the United States relating to the composition of the legislatures of the several States, or to the apportionment of the membership thereof, has been duly submitted by the Congress to the States for ratification, such fact be taken into consideration in framing a decree for relief.

"In the event that a proposed amendment to the Constitution of the United States relating to" this matter has been duly submitted. Exactly when does that event take place?

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. AIKEN. Does not the Senator from Illinois, the minority leader, interpret that language to mean that if any attempt is made to submit a constitutional amendment to the States, there will be a filibuster against submitting anything to the States, merely because those who are opposing the Mansfield-Dirksen amendment are evidently determined that the people of the States shall have no opportunity whatsoever to vote on what they want? Does not this language serve fair notice on us that the opponents will filibuster any effort to submit a constitutional amendment relating to the apportionment of legislatures?

Mr. DIRKSEN. I would do no injustice to any Member of this body; but on the basis of all that has been said thus far, that is not an unreasonable assumption. But I come back to the fact that in the event a proposed amendment relating to this subject has been duly submitted, that event will not take place until a new Congress is organized, committees are organized, subcommittees are organized, the proposal is referred, it is

finally reported by the committees, and is finally approved by both the Senate and House. That is when the event would be reached; and who shall say when that will be?

Then, of course, it shall "be taken into consideration in framing a decree for relief."

I have set this proposal in rather vulgar terms, but to me it is absolutely meaningless. It gets nowhere. It has no teeth in it. That is what I object to. If we are to undertake to challenge the Supreme Court decision under the 14th amendment, as to whether or not under the Constitution there is the power to interfere with the States in the composition and the constitution of their legislative bodies, it is necessary, first, to stop further action by a stay of proceedings, and then to move toward the submission and adoption of a constitutional amendment. That is what we have undertaken to do from the very beginning.

Moreover, I think we must demonstrate our good faith, first, by introducing such a constitutional proposal, and second, by seeking to define what is a constitutional approach by statute to stay the application of the court order until the proposal can be presented.

We do not involve the danger of freezing a pattern which cannot be undone.

Mr. President, that is the story in brief compass. I hope, therefore, that the new Javits amendment will be defeated and that at long last we can get to a vote on the Dirksen-Mansfield proposal which is the pending business.

Mr. JAVITS. Mr. President, I yield 3 minutes to the Senator from New Jersey [Mr. CASE].

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 3 minutes.

Mr. CASE. Mr. President, I thank the Senator from New York for yielding to me. I have asked the Senator from New York to allow me this time so that I may ask some questions of him in regard to the effect of his amendment in the form in which we shall vote upon it.

I am particularly concerned about that part of the amendment which comes after the numeral 2, which would express the sense of Congress that in the event "of any proposed amendment to the Constitution of the United States relating to the composition of the legislatures of the several States, or to the apportionment of the membership thereof, which shall have been duly submitted by the Congress to the States for ratification," such fact be taken into account in framing a decree of relief in any action or proceeding for the reapportionment of a State legislature.

I believe that, as a result of the modifications which have been made by the Senator from New York and his cosponsors in the amendment as it was originally proposed by him, he has eliminated some concern which I had felt in regard to the interpretation of his amendment. But I wish to get his own views from his own lips on the floor of the Senate in confirmation.

Am I right in understanding that there is no intent by the resolution, in

the form in which we shall vote upon it, to have Congress express any sense that a court should be deterred from enforcing reapportionment, in any case in which under the Constitution it is necessary, by the pendency of any constitutional amendment unless such constitutional amendment is to be submitted for approval by the people, and not by the malapportioned legislatures themselves?

Mr. JAVITS. My answer to that question is "Yes." Yesterday I submitted a proposed constitutional amendment which is now lying on the table awaiting the signatures of cosponsors, carrying out the idea that the people of the State should participate directly in what happens to apportionment.

There are two ways in which the people can participate. One is by constitutional convention—that is, by approving or ratifying a Federal-type legislature by the convention method. The other way is by making the Federal method permissive only, but requiring the people of every State to vote in a referendum before there can be a reapportionment of their legislature on the Federal model.

Personally, I prefer the latter method. I do not exclude the former. The principle is the same. Therefore, my answer to the Senator can be "Yes." The people will determine what will happen. The Senator may prefer the alternative—that is, the constitutional convention method. Personally, I prefer the permissive method, by a vote of the people of each State respectively.

The PRESIDING OFFICER. The time of the Senator from New Jersey has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent that the Senator from New Jersey may proceed for 1 additional minute.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 1 additional minute.

Mr. JAVITS. My answer is that the people will determine, rather than the malapportioned State legislatures.

Mr. CASE. The Senator has given me precisely the assurance, which is to me essential to casting an affirmative vote on his amendment. I am most grateful to him for the explicitness of his assurance. For myself, there can be different ways—the two ways the Senator from New York has mentioned—by referendum on which all people can vote, or by the constitutional convention method; provided, in the case of a constitutional convention, that the delegates to the convention are chosen in a way which is representative of the whole population and does not reflect any malapportionment.

Mr. JAVITS. Of course, they would have to be, because the Supreme Court still has jurisdiction in respect to the composition of a constitutional convention.

Mr. CASE. I thank the Senator. I state to him and to his cosponsors that I believe he has performed a most important service to the country, now and for generations to come.

Mr. JAVITS. Mr. President, I thank the Senator from New Jersey for his comments.

Mr. HART. Mr. President, will the Senator yield?

Mr. JAVITS. I yield 2 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 2 minutes.

Mr. HART. Mr. President, the original Javits "sense of Congress" resolution appeared to me to set a vexatious precedent. This body has no right to thwart or delay the realization of basic constitutional rights, and it seems to me that we cannot, consistent with our duty, tell the courts to delay the realization of those rights; nor should we instruct or seek to influence the courts.

The Supreme Court did not ignore the complexities of the reapportionment problem presented by its decision in Reynolds against Sims. It did not ask for precipitous action on the part of the States. It correctly recognized that it may take some time for the realization of those rights. It recognized "that legislative apportionment is primarily a matter for legislative consideration and determination—and that judicial relief becomes appropriate only when a legislature fails to reapportion according to Federal constitutional requisites—in a timely fashion after having had an adequate opportunity to do so."

The Court observed that the remedial technique be tailored to the demands of the specific case, and that the "relief accorded can be fashioned in the light of well-known principles of equity." Beyond that the Court did not, and—I believe—could not go.

Mr. President, it is with reluctance that I support this resolution as now modified and I do so only because of the greater danger involved in our failure to meet this situation. More specifically, I support it only to escape the probability or at least a high degree of possibility of a direct affront to the Supreme Court, if we fail to adopt this modified "sense" resolution. While I do not like it, in its present form it will not serve to thwart or delay the realization of basic constitutional rights, recognized by the Supreme Court.

While I do not like it, I know that many Senators who now propose to support it are also reluctant. In its present form, it will not serve to thwart or delay the realization of the constitutional rights recognized by the Supreme Court.

All Senators should express to the Senator from New York and the Senator from Minnesota [Mr. McCARTHY] the acknowledgement that much thought and deep concern has been given to the inherent respect of the Court which is reflected in the efforts they have contributed to bring the Senate to this moment in debate.

Mr. JAVITS. I am grateful to the Senator from Michigan for his comments. Mr. President, under my agreement with the Senator from Illinois [Mr. DOUGLAS], I now suggest the absence of a quorum, the time to be charged equally to each side.

The PRESIDING OFFICER. Without objection, it is so ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that further proceedings under the quorum call may be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I yield myself 4 minutes.

The fundamental point which I believe separates us from the so-called Mansfield-Dirksen forces is a very important and critical one to the whole issue. It is simply that we do not believe that the Congress has the power to direct the Court as to what it shall do with pending cases.

Obviously, those who are opposed to us believe that Congress has such power and that, therefore, it is a question of discretion which we are arguing about as to whether Congress will exercise or withhold such power. It is true that if it were a question of discretion, I myself would urge the Congress to exercise its discretion to withhold the exercise of the power. But I do not premise my argument for the substitute presented by the Senators from Minnesota [Mr. McCARTHY and Mr. HUMPHREY] and myself upon that ground.

It is very clear to me, from the decided cases, that if we endeavored to assert authority to require the Court in pending cases to stay its hand, which is the purpose of the Mansfield-Dirksen amendment, the Court must say, because that would be dictating a rule of decision to the Court, that it is unconstitutional; and once the Supreme Court strikes down such an enactment we would have a direct confrontation between the Supreme Court and the Congress which no responsible official in his right mind, in my judgment, would invite.

That is the very thing which constitutional lawyers, Presidents, Senators, high officials of our Government, historians, and other thoughtful Americans have always feared—that our system could break down at exactly the point where there was a confrontation between the power of a coordinate branch and that of another branch. Each could work irreparable mischief with the other if it chose. So such confrontations ought to be avoided like the plague. That is what we mean when we speak of a constitutional crisis. Therefore, Senators who believe that we do not have the power to deprive the Supreme Court of jurisdiction in the pending case and who take the view that the Court should afford more time to enable the States to conform and that there should be an opportunity for the Congress, if it chooses, to develop a constitutional amendment, should see the course of the modified amendment which we have submitted as the only course which can both practically and legally be taken by the Congress.

Mr. President, I should like to answer some of the points which were raised with respect to our argument upon the subject. In discussing the question, the

Senator from Oregon [Mr. MORSE] spoke of the fact that Court "busting" bills have always failed. In my judgment, that is not quite an accurate statement, and for the following reason: Court "busting" bills which would overturn the institution of the Court and the Court as an institution have failed.

The PRESIDING OFFICER (Mr. PASTORE in the chair). The time of the Senator has expired.

Mr. JAVITS. I yield myself 2 additional minutes. So, too, have Court "busting" bills which sought to carry out the exercise of powers which we do not have. But it is not a fact that the Congress has not acted to change law in cases in which it was dissatisfied with the decisions made by the Supreme Court and the Supreme Court decision indicated that a change of law could be made by the Congress.

For example, it is a fact that we changed the law in the Subversive Activities Control Act in respect to the decision in the Yates case. It will be remembered that in the Yates case the Court raised certain problems of definition under the Subversive Activities Control Act. We found it desirable to act in respect to that subject. We redefined our definitions in order to make them more precise, and to answer what we thought were points made by the Court which would invalidate what we considered to be the proper thrust of the law.

It seems to me that that case is distinguishable from what we are contending with here, because in that case we had the power, and the Supreme Court made it very clear that we had the power, to amend the law.

The PRESIDING OFFICER (Mr. NELSON in the chair). The time of the Senator has expired.

Mr. JAVITS. Mr. President, I yield myself 1 additional minute.

The Supreme Court made it clear that we had the power to amend the law in order to deal with a situation which was presented to us by that decision. Now we are dealing with a constitutional interpretation within the inherent power of the Court as a coordinate branch of the Government. In my judgment, we are not dealing with a statute which should be enacted, because we ourselves know, or we should know, that we do not have the power to enact such a statute. Therefore, it seems to me, there is a clear distinction between the action of the Congress to the extent that it can act and the Congress withholding its hand where it cannot act; and the argument made by the Senator from Oregon [Mr. MORSE], it seems to me, bears us out for contending for the substitute rather than the contrary.

Mr. President, before I take my seat, I should like to acknowledge the great constructive and creative work of drafting the language of what is now the modified amendment before the Senate, and revising the language of the amendment which the Senators from Minnesota [Mr. HUMPHREY and Mr. McCARTHY] and I had submitted, on the part of the distinguished present occupant of the chair, the Senator from Wisconsin [Mr. NELSON] and the distinguished Senator from

Illinois [Mr. DOUGLAS]. I understand that both Senators worked upon the language which is now before the Senate.

I also wish to pay my tribute of respect to the Senator from Montana [Mr. METCALF], our Acting President pro tempore, who was most influential in bringing about such wide acceptance of the proposed formula as the way in which to resolve the controversy.

Mr. President, again pursuant to my agreement with the Senator from Illinois [Mr. DIRKSEN], I suggest the absence of a quorum, the time taken for the call to be charged equally to each side.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I yield 1 minute to the Senator from Nebraska [Mr. HRUSKA].

APPALACHIA BEEF SUBSIDY UNFAIR TO REST OF UNITED STATES

Mr. HRUSKA. Mr. President, the Senate has followed a wise course in striking section 203 from the Appalachia bill, S. 2782.

Section 203 would provide special Federal subsidies to build up beef cattle production in the Appalachia area. The section is entitled "Pasture Improvement and Development," and, in the form reported by the Public Works Committee, would have authorized Federal grants for improving the pastures in that region.

Several weeks ago, I had made known my opposition and my intention to fight the provision on the floor of the Senate. In fact, an amendment was formally proposed and put in print on August 18, for myself and six cosponsors, to accomplish that purpose. The Senator from Iowa [Mr. MILLER] had a similar amendment. Others had likewise made known their opposition, including leading Members of the House. It is good to know that the administration apparently finally got the word. One must assume that the administration concurred, since the amendment to strike section 203 was actually offered by a member of the majority and adopted without opposition.

However, we have been told very openly by the Senator from West Virginia [Mr. RANDOLPH] that even if this pasture improvement program is not enacted this year, he intends to revive the proposal next year, or at the earliest opportunity.

His forthrightness is to be commended. We have been fairly warned. Under the circumstances it is appropriate to re-emphasize some of the objections to the proposal.

Certainly it is not necessary to tell the Senate all over again about the problems of the beef industry. We have just completed a lengthy consideration of that situation. After the most extended debate and the most thorough hearings, we finally enacted Public Law 88-482 to place some restrictions on imports of foreign beef.

That legislation was passed only after a last-ditch fight against it by the administration. Secretary Freeman testified against it before the Finance Committee—he was almost the only witness who did so—and stated flatly that he was opposed to any legislation imposing quotas or other restrictions on imports.

His idea of how to solve the beef problem was a typical New Deal one—take it out of the taxpayer, and give it away to some worthy foreign recipient. It seems absurd, but the facts are that while we have permitted these tremendous quantities of beef to be shipped in here from abroad to invade our markets, at the same time the Department of Agriculture has been buying up and giving away choice American beef to countries like Egypt.

Simultaneously, the Appalachia bill was being pushed by the same Department of Agriculture, providing special Federal grants to help one section of the country build up its production of beef cattle.

The bill would authorize the Federal Government to pay 80 percent of the cost of the development or improvement of pasture for 25 acres for any landowner in the Appalachian region. The bill would place no dollar limit on the amount of Federal money that might be expended for the benefit of any one farmer.

As a matter of fact, the bill was not even very clear as to how the benefits were to be restricted so that each landowner would have not more than 25 acres of pasture created or improved at Government expense. The statement of minority views points that out clearly. For example, if four members of one family each owned 25 acres of a 100-acre farm, then all 100 acres could be improved, largely at Federal expense.

The administration program proposed that 9,500,000 acres in Appalachia be improved in this manner. At least, that is the version described by the Under Secretary of Commerce, Mr. Franklin D. Roosevelt, Jr. He spoke of an increase in the value of beef cattle production in the region amounting to \$230 million annually, which would be equivalent annually to something over 1 billion pounds of livestock on the hoof, additional to our present production.

Mr. President, for weeks and months the Secretary of Agriculture went up and down the land, arguing that the real source of our troubles in the cattle industry has been domestic overproduction. Again and again, we have been told, on the basis of expert analysis by the statisticians of the Department of Agriculture, that increased imports were of only minor importance in their impact on the market price of cattle. The real problem, we have been told, is the overproduction of cattle here at home. Now, in this Appalachia bill, it was proposed to stimulate a substantial increase in beef cattle production, which would come into immediate competition with the feeders produced by the stockmen and ranchers throughout the Middle West and West, including such areas as the Nebraska sand hills.

Mr. President, in the course of our frequent debates in the Senate on the

beef import quota legislation, most of the discussion has focused around the collapse in the market prices of fed cattle. I hope that no Member of the Senate on that account was under the impression that the market for stockers and feeders had been insulated from damage. On the contrary, feeder prices have declined disastrously along with the prices for slaughter animals. Furthermore, whereas the market for fed cattle has started to improve encouragingly, that has not happened for the feeder cattle. The fact is that feeder cattle and calves today are quoted from \$5 to \$6 a hundred pounds below the levels of 12 months ago.

We are also told that these additional feeder calves and cattle from Appalachia would substitute for the imported feeders we now receive from Mexico and Canada. What an argument of sophistry that is. We have been importing feeder cattle from Mexico and Canada for a good many years. It is not because we could not produce enough stockers and feeders here at home. The number of beef calves and of feeder steers produced in this country has steadily increased but imports have continued to come in. In practice, Mexico and Canada will continue to send us their surplus feeder cattle and calves as long as our tariff remains low and as long as we are receptive to such imports. Any increase in numbers of feeders from Appalachia will simply add that much supply to the market and compete directly with our own feeders produced here at home.

Furthermore, it must be recognized that it is absurd to give Federal funds to landowners of one region to bring land into production, while simultaneously landowners in other regions are being paid to take better land out of production.

Mr. President, it is my earnest hope that the Federal Government will refrain from injecting itself into every situation which appears troublesome to any group of people anywhere in the United States. It is not hard to sympathize with people in Appalachia or elsewhere who are having problems that they find it difficult to solve. It is easy to say, "Let us help them," and then plunge in hastily with Federal money and Federal programs. But we have an obligation to give these problems thoughtful consideration. It is simply absurd to use Federal funds to induce more people to go into the cattle business. It is unfair and discriminatory to tax people in other parts of the country in order to give assistance to one selected region. If the people of Appalachia need help, so do the people of various other parts of the country. We have no right to play favorites, to help one area at the expense of others, to worsen the market for the cattle producers of the West and Midwest in order to help out the farmers of the East.

I ask unanimous consent that an article from the Stockman's Journal of June 24, 1964, and a release from the Department of Agriculture dated June 18, 1964, be printed at this point in the RECORD.

There being no objection, the article and release were ordered to be printed in the RECORD, as follows:

[From the Stockman's Journal, June 24, 1964]

AS "FOOD FOR PEACE": U.S. BEEF NOW ELIGIBLE FOR EXPORT FINANCING, FREEMAN ANNOUNCES

WASHINGTON.—Secretary of Agriculture Orville L. Freeman has announced that U.S. beef is now included among agricultural commodities eligible for export financing under Public Law 480 (food for peace program).

"Beef is in surplus in the United States and meets the basic requirements of Public Law 480 eligibility in every respect," Secretary Freeman said.

"Several of the developing countries have expressed interest in buying U.S. beef under title I of title IV of Public Law 480.

"Under title I, such countries would pay for U.S. beef with their own currencies. Under title IV, they would buy for dollars, under special long-term low-interest payment arrangements.

"In some of the pending Public Law 480 negotiations, beef is actively being considered along with other U.S. farm commodities and we fully expect that beef will be included in some of the final agreements.

"I would stress that while we intend to export beef under Public Law 480, at the same time we will do so in a way that is not detrimental to established commercial trading relations, either our own or those of other friendly countries. A number of beef-exporting countries, some of whom currently are short of supplies, have a long history of supplying the world market with beef. It would not be right for the United States to step in with its large supply of beef and upset the established world market, and we do not intend to use Public Law 480 to do so.

"To avoid any harmful effects of export sales under Public Law 480, we will insist in our sales agreements that the purchasing country regard such beef as additional to its usual purchases from its traditional free world suppliers.

"In beef export operations, we do not intend to use any export subsidies," the Secretary said.

U.S. BEEF TO BE EXPORTED UNDER PUBLIC LAW 480

U.S. DEPARTMENT OF AGRICULTURE,
Washington, June 18, 1964.

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WATER RESOURCES RESEARCH ACT OF 1964

Mr. HRUSKA. Mr. President, the Senate Appropriations Committee presently is considering a supplemental budget request for fiscal year 1965. Included in the bill is an item from the Department of Interior asking for \$1,535,000 to initiate the water resources research program authorized by Public Law 88-379 enacted a few weeks ago. As all the members of this body know, the legislative antecedent of this statute was S. 2, which I was privileged to cosponsor.

The future water needs of the Nation were thoroughly examined, studied, and reported by the Senate Select Committee on National Water Resources organized in 1959. A full report was made to the Senate by the committee in 1961. Public Law 88-379 which bears the title, "Water Resources Research Act of 1964", is one product of that report. Specifically, it embodies recommendation No. 3 of the committee urging that a coordinated research program on water be undertaken to include both research into ways to increase available supplies and ways to increase efficiency in the use of water required to produce manufactured goods and crops.

The Congress wisely has followed through on this recommendation, and while many factors converged to make this new legislation possible, it was the diligence and dedication of the distinguished Senator from New Mexico [Mr. ANDERSON] that provided the moving force. The work he has done in the area of water conservation needs no glorification. It stands proudly on its own merits, and I salute and commend him for his many contributions.

The findings of the select committee have shown how rapidly America is approaching the point at which shortages of available water supplies will constitute a significant barrier to our economic and social progress.

The committee's report identified major portions of the United States, equal to more than one-fourth of the land area—excluding Alaska and Hawaii, which by 1980 will have very little water to meet the requirements of expanding industry and growing population.

It further points out that by the turn of the century this condition of water scarcity will extend to an area comprising virtually one-half of the land area of the contiguous States. Shortages are not the only concern. Maintenance of water quality also will be a critical problem everywhere in the United States.

The demands on our water resources have increased tremendously in recent years. The present 300 billion gallons of daily withdrawal will double by 1980 and triple by the year 2000. If called upon, how many localities in this country could presently double their water output let

alone triple it? And yet, this is exactly what will be required sooner than we care to think.

One of the observations made in the committee's report is that on the basis of median projections of population growth and water use and depletion, the regions of the upper Missouri, upper Rio Grande and Pecos, Colorado, Great Basin, and South Pacific will be short of water by 1980.

This brings the problem very close to home for all the people of my State because the upper Missouri River region contains the entire State of Nebraska. In other words, the States—including Nebraska—in the five water regions referred to will be required to develop fully all available water resources by 1980, or sooner, if the projected increase in population is experienced and economic activity achieved. The year 1980 is only 16 years away.

In Nebraska, as elsewhere, it behooves all interested people to exert utmost good faith and diligence to the end that workable and acceptable solutions for our water resources problems are found as expeditiously as possible.

The foregoing information is just an indication of the findings contained in the select committee series of 32 committee prints. They cause thoughtful individuals to pause; to wonder at the benefactions of nature which have so generously provided for our wants until now; and to consider seriously the methods we must adopt and means we must provide in order to conserve, develop, and wisely use water upon which all human endeavor so heavily depends.

In passing legislation to establish water research institutes at the various land-grant colleges across the Nation, the Congress wisely has taken a long step forward toward finding answers for the intermittent and more permanent water problems confronting many communities in many areas.

The programs carried on under Public Law 88-379 will contribute to the discovery of these new means and methods by stimulating and supplementing present research programs and by encouraging the training of young scientists and engineers for work in this vital field. It is only by harnessing our human resources that we can ever hope fully to use and conserve our natural resources. Water research and the training of young scientists logically are linked together. By committing our colleges and universities to a more active part in research we are assuring ourselves of a constantly growing cadre of trained and dedicated minds.

Among the ancillary benefits of S. 2 are the possibilities it offers for increasing the number of trained and qualified water resources specialists available for work with State and local governments either on a permanent or consultant basis. Clearly, the need for trained personnel is sharpest at this level. Happily, most of the provisions in Public Law 88-379 are pointed in the direction of the States and their political subdivisions. The statute recognizes that each area of the country, and even their subareas, have problems unique to that particular region. These problems cannot be solved

in a vacuum. They must be tackled by skilled people fully acquainted with all the facts and dedicated to finding sound and workable solutions. The broad and enthusiastic support given to S. 2 is a testimonial to the wisdom and popularity of this approach.

Perhaps more than most States, Nebraska has water resource problems. There are several irrigation projects either under construction or in planning in the Lower Loup Valley. It is important to know their ultimate effect upon the streamflow in the lower reaches of this river after these projects are completed. Nebraskans need to know what effect, if any, these and other projects will have on domestic water supplies. We want to know more about our underground water supply. If signs appear that we are overpumping from that supply and depleting it, we want some technical advice and assistance on what to do. All of these and many other subjects and problems will fall within the areas of inquiry supported by this legislation.

As a land-grant college, the University of Nebraska is eligible for participation in the program established by this year's act. Officials of the school have assured me of their keen interest in cooperating in this new effort and have already given a great deal of thought to the plans and proposals that will be submitted for approval.

The work that has been and is being done at the university both in Lincoln and throughout the State in the field of water research and related disciplines enjoys international recognition. The care and diligence with which the people there have approached this new program is in keeping with the clear thinking that has guided all their undertakings.

Our soil and water conservation programs in Nebraska are internationally recognized and admired. Many people in the State have contributed to their success. Our university has made a significant contribution and we Nebraskans take pride that the perimeters of that institution's obligations and responsibilities are not the boundaries of its campuses in Lincoln and Omaha but the boundary lines of the State itself. Once the expected research institute in Nebraska is established and operating smoothly, no community, no watershed, indeed no Nebraskan will be without a place where information and counsel can be obtained.

The need for sound planning even in the initial stages of the implementation of the new act must be clearly recognized by all. If our new research programs are to provide maximum benefits, the planners in each State must carefully think through what they want to do with the funds that will be made available to them. They must ask themselves, where do we want to go and what problems do we want to study.

In this regard, those administering the program on the Federal level must take pains not to encourage the States to shortcut the processes of sound thinking and careful planning. The States must not be led to believe that when an application for a grant is filed is more im-

portant than what the application contains.

I have been very pleased to learn that officials at the agency within the Department of Interior responsible for moving this program forward are aware of the dangers I have outlined. It is my understanding that discussions with water resource leaders in all the 50 States are planned and that these should be completed by January. These talks undoubtedly will contribute much toward building a solid basis on which a meaningful long-range program can be constructed.

Once the deliberations on the appropriations request for this program have been completed, the Congress will be able to judge what funds are needed to assure that good progress is made. The guidelines provided by the Appropriations Committee will be very useful in this regard. To insure that no time is lost and that the Department will be in a position to start receiving applications for grants at the earliest practicable time, every consideration should be given to providing needed staff and facilities.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum, the time to be charged equally to each side.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

- S. 584. An act for the relief of Yih-Ho Pao and his wife, Joanne T. Pao;
- S. 1737. An act for the relief of Arthur Wendell Bolta;
- S. 1966. An act for the relief of Glenda Williams;
- S. 1986. An act for the relief of Hattie Lu;
- S. 1999. An act for the relief of Francisco Navarro-Paz;
- S. 2205. An act for the relief of Giuseppe DiCenso;
- S. 2629. An act for the relief of Czeslaw (Chester) Kaluzny; and
- S. 2812. An act for the relief of Joanne Irene Taylor.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 66) withdrawing suspension of deportation of Joe Quong.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. CURTIS. Mr. President, on behalf of the minority leader [Mr. DIRKSEN], I yield 3 minutes to the distinguished Senator from Ohio [Mr. LAUSCHE].

The PRESIDING OFFICER. The Senator from Ohio is recognized for 3 minutes.

Mr. LAUSCHE. Mr. President, I shall not support the substitute amendment, for the following reasons.

In Ohio, in 1903, the Constitution was amended so as to give each county within the State one member in the lower house. The size of the population was not at all considered in making that allocation of one member to each county to represent it in the lower house of the legislature.

In 1903 an amendment was adopted by the people of Ohio which further provided for an increased number of representatives for the larger counties.

The argument has been made on the floor that State legislatures have refused to reform the law dealing with representation, so as to conform more closely to population representation, and therefore something had to be done by the courts.

I point to the situation as it prevails in Ohio.

In 1913 a constitutional convention was held. One of the issues discussed in the convention was whether there should be an amendment of the constitution to provide representation on the basis of population in both houses of the legislature. In that convention the proposal was disapproved.

In 1932, in accordance with the provisions of the constitution of Ohio, the following question was submitted to the people: "Shall there be a constitutional convention?"

City political bosses, labor leaders, and others argued that equality of representation did not exist in the legislature. It was argued that the big cities did not have an adequate voice, and that therefore the constitution ought to be amended.

The appeal was made to the voters of Ohio that a constitutional convention should be held, and that the constitutional convention should reform the State law. That issue went to the voters. The voters rejected it overwhelmingly. They declared that they wanted no tampering with the constitution of Ohio as it then existed.

Now we come down to 1952, 20 years later. I was Governor of the State at the time. The issue again was on the ballot. It was submitted to the people of Ohio, then about 8 million. The question was: "Shall there be a constitutional convention?"

The proponents argued that it was needed to procure equity in representation in the legislature.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I yield 2 minutes to the Senator from Ohio.

Mr. LAUSCHE. Again the proponents were those who said that the big cities did not have adequate representation. The opposition argument was that it was impossible to have good government if the legislature was dominated by the big city political bosses and the labor leaders. That was in 1952. Good government is obtainable only when there exists the moderating influence of city

and rural representation—one upon the other.

There are 88 counties in Ohio. Canton, an industrial city, is located in Stark County. Akron is located in Summit County. Akron is also an industrial center. Cleveland, our large industrial center, is located in Cuyahoga County. Lucas County has located in it the city of Toledo, an industrial community. Dayton is located in Montgomery County. Hamilton County contains in it Cincinnati, another industrial center.

The query could be made: How did the people of Ohio vote in 1952 on this issue? The answer is that not one county in the State—and that included the counties in which Cincinnati, Dayton, Cleveland, Toledo, Steubenville, Columbus, Lima, Youngstown, Canton, and Akron are located—voted in favor of that measure.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I yield 1 minute to the Senator from Ohio.

Mr. LAUSCHE. The people of Ohio felt that their legislature was properly apportioned. They did not wish to change, Mr. President. If they wanted to change, they had the opportunity to effectuate the change. They rejected the proposal.

It is on this basis, representing the views of the people of my State, that I shall not vote for the substitute amendment which is now before the Senate.

Mr. JAVITS. Mr. President, I yield myself 30 seconds to inform the majority leader that we have reserved as much of his time as possible, except that the Senator from Nebraska [Mr. CURTIS] yielded 3 minutes to the Senator from Ohio [Mr. LAUSCHE], and that in order to equalize the time I also yielded 3 minutes to the Senator from Ohio.

I yield myself 1 minute.

Mr. President, it has been said that the "sense" resolutions to which I referred in my preliminary presentation were directed primarily to foreign affairs.

I used the analogy only to demonstrate that where we do not have the power to tell the President what to do in a given situation, the only way we can communicate our intention and desire to a coordinate branch of the Government is to adopt a "sense" resolution.

These resolutions are very serious matters. Under a "sense" resolution the Marines went into Lebanon. The 7th Fleet defended Taiwan under a "sense" resolution. The United States stood firm, in the face of the danger of atomic war over Berlin, under a "sense" resolution.

I point out also that where a coordinate branch of the Government is concerned, we do not hesitate to adopt a "sense" resolution on domestic as well as foreign policy matters. For example, I have before me Senate Concurrent Resolution 53, which expresses the sense of the Senate and the House of Representatives that Government employees should travel on U.S. flag air carriers. This is a matter within the province of the executive branch.

Therefore, Mr. President, a "sense" resolution is a technique expressly designed for this kind of situation.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I yield myself 1 additional minute.

Before my good friend the distinguished minority leader came into the Chamber I said what I think he should hear and what I think is fair to say, namely, that those of us who support the amendment which we have proposed do not feel that we have the power to mandate the Supreme Court in pending cases. That is what it comes down to. In at least 34 of the 50 States cases are pending in the Federal courts right now. Therefore, we do not have the power to mandate because it is unconstitutional to try to write a rule of decision for a coordinate body. The only other alternative we have is to express our intention and desire. I am deeply confident that the Supreme Court would listen to us, just as the President on many occasions has listened to us. He did so because it represented the will and the view of the Congress.

This is the only course we can follow and the only way in which we can express ourselves to a coordinate body.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DIRKSEN. How stands the time with respect to the proponents and opponents?

The PRESIDING OFFICER. The proponents have 18 minutes remaining, and the opponents have 13 minutes remaining.

Mr. DIRKSEN. Mr. President, I yield myself 5 minutes.

I pointed out earlier today what the Attorney General of the United States said about sense-of-Congress items in any kind of measure, insofar as their binding effect is concerned. I am sure my friend from New York [Mr. JAVITS] will readily admit that these resolutions are wholly advisory, even in the international domain. The President of the United States, in his capacity as Commander in Chief under the Constitution, could have done everything that the Senator recited without having come to Congress. Our action had only a shoring-up effect, in order to put some steam into it, to show that there was unanimity of purpose as between the executive branch and the legislative branch. But as the Attorney General said, Congress could, of course, have embodied its policy in a provision of positive law, to which the executive branch would have been bound to adhere. That, Congress did not choose to do. So it is significant, not only in establishing that section without legal effect, but in determining its proper interpretation and application as policy.

Out of that, the Attorney General said, with respect to the wheat deals, that what was written into the 1961 act had no binding effect, and the executive proceeded accordingly.

Either we are going to do something that will have a positive, affirmative effect, or we shall leave it on an advisory basis. But the Supreme Court had already indicated to the lower courts, and particularly to the three-judge panels, that they could exercise discretion, they

could exercise reason; but they did not do so.

The Senator from Colorado [Mr. ALLOTT] is in the Chamber. He knows that Colorado had 15 days in which to convene its legislature. The three-judge court said, "The confusion is not of our making." Its order is before us. So the court fairly washed its hands of the matter and took an arbitrary position with respect to redistricting—and some of the districts are amazing, to say the least.

The same thing happened in Oklahoma. I presume the same thing will happen everywhere. Although the Supreme Court said that the lower courts should use the rule of reason, still the lower courts did not do so. In consequence, it is necessary to provide some teeth.

I remember a story about an English rector who was describing the glories of heaven and all the felicity there. He said there would be ambrosia and nectar for everybody; no cares, no worries, no anxieties. When he had finished his sermon, an old man came up and said, "Rector, what am I going to do when I get to heaven? I don't have any teeth."

The rector looked at him and said, "Mister, teeth will be provided."

That is what we are trying to do. We are trying to put a few teeth into this matter. That is why the substitute of my friend from New York [Mr. JAVITS] is, in my judgment, meaningless. In fact, it is a little more than meaningless in the sense that the first part expresses the sense of Congress; but the second part states that in framing any kind of future decree, the courts shall consider whether or not a constitutional amendment has been initiated. Obviously, that will require the organization of a new Congress, the filling in of gaps on committees, the establishment of subcommittees, the holding of hearings, the reporting of a proposed amendment to the Senate and the House; and then launching it to the country. How long will that take? In that time, the Court could freeze a pattern in so many States as to cause no end of trouble.

Mr. ALLOTT. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I yield.

Mr. ALLOTT. The Senator referred to the Colorado situation, which is as bad as any situation as a result of the Sims decision. It is only fair to say—and it also demonstrates the ridiculous situation in which various elements of the country are put—that the same three-judge court that was subsequently forced to give the Governor 15 days in which to convene the legislature to reapportion the State had previously declared the constitutional amendment in Colorado constitutional by a 2-to-1 majority. That decision was appealed to the Supreme Court, and as a result of the Sims case the same lower court was required to follow the decision of the Supreme Court. It finally declared the new apportionment constitutional; but it was immediately declared unconstitutional by the State supreme court.

Mr. DIRKSEN. It is an impossible situation.

I allude to a letter I received from a State senator in Oklahoma. The Okla-

homa primary election law was invalidated, and the constitutionality of the legislature was invalidated. The senator to whom I refer was elected in 1960 for a 4-year term. The invalidation took away half of his term. He had engaged in the primary contest and spent what money he had. He has no more to spend. Now he will have to run in a second primary. What an amazing state of affairs.

I wish to allude to one other event. Only a few days ago, in the great State of Michigan, according to the Washington Star of September 12 and the Washington Post of Sunday, September 13, a decision by the circuit court of Kent County, Mich., was reported. The court ruled that, pursuant to the decision of the Supreme Court, there must be a reapportionment on the basis of one man, one vote, the Kent County Board of Supervisors must be reapportioned. Mr. President, this situation could be carried out to apply to park districts and irrigation districts. I do not know where it might lead but it is what Justice Frankfurter referred to, when he was a member of the Supreme Court, as the "political thicket" that we get into when the Court assumes legislative responsibility.

This is serious business. I earnestly hope that the substitute amendment offered by my good friend from New York will be voted down and that, at long last, we may have a vote on the Dirksen-Mansfield provision, which has been before the Senate for a good many weeks.

Mr. JAVITS. Mr. President, I yield myself 4 minutes. I do so in order to answer several points made by the distinguished Senator from Illinois. He has constantly referred to the amendment as my amendment. It is not.

Mr. DIRKSEN. I am sorry.

Mr. JAVITS. That is quite all right. The amendment is joined in by the two Senators from Minnesota [Mr. HUMPHREY and Mr. MCCARTHY]. It is very much a bipartisan effort. The language that has now been substituted has been developed—and I say this with their permission—by the Senator from Illinois [Mr. DOUGLAS] and the Senator from Wisconsin [Mr. NELSON]. We have had the intermediation of a number of other Senators, including the junior Senator from Montana [Mr. METCALF].

What does our proposal come down to? It comes down to this practical question: If one does not agree that the Supreme Court has the power to make the decisions that it made in Baker against Carr and in Reynolds against Simms, and if one feels that Congress has the power to mandate the Supreme Court as to how to decide pending cases, then obviously this "sense" amendment is meaningless. But if one believes, as I do, and as I deeply believe a majority of the Senate should, that the Supreme Court has the power to decide cases under the 14th amendment and that the Supreme Court has power to deal with pending cases, notwithstanding any mandate we may give the Court to the contrary, then we face a problem of power as between two coordinate branches of Government. In my judgment, it is essential to the security of

this Republic that each branch respect the other as it would itself wish to be respected, and that the legislative branch not seek to assert power which would compel the Supreme Court to say, if it is to be left as an institution at all, and to have any self-respect, that we do not have.

It is the function of governance to avoid dreadful confrontations. That is the reason we take the position we do; and, also, because there is a doctrine in the courts, secure in law, known as equitable abstention. I shall be happy to give the citation to sustain my view. There is the case of *Louisiana Power & Light Company v. City of Thibodaux City*, 360 U.S. 25, and also the case of *Harrison v. N.A.A.C.P.*, 360 U.S. 167. Both cases invoke the doctrine of equitable abstention, which means that the Court, dealing with equity cases—and the apportionment cases are all equity cases—has the power to stay its hand, and will stay its hand, for whatever reason it believes equity dictates.

One of the classic reasons for doing so is in a case involving the construction of State statutes, to give an opportunity to the State courts to decide that issue in the first instance, without in any way surrendering Federal power. Another instance, which we are now invoking, is to give the States and the Federal Government a reasonable opportunity to work their will. By passing the "sense" resolution, we inform a coordinate branch of government as to what we wish done in this regard.

I do not believe that we have the power to tell the Supreme Court how it must decide a great majority of State apportionment cases, because they are all pending cases. The precedents, in my judgment, are clear that it represents a rule of decision which the Court would have to strike down.

We face another practical question. There are not enough votes in the Senate for cloture. We realized that recently.

The PRESIDING OFFICER (Mr. BAYH in the chair). The time of the Senator from New York has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

The PRESIDING OFFICER. Without objection, the Senator from New York is recognized for 2 additional minutes.

Mr. JAVITS. Cloture failed not by a yard, but by a mile. There are not enough votes to table the Mansfield-Dirksen proposal. The country is standing still right now in terms of our activities. It is our duty as legislators to find some honorable way out. I believe that we have given the Senate an honorable way out, consistent with the powers of coordinate branches of government, consistent with respect and dignity of each body, and consistent with the needs of the situation.

The Senator from Colorado, the Senator from Illinois, and I, complaining about the New York case, state that we believe some lower courts have gone haywire in this matter and it needs to be corrected by the Supreme Court. What better way to correct it than by declaring

to the Court exactly what we propose to do, step by step, from now on—whether a constitutional amendment in the Federal Establishment, or State action to meet the standards set by the Supreme Court on apportionment.

Finally, our country is growing into an urban society. More than 70 percent of the American people now live in urban centers. This, it seems, is but a sociological certification of the march of time and the march of progress. What we need is the opportunity to conform to it. What we need is to give the people of each State the opportunity to decide, if they choose; and they may choose to have one house of their legislature not apportioned by population. They may take a Federal constitutional amendment. This takes time, so that the decision as between Senators who will vote for our substitute and those who will vote against it, I believe in all fairness, is one between those who agree or disagree with the fundamental premise of the Supreme Court. We seek the time to bring that about. They feel that it is wrong. They want to direct the Court not to do it. I do not believe that they can do that constitutionally, except by a constitutional amendment.

I seek to avoid that dreaded confrontation. Hence, this substitute.

Mr. President, I reserve the remainder of my time.

Mr. DIRKSEN. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 3 minutes.

Mr. DIRKSEN. I wish I could share the optimism of the distinguished Senator from New York as to the impact the sense of Congress will have on thinking. In the realm of the decision of Reynolds against Sims, it seeks to invoke the lower court to be reasonable, to take into account the extraordinary circumstances. But did they do it? Let me read from the final order in the Oklahoma case:

If confusion and hardship results from the vacation of the primary elections, it is not of our making.

They washed their hands of it.

Continuing further:

Our duty is to reapportion the Oklahoma Legislature in accordance with the established law of the land.

If we look to that final order, what does the three-judge court say?

There is ample time and sufficient funds for the special elections. In these circumstances, we decline to withhold the immediately available remedy to which the plaintiffs are clearly entitled. We accordingly vacate the primary elections conducted under the Oklahoma court's standby order, and we find and hold that a vacancy exists in all of those offices, within the meaning and as contemplated by (a decision).

Yet in Reynolds against Sims, the Chief Justice himself stated, "be reasonable."

There is the example of reasonableness. That is why it requires something more than to say, "Pretty please, Mr. Court. Do this. Do that. Be reasonable. Go slow."

I should like to see it nailed down and have some teeth in it, until we can get around to the constitutional amending process.

Mr. JAVITS. Mr. President, I yield 3 minutes to the Senator from Minnesota [Mr. McCARTHY].

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 3 minutes.

Mr. McCARTHY. Mr. President, I hope that the Senate will support the modified amendment of the Senator from New York [Mr. JAVITS], which has been sponsored also by the senior Senator from Minnesota [Mr. HUMPHREY] and myself.

I believe that it is a prudent and practical solution to a rather difficult problem. The effect of it should be satisfactory to everyone who is concerned about the problem of reapportionment.

The adoption of the amendment would help to get the Senate on its way toward passage of the foreign aid bill and completion of the other unfinished business which lies before us before we can finish this session of Congress.

There is a practical problem as to what would be the effect of the Court's decision on the structure of State legislatures, in the long run and in the short run. Most Senators are concerned that State legislatures should not be elected at large in the next election, if it can possibly be prevented. In this amendment we are proposing a reasonable accommodation of the position taken by many Members of this body and of the House who are concerned over their State legislatures.

I have some concern as to what might happen in my own State, because there is a case in court in Minnesota relating to this problem. I believe that if we have a reasonable time—it should mean not more than 2 years during which the legislature of the State could act—the problem could be taken care of; whereas, if action were taken so as to force an election at large in this November's election, it would certainly cause undue hardship in the State of Minnesota.

Therefore, I believe that any Senator concerned merely with the practical and prudent approach to this problem should be able to see his way clear to support this amendment.

Those who wish to express some kind of legislative declaration that the Court should be reasonable and orderly in its approach to reapportionment will find enough in this amendment to merit their support.

Then there are those who support a constitutional amendment as the proper way to proceed in meeting the problem of apportionment and representation in the States.

The PRESIDING OFFICER. The time of the Senator from Minnesota has expired.

Mr. JAVITS. Mr. President, I yield 3 additional minutes to the Senator from Minnesota [Mr. McCARTHY].

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 3 additional minutes.

Mr. McCARTHY. The "sense of Congress" amendment we are proposing

would enable those who are actively opposed to the Court's decisions to express—as much as Congress has the power—what their intention is: to try to secure action on a constitutional amendment. If Congress, following public hearings and proper procedures, were to propose a constitutional amendment in the next session, and if it should be ratified, then it would be the law of the land and the States could proceed to establish legislative districts in accordance with its provisions.

I therefore believe that this modified amendment offers to any Senator—no matter what his point of view may be with regard to the problem of apportionment—a place in which he can find a justifiable home and a proposal which he can support.

It does no violence to the Supreme Court or to the judicial system of our country. It does no violence to the House of Representatives or to the U.S. Senate. It in no way intrudes upon or interferes with the operation of the State legislatures of our land.

This is sometimes not the case in actions which we take. It seems to me it would not have been the case if we had proceeded with the original Dirksen amendment, or if we adopted the Mansfield-Dirksen modification.

I urge all Senators to support this amendment.

Mr. JAVITS. I thank my colleague for his cooperation on this occasion, which I consider to be historic in the history of our Nation.

I yield 1 minute to the senior Senator from California.

Mr. KUCHEL. Mr. President, the American system of government is unique. The American system provides for an independent judicial establishment.

I urge the Presiding Officer and all my fellow Senators to reject any type of rider which would destroy the independent American judiciary.

There is a way to provide that that kind of a rider will not be attached to the foreign aid bill and that is to support the proposal offered by the senior Senator from New York [Mr. JAVITS], the senior Senator from Minnesota [Mr. HUMPHREY], and the junior Senator from Minnesota [Mr. McCARTHY].

My personal desire is to object to any kind of attempt to restrict the independence of the judiciary. But I am not in the position of being completely free in this Chamber. I cannot ask the Senate to do what I want it to do. So I am taking what I frankly feel is the lesser of two evils. I shall support the proposal offered by my colleagues because it is, in the order of magnitude, far less than the other alternatives presented to us.

Mr. JAVITS. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 minute.

Mr. JAVITS. Mr. President, it has been said time and again that this is a grave constitutional test. I believe that it is a grave constitutional test, because it calls upon the Senate to exercise that

spirit of self-discipline which alone can make this Government work.

That spirit of self-discipline inheres in the fact that a particular body of Congress will restrain itself from exercising authority which it believes to be contrary to the Constitution, because it believes in the coordinate powers of the Government to such a degree.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JAVITS. Mr. President, may I have 1 additional minute?

The PRESIDING OFFICER. The Senator from New York is recognized for 1 additional minute.

Mr. JAVITS. Mr. President, in this particular case we have a unique reason for staying our hand. That reason is that it seems to be the overwhelming, prevailing weight of opinion that under the Constitution, the Supreme Court has the right to act as it did in these particular reapportionment cases.

If that is the case, the only way in which we can act to assert ourselves in the face of what we consider to be the abuses of discretion in the lower courts is in this fashion. The history of our Government, in terms of comity extended by one coordinate branch to the other, is well known. The difference between this case and the case that the Senator from Illinois [Mr. DIRKSEN] has been using, of the shipment of wheat into the Communist bloc, is that in that instance we had the power to act by law, and in this instance, the basic premise under which we are proceeding, we who propose the amendment, is that we do not have the power to mandate the Supreme Court in respect to these respective cases. Therefore, we are doing what respect for the other coordinate branch of the Government requires that we do, in the only way we can do it.

Mr. DIRKSEN. Mr. President, I yield 1 minute to the distinguished Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 1 minute.

Mr. FONG. Mr. President, I oppose this amendment.

The logical extension of the Supreme Court's decision would be an amendment to the U.S. Constitution or a Supreme Court decision requiring reapportionment of the U.S. Senate on the basis of population in spite of the prohibition "that no State without its consent, shall be deprived of its equal suffrage in the Senate" under article V.

The Supreme Court may rule this provision has been superseded by the 14th amendment.

Hawaii has only 700,000 of our Nation's 192 million people. On the basis of population, with 100 Senators, Hawaii would be entitled to but one-third of a Senator—in other words, none.

As a Senator from Hawaii, I must vigorously protect Hawaii's voice in the Senate and oppose any moves which might deny or diminish that voice.

The State of Hawaii did not send me here to liquidate the representation of the State of Hawaii in the Senate of the United States.

A move to so amend the U.S. Constitution is not at all farfetched. Recently the New Republic, a well-known liberal publication with nationwide circulation, cited Hawaii as a State which is grossly overrepresented in the U.S. Senate. It further stated that the "wildly malapportioned U.S. Senate, like the British House of Lords, has got to be reformed."

Therefore I ask my colleagues to vote down this proposal.

Mr. JAVITS. Mr. President, I yield 1 minute to the Senator from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. President, I yield 2 minutes to the distinguished Senator from Colorado.

Mr. ALLOTT. Mr. President, I should like to raise two or three points. First of all, the Mansfield-Dirksen amendment is not a mandate to the Supreme Court. It is a substantive piece of law which would prevent the continuation of a decision which is utterly wrecking the legislative process in the legislative systems of the country.

I believe Senators should understand that this is not a matter of telling the Supreme Court what to do. We cannot do that. It is, rather, a piece of substantive law to prevent the decision of the Supreme Court from going into effect.

Second, I wish to make the point that I have just read article V of the Constitution. We are asked now to act upon a totally meaningless amendment. It has no meaning. It has no substance. It is a "sense" amendment. In fact, it is a negative amendment. If we were to pass it, we would be saying that we did not have the will or the courage, as the case may be, to vote on a substantive amendment that meant something.

The real significance of the amendment now being offered and of the Dirksen-Mansfield amendment, is that they assume that the Congress of the United States will, in the next few months, submit, by a two-thirds vote of each House, a constitutional amendment to the legislatures of the States. By that time, the legislatures of the country will be legislatures which have been built up under the one man, one vote principle in both Houses. No one in the country can possibly be so foolish as to believe that they would adopt a constitutional amendment which would legislate themselves out of office.

Mr. JAVITS. Mr. President, I yield 1 minute to the Senator from Wisconsin.

Mr. NELSON. Mr. President, I join in the comments made by the senior Senator from California [Mr. KUCHEL]. I would prefer that there be no amendment or no resolution pending.

I believe the issue at stake is not whether a Senator is for or against a population apportionment of both houses of the legislature. No matter what a Senator's position may be on that issue, he ought to stand firm against any resolution which requests the Supreme Court to suspend temporarily, or which expresses the sense of Congress that the Supreme Court suspend any constitutional right for any period of time.

This resolution does not do that. It expresses our concern that a reasonable

time be given in which to comply with the Constitution. That is what the Supreme Court has done, anyway. It simply says that in the event a constitutional amendment is submitted to the States, the Supreme Court should take that into consideration in drafting their decree.

It is a perfectly reasonable, sensible resolution. It does not compromise the integrity of the Supreme Court.

Mr. JAVITS. Mr. President, I yield 1 minute to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 1 minute.

Mr. PASTORE. Mr. President, I shall vote for this amendment, not because I believe it belongs in the bill. I believe that it has no place in the foreign aid bill. But I believe it is the only way out of the impasse that the Senate finds itself in.

I wish to make one observation to the Senate. This is no decision of a packed Court. Two of the Judges who decided this matter, 8 to 1, were appointed to this Court by Franklin Roosevelt. One of them was appointed to this Court by Harry Truman. Some were appointed to this Court by General Eisenhower, some were appointed by John F. Kennedy. Eight members of the Court were appointed by four Presidents. To sit here and say that this is an awful decision, I believe is a reflection upon the free expression of the Supreme Court of the United States.

I do not believe they are disrupting anything. They are merely saying that ours is a representative form of government, and every man is entitled to the full force and effect of his vote. That is the reason I am voting for it—not because I like it, but because it is innocuous and it is the way out of this impasse.

The PRESIDING OFFICER. The sponsors of the amendment have 1 additional minute remaining.

Mr. JAVITS. Mr. President, I yield the remainder of my time to the Senator from Minnesota [Mr. HUMPHREY].

First, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 1 minute.

Mr. HUMPHREY. Mr. President, in the minute that remains I should like to underscore what I believe is involved in the amendment offered by my colleague from Minnesota [Mr. McCARTHY], the Senator from New York [Mr. JAVITS], and myself, and which I know is widely supported by other Senators.

First, the amendment would protect the integrity of the Senate.

Mr. MANSFIELD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The Senator from Minnesota may proceed.

Mr. HUMPHREY. First, it would protect the integrity of the Senate as a parliamentary body.

Second, it would protect the integrity of the Court in its responsibility under

our Constitution to interpret and apply the constitutional provisions.

Third, it would respect the doctrine of the separation of powers between the different branches of our Government.

Finally, the amendment is one of reason. It would express the sense of the Senate, asking that the Court take into consideration some of the factors which are involved in the time that is necessary for reapportionment by the State legislative bodies. It also takes into consideration the possibility of a constitutional amendment.

I hope that the question may now be decided by an affirmative vote for the amendment.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment of the Senator from New York [Mr. JAVITS] and the Senators from Minnesota [Mr. HUMPHREY and Mr. McCARTHY], as modified, to the so-called Dirksen-Mansfield amendment. On this question, the yeas and nays have been ordered.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DIRKSEN. My understanding is that the vote comes upon the new language which was offered in place of the earlier substitute by the same authors who reserved the right to change their amendment.

The PRESIDING OFFICER. The question is on agreeing to the modified amendment offered by the Senator from New York [Mr. JAVITS] and the Senators from Minnesota [Mr. HUMPHREY and Mr. McCARTHY] to the so-called Dirksen-Mansfield amendment. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WALTERS (when his name was called). I have a pair with the Senator from Missouri [Mr. SYMINGTON]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Idaho [Mr. CHURCH], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], and the Senator from Utah [Mr. MOSS] are absent on official business.

I also announce that the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Alabama [Mr. HILL] are absent because of illness.

I further announce that the Senator from Washington [Mr. JACKSON], the Senator from Wyoming [Mr. McGEEL], and the Senator from Missouri [Mr. SYMINGTON] are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana [Mr. HARTKE] would vote "yea."

On this vote, the Senator from Kansas [Mr. CARLSON] is paired with the Senator from Massachusetts [Mr. KENNEDY]. If present and voting, the Senator from

Massachusetts would vote "yea," and the Senator from Kansas would vote "nay."

On this vote, the Senator from Idaho [Mr. CHURCH] is paired with the Senator from Texas [Mr. TOWER]. If present and voting, the Senator from Idaho would vote "yea," and the Senator from Texas would vote "nay."

On this vote, the Senator from Alaska [Mr. GRUENING] is paired with the Senator from Iowa [Mr. MILLER]. If present and voting, the Senator from Alaska would vote "yea," and the Senator from Iowa would vote "nay."

On this vote, the Senator from Washington [Mr. JACKSON] is paired with the Senator from Massachusetts [Mr. SALTONSTALL]. If present and voting, the Senator from Washington would vote "yea," and the Senator from Massachusetts would vote "nay."

Mr. KUCHEL. I announce that the Senator from Kansas [Mr. CARLSON], the Senator from New Hampshire [Mr. COTTON], the Senator from Arizona [Mr. GOLDWATER], the Senator from Idaho [Mr. JORDAN], the Senator from Iowa [Mr. MILLER], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from Texas [Mr. TOWER] are necessarily absent.

On this vote, the Senator from Kansas [Mr. CARLSON] is paired with the Senator from Massachusetts [Mr. KENNEDY]. If present and voting, the Senator from Kansas would vote "nay," and the Senator from Massachusetts would vote "yea."

On this vote, the Senator from Pennsylvania [Mr. SCOTT] is paired with the Senator from Idaho [Mr. JORDAN].

If present and voting, the Senator from Pennsylvania would vote "yea," and the Senator from Idaho would vote "nay."

On this vote, the Senator from Iowa [Mr. MILLER] is paired with the Senator from Alaska [Mr. GRUENING]. If present and voting, the Senator from Iowa would vote "nay," and the Senator from Alaska would vote "yea."

On this vote, the Senator from Massachusetts [Mr. SALTONSTALL] is paired with the Senator from Washington [Mr. JACKSON]. If present and voting, the Senator from Massachusetts would vote "nay," and the Senator from Washington would vote "yea."

On this vote, the Senator from Texas [Mr. TOWER] is paired with the Senator from Idaho [Mr. CHURCH]. If present and voting, the Senator from Texas would vote "nay," and the Senator from Idaho would vote "yea."

The result was announced—yeas 40, nays 42, as follows:

[No. 573 Leg.]

YEAS—40

Anderson	Hayden	Nelson
Bartlett	Humphrey	Neuberger
Bayh	Inouye	Pastore
Beall	Javits	Pell
Brewster	Keating	Proxmire
Burdick	Kuchel	Randolph
Case	Long, Mo.	Ribicoff
Clark	Magnuson	Salinger
Dodd	McCarthy	Smith
Douglas	McGovern	Williams, N.J.
Edmondson	McIntyre	Yarborough
Fulbright	McNamara	Young, Ohio
Gore	Metcalf	
Hart	Muskie	

NAYS—42

Aiken	Ervin	Morton
Allott	Fong	Mundt
Bennett	Hickenlooper	Pearson
Bible	Holland	Prouty
Boggs	Hruska	Robertson
Byrd, Va.	Johnston	Russell
Byrd, W. Va.	Jordan, N.C.	Simpson
Cannon	Lausche	Smathers
Cooper	Long, La.	Sparkman
Curtis	Mansfield	Stennis
Dirksen	McClellan	Talmadge
Dominick	Mechem	Thurmond
Eastland	Monroney	Williams, Del.
Ellender	Morse	Young, N. Dak.

NOT VOTING—18

Carlson	Hill	Moss
Church	Jackson	Saltonstall
Cotton	Jordan, Idaho	Scott
Goldwater	Kennedy	Symington
Gruening	McGee	Tower
Hartke	Miller	Walters

So the amendment of Mr. JAVITS, Mr. McCARTHY, and Mr. HUMPHREY, as modified, to the DIRKSEN-MANSFIELD amendment, was rejected.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the amendment to the amendment was rejected.

Mr. ALLOTT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now recurs on the Dirksen-Mansfield amendment.

Mr. THURMOND. Mr. President, on behalf of the Senators from Virginia [Mr. BYRD and Mr. ROBERTSON], the Senator from Nebraska [Mr. CURTIS], the Senators from Mississippi [Mr. EASTLAND and Mr. STENNIS], and myself, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from South Carolina, for himself and other Senators, will be stated.

The Chief Clerk read the amendment, as follows:

At the end of the bill, add the following new title:

"TITLE V—DEFINING THE JURISDICTION OF THE UNITED STATES SUPREME COURT AND ALL FEDERAL COURTS INFERIOR THERETO, IN CERTAIN INSTANCES

"SEC. 501. Following section 1258 of title 28 of the United States Code (28 U.S.C., sec. 1258) add a new section as follows:

"1259. Supreme Court, limitation of appellate jurisdiction

"The Supreme Court shall not have the right to review the action of a Federal court or a State court of last resort concerning any action taken upon a petition or complaint seeking to apportion or reapportion any legislature of any State of the Union or any branch thereof."

"SEC. 502. Amend title 28, section 1331 of the United States Code (28 U.S.C., sec. 1331) by adding at the end thereof a new subsection to read as follows:

"(c) The district courts shall not have jurisdiction to entertain any petition or complaint seeking to apportion or reapportion the legislature of any State of the Union or any branch thereof."

Mr. THURMOND. Mr. President—
Mr. MANSFIELD. Mr. President, will the Senator from South Carolina yield, without losing his right to the floor?

Mr. THURMOND. I yield.

Mr. MANSFIELD. May I have the attention of the Senate? I am about to propound a unanimous-consent request.

I ask unanimous consent that there be a time limitation on the pending Tuck amendment of 2 hours, 1 hour to a side.

Mr. DOUGLAS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. THURMOND. Mr. President, I would have no objection to the request that was propounded. However, I do not think it would take an hour to a side. I have only about a 15- or 20-minute speech. Perhaps other Senators would like to say a word about it.

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HOLLAND. Is this an amendment to the Dirksen-Mansfield amendment or a substitute for that amendment?

Mr. THURMOND. Mr. President—
The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. This is a substitute for the Dirksen-Mansfield amendment.

The PRESIDING OFFICER. The amendment is a substitute.

Mr. HOLLAND. Is that the ruling of the Chair?

The PRESIDING OFFICER. That is the ruling of the Chair.

Mr. HOLLAND. I thank the Chair.

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. THURMOND. I am pleased to yield to the Senator from Virginia.

Mr. ROBERTSON. Has the Senator from South Carolina listed the junior Senator from Virginia as a cosponsor of this amendment?

Mr. THURMOND. Yes.

I will ask the clerk again to read the names of the sponsors of the amendment.

The PRESIDING OFFICER. The clerk will read.

The CHIEF CLERK. An amendment offered by Mr. THURMOND for himself and Messrs. BYRD of Virginia, ROBERTSON, CURTIS, EASTLAND, and STENNIS.

Mr. ROBERTSON. Mr. President, will the Senator yield again?

Mr. THURMOND. I am pleased to yield.

Mr. ROBERTSON. If we could get the unanimous consent of the Senate to grant 30 minutes to the Senator from South Carolina and 30 minutes to the opposition, we could get to a vote. This is an issue we have been debating for a month. I do not think the debate is going to change any Senator's viewpoint, and it seems to me we might be permitted to vote if we had a short debate.

Would the Senator be willing to have a unanimous-consent agreement for 30 minutes on a side and then vote?

Mr. THURMOND. The majority leader has already obtained unanimous consent for 1 hour to the side.

Mr. MANSFIELD. No.

Mr. ROBERTSON. There was objection.

Mr. THURMOND. Excuse me. There was objection to it.

I would not object to 30 minutes to a side. I do not want to cut any Senator off. I do not think I will take more than 15 or 20 minutes, but I would like to give any other Senator an opportunity to debate it.

Mr. ROBERTSON. Will the majority leader make such a request?

Mr. MANSFIELD. It would not do any good. I tried to obtain a unanimous-consent agreement. I think the time is propitious for it. I tried to get 1 hour on a side, but there was objection.

Mr. RANDOLPH. Mr. President, will the esteemed Senator yield?

Mr. THURMOND. I am pleased to yield to the Senator from West Virginia.

Mr. RANDOLPH. Is this the amendment, sponsored by Representative Tuck, of Virginia, which was passed in the House, and is now advocated by the junior Senator from South Carolina, and other Senators?

Mr. THURMOND. That is correct. It passed the House by a very large margin, and it is almost identical to a bill I introduced on June 16 of this year, which was referred to the Judiciary Committee of the Senate and is still pending, I believe, in that committee.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, the amendment is identical to H.R. 11926, the so-called Tuck bill, which has been passed by the other body, and is now on the Senate Calendar. The purpose of the Tuck bill and this amendment is to withdraw from the Supreme Court the appellate jurisdiction which the Court has assumed in cases arising from the apportionment of State legislatures. The appellate jurisdiction of the Supreme Court would be withdrawn whether the case was attempted to be appealed from the highest State court or a lower Federal court. In addition, the amendment withdraws all jurisdiction in reapportionment cases from the Federal district courts, in the same manner as the Tuck bill. This would leave the decision affecting the apportionment of any State legislature with that State's courts, the State legislature itself, or the people of the State—where such matters rightfully belong.

There is sound constitutional authority for Congress to withdraw jurisdiction from all Federal courts in the field of apportionment of State legislatures. Article III, section 2, clause 2 of the Constitution reads as follows:

In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

Only in the three specific grants of original jurisdiction is Congress denied the authority to make exceptions to the jurisdiction of the Supreme Court. In all other cases the Congress can modify, regulate, or completely withdraw appel-

late jurisdiction of the Supreme Court, as it sees fit.

This interpretation was made irrevocable in the case of *ex parte McCardle*, an 1868 case in which Congress withdrew the appellate jurisdiction of the Supreme Court in certain habeas corpus proceedings after the case had been argued before the Supreme Court, but before a decision had been rendered. The *McCardle* case is an extreme example, but it has been frequently reaffirmed and approved. The result is to vest an unrestrained discretion in Congress to curtail and even abolish the appellate jurisdiction of the Supreme Court, and to prescribe the manner and forms in which it may be exercised.

The power of Congress to vest, withdraw, and regulate jurisdiction of the lower Federal courts is derived from the power to create tribunals under article I of the Constitution, the necessary and proper clause, and article III, section 1 which vests the judicial power of the United States in the Supreme Court and "in such inferior courts as the Congress from time to time may ordain and establish." The Supreme Court itself has interpreted article III of the Constitution to mean that Congress has plenary powers over the jurisdiction of any inferior Federal court which it has established by statute. The first case which so held was *Turner* against the Bank of North America, a 1799 case. The most clearly stated decision on this point, however, is the case of *Cary* against *Curtis*, an 1845 case where it was stated that the judicial power of the United States is dependent for its distribution and organization entirely upon the action of Congress, which possesses the sole power of creating inferior courts and "of investing them with jurisdiction, either limited, concurrent, or exclusive, and of withholding jurisdiction from them in the exact degrees and character which to Congress may seem proper for the public good." No clearer and more definite statement could be found, and no clearer or more compelling occasion for the exercise of this power by Congress in the public good can be found than exists now.

Just as there can be no question as to the authority of Congress over the jurisdiction of the Federal courts, there can be no question that the Supreme Court has overstepped its jurisdictional bounds. Beginning with its first decision on reapportionment of State legislatures in the case of *Baker* against *Carr*, March 1962, down through the decisions handed down on June 15 of this year, the Supreme Court has been treading in a political no man's land. In discussing the reapportionment decisions, there is no need, and indeed no way, to become involved in legal technicalities. This is because the fundamental issue involved is not a legal question. It is purely a political question, and as such is not within the jurisdiction of the Court. In this regard a statement by Chief Justice Chase speaking for the Court in *Ex parte McCardle* is fitting:

Judicial duty is not less fitly performed by declining ungranted jurisdiction than in exercising firmly that which the Constitution and the laws confer.

Unfortunately this well stated philosophy seems to have escaped the attention of the majority of our present day Supreme Court Justices.

Political questions are not given to judicial determinations. They are for decision of the people exercised by the ballot and through legislative bodies. Justice Harlan, dissenting in the *Alabama* case said:

What is done today deepens my conviction that judicial entry into this realm is profoundly ill-advised and constitutionally impermissible. I believe that the vitality of our political system, on which in the last analysis all else depends, is weakened by reliance on the judiciary for political reform.

Justice Harlan has pinpointed the key to the apportionment decisions—the Supreme Court is undermining the structure of our political system. In so doing, the Court is usurping the power which has been reserved to the States and to the people under the 10th amendment to the Constitution.

To understand the full consequence of these decisions, we must, however, look even beyond the Court's usurpation of power of the people to decide a political question. The substance of the new rule of political order sought to be imposed by judicial fiat must be carefully examined.

The new political principle sought to be imposed by the Court is commonly characterized as "one person, one vote." This catchword phrase, "one person, one vote," which the apologists for the Supreme Court have now adopted as their battle cry, is a vast oversimplification of the issue involved. It is by no means descriptive of the result of the reapportionment decisions of the Court. It is, however, a noble sounding oratorical gimmick with which it is difficult to argue, because it is difficult to define as it applies to any given situation. In application, this "one person, one vote" doctrine means that a State must alter the weight given to each individual vote. At the present time the Court is interested in requiring the State to assure that the vote of an individual in an urban area has the same influence in an election as the vote of an individual in a rural area. If this theory were applied nationwide in presidential elections, for example, the present electoral college system would also be ruled unconstitutional by the Supreme Court. To illustrate this point, a single individual in the State of New York casts only one vote in an election for President and Vice President. However, his vote influences the election of 43 presidential electors. A voter in South Carolina also casts one vote, but his one vote influences the election of only eight electors. Yet, Mr. President, there is no hue and cry on the part of the advocates of "one person, one vote" for the application of this principle in presidential elections. As a matter of fact the opponents of sound reform in this area, which has been pending before Congress for a number of years in the form of a proposed constitutional amendment, are by and large the same ones who are most vocal in their support of the Supreme Court decisions as they affect the States. I have been a staunch advocate of electoral college re-

form based on the district plan preferably, but if not, then the proportional plan, to bring about a more equitable voice on the part of individuals in the smaller States since I became a Member of the Senate. However, I have not advocated resort to the courts to solve this pressing problem, because I have felt that the Federal courts have no jurisdiction in such political questions.

Population is, of course, the principal basis for apportionment of legislative representation in all States. But the various States have found it practical, workable, just, and beneficial to weight the apportionment of legislative representation with various other factors in their own States, just as was done in framing the structure of the Central Government. One factor which has been considered in many, if not most, States has been the integrity of local governing units, such as the counties. Their independence of action and ability to best serve the needs of their own people is guaranteed by their separate representation in both bodies of the State legislature.

The Supreme Court seemed to be overly sensitive when it was considering the apportionment of the upper bodies of the State's legislatures, which they found to be constituted in such a way as to favor the rural areas.

Let me point out that such departures from apportionment based only on population result in purely defensive powers to those so favored. The U.S. Congress provides a good example. Each State has equal representation in the Senate, regardless of its population. Thus Delaware has equal representation in the Senate with New York, although New York has at least 35 times more population. But Delaware, even with its equal representation in the Senate, nor even in combination with other small population States which might give them a majority in the Senate, does not have the affirmative power to pass legislation; for the House of Representatives must also concur, and its membership is based on population, or "one person, one vote." Thus the equal representation of Delaware in the Senate gives it at most an increased defensive power to what it would have were representation in Congress based solely on "one person, one vote."

Similarly, the weighting of representation in favor of rural residents gives them an increased defensive power, leaving them less vulnerable to the whims of a majority.

Agricultural areas are necessarily less densely populated than nonagricultural areas. We in the United States, with our consistent departure from the concept of "one person, one vote," have progressed to the point where approximately 8 percent of the population of the Nation produces the entire food and fiber for its consumption, with a large margin for export. This progress has been undoubtedly due in part to the fact that the agricultural sector through its defensive power stemming from its weighted representation has managed to protect its vital interests in the intertwined political and economic order.

Nor is the nature of agricultural enter-

prise such that those engaged therein can protect their vital interests outside the formal political structure by combined economic action through organization, as is done by industrial labor through the means of labor unions. So long as political issues have been left to the decision of the people, where they rightfully belong, these factors have been recognized, and the departures from the "one person, one vote" concept have not only been tolerated, but affirmatively approved by the majority of the people.

Mr. President, it has been stated on the floor of the Senate that the structure of the States differs in substantial degree from the structure of the Central Government. In some cases this is true, but in most States, there is a striking similarity; for example, in my own State of South Carolina each county is represented by one senator regardless of its population, and a number of representatives according to its population. This is, of course, in the same pattern as the Central Government.

Benjamin Franklin, when asked what form of government was established by the Constitution, said that it was a republican form. Since its basic structure has not been changed since the Constitution was adopted, the Central Government still is a republican form. It is only logical, therefore, that those States whose structure of government is patterned upon the Central Government have a republican form of government. Article IV, section 4 of the Constitution provides:

The United States shall guarantee to every State in this Union a republican form of government.

Rather than guaranteeing a republican form of government in these States, the Supreme Court is depriving them of the republican form of government which they already have.

Mr. President, there is a necessity for urgent action on this question. Almost all of the States of this Union can be reconstructed by judicial fiat if these decisions are implemented across the board. The resulting chaos would be detrimental to the continuance of sound governmental practices in these States.

I urge that the Senate adopt my amendment to guard against this impending upheaval.

Mr. ROBERTSON. Mr. President, I support the motion to substitute the Tuck bill as an amendment to the foreign aid bill. This amendment would exercise the authority vested in the Congress by article III of the Constitution to give appellate jurisdiction to the Supreme Court, with such exceptions and under such regulations as the Congress shall make, and to ordain and establish inferior courts, and in doing so to prescribe the jurisdiction of such inferior courts.

For more than 170 years, up to the 1962 decision in *Baker against Carr*, it was universally agreed that questions relating to the organization of States, including particularly the composition of State legislatures, were political questions beyond the power of the Federal courts.

The internal organization of States and the relationship between the several

States and their inhabitants are clearly matters reserved to the people and to the States by amendments 9 and 10 of the Constitution. Equally clearly, amendment 14 was not intended to change this principle or to authorize the Federal Government, including particularly the Supreme Court, to interfere with the internal organization of States. None of the congressional sponsors of that amendment and none of the State legislators who ratified it ever dreamed of its being misused for any such purpose, either by the Congress, which was given power to enforce it, or by the Supreme Court which was given no power either to rewrite it or enforce it.

Now, in *Baker against Carr* and in subsequent cases, the Supreme Court has engaged in judicial legislation of an extraordinary nature, overturning 170 years of history; tossing aside, as scraps of paper precedents by such formerly respected Judges as Felix Frankfurter; and embarking on a new course of constitutional amendment and statutory enactment.

Each year, in celebration of the birthday of our great first President, his Farewell Address is read to the Senate. We all believe it is worth while to be reminded of the parting comments of our first President; and I should like to call attention to George Washington's views on amendments to the Constitution—words which are just as applicable today as they were when first read:

The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all.

If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed.

The Supreme Court, by entering into the political field of the internal organization of States, has engaged in changing the Constitution by usurpation. I believe we can best carry out George Washington's recommendation by removing this field entirely from the jurisdiction of district courts and courts of appeal and from the Supreme Court's appellate jurisdiction. This would be done by the proposed amendment.

I ask unanimous consent that an article entitled "Heartbreaks and the Constitution," written by S. Bruce Jones, Esq., of the Virginia Bar, and published in the 1964 issue of the *American Bar Association Journal*, be printed in the *RECORD*.

There being no objection, the article was ordered to be printed in the *RECORD*, as follows:

HEARTBREAKS FOR THE CONSTITUTION
(By S. Bruce Jones)

(NOTE.—A look at the changes wrought by the Federal courts in the meaning of the Federal Constitution is a heartbreaking ex-

perience, Mr. Jones writes. He points out the numerous fields in which these decisions have made the Federal courts the supervisors of the States' affairs, contrary to the basic principle that the meaning of the Constitution was fixed when it was adopted.)

"The basis of our political system is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists till changed by an explicit and authentic act of the whole people is sacredly obligatory upon all * * *."

"If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed."—GEORGE WASHINGTON, Farewell Address.

Thomas M. Cooley wrote: "A cardinal rule in dealing with written instruments is that they are to receive an unvarying interpretation, and that their practical construction is to be uniform. A constitution is not to be made to mean one thing at one time and another at some subsequent time when the circumstances may have so changed as perhaps to make a different rule in the case seem desirable. A principal share of the benefit expected from written constitutions would be lost if the rules they established were so flexible as to bend to circumstances or be modified by public opinion. It is with special reference to the varying moods of public opinion, and with a view to putting the fundamentals of government beyond their control that these instruments are framed, and there can be no such steady or imperceptible change in their rule as inheres in the principles of the common law."¹

To those lawyers who were taught and believed in this fundamental principle a look at the changes made by the Federal courts in the meaning of the Federal Constitution is a heartbreaking experience. They find that at one time the courts say the Constitution means one thing and at another time they say it means something else or even the exact opposite. The clauses interpreted remain the same; only the meaning is changed.

INTERSTATE COMMERCE'S MEANING IS CHANGED

The power to regulate commerce between the States and with the Indian tribes was changed by a divided Court to mean the power to regulate wages, hours, and working conditions of persons engaged in the manufacture of goods destined for interstate commerce.² As late as 1935 commerce meant commerce. It did not mean processing or the wages and working conditions of those engaged in processing before reaching the stage of commerce.³

For 70 years the courts held that insurance was not commerce⁴ but in 1946 it held that it was commerce.⁵ Even products raised on a farm for consumption on the same farm are now held to be subject to regulation by Congress under the interstate commerce clause. Under this interpretation of the power to regulate commerce, farmers are now being fined or imprisoned for raising wheat on their own farms for use on the same farm. Under this extension of power the latest

wage-and-hour statutes practically disregard the commerce clause and look chiefly to the type or volume of business as the basis for Federal control—for example, Mrs. Murphy's boarding house.

On this question Woodrow Wilson wrote: "May it [Congress] also regulate the conditions under which the merchandise is produced which is presently to become the subject matter of interstate commerce? May it regulate the conditions of labor in field and factory?"

"Clearly not, I should say; and I should think that any thoughtful lawyer who felt himself at liberty to be frank would agree with me. For that would be to destroy all lines of division between the field of State legislation and the field of Federal legislation. Back of the conditions of labor in the field and in the factory lie all the intimate matters of morals and of domestic and business relationship which have always been recognized as the undisputed field of State law; and these conditions that lie back of labor may easily be shown to have their part in determining the character and efficiency of commerce between the States.

"If the Federal power does not end with the regulation of the actual movements of trade, it ends nowhere, and the line between State and Federal jurisdiction is obliterated. But this is not universally seen or admitted. It is, therefore, one of the things upon which the conscience of the Nation must make test of itself, to see if it still retain that spirit of constitutional understanding which is the only ultimate prop and support of constitutional government. It is questions of this sort that show the true relation of our courts to our national character and our system of government.

"No one can doubt that it was necessary for the maintenance of the system that the courts of the Federal Government should be the arbiters of all questions of disputed jurisdiction or conflicting authority. But of course such a principle constitutes the courts of the United States the guardians of our whole legal development. With them must lie the final statesmanship of control."

BILL OF RIGHTS APPLIED TO STATES

The first eight amendments were limitations on the powers of the Federal Government and were expressly held not to be limitations on the powers of the States. Beginning with *Gillow v. New York*, 268 U.S. 652 (1925), the courts began the process of making these limitations applicable to the States by applying the doctrine of their incorporation into the 14th amendment.

In 1949 the Supreme Court held in *Wolf v. Colorado*, 338 U.S. 25, that in a prosecution in a State court for a State crime the 14th amendment does not forbid the admission of evidence obtained by unreasonable search and seizure. But in 1961 *Wolf* was expressly reversed by *Mapp v. Ohio*, 367 U.S. 643, which held that the prohibition against unreasonable search and seizure in the 4th amendment does apply by virtue of the 14th amendment to the admission of evidence in a State court. In another case the Court had stated, "We think that the *Wolf* decision should not be overruled."⁶ And the *Wolf* case was overruled although appellants' counsel expressly disavowed such purpose (dissenting opinion, footnote 6). The Court recognized that it was imposing a new rule of exclusion on the States, some of which had a nonexclusionary rule.

LEGISLATIVE APPORTIONMENT NOW COURT CONTROLLED

The power of the States to apportion their representatives is now subject to review by the Federal courts under their own rules.

Until 1962 the Constitution was held to mean that State apportionment statutes did not present a justiciable question. In *Baker v. Carr*, 369 U.S. 186 (1962), the exact opposite was held. No guidelines were given as to what relief the courts would afford. As was said by Justice Frankfurter in his dissenting opinion: "In effect, today's decision empowers the courts of the country to devise what should constitute the proper composition of the legislature of the 50 States. If State courts should for one reason or another find themselves unable to discharge this task, the duty of doing so is put on the Federal courts or on this Court, if State views do not satisfy this Court's notion of what is proper districting."

What the Court's notion may be is immaterial here. The point is that the Court is writing into law its own notions, which will be followed by all the lower Federal courts and will take the place of the express provisions of the Constitution. That they are notions is shown by the majority opinion in *Wesberry v. Sanders*, 376 U.S. 1 (1964), and that they are not law is demonstrated by the dissent.

The first amendment provides that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. This is an express limitation on Federal power, but it is now interpreted by the courts to be an express limitation on State power. By this interpretation the Court practically added an amendment that James G. Blaine had unsuccessfully attempted to have included in 1876 and which was defeated in both the House and the Senate.⁷

FEDERAL COURTS BECOME SUPERVISORS OF STATES

The incorporation of the Bill of Rights into the 14th amendment so that a Federal constitutional question is raised has resulted in the Federal courts becoming the supervisors of all procedures in the State courts.

In *Griffin v. Illinois*, 351 U.S. 12 (1956), in a 5-to-4 decision, the Supreme Court held that an indigent defendant in a noncapital case in a State court should be furnished without cost a transcript of the record, although apparently a narrative bill of exceptions was available.

In another case, *Naim v. Naim*, 350 U.S. 891 (1955), it vacated judgment and remanded a case to the Virginia Supreme Court of Appeals in order that it might be "returned" by it to the circuit court for rehearing, when no such procedure is possible. It is also requiring the State courts to provide counsel for indigent defendants when the Federal courts have no provision to compensate counsel who are appointed to defend indigents in a Federal court.

By applying its own definition of due process of law and its own concept as to evidence that is admissible, the Supreme Court reviews appeals from the State courts of convictions under State laws and lays down rules inconsistent with the laws and constitutions of the State from which the appeals are taken.

This power of review of State courts formerly was exercised only in cases that had been appealed from the State court. It did not affect convictions obtained many years ago. Now by a completely new and unique use of the writ of habeas corpus the Federal courts are reviewing State convictions of many years ago. In *Lane v. Brown*, 372 U.S. 477 (1963), Indiana felt the use of this power. In *Fay v. Noia*, 372 U.S. 391 (1963), decided the same day, New York encountered the same supervision.

In Tennessee a man released from a Texas prison kidnaped and shot the driver and killed the driver's wife, for which in a State

⁷ Baker, "The Supreme Court and the Freedom of Religion Melange," 49 A.B.A.J. 439, 440 (1963).

¹ Cooley, "Constitutional Limitations," 123 (8th ed. 1927).

² *National Labor Relations Board v. Jones & Laughlin Steel Corp.*, 301 U.S. 1 (1937).

³ *Schechter Poultry Corp. v. United States*, 295 U.S. 495 (1935).

⁴ *Bothwell v. Buckbee, Mears Co.*, 275 U.S. 274 (1927).

⁵ *United States v. South-Eastern Underwriters Association*, 322 U.S. 533 (1944).

⁶ *Irvine v. California*, 347 U.S. 128, 134 (1954).

court, after trial by jury, he received a sentence for a term of years. Ten years later, with his surviving victim in Sweden, a Federal district court ordered a new trial because his court-appointed attorneys refused to appeal his conviction.

The Federal district courts are now being flooded with writs of habeas corpus filed by prisoners who pleaded guilty or were long ago convicted of State crimes by State courts after jury trials. The Federal district courts have now been appointed supervisors over the actions of all the State courts where alleged unlawful detention can be claimed.⁸

FEDERAL POWERS ARE INCREASED

These interpretations of the Federal Constitution extend the power of the Federal Government, particularly its courts, and decrease the powers of the States. They have invalidated parts of State constitutions and stand ready to invalidate others. On the three subjects of schools, courts and State legislatures, the Federal courts are making their own rules and then changing them from time to time as they please.

By their own action the Federal courts have extended their jurisdiction to fields they formerly refused to enter because they said they had no right to enter them. Without the aid of legislation of any kind, they have taken over the supervision of apportionment of representation in the State legislatures, attendance at public schools, supervision of State court procedures and Bible reading. Since there were no statutes, the courts are now engaged in writing legislation in the form of court opinions that will supersede the State laws and constitutions and even their own former opinions. The Supreme Court imposed its restrictions on Bible reading, although the first amendment imposes its limitations on Congress alone and an attempt to put the same limitation on the States by express amendment had been defeated. This attempt and defeat occurred after the 14th amendment (which the Court says makes the first amendment applicable) was in effect, but the Court now construes the Constitution to reach the same result as if the defeated amendment had been adopted.⁹

Each change of the Constitution by judicial fiat is usually looked on with favor by those who like the particular change and with disfavor by those who dislike it. Sometimes the praise reaches a crescendo—calling the Court the keeper of the peoples' conscience, praising the Justices as activists, and berating those who believe the Constitution means what it says. The evil is that the Court changes the meaning of the Constitution by what its apologists call interpretation. The real amendatory processes are thus circumvented in violation of the Constitution itself. Thus the changes are made by persons who have no constitutional power to amend and who by later decisions may amend it again.

These decisions are not the law of the land but they become precedents binding on all the lower courts and the determination of the case, right or wrong, must be written into all future decisions of the lower courts. The rule established by the Supreme Court cannot be changed by the lower courts and it cannot be reversed or modified except by the Supreme Court itself in another case subsequently involving the same question. The only reason these decisions remain unchallenged is that there is no higher court to which an appeal can be taken.

HOW FEDERAL JUDGESHIP IS WON

The freehold estate referred to by Jefferson as held by the judges in the Federal Establishment has been received by them

in some instances as a reward for political activities or as a result of a political trade. Some are kicked upstairs to create a vacancy somewhere else. All are recommended by the Department of Justice, which will later appear and litigate before them hundreds of Government cases. If they expect promotion it will be only upon recommendation of the same department. All are expected to be in reasonably near accord on basic Government theory with the administration that appoints them.

The majority of Federal judicial appointments comes from the membership of the party in power. Some have been appointed although the American Bar Association or even the State bar association has certified they were not competent. For their high office there is no specific qualification of education, judicial experience, or ability. Being human beings, they must have at least some of the bias, predilections, and frailties of other humans.

Impeachment being the only remedy and seldom used, they hold their jobs for life. Once on the bench they can influence decisions for years without accountability to anyone. Public opinion is ignorant or indifferent, it has been shaped by the press and the schools to believe that the courts can do no wrong. Even to question the correctness of their pronouncements is to court ostracism. In their own opinions they have stated that the only limitation upon their power is their own restraint.

The great Cooley had his own opinion about making the Constitution mean one thing at one time and another at a subsequent time: "A court or legislature which should allow a change in public sentiment to influence it in giving construction to a written constitution not warranted by the intention of its founders, would be justly chargeable with reckless disregard of official oath and public duty; and if its course could become a precedent, these instruments would be of little avail. The violence of public passion is quite as likely to be in the direction of oppression as in any other; and the necessity for bills of rights in our fundamental laws lies mainly in the danger that the legislature will be influenced by temporary excitements and passions among the people to adopt oppressive enactments. What a court is to do, therefore, is to declare the law as written, leaving it to the people themselves to make such changes as new circumstances may require. The meaning of the Constitution is fixed when it is adopted, and it is not different at any subsequent time when a court has occasion to pass upon it."

Mr. DOUGLAS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. DOUGLAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McNAMARA. Mr. President—

Mr. MANSFIELD. Mr. President, will the Senator from Michigan yield first?

Mr. McNAMARA. I am happy to yield to the Senator from Montana.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I should like to propound a unanimous-consent request, if it meets with the approval of all concerned.

I ask unanimous consent that there be 30 minutes on the pending Thurmond substitute, 15 minutes being under the control of the Senator from South Caro-

lina [Mr. THURMOND], and 15 minutes being under the control of the Senator from Illinois [Mr. DOUGLAS].

Mr. DIRKSEN. Mr. President, reserving the right to object, is the time 30 minutes altogether?

Mr. MANSFIELD. Yes. Then the Senate will vote. The yeas and nays will be asked for.

Mr. DIRKSEN. That is not much time, is it?

Mr. MANSFIELD. Mr. President, I modify the unanimous-consent request to make it 1 hour on the pending Thurmond substitute, with 30 minutes to a side, under the control of the same two Senators.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. McNAMARA. Mr. President, in an earlier speech—

Mr. MANSFIELD. Mr. President, will the Senator from Michigan yield to me again?

Mr. McNAMARA. I am happy to yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. The yeas and nays have already been ordered.

Mr. THURMOND. Mr. President, I have already obtained the yeas and nays on my substitute.

The PRESIDING OFFICER. Will some Senator, under the unanimous-consent agreement, yield time to the Senator from Michigan [Mr. McNAMARA]?

Mr. McNAMARA. Mr. President, I do not wish to speak on the Tuck amendment, I wish to speak on another subject, the substance of the Supreme Court bill now before the Senate.

Mr. President, I yield the floor.

Mr. DOUGLAS. Mr. President, I yield 10 minutes to the Senator from Pennsylvania [Mr. CLARK].

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 10 minutes.

Mr. CLARK. Mr. President, perhaps I should note for the RECORD that until about 30 seconds ago, I had had no intention of speaking against this incredible amendment. In fact, so unlikely did I think it was that any Senator would seriously propose it, that I have only now had an opportunity to read it. Accordingly, I would hope that Senators would indulge me if my speech in opposition to the amendment is less erudite and less closely reasoned than it perhaps could have been had I had at least a little time for preparation.

Needless to say, I regret very much that the substitute amendment proposed by the senior Senator from New York [Mr. JAVITS], the senior Senator from Minnesota [Mr. HUMPHREY], and the junior Senator from Minnesota [Mr. MCCARTHY] was defeated a short while ago. It had seemed to me that that proposal presented a face-saving way—which would have been acceptable to all parties—out of the ridiculous dilemma in which the Senate finds itself. Unfortunately, a majority of those Senators present and voting decided otherwise.

⁸ See, *Urbano v. New Jersey*, 225 F. Supp. 798 (D. N.J. 1964).

⁹ Baker, *supra* note 7 at 440.

So, we are now back where we were a few days ago, with the Dirksen amendment undisposed of, and with an overwhelming majority of the Senate unwilling to impose cloture, but with a clear majority of the Senate unwilling to table the Dirksen amendment. There are hopeful procedures and techniques available to us by which, in due course, that dilemma can be resolved.

I point out again how fantastic it is to be operating under rules which permit a nongermane amendment dealing with reapportionment—one of the most important questions ever to come before Congress—to be added to the foreign aid authorization bill. No other legislative body in the civilized world would permit such chaotic procedure. The only way out of this situation in the long run, and the only way out of the problem of the filibuster, is a drastic revision of the rules of the Senate.

If anything could make this clear, it was the 3 months and 10 days we spent on the civil rights bill earlier this year, as a result of which we are still here when we should have gone home months ago. But, before we can get to an effort to come to some solution of the Dirksen amendment, we must dispose of the Thurmond amendment.

It seems to me that, to most Senators, it should be enough merely to read the amendment in order to make clear why it should never be passed. It is very short. It contains only two clauses, really.

The first clause reads:

The Supreme Court shall not have the right to review the action of a Federal court or a State court of last resort concerning any action taken upon a petition or complaint seeking to apportion or reapportion any legislature of any State of the Union or any branch thereof.

I suggest that this is a bald-faced and patent effort to repeal the 14th amendment. It is true that the proponent of his amendment, my good friend the Senator from South Carolina [Mr. THURMOND], believes that the 14th amendment was illegally adopted and is therefore null and void. But, I suggest that that viewpoint is shared by few, if any, of his colleagues.

I believe that we must assume for purposes of this discussion that the 14th amendment is a valid part of the Constitution of the United States and that the appropriate interpretation of that amendment is not for the Congress of the United States as a last resort, but for the Supreme Court of the United States, the judicial branch.

This has been the history of the interpretation of the Constitution of the United States ever since it was adopted in 1789. I see no reason to believe that it has been changed since that time. I would therefore take a curbstone view, because I have not had an opportunity to review the cases. But I suspect that my good friend the senior Senator from Oregon [Mr. MORSE], who is a far greater constitutional lawyer than I shall ever pretend to be, will in a few moments have something to say on the constitutional question. I believe that the first clause of the Thurmond amendment—

which is, in effect, the Tuck bill, a bill which was passed in a hurry by the House without adequate consideration—is unconstitutional.

The argument will be made that Congress has the power under the Constitution to determine the jurisdiction of the various courts of the United States. It is suggested that under that provision, the 14th amendment can be ripped out of the Constitution, the Supreme Court can be deprived of jurisdiction over a matter of this sort, and Congress can usurp the judicial power by a technical device which would deprive one of the three coordinate branches of our Federal system of the power to interpret the law, or the Constitution, on a matter of great importance to every citizen of the United States. Whether this provision is unconstitutional or not, it is clearly unwise, more than it is presumptuous. It was in a fit of pique that this amendment was proposed seriously, in an attempt to chastise and punish the Supreme Court of the United States by removing its jurisdiction over a matter with which it is clothed with jurisdiction, and with respect to which it has issued a series of excellent opinions. The Supreme Court has asserted what the 14th amendment is supposed to mean, that the equal protection of the law has to do with the right to vote, and the equal right to vote is given to every citizen under the Constitution of the United States. So, beyond that presumption, I believe it is folly to seriously consider the adoption of this amendment.

I turn now to the second clause of the Thurmond amendment which reads:

The district courts shall not have jurisdiction to entertain any petition or complaint seeking to apportion or reapportion the legislature of any State of the Union or any branch thereof, nor shall any order or decree of any district or circuit court now pending and not fully disposed of by actual reapportionment be hereafter enforced.

My comment with respect to the first clause applies with equal validity to the second clause. It, too, I believe to be unconstitutional. Very clearly, it is unwise. Equally clearly, it is presumptuous.

I would hope very much that the Senate would defeat this amendment which, in effect, is the Tuck bill, passed by the House, I say again, in a fit of pique against the Supreme Court of the United States.

Mr. President, I yield back the remainder of my time so that that great constitutional lawyer, the senior Senator from Oregon [Mr. MORSE] may be heard.

Mr. DOUGLAS. Mr. President, I yield 11 minutes to the senior Senator from Oregon.

Mr. MORSE. Mr. President, I wish to say to my teacher on constitutional law, the senior Senator from Pennsylvania [Mr. CLARK], that I share completely the views he has expressed on the 14th amendment vis-a-vis both the Tuck bill and the Dirksen amendment.

Some time earlier today I listened to the distinguished Senator from Illinois [Mr. DIRKSEN] speak in support of his amendment. In my opinion, he is overlooking and ignoring the fact that a constitutional amendment does not require

a stay in court decisions first, but rather a program by way of his amendment that seeks a constitutional amendment does not require a stay of court decisions first. Of course, that is what the Senator from Illinois wishes to prevent. He wishes to prevent the implementation of court decisions carrying out this historic decision of the Supreme Court in regard to reapportionment.

Mr. President, under the Court decision all States could be reapportioned by the courts. If there is a desire on the part of the people of this country for area apportionment—for apportionment based on area rather than population—the people can go back to that malapportionment system by way of a constitutional amendment.

I am at a loss to understand how in the name of logic it is constantly represented to the Senate by the proponents of the Dirksen amendment that somehow, somehow, we must stay the application of the 14th amendment in order to protect what the people may ultimately decide is their desire.

God forbid that the day shall ever come when such a constitutional amendment is adopted. But if that day ever comes, carrying out the rotten borough system that the Dirksen amendment seeks to shackle as a yoke around the people of this country, the people, through that constitutional amendment will in effect be able to set aside the decisions of the Court. That is the check that the Constitution gives to the people. It was never contemplated under our system of three coordinate and co-equal branches of Government that the Congress should exercise a check upon the U.S. Supreme Court in its exercise of its constitutional powers decreed in the land-mark decision of Marbury against Madison in 1803. What the senior Senator from Oregon has been protesting in this case, as I have protested on the floor of the Senate for the past 10 years—and I shall shortly refer to some of those incidents—is the so-called court “busting” bills that have been attempted to be steamrollered through the Senate in the dying days of Congress, without a single hour, without a single minute of committee hearings on such bills.

What I have been trying to point out is that under our Constitution we are exceeding our legislative authority when we seek to enact the kind of proposed legislation which the Dirksen amendment represents, because it seeks to dictate to the Supreme Court how its procedure shall operate.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. DOUGLAS. Should not every Senator—indeed, every citizen—read section 2, article 3, of the Constitution which begins as follows:

The judicial power shall extend to all cases, in law and equity, arising under this Constitution—

Mr. MORSE. The Senator is so correct.

Mr. DOUGLAS. Article 2, section 1, states:

The judicial power of the United States, shall be vested in one Supreme Court—

Mr. MORSE. The Senator is so correct.

Mr. DOUGLAS. The Constitution does not provide that the Congress shall have judicial power or can suspend the operation of the Constitution. It is the Supreme Court and the inferior courts that have jurisdiction over subjects which involve the Constitution. Is that not true?

Mr. MORSE. The Senator is correct. As the Senator will recall, earlier in the debate—a couple of weeks or so ago—I made my major legal argument against the Dirksen amendment. One of the major premises of that speech was the very section of the Constitution that the Senator from Illinois now cites.

Mr. President, I say most respectfully that in my judgment all the Senator from Illinois [Mr. DIRKSEN] is saying in effect is that he does not want the people to have a test of equal representation because when they do, they will never go back to the rotten-borough system. As I said earlier in the course of the debate, I speak in behalf of the people of the first State in this Nation to eliminate malapportionment. The people of Oregon led this Nation in doing away with the rotten-borough system. The people of Oregon did it because the most direct democracy under the control of the people in this whole Nation exists in my State under the so-called Oregon system of initiative, referendum, and recall.

Back in 1951 the people of the State of Oregon by initiative brought to an end the rotten-borough system of my State. The people of my State, by an initiative election, brought to an end an area apportionment system that exists still in too many States of this country. So I know whereof I speak, based upon the experience of my State, of the improvement in government that flows from the application of the Court's decision of one vote to one person.

As I said a couple of weeks ago in a major speech I made on the subject, there are areas in States in which the vote of 1 citizen has the weight of 40 votes in a city.

We cannot reconcile that with all our professing about a democratic system of government, for that is not democracy. It is not representative government. That happens to be a polluting of the stream of democracy. We are seeking to preserve the judicial functions of the U.S. Supreme Court without uncalled for encroachment by the legislative branch of the Government.

I shall close, since my leader tells me that the debate on the Tuck amendment is about to close. That is what the Thurmond amendment really is. This is not the first time in 10 years that the senior Senator from Oregon, during the dying days of a session, has been willing to stand on the floor of the Senate and talk until Christmas, if necessary, for I believe it is important, if necessary, that the Congress remain in session, election or no election, until Christmas rather than write a precedential record in an attempt on the part of the legislative body to invade the constitutional prerogatives of the U.S. Supreme Court. In that 10 years the senior Senator from

Oregon, along with a little band—and we had all kinds of unkind names directed at us—stayed on the floor of the Senate and made clear to the leadership that we would talk until Christmas in order, for example, to defeat the attempt to invade the rights of the courts in connection with habeas corpus. We stood on the floor of the Senate and made it clear that we would fight until Christmas against an attempt to repeal the Mallory rule when there had not been a moment of committee hearing on the Mallory rule.

There was an attempt on the part of the Senate of the United States to reverse the Supreme Court; to substitute itself for the Supreme Court. We stood on the floor of the Senate when an attempt was made, in the dying days of one session of Congress, to steamroller through this body, without committee hearings, a complete revision of the passport system of this country because there were those in this body who resented decisions of the Court which protected the constitutional rights of free Americans.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOUGLAS. I yield one-half minute to the Senator from Oregon.

Mr. MORSE. Those were Court "busting" bills. The Dirksen amendment and the Thurmond amendment and other similar measures are Court "busting" bills and attempts on the part of Congress to supersede the U.S. Supreme Court and to change our Government from one of three coordinate, coequal branches of government into a government of legislative supremacy.

So to the American people I say, if that happens they will have lost a share of their freedom.

Mr. DOUGLAS. Mr. President, in view of the fact that the proponents of the Thurmond-Tuck amendment have taken very little time, and that most of the time has been used by the opponents, I think the proponents ought to state their case at this time.

The PRESIDING OFFICER. Who desires the floor? Who yields time?

Mr. CLARK. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum, without the time being charged to either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CLARK. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CLARK. Mr. President, I ask unanimous consent that the order for quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I have been designated by the Senator from South Carolina [Mr. THURMOND] to have charge of the time that is allotted to the proponents of this proposed substitute. I allot myself 5 minutes or such additional time as I may see fit to use.

We are dealing now with a matter that has already been debated to some extent,

but certainly has not been overdebated, nor has the time spent on it been enough, in the opinion of the Senator from Mississippi, considering the importance and the consequences of the constitutional question before us.

I speak not in derogation of the Court as an institution, but I speak in the performance of my responsibility as a Member of this body. As I was saying, this matter is so far-reaching and so important that I think the Senate has not only been justified, but doubly justified, in the time it has used in the consideration of this question. With great deference to the Court as an institution of our Government, and a highly important one, I think it clearly extended its basic constitutional jurisdiction when it first went into the matter of apportionment of State legislatures. I said so at the time. I said, when the Baker case was decided in 1962, that it spelled trouble. I meant by that that it spelled the most serious kind of trouble not only for the Court, but for the Congress and for every State and every State legislature in our great system.

Mr. Justice Frankfurter, one of the great, strong minds on the Court, pointed out with great force at that time, with great learning and lucidity, the problem involved and the consequences that would follow from the decision of the Court's going into the matter of legislative apportionment.

It was shown at that time, and it has been shown by the Senator from Illinois and others, that there have been abuses in the system; that the State legislatures have been tardy; that they have not performed in an ideal way; that they have delayed apportionment that in some cases has been long overdue.

But if that is to be the reason for damaging our system in important aspects, then, if it had a mind to do so, the Court could rewrite our system on any basis it desired.

Our system is not designed for perfection. Our system is not designed to carry everything out with ultimate precision and in a completely and most satisfactory way to all people.

More recently when the Court went further into this forest, in the Reynolds against Sims case, decided this year, 1964, it gave a further illustration of the trouble and further confusion and further problems that are irreconcilable and which should be left for solution by the State legislatures.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. I yield myself 5 additional minutes.

In the great State of New York, for example, a Federal district court has actually changed the term of the members of the State legislatures to a 1-year term, when they were elected for a 2-year term.

In the great State of Illinois, according to what I read last evening, a special election has been called wherein all members of the legislature will run at large, and each voter will therefore be required to vote for all 177 members of the legislature. These are illustrations of the trouble and confusion which have resulted from the Reynolds decision. They

constitute a sweeping aside, by the Federal courts, of the constitutional provisions of these States merely because the reapportionment was not satisfactory to the Court. It is a great exercise of implied powers, if it can be said to be based on any constitutional authority. Here we have two cases in which the people of these States are thrown into complete confusion as to how they shall select the membership of their legislative bodies.

The provisions we have been debating and voting on would have delayed the application of this principle, but the proposal we now have before us would bring in the constitutional powers of Congress, not to be quickly exercised, of course, but to meet the problem head on, and to furnish a solution to it.

I find, too, that a great many thinking and impartial people, even those who can accept the first decision in *Baker* against *Carr*, do not accept the second decision, this year, by any stretch of reasoning or imagination. The average American cannot accept as a sound constitutional principle the decision of the Court in *Reynolds* against *Sims* that the least numerous legislative body of the State legislature may not be apportioned by the authorities of the State in any way except on a one-man-one-vote basis. It is beyond the grasp of the average American and beyond his imagination and beyond his logic. One reason is that it is in direct contradiction to the theory of our Federal system which has been in use until this day, and in direct contradiction of the pattern that was in effect when the Constitution was adopted. It was in effect then. It was in effect when the 14th amendment was adopted. It is in effect today, or at least it was until it was disturbed without any authority by the Supreme Court in the *Baker* case.

Congress not only has the power, but also the duty and responsibility, to bring into this forest of confusion, this trouble area, order out of chaos, and, in the next place, has the responsibility to make a bold, clear-cut assertion of the legislative authority under our Constitution to clear up this matter.

I yield the floor.

Mr. DOUGLAS. Mr. President, I yield 3 minutes to the Senator from Michigan.

Mr. HART. Mr. President, it has been said before in the course of the debate, and I believe accurately, that few of us will be permitted service in this body over a period of years sufficient again to be confronted with a more basic question than the one that confronts us in this series of efforts to put our thumb in the eye of the Supreme Court.

Much of the debate has dwelt on the question of whether the apportionment of State legislatures on the formula of one-man-one-vote is good or bad.

The junior Senator from Michigan feels that this indeed is the correct application of the 14th amendment's guarantees of equal protection of the laws. I think, however, that more time should and well could be devoted to a consideration of what is even more basic than the argument as to whether it is desirable or is not desirable to assure that one man's vote in a State does not carry 10 times the weight of another man's vote, even

if that man is 10 times smarter. Of course that is not the basis on which he is given 10 times the vote.

Whatever one's attitude may be with respect to the effect of the *Reynolds* case decision, I suggest that we are confronted in the *Thurmond* amendment with a far more fundamental concern. It would be the first step on the road which would result, sooner or later, in the discovery that the written Constitution, with its guarantees of rights, is worth exactly the cost of the paper on which it is written. That is a lesson of history which our society should clearly understand.

Other nations have magnificent written constitutions. They read beautifully. The trouble is that life in those nations is not desired by free people. Why? It is because there is no independent judiciary available to enforce the guarantee of rights in that beautifully written Constitution.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOUGLAS. I yield 2 more minutes to the Senator from Michigan.

Mr. HART. What is proposed here is to say that the Court shall not be allowed to review this particular matter of State apportionment.

If that is done, it is possible to add 10 more constitutional rights and say that the courts shall not have an opportunity to review those rights, or, for that matter, to review anything, except within the jurisdiction which was given to the court as basic jurisdiction in the Constitution. We could say to the court: "You are not to pass upon apportionment," and then we could add 10 or more rights on which the court could not pass. Having enjoined the court thus far, we are in a position to deny it other jurisdiction also.

Do not Senators realize where we are going?

We have a written Constitution. A formula is provided for changing the Constitution. It is by way of constitutional amendment. We have three independent branches of government. The Congress is one of them. Any more than we would want the Supreme Court to tell us to stop legislating in the area of civil rights, or in any other area, we have no business telling the court, "Do not sit as judges in matters like civil rights or reapportionment."

Mr. METCALF. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. METCALF. Except that the Supreme Court is the weakest branch of government. It is a branch that has neither the sword nor the purse. The executive branch has the power of administration. We have the power of the purse.

So we should be careful, in order to preserve the separation of powers, that we adhere to a proper confidence in the dignity of our coordinate branches.

The PRESIDING OFFICER. The 2 minutes of the Senator from Michigan have expired.

Mr. HART. I hope that the vote on the *Thurmond-Tuck* amendment will be decisive and will reflect the deep conviction that although there may be times

when I or some other Member of the Senate may not like a decision of the Supreme Court, we are not the reviewing authority of the Supreme Court, and we are not supposed to put the Supreme Court out of business. The day we do that, history will mark as the day when this Republic began to disintegrate.

The PRESIDING OFFICER. Who yields time?

Mr. DOUGLAS. Mr. President, the Senator from South Carolina is not in the Chamber.

Mr. STENNIS. I am representing the Senator from South Carolina.

Mr. DOUGLAS. I shall be happy to yield back the remainder of my time if the Senator from Mississippi will yield back the remainder of his time.

Mr. STENNIS. Mr. President, on my time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. I yield 3 minutes to the Senator from Mississippi.

Mr. STENNIS. Mr. President, the Senator from South Carolina in his presentation of this amendment has already cited, as a part of his presentation, a part of article III of the Constitution to show the authority as well as the responsibility of Congress to pass on the question presented by the proposed amendment. I now read from article III, section 2, which I believe will complete the record on this question:

The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects.

That outlines the entire judicial power of the Federal courts.

The section relating to the original jurisdiction of the Supreme Court has already been quoted.

The PRESIDING OFFICER. The time of the Senator from Mississippi has expired.

Mr. THURMOND. I yield 3 more minutes to the Senator from Mississippi.

Mr. STENNIS. The second sentence of the third paragraph of article III provides:

In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

So this is a case in which Congress has the authority and responsibility to pass on the question of whether we shall

make this exception. Thus the argument of the junior Senator from Michigan [Mr. HART], with all deference to him, that Congress should not touch this subject, regardless of the subject matter, will not hold up in the face of the plain language of the Constitution of the United States.

If we adopt that formula, we can never go into any subject, grave, serious and far reaching as it might be. Thus, our constitutional authority is clear and positive. Our duty is clear and positive.

I am delighted to support the amendment of the Senator from South Carolina [Mr. THURMOND].

Mr. THURMOND. Mr. President, in closing the argument, there is no question about the Senate and the Congress having the constitutional authority to adopt this amendment. Under the Constitution, Congress has the clear power to restrict the appellate power of the Supreme Court. This amendment would restrict that power in apportionment cases. It is clear that the field of apportionment of State legislatures has never been delegated to the National Government. It is reserved to the States. Since the Supreme Court has seen fit to go into the field of apportionment and hand down its decision, as it has done on this question, this amendment would merely put the matter back as it was before the Supreme Court handed down its decision.

Our National Government is so constituted that Senators come from large and small areas. A small State such as Rhode Island, for instance, has two Senators, just as many Senators as the State of Texas, a big State, or the State of Alaska, the biggest State. To counterbalance this, the House of Representatives is based on population.

What is wrong with allowing the people of a State to say whether they wish to have the kind of system similar to the National Government, or whether they wish to have a unicameral system, or some other kind of system?

The people of each State, in my judgment, should have that power. If they did not have it already under the Constitution—which they clearly do—I would favor giving that power to the States of the Nation.

We must remember that in this country there are 51 governments. We do not have a United States composed of subdivisions. We have 50 sovereign States which have all the powers in the world except certain specific powers which the States have delegated to the National Government. They have not delegated the field of apportionment. Therefore, they have reserved it to themselves. But the Supreme Court has entered the field and has deprived the States of their authority in this field.

Thus, my amendment is intended to correct that decision of the Supreme Court.

As I stated, we have 50 States and we have a Central Government. There are functions for the States and there are functions for the Federal Government. The function of State legislative apportionment should be left to the States. That was the intention of the Founding Fathers. It was left with the States

throughout the 173 years of American history until the Supreme Court handed down its initial decision. It is strange that it took the Supreme Court of the United States down through history, all the years of the existence of our National Government, before it acted in this field. Previous Supreme Courts have not dared to enter this field because there was no jurisdiction for the Supreme Court to act in the field of apportionment. But the present Supreme Court has seen fit to do so.

My amendment is intended to correct that situation. It is intended to leave the field of jurisdiction with the States just as those who wrote the Constitution, our Founding Fathers, intended, in the first instance.

Mr. President, if the Senator from Illinois speaks, I may wish to reply to him.

Mr. DOUGLAS. I had not intended to speak on the proposal of the Senator from South Carolina.

The ACTING PRESIDENT pro tempore. The Senator from Illinois has 4 minutes remaining.

Mr. DOUGLAS. Mr. President, I had not intended to speak on the amendment of the Senator from South Carolina, but certain of his recent statements demand a reply.

The Senator from South Carolina is assuming that there have been no amendments to the Constitution after the 10th amendment, which provided that:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

We are all aware, or should be aware, that there is a 14th amendment. The 14th amendment provides, in section 1:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

That is as much a part of the Constitution as any other feature—indeed, it supersedes other features.

As the Supreme Court has properly asked, how can we have equal protection of the laws if we have grossly unequal representation in the legislatures which make the laws. I believe that the Supreme Court was completely correct in its decisions, both in the Tennessee case and in the Alabama case, because if we have grossly unequal representation in one house, that can be a power of veto over the State's laws.

The Tuck amendment would close off both the Supreme Court and the courts of lower Federal jurisdiction from considering any reapportionment cases, and would perpetuate the existing, unequal, unjust situation which the State legislatures have refused to correct.

Mr. ROBERTSON. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. Not on my time, but the Senator may do so on the time of the Senator from South Carolina.

Mr. ROBERTSON. I need only 30 seconds.

Mr. THURMOND. Mr. President, I am happy to yield to the Senator from Virginia, and ask unanimous consent that the Senator may proceed for 30 seconds.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized for 30 seconds.

Mr. ROBERTSON. Does the Tuck amendment apply to the house or to the senate of the State?

Mr. DOUGLAS. What is before us is the proposal of the Senator from South Carolina.

Mr. ROBERTSON. Does the amendment apply only to the senate? I do not know whether the amendment applies to both house or senate of a State.

Mr. CLARK. It does not apply to either. It strips the Court of all jurisdiction. It has nothing to do with either senate or house.

Mr. DOUGLAS. The Senator from Pennsylvania is correct. If we can deny—

Mr. THURMOND. Mr. President, I wish it understood that I am not yielding any more time while the Senator from Illinois continues.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOUGLAS. If we can deny jurisdiction to the Supreme Court, or to the district or circuit courts, on any matter dealing with reapportionment, then we can deny jurisdiction on any other matter—such as the right to vote, and the other feature of equal protection of the laws. Thus, I hope that the amendment will be soundly beaten.

I wish that we might have been able to discuss this amendment for a longer period of time. In a moment of good fellowship, I agreed to a limitation of debate. I now regret that I did so, but it was done in a desire to oblige.

Mr. PASTORE. Mr. President, will the Senator from Illinois yield for a question?

Mr. DOUGLAS. I am glad to yield to the Senator from Rhode Island.

Mr. PASTORE. How can we legislate to deprive the Supreme Court of authority which it has under the Constitution?

Mr. DOUGLAS. I cannot understand it.

Mr. PASTORE. This amendment is absolutely unconstitutional.

Mr. DOUGLAS. If the amendment should be adopted, it would require 3 or 4 years for the Court to pronounce it unconstitutional; in the meantime it would have done vast damage.

Mr. PASTORE. Apart from that, I do not believe that any Member of the Senate should vote for any amendment which is patently unconstitutional.

Mr. DOUGLAS. Mr. President, so far as I am concerned, I am ready to yield back the remainder of my time.

Mr. THURMOND. Mr. President, it has been suggested that my amendment is unconstitutional. That is not true. As I stated in my original statement, article III, section 2 of the Constitution provides:

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme

Court shall have original Jurisdiction. In all the other Cases—

I repeat—
in all the other Cases—

That includes reapportionment—
before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

It is absolutely clear that Congress has the power to remove jurisdiction in the field of apportionment from the Supreme Court if it wishes to do so. I am amazed that some Senators should wish to deprive the people of their own States—the people of Illinois, the people of Rhode Island, the people of Wisconsin, or of any other State—of the right to decide on the type of legislation they want. They want to let the Supreme Court decide it.

I am willing to trust the people. I am willing to trust the people of South Carolina. If they want a unicameral legislation, they ought to have the right to have it. If they want some other kind of general assembly, they ought to have the right to have it.

I do not believe that the Supreme Court of the United States ought to dictate to any State the type of legislative body it should have. I do not believe the Supreme Court should say to the States: "You are compelled to have this type of legislative body, although you desire another type of legislative body."

This amendment would merely give the decision to the people of the States, and let each State have the type of legislature it desires.

There is no question as to the constitutionality of this amendment. I hope the Senate will see fit to adopt it. That would remove the jurisdiction in apportionment cases from the Supreme Court, as those who wrote the Constitution intended it in the first instance.

Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. All time has been yielded back. The question is on agreeing to the amendment of the Senator from South Carolina.

The yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WALTERS (when his name was called). Mr. President, on this vote I have a pair with the Senator from Missouri [Mr. SYMINGTON]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Idaho [Mr. CHURCH], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from Utah [Mr. MOSS], and the Senator from Missouri [Mr. LONG] are absent on official business.

I also announce that the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Alabama [Mr. HILL] are absent because of illness.

I further announce that the Senator from Washington [Mr. JACKSON], the

Senator from Wyoming [Mr. MCGEE], and the Senator from Missouri [Mr. SYMINGTON] are necessarily absent.

I further announce that, if present and voting, the Senator from Idaho [Mr. CHURCH], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from Washington [Mr. JACKSON], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Missouri [Mr. LONG] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Kansas [Mr. CARLSON], the Senator from New Hampshire [Mr. COTTON], the Senator from Arizona [Mr. GOLDWATER], the Senator from Idaho [Mr. JORDAN], the Senator from Iowa [Mr. MILLER], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from Texas [Mr. TOWER] are necessarily absent.

Also, the Senator from Utah [Mr. BENNETT], the Senators from Nebraska [Mr. CURTIS and Mr. HRUSKA], and the Senator from Delaware [Mr. WILLIAMS] are necessarily absent.

On this vote, the Senator from Utah [Mr. BENNETT] is paired with the Senator from Idaho [Mr. JORDAN]. If present and voting, the Senator from Utah would vote "yea" and the Senator from Idaho would vote "nay."

On this vote, the Senator from New Hampshire [Mr. COTTON] is paired with the Senator from Nebraska [Mr. HRUSKA]. If present and voting, the Senator from New Hampshire would vote "yea" and the Senator from Nebraska would vote "nay."

On this vote, the Senator from Nebraska [Mr. CURTIS] is paired with the Senator from Pennsylvania [Mr. SCOTT]. If present and voting, the Senator from Nebraska would vote "yea" and the Senator from Pennsylvania would vote "nay."

On this vote, the Senator from Texas [Mr. TOWER] is paired with the Senator from Delaware [Mr. WILLIAMS]. If present and voting, the Senator from Texas would vote "yea" and the Senator from Delaware would vote "nay."

If present and voting, the Senator from Kansas [Mr. CARLSON], the Senator from Iowa [Mr. MILLER], and the Senator from Massachusetts [Mr. SALTONSTALL] would each vote "nay."

The result was announced—yeas 21, nays 56, as follows:

[No. 574 Leg.]

YEAS—21

Byrd, Va.	Johnston	Simpson
Byrd, W. Va.	Jordan, N.C.	Smathers
Eastland	Long, La.	Smith
Ellender	McClellan	Sparkman
Ervin	Mundt	Stennis
Hickenlooper	Robertson	Talmadge
Holland	Russell	Thurmond

NAYS—56

Aiken	Clark	Humphrey
Allott	Cooper	Inouye
Anderson	Dirksen	Javits
Bartlett	Dodd	Keating
Bayh	Dominick	Kuchel
Beall	Douglas	Lausche
Bible	Edmondson	Magnuson
Boggs	Fong	Mansfield
Brewster	Fulbright	McCarthy
Burdick	Gore	McGovern
Cannon	Hart	McIntyre
Case	Hayden	McNamara

Mechem
Metcalf
Monroney
Morse
Morton
Muskie
Nelson

Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph

Ribicoff
Salinger
Williams, N.J.
Yarborough
Young, N. Dak.
Young, Ohio

NOT VOTING—23

Bennett
Carlson
Church
Cotton
Curtis
Goldwater
Gruening
Hartke

Hill
Hruska
Jackson
Jordan, Idaho
Kennedy
Long, Mo.
McGee
Miller
Moss
Saltonstall
Scott
Symington
Tower
Walters
Williams, Del.

So Mr. THURMOND's amendment, in the nature of a substitute for the Dirksen-Mansfield amendment, was rejected.

Mr. McNAMARA obtained the floor.

HEALTH CARE FOR THE ELDERLY UNDER SOCIAL SECURITY

During the delivery of Mr. McNAMARA's speech,

Mr. CLARK. Mr. President, I desire to propound several parliamentary inquiries to the Chair with respect to the appointment of Senate conferees on the social security bill. In order that the Chair may understand the inquiries, I ask the Chair to turn to page 22 of the calendar of business for Tuesday, September 15, on which are listed the Senate conferees appointed on September 3. I call the attention of the Chair to the generally recognized rule that a majority of the conferees representing the Senate on any legislative controversy must have supported the position of the Senate on questions in disagreement with the House of Representatives. I suggest to the Chair—and if the Chair is in disagreement with me, I have no doubt that he will so advise me—that the principal matter in disagreement between the House and the Senate in relation to the social security bill was the Gore amendment, which established health care for the elderly under social security.

Then I call attention to the voting record of Senators listed as conferees. I note that Senator BYRD of Virginia voted against the Gore amendment. Senator LONG of Louisiana voted against the Gore amendment. Senator SMATHERS of Florida voted against the Gore amendment. Senator WILLIAMS of Delaware voted against the Gore amendment. Senator CARLSON of Kansas voted against the Gore amendment.

Of the seven Senators listed as conferees, only two—Senators ANDERSON and GORE—voted for the Gore amendment, which is the principal matter in disagreement between the House and the Senate.

My first parliamentary inquiry, with respect to which I would ask the Presiding Officer to turn to page 172 of "Senate Procedure," authored by our Parliamentarians Messrs. Watkins and Riddick, is to ask whether it is not the precedent in the Senate that conferees are designated by the friends of the measure who are in sympathy with the prevailing view of the Senate, and with consideration for the usual party ratio.

The ACTING PRESIDENT pro tempore. The Senator is reading from page 172 of the manual entitled "Senate procedure," which states that conferees are

look. If that impasse comes, I hope that we will tell the House conferees that they also have some things in the bill that we want to consider carefully, and that we may resist them as vigorously as they will resist the Gore amendment.

I know that the Senator from Louisiana is always extremely careful with amendments of the Senate. I am confident that when the conference is over, the Senator from Pennsylvania will be well pleased with the leadership that will have been given by the Senator from Louisiana.

The Senator from Louisiana made an excellent suggestion that there be on the conference committee two Members of the Senate not qualified to be on it. The amendment originally was the King-Anderson bill. The Senator from Tennessee [Mr. GORE] again proposed it this year. The Senator from Louisiana, as the Senator in charge of the bill, was extremely careful to make certain that representation was given it. I therefore desire to say that I am certain the Senator from Louisiana will be equally fair when we go to conference. The conference will begin tomorrow and will last all day Wednesday and Thursday. We hope that it will result in bringing out a bill that will be favorable to the Senate.

Mr. CLARK. Mr. President, I have one further comment. In order that the RECORD may be complete, I should like to place a few other facts in the RECORD with respect to the conferees.

The Senator from Virginia [Mr. BYRD] voted against the Gore amendment and did not vote for the bill on final passage. The Senator from Louisiana [Mr. LONG], who voted against the Gore amendment, voted for the bill on passage.

The Senator from Florida [Mr. SMATHERS], who voted against the Gore amendment, nevertheless voted for the bill on final passage.

The Senator from New Mexico [Mr. ANDERSON] voted both for the Gore amendment and for the bill on passage, as did the Senator from Tennessee [Mr. GORE].

Both the Senator from Delaware [Mr. WILLIAMS] and the Senator from Kansas [Mr. CARLSON] voted against the Gore amendment and against the bill on passage.

I hope, as a result of the colloquy, which I think has been conducted in good humor by all concerned, that some of the conferees will give rather serious thought as to whether they wish to place themselves in the position of going into a conference with the House, whose conferees, I am informed, are 4 to 1 against the Gore amendment, and who believe that they do not want to be placed in the position of supporting the Gore amendment, which they do not favor, in view of the attitude of the Senate conferees.

I thank the Senator from Michigan for his courtesy in yielding, and I thank all other Senators for their courtesy.

Mr. LONG of Louisiana. Mr. President, will the Senator from Michigan yield?

Mr. McNAMARA. I yield to the Senator from Louisiana under the same con-

ditions as I yielded to the Senator from Pennsylvania.

Mr. LONG of Louisiana. As one member of the conference, this is not the first time I find myself in a position of trying to have a Gore amendment agreed to in conference. I sought such agreement on a Gore amendment which I had opposed on the floor of the Senate earlier in the session.

The Senator from Louisiana was in charge of the Revenue Act of 1964. Only one amendment was voted into it which I undertook to defeat on the floor of the Senate, and it was a Gore amendment that was designed to tax people overseas. I do not believe any member of the conference voted for the Gore amendment when it was before the Senate; but we brought about half of it back from conference, although the House did not want to take any of it. I am frank to say that one reason why we brought half of it back was that the Senator from New Mexico [Mr. ANDERSON] and the Senator from Louisiana fought for it in conference. We thought it was our duty. That is my attitude toward the conference to be held sometime this week.

Mr. GORE. Mr. President, will the Senator from Michigan yield?

Mr. McNAMARA. I yield to the Senator from Tennessee under the same conditions as I yielded previously to the Senator from Pennsylvania and the Senator from Louisiana.

Mr. GORE. I should like to corroborate the statement made by the distinguished junior Senator from Louisiana, and also to recall that there was an amendment with respect to the interest-equalization bill which he brought back from conference partly as a result of his work and also the work of other Senate conferees who had voted against the amendment in committee. However, the Senator from Louisiana was in charge of the bill, and he brought back the amendment virtually intact.

So the Senate has made great progress, largely, I think, under the leadership of the junior Senator from Louisiana, in having the conferees recognize their responsibility to represent not their individual views, but the views of the Senate, whose agents they are when they go to conference. I compliment the Senator from Louisiana.

Mr. MORTON. Mr. President, will the Senator from Michigan yield?

Mr. McNAMARA. Mr. President, I yield to the Senator from Kentucky under the same conditions as I have previously yielded to other Senators.

Mr. MORTON. As a member of the Committee on Finance who has seen this practice work as the Senator from Tennessee has pointed out, when conferees have accomplished something that they were individually opposed to, I respectfully suggest to the Senator from Pennsylvania that the time for this debate was when the Senate appointed the conferees, and not now, when the great statesman from Michigan is about to give us his wonderful words of wisdom.

Mr. McNAMARA. Mr. President, I am certainly glad I yielded to the Senator from Kentucky.

Mr. MANSFIELD. Mr. President, will the Senator from Michigan yield 5 minutes to me, without losing his right to the floor?

Mr. McNAMARA. Mr. President, I am happy to yield to the distinguished majority leader upon the same conditions under which I yielded previously to other Senators.

SECRET SERVICE PROTECTION FOR ALL PRESIDENTIAL AND VICE PRESIDENTIAL CANDIDATES OF THE MAJOR PARTIES

Mr. MANSFIELD. Mr. President, public life involves personal risks of considerable magnitude for the safety of those who occupy the highest offices in the land and, indeed, for the candidates to those offices in an election year. As the Senate knows, Secret Service protection is provided for an incumbent President and Vice President on a 24-hour basis, wherever they may be, wherever they may go.

Similar protection is not provided to candidates for these offices although, it is my understanding, that it is provided to the President- and Vice-President-elect.

Mr. President, it would seem to me desirable that we face the facts of political life as it is today. All the presidential and vice-presidential candidates of the major parties are required by its exigencies to appear personally in many parts of the land. And as the Senate well knows from recent events, the Nation has its share of hate, fear, ignorance, arrogance, and other reservoirs of incipient violence. All of the candidates for high office who are, of course, in the constant focus of public attention during a political campaign are natural targets for this latent hostility.

As we know, to our everlasting sorrow from the events of last November, no form of police protection, however effective, can protect absolutely. But it can do much to discourage and deter all but the seriously psychopathic from giving vent to violent impulse. It can help to prevent tragedies which might otherwise occur.

At the present time, all of the candidates, except the Democratic nominee for the Presidency, depend on local police efforts for their personal safety. Local forces, no matter how able and adequate, are rarely skilled in the specialized problem of safeguarding national figures who may be under their protection for a brief period during a political campaign. Yet the injury or the loss of one of those figures would be a calamity of national dimensions.

In the circumstances, Mr. President, I think it is appropriate, wise, and desirable that the protection of the U.S. Secret Service, which is especially trained and skilled in this type of police work, be given responsibilities for protecting all of the principal candidates for the office of President and Vice President.

A number of Senators have given consideration to this problem, including the distinguished Senator from Wyoming [Mr. SIMPSON], the Senator from Nebraska [Mr. CURTIS], the Senator from

Colorado [Mr. DOMINICK], and the Senator from New Mexico [Mr. MECHEM]. I take the liberty at this time of introducing as a new bill, their bill with slight modification, on behalf of the distinguished minority leader and myself, and ask that it be appropriately referred.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3191) to authorize the U.S. Secret Service to protect the persons of the nominees of the major political parties for President and Vice President of the United States, introduced by Mr. MANSFIELD (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. MANSFIELD. Mr. President, let me say—

Mr. DOMINICK. If the Senator will yield a moment, I should like to be added as a cosponsor of the bill.

Mr. MANSFIELD. I am delighted.

Mr. President, the minority leader and I have had a conference with the chairman of the Committee on the Judiciary, the Senator from Mississippi [Mr. EASTLAND], and he has informed us that there will be a meeting of his committee on Friday and that at that time the matter will be considered.

I thank the Senator from Michigan [Mr. McNAMARA] very much for his courtesy in yielding to me.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. McNAMARA. Mr. President, in an earlier speech opposing the various efforts in Congress to nullify the Supreme Court decision on legislative apportionment, I devoted a considerable portion of my remarks to the situation in Michigan.

I cited numerous examples of how a rural-dominated, minority-controlled Michigan State Senate consistently, over the years, vetoed progressive legislation both needed and wanted by a majority of the people of the State.

Further, I pointed out how this tyrannical minority usurped the appointive powers of the Governor and indulged in the most outrageous gerrymandering of legislative and congressional districts for partisan advantage.

Today, I intend to deal with this issue of equal representation in a more general sense and discuss some of its national implications.

In my view, this is perhaps the most vital issue to come before the Congress in this century. Certainly, it is the most important matter to come before the Senate during the 10 years I have served in this body.

Why do I say that?

Because for this first time in the history of this Republic, the United States stands on the threshold of achieving a truly democratic and fairly representative government at the State level.

This is due entirely, in my mind, to the historic apportionment decision of

the Supreme Court, first, in Baker against Carr, and second, in Reynolds against Sims.

There is no question in my mind—and there seems to be substantial agreement on all sides—that fair apportionment of our State legislatures and in our congressional districts would still be a remote probability in the distant future were it not for the one-man, one-vote principle established by the Supreme Court.

In my previous remarks I cited the Michigan experience as an example of the impossibility of obtaining equal representation through the legislative route. And the experiences of many other States confirm this.

Many years ago—back in the 1920's—H. L. Mencken, who was an implacable foe of what he described as “barnyard government,” asserted that the stranglehold maintained on most State legislatures by rural minorities was “not only unjust and undemocratic; it is absurd,” and predicted that it “couldn't last.”

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. McNAMARA. Mr. President, I yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, it is my understanding that there are other Senators who wish to speak on other matters. The Senator from Michigan [Mr. McNAMARA] has been, as always, kind and gracious in yielding to other Senators, after he had been given his rights and privileges of the floor.

Therefore, Mr. President, I ask unanimous consent that when the Senate adjourns tonight, it adjourn to meet at 11 o'clock a.m. tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of morning business tomorrow the Senator from Michigan [Mr. McNAMARA] be recognized for the purpose of completing the address which he began this evening.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McNAMARA. Mr. President, with that understanding, I yield the floor.

DUMPING CZECHOSLOVAKIAN SHOES IN THE U.S. MARKET

Mr. MUSKIE. Mr. President, will the Senator from Michigan yield?

Mr. McNAMARA. Mr. President, I am glad to yield to the Senator from Maine, under the same circumstances as before.

The ACTING PRESIDENT pro tempore. With the same understanding, the Senator from Maine is recognized.

Mr. MUSKIE. Mr. President, on a number of occasions recently, I have brought to the attention of the Senate the rapidly worsening conditions in our Nation's shoe industry brought about by the increasing levels of imports. I present today some new and rather startling information about the latest threat to

the industry which has me greatly concerned.

The simple fact of the matter is that the industry is once again taking a beating from foreign footwear suppliers and their governments who show little concern for the disruption and damage they cause the American shoe industry.

The most recent aggravation is the dumping of Czechoslovakian shoes in the American market, a matter which concerns me not only for its immediate impact but also for its long-run significance. I fear, unless we take proper remedial steps, that what Czechoslovakia can do with impunity today can be done tomorrow, equally without fear, by other countries, and what happens today in shoes can happen tomorrow in other vitally important industries.

The present situation is not a matter only of local interest. The shoe manufacturing industry consists of mostly small- to medium-sized companies operating some 1,300 factories situated in 39 different States. Taken as a whole, the business of shoemaking provides nearly a third of a million jobs for American men and women, and contributes over a billion dollars to the country's total annual payroll. These facts, and the additional consideration that the shoe industry has sales of some \$4½ billion annually, clearly make what happens to the industry a matter of vital national concern.

This industry and its workers now face a potentially catastrophic future, and the direct cause is the importation of shoes.

Let me cite some figures. In the past 9 years, footwear imports have increased well over 1,000 percent, and in 1963 accounted for 13 percent of domestic production. In this same period, 1955 to 1963, unemployment has been edging higher, and the loss of job opportunities now exceeds 35,000 annually.

Projection of these trends indicates an even more serious condition. It is estimated that by 1965 a total of 125 million foreign shoes will enter the United States, equal to 20 percent of anticipated U.S. production. It appears on the basis of current data that approximately 50,000 job opportunities will be lost annually to foreign imports.

As I have frequently explained, and has been explained in detail by the industry in numerous briefs and statements filed with various Government agencies, there is one and only one cause for the increasing penetration: wage rates and employment costs in foreign countries are substantially lower than such rates and costs in the United States. Each of these figures means something in human terms, and the unemployment statistics in particular are simply a cold, if precise, way of stating that there are an increasing number of human beings who are suffering.

What most people do not realize is that in many towns throughout the country the shoe industry is the principal and often the only source of income and employment. Because of imports, many such plants find it necessary to curtail or cease operations. While it may be possible for the company to move its opera-

Digest of CONGRESSIONAL PROCEEDINGS

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CONTENTS

Alaska.....	14	Foreign aid.....	1	Pesticides.....	19
Appalachia.....	10	Housing.....	2	Poverty.....	10
Appropriations.....	13,22	Lands.....	11	Public Law 480.....	4
Congressional action.....	17	Legislative program.....	13	Retirement.....	20
Education.....	8,21	Loans.....	2	Watersheds.....	2
Electrification.....	6,12	Minerals.....	5	Wheat program.....	9
Farm program.....	3	Pay.....	7		
Farms.....	16	Personnel.....	7,15,18,20		

HIGHLIGHTS: Sen. Humphrey urged expansion of rural housing loan program and watershed program. Sen. McGovern criticized Sen. Goldwater's farm policy statements and defended administration policies. Sen. McGovern urged continuation of food for peace aid to Yugoslavia and Poland. Rep. Findley criticized wheat program.

SENATE

1. **FOREIGN AID.** Continued debate on reapportionment amendments to H. R. 11380, the foreign aid authorization bill. pp. 21548, 21553-65, 21574-5, 21576-94
2. **HOUSING LOANS; WATERSHEDS.** Sen. Humphrey commended and urged expansion of the rural housing loan program and the watershed program and inserted articles commending the programs. pp. 21547-8
3. **FARM PROGRAM.** Sen. McGovern criticized farm policy statements of Sen. Goldwater, reviewed accomplishments of the administration's farm program, and cited several studies on possible results if certain farm programs should be discontinued. pp. 21559-64

4. PUBLIC LAW 480. Sen. McGovern defended trade with Yugoslavia and Poland under the Public Law 480 program and urged that a House amendment to the bill extending the program which would prohibit further trade with these countries be eliminated in conference. pp. 21565-7
5. MINERALS. Sen. Dominick urged increased exploration and production of silver to meet the increasing demand for the metal. pp. 21594-8
6. ELECTRIFICATION. Received from the Administrator of REA a report on the approval of a loan to the Louisiana Electric Cooperative, Inc., of New Roads, La., in the amount of \$56,521,000, for the financing of certain generation and transmission facilities. p. 21532
7. PERSONNEL; PAY. Received from the Joint Committee on Reduction of Nonessential Federal Expenditures a report on Federal employment and pay for July 1964. pp. 21533-7

HOUSE

8. EDUCATION. Conferees were appointed on S. 3060, to amend and extend the National Defense Education Act and laws providing aid to schools in federally impacted areas. Senate conferees have already been appointed. p. 21523
9. WHEAT PROGRAM. Rep. Findley criticized the wheat certificate plan, which he claimed "is robbing most American farmers of at least 11 cents on each bushel of wheat they market." pp. 21523-4
10. POVERTY; APPALACHIA. Rep. Utt denounced passage of the poverty bill and the proposed Appalachia program. pp. 21525-6
11. LANDS. The Rules Committee reported a resolution for consideration of H. R. 1096, to authorize the Secretary of the Interior to cooperate with Wisc. in the designation and administration of the Ice Age National Scientific Reserve. p. 21531
12. ELECTRIFICATION. Received a Newberry, S.C., petition requesting that a permit be issued to Duke Power Co. to construct a stream generating plant at Middleton Shoals, S.C. p. 21531
13. LEGISLATIVE PROGRAM. Rep. Albert announced that Mon. is Consent Calendar day, on Tues. the 1965 supplemental appropriations bill will be considered, and on Wed. and the balance of the week H. R. 1096, authorizing the designation and administration of the Ice Age National Scientific Reserve in Wisc., will be considered. pp. 21524-5

ITEMS IN APPENDIX

14. ALASKA. Extension of remarks of Rep. Rivers, Alaska, giving an "outline of the accomplishments thus far attained in Alaska in overcoming the great earthquake disaster of last March." pp. A4709-11
15. PERSONNEL. Extension of remarks of Sen. Yarborough inserting his speech, "The Welfare of the Federal Worker," and objecting to an article commenting on the speech as a "complete distortion." pp. A4712-3

River, and offshore from Galveston and Corpus Christi.

The DRE believes that this Soviet expedition is another in a chain of events relating to the Soviet military buildup in Cuba. So-called fishing boats which have been operating in the Gulf of Mexico and the Bahamas are equipped with the latest electronic devices in espionage. They also have been used to observe maritime traffic, and have been employed, under the command of the Cuban Navy, in military exercises.

Information submitted to the Citizens Committee for a Free Cuba, by reliable underground sources in Cuba relate all of these activities to the development of a submarine potential in Cuba. According to these reports, the expedition will study western currents and temperatures which will permit submarines to lie undetected by sonar and other devices. It is for this reason that areological and meteorological studies have been made over the past year. Marine traffic is related to these studies.

Information from the same reliable underground sources confirm that submarine pens are being constructed in Cayo Fragoso, located offshore on the north coast of Las Villas Province. According to this intelligence, a system of underground and underwater pens have been under construction for some time, and will be completed in the near future. It is the judgment of this report that they will be used by Soviet submarines.

In May of this year, a Soviet submarine was seen at dawn from a short distance. The craft was towing a huge projectile-like object by cable. After a half hour of these maneuvers, the object was drawn into the submarine. The submarine was estimated to be 90 meters long.

Other reports state that in addition to Cayo Fragoso, construction is underway to establish permanent bases for submarines in other areas of Cuba. The area is at Punta Mulas, near Nipe Bay in the easternmost Province of Oriente. The construction is sufficiently far advanced, say these sources, that three Soviet submarines are expected shortly and will be permanently based there.

RURAL HOUSING PROGRAM

Mr. HUMPHREY. Mr. President, our Nation needs to move at a faster pace in wiping out the slums that exist in rural America. We take pride in the fact that in the past 4 years we have revitalized and greatly expanded the rural housing program of the Farmers Home Administration. But we must redouble our efforts.

Since 1961 the Farmers Home Administration has loaned \$450 million to rural people so they might have modern homes in which to live. But we should be extending that much credit every year.

More than a million rural families still live in homes that are a menace to their health and safety.

During the fifties, when we should have been attacking this problem with all our force, the activities of the Farmers Home Administration were throttled. In fact, for a time, the rural housing program was discontinued.

Now we have to make up for lost time.

Recently the Congress authorized \$150 million to continue the housing program of the Farmers Home Administration for another year.

Before 12 months pass we must enact legislation that will really move us toward the goal of a decent home for every rural American. Perhaps this can be

done by expanding the current insured loan program of the Farmers Home Administration, a program that utilizes funds obtained from private investors to help family farmers improve their farms and help rural communities develop water systems. I introduced a bill last year for this purpose and am hopeful it will receive Senate consideration prior to adjournment.

The agency is experienced, the need is obvious, the method is well tested—losses are only one-hundredths of 1 percent of the funds advanced. All that is needed is an adequate system of providing the needed funds.

An excellent article by Leland DuVall in the Arkansas Gazette calls rural housing "the forgotten orphan in the private-public program that has enabled the United States to become the best housed Nation in the world." In suggesting steps that can be taken to modernize all rural homes, Mr. DuVall tells of the need for improving the housing of farm laborers as well as other rural families. We have every reason to believe that the recently enacted Omnibus Housing Act of 1964, with its provisions for Federal financial assistance to rural groups that want to build better homes for farm laborers, will do much to help eliminate the shacks that too often pass for housing in areas where migrant laborers harvest the crops. The new legislation will enable the Farmers Home Administration to contribute up to two-thirds of the cost of farm labor housing.

BROADENING THE SMALL WATERSHED PROGRAM

Mr. DuVall, in the September 6 edition of the Arkansas Gazette, also discussed another important subject—a proposal made by Representative WILBUR MILLS, of Arkansas, for broadening the small watershed program.

Mr. President, I have been a longtime advocate of the watershed approach to soil and water conservation in America. It provides for a combined effort of local, State, and Federal organizations and agencies to team up for community improvement. The key to the success of the small watershed program has been the fact that individual projects are started at the local level and are carried out under local leadership.

During the past 10 years the Congress has broadened and made Public Law 566 more useful at least four times. I call to the attention of fellow Senators this proposal for further broadening the legislative authority for the small watershed program.

Mr. President, I ask unanimous consent to insert at this point in the RECORD Mr. DuVall's article on rural housing and his column on the small watershed program.

There being no objection, the article and column were ordered to be printed in the RECORD, as follows:

FORGOTTEN ORPHAN: RURAL HOUSING

(By Leland DuVall)

Rural housing remains the forgotten orphan in the private-public program that has enabled the United States to become the best-housed Nation in the world. Here, as in other areas, we often are so pleased with our accomplishments that we overlook the unfinished part of the job.

We can claim, for example, that the ratio of bathrooms to people is at a record level. A closer look reveals that the distribution pattern leaves part of the problem unsolved. Some families own bathrooms on a 1-to-1 ratio with an extra or two for guests; others have none at all.

People who raise the subject of distribution sometimes are accused of proposing that we should take the un-American approach and—figuratively speaking—pull out the extra plumbing so that it can be installed where there is a greater need. They seem to overlook the fact that the American industrial system is quite capable of turning out a sufficient number of tubs and pipes to fill all needs. The prosperity of the whole country depends on the production of goods and services and the wheels of the factories turn only when there is a demand.

Obviously, there still is a strong demand for improved housing in urban areas but the problems here can be solved. Funds are available for loans to qualified buyers and builders and the new housing law eases the path of the borrower and lender. In the more extreme cases, urban renewal may help solve the problem.

THE RURAL DEMAND

In the rural areas, the situation is different. Conventional lenders are none too anxious to pick up mortgages outside the towns and cities and the Federal Housing Administration cannot offer loan insurance that would strengthen the paper. The result of this concentration of home promotion in cities, has left the greatest existing backlog of demand for homes in the rural part of the country.

The nature of the problem varies with location and with the business of the man who would like to have a new house. Consequently, no single solution would be adequate.

SOME OF THE SOURCES

Starting at the bottom of the list (with the people who are least able to obtain loans), here are some of the sources:

The Farmers Home Administration makes direct loans to farmers for home construction—provided the potential borrower can show that he will be able to repay and can demonstrate that the money is not available from conventional sources. H. H. Hankins, State administrator of the agency, said the demand here was strong and the Government does not provide adequate funds. The new housing law gives the Farmers Home Administration an additional \$150 million for direct loans but Hankins said his agency had enough approved applications in its files to take the State's share of the money.

Congress has considered—and, so far, has not approved—a plan to extend Federal Housing Administration loan insurance to rural areas. Such a law would enable private lenders to make loans on rural houses. By reducing the risk, the insurance would trim the interest rate and open up the market.

Over in east Arkansas, where the problem is a little different, Davis Fitzhugh, of Augusta, has come up with a suggestion that could help solve the problem of adequate housing for tenants and hired farmworkers. In a letter to R. Sargent Shriver, Director of the War on Poverty, Fitzhugh said thousands of Arkansas farmowners (and he included himself) needed to build new houses for their tenants or farm employees.

HIGHER CALIBER WORKER

"The numbers of these employees are fewer now," he said, "but they are of much higher caliber than the old-time share-cropper. These men have to be good, competent workers if they are to be placed in charge of a \$15,000 combine or a \$20,000 picker."

Fitzhugh explained that the farmworkers demanded (and were entitled to have) modern homes with good bathrooms, insula-

tion, adequate heating facilities and a cooling system.

"The landowner who sits down with his employee to discuss building a modern house often backs away when he realizes the size of the investment and the discouragingly slow rate of depreciation," Fitzhugh wrote.

He suggested that part of the problem might be solved by giving the landowner an opportunity to depreciate the building in a relatively short time. The fast writeoff has been used repeatedly to stimulate capital investment in industry and Fitzhugh thinks the same approach could be used in agriculture. He said the accelerated depreciation should be allowed only if the house was used for employees or tenants and the rate should not be permitted for structures built for the farmer's immediate family.

SAYS PLANS NEEDED

The other suggestion called for the Government, through some of its appropriate agencies, to offer plans and specifications for adequate housing of this type. He mentioned concrete masonry (blocks) as a possible building material that might meet the needs of landowners and tenants but he noted that few farmers knew how to use this building method effectively.

Fitzhugh and many other farmers know that the shotgun house no longer is acceptable shelter. The reasons are economic as well as humanitarian and the solution must be found.

FARMER AND HIS HOME

While the industry-tested trick of the fast writeoff, coupled with good planning and engineering, may help solve the housing problem of the east Arkansas tenant or farmworker, it will do nothing for the man who operates his own farm and is unable to find a lender who will finance his new house. Neither will it help the man who has a job in town (because his little farm no longer will produce a living) but lives in the country.

Here, then, are three tools that could help provide rural housing: Fitzhugh's faster writeoff, the extension of FHA authority so that loans on rural property can qualify for insurance, and an adequate supply of funds for direct loans by the Farmers Home Administration.

The Nation has the raw materials and potential borrowers have demonstrated ability and willingness to repay the loans. The whole economy would benefit from a fuller use of our resources.

PROPOSALS BY MILLS SEEK TO BROADEN WATERSHED PROGRAM

(By Leland DuVall)

The tendency to waste natural resources—minerals, soil, water and timber are examples—is inherent in a free economic system where supplies seem to exceed all possible demand. The United States went through this evolutionary phase in the early years of its history but the 20th century brought a realization that the Nation, with all of its assets, could not continue to destroy its inherent bounty and still feed the growing population.

The first Roosevelt was an evangelist of conservation but the situation had to grow worse before the country would accept the kind of reforms that would change the direction. By the time Franklin D. Roosevelt became President, the myth of superabundance had disappeared and virtually everyone who had studied the inventory of natural resources knew that the stocks had been depleted to a dangerous level.

Conservation, once regarded as a violation of the free enterprise system, became a word that could be used in the best circles. The petroleum industry, stimulated by the threat that the Federal Government might insist that it halt the waste that resulted from

uncontrolled pumping, put together its Interstate Oil Compact Commission. In the name of conservation, the Commission worked out a program under which companies in the major producing States pumped only the amount of petroleum that would find a market. Lumber companies formerly solved their supply problem by moving their mills when the timber was cut out. When they saw the other side of the woods they realized that future supplies could be obtained only by growing the trees they would need. Forest conservation became an important phase of the business—with the Federal Government providing major assistance.

Despite the fact that no shortages of agricultural commodities actually developed, soil and water conservation programs were established as part of a plan to assure a continuing supply of food and fiber. The work moved slowly at first because farmers had acquired a well-established habit of land waste. In the early years of the Nation, a man could homestead and clear a new farm at less expense than would be required to save the old land.

The small watershed program, as authorized by Public Law 566, has become one of the more popular approaches to soil and water conservation. It provides for complete conservation on a stipulated area (watershed) through the combined efforts of local, State, and Federal organizations and agencies. In a report on the status of watershed applications in Arkansas, the Soil Conservation Service has released this scorecard: Applications have been received for 89 projects; 35 of them have been authorized for planning; 22 have been authorized for operations, and construction has been completed on 5.

Perhaps the key to the success of the small watershed program has been the fact that individual projects are started at the local level. Appropriate State agencies and the Soil Conservation Service provide their assistance on invitation.

Here, as in other developing programs, the needs change constantly. Despite its success, the small watershed program needs to be altered from time to time if it is to serve its purpose.

Representative WILBUR D. MILLS, Democrat, of Arkansas, outlined some of the needed legislative changes at a recent meeting of the east central area of the Arkansas Association of Soil and Water Conservation Districts. Some of his suggestions have been written into proposed legislation that is in various degrees of progress. MILLS listed these needs:

Authority for the Federal Government to administer watershed construction contracts, if requested by local sponsoring organizations to do so.

Authority at the State level to provide assistance to local organizations in obtaining land, easements and rights-of-way for watershed projects.

An amendment to Public Law 566 that would permit the use of funds authorized for community improvement to acquire land rights in the watershed program.

Federal appropriations for watershed planning should be increased.

Installation of land treatment measures should be speeded.

Under the present arrangement, construction contracts on small watershed projects must be administered at the local level and only the sponsoring organization (usually a district formed for the purpose) can sign the pact. MILLS explained that, in many cases, these districts lacked experience in negotiating contracts and had no permanent staff that could do the job. His proposal would leave the authority at the local level if the sponsors preferred this arrangement but the Government agency would have authority to make the contract if the sponsors asked for assistance.

The law, as it now stands, prohibits the use of funds appropriated under Public Law 566 for obtaining land, easements, or rights-of-way. MILLS agreed that there was nothing wrong with the arrangement but he said it might be possible to use other Federal funds for this purpose. Several programs offer Federal funds for community improvement projects such as water systems. Sometimes the best source of water is a reservoir created as part of a small watershed program. According to MILLS, the community should be authorized to use some of this Federal money to help obtain land needed for the watershed work.

The popularity of the watershed program has created a need for additional funds to be used in the planning stages but the Budget Bureau has succeeded in holding down the appropriation. MILLS believes it should be increased.

MILLS also believes the maximum size of an impoundment should be increased from the present 5,000-acre feet to 12,500-acre feet. The House approved an amendment that would have provided for the increase but the Senate failed to go along with the proposal.

These proposed changes would broaden the scope of the small watershed program and make a major contribution to conservation in the United States. One other suggested change is essential.

If a watershed project is to serve its primary purpose (conservation of soil and water resources) land in the drainage areas must be managed wisely. Local organizations are required to carry out conservation treatment on at least half the land in the drainage areas but this part of the program is hampered by a lack of long-term planning. The Great Plains conservation program, where cost-share contracts are based on complete farm conservation plans, could serve as a model for agreements with owners of land in the drainage areas. The plan apparently is working well and could be extended to cover the small watersheds.

THE PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

THE PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which the clerk will state.

THE LEGISLATIVE CLERK. A bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

The Senate resumed the consideration of the bill (H.R. 11380).

MR. PROXMIRE. Mr. President, I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

MR. SPARKMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Under the order of yesterday, the Senator from Michigan [Mr. McNAMARA] is entitled to the floor.

MR. SPARKMAN. Mr. President, will the Senator from Michigan yield to me for a few minutes without his losing the floor? I make that request.

MR. McNAMARA. I yield for that purpose.

THE PRESIDING OFFICER. Without objection, it is so ordered.

pany under section 43 or section 44, such small business investment company shall be required to become a stockholder of the Bank by investing in the common stock of the Bank.

(b) A small business investment company receiving equity capital from the Bank pursuant to section 43 shall be required to become a stockholder of the Bank by investing in the common stock of the Bank an amount equal to 1 per centum of the capital so provided by the Bank.

(c) A small business investment company receiving loan funds from the Bank pursuant to section 44 shall be required to become a stockholder of the Bank by investing in the common stock of the Bank an amount equal to 1 per centum per annum of the amount of the loan funds so provided by the Bank; provided, however, that the maximum funds so invested by the small business investment company shall not exceed 5 per centum of the loan funds so provided by the Bank.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. McNAMARA. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Michigan will state it.

Mr. McNAMARA. What is the pending business?

The PRESIDING OFFICER. The pending business is the Dirksen-Mansfield amendment to the foreign aid bill.

Mr. MANSFIELD. Has the pending business been laid before the Senate?

The PRESIDING OFFICER. It has.

Mr. McNAMARA. Mr. President, yesterday I started to make some remarks, and by unanimous consent I relinquished the floor. Since I had not gotten very far in my remarks, I shall start from the beginning again.

Mr. President, in an earlier speech opposing the various efforts in Congress to nullify the Supreme Court decision on legislative apportionment, I devoted a considerable portion of my remarks to the situation in Michigan.

I cited numerous examples of how a rural-dominated, minority-controlled Michigan State Senate consistently—over the years—vetoed progressive legislation both needed and wanted by a majority of the people of the State.

Further, I pointed out how this tyrannical minority usurped the appointive powers of the Governor and indulged in the most outrageous gerrymandering of legislative and congressional districts for partisan advantage.

Today, I intend to deal with this issue of equal representation in a more general sense and discuss some of its national implications.

In my view, this is perhaps the most vital issue to come before the Congress in this century. Certainly, it is the most important matter to come before the Senate during the 10 years I have served in this body.

Why do I say that?

Because for the first time in the history of this Republic, the United States stands on the threshold of achieving

a truly democratic and fairly representative government at the State level.

This is due entirely—in my mind—to the historic apportionment decision of the Supreme Court—first, in Baker against Carr, and second, in Reynolds against Sims.

There is no question in my mind—and there seems to be substantial agreement on all sides—that fair apportionment of our State legislatures and in our congressional districts would still be a remote probability in the distant future—were it not for the one-man, one-vote principle established by the Supreme Court.

In my previous remarks, I cited the Michigan experience as an example of the impossibility of obtaining equal representation through the legislative route. The experiences of many other States confirms this.

Many years ago—back in the 1920's—H. L. Mencken—who was an implacable foe of what he described as “barnyard government” asserted that the stranglehold maintained on most State legislatures by rural minorities was “not only unjust and undemocratic; it is absurd.” He predicted that it “could not last.”

But Mencken was wrong. What he called “barnyard government” has not only lasted, it has become even more absurd as the population of the country shifted from countryside to city and from central city to suburb.

Until these landmark Supreme Court decisions in the 1960's, malapportionment and minority control have repulsed all efforts by the downtrodden urban majority to obtain relief.

A major reason for this is that the bias, once built in, is almost impossible to remove by political means because the politicians simply will not vote themselves out of office.

Legislative apportionments, no matter how outrageously unfair, have been “frozen” into State constitutions by amendment with no provision for change. Rural minorities have further protected themselves with cunningly devised procedures to make change extremely difficult, if not practically impossible.

And now we have serious efforts in both Houses of Congress to nullify the Supreme Court apportionment decisions and, in effect, deny forever, the one chance that the urban majority of this country has for fair and equal representation in both the State legislatures and in the House of Representatives.

Since I last spoke on this issue in the Senate, the House of Representatives approved the so-called Tuck bill. We debate here the Dirksen amendment to the foreign aid bill.

The Dirksen amendment and the Tuck bill have the same intent and are equally dangerous because the purpose of both is to remove the issue of legislative apportionment from Supreme Court jurisdiction.

The Tuck bill would accomplish this by a law of dubious constitutionality.

The Dirksen amendment—which I think is even more dangerous—would “buy time” so that an effort could be made to deny the Supreme Court juris-

diction in apportionment cases by a constitutional amendment.

Presumably, malapportioned legislatures that the Supreme Court already has held to be illegally constituted in several States would be allowed to participate in this effort to legalize themselves.

The logic of this escapes me.

I am opposed to all efforts to nullify, delay, cancel, repeal, or postpone the Supreme Court decisions on apportionment—be they in the form of a separate bill, a rider on the foreign aid bill, or a proposed amendment to the Constitution. I intend to oppose them with all resources at my command and that includes voting against the foreign aid bill if this noxious proposal is a part of that measure.

I am opposed to removing apportionment from Supreme Court jurisdiction for the following reasons:

First. It is undemocratic in its purpose and intended result.

Second. It is a reactionary attempt to stem the tide of history that has enormous potential for bitter, divisive strife.

Third. It is based on the indefensible premise that an American citizen living in a rural area is superior or to an American citizen living in a city or suburb, and thus should be given control of the Government.

Fourth. It is a dangerous intrusion upon the principle of separation of powers in our Government and would establish a perilous legislative precedent.

Fifth. It would prolong minority control in the House of Representatives and thus make the Congress less responsive to the national will.

Sixth. It would further weaken the role of the State government.

Seventh. It would further enfeeble the principle of political party responsibility and accountability which is essential to the successful operation of a representative democracy.

I now propose to examine these seven points in some detail:

First, why is it undemocratic?

It is undemocratic because it seeks to preserve a system of minority rule, while democracy requires equality of representation.

The very word “democracy” was created to distinguish government by the people from government by kings or aristocrats.

In democratic countries, the people elect representatives who are continued in office by reelection so long as they carry out the will of the people.

It is a fundamental premise of democracy that “all men are created equal”—as we so proudly asserted in our Declaration of Independence.

This means that all citizens must have equal political rights. And the most important political right, if “government of, by, and for the people” is to endure, is equality of representation according to the principle of “one man, one vote.”

If a minority of the people, with over-weighted voting power in a legislature, can continually frustrate the will and desires of a majority of the people, this principle is violated.

An argument made by those who favor the malapportioned status quo is that, even in a democracy, the rights of the minority must be protected. I agree.

The rights of the minorities should be protected—and they are—but not by giving them the power to rule the majority.

Minorities are protected by the Bill of Rights, enforced through the courts, through rules of legislative procedure, and other methods.

The right of protection, however, does not include the right to determine policy for the majority.

Those who would perpetuate minority rule express horror at the prospect that one or two large counties would dominate the government of a State.

To me, this is a specious argument because it assumes that all residents of these large counties have identical interests that are in conflict with the rest of the State.

We all know that many different occupational, religious, ethnic, and political groups live within every metropolitan area.

I do not believe there is any way to identify interest groups, as such, for purposes of special representation, without violating the principle of equal representation of each citizen, as an individual.

Second, I contend that this effort to repeal or nullify the Supreme Court's reapportionment decision is a reactionary attempt to stem the tide of history.

What is more, it has a great potential for bitter, divisive strife.

The entire thrust of history in the Western World, with few exceptions, has been toward a more direct translation of the desires of the people into the policies of the Government. This in turn, has led to a willingness to experiment with reforms in hopes of solving the problems of a changing world.

In general, there has been a broadening of the franchise—the right to vote—both in the United States and elsewhere.

As inequalities in representation were eliminated, democracy flourished. The rise of democratic institutions in the West is the history of the removal of class privilege from government.

The first to win representation in government from the kings and the emperors were the lords and the princes who claimed that noble birth entitled them to special political rights.

As democracy grew, the right to representation in the Government was extended to the "commoners." A whole series of historic struggles have been fought to eliminate special qualifications for voting based upon ancestry, property, religion, race, sex, and colonial status.

Extension of the democratic processes in the United States has been a somewhat gradual process even though the direction has mostly been forward. It took time before constitutional limitations on popular government were removed.

The direct election of U.S. Senators, and the initiative, referendum, and recall of public officials are relatively recent changes.

Conversely, the argument has been made by opponents of equal representation that we should not "upset tradition."

I am indebted to a Michigan constituent, Mr. Maurice Waters, an assistant professor of political science at Wayne State University, for an eloquent rebuttal to this argument.

In a recent letter to me, urging opposition to the Dirksen amendment, Mr. Waters said in part:

As for the argument that historically we have had a malapportionment system and that therefore we ought not upset tradition, one need only reply that any tradition which encompasses injustice is not worth citing as a ground for its continuation.

We have long since recognized this by virtue of having freed the slaves, given women the right to vote, and, in the past several years engaged in efforts to supplement our ideals of civil rights.

In every instance cited, tradition had to be overcome, but it is equally true that those who had a deep appreciation for the lack of justice which those traditions represented, saw fit to take appropriate action.

My dismay and concern regarding the present moves to thwart the Supreme Court's decision is deep, because I feel that many basic needs confronting the American people have been partially or totally ignored, in large measure because millions have been inadequately represented * * *.

Mr. President, it is in this area of ignored needs that there exists a great potential for bitter division and strife among the American people.

To millions of city-dwelling Americans concerned with an equal voice in their State legislatures, the Supreme Court has, indeed, been "the court of last resort". Frustrated by constitutionally frozen districts and defeated in their efforts to change matters at the polls, they have turned finally to the Supreme Court for relief.

And now it is proposed to bar them from this last avenue of assistance.

One of the compelling arguments for passage of the Civil Rights Act of 1964 was that it would take the issue of equal treatment out of the streets and put it in the courts, where it belonged.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. McNAMARA. I yield.

Mr. PROXMIRE. A most convincing argument on the side of supporting what the Senator has been saying about ignored needs and about how malapportioned legislatures have prevented the people from getting the kind of relief and legislation which they want was made by the senior Senator from Michigan. Indeed, by far, the best exposition on that subject was given by the senior Senator from Michigan earlier in a speech which he delivered. In that speech the Senator cited case after case in which, as I understood, State senators who constituted a minority in the Michigan State Senate but represented a very big majority of the Michigan people voted for reforms and for badly needed programs, but were frustrated by those senators who constituted a majority of the State senate but a minority of the people. Those senators voted against the measures.

Is it not true that under those circumstances, unless the decision of the Supreme Court is honored, this inability of the State legislatures and State governments to meet the needs of the people will continue, be expanded, and be multiplied throughout the country by the number of States that we have?

Mr. McNAMARA. That certainly is true. I thank the Senator for referring to my previous remarks. I documented and provided irrefutable evidence, naming the incidents involved, in which a portion of the Senate that represented the minority of the people of the State of Michigan was able to thwart the will of the representatives of the majority.

Mr. PROXMIRE. It seems to me that that is the kind of argument which has been very telling. It is true that when we have spoken on the subject, the number of Senators in the Chamber has been small—perhaps very few. Nevertheless, the debate is reported to the country. It is read in the CONGRESSIONAL RECORD. The speech delivered by the Senator from Michigan a few weeks ago was obviously considered by other Senators.

I wish to call attention to the fact that probably the most dramatic switch in congressional sentiment that has taken place in a long time was demonstrated yesterday when the Tuck bill, which passed the House by 40 or 50 votes—not an overwhelming number, but a decisive victory—was brought up in the Senate. Judging from the performance in the House, if that bill had come up in the Senate without any debate a month ago, it is clear that it would have passed. But what happened after our debate? It did not pass the Senate. It was defeated crushed by a vote of 56 to 21, which was about as bad as beating as any proposal that has passed this House has received here in a long time.

What the Senator from Michigan is doing today is making his carefully reasoned and persuasive speech is not merely passing time but, it seems to me, he is winning people who have open minds and are willing to consider the issue and the merits of the argument, winning people to our side. Debate has done this and it is being done every day the debate continues.

Mr. McNAMARA. I thank the Senator from Wisconsin for his complimentary remarks. I assure him that everything he has said about my feeble efforts in this case could be said for him, but to a much greater degree, because he has been a real leader in this effort to support the decision of the Supreme Court.

Mr. President, the proponents of status quo malapportionment now propose to take the question of equal voice at the ballot box out of the courts and leave the aggrieved citizens only the recourse of the streets.

I do not suggest that nullification of the Supreme Court "one man, one vote" decision would result in immediate street riots of protest.

But I think perhaps that a good case could be made for the argument that some of the unfortunate rioting we are experiencing this summer is caused—in

part—by the failure of malapportioned, rural-dominated State legislatures to make any attempt at all to solve the urgent social and economic problems of the big cities within their jurisdiction.

And if we confirm this minority control for years to come, the ignored problem of the big cities and the suburbs will become even more explosive, and the desperate efforts to solve them even more violent.

They will be aggravated even more by the continuing shift of population from the farm to the city—a movement that is inevitable.

This massive population shift that already has changed our country from a rural, smalltown society to an urban, highly industrialized nation makes inevitable the eventual defeat of the effort to deny equal voting privileges to the city-dwelling majority.

It might well be said that the longer this justice is denied and delayed, the more drastic will be the reaction when equality is finally achieved and the majority does indeed govern.

My third basic criticism of malapportionment—and the efforts to perpetuate it—is it is based on the indefensible premise that an American citizen living in a rural area is somehow superior to an American citizen living in a great city or suburb.

This is an inherent, though often unspoken argument of the malapportioners—that only those who live in the wide open spaces can be entrusted with self-government and that there is something inherently wicked and evil in city and suburb, that disqualifies those who live there from exercising equal power at the ballot box.

This viewpoint was never true—even during the pioneer days when it received its widest credence, and it is preposterous that it would continue to survive in our urban society today.

The overwhelming majority of mail I am receiving on this issue from Michigan is in opposition to the Dirksen amendment and the Tuck bill.

At the latest count, I had received only five letters urging me to support status quo malapportionment, compared to more than 100 in opposition. And two of the five “pro” letters were from the Farm Bureau and the Lumberman’s Association.

My fourth major objection to the Dirksen-Tuck proposals is that they constitute a dangerous intrusion upon the principle of separation of powers in our Government and would establish a perilous legislative precedent.

As a resident of Jackson, Mich., wrote me recently:

For if Congress passed an unconstitutional law, it could simultaneously pass a provision withdrawing the jurisdiction of the Court on that law. Obviously, this precedent would gravely endanger the people.

The basic question here may be broken down into three parts:

First. Can Congress withdraw jurisdiction of the Federal courts over State legislative apportionment?

Second. Can Congress prohibit judicial review in any Federal court of a

question concerning a violation of the U.S. Constitution, and

Third. Can Congress withdraw jurisdiction over such a question from the inferior Federal courts and at the same time deny appellate review by the Supreme Court over such decisions by the highest courts of the various States?

If apportionment jurisdiction is taken from the Supreme Court, a dangerous precedent will have been established. This precedent—withdrawal of jurisdiction—would in effect destroy the system of checks and balances—the check of the Supreme Court to invalidate an unconstitutional statute—and result in a radical change in constitutional structure.

These specific questions have not been finally disposed of by the Supreme Court.

The celebrated *McCardle* case of Reconstruction days is often cited as precedent for congressional withdrawal of jurisdictional authority from the Supreme Court.

William H. *McCardle*, it will be recalled, was editor of the *Vicksburg, Miss., Times* during the Reconstruction period after the Civil War. He was outspoken in his editorial criticism of the Union troops, and the officer in charge of the occupation forces had him arrested and held for trial on charges of what amounted to sedition.

McCardle, alleging unlawful restraint and challenging the validity of the Reconstruction Acts which were the authority for his arrest, filed a petition for a writ of habeas corpus in the Federal Circuit Court of southern Mississippi.

The writ was issued, but after a hearing, *McCardle* was returned to the custody of the military authorities. He then appealed to the Supreme Court, and it looked very much like he might win, since the Court had previously held unconstitutional the Reconstruction Act requiring test oaths from southerners.

Arguments were heard on the case, but before the Justices could hold conference and reach a decision, the Congress in 1868 intervened, enacting a statute withdrawing appellate jurisdiction from the Supreme Court in habeas corpus cases.

The issue then became whether the Court had jurisdiction, in light of the new law, and the Court held that it did not, dismissing the case.

A few years later, the Congress evidently regretting what it had done, repealed this ill-advised law.

Although the *McCardle* case is cited as a precedent, there is some question whether it would be applicable in the present instance.

It is worth noting that the Court was not faced with the question of total denial of Federal judicial review of Federal constitutional questions, as is proposed in the Tuck bill and—eventually—by the Dirksen amendment.

It is extremely doubtful whether the Court would sustain as constitutional, legislation denying both original jurisdiction and judicial review by the Supreme Court of State court decisions on matters of legislative apportionment.

As Anthony Lewis stated in the *New York Times* of August 16, 1964:

Foreclosing enforcement of the right to equal representation would be a precedent for picking out any other constitutional right that Congress did not like at the moment and excluding it from the courts.

In other words, denial of equal voting rights today could be followed by denial of freedom of speech, press, or worship tomorrow, given the appropriate emotional and political climate.

My fifth point in opposition to freezing the status quo on legislative malapportionment is that it would prolong minority control in the House of Representatives and thus make the Congress less responsive to the national will.

Malapportioned State legislatures have a habit of stamping their distorted image upon congressional districts within their own State, as we know from bitter experience in Michigan.

And while the Constitution requires that the States be represented in the House of Representatives according to the population of the several States, the distribution of that representation within the State is determined by the State legislature.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. McNAMARA. I am glad to yield to the Senator from Pennsylvania.

Mr. CLARK. The Senator is making a most important address on the matter of reapportionment, and, needless to say, I am in complete accord with the position he has taken, which I think is completely sound both legally and from the point of view of justice and equity.

I had called to my attention by a rather prominent member of the Johnson administration the other day an article which appeared in the *San Francisco Chronicle* a couple of weeks ago. I wonder if my friend from Michigan saw it. I thought I would put it in the *RECORD*. It is written by a columnist named Arthur Hoppe, and it is entitled “Fair-play for Rocks.”

Does the Senator recall having seen it?

Mr. McNAMARA. I do not recall having read it.

Mr. CLARK. The article points out:

Our Supreme Court says we have to rearrange our State legislatures to conform to the conservative doctrine of “one-man, one-vote.” And naturally this has deeply angered all liberals committed to the truly democratic concept of equal representation for all—for all rocks, trees, gravel pits, wheat-fields, gold mines, and oil wells.

Mr. Hoppe intends to organize a special committee to see to it that the rocks get fair treatment. He points out that the fervor of those who want to see every rock have a vote must bring a lump to one’s throat:

And if we can just stir up our brothers, the rocks, to seek their freedom now, we shall win our rightful place in our society. In a landslide.

Mr. President, if the Senator from Michigan is agreeable, I ask unanimous consent to have the article from the *San Francisco Chronicle* printed in the *RECORD* at this point.

Mr. McNAMARA. I have no objection. I thoroughly agree with the sentiment expressed. Whether it is measured

in terms of rocks or trees or acres, or by whatever yardstick, it all comes to the same conclusion: There is no justification for it.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FAIRPLAY FOR ROCKS!

(By Arthur Hoppe)

Our Supreme Court says we have to rearrange our State legislatures to conform to the conservative doctrine of "one-man, one-vote." And naturally this has deeply angered all liberals committed to the truly democratic concept of equal representation for all—for all rocks, trees, gravel pits, wheatfields, gold mines, and oil wells.

"Are these great, economically important land areas to go unrepresented," cries our State chamber of commerce, "just because they are low in population?" "Would that be democratic? Of course not. It's rank discrimination by those narrow-minded bigots who believe in human supremacy."

So to coordinate the efforts of all us fighters against intolerance and injustice, I'm forming the National Association for the Advancement of Rocks. Let us march forward together under the ringing battle cry: "One rock, one vote."

And if we must reapportion our State legislature, let us do so fairly. Look at the sorry mess it is now. We have 80 assemblymen in the lower house, each elected on the basis of population. Fair enough. Humans should have a voice, too.

But our State senate is a complete hodgepodge. As is often pointed out, the State senator from Los Angeles, the able Mr. Tom Rees, represents 7 million people. But who cares that most rural senators must struggle against overwhelming odds to guard the legislative interests of at least six times that many rocks? Is this fair?

Worse, several of our State senators representing oil wells also have people in their districts. One can scarcely imagine the difficulties this causes. For no man can serve two masters. And consequently our oil wells are definitely not receiving the full-time legislative representation they deserve.

There is obviously only one equitable method of bringing order out of this chaos: Let our assemblymen continue to represent people and allow our distinguished State senators to represent rocks. Not only rocks, of course, but trees, gravel pits, oil wells, and the like. A senator for each, I say—a dedicated statesman who could devote full time to whatever special interest he represents. Instead of part time, as he does now.

Yes, rock lovers, we must end this taxation of oil wells without adequate representation. We must put a stop to this exploitation of our resources by revenue agents. We must lift up our downtrodden gravel.

Ah, the fervor of us upholders of true democracy brings a lump to your throat. And if we can just stir up our brothers, the rocks, to seek their freedom now, we shall win our rightful place in our society. In a landslide.

Mr. McNAMARA. Mr. President, a legislature controlled by a rural minority usually ties itself into gerrymandering knots in order to give a rural, conservative weighting to its congressional delegation, at the expense of the underrepresented cities and suburbs.

As a result, the city dweller is denied equal voice in both his State and National legislatures.

A Congress that is heavily weighted in favor of the Nation's rural and conservative community has difficulty in responding to the needs of a rapidly-growing, urban-centered society.

A recent study by Congressional Quarterly indicates that of the 435 Representatives, 250 came from districts that were rural-based. Furthermore, most congressional districts of this type are fairly "safe" politically. According to the Quarterly study, about 300 congressional seats almost never change party hands, leaving only 125 seats that are genuinely competitive.

As a result, conservatives of both parties become entrenched in dominant positions on the all-important committees. They tend to become more and more preoccupied with the narrow concerns of their districts at the expense of national needs.

Most of the opposition to such needed programs as aid to depressed areas, manpower training, urban renewal, mass transit, slum clearance, air and water pollution control and juvenile delinquency comes from the over-represented rural areas.

The fact that many of these programs have managed to scrape through the Congress in recent years—often in diluted and inadequate form—is no argument for continuing malapportionment. It merely emphasizes the need for correction.

Mr. Justice Black, in writing the majority opinion in the landmark case of *Wesberry* against Sanders, in October 1963, that struck down a Georgia congressional districting law, stated in part:

We agree with the district court that the 1931 Georgia apportionment grossly discriminates against voters in the Fifth Congressional District.

If the Federal Constitution intends that when qualified voters elect Members of Congress, each vote be given as much weight as any other vote, then this statute cannot stand.

We hold that, construed in its historical context, the command of article 1, section 2, that Representatives be chosen "by the people of the several States" means that as nearly as is practicable one man's vote in a congressional election is worth as much as another's.

A fifth basic objection to continuation of legislative malapportionment is that it would further weaken the role of State government in our society.

It is somewhat ironic that the most vociferous proponents of States rights are most prominently identified in the campaign to cancel the Supreme Court's jurisdiction over legislative apportionment, since it is the rural-dominated State legislatures that have ignored the 20th century problems of their metropolitan areas that are most responsible for their own decline.

In my earlier remarks I described how a rural minority controlled State senate in Michigan had exercised a ruthless series of legislative vetoes over progressive programs proposed by a popularly elected Governor and favored by a clear majority of the people of the State.

I do not believe that the Michigan experience is unique. It has been duplicated in many States in all sections of the country.

The fact is that the legislatures of this country have remained citadels of conservatism during the past 50 years at a time when the liberal sentiments

have been confined to the executive and judicial branches of Government.

Despairing of assistance from their State capitals in solving the severe problems of industrial development and urban growth, the great cities of the country have been forced to turn to the Congress for Federal help—in slum clearance, urban renewal, mass transit, hospital construction, and other critical areas.

By placing undue emphasis on economy at the expense of social need; by making niggardly appropriations for education, welfare, mental health; by shortchanging the cities in the distribution of tax moneys, the rural-dominated legislatures have been a primary cause of the drastic decline of the role of the State government.

I believe—as I have said previously—that when and if the States achieve truly representative government much of the noisy arguments over States rights versus concentration of power in Washington will disappear.

Truly representative State governments—working in harmony with Federal and local governments to meet the problems of America that confront us in the 1960's—will win back the prestige and esteem they once had.

But if we seek to perpetuate the malapportionment that has brought about their present state of ineffectiveness and public disrepute, State government will continue to wither and decline.

Finally, to prolong legislative malapportionment would be to further enfeeble the principle of political party responsibility and accountability which I believe is essential to the successful operation of a representative democracy.

Political scientists, generally, are in agreement that unequal apportionment handicaps political party responsibility; that modern democracies depend upon political parties to make representative institutions work.

An urban, industrial society such as ours needs the help of political parties to narrow down the field of potential candidates; to find a simple, short-hand way of knowing what candidates stand for, and to take on the chores of organizing and financing election campaigns.

Within the legislatures, too, the parties should perform the necessary functions of organizing committees and acting upon legislation to carry out the programs they have promised in their campaign platforms.

Most important, the two-party system provides—or should provide—the voters with records on which they can judge the candidates.

But this rational and logical system of political accountability is frustrated and defeated by unrepresentative apportionment. Too often we have the situation where one party with broad popular appeal elects a Governor by a substantial majority.

But through malapportionment he is forced to deal with a legislature controlled by senators and representatives—usually of the other party—that have been elected by a minority of the voters.

As an example of this, I cite the 1958 election in Michigan where Gov. G. Mennen Williams was reelected to an un-

precedented sixth term by a handsome plurality of nearly 150,000 votes.

But in the same election, the Democrats and Republicans each got the same number of seats in the house of representatives, even though the Democratic house candidates received 627,000 more votes statewide.

In the State senate, where malapportionment was even more flagrant, Republicans won 10 more seats than the Democrats, despite the fact that the Democratic senatorial vote—statewide—was 45,642 votes higher than the Republican.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. McNAMARA. I yield.

Mr. PROXMIRE. What was the division of the Michigan State Senate? Did the Senator say that there were 10 more Republican State senators than Democratic senators in the 1959 legislature?

Mr. McNAMARA. I repeat—in the State senate, where malapportionment was even more flagrant, Republicans won 10 more seats than the Democrats, despite the fact that the Democratic senatorial vote, statewide, was 45,642 votes higher than the Republican.

Mr. PROXMIRE. That is a dramatic demonstration of the frustration of the popular will. We have a situation in which a majority of the people vote for representatives of one party. But they do not get a majority in the State senate. Instead, they get a relatively small minority. Ten senators in a body the size of the Michigan State Senate would be a very clear and decisive—in fact, almost overwhelming—majority. It would be in the Wisconsin State Senate. I believe that it is true also of the Michigan State Senate.

Mr. McNAMARA. As I recall, it was 22 to 12.

Mr. PROXMIRE. Almost 2 to 1.

Mr. McNAMARA. That is correct.

Mr. PROXMIRE. I believe that is a dramatic demonstration of the evils of the malapportionment of the rotten borough system.

Mr. McNAMARA. I thank the Senator for emphasizing that point. It impressed me in that manner.

Thus, unequal apportionment of the legislature made it impossible for the majority party in the State to assume its proper responsibility for the conduct of the State government.

The result in Michigan, and in a host of other States with similar situations, is governmental stalemate and political frustrations.

I have spoken here today, as I did on August 17, with what is unusual length for me.

I do so because I feel that legislative apportionment is the most important issue facing this Congress.

I believe that we have been acting with undue haste in considering these measures without public hearing and without proper deliberation.

For that reason, I think it is essential that we have extended discussion of this vital matter so that public opinion will have time to mobilize and make itself known to the Congress.

Therefore, I have spoken twice at length and am prepared to do so again in the future should that prove necessary.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. McNAMARA. I yield.

Mr. DOUGLAS. I congratulate the Senator from Michigan for the very able address which he has just delivered. While I did not hear all of it, I read it all. I believe it is one of the clearest and most forthright statements that have been made. It is characteristic of the Senator from Michigan, who is always forthright in his statements and in his attitude.

I believe it can be said of the Senator from Michigan: "Behold a Senator in whom there is no guile." Everyone always knows where he stands. He does not make any ambiguous statements. He does not cast any ambiguous votes. His statement will have a real effect on public opinion.

I was especially interested in the opening part of the Senator's address. It sketched some of the historical developments. As I study the pattern of legislative representation, it appears that the rough outlines of the pattern of representation in most of the States was laid either by 1900 or in the years around or before 1900. In Vermont, the pattern in the lower house follows the Constitution of 1793. That is 171 years in the past. I believe that in most of the States the legislative districts were laid out in the years around 1900, or in the years preceding 1900.

At that time, the United States was a country consisting primarily of farms, small towns, and small cities, and the representation in 1900 was approximately correct. It was not precisely correct, for in such States as Vermont, New Hampshire, and Connecticut there were grave disparities in the lower houses, and in States such as Rhode Island, grave disparities in the composition of the State senates, but in many States it bore a rough approximation to the population. Indeed, in the constitutions of many States—probably in most of the States—there was an injunction that there should be periodic apportionment after the decennial census according to population. What has happened recently has been the burgeoning of cities and then of the suburbs.

I believe that some figures I had printed in the RECORD several weeks ago are very appropriate. As late as 1910, only 31 percent of the population lived in what might be termed metropolitan districts; that is, cities and suburbs.

In 1960, 63 percent of the population lived in those districts. So we had changed from a nation in which less than one-third of the population were residents of metropolitan areas to a nation in which nearly two-thirds of the population were residents of metropolitan areas.

In the years since 1960, this process has been accelerating. I believe it is safe to say that now two-thirds of the population live in the cities and suburbs, with the suburbs becoming a constantly increasingly factor. Ten years from now,

probably 70 or 75 percent of our population will live in those areas. And yet, in the main, until the Supreme Court decision was handed down, we were confined to a pattern of representation that was laid down around 1900, or, at the latest, 1910.

As the Senator has said, the State legislatures refused in the main to apportion themselves. The Supreme Court decision therefore liberated the cities and suburbs and offered, for the first time, hope that the legislatures might bear some pattern to population, with all the great possibilities that this decision opened up; namely, that the cities and suburbs would now have, at least, a larger degree of home rule and not be subject to the domination of a rural minority.

If this process were allowed to continue, we could have legislatures which would correspond to the relative distribution of population. If this process were denied, or arrested, and a constitutional amendment were put through which would prohibit the courts from intervening, there would be very little prospect that the legislatures would redistribute the seats. The situation would be frozen with a 1900, or earlier, pattern of reapportionment in the face of a changing population.

That is the historic situation which is created. The Senator from Michigan put his finger on it in his usual forthright fashion, without any doubletalk. He made his position clear.

I thank the Senator from Michigan for his very clear exposition. There may not be many Senators in the Chamber who have heard the Senator speak. But there are approximately 50,000 subscribers to the CONGRESSIONAL RECORD. A goodly percentage of those subscribers read the RECORD every day. The CONGRESSIONAL RECORD has an influence on newspapers, magazines, and thoughtful attorneys in small towns and cities and those interested in government. So the words of the Senator will go out across the country through the medium of the printed page. They will have a tremendous influence on public opinion. Again, I thank the Senator from Michigan for once again putting us all in his debt.

Mr. McNAMARA. I thank the distinguished Senator from Illinois, who time and again has expressed his deep concern, his dedication, and his desire to support the Supreme Court decision.

I point out, however, that the Senator talked about malapportionment that has dated back for a great many years. We recently heard of the constitutional convention that was held in Michigan. Governor Romney and those in control of that constitutional convention came forth with a proposal based 80 percent on population and 20 percent on geography.

Mr. DOUGLAS. Namely, our trees, acres, and cows, as well as people.

Mr. McNAMARA. That is correct. Even as late as a year ago, this was the thinking in a great many areas of the country. So we do not have to go back as far as the Senator goes in order to show the injustices that have existed and do exist, and would have continued to

exist in the future, as the Senator from Illinois correctly concluded, if it were not for this great landmark decision of the Supreme Court.

I thank the Senator from Illinois very much.

Mr. McGOVERN. Mr. President, I take this opportunity to express my own personal appreciation and admiration to the Senator from Illinois [Mr. DOUGLAS], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Michigan [Mr. McNAMARA], the Senator from Pennsylvania [Mr. CLARK], and the others for the courageous and effective fight they have waged here on the Senate floor for the past few weeks in connection with the so-called Dirksen amendment.

I say quite frankly that when this amendment was first offered, I did not fully realize all of inherent dangers in the proposal. But, after reading the scholarly presentations that have been made on the floor of the Senate by these Senators I have just named, I have come to the conviction that this is indeed a dangerous and ill-advised proposal. I am happy to join my colleagues in opposing it here today.

I am strongly opposed to the amendment of the Senator from Illinois [Mr. DIRKSEN] which seeks to set aside a historic ruling of the Supreme Court relative to the apportionment of our State legislatures. The weaknesses of the Dirksen amendment are many. The proposal is not only subject to fundamental procedural objections; it is ill-conceived in substance. The seriousness of the issues raised by the amendment and the dangerous precedent which would be set by its passage cannot be ignored. We may be facing here the most far-reaching, historic decision of this Congress. Let no one fail to realize that our decision on this amendment will profoundly influence the future course and development of the American constitutional system. The amendment poses a grave blow to the traditional constitutional principle of judicial review; it is procedurally unsound.

On procedural grounds, the proposal is ill-advised at the outset because it offers no opportunity for careful committee examination. There have been no hearings on this amendment although the problem of reapportionment of State legislatures raises legal and constitutional issues of grave importance.

These complicated legal issues ought to have been carefully explored in hearings before the Judiciary Committee. Instead they were pushed without careful and deliberate consideration onto the floor of this body in the closing days of the session.

As a consequence, the Senate has not been able to give this question the careful examination it deserved and that it received by the Supreme Court. To set aside what our highest judicial tribunal has declared to be an individual constitutional right is bad enough. But to do so in haste, without proper legal analysis and attention, is excessive legislative license.

The U.S. Senate has often been referred to as the most deliberative body in the world; from its treatment of the

important question now before us one wonders whether such a lofty description is always merited. As Dean Rostow of the Yale Law School pointed out in his brilliant article recently in the Washington Post, criticism of the Supreme Court ought to be offered carefully and thoughtfully. Yet, only because of the determined efforts of several Senators, most notably Senators DOUGLAS, PROXMIRE, CLARK, and METCALF has public opinion been alerted to the serious danger posed by passage of the Dirksen amendment. Haste is never a sound procedure for fundamental changes in constitutional law.

Secondly, on procedural grounds, the foreign aid bill is a strange vehicle for an amendment on the reapportionment of State legislatures. The practical effect of this technique is all too clear. We are all aware that the likelihood of a Presidential veto of the foreign aid bill is slim. By attaching the Dirksen amendment to this vital overseas program a way is sought to circumvent the President's constitutional veto power. It seeks to avoid executive consideration of the merits of the Dirksen amendment by attaching it to foreign assistance and American foreign policy.

A further objection to this amendment is that it is not geared to the specific needs and problems of reapportionment in each individual State. In legislative reapportionment cases the Supreme Court has given great weight to the varying problems of the several States. Its orders have taken into account special needs and circumstances. The proposed amendment, on the other hand, orders a blanket stay of all judicial proceedings. The current proposal is a broad and sweeping one, very unlike the particularized opinions of the Court. Inherent in this attack on the independence of the courts is a stifling of judicial discretion.

It has been urged in support of this amendment that it is intended to bring relief from the disruption caused by the recent Supreme Court decisions. That supposed disruption, however, is nothing as compared to that which would be caused by the amendment now before us. The amendment would void hard-won reapportionment in several States and reinstate the inequitable situation existing prior to the Supreme Court decisions. The senior Senator from Wisconsin has already indicated the dire consequences that the amendment might have in his State. The legislatures of numerous States have taken steps to comply with the Supreme Court decisions. This amendment, if passed, would tend to negate the progress made in these States and would frustrate orderly compliance with a constitutional mandate.

Another factor, which has been emphasized by the Senator from New York [Mr. JAVITS], is the dubious constitutionality of the Dirksen amendment. Following the passage of this amendment, there would undoubtedly be disagreement in the lower Federal courts as to its constitutionality. Confusion would exist as to whether the amendment was merely a "request" to the courts or an outright "order." The disruption that would be caused to orderly

reapportionment by such a situation is apparent. And if, as many of us believe, the framers of this amendment are seeking to rebuke the Court and establish congressional control over decisions of the courts, then the amendment is pernicious and unconstitutional.

Finally, we must ask ourselves whether there is any practical necessity for this procedure. Time and again the courts have granted stays to their reapportionment orders where unusual circumstances have made immediate compliance with the Supreme Court decision impossible. This amendment is to a large extent superfluous. The courts do not need to be told by Congress when justice demands that a stay be granted to a reapportionment order. Justice is a matter with which our Federal tribunals are well acquainted. The courts are in fact allowing the States a "reasonable opportunity" to reapportion.

The Dirksen amendment is even more objectionable on grounds of substance than procedure. The amendment would lead to a dangerous confrontation of Congress and the Supreme Court. By passing this amendment, we would in effect be directing the verdicts of the Supreme Court. We would be striking at the Constitution itself and the fundamental principle of the separation of powers. The Supreme Court would no longer be the umpire of the Federal system; Congress would have assumed this role. Respect for the independence of courts demands that we, as Members of Congress, respect the Supreme Court when it acts within its proper sphere. Traditionally, constitutional adjudication has been a matter for the courts, and not for Congress. Government under law becomes a meaningless slogan if Congress can tell the courts how they must decide cases involving individual constitutional rights.

And as the distinguished junior Senator from Montana [Mr. METCALF] has ably demonstrated, the one-man, one-vote principle is not merely a result of statutory construction. Voting equality is an individual constitutional right. The Dirksen amendment does not seek to suspend a certain judicial construction of a statute; it would suspend a fundamental constitutional right. By legislative fiat we would prevent the Supreme Court from protecting a basic right of American citizenship—the right to an equal vote. If Congress can so suspend one fundamental constitutional right, why not another? What would there be to prevent Congress from suspending the right of free speech or freedom of religion? There is great danger in thus attempting to remove certain categories of cases from judicial consideration. A pernicious precedent would thereby be set. To substantially delay the realization of a basic constitutional right is beneath the dignity and the proper function of the Senate.

The decisions in Baker against Carr and the cases following it were designed to correct a situation in which some areas were grossly underrepresented in numerous State legislatures. The shocking inequities of the overweighted vote are alien to our basic concepts of politi-

cal democracy. Yet the right of fair representation is now denied many American citizens by improper legislative apportionment. It was this situation which led the Supreme Court to rule that unequal representation was not equal protection of the laws. We must not forget that political equality is the fundamental principle of any democracy. The recent decisions of our Supreme Court are yet another proof that democracy acts to correct its own evils. The Court seeks to correct an imbalance in legislative representation that now tends to be weighted against the town dweller, but tomorrow it may be the rural resident whose rights will need the protection of the Court. The Dirksen amendment seeks to preserve an unrepresentative, undemocratic system.

The Dirksen amendment has been aptly labeled the "rotten borough" amendment. Its effect would be to permit unbalanced State legislatures to perpetuate themselves by ratifying a constitutional amendment legalizing the imbalance. The senior Senator from Montana, our distinguished and honored majority leader, a cosponsor of the bill, has said that it was not his purpose to encourage a constitutional amendment if it was to be submitted for approval by legislatures as currently constituted. But make no doubt about it, this bill will be attempted if we pass the amendment as Senator DIRKSEN, the original architect of the proposal, has made perfectly clear. We ought not to give the malapportioned legislatures this chance to so preserve themselves. Any vote on such a constitutional amendment must be on the basis of the one-man, one-vote rule announced in Reynolds against Sims.

It has been urged that if the people wish their State legislature to be apportioned on a basis other than population, they may so decide by majority vote. This proposition is unsound. The Supreme Court has stated that an equally weighted vote cannot be abridged by the vote of a majority of the State electorate if the resulting apportionment scheme violates constitutional requirements—W.M.C.A., Inc. against John P. Lomenzo. The right to an equal vote is an inalienable right which cannot be destroyed by the majority. Again, it should be emphasized that the Dirksen amendment suspends a constitutional right which is personal in nature.

The senior Senator from Wisconsin [Mr. PROXMIER] has said that "poor apportionment prevents State action, and makes Federal action more likely." Under the apportionment systems declared unconstitutional by the Supreme Court, our town dwellers are not adequately protected by the State legislatures. As a consequence, the cities and local communities have been encouraged to resort to the Federal Government for assistance. Reapportionment on the basis of population is destined to lead to more healthy State and local government and to breathe fresh life and vitality into the principle of local responsibility. It is indeed ironic to see certain Senators who continually defend the virtues of States

rights supporting this amendment, which can only serve to perpetuate a situation of increasing reliance on Washington on the part of local populations. A vote against the Dirksen amendment will go a long way toward ending political inertia in many State legislatures. A truly representative State legislature will be able to do a better job at the State level. Malapportionment can only be a hurdle to effective State and local government.

Mr. President, I have attempted to summarize my objections to the Dirksen amendment. I wish to close by concurring in the excellent closing statement of the junior Senator from Montana [Mr. METCALF] when he said on Tuesday:

I am convinced that the Dirksen amendment is wrong, it is wrong in the spirit of the Constitution, it is wrong in the principle of the separation of powers, it is wrong in the doctrine of the supremacy of law. It should be rejected.

THE THREAT TO RURAL AREAS

Mr. President, turning to another matter, but a related matter, it has been argued by some of the proponents of the Dirksen amendment, and some of the opponents, that it is designed to favor the rural districts of the country. To whatever extent that argument has any merit—and I would seriously question that it has, because I think any action which abridges any constitutional right is in the long run a fundamental threat, not only to town dwellers, but to all Americans—that kind of unprecedented and dangerous act can set a pattern for a later threat aimed at rural America. But if those who are pressing this amendment on the ground that it will assist the rural sections of the country are sincerely concerned about that issue, then I am sure they will also be carefully and thoughtfully concerned about the agricultural problem that faces us in 1964 and the years ahead.

It is to that subject, which is somewhat related to the question now under consideration, that I should like to turn my attention briefly at this time.

THE AGRICULTURAL RECORD

Mr. President, it is not possible to predict at this moment in the current Presidential campaign where Senator GOLDWATER will be on the farm issue in November.

It is time, however, to clear the record to date.

In 1960, Senator GOLDWATER proposed to eliminate the farm programs built over the past 30 years. He said in September 1960 in Los Angeles, Calif.:

I favor placing agriculture back under the law of supply and demand, with provisions for farmers hit by acts of God."

In 1960, in his book, "The Conscience of a Conservative," he wrote:

What has been lacking is not an understanding of a problem that is really quite impossible not to understand but the political courage to do something about it.

Doing something about it means—and there can be no equivocation here—prompt and final termination of the farm subsidy programs. The only way to persuade farmers to enter other fields is to stop paying inefficient farmers for produce that cannot be sold at free market prices.

This rash condemnation of farm programs and price supports was modified when Senator GOLDWATER had captured the Republican nomination for the Presidency. He then concluded that there should be:

Price supports—designed to help farmers achieve orderly marketing within the framework of our dynamic American market system. Price support programs should be voluntary and should be established for specific commodities, in order to widen markets, ease production controls, and help achieve increased family income.

But that view did not last.

In an exuberant moment, a few days ago, in the town of Oregon, Ill., according to the Washington Evening Star, the candidate returned to his off-the-cuff, off-the-hip position when he demanded to know:

What is wrong with the American farmer planting what he wants, when he wants, and as much as he wants, and taking his chances in the marketplace?

If Senator GOLDWATER would look at the results of several recent studies he would find a clear answer to the question he asked in Illinois. He would know that a direct answer has been given at least six different times by leading farm economists or teams of economists, and that in each instance they found that the results of uncontrolled farm production in a free market would be catastrophic.

LEGISLATIVE REFERENCE SERVICE STUDY

There was a study published in the Journal of Farm Economics in August 1958 by Walter Wilcox, farm economist on the staff of the Legislative Reference Service, Library of Congress. Mr. Wilcox concluded that in the absence of price support programs—the programs under which production is controlled and a minimum price maintained in the markets—realized net farm income would have been 20 to 55 percent lower in the years 1937–39, 14 to 43 percent lower in 1940–42, 24 to 34 percent lower in 1943–49, and 28 percent or more lower from 1952 to the date of the study.

Prof. Geoffrey Shepherd and associates at Iowa State University in August 1960 issued a study, Iowa State University Special Report No. 27, which showed that if price supports, production controls, and the conservation reserve were abandoned—in effect, if the American farmer "planted what he wants, when he wants and as much as he wants, taking his chances in the marketplace"—the prices of hogs and cattle respectively would decline to 11 and 12 cents per pound. The price of corn would fall to 66 cents per bushel and wheat would drop to 74 cents. They estimated that net income of livestock producers might go down 50 percent.

AGRICULTURE COMMITTEE STUDY

Using a somewhat different approach, and assuming a continuation of export subsidies and the food-for-peace program, economists in the Department of Agriculture and in the land-grant colleges made a study for the Senate Agriculture Committee in 1959, published as Senate Document 77 in January 1960—which indicated that the removal of price sup-

ports would result in a 46-percent drop in realized net farm income in 1965.

This study indicated that if commodity programs were discontinued, prices of key farm products would be expected to fall to the following levels:

Wheat, 90 cents a bushel; corn, 80 cents a bushel; beef cattle, 15 cents a pound; and hogs, 11 cents a pound.

THE CORNELL STUDY

Professor Robinson, of Cornell University, in a similar study published in *Farm Economics*, 1960, concluded that even though a conservation reserve of 30 million acres, marketing orders and special distribution programs were continued, if direct price supports and average controls were dropped, net farm income would fall 19 percent. Hog prices would fall to 14 cents a pound, beef cattle to 15 cents per pound, wheat to \$1.18 a bushel, and corn to 98 cents a bushel.

PENNSYLVANIA STATE UNIVERSITY STUDY

Professor Brandow, of Pennsylvania State University, in a study for the Joint Economic Committee—committee print, November 1960—estimated that with price supports and production limitations removed, realized net farm income by 1965 would fall to \$7.2 billion or 36 percent below the 1959 level. His projections indicated wheat prices would fall to 87 cents a bushel, corn to 77 cents a bushel, hogs to 11 cents a pound, and beef cattle to 17 cents a pound.

IOWA STATE UNIVERSITY STUDY

Professor Heady, executive director of the center for agricultural and economic adjustment, Iowa State University, and his associates reviewed the results of those earlier studies and, using revised and more comprehensive statistics, analyzed the effects on farm income, Government costs, and consumer food outlays of 16 alternative wheat and feed grain programs—Farm Program Alternatives, CAED Report 18, May 1963.

The study is so detailed that only a few of the highlights can be reported here. They conclude that the excess capacity of agriculture in 1960 and 1961 amounted to 7 percent. This percentage of potential output was avoided by diversion and conservation programs or was diverted from commercial markets by domestic and foreign distribution programs.

If that additional 7 percent had been channeled through commercial markets, farm prices would have fallen 28 percent, gross income would have fallen 21 percent, and net income would have fallen over 60 percent.

In other words, the blueprint recommended by the Senator from Arizona, according to this very careful study at one of our great agricultural universities, would result in a drop of more than half of all the net farm income of this country.

Mr. PROXMIRE. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. BURDICK in the chair). Does the Senator from South Dakota yield to the Senator from Wisconsin?

Mr. McGOVERN. I am happy to yield.

Mr. PROXMIRE. These are startling statistics. I am familiar with the

studies. Many persons had been under the impression they referred to net income, and that the 25 to 28 percent drop was a drop in that income. This is a revelation, and I think it should be shocking to the American farmer to learn that more than half his net income would be gone.

Mr. McGOVERN. The Senator is correct.

Mr. PROXMIRE. What he had left with which to pay for his living expenses, for his own food and for his other expenses, and to keep his family's head above water—and we know he has very little left now—would be cut by 60 percent, according to this careful and authoritative study by economists and economic experts who, as the Senator from South Dakota says, have no ax to grind.

Mr. McGOVERN. The Senator is absolutely correct. The fundamental test we must keep in mind when we measure the impact of farm programs upon farmers is what they do to net farm income; what the farmer has left after he pays all of his farming expenses.

THE MISLEADING PARITY FIGURE

In recent days, speeches have been made in the Senate deploring the fact that the parity index has fallen to 74 percent. This is a misleading figure, when one considers that the parity index does not reflect the more than \$1.5 billion that has been placed in the pockets of farmers through the acreage diversion program, the conservation program, and the wheat certificate program and as adjustment payments on feed grains. Those dollars will buy just as much in the way of food, clothing, education, and health as the dollars the farmers receive from any other source. Those payments are added to the income of the farm producer. So this is a crucial figure. I shall discuss it further a little later.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. PROXMIRE. Is it not also true that in the 8 years before the Kennedy administration took office, the parity index dropped from 101 to 78?

Mr. McGOVERN. That is correct.

Mr. PROXMIRE. Since that time, it has dropped from 78 to 74. So while we deplore the drop—and it is a problem—the Senator from South Dakota makes an excellent correction. But it is also true that the big drop in parity took place between 1953 and 1960.

Mr. McGOVERN. That is correct.

Mr. PROXMIRE. That drop was many times greater than the drop that has taken place in the intervening 4 years, on the basis of annual figures.

The drop was far greater before the Kennedy-Johnson administration moved in.

Mr. McGOVERN. The Senator is correct.

With reference to the comments by the Senator from Wisconsin, I wish to add and to stress the fact that the parity figure is a good one only so long as it is applied to a program that depends purely on what farmers receive in the marketplace. But the monthly parity index no

longer fully reflects the income situation because we have moved increasingly to other forms of income support. I refer primarily to the diversion payments, the wheat certificate program, and other means that have been adopted which generate farm income which is not reflected or included in the price paid for commodities.

In addition to the 74 percent of parity—and I stress this again—farmers are receiving another \$1.5 billion in acreage diversion, certificates and compensatory payments not reflected in the parity index.

EFFECT ON PRODUCTION

The university agricultural economists to whom I have referred, after reviewing the situation with the most comprehensive and up-to-date analytical tools, estimate that within a 2-year period a 10-percent drop in farm prices would bring about only a 1-percent reduction in output. In a 4-year period, a 10-percent drop in prices would be expected to result in a 1½-percent reduction in output. In other words, the reduction in production on the farms would be almost negligible.

The basic price-supply relationships as analyzed by competent economists give the lie to those who say that if Government price-support programs were discontinued, farm families would be able to earn higher incomes within a short time.

NET INCOME WOULD FALL 40 PERCENT

Professor Heady and his associates find in this research work that after allowing for the effect of lower prices on production—if all price supports, diversion, conservation, and export subsidy programs were discontinued for feed grains and wheat—within the next 5 years net farm income would fall by more than \$5 billion a year or about 40 percent.

Grain production would increase faster than livestock production could be expanded and carryover stock of grains would have to be increased for several years to avoid an even more chaotic price and income catastrophe.

Let me repeat, this study by Iowa State University economists concludes that if price supports, acreage diversion, and export subsidy programs for wheat and feed grains are eliminated, carryover stocks would have to be increased for several years, yet net farm income would fall by 40 percent.

On the other hand, they conclude, if a combination of price support, acreage diversion, and export subsidy programs are continued, farm income can be maintained at current levels without further increases in Government costs. And to me this conclusion is as important as the earlier one.

CAED STUDY

Another of these studies, bearing out the general conclusions, came from the Center on Agricultural and Economic Development at Iowa State College. Drs. Luther G. Tweeton, Earl O. Heady, and Leo V. Mayer projected probable farm prices in 1967 if we permit unlimited production without price support, but continue to subsidize exports under food

for peace, continue conservation reserve contracts to their expiration, and with the Government buying at the market price and accumulating stocks of commodities when production of feed grains and wheat exceeds utilization.

The objective economists to whom I have referred, without any ax to grind, by applying the best economic science they could to the problem, have told us that if we remove production controls and price supports, we shall have a drop of \$5.7 billion in net farm income by the year 1967. Under this same formula, corn could be expected to drop to 85 cents a bushel, oats to 49 cents, barley to 71 cents, sorghum grain to 73 cents, wheat to 94 cents a bushel, cattle to \$15.80 per hundredweight or nearly \$6 below 1962, hogs to \$13.50, and sheep to \$13.50.

The National Planning Association has recently issued a further study, to which I will refer later, sustaining all the previous investigations of uncontrolled production for a free market.

The results of these various studies, directly answering Senator GOLDWATER's rhetorical statement that there is nothing wrong with the American farmer "planting what he wants, when he wants and as much as he wants, and taking his chances in the marketplace," have been publicized again, and again, and again.

MR. GOLDWATER'S GOAL

It is difficult to believe that the candidate has not at least accidentally opened the CONGRESSIONAL RECORD at an account of one of the studies in view of their repetitious appearance, and that therefore what he is really saying is that he stands on his original position: That many farmers should be forced off the land, that they should be "persuaded," as he put it, to leave the land by being bankrupted.

It is equally difficult to believe, Mr. President, that partisans of the Senator from Arizona, who advocates the withdrawal of farm price supports and letting prices fall to "persuade farmers to enter other fields," should raise low farm prices as an issue in the election campaign when lower prices is their own candidate's goal for agriculture.

I think farm prices are too low. I am dissatisfied with the return to farmers provided in the wheat certificate program for 1965. I am attempting to persuade the administration to announce considerably more liberal certificate payments, at least on export wheat, next year.

Food costs American citizens 19 percent of their income. It is the biggest bargain for this human necessity in any major nation in all the history of mankind.

I regret that those who prepare the budgets in the executive branch chose to enforce economy on the producers of our abundant, low-cost food supply when the 1965 wheat program was being considered. I have suggested that savings might more appropriately come out of the budgets for armaments we already have in oversupply, for building aircraft that won't fly, buying supplies already in stock, or building overly elaborate recreation and club facilities.

But for partisans of the Senator from Arizona, who wants lower farm prices, to argue that agricultural returns are shamefully low, and to use a parity figure no longer indicative of real farm income, is transparent political demagoguery.

FARM INCOME IS UP

The CONGRESSIONAL RECORD has contained a number of speeches recently complaining that the farm parity ratio has dropped to 74 percent of parity—the lowest in a decade. Senator PROXMIRE and I have discussed this briefly, but let me make it clear.

No mention is made of the fact that over \$1½ billion of farm income this year will be paid to farmers for diversion of acreage for their wheat certificates and as feed grain payments. There is no mention that these returns are not reflected in the monthly parity ratio.

Their omission makes the parity ratio meaningless as a yardstick of farm income until it is adjusted each yearend.

It is estimated this year that wheat producers will get \$35 million acreage diversion payments and \$415 million on certificates. Feed grain producers will get \$850 million for acreage diversion and \$250 million from payments equivalent to 18 cents per bushel on corn—a total of \$1,550,000 not reflected in the 74 percent of parity statistic now being cited.

The best yardstick of farm income is farm income itself. There is no political or mathematical sleight of hand involved in the realized net farm income figures.

The total net income of our farmers in the last 4 years of the Eisenhower-Benson administration was \$11.7 billions per year.

The total net farm income of farmers in the Kennedy-Johnson administration averaged \$12.9 billion a year from 1961 through 1963. Realized net income, which excludes inventory changes, has been up \$900 million annually.

That is a substantial improvement in the take-home pay of farmers under the Democratic administration, and it will prove futile to try to tell farm people with more money in their pockets than they had in the fifties that they have less.

INCOME PER FARM

There is an element of statistical misguidance in a second farm income figure frequently cited since the administration of Ezra Taft Benson at the Department of Agriculture. That is the figure on income per farm.

It has gone up steadily for a number of years—including years in the fifties when total net farm income declined—because the number of farmers is declining, and there are fewer farm operators to divide the pie.

To the extent that total net farm income has been increased, we Democrats can take pride in the fact that income per farm in the United States has increased.

It was \$2,961 in 1960 under Benson.

It was \$3,504 in 1963 under Orville Freeman of the Kennedy-Johnson administration, up \$543 per farm.

What do the people who complain about this record propose to do in No-

vember? What is the alternative they offer?

We have an incumbent running for Congress in the Western Congressional District in South Dakota who voted against the voluntary wheat certificate plan—and therefore for only 50 percent of parity for wheat, who complains that return from wheat under the certificate plan is too low.

It is too low.

But what does he propose? He tried to kill the voluntary wheat certificate bill and thus throw wheat farmers into a price skid that would drop wheat to \$1.25 a bushel with no certificate. He says that wheat farmers will make less under the 1964 program than they made in 1963. But what he fails to say is that the 1964 voluntary certificate program is preventing an additional \$950 million drop in wheat income.

He proposes to elect as President of the United States a man who says—and I quote—

Now there is one specific law I would get rid of and that is the Agricultural Act.

The only way to persuade farmers to enter other fields of endeavor is to stop paying inefficient farmers for produce that cannot be sold at free market prices.

If we allowed a continuation of the normal tendency which has been existing in this country since its founding, that is the drifting away from the small farm, those affected might be more gainfully employed by working for the larger farmers, or by working as mechanics, for example.

Those who complain about low farm prices and advocate the election of a man who wants farm prices to go so low they will bankrupt most of the farm population demonstrates nothing but their low opinion of the intelligence of farmers.

THE RAPID CHANGE IN RURAL AREAS

The past 4 years have produced a constructive record by the Congress and the administration in meeting rural problems. This record has been accomplished in spite of the fact that many city dwellers do not realize the importance of a healthy agriculture to the entire Nation. This creates a serious difficulty for farm program advocates in the Congress at a time when the rural population is becoming a smaller and smaller percentage of the total population.

It could be argued that the problem of agriculture is really the failure of our Nation to deal adequately with the success of agriculture. Rural America has changed with blinding speed. These changes reflect and encompass the rapid advances in the technology and management of farming itself.

Unfortunately, the problem aspects of farming and rural life seems to be much more visible to the naked eye than do the success aspects of farming. Our great abundance is, in reality, a national asset. It is a blessing for a nation not to have to worry about tomorrow's food or next year's crop. As I have already mentioned, the average family buys its food at lower real cost than ever before in any country at any time—only 19 percent of take-home pay.

The magnitude of the agricultural revolution is at least as remarkable as the advancement of automation and cy-

bernation in our Nation's industrial plant.

The single overpowering fact is a tremendous productive explosion. The principal features of this explosion have been improved crop varieties, more power and machinery leading to better timing of farm and ranch operations, and better farm and ranch management.

Crop production per acre which went up 10 percent from 1940 to 1950, jumped 39 percent from 1950 to 1962. Just about every kind of crop shared in this advance.

Livestock lagged a little behind crops but still scored dramatic increases in production. From 1950 to 1962, production per breeding unit of livestock increased some 27 percent.

With mechanization proceeding rapidly, there have been sharp increases per man-hour in both crops and livestock. Per hour of labor, crop output jumped 70 percent during the 1940's and 97 percent between 1950 and 1962. Livestock output per hour of labor rose 36 percent between 1940 and 1950, and 87 percent in the years 1950 to 1962.

The total man-hours of labor used in farming decreased 26 percent over the period 1940-50, and 40 percent during the period 1950-62. To put it simply, this labor was replaced by farm machinery and by purchased fertilizer, seed, feed, and other inputs. The farmer became less dependent on his own labor, and that of his family, and became more dependent on things he had to buy with dollars. In this way, he became more and more dependent on the market.

Meanwhile, the number of people on the farm declined—to about 7 percent of our total population. And this has had a number of implications—including the obvious one of a decline in political strength.

RURAL COMMUNITIES INVOLVED

Beyond this, though, is the fact that the decline of the rural population has contributed to the difficulties faced by many small towns and rural communities which have since pioneer days depended on farming populations to keep them alive. As a town's hinterland population dries up—its commerce and its public services tend to decline—and this in turn causes a further withering of the rural population.

Certainly, this is a vicious cycle, and one to be deplored by all of us who appreciate the abundance that rural America has given to the world—and the contributions that it has made to the democratic values of our free Nation.

These are matters that have received a great deal of attention in the past 4 years—under the leadership of President Kennedy and President Johnson. Secretary of Agriculture Orville L. Freeman has attacked these problems with all the vigor that he possesses. The 87th and 88th Congress have a good record of acting to meet the needs of agriculture and rural America.

Senator ELLENDER is to be congratulated for the leadership he has brought to these matters in the Senate. Congressman COOLEY has acted with vision and wisdom in bringing before the House of Representatives many measures of great

importance. I think we should congratulate these men—and the many others who have had a part in the 4 years of achievement.

THE KENNEDY-JOHNSON POLICY

President Kennedy in 1962 presented a food and agriculture program for the sixties which laid the broad patterns for a constructive approach to the rural challenges facing the Nation. Under President Johnson—a man of deep personal understanding of farming and ranching—this policy has been strengthened. It is a three-dimensional approach aimed at—

First. Commodity programs designed for the needs of commercial family farm agriculture.

Second. Community programs, which are essential to the full development of opportunity in rural America.

Third. Consumer programs, which serve those who use food and fiber as well as those who produce it.

This administration, in its approach to commodity programs, accepted the premise that commercial agriculture built on the family farm system will continue to be the most productive and desirable system of farming—both from an economic and a social standpoint. Further, it believes that so long as our ability to produce exceeds our ability to consume this abundance at a fair price, we will need commodity programs to protect and stabilize income.

Improved farm programs of the past 4 years have had much to do with the general rise in farm income that has taken place.

INCOMES IMPROVED

During the first 3 years of this administration, mostly as a result of commodity programs enacted since 1961, realized net farm income has averaged \$1.2 billion higher and total net farm income which includes changes in inventory has averaged \$900 million a year higher than the average of the 1957-60 period. Gross farm income has averaged \$4 billion higher, and net income per farm, which was \$543 higher in 1963 than in 1960, has averaged \$600 a year higher.

Nearly all widely grown major cash crops and classes of livestock brought more cash from farm marketings in 1963 than in 1960.

Farmers are continuing to benefit this year from the new programs enacted by the 87th and 88th Congresses. For the first half of this year, net realized farm income is not much different from last year. This is especially important when you consider that, without the wheat-cotton legislation passed last spring, farmers would already be experiencing a substantial drop in income.

GOVERNMENT HAS SAVED

Since 1961, Congress has enacted programs for feed grains and wheat that have reduced the volume of surplus grain in storage by 30 million tons, at a saving so far of over \$200 million in carrying costs. If we had continued the 1960 type of programs instead of new feed grain and wheat programs, another 133 million tons of surplus feed grains and another 500 million bushels of sur-

plus wheat would have been on our hands by this time.

SURPLUS REDUCED

The feed grain program was one of the first acts of the Congress after the Kennedy administration came into office. It reversed the surplus accumulations that had taken place during the 1950's. When the feed grain program was put into effect in 1961, feed grain carryovers had risen to an all-time high of 85 million tons. The feed grain program reversed that trend for 2 straight years. Record yields in 1963 are preventing further reductions in the carryover this year, but it will still be 15 million tons below the 1961 high.

The voluntary wheat programs of 1962 and 1963 made possible a sharp reduction in the oversupply of wheat. These programs—along with aggressive efforts to capitalize on new export opportunities—have resulted in a decline in carryover from the alltime high of 1.4 billion bushels in 1961 to less than 750 million bushels as of August 28.

The 1964 wheat program made it possible to maintain a level of grower income that was in serious jeopardy following last year's referendum. Following that referendum, growers were faced this year with a likely decline of about \$600 million in income. This was headed off through enactment of the new voluntary program, restoring between \$450 and \$500 million in wheat income.

PRICE SUPPORTS RAISED

Adjustments in price supports have also been used to bring higher income to farmers.

In 1961, for example, Secretary Freeman raised the price support on soybeans from \$1.85 to \$2.30 a bushel—against many criticisms. We got no burdensome surplus—yet farmers over the past 3 years have received \$1.5 billion more from sales of their beans than had price and production remained at the 1960 level.

COTTON RETURNS MAINTAINED

For cotton growers, these 4 years have brought a higher level of income, in addition to new legislation that strengthens the entire cotton economy. The last Republican budget—the one President Kennedy found when he came in—projected a price support level of 28.66 cents for the 1961 crop. One of the first moves of this administration was to raise the price support level to 33.04 cents—and this meant a difference of over \$300 million to cotton growers for the 1961 crop alone.

The new cotton legislation enacted this spring is quite significant. While the basic support price for the 1964 crop is now 30 cents, compared with 32.47 cents a pound for 1963 crop cotton, small producers and all who plant within their domestic allotments will receive an additional 3½ cents in the form of payments. Meanwhile, our domestic textile industry is benefited in its competition with foreign mills.

BEEF PRICES SUPPORTED

This administration has also moved vigorously to strengthen the beef market and to reduce beef and veal imports. Imports were rolled back to about the

1959-63 level through voluntary agreements with the major suppliers exporting to the United States. The U.S. Department of Agriculture has also stepped up beef purchases and is cooperating with industry in a vigorous promotion program here and abroad. In addition to exports for dollars, beef is moving overseas under the Public Law 480 program—food for peace.

The actions of Government and industry in stimulating consumption of U.S. beef here and abroad has had a part in the general rise in fed cattle prices since early June. The average price of choice fed steers has advanced about \$5 a hundredweight since that time.

The necessity for commodity programs to help in managing overproduction has been proved a number of times by independent groups outside the Department of Agriculture—and the consensus is remarkable.

NATIONAL PLANNING ASSOCIATION'S STUDY

Here is an example, the most recent study of the effect on farm programs:

In June of this year the Agriculture Committee of the National Planning Association proposed a national farm program for feed grains and wheat. This is an independent committee, not tied to any farm, or commodity, or political organization. Its chairman is one of the most respected editors and authors in the farm belt—Lauren Soth, of the Des Moines Register and Tribune. The chief economist of the American Farm Bureau Federation as well as the legislative director of the National Farmers Union are members.

"Sound national management of our grain industry." The NPA Committee emphasized, "is the most important single element of a sound national food and agriculture policy."

The committee examined three choices:

First. Unrestricted production, with no Government payments or price supports going to farmers.

Second. Compulsory production control, and.

Third. A voluntary crop acreage restriction program, with payment incentives for participation and price support loans.

This independent policy group, in comparing costs and benefits of the three types of action, wasted no time in dismissing the first choice, which is Mr. GOLDWATER's current choice. It explained:

A study by Iowa State University and Oklahoma State University concluded that, with unrestricted grain production, net farm income would decline from \$13.3 billion in 1962 to \$7.6 billion in 1967. This calculation was made under the assumption that the Food for Peace program, export subsidies, and a modest grain storage operation would continue. It was also assumed that other Government programs in food and agriculture would be unchanged.

The cost of Government programs for feed grains and wheat would decline from about \$2.5 billion a year to \$1.2 billion, and the total cost to the public for food would be slightly lower. However, this gain for consumers would be at the expense of extreme hardship among farmers—a 40-percent de-

cline in net farm income below the current level. It would risk severe damage to the farming industry, bringing unfavorable consequences to the productivity of agriculture in the long run.

That ends the National Planning Association quotation. Everyone—or perhaps in deference to Senator GOLDWATER, I should say everyone in the mainstream of opinion—agrees that commodity programs are essential not only to farm welfare, but to the national welfare. And even Mr. GOLDWATER advocated this view briefly.

THE FARMER COMMITTEES

I should not leave the subject of commodity programs without mentioning an institution that is essential to their administration. I refer to the Farmer Committee System.

This Administration has reversed the previous downgrading of committeemen, put nominations for these posts back in the farmers' hands, and gives them more responsibility, as in the making of price-support loans. Now a new law we have passed within the month provides for 3-year staggered terms for committeemen and for election of the county committeemen by all the community committeemen. To help them do important work well, a strong in-service training program was developed in every State.

CROP INSURANCE EXPANDED

Another action to aid the family farm is the doubling of the coverage of Federal crop insurance. Insurance is now offered on 13 different crops, being available on one or more crops in about one-third of the Nation's agricultural counties. Congress only recently completed action to permit extension of crop insurance to 150 new counties each year instead of 100.

THE COMMUNITY AID PROGRAM

May I turn now to the community development aspect of the Food and Agriculture Program for the sixties.

For many years the Nation's efforts to solve agriculture's problem have focused largely on the problems of various farm commodities. Only recently, have we started to cope effectively with the human problems of people on submarginal farms, to assist communities which need to diversify their economic base if they are to survive, to move against the widespread cancer of poverty in rural America, and to think of the growing needs of families and individuals in cities and suburbs for land and water and space where they can live more abundantly.

This administration has set out to meet some of those needs through a variety of approaches, particularly through a nationwide Rural Areas Development effort. Before 1961, RAD was a kind of pilot program—and a poor relation at that. Since that time, it has enlisted nearly 100,000 persons serving on local RAD committees in 2,100 counties in the country. This compares with 300 counties which in 1960 were involved in the pilot phase.

RAD will be strengthened by the Economic Opportunity Act. This new legislation will enable the local committees to broaden and intensify their attacks on rural poverty.

Already, with the help of new tools provided by Congress since 1960, local RAD leaders completed projects creating an estimated 212,000 nonfarm jobs in rural America—and some 148,000 additional jobs were created as an indirect result. These new tools included the Area Redevelopment Act, the Accelerated Public Works Act, the Manpower Development and Training Act, and the Food and Agriculture Act of 1962.

With the help of Congress, USDA agencies have broadened and strengthened their services.

The Farmers Home Administration is now making water system loans to communities and housing loans to senior citizens. Loans of all kinds in each of the last 3 fiscal years have run well over double the level of the 1960 fiscal year. In the last 4 fiscal years, FHA has loaned about \$2.5 billion—compared with about \$1.2 billion, which would have been loaned under a continuation of the 1960 level.

Some 254,000 rural Americans today have access to modern water systems in 460 rural communities because of water system loans made by the Department during the past 3 years. More than 49,000 rural families, including 2,700 elderly persons, built or remodeled their homes through new or expanded programs since 1960.

RURAL ELECTRIFICATION EXPANDS

Rural electrification loans are serving more than 100,000 new rural consumers each year. Rural electric cooperatives, with expanded loan programs since 1960, have improved service while lowering their power costs by \$2.5 million this year.

Since mid-1961, at least 937 commercial and industrial enterprises have been launched with help from the rural electric co-ops. These enterprises represent a total investment of three-quarters of a billion dollars. The number of new enterprises launched during 1963 was 25 percent greater than in the preceding 18 months.

CONSERVATION SPEEDED

Conservation programs have been stepped up.

In the past 4 years, the number of small upstream watershed projects authorized for construction has almost doubled the total of the preceding 5 years.

Some 396 projects—with about one-fourth of them providing either recreation, community, and industrial water supplies, or wildlife preservation—have been approved for construction.

Conservation programs have a new emphasis on recreation and other income-producing uses for land no longer needed for crop production. More than 20,000 farmers—many with USDA help—have developed outdoor recreation as another source of income for themselves and enjoyment for city people.

The development rate of national forests has been doubled and the authorization for forest roads and trails has tripled. In the past 10 years, recreation visits to the national forests have increased from 35 to 135 million—which is the estimate for the 1964 calendar year.

CONSUMERS AIDED

The third dimension in our agricultural policy—consumer programs—aims at making better use of our abundance—both at home and abroad. It also is directed at protecting consumers through strengthened inspection and grading, and by helping to make more efficient the marketing system.

More than 6 million elderly, handicapped, and other needy people were helped through food distribution programs in 1963. We distributed 1.9 billion pounds of food. That is nearly double what was distributed in 1959-60—besides being better rounded out as to quality and variety.

Sixteen million youngsters are benefiting from school lunches. Another 14 million are sharing in distribution of 2.9 billion pints of milk. Some 4.5 million more children received school lunches in fiscal year 1964 than the average for 1956-60. In the special milk program, milk was provided in 30,000 more schools and child-care institutions in 1964 than in 1956.

The pilot food stamp plan has proved that this means of sharing food abundance means better diets, better income to farmers, and improved business for retailers. In a survey of pilot communities, it was found that the food stamp program stimulated retail grocery sales by an average of 8 percent.

The expanded food stamp program will make it possible to bring better diets to low-income families—especially families needing a greater variety of foods for an adequate, healthful diet. The pilot program has been operating in 43 counties of 22 States—serving 380,000 people. The new permanent legislation removes the area limitation.

EXPORTS AT RECORD LEVEL

Exports have also been expanded.

We are exporting the produce of 1 acre out of every 4. In the case of wheat, it is one out of three. Total farm exports set an all-time record for the fiscal year ending last June 30, topping \$6 billion.

Some of that was for soft currency, but \$4.6 billion of it was for dollars and the big increase in total exports occurred in dollar sales. Contrast this with dollar export sales averaging only \$2.6 billion in 1955-60.

The export record of the past year represents the contributions of Government and industry. The U.S. Department of Agriculture is today engaged in an aggressive market-promotion partnership with 44 separate agricultural producer and trade organizations reaching into 67 countries.

The 1963 Trade Expansion Act makes possible a continued expansion of trade to benefit American industry and agriculture. The authority of the Trade Expansion Act continues to be used aggressively toward the achievement of expanded trade in industrial and agricultural products.

FOOD FOR PEACE

Food for peace now helps 114 countries and territories throughout the world—providing hundreds of millions of people with food that would otherwise not be

available to them. Five 10,000-ton ships leave American ports every day carrying food-for-peace cargoes. U.S. food donations will provide school lunches for some 40 million children in friendly countries this school year.

Food has also been made a vital tool in foreign economic development, enabling developing areas to use U.S. food to aid in the construction of roads, schools, public buildings, and many other works. Food-for-wages programs under title II of Public Law 480 alone are underway in 22 countries of the world—giving employment to 700,000 workers.

In less than 4 years, the Kennedy-Johnson administration has achieved a broad range of improvements in meeting the problems of change that affect agriculture and rural America.

CONGRESS' RECORD

I know that President Johnson and the officials of his administration appreciate the accomplishments of these last two Congresses—without which, this kind of progress would have been entirely impossible.

There are those who are now attempting to distort the agricultural progress of the past 4 years by using an unadjusted parity ratio figure, which stands at 74 percent only because one and a half billion dollars of payments income is now excluded from the calculation. I would like to suggest to these persons that they could better devote their thought, time, and energy to developing a constructive program for their candidate, and developing support within their party for such measures in the Congress, instead of almost total opposition.

THE REPUBLICAN RECORD

In 1961, in the House of Representatives, Republican Party members voted 161 to 4 against the feed grain bill. In the Senate, they voted 26 to 8 for an amendment to kill the feed grains provision.

In 1962, they voted 167 to 1 in the House and 30 to 2 in the Senate against needed omnibus farm bills proposed by the administration.

In 1963, the House Republicans voted 167 to 1 and the Senate Republicans 28 to 3 against the administration's voluntary feed grains bill.

In 1964, the Republican vote was 167 to 10 in the House and 21 to 5 in the Senate against the voluntary wheat-cotton bill.

I have great respect for the handful of Republican Members of Congress—the tiny minority—who have supported the farm bills. I hope they will use their persuasive powers to win their candidate for the Presidency over to a more constructive position—to eliminate his present zeal to liquidate the bulk of our farmers.

If they cannot do so, then I recommend to them the honest and courageous course taken by the Senators from New York as a consequence of the civil rights issue. They cannot effectively advocate a solid farm program in the Halls of Congress and on the campaign hustings and then urge the election of a Presidential nominee who is determined to end the farm program.

Real progress has been made for farmers and rural America in the past 4 years. Far more can be made in the next 4 years after rural America has registered its overwhelming disapproval of a farm policy which, we are already warned, will mean catastrophe to food and fiber producers.

Mr. PROXMIRE. Mr. President, I congratulate the Senator from South Dakota [Mr. McGOVERN] on his excellent speech on reapportionment. Unfortunately, I was occupying the chair of the Presiding Officer earlier and was unable to comment when he concluded that part of his remarks. It seems to me that his speech went to the crux of the problem, particularly his treatment of the relationship between Congress and the Supreme Court.

When the Senator said that what has happened in connection with the Dirksen-Mansfield proposal calls into some question the reputation of the Senate as the greatest deliberative body in the world, was he referring to the fact that no hearings, no hearing record, and no committee consideration whatsoever have been given to the Dirksen-Mansfield amendment or to the Tuck bill?

Mr. McGOVERN. The Senator is correct. In the first instance, I said that the Dirksen-Mansfield amendment was ill advised, and that it is always somewhat dangerous to launch into a direct attack on the courts; but when it is done in the kind of haste that has been demonstrated in the Senate, it is all the more deplorable.

Mr. PROXMIRE. I should like to call attention to one fact that has already been mentioned, but I wish to emphasize it. There has been this immediate value of the discussion that has been engaged in by the Senator from South Dakota and other Senators so far; that is, Senate deliberation has helped win a dramatic and drastic change in the attitude of Members of Congress. The vote on the Tuck bill was one clearly significant and really startling change, from a decisive victory in the House to a crushing defeat in the Senate, obviously because of the debate and deliberation that has taken place in the Senate.

Mr. McGOVERN. If I may interrupt the Senator, I said in my opening remarks, in paying tribute to him—I believe he was engaged in a conference at the time with the Senator from Illinois [Mr. DOUGLAS]—that we are all indebted to the Senator from Wisconsin and the Senator from Illinois, and other Senators, for alerting the Senate and the Nation to the danger involved in this proposal.

I am deeply grateful to the Senator from Wisconsin that he was alert to see the danger of the Dirksen amendment and gave some of the rest of us time to catch up with him in his awareness of what is at stake.

Mr. PROXMIRE. What the Senator from Wisconsin was emphasizing was the great function of the Senate to deliberate. Time was taken and days were consumed—a few days, really; but some days were consumed—in analyzing and discussing the implications of this meas-

ure. This met the standard for deliberation which the Senate has won.

I invite the attention of the Senator from South Dakota also to the fact that whereas 2 weeks ago it was considered that the Javits-McCarthy amendment would have been crushed—I heard leaders on the other side of the aisle say that it would be pulverized; the votes that would be obtained for it would be scattered—the fact is that it came within one switch, or two votes—one Senator switching—of a tie vote, on a 42 to 40 vote.

Also, in spite of the fact that time has elapsed since we started discussing this question, so many others have come up that actually there has been only a relatively few hours of debate on it.

Yesterday, we came out within a hair's breadth of knocking out the Dirksen-Mansfield amendment with a substitute, which in the judgment of most Senators would not have called the Supreme Court's jurisdiction into question in any sense, would not have questioned judicial review, and would have resulted in a settlement of the matter which certainly would not have been satisfactory to many of us but would have been a vast improvement.

Mr. McGOVERN. Is the Senator suggesting that perhaps with 2 or 3 more days of education on this issue we may be able to pass some legislation?

Mr. PROXMIER. Yes, indeed. The Senator from Illinois [Mr. DIRKSEN] has emphasized the notion that there are not many Senators in the Chamber during debate. We have been kind and considerate in not asking for live quorums. This is usually done with anything like a filibuster, but we have considered the position of all Senators on this question and have relied on their study of the CONGRESSIONAL RECORD, reading reports in the newspapers, and holding conversations with other Senators and other officials to persuade them—on the basis of the speech just made by the Senator from South Dakota [Mr. McGOVERN], and the fine speech along quite different lines which was delivered by the Senator from Michigan [Mr. McNAMARA]—that we are going to win additional adherents. It will not take much now. We are so close to victory. We shall win. On the other hand, our opponents are about as far from getting cloture as they can be. They obtained 30 votes for cloture the other day. We obtained 63 votes against, which must be a record crushing of a cloture motion.

The Senator's speech, it seems to me, was particularly appropriate and useful because he did, as I say, go into the crux of the situation: In the first place, the confrontation by Congress of the Court. He coined a remarkable apt phrase for this butting in: "The directed verdict." What could be worse in continuing our system of government with the separation of powers than to provide that the Congress can direct the verdict of the Court. Obviously, it would destroy the whole function of the Court as the supreme arbiter. One of its prime functions is to review acts of Congress to determine their constitutionality.

The Senator's phrase was excellent. That is just what this Dirksen amendment is, a directed verdict.

Then, the Senator from South Dakota pointed out what I believe has been overlooked by many commentators and by others, that this would suspend the individual constitutional right—prevent a basic constitutional right. Many people have commented that they found not much evil in the Dirksen-Mansfield amendment, including Walter Lippmann. They have overlooked what the Senator has stressed: That it would suspend an individual constitutional right.

The final point I wish to make is that the Senator from South Dakota was particularly persuasive when he emphasized that political equality is the basis of our democracy, and that what the Dirksen-Mansfield amendment would do would be to suspend action of the Supreme Court until this political equality, or any real chance for it, could be destroyed.

When we take these three steps together, they really go to the heart of the problem. Those speeches—together with the excellent speech made by the Senator from Montana [Mr. METCALF]—I believe are two of the finest speeches I have heard in a long time on this subject. They are two of the best, on the relationship between Congress and the Supreme Court.

Mr. McGOVERN. I thank the Senator from Wisconsin for his generous words. They are especially appreciated because he is one of the real students in the Senate on the problem that is now pending before us.

FOOD FOR PEACE IN YUGOSLAVIA AND POLAND

Mr. McGOVERN. Mr. President, the Senate and House bills extending one of this country's most effective instruments in the field of foreign policy, the food-for-peace program, will soon be considered by a conference committee of our two Houses. The food-for-peace program has been such an effective instrument because it enjoys the happy distinction of conferring important benefits upon both the United States and the recipient countries.

This program, almost more than any other program in which our country is participating, blends self-interest with practical humanitarianism.

We are all fully familiar with the most obvious of these benefits. The use of otherwise surplus production from our great agricultural base helps developing or stricken countries to meet the needs of their people for food and fiber. The savings to our taxpayers in storage charges, the strengthening of our domestic agricultural prices and the new business provided for transport and other business enterprises in the United States help our own people, while the image and reality of American abundance and efficiency in agricultural production serve to advance our foreign policy abroad.

In its action on the food-for-peace extension voted on September 3, however, I fear that the House of Representatives has overlooked an important foreign pol-

icy consideration related to this program. By its amendments to section 107 of the food-for-peace program, the House of Representatives has made it impossible for the United States to continue this program in two of the most strategically located countries of the world—Yugoslavia and Poland.

We all know the basic argument of those who oppose any policy favoring better relations with Yugoslavia and Poland. They say it is inconsistent to follow positive policies toward certain Communist countries while opposing other Communist countries such as Red China and Cuba. I submit that there is no valid basis for this argument because there is no real inconsistency.

When our interests have been threatened by aggression or subversion from Communist China, Cuba, the U.S.S.R., or any other Communist country, we have taken whatever measures necessary to safeguard our security interests. When these threats have not been present and where circumstances are favorable, we have exploited opportunities to expand relations with Communist countries in order to make our presence and influence felt within them—in their own back yards, so to speak.

The objectives of this policy of peaceful engagement have been to lessen the danger of conflict and temper the fanatic commitment to the ideological goals of the Communist extremists. In the last 2 or 3 years, there is some evidence that even the Soviet Union is beginning to free itself from blind ideology and to view the world and its own society in somewhat more pragmatic terms. In Yugoslavia and Poland, however, this development has been going on for many more years, and it is not unreasonable to think that the Yugoslav and Polish examples have significantly influenced the other countries of the Soviet bloc, including the U.S.S.R. itself. The United States and other Western countries have long recognized and supported these trends.

Yugoslavia provided the first opportunity to help drive a wedge into the monolithic world Communist movement dominated by the Soviet Union. Yugoslavia's refusal to tolerate Soviet domination was a windfall to U.S. interests. As a calculated risk we supported Yugoslavia's efforts to maintain its independence. We extended our influence behind the Iron Curtain. Our support enabled the Yugoslav nation to sustain independent foreign and internal policies which still make the Yugoslav system the major challenge to Communist orthodoxy.

Following the Polish events in 1956 which brought Gomulka to power, the United States took advantage of still another opportunity in Eastern Europe. The Gomulka government expressed its desire to reestablish its ties with the West and simultaneously introduced certain liberalizing measures at home. Here again the United States and its Western allies took account of these developments and did what they could to encourage this trend.

In carrying out our policy of supporting Yugoslav and Polish bids for independence and for closer relations with the free world, the administrations of Presidents Eisenhower, Kennedy, and Johnson used the food-for-peace program as an essential instrument of policy. This program has demonstrated the real interest and concern of the United States for the welfare of the peoples of Eastern Europe. It has helped greatly to provide Yugoslavia and Poland with an alternative to economic dependence on the Soviet Union and the means for taking certain liberalizing measures internally. The operation of this program in Yugoslavia and Poland has fostered greater contacts between the peoples of these countries and the United States and these contacts in turn have enabled pragmatic and humane influences to reinforce national aspirations for abandonment of the extreme authoritarian features of Soviet-style communism.

The examples of Yugoslavia and Poland in effect were the earliest challenges to world Communist unity dictated by Moscow which had been a vital feature of the world Communist power. The evolution of both countries from replicas of the Soviet Union to countries enjoying fruitful contacts with the West and working out their own foreign and domestic policies has had a significant influence for other countries within the Soviet bloc. The examples of Yugoslavia and Poland have thus strengthened the forces of independence and nationalism which have now become the dominant features in Eastern Europe. It is clear that this is not the time to abandon our involvement within the heartland of Communist power—to walk away from the competition.

For these reasons, Mr. President, I would strongly urge that no amendments to the food-for-peace legislation be enacted which would in any way tie the hands and cripple the ability of the President to continue to use this instrument flexibly to achieve the objectives of our foreign policy in Eastern Europe.

(At this point Mr. Young of Ohio took the chair as Presiding Officer.)

Mr. McGOVERN. Mr. President, I have prepared an analysis of this particular part of the food-for-peace issue and together with some supporting documents and news items, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PUBLIC LAW 480 IN YUGOSLAVIA

It should be noted that our Public Law 480 program in Yugoslavia has shifted significantly from softer to harder terms in recent years, so that the dollar income which will accrue to the United States from the program has risen considerably. Since fiscal 1962 title IV dollar repayment has been a standard feature in our Yugoslavia Public Law 480 programs. In that year, the proportion of title IV in the total of title I and title IV sales agreements was 15.6 percent. In fiscal 1963 the proportion was 15 percent, and in fiscal 1964 it increased to 72 percent. In the fiscal 1964 program, furthermore, a significant move toward commercial sales was made by requiring repayment by the end of 1968 of an estimated \$19.7 million plus interest at 4.18

percent for wheat sold under title IV. In addition, the 1964 program provided for retention by the United States for its own uses of 15 percent rather than 10 percent of the title I local currency sales proceeds, from which the equivalent of \$550,000 is to be converted into dollars for U.S. Government uses over a 3-year period and about \$364,000 is to be converted into other nondollar currencies to finance U.S. agricultural market development in other countries. Both United States and Yugoslav officials are in agreement that the trend away from title I and toward more commercial terms should be maintained to the extent that the Yugoslav balance-of-payments situation and U.S. interests in supporting further liberalization in the Yugoslav system permit.

[From the New York Times, Sept. 11, 1964]

RUSK IS OPPOSING TWO HOUSE PLANS TO CURTAIL AID TO EASTERN EUROPEANS

(By M. S. Handler)

WASHINGTON, September 10.—Secretary of State Dean Rusk urged today the elimination of two House proposals that in the opinion of Government officials would destroy foreign-policy aims in Eastern Europe.

The House proposals would amend Public Law 480, which provides for the sale of Government surplus foodstuffs to friendly countries for local currencies. In recent years, the U.S. Government has prevailed upon Poland and Yugoslavia to increase their commercial imports from the United States substantially.

One amendment, proposed by Representative PAUL HINDLEY, Republican, of Illinois, would exclude Yugoslavia and Poland from the definition of "friendly countries," and would deprive them of eligibility for aid under Public Law 480.

The other amendment, offered by Representative PAUL G. ROGERS, Democrat, of Florida, would also exclude them on the ground that their ships and aircraft are engaged in trade with Cuba. The amendment by Mr. ROGERS would affect Greece, Lebanon, Morocco, Cyprus, and Liberia for the same reason.

Government officials said the proposed amendments, by eliminating Yugoslavia and Poland, would terminate a major contribution of the United States to national independence movements in Eastern Europe and to the loosening of Soviet control over the Communist Parties and government policies in the area.

Government officials were particularly exercised about the exclusion of Yugoslavia, because they are convinced that the policy of independent communism adopted by President Tito in 1948 has spread throughout Eastern Europe, and that the effects may be seen today in Rumania, Hungary, and Poland. They also believe that traces of Yugoslav policy may be seen in the changes in the Soviet Union.

Government officials attributed these recent successes to Marshal Tito in stimulating independent Communist movements that led to the breaking of Soviet control:

The liberalization movement in Hungary led by the party leader, Janos Kadar, a former protege of Marshal Tito.

The independence movement in Rumania. Marshal Tito's unpublicized close relations with Palmiro Togliatti, the Italian Communist leader, who secretly defended Marshal Tito against Stalin, and whose own ideas against a monolithic communism directed from Moscow paralleled those of the Yugoslav leader.

Mr. Togliatti's memorandum, made public after his death August 21, which bore many traces of Tito-Togliatti ideas shared in common.

Officials said that taking into account Poland's difficult geographical position, Wladyslaw Gomulka, the Polish leader, had

made a maximum effort to assure Poland's independence while the country is allied to Moscow, and that American aid had played an important role in helping him through economic crises.

Officials interpreted the recent moves of the Rumanian and Hungarian Governments to improve their trade relations with the United States as further evidence of the success of American policy in Eastern Europe. They contend that the stronger the ties of the Eastern European Communist states become with the United States and other Western countries, the looser their ties with the Soviet Union.

Economic assistance to Poland and Yugoslavia has permitted the regimes in those countries to relax their internal controls and to return, to a degree, to a more relaxed relationship between the citizen and the state.

PUBLIC LAW 480 AGREEMENTS AS A VALUABLE WEAPON IN ACHIEVING OBJECTIVES IN EASTERN EUROPE

The Public Law 480 agreements have been the principal instrument in the hands of Presidents Eisenhower, Kennedy, and Johnson to advance our foreign policy objectives in Poland and, indirectly, in all of the Soviet bloc countries of Eastern Europe. The primary objective has been to bring the Eastern European countries closer to the free world. By building carefully and painfully the special United States-Polish relationship through the judicious use of the Public Law 480 tool, we have created an example for the other Soviet bloc countries of the type of relationship they might hope to have with the United States under certain circumstances.

The United States has demonstrated its willingness to cooperate with those Eastern European countries seeking closer ties with the United States and showing greater degree of independence from Soviet domination. The stirrings in Eastern Europe in the past year or two, increasing assertions of national autonomy—most notably in Rumania—have been nourished by U.S. policy toward Poland.

PUBLIC LAW 480 AGREEMENTS HAVE ENCOURAGED DESIRABLE CHANGES IN POLAND

U.S. policy toward Poland since 1956 has been dedicated to foster and to encourage greater freedom of action in Polish foreign relations and a more liberal internal atmosphere. In carrying out this policy the United States began to sell surplus agricultural commodities to Poland under Public Law 480.

Since the Gomulka regime came to power in 1956, Poland has asserted a measure of autonomy which, until recent actions by Rumania, had been unique within the bloc. The program of agricultural collectivization was reversed so that today more than 85 percent of the arable land is privately held. Basic freedom of worship is possible for Roman Catholics who make up 95 percent of the population. Oppressive police practices have been moderated. Polish policy since 1956 has reflected strongly the nationalist sentiments and Western orientation of the country and has sought greater economic and other ties with the free world.

The importance of contacts between the Polish people and the West are indisputable, and they are of particular value during this time of stress and change within the Communist world. Our special policy toward Poland since 1956 has been designed to increase these contacts and it has achieved considerable success. The VOA is not jammed. We operate an information program in Poland. We have established a consular office in Poznan—the only office maintained by this Government behind the Iron Curtain outside of the respective capital cities. We are able to meet with the Polish people, and we are able to put for-

nays on the ordering of the previous question.

In the House of Representatives the filibuster was used in an effort to prevent a vote in 1811. When the crisis reached its peak on February 27, 1811, it was effectively dealt with when the motion to move the previous question was used six times in one night to force a crucial question to a vote. The event which occasioned its use as a cloture motion was a bitter contest over foreign policy which preceded the War of 1812, and the filibuster was being used to defeat the nonintercourse bill.

The present procedure for invoking the motion for the previous question is set forth in rule XVII of the Rules of the House of Representatives. The annotations to the rule show how it has been developed to its present use as an effective instrument to terminate debate, a procedure in constant use in House deliberations.

SUMMARY OF STATE SENATE RULES ON LIMITATION OF DEBATE (TAKEN FROM LATEST RULES AVAILABLE. RULES FOR HAWAII AND ALASKA NOT AVAILABLE)

(By Grover S. Williams, legislative attorney, American Law Division, Library of Congress, Aug. 24, 1960)

SUMMARY

The motion for the previous question is recognized in the rules of State senates in 37 States, and adoption by majority vote, terminates debate. In four other States, like procedure is recognized to permit a majority to bring the pending business to a vote.

Alabama (1957): Debate may be limited by a vote of two-thirds of all elected members (rule 19). Members limited to twice the number of times to speak on one measure and limited to 1 hour each time (rule 37).

Arizona (1958): Previous question authorized rule XVIII. Presumably requires majority vote.

Arkansas (1951): Previous question authorized if seconded by at least five members (rule XV). Presumably requires majority vote. Dilatory motions forbidden (rule XIV, sec. 19).

California (1957): Previous question authorized by majority vote (rule 41).

Colorado (1958): Previous question authorized by majority vote (rule IX). Debate may be limited not less than 1 hour after adoption of motion to that effect by majority vote (rule IX, 3).

Connecticut (1957): When yeas and nays have been ordered by one-fifth of members present, each senator when his name is called shall declare openly his assent or dissent (rule 10).

Delaware (1957): "Roberts Rules of Order" to settle all parliamentary procedure (rule 24).

Florida (1957): Members may not speak longer than 30 minutes nor more than twice on any one question without leave of the senate (rule 20).

Georgia (1957): Previous question authorized by majority vote (rule 58). Speeches are limited to 30 minutes unless by leave of senate (rule 15).

Idaho (1947): Previous question authorized (rule 4). Presumably by majority vote.

Illinois (1958): Previous question authorized (rule 54). Presumably by majority vote. Members are limited to 15 minutes at any one time without consent of senate (rule 33).

Indiana (1949): Previous question authorized (rule 17). Presumably by majority vote.

Iowa (1957): Previous question authorized by majority vote (rule 12).

Kansas (1957): Previous question authorized (rule 28) presumably by majority vote. No Senator may speak more than twice on same subject on same day (rule 15).

Kentucky (1958): Previous question may be ordered by majority of Senators elected (rule 12). Members are limited to one 30-minute speech on a measure until all members desiring to be heard have spoken (rule 21).

Louisiana (1958): Previous question authorized by majority vote (rule 17). Debate may be limited by majority vote so that no Senator shall speak longer than 1 hour at one time without leave of Senate (rule 9).

Maine (1957): Members are limited to one speech on a measure to the exclusion of any other member without leave of Senate (rule 10). Reed's Rules and Cushing's Law and Practice govern whenever applicable (rule 37).

Maryland (1958): Members are limited to one speech on any measure to the exclusion of any other member. Each member is required to confine himself to the subject (rule 14). Jefferson's Manual governs when not inconsistent with standing rules (rule 92).

Massachusetts (1958): Debate may be closed not less than 1 hour after adoption of motion to that effect (rule 47). Presumably by majority vote. Cushing's Manual and Crocker's Principles of Procedure shall govern when not inconsistent with standing rules (rule 62).

Michigan (1958): Previous question authorized by majority vote of members present and voting (rule 65). Members are limited to two speeches in any one day on the same measure (rule 23).

Minnesota (60th session): Previous question authorized by majority vote (rule 24).

Mississippi (1956): Previous question authorized (rule 112). Presumably by majority vote.

Missouri (1957): Previous question authorized by majority vote of members elected (rule 76). Members are limited to one speech on same question without leave of senate (rule 72).

Montana (1951): Previous question authorized by majority vote (rule XIV). Members are limited to two speeches in any one debate on same day in exclusion of others (rule XII).

Nebraska (1957): Previous question authorized by a vote of a majority of elected members (rule 10). Members are limited to two speeches in any one debate during a legislative day without leave of legislative (rule 1).

Nevada (1951): Previous question authorized by majority of members present (rule 18). Members are limited to two speeches on one question on the same day (rule 44).

New Hampshire (1951): Previous question authorized (rule 9). Presumably by majority vote. Members are prohibited from speaking more than twice on the same day on a measure without leave (rule 4).

New Jersey (1958): Previous question is authorized (rules 41, 43). Presumably by majority vote. Prohibits any members from speaking more than three times on same subject without leave (rule 47).

New Mexico (1958): Permits debate to be closed after 6 hours debate by a majority vote of members present (rule 68). Previous question authorized when demanded by a majority of members present (rule 58). Members are prohibited from speaking more than twice in any one debate on same day (rule 12).

New York (1959): Debate may be limited by majority vote of those present whenever any bill, resolution, or motion shall have been under consideration for 2 hours (rule XIV, sec. 3).

North Carolina (1951): Previous question authorized (rule 57). Presumably by majority vote.

North Dakota (1957): Previous question is authorized (rules 18, 21). Presumably by majority vote. Ordinary members are limited

to speak only 10 minutes on same subjects, than 5 minutes, until every member choosing to speak has spoken (rule 13).

Ohio (1957): Previous question is authorized on demand of three members (rule 89). Presumably by majority vote. Members are prohibited from speaking more than twice on same question (rule 74).

Oklahoma (1955): Previous question authorized by majority vote of members voting (rule 39).

Oregon (1951): Previous question authorized by majority vote (rule 69). Members are limited to speaking on any question to two times (rule 25).

Pennsylvania (1958): Previous question authorized (rules 9, 10). Presumably by majority vote. Mason's Manual to govern when applicable (rule 34).

Rhode Island (1958): Motion to close debate authorized after consideration for 2 hours (rule 23). Presumably by majority vote. Members are limited to speaking on a measure to two speeches without leave of senate (rule 18).

South Dakota (1957-58): Previous question authorized, if seconded by one-seventh of the members-elect, and adopted by majority vote will end debate (rule 53).

South Carolina (1957): Previous question is authorized if seconded by at least one-seventh of members elected and requires a vote of a majority of members present to carry (rule 53).

Tennessee (1949): Previous question authorized by vote of two-thirds of members present; if rejected, committee of rules may, upon demand of a majority of the members, submit rule fixing of limiting time for debate for adoption by majority of senate (rule 20).

Texas (1949): Previous question authorized by majority vote (rule 101).

Utah (1957): Previous question specifically forbidden (rule 45). Provides that no member speak more than twice in any one debate on same day without leave (rule 42).

Vermont (1957): Previous question specifically forbidden (rule XVIII, 55). Provides that no member shall speak more than twice on same question without leave (rule X, 66).

Virginia (1958): Previous question authorized if seconded by majority of members present (rule 50). Prohibits members from speaking more than twice on same subject without leave (rule 56).

Washington (1957): Previous question authorized by majority vote of members present (rule 30). Prohibits members from speaking more than twice on same subject on same day without leave (rule 16).

West Virginia (1957): Previous question authorized by majority vote (rule 53). Prohibits members from speaking more than twice on same subject without leave (rule 17).

Wisconsin (1957): Previous question authorized on demand of five members (rules 76, 77). Presumably by majority vote. Prohibits members from speaking more than twice on same subject without leave (rule 59).

Wyoming (1957): Previous question authorized when seconded by three members (rule 43). Presumably by majority vote. Prohibits members from speaking more than twice on same subject on same day without leave (rule 32).

7. JOURNAL READING (S. RES. 377)

Resolved, That paragraph numbered 1 of rule III of the Standing Rules of the Senate (relating to the commencement of daily sessions) is amended to read as follows: "The Presiding Officer having taken the chair, and a quorum being present, motions to correct any mistakes made in the entries of the Journal of the preceding day shall be in order, and any such motion shall be deemed

a privileged question, and proceeded with until disposed of. Unless a motion to read the Journal of the preceding day, which is nondebatable, is made and passed by majority vote, the Journal shall be deemed to have been read without actual recitation and approved."

SUPPORTING STATEMENT BY SENATOR CLARK

The rule that the Journal of the preceding day be read if one Senator requests it is a complete anachronism. The rule was established long before the Government Printing Office perfected the art of printing each day's proceedings within a few hours of adjournment. There is absolutely no reason why any Senator should demand the reading of the previous day's Journal under existing circumstances.

All Senators will recall occasions on which the reading of the Journal has been used to delay for several hours the Senate's consideration of urgent legislative matters. All Senators will recall other occasions on which the leadership has been forced to recess the Senate at the end of a day rather than adjourn it so that it will not be possible for a dissident Member to ask for the Journal reading the following morning and delay the debate on an important measure. The present Journal reading rule serves no valid purpose and should be amended.

8. MORNING HOUR (S. RES. 378)

(By Mr. CLARK)

Resolved, That rule VII of the Standing Rules of the Senate (relating to morning business) is amended by adding at the end thereof the following new paragraph:

"8. One hour, if that much time be needed, shall be set aside for the transaction of morning business on each calendar day at the opening of proceedings or, if the Senate is in continuous around-the-clock session, at noon. The period for morning business may be extended upon motion, which shall be nondebatable, approved by majority action. No Senator may address the Senate for more than 3 minutes during the period for morning business, unless he has obtained leave by unanimous consent to address the Senate for a longer time."

SUPPORTING STATEMENT BY SENATOR CLARK

The rule change I am suggesting—to regulate the transaction of morning business—is intended to speed Senate business. The term "morning hour" is a misnomer under our present practice. It is well known that 2 hours, from noon to 2 p.m., are frequently used for morning business on new legislative days. I suggest that we limit morning business to 1 hour daily, unless a majority of Senators vote to extend the period, and that the 3-minute limit on individual speeches, which is a custom now honored as much in the breach as in the observance, be written into the Senate Rules. The morning hour is a valuable and appropriate time for the delivery of remarks by Senators on current events and other miscellaneous business. My proposed rule would make it impossible for one Senator to block the holding of a morning hour daily even if the Senate is meeting in recessed or continuous session, and yet it would curtail the overall time spent on matters nongermane to the pending bill or resolution.

9. TIME LIMITATION OF HOLDING THE FLOOR (S. RES. 384)

(By Mr. CLARK)

Resolved, That paragraph numbered 1 of rule XIX of the Standing Rules of the Senate (relating to debate) is amended by adding at the end thereof the following new sentence: "Whenever any Senator has held the floor for more than three consecutive hours, an objection to his continued recognition shall be in order at any time, and, if such an objection is made, the Senator shall yield the floor."

SUPPORTING STATEMENT BY SENATOR CLARK

In the 18th century when the Senate had 26 Members and the Legislative Calendar was brief and did not contain matters of urgent importance to many millions of people, there was time to permit individuals to engage in filibusters. There is no time for such tactics in the 1960's. Marathon speeches by any 1 Senator in a body which now numbers 100 Members should not be tolerated.

I submit that no Senator needs more than 3 hours to expound his views on any specific matter coming before the Senate for action. Senators will judge for themselves whether they can recall a single occasion on which any Member took more than 3 consecutive hours to state his views on any subject when his purpose was not purely one of delay. I recall no such occasion.

When a Senator is interrupted repeatedly by a colloquy the Senate can be relied upon to grant unanimous consent for the Senator to continue beyond the 3-hour period, unless the colloquy is obviously engaged in for the purpose of delay. If he cannot get such consent, he would still have the right under rule XIX to speak once more on the same subject during the same legislative day, if he can obtain recognition.

I am reminded of Oliver Wendell Holmes' apology when he delivered a particularly long opinion one day as a member of the Massachusetts Supreme Court: "I did not have time to write a short one." A 3-hour speech is hardly a short one, but the Senate should take the time next January, when we determine the rules we will operate under during the 89th Congress, to make sure that no future speech is longer than that.

Mr. CLARK. I wish to thank my friend the distinguished Senator from Michigan [Mr. McNAMARA] for his courtesy in yielding to me.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

The PRESIDING OFFICER (Mr. McGOVERN in the chair). The Senator from Colorado is recognized.

Mr. ALLOTT. Mr. President, the Washington Post for September 13 carries an article under date of September 12, to the effect that the Supreme Court's one-man, one-vote apportionment formula for State legislatures has been applied at the county level in Michigan for the first time. Circuit Judge Fred N. Searl ruled that the Kent County Board of Supervisors must be reapportioned on a population only basis under the 14th amendment.

If there has been a question about how far this Federal standard will be applied, this decision certainly indicates that the standard will be imposed on every county and every city which has districts for the election of its governing body.

It is not inconceivable that this ruling could be applied also to special districts, such as water districts, soil conservancy districts, and so forth. Time is of the essence, and in the words of Robert Herrick, let me caution my colleagues to—

And this same flower that smiles today,
Gather ye rosebuds while ye may,
Old Time is still a-flying:
Tomorrow will be dying.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article published in the Washington Post of September 13, 1964, entitled "One-for-One" Vote Rule Applied to County" and an article which was published in the Saturday Evening Post by the distinguished minority leader [Mr. DIRKSEN], entitled "The Supreme Court Is Defying the People."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 13, 1964]

ONE-FOR-ONE VOTE RULE APPLIED TO COUNTY

GRAND RAPIDS, MICH., September 12.—The U.S. Supreme Court's one-man, one-vote apportionment formula for State legislatures has been applied at the county level in Michigan for the first time.

Circuit Judge Fred N. Searl ruled yesterday that the Kent County Board of Supervisors must be reapportioned on a population-only basis.

But he did not issue an immediate order for redistricting, saying he would leave it up to the 1965 session of the Michigan legislature to carry out reapportionment of county governing units.

Judge Searl's 36-page opinion held that the equal protection clause of the 14th amendment to the U.S. Constitution requires that the board of supervisors meet the same basic standards applied to the legislature under the high court decision.

Five professors from Calvin and Aquinas Colleges in Grand Rapids had asked Searl in a suit to order reapportionment of the county board. They noted that in one Grand Rapids ward, one supervisor represents 8,500 residents, while in the outlying town of Cedar Springs one supervisor represents 925 persons.

(In the Washington metropolitan area, the Fairfax County Supervisors are the only county officials elected by districts. In the seven districts, populations range from 14,785 in Centreville District to 61,295 in Mason District. Other district populations are Dranesville, 37,624; Falls Church, 57,429; Lee, 40,933; Mount Vernon, 44,129, and Providence, 45,129.)

[From the Saturday Evening Post]

THE SUPREME COURT IS DEFYING THE PEOPLE (By Senator EVERETT MCKINLEY DIRKSEN)

Have we reached the point where the Preamble to the Constitution, which now reads "We, the people . . . do ordain and establish this Constitution," has been changed to read "We the Supreme Court do hereby decree a new form of government for the people of the United States"? Have we permitted the Court to constitute itself an authority supreme and contrary to the expressed will of the people?

There is a grave danger that we have. On June 15 of this year, six members of the U.S. Supreme Court took what may prove to be the longest step toward creating a judicial dictatorship in this country. They did it by decreeing that the legislatures established by the people in the States of Alabama, Colorado, Delaware, Maryland, New York, and Virginia were null and void, and they dictated the form of legislative government which the people of these States must accept.

The Supreme Court proclaimed that it was acting to enhance democracy and to abolish inequities between the city dweller and his country cousin. Moreover, they have sold us this decision with the alluring slogan of "one man, one vote," a concept which is beautifully democratic in the abstract. But the States of the Nation are not governed abstractly. For 188 years they have been governed by a realistic system of legislative compromise, which recognizes

the diverse interests of a diverse people. Now, suddenly, the Supreme Court says it is wrong.

The form of legislature the High Court declared null and void is in effect today in every State in the Union. It is the same form of representation which was adopted by the thirteen Colonies when they threw off the yoke of the English kings. Basically, it is a legislature composed either of two houses, one house based upon population and another house based upon area, or of one house based upon both population and area. The men and women of the colonies fought, bled and died for the right to establish State governments of their choice. This was the choice they made.

Then, a decade later, they met in Constitutional Convention in Philadelphia. There they forged the provisions of the Federal Constitution on the anvil of experience, hammering out the solutions of the problems of fair representation for all. Even at that time there were rural areas and populous areas, each with diverse and legitimate interests. It was only natural that the sparsely settled and less affluent States should fear the power of the rich and strong. After much debate, this truly vexing problem was solved by a historic compromise. Today we have the handiwork of that solution, the Congress, a legislative body of two Houses, one of which is based on population and the other upon State boundaries.

That was the will of the people in those times, and that has been the will of the people since, as new States have been added to our Union, each one embodying the same principle in its own State constitution. But that is not the will of six men on the Supreme Court. Let us look at how they have ordered the people of this country to refashion their State legislatures.

It all began 2 years ago in the case of *Baker v. Carr*, which came to the Supreme Court from Tennessee. For the first time, the Court held it had the final authority over the composition of the State legislatures. Now in the six cases recently decided, the Court used that newly assumed authority in an extraordinary way. The Justices decreed that the 14th amendment, which was adopted in 1868, requires both houses of any State legislature to be apportioned on the basis of population alone. Moreover, it directed the lower Federal courts to put this new decree into practice through orders at the State level.

In Colorado, after the *Baker v. Carr* decision, the people of that State in 1962 had voted almost 2 to 1 to approve a plan to overhaul their legislature. Yet the Supreme Court refused to accept the plan approved by the people, and Colorado was given only 2 weeks to find a new solution. A specially called general assembly attempted to comply and adopted a new apportionment plan. Then the State Supreme Court of Colorado declared that plan to be unconstitutional. Today the citizens of Colorado do not know what they can do and—in view of all these facts—who can blame them?

In New York the supreme court not only ordered reapportionment but before it was through it had set new terms of office for members of the general assembly. The New York Constitution provides for 2-year terms for its legislators, but it has been decreed that those elected this fall shall serve for only 1 year. Then there is to be a second election, and members are to be elected for another year. Then there is to be still a third election, when lawmakers are to be named to a regular term.

An even more appalling situation has been created in Oklahoma. There a three-judge Federal court has taken upon itself the role of reconstituting the State legislature. The court began by declaring invalid a portion of the State constitution and election laws. The State passed a new election law and pro-

posed a constitutional amendment to remedy the defects. Then, in May of this year, the voters of Oklahoma approved the amendment to the State constitution and elected representatives under the new election law. Now the court has declared that amendment and election null and void and ordered new elections based on its own legislative formula—contrary to that approved by the people of Oklahoma.

I learned long ago that the people are the fountainhead of all power in this country. In Colorado and Oklahoma, as well as several other States, the people have acted decisively, but the Federal judges will not accept the result. They say that they represent some higher power to determine the form of our State governing bodies, which is a mistaken and dangerous notion.

Certainly in any representative government there exists a fundamental right in the people to determine how their legislatures shall be constituted. Yet according to the powerful dissenting opinion of Associate Justice John Marshall Harlan, the Supreme Court majority has now declared it to be unconstitutional for a State to give effective consideration to any of the following factors in establishing its legislative districts:

1. History;
2. Economic or other sorts of group interests;
3. Geographical considerations;
4. Area;
5. A desire to insure effective representation for sparsely settled areas;
6. Availability of access of citizens to their representatives;
7. Theories of bicameralism (except those approved by the court);
8. Occupation;
9. An attempt to balance urban and rural power; and
10. The preference of a majority of voters in the State.

In this, the Court would blindly disregard the facts of nature as well as the basic principles of representative government. A businessman in Garber, Okla., whose State legislator used to live in nearby Enid, may now have to travel to Oklahoma City to ask for the improvement of a bridge or complain about the condition of a road. A rancher or miner near Duncan, Ariz., could discover that his only representative lives in Tucson, a burgeoning electronic-and-space center with problems completely dissimilar to those at home. In my own home State, voters in sparsely settled southern Illinois may find they must go 150 miles to locate the nearest State legislator.

Mr. ALLOTT. Mr. President, I yield the floor.

CRIME AND DELINQUENCY

Mr. DODD. Mr. President, as one who has devoted a large part of his Senate work to the field of combating crime and juvenile delinquency, and as chairman of the Senate subcommittee specifically charged with responsibility in this field, I feel called upon to comment on the obvious attempt to turn the question of crime and delinquency into a political football for purely partisan purposes.

Crime and delinquency are indeed among our gravest domestic problems. They reveal a certain sickness in our society. Thousands and thousands of dedicated men and women have devoted their lives to this problem, in law enforcement, in social work, in the academic world, in mental institutions, in civic and fraternal organizations, in parents' groups, in churches, and in other areas.

Senator GOLDWATER and Representative MILLER have been conspicuously absent from this struggle, and I hope I speak for all who regard this as a grave and tragic problem instead of a campaign issue when I say that we are dismayed that they have now taken up this issue purely as a political propaganda sideshow.

They have nothing to say about the many complex causes of crime and delinquency, about slums, overcrowded cities, broken homes, poverty, racial discrimination, mental illness, inadequate crime laws, underpaid policemen, license in our mass media, inadequate school and recreation facilities, and others. Not only do they have nothing to say about these causes, but when proposals have been brought forth to deal with these conditions, they have consistently opposed them.

Senator GOLDWATER's position is simply that since a Democratic administration is in power in Washington, it is responsible for the crime and violence in our local communities, in the streets of our towns, and in the homes of the American people.

Heretofore, it has been thought that the first responsibilities for moral training and conduct were in the home, the church, the school, and the community. Suddenly Senator GOLDWATER has shifted these responsibilities to the Federal Government and to the White House.

One would think that he was about to propose a national police force, or at least a national program to fight crime. But, oh no. He is not only against a national police force, as most of us are, but he thinks that Federal laws to deal with these problems do more harm than good. What, then, does he propose?

He proposes "moral persuasion," which he would exercise from the White House. Now, everyone is in favor of moral persuasion. But for Senator GOLDWATER to contend that he can reverse the crime rate by the power of his own good example is as preposterous as it would be for a doctor to attempt to fight a cholera epidemic merely through his own personal hygiene.

Those of us who have gone out among the street gangs, among the drug pushers, among the traffickers in pornography and guns, among the organized criminals, those of us who have spent some time studying these hardened groups know that far more than good intentions is needed in this fight.

Last night Senator GOLDWATER made vague references to an undefined constitutional amendment to restrict the rights of defendants and to other vague changes in Federal criminal procedures which would have principal application in the city of Washington. We all look forward to specific proposals from the Senator, but even if they emerge, they will deal only with a very limited aspect of the problem. Once again he had nothing to say about the causes of crime, except the alleged bad example of President Johnson. Once again he has no solutions to offer the whole nation, except longer billyclubs in the District of Columbia.

All of the evidence thus far indicates that the Republican candidates have

nothing serious to say about either the causes or the solutions of crime and delinquency.

Therefore, I want to set the record straight with the facts.

First, juvenile crime has been increasing steadily from year to year in this country since 1948 under both Republican and Democratic administrations.

Second, contrary to Senator GOLDWATER's statement that under the Eisenhower administration the Nation's Capital was an example of peaceful progress and a lack of crime, the truth is that the crime rate had its most significant leap forward right in the middle of the Eisenhower administration. For instance, in 1958 crime in Washington, D.C., rose 23 percent. I do not cite this fact to lay crime in the District of Columbia at the door of the Eisenhower administration. I cite it to show that any attempt to make partisan use of crime statistics is pure charlatanism of the worst sort.

Third, Washington, D.C., which Senator GOLDWATER says is peculiarly under the President's influence, is by no means the most glaring example of crime in this country, as he seems to feel. According to the FBI reports, Washington ranks 13th in crime rate among the larger cities in the country.

By contrast, Phoenix, Ariz., where the Senator's own influence and that of his ideology should loom largest, is fourth in the Nation. No wonder the Senator wants to declare war on crime in Washington, D.C., which is about as far away from Phoenix as he can get. I say to the Senator, let us start "moral persuasion" at home in Phoenix.

Fourth, the cold statistics do not bear out Senator GOLDWATER's contention that centers of civil rights disturbances are centers of crime. FBI reports show that Philadelphia, for instance, has one of the lowest crime rates among the larger cities. The three highest centers of crime, ahead of Phoenix, are Las Vegas, Los Angeles, and Miami.

Fifth, every attempt by Members of Congress to encourage action to combat crime and delinquency was frustrated and blocked under the previous Republican administration. But many of these efforts have borne fruit during the Kennedy-Johnson period. The Juvenile Delinquency and Youth Offense Control Act, and the package of crime control bills are monuments to the zeal of President Kennedy in this field.

For the first time, we have had strong White House support for bills to curb the criminal traffic in dangerous drugs and firearms.

Sixth, whereas the last administration—that is, the Eisenhower administration—never really went after organized crime, Attorney General Kennedy has made a tremendous fight against it. Convictions are up 400 percent and for the first time in our history, the whole law enforcement apparatus of the Federal Government has been mobilized to fight syndicated crime.

Seventh, we have passed, over the opposition of Senator GOLDWATER, a number of bills to attack the causes of crime: racial discrimination, poverty, illiteracy, lack of opportunity, and youth idleness.

I have never wanted to have this issue put on a partisan basis. I have spent much of my life in the field of law enforcement and dealing with young people. It has been a rewarding part of my life. I would be the last to deal on a partisan basis, with the very great problems in this field. But since Senator GOLDWATER and Representative MILLER have brought this issue into politics, I say in the Senate that the Republican response to crime and delinquency has been one of inaction, and the Democratic response has been one of action and I cite the record to prove it.

Moral persuasion by itself never stopped a crime wave. Unless Senator GOLDWATER and Representative MILLER have something more substantial to offer the American people than their own presumed good example, they should quickly retire from the struggle against crime and corruption and leave it to those who view this as a tragic and urgent problem, and not a political bonanza.

I am grateful to my friend and colleague the Senator from Wisconsin for yielding to me at this time. I feel, after the speech of last night, that an answer should be made lest the American people be fooled—which I do not believe will happen—by such reckless and irresponsible attacks in the midst of a political campaign. The only way to curb crime and delinquency is to face the problem. It is not a political problem. It never has been. I do not know of any responsible person in public life who has said it is, until these candidates came along.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. PROXMIRE. I congratulate the Senator on his excellent and forthright statement. He, perhaps to a greater extent than any other Member of the Senate or House has devoted a great part of his life to law enforcement. He understands about these problems and crime. The Senator from Connecticut not only calls for enforcement, but points to the fact that there has been vigorous enforcement by our Attorney General, in cooperation with local agencies, to a far greater extent than ever before. He points out also that if we are to meet these crime problems, there must be positive programs for providing educational opportunities, job opportunities, and housing opportunities, and getting people out of the bitter life from which they suffer, where they have no place to turn, no future, and no hope.

After all, as the Senator knows, there are some who steal out of necessity. There are other cases in which crimes are committed because of the grossest kind of ignorance.

Of course, as we all know, they are not the only reasons for crime. But it is important that we move ahead with the antipoverty measure, which has been supported by the administration and by the Senator from Connecticut, and with measures for a health program, a National Service Corps, and the health of inductees into the armed services. All such bills, almost without exception, have been opposed by the very men who

are criticizing the administration for being responsible for crime in our cities.

Mr. DODD. I am grateful for the Senator's compliments, which I do not deserve. Nevertheless, I am grateful. I am also thankful for his wise observations on this situation.

I have always taken the view, from the time I was in the Federal Bureau of Investigation to the time when I came to the Senate—as I have said I have devoted a good part of my life to law enforcement work—that poor housing, people who are underfed, who do not have a chance of any kind in life, are the breeding grounds for crime. There is no question about it. Anyone who has made an attempt to understand the reasons for crime in this country and elsewhere in the world knows it to be a fact. It is a fact that the Senator and Representative who are candidates on the other side have voted against proposals to alleviate these conditions consistently. I am sure they would not deny it. It is a matter of record. Every person in the law enforcement field knows that there is more to the problem than building more jails and throwing more people into them. If we are to conquer the problem, we must approach it from the standpoint that it has been approached during the Kennedy-Johnson, and other Democratic administrations.

I thank the Senator for his comments.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. PROXMIRE. Mr. President, the principal argument that has been made right along against the Supreme Court decision and in favor of the Dirksen-Mansfield proposal and recently for the Javits-McCarthy proposal and the modified Javits-McCarthy proposal is that the Supreme Court has been acting in a fashion that has been too precipitous. It has been said that they did not consider the State legislatures or the fact that it is particularly difficult job for the State legislatures to do. It has been said that they have not given them sufficient time.

This is absolutely untrue. In fact, such fears are not warranted by the Supreme Court decision. An analysis of the reapportionment cases demonstrates that the Supreme Court was well aware of the political problems posed by reapportionment. And the Supreme Court took pains to ease these problems to as great an extent as compatible with the ultimate preservation of constitutional rights. Anyone who has served in State legislatures, anyone who has served in any capacity in State government, knows that this problem of the legislature apportioning itself is one of the most difficult and painful problems that there is. Indeed, we have example after example of legislatures, required to apportion under their constitution, neglecting to do it for many years—in some cases, for 50 years. Usually the constitution of the State will require apportionment after

the decennial census, once every 10 years.

We are very proud of the fact that we have a population representation in both our Assembly and State Senate in the State of Wisconsin. We have had it ever since we became a State in 1848. Nevertheless, we have gone for as long as 20 years—and I believe at one time, 30 years—without apportionment. We rarely apportion in the period immediately after the decennial census, which is what the Constitution requires. This is because there is nothing tougher or more difficult than persuading members of the legislature to apportion themselves out of their own seats—and that is what they would have to do—or, if not themselves, to apportion a friend out of his seat. They have to act in a way which is against human nature.

If there is one common attribute of people in politics, and particularly people elected to legislative office, it is the capacity to like one's fellow officers, to enjoy them, and to try to win their friendship and support.

Nothing is more likely to aggravate, annoy, or alienate a colleague than to vote for a measure which would eliminate or take away part of the constituency which he represents. This would weaken his office, prevent him from returning to office, or end his political career—in fact, murder him politically. This is what has to be done if the legislatures are to comply with the mandates of the courts.

It is no wonder that the legislatures have been reluctant and have only apportioned under duress of court action, and have apportioned very slowly and reluctantly. But, analysis further reveals that lower courts which force legislatures to reapportion without an opportunity to fully consider the ramifications of various plans of reapportionment will not be complying with the constitutional mandate of the Supreme Court, but will be acting contrary to the Supreme Court's instruction to pay close heed to the necessities of the political process.

The court has recognized that it is necessary to proceed with caution, prudence, care, and consideration for the great difficulties involved. They recognized that ample time should be allowed the legislature in which to apportion. It has directed the lower court to proceed accordingly. As a matter of fact, there is probably very little in the Javits-McCarthy modified amendment that we acted on yesterday that could not have come right out of the Supreme Court decision. The spirit was exactly the same as the position of the Supreme Court. As a matter of fact, I suspect that this was the prime purpose of the authors of the amendment.

The Court delivered its most extensive exposition on the question of the timing of court-ordered reapportionments in the Alabama case of Reynolds against Sims. It stated at page 50 of its opinion in the case, that it would not set forth the proper remedies to be utilized by Federal courts in cases involving State legislative apportionment cases because the question of remedies in this new and developing area of law will doubtlessly differ

with the circumstances of individual cases and with a variety of local conditions. It is important to note the importance of the Court's deference to local conditions in the setting of the problem of appropriate remedies. Such deference nullifies fears that the judiciary will impose a monolithic fiat upon State conditions that vary greatly and that will respond to a uniform standard with varying degrees of success or failure.

On the other hand, congressional action would necessarily impose a legislative monolithic fiat, a lack of flexibility which the individual courts would not. The Supreme Court instructs the lower courts to administer the apportionment according to the circumstances, according to local conditions, according to all kinds of local circumstances that differ.

We cannot possibly do that in a legislative enactment in a proposal such as the Dirksen-Mansfield proposal, which would have to be uniform for all 50 States and would have to be interpreted and administered, unfortunately, without reference to local conditions. There is not any small Congress, lower Congress, or subordinate Congress that is in a position to sit and hold hearings as the lower courts can hold hearings and act on the basis of consideration.

Mr. President, who are these lower courts which are acting allegedly with such precipitous haste? These are not people from some foreign country. These are not people who have an in-born hatred of everyone elected to a legislature. These are not unreasonable people. They are prudent, thoughtful men appointed by the President of the United States and confirmed by the Senate, after years of practice as lawyers, after demonstrating ability, in many cases on the bench, men who, in many cases, have a great understanding of the legislatures, some of whom have served in State legislatures. Practically all of them have an acquaintance with members of the State legislatures. They are men who have a settled habit of considering their problem in a judicial atmosphere, proceeding very carefully, and allowing ample time in all their decisions. As a matter of fact, the whole court process in America is ideally made to enable legislatures under a court order to proceed carefully and with full consideration.

Mr. President, many State legislatures have already made good-faith attempts to reapportion. Some of these attempts have been successful; others have foundered on constitutional shoals, these necessitating further attempts which have in turn experienced various degrees of success. On the other hand, some State legislatures have adopted reapportionment plans which can hardly be described as good-faith attempts to give a fairer degree of representation to those who have too long been without the protection afforded by equal representation in the democratic process. Still other legislatures have adamantly refused to make even a gesture in the direction of equal representation. Under the Supreme Court's doctrine that remedial technique will inevitably vary with the variations in circumstances and local

conditions, the various degrees of good faith shown in the preparation of reapportionment plans will be a factor in determining the degree of speed to be enforced by the courts.

How inapt and how inappropriate is an edict by the Congress of the United States that would apply to all State legislatures, as compared with the deliberate process of the court, which can hold hearings and consider in great detail, which can hear adverse parties, which can hear all sides and then carefully, after weeks, and sometimes months, of study, hand down a deliberate, thoughtful decision tailored to meet the specific case involved.

Which is better? There is no question in my mind that anyone who really believes in justice, anyone who believes that the proposed apportionment should take place and take place with the greatest possible consideration for the local case, will certainly opt for judicial action rather than for a flat congressional directive which would interfere with it.

The degree of good faith shown by State legislatures is certainly not the only factor relevant to the Supreme Court's doctrine of local circumstances and conditions.

The main contention of those who support the Dirksen proposal is that the Supreme Court is trying to move too fast, to rush the legislatures. Indeed, that was the whole purpose of the Javits-McCarthy proposal. This is plain wrong. The facts do not support that contention. The fact is that the Supreme Court has requested the lower courts to proceed carefully, cautiously, and prudently.

The list of possible variations is as infinite as the ramifications of the political process itself. An attempt to list or describe even a fraction of them would beggar the imagination.

Nevertheless, I shall try to set forth a few other of the more salient political problems that are intimately connected with the question of reapportionment and which, therefore, will play a role in the decisions of lower courts relative to the speed and timing of reapportionment.

The question of how to insure the effective representation of minority interests of all sorts is a problem which will vary with the types of minorities, the location of minorities, the extent to which minority interests overlap with each other and with majority interests, and other relevant considerations that vary within given States. For instance, effective representation of rural interests presents a different problem relative to drawing the boundary lines of political constituencies where the rural interests are a small fraction of total population than where those interests represent a major fraction of State population. In the former case, the rural minorities could be swallowed in districts comprised mainly of urban citizens unless election districts are carefully drawn in such a way as to insure that rural interests can elect a number of representatives fairly proportioned to their numbers.

This does not mean the rural areas would have a greater proportion of representation than the urban areas, but it means that the districts would be so drawn that the farmers and other rural people would be able to elect persons who, in their judgment, would represent their interests and would not be inimical to their interests.

Thus, the drawing of boundaries will doubtlessly be a harder and more time-consuming process in States where it is more difficult to insure fair representation of rural or other minority interests than in States where it is less difficult to do so. This fact would clearly be relevant to the speed with which a court should order reapportionment.

The method of reapportionment normally used in a particular State is another varying local factor that is relevant to the timing of judicially ordered reapportionment. Some States need only undergo a change in the statutory provisions covering apportionment. In other words, mere legislative action will be sufficient to reach the desired end. In other States the subject of apportionment is provided for in the State constitution, which will have to be revised before a permanent reapportionment plan can be adopted. Permanent constitutional revision is bound to be a more time-consuming process than mere statutory change. Furthermore, the amount of time consumed by constitutional change may itself vary with the amending method used by a particular State. Some States require a two-thirds vote of each house of the legislature in order to amend their constitution. Still others require that two consecutive sessions of the legislature approve a constitutional amendment. Yet other States may call a constitutional convention, which will necessitate a previous selection of delegates to the convention. And some States may utilize an initiative and referendum—a method of submitting proposed constitutional amendments to the people which may well result in the rejection of a proposal and a consequent need to begin anew the process of constitutional amendment. All of these variations in the amendment process are relevant to determining the speed with which a reapportionment plan can be effected. All of them indicate that the Supreme Court has not decreed that a monolithic judicial juggernaut shall roll uniformly and unthinkingly over the particularized situations of individual States.

The Supreme Court is proposing to the lower courts that they proceed carefully, based on the particular constitutional requirements, legislative requirements, and population location. They vary in State after State. Obviously, for Congress to say that it should be 1 year or 2 years or any other length of time, would be most unwise, and would impose, instead of the Supreme Court flexible mandate, an explicit mandate which would be very unjust to all concerned.

Those who fear that the recent reapportionment cases will result in hasty and ill-advised reapportionment will doubtlessly answer the foregoing discussion by asserting that the Supreme Court

did not rest content with noting the importance of local circumstances and conditions. It also stated, at page 50 of the Alabama case, that it would be the unusual case where a court would be justified in permitting an election to be held under a plan that has previously been adjudged unconstitutional. Standing by itself, isolated from the statements which surround it and the political milieu in which reapportionment is set, this statement could conceivably be interpreted to require immediate reapportionment. But the aforementioned statement can not, in fact, be isolated from its decisional or social milieu. For immediately after stating that it would be the unusual case where an election should be held under an adjudged unconstitutional plan of apportionment, the Supreme Court set forth examples of circumstances where certain elections can be held under an unconstitutional plan. And it is probably safe to say that the circumstances giving rise to the exception may be so pervasive as to engulf the general rule. The Supreme Court said that a lower court may be justified in withholding immediately effective relief where an election is underway and a State's election machinery is already in progress. It said that lower courts should take account of the mechanics and complexities of state elections laws and should act upon equitable principles. It said that,

A court can reasonably endeavor to avoid a disruption of the election process which might result from requiring precipitate changes that could make unreasonable or embarrassing demands on a State in complying with the requirements of the court's decree.

Clearly, then, the Court has set forth principles whose effective implementation requires that lower courts exercise restraint in ordering reapportionment. It would certainly interfere with the election process if, at this late date, any court was to order reapportionment in time for the forthcoming November elections. The primaries have already been held, both conventions have picked their candidates, and political campaigns now occupy the thoughts of those most intimately associated with the political process. Thus, under the Supreme Court's standards lower Federal and State courts would not be warranted in disrupting the November election. No other elections will be held for at least 1 year from this November.

Some elections would be affected. These would be elections that would be held in three States, including New Jersey, in November 1965. In most States, no other election would be held until 2 years from November. In other words, there will be ample time for State legislatures to reapportion themselves without running the risks of adopting hasty or ill-advised plans.

On the other hand, what the Dirksen-Mansfield amendment provides is that any member of the State legislature can stay or stop an apportionment which had been ordered by the Court and was in adjudication, and in doing so would be able to upset an election, including the coming November election.

As every day passes, it appears more likely that the Dirksen-Mansfield

amendment cannot have an effect on the coming election, but there is still at least a chance that perhaps it could. If we should adopt the Dirksen amendment in the next few weeks, it would be possible for a member of a State legislature to ask for a stay—and members of State legislatures would certainly do so, because, after all, their careers would be at stake—to enjoin the Court and prevent the election from being held.

Under those circumstances the court would have to schedule an election with different legislative districts. That, of course, would be most confusing. Candidates would have filed under the new election districts, and they would be required to revert to the old districts. In some cases it would be physically impossible for the candidates to refile and for the election to be held in November.

In many cases it would be necessary to hold another primary election. It would require an extraordinary interpretation by the court to permit the November election for many State legislatures to be held at all, if we adopted the Dirksen-Mansfield amendment. In any State where a State legislator requested a stay, under the clear language of the Dirksen amendment the Court would have no choice but to stay and stop the election and prevent the people from voting in the election.

As we pointed out, in virtually every case the apportionment that has been effected under duress from the courts, has been apportionment that has been far more perfect than in the past, in States like Wisconsin and Michigan, in providing for a one man-one vote basis, and it has provided real equality.

If the court abided by the strict language of the Dirksen-Mansfield amendment—and I do not know how it could do other than abide by it—the elections would be voided. The people cannot be without representation, and presumably the old legislatures would hold over.

This is the kind of technical quagmire that we would get into if we adopted the Dirksen-Mansfield amendment.

There are very serious technical objections to the amendment. We are not only against it on theory—that is the primary reason, because it is an unconscionable attack on the Supreme Court—but we are also against it because it would cause tremendous chaos in electing our State legislators in State after State.

Certainly this should be a lesson in the unwisdom of Congress trying to effect apportionment in the States, rather than leaving it to the deliberative, careful, prudent action of the courts.

The truth of these observations is attested by the commendation which the Court gave to the lower Federal district court in the Alabama case. The Supreme Court stated that the lower court had acted wisely in refusing to stay an impending primary election in Alabama and in giving the Alabama Legislature the initial opportunity to correct its own malapportionment. The Supreme Court stated, at page 51 of the Alabama opinion, that the district court had:

Correctly recognized that legislative reapportionment is primarily a matter for legislative consideration and determination and

that judicial relief becomes appropriate only when a legislature fails to reapportion according to Federal constitutional requisites in a timely fashion after having had an adequate opportunity to do so.

This is the case as to which people have been complaining that the Supreme Court moved in on a State legislature and took jurisdiction it did not deserve and should not have had; that the Supreme Court moved in too hastily; that it was unfair and unjust. But what was the Court's language? The Court said that the district court had—

Correctly recognized that legislative reapportionment is primarily a matter for legislative consideration and determination and that judicial relief becomes appropriate only when a legislature fails to reapportion according to Federal constitutional requisites in a timely fashion after having had an adequate opportunity to do so.

The Supreme Court could not have been clearer in saying that the lower court should not be precipitate; should not proceed too rapidly. That is why all the concern expressed by many Senators, including some who support our position, that the Supreme Court is acting too fast, is based on a failure to read the cases. The Supreme Court has not acted precipitately in any of these cases. It has acted with the greatest caution. The Supreme Court had the alternative either of walking away from the situation and saying that it would ignore it until the situation was clearly wrong and conspicuously unthinkable, and that there was a great demand for action; or of acting at once, as it did. But when it acted and stepped into the case, it did not require the State legislatures to move with great speed. Quite the opposite. The Supreme Court said that State legislatures should be given every opportunity to act; that it was their function to act; and that they should act; but that only when the State legislatures failed to act would the Supreme Court move in.

In other words, by commending the district court in the Alabama case, the Court has instructed lower Federal courts that legislatures are not only the most suitable bodies for working out reapportionment plans, but that courts should give legislatures adequate opportunities to develop such plans.

The Court went on to state that the district court had acted properly after the Alabama Legislature had refused to apportion itself properly, in ordering its own temporary plan of reapportionment into effect at a time sufficiently early to permit the holding of elections without great difficulty. In other words, not only has the Supreme Court said that it is proper for the Federal courts to construct reapportionment plans only after legislatures have had adequate opportunity to do so themselves; it has also said that courts should not draw up and effectuate their own reapportionment plans unless such plans will not disrupt elections.

This is the second confusion. Senators have argued that the Supreme Court has stepped in and disrupted elections. They cite the Oklahoma case. We discussed the Oklahoma case in great detail. What did we find? We found that the Oklahoma Legislature had not ap-

portioned since 1921; that there was a glaring inequity against people who live in the populous areas in Oklahoma; that the old apportionment was most unfair; that far from the Supreme Court requiring swift action or inconsiderate action, the Supreme Court had been very careful and had ordered the 1962 legislature to act. The 1962 legislature acted, but it acted in a way that obviously contradicted the Court, completely flouted the Court requirement that there be a one-man, one-vote apportionment. There was no real attempt to do so. What was left for the local court to do except to uphold its own dignity by insisting, once again, that the legislature apportion?

Then there were such delays that there was some inconvenience. Nevertheless, the Governor of Oklahoma has ordered an election, which is to be held on September 29, and held on the basis of population apportionment. In that ball game everyone will be given 3 strikes; not, for some batters, 1 strike, for some 10 strikes; everyone is to be treated equally.

It seems to me that this action was careful, thoughtful, and prudent; but the Oklahoma case has been cited again and again as an example of precipitate speed by the Supreme Court.

I should like to make one final point to demonstrate that courts will adopt an attitude of moderation in their dealings with legislatures that are making good-faith efforts to reapportion themselves. In only one of the six cases decided on June 16 did the Supreme Court lay down a hard and fast time limit on reapportionment. Let me say that again: In only one of the six cases decided on June 16—the famous cases making the one-man, one-vote principle clear, as a matter of individual right—did the Supreme Court impose a hard and fast time limit on reapportionment.

In the Maryland case, it said that under no circumstances should the 1966 elections be held under the present unconstitutional plan of apportionment. What is wrong with that? What is unreasonable about that? If a State has 2 years in which to reapportion, is that rushing it? Is that too great speed? The Supreme Court permitted 2½ years for compliance. Where is the great speed that has been alleged? The Maryland legislators who will be elected in 1966 will hold office until 1970. The 1966 elections are more than 2 years away. There is ample time for the Maryland Legislature to reapportion in a most unhurried manner.

The electoral process in Maryland will not be disrupted. It would be unfair to deprive the citizens of Maryland of effective representation until 1970. In short, the Supreme Court has laid the groundwork for fair rules in the other States, as well, without requiring that there be a specific, definite, hard-and-fast time limitation. The only time limitation the Court provided is, as I have said, more than 2 years away; and that is certainly generous on the basis of any consideration.

This has been a crucial example to those of us who oppose the Dirksen amendment. Those on the other side

have said that the Dirksen amendment should be adopted because it is necessary to delay this action in order to give States time to apportion; to permit time for a constitutional amendment to be submitted. The fact is that the record is as clear as it can be that ample time in every case has been provided by the Court, and that the Supreme Court has been judicial in the best sense of the word. It has been thoughtful, careful, and prudent in requiring apportionment. Most important of all, the Supreme Court has done something that Congress can never do. The Supreme Court has said that the lower courts shall use flexibility and shall interpret the requirement for apportionment on the one-man, one-vote basis to permit State legislatures to act; shall grant ample time, so that the legislatures can act, and act with prudence, care, and consideration of their own constitutions and the locations of the people who live in the various States, who will gain or lose representation.

NO COMPARISON BETWEEN CONGRESS AND THE STATE LEGISLATURE

The second objection to the Supreme Court's decision in Reynolds against Sims, the Supreme Court's basic principle that every man should have equal representation in the State legislature—and this is, frankly, a most common objection today—is that there is a Federal analogy or a Federal comparison. I have encountered this many times in Wisconsin. I am sure that every Senator who has gone home and discussed this problem with his constituents has encountered it.

They ask, "If the Senate is not based on population, why should the State legislatures not follow the wisest Constitution any country ever had in history? Should one State legislative body not also be based on an area representation, or county representation, or something of the kind?"

This argument goes as follows: The Senate is composed of two Senators from each State, no matter how large or small, how populous or how sparsely populated. Why should not the State legislature have the same right? Even were I to accept the reasoning—which I do not—I would have to reply that the Dirksen amendment does not apply to any one house of the State legislature, but to both houses. It would prevent either house of a State legislature from reapportioning for at least 2 years, despite the fact that the Supreme Court has affirmed the constitutional necessity of "one man, one vote" in the House of Representatives.

However, returning to the Federal analogy, there is no really fair comparison between the State's acceptance of representation and the State's legislature, and Federal representation in the Congress. This is the statement made by the Supreme Court in the case of Reynolds against Sims. That decision—it was an 8-to-1 decision—a majority decision written by Chief Justice Warren, states on page 37:

Much has been written since our decision in Baker versus Carr about the applicability of the so-called Federal analogy to State legislative apportionment arrangements. After considering the matter, the court be-

low concluded that no conceivable analogy could be drawn between the Federal scheme and the apportionment of seats in the Alabama Legislature under the proposed constitutional amendment.

Thomas Jefferson repeatedly denounced the inequality of representation provided for under the 1776 Virginia constitution and frequently proposed changing the State constitution, to provide that both Houses be apportioned on the basis of population.

In 1816, Thomas Jefferson wrote, that—

Government is a republic in proportion as every member composing it has his equal voice in the direction of its concerns, by representation chosen by himself.

A few years later Thomas Jefferson wrote:

Equal representation is so fundamental a principle in a true republic that no prejudice can justify its violation. Prejudice itself cannot be justified.

Those are quotations from Jeffersonian letters. While Jefferson took many contradictory positions on many things, including freedom of the press, he never varied from this principle. He stuck by it to the end of his days, namely, that State legislatures should be apportioned strictly on a population basis.

The Court goes on to say:

We agree with the district court, and find the Federal analogy inapposite and irrelevant to State legislative districting schemes. Attempted reliance on the Federal analogy appears often to be little more than an after-the-fact rationalization offered in defense of maladjusted State apportionment arrangements. The original constitutions of 36 of our States provided that representation in both houses of the State legislatures would be based completely, or predominantly, on population.

Mr. President, let me emphasize those words "the original constitutions of 36 of our States"—the overwhelming majority—nearly three-quarters—provide that representation in both houses would be based completely or predominately on population.

The argument that our Founding Fathers had other ideas for State legislatures is not true.

Continuing the quotation from Chief Justice Warren:

And the Founding Fathers clearly had no intention of establishing a pattern or model for the apportionment of seats in State legislatures when the system of representation in the Federal Congress was adopted. Demonstrative of this is the fact that the Northwest Ordinance—

Under which Wisconsin was carved and I believe the States of Michigan and Illinois also were carved—

adopted in the same year, 1787, as the Federal Constitution, provided—

And our Founding Fathers of course wrote that Northwest Constitution—for the apportionment of seats in territorial legislatures—

On what basis? On area? No, Mr. President. Continuing the quotation—solely on the basis of population.

Mr. President, I quote from the Northwest Ordinance:

The inhabitants of said territory shall always be entitled to the benefits * * * of a proportionate representation of the people in the legislature.

In this case we are going along with the malapportioned State legislatures in the States—where the Founding Fathers affirmed they shall always be on a population basis—permitting them to destroy this basic principle as old as the Constitution itself, a principle affirmed and reaffirmed over and over by our Founding Fathers.

Mr. HART. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. HART. I am delighted that the Senator from Wisconsin is developing the point he is underscoring at the moment. I find that there is a widespread misconception concerning it. I should like to inquire of the Senator from Wisconsin if his experience is similar to mine. Many people feel that the composition of the Senate as contrasted with the House of Representatives is the pattern against which the composition of State legislatures should be judged. Perhaps it is more accurate to say that many people feel that those who support the Supreme Court decision in the Reynolds case are inconsistent if at the same time they insist that the composition of the Senate and the House is sound.

The Senator from Wisconsin is making the point historically sound, and persuasive in reason, that there is a vast difference between the negotiations and final settlement leading to the creation of a union of independent States and the organization within each of the independent States of its legislature.

I ask the Senator from Wisconsin if it is not his experience, as it has been mine, that the single most frequently voiced reason for criticism of the Reynolds case is premised on the assumption that a comparison between State legislatures and the Federal Congress should be made.

Mr. PROXMIRE. Yes, indeed. That is true. As I said when I began my remarks—it is something I have often encountered in Wisconsin. That observation is offered even by people who might sympathize with my position and recognize that both houses of the legislature should be based on population. Some of them are critical of the Senate as being not based on population, but at any rate they feel that there is fundamental justification. We have a fine Constitution. It is the greatest Constitution any nation has ever had. It has endured throughout the years. It is the oldest Constitution in effect in any nation. Thus, it deserves reverence because it has served us so well. Why should it not be a model for a State government?

My strong feeling is that this is a model for a great, massive, powerful Federal Government, and that we have a Federal Government that has a virtual monopoly on military power. It has great national taxing power. It makes all the sense in the world to have a Federal system in which the States reserve to themselves, by constitutional right,

certain powers, which permit a division of powers and protects the individual against the massive power of the Federal Government. It is understandable and proper that we should jealously protect that right. One way to preserve the integrity of the State, the right of the State, or the real power of the State, is to invest every single State with authority to elect the highest legislative body in the Nation with an equal number of representatives—two representatives. They not only can serve as representatives of the people of the State, but they can also come to Washington as ambassadors from their States. The State reserves to itself the very real power under the 10th amendment. The Federal system should do this. Where is the analogy with the States? There is no such monopoly of military power in any State. The Federal Government has that power. The State does not have it. Thus, from that standpoint, there is no analogy at all.

There is no monolithic, overwhelming, economic or taxing power that a State has. The Federal Government reserves this power to itself. It is such an enormous power that we do not have it. So, from that standpoint, of a protection of individual right against the overwhelming power which might develop, and has developed in many governments, the Federal Government serves us well indeed. But I have not heard one single argument—and I have been on the floor a great deal during this debate—and I challenge any Senator to point to any argument that has been made to the effect that there must be protection afforded against State power by providing that every country shall have equal representation in a State legislature.

The Senator from Michigan knows as well as does the Senator from Wisconsin that our States create the counties. They can abolish the counties. They can merge the counties. They can separate the counties. Indeed, in the State of Wisconsin within the past 3 or 4 years, a new county, Menominee was created out of two or three other counties. There have been serious proposals concerning abolishing other counties because people feel they have inefficient governments. This, after all, was the pragmatic compromise that our Founding Fathers made. Either we had a union, or we had not. The States were sovereign countries. They were sovereign nations. They had their own armies. They had their own taxing systems. They had articles of federation that were about as loose as those of the NATO system. The only way that our Founding Fathers could persuade a State like Delaware to come into a union with larger States was to provide that they not lose their identity, but preserved their sovereignty by having equal representation in one branch of Congress.

When we take into consideration their clear, immediate, pragmatic problem, I defy anyone to show any line in the Federalist Papers which would say that because of what the States have done in coming into the Union, a State should provide for something other than a pop-

ulation representation in the State legislature.

Mr. HART. As the Senator from Wisconsin has just reminded us, the best representation of such a claim lies not alone in the silence of the Federalist Papers, but the action in 1787 in the Northwest Ordinance, where, indeed, recognition was given to the proposition that equal apportionment in the State legislatures was the order of the day.

Mr. PROXMIRE. Yes, indeed.

Mr. HART. They were the same Founding Fathers talking at that time that we are told would now tell us that is not so.

Mr. PROXMIRE. They said in the Northwest Ordinance, article II, paragraph 14, of the Northwest Ordinance of 1787:

The inhabitants of the Federal territory shall always be entitled to the benefits of a proportional representation of the people in the legislature.

How can it be more explicit or clear? The Founding Fathers said, emphasized, underlined, and wrote into the law that:

When we create States out of this great, massive territory that obviously in the future will have States, it must be done on a population basis.

There is no qualification to it.

Mr. HART. We were talking about the territory from which came the State that the Senator from Wisconsin is privileged to represent, and the State that the Senator from Michigan is privileged to represent.

Mr. PROXMIRE. Yes, indeed.

Mr. HART. I think the Senator from Wisconsin has spoken most responsively, to the point that, sometimes glibly, almost facetiously, Senators who are privileged to represent States which are larger in population than the average State in the Nation, sometimes suggest, "We are ready for proportional representation in the Senate."

In truth, we are not, for the very reasons that the Senator from Wisconsin pointed out. It is highly desirable, in view of the enormous power that reposes in the Federal Government, that there be the U.S. Senate in which the smallest State in terms of population nonetheless may have an equal vote to the vote of the California's and New York's.

I think the Senator from Wisconsin has presented a very reasonable argument in support of the position which, at root, is a defense of the Reynolds case. He has contributed a great deal, over these days of debate, to a public understanding of the situation that exists.

For weeks the debate has largely pertained to this matter. Does the Senator believe it desirable that one man's vote be equal in weight to any other one man's vote in the organization of State legislatures?

We have appeared to be arguing the desirability of one man, one vote. There are those of us who take this position and feel that the 14th amendment clearly guarantees that one Mr. Smith shall not have any more vote than any other Mr. Smith in any legislature, whether directly, or in terms of the representation that is permitted. But, for me, the de-

bate and the issue that confronts the Senate is far more basic than that.

I wonder if the Senator from Wisconsin would not agree with me that we invite to our cause those who disagree with the Reynolds decision. We invite to our cause those who feel that because of tradition, experience, or whatever it is, one man, one vote is not desirable for a State legislature. We nonetheless invite them to our cause for the reason that we have a written Constitution. We pride ourselves on it. It enumerates certain rights which are guaranteed to each citizen. That Constitution establishes three coequal branches of the Government.

The Supreme Court, as is its charge in the Constitution, is given the responsibility of identifying constitutional rights, and, in the event they are jeopardized, assuring those rights to any citizen from whom it is proposed that they be taken.

Why should not each Member of Congress, whatever his view on reapportionment of State legislatures might be, seek to insure that the written Constitution shall continue to guarantee rights which, in fact, in the printed letter it grants? If the day should come when the independent judiciary is fictional, if the day should come when, because of frustration, or for any other reason, public opinion concludes that a right guaranteed to an individual by the Constitution, as asserted by the Supreme Court, is distasteful, all that is needed to deny it is for the Congress of the United States to say to the Supreme Court, "From now on, you are not going to have jurisdiction to protect that right." Why does it not follow that from that day forward, which would mark the decline of the Republic, the written Constitution would be worth exactly the cost of the paper on which it is printed? Why would we then not be said to have joined those other nations which have delightfully written constitutions which provide all sorts of guarantees to their citizens? But life in those countries is undesirable. Why? Because there is no independent judiciary to protect the rights. The legislative branch can suspend the rights at any time it desires to do so.

It seems to me that this is, at root, what we are really confronted with. Everyone on both sides of the aisle, and across the country, would agree that if the Senator from Wisconsin this afternoon were to pass out submachineguns to the 100 Members of the Senate—if we could find them—

Mr. PROXMIRE. It would be easier to find the machineguns.

Mr. HART. Suppose we were to say, "Let us march across the plaza to the Supreme Court and line those fellows up against the wall and say, We do not like your decision in the Reynolds case. Change it, or go out of business on that issue." Everyone would say, if that were to happen, that that would be the end of the Republic. Is not that correct?

Mr. PROXMIRE. They would, indeed.

Mr. HART. We can fire on that Court with words and with resolutions which, in the long run, can be just as destructive of the Court as machineguns stuck in their faces.

My hope is that as the debate develops, more and more people will realize that the argument is not over whether we like one man, one vote for State legislatures or whether we do not like it. The question really is, Shall we turn at that point in the road marked, "This is the end of constitutional governments?" It is inconceivable to me that if we withdraw jurisdiction from the courts and prevent them from protecting this constitutional right, we shall have not set a precedent which will permit us at our whim to withdraw a whole series of constitutional rights. Once we should have done that, to what would John Citizen turn? Where would he look for the protection of the right to counsel, the right to hold up a picket sign, the right freely to worship? Those are treasures of ours. We cannot alone erode them. We can incinerate them if we once take a course which asserts a right in Congress to nullify any section of the Constitution with respect to rights guaranteed individuals. There are ways to amend the Constitution if we do not like the one-man, one-vote approach, but having the Congress line the Court up against the wall faced with either guns or resolutions is not the way.

Would not the Senator from Wisconsin hope that, as the debate develops, we can enlist those who may indeed feel that the Reynolds case states an undesirable proposition, but nonetheless understand that in the long judgment of history it would be a sad day should the Congress attempt to tell the Court, "Move over. We are sitting on the bench?"

Mr. PROXMIRE. The analogy of the Senator from Michigan of lining the Court against a wall faced with guns is shocking.

Mr. HART. It is an overstatement, and I plead guilty to it.

Mr. PROXMIRE. There is no question that the amendment would have a similar effect. As the Senator from Michigan well knows, we have as one of the strongest proponents on our side a man who has made an eloquent speech for us and who will fight to the end, if he has to sit here until Christmas or Christmas 10 years from now, to oppose the Dirksen amendment, who does not agree with the one-man, one-vote principle and has never pretended that he did. He has been very frank that he does not agree with that principle, but he feels very strongly about the point which the Senator from Michigan has made, and that is the crucial point involved. The question is, Shall we have a Court that has dignity, respect, authority, power, and the ability to review and declare acts of Congress unconstitutional, or shall we not? If Congress should act in this case and overrule the Court, there is no question that we would destroy the Court.

Only a very few months ago this particular Congress acted like a two-bit dictator with regard to the Court. A majority of Senators did not like the Court, so what did the Senate do over the protests of the Senator from Michigan and the Senator from Wisconsin? The Senate refused to give them the salary increase that it took for its own Members.

We refused to give them the salary increase which the House recommended. We refused to give the members of the Supreme Court the salary increase that the Randall Commission recommended. That is the kind of cheap, petty action of people who have no understanding of dignity and independence and the right to disagree.

Fundamentally the amendment is in the same spirit as that action. Those who have proposed the amendment are fine and decent persons. The fact is that the only force behind it that I can understand is exactly the same attitude that motivated our petty performance in refusing the salary increase for the Supreme Court Justices. The only talk I heard around the Chamber, at least off the floor and in the cloakrooms, was that "They had it coming to them because we do not like their decisions."

If the Congress of the United States adopted that kind of attitude toward the Congress, that certainly could be the end of the Republic. That is what is at stake here. It is far more important that the one-man, one-vote principle, which the Senator from Michigan and the Senator from Wisconsin enthusiastically support.

Certainly it makes sense that many Senators who disagree with us recognize how great the Court's power of Judicial review is. As Dean Rostow of the Yale Law School said, if we should adopt the Dirksen amendment, we would knock out the linchpin of our Constitution. We would destroy the independence of the judiciary and the authority of the Supreme Court to fulfill its prime obligation under our Constitution and Court interpretations of our Constitution.

Mr. HART. Mr. President, I hope that as the debate develops, it will be to that point, importantly, that the discussion will be aimed. I have said before, and I welcome the opportunity to say again, that the Senator from Wisconsin is making a contribution which at the moment may not be very much noticed. It seems much ado about something that really is not very exciting, but in the long haul will be regarded as a contribution of leadership to what I suspect will be the most important issue that will confront him, me, and the others in the Congress, or so long as we are permitted to remain, absent alone, so far as the Senate is concerned, a resolution declaring war. And in one sense, a declaration of war would be less difficult to resolve, because we can win wars, and we would still have an independent judiciary, costly in blood though the intervening period might be.

I hope that the effort that the Senator from Wisconsin is making to raise the debate to the point at which there is national awareness of what is really involved will succeed. What is really involved is not so much the question of the reapportionment of State legislatures. What is really involved is the question whether we shall continue to have a judiciary which is free and independent to review the question of whether someone's constitutional right has been denied. Nothing is more basic to the system which we preach to the world as so desirable, and nothing could so quickly

destroy the system as the elimination of that independent review.

The Senator from Wisconsin has raised the level of the debate to that point, and I hope that we shall maintain it.

Mr. PROXMIER. I thank the distinguished Senator from Michigan for a highly useful contribution. I think this is a point that Senators will recognize. What is at stake is far more important than representation in State legislatures, vital as that question is. That is a very important right. What is at stake is the question whether or not the Supreme Court will in effect be able to maintain its effective independence and its power of judicial review.

That is not merely the opinion of Senators who are opposing the amendment. It is the opinion of no less an authority than Dean Rostow, of Yale Law School. Dean Rostow is a prudent, thoughtful, and careful man.

I continue with the analogy, reading briefly from the Court's decision in the case of Reynolds against Sims. I refer to the case of Reynolds against Sims to show why there should be no Federal comparison, why it is not fair or honest or accurate to compare the State governments with the Federal Government. The Court states:

The system of representation in the two Houses of the Federal Congress is one ingrained in our Constitution, as part of the law of the land. It is one conceived out of compromise and concession indispensable to the establishment of our Federal Republic. Arising from unique historical circumstances, it is based on the consideration that in establishing our type of federalism a group of formerly independent States bound themselves together under one National Government. Admittedly, the Original Thirteen States surrendered some of their sovereignty in agreeing to join together "to form a more perfect Union." But at the heart of our constitutional system remains the concept of separate and distinct governmental entities which have delegated some, but not all, of their formerly held powers to the single National Government. The fact that almost three-fourths of our present States were never in fact independently sovereign does not detract from our view that the so-called Federal analogy is inapplicable as a sustaining precedent for State legislative apportionments. The developing history and growth of our Republic cannot cloud the fact that, at the time of the inception of the system of representation in the Federal Congress, a compromise between the larger and smaller States on this matter averted a deadlock in the Constitutional Convention which had threatened to abort the birth of our Nation.

In other words, this was the only way in which we could have a Federal Union. We either had to have that or nothing. To pretend that this was not a compromise made only for this purpose is going a long distance. I have stated that this compromise has served our purposes well, because there are powers which the Federal Government has, and which the State governments obviously do not have, and there are other clear powers which the States have that no counties, by any stretch of the imagination, have. One of the interesting things about the question of Federal analogy is that when people ask about the difference between

the Federal and State governments, are answered, there is usually no argument. Once the reason is given for the difference, there is never a contradiction. Our opponents move on to some other subject. There were floor debates on this question before the conventions, but there was no real effort to make a respectable argument that there is an analogy between the Federal and State legislatures. The strongest and most eloquent champion, or any champion, for that matter, of the proposal has not really argued that there is an analogy. They do not base their argument on that point. They do not try to do so. And yet the fact is that this is by far the most popular single reason for justifying malapportioned State legislatures and for having one house based on something other than population. Knock it out, and there is precious little left.

Continuing with the case of Reynolds against Sims:

In rejecting an asserted analogy to the Federal electoral college in *Gray v. Sanders*, *supra*, we stated:

"We think the analogies to the electoral college, to districting and redistricting, and to other phases of the problems of representation in State or Federal legislatures or conventions are inapposite. The inclusion of the electoral college in the Constitution, as the result of specific historical concerns, validated the collegiate principle despite its inherent numerical inequality, but implied nothing about the use of an analogous system by a State in a statewide election. No such specific accommodation of the latter was ever undertaken, and therefore no validation of its numerical inequality ensued." Political subdivisions of States—counties, cities, or whatever—never were and never have been considered as sovereign entities. Rather, they have been traditionally regarded as subordinate governmental instrumentalities created by the State to assist in the carrying out of State governmental functions. As stated by the Court in *Hunter v. City of Pittsburgh*, 207 U.S. 161, 178, these governmental units are "created as convenient agencies for exercising such of the governmental powers of the State as may be entrusted to them," and the "number, nature, and duration of the powers conferred upon [them] . . . and the territory over which they shall be exercised rests in the absolute discretion of the State." The relationship of the States to the Federal Government could hardly be less analogous.

Let me dwell for a moment on the last point. The Federal Government has no power to revise the boundaries of a State. The Federal Government has no power to abolish a State, or to merge States, or to take any action that would diminish the power or authority of the State. The Federal Government has no power, indeed, to exercise any power over a State that is not explicitly and specifically enumerated in the Constitution.

On the other hand, there is no power that a State does not have over a county. A county reserves absolutely no power. It cannot reserve any power, because it does not have any separate existence other than what the State decides to give to it. Under any State constitution that I have ever heard about, the county is nothing but a convenient administrative creation of the State government, to assist in exercising the functions of the State government.

Under those circumstances, to say that because States, which have a real element of sovereignty, have individual Senators, therefore counties, which have no existence other than what States wish to give them, should have an equal number of Senators, or that townships should have an equal number of assemblymen, is obviously to try to make an analogy where there is no analogy.

Let us examine the history of our Federal Constitution, so that we may understand more thoroughly the need for each State to have two Members in the Senate, rather than on the basis of population, which makes this arrangement suitable in our National Government and not in our State governments.

I quote from an excellent appendix in the case of Maryland against Tawes, which, I understand, was prepared for the Supreme Court by the Department of Justice:

1. THE HISTORY OF THE FEDERAL CONSTITUTION WITH REGARD TO REPRESENTATION IN CONGRESS

a. The convention: The Confederation of the United States, which was formed in 1777 by the thirteen States, was explicitly a confederation of sovereign States. Articles of Confederation, Article II. Each State, although it could have two to seven delegates to the Congress, had a single vote. Id., Art. V. While the power to make treaties and wage war was given to the Congress, most powers were reserved to the States. Id. Art. II, VI. For example, the Congress could not impose taxes, but could only ask the States to contribute particular sums. Id., Art. VIII.

The lack of power of the Confederation to meet the growing problems of the former colonies led to a serious crisis. See *The Federalist*, Nos. 15-22 (Cooke ed., 1961), pp. 90-146. The convention in Philadelphia was called by the Congress by a resolution dated February 21, 1787, "for the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several legislatures such alterations and provisions therein as shall when agreed to in Congress and confirmed by the states render the federal constitution adequate to the exigencies of Government & the preservation of the Union." III Records of the Federal Convention (Farrand ed., 1911),¹ 14. On May 18, 1787, a few days after the first delegates arrived in Philadelphia, Benjamin Franklin described the meeting as "a Convention of the principal people in the several States, for the purpose of revising the federal Constitution, and proposing such amendments as shall be thoroughly necessary." Letter to Richard Price, May 18, 1787, id. at 21. Thus, both the Congress and Franklin conceived of the purpose of the convention as merely to revise the Confederation, but to keep its essential form.

On the other hand, some of the delegates arriving in Philadelphia were proposing to form an entirely different kind of government, a national government² in which representation in the legislature would be on the basis of population.

That is the kind of government we are proud to have; a Federal Government, not a national government.

George Mason, a delegate from Virginia, wrote his son on May 20, 1787 (III Farrand 23):

"The most prevalent idea in the principal States seems to be a total alternation of the present Federal system, and substituting a great national council or parliament, con-

sisting of two branches of the legislature, founded upon the principles of equal proportionate representation, with full legislative powers upon all the subjects of the Union; and an executive: and to make the several State legislatures subordinate to the national, by giving the latter the power of a negative upon all such laws as they shall judge contrary to the interest of the Federal Union."

A few days later, on May 21, Mason wrote almost identical words to Arthur Lee. Id. at 24. That same day, George Read, a delegate from Delaware, wrote to John Dickinson, another delegate from Delaware, of a proposal for a new Federal system (id. at 25):

"Some of its principal features are taken from the New York system of government. A house of delegates and senate for a general legislature, as to the great business of the Union. The first of them to be chosen by the legislature of each State, in proportion to its number of white inhabitants, and three-fifths of all others, fixing a number for sending each representative. The second, to wit, the senate, to be elected by the delegates so returned, either from themselves or the people at large, in four great districts, into which the United States are to be divided for the purpose of forming this senate from, which, when so formed, is to be divided into four classes for the purpose of an annual rotation of a fourth of the members."

Obviously, at that point there was no consideration for giving the States equal representation in the Senate, and there was to be, apparently, pretty much of an abolition of the States, and a national council to be developed, very much in the way the House of Representatives is made up now, with the other body consisting of representatives from four geographic districts.

Read warned that the small States must be careful to protect their interests. Ibid. George Mason wrote his son on June 1 that (id. at 32):

"The idea I formerly mentioned to you, before the Convention met, of a great national council, consisting of two branches of the legislature, a judiciary and an executive, upon the principle of fair representation in the legislature, with powers adapted to the great objects of the Union, and consequently a control in these instances, on the State legislatures, is still the prevalent one. Virginia has had the honor of presenting the outlines of the plan."

The convention held its first meeting on May 14, 1787, but was adjourned because of lack of a quorum. I Farrand 1. Soon after regular sessions started on May 25th, the convention started to do its work through a Committee of the Whole. On May 31, in debate on whether the first branch of the legislature should be elected directly by the people, George Mason (I Farrand 48-49):

"Argued strongly for an election of the larger branch by the people. It was to be the grand depository of the democratic principle of the Government."

During debate on June 6 on whether the upper house of the new legislature should be elected by the state legislatures instead

ment were used by the framers themselves in conflicting ways apparently for partisan advantages. Therefore, the meaning can be ascertained only from the particular context. We, however, use national government to mean a government operating directly on the people in which the States are plainly subordinate. We use Federal Government to mean a government which can regulate certain areas but with the other areas remaining under the authority of sovereign States.

² The New York senate and assembly were apportioned by eligible voters. New York constitution of 1777, articles 4, 12.

of the people, Pierce Butler of South Carolina stated that he opposed "determining the mode of election until the ratio of Representation is fixed—if that proceeds on a principle favorable to wealth as well as number of Free Inhabitants, I am content to unit wh. Delaware (Mr. Read) in abolishing the State Legislatures, and becoming one Nation instead of a confedn. of Republics—" [King].⁴ I Farrand 144. The next day, in continuing the debate on the same proposals, Madison said that if the Senate was to be elected by the state legislatures (id. at 151):

"We must either depart from the doctrine of proportional representation; or admit into the Senate a very large number of members. The first is inadmissible, being evidently unjust. The second is inexpedient."

Madison, that early in the Convention, was on record against equal representation in the Senate.

George Madison stated:

George Mason stated (id. at 161):⁵

"The treaties, leagues, and confederacies between different sovereign, independent powers have been urged as proofs in support of the propriety and justice of the single and equal representation of each individual State in the American Union; and thence conclusions have been drawn that the people of these United States would refuse to adopt a government founded more on an equal representation of the people themselves, than on the distinct representation of each separate, individual State. If the different States in our Union always had been as now substantially and in reality distinct, sovereign and independent, this kind of reasoning would have great force."

On June 8th, Gunning Bedford of Delaware complained of attempts (I Farrand 167):

"To strip the small States of their equal right of suffrage. In this case Delaware would have about $\frac{1}{90}$ for its share in the General Councils, whilst Pa. & Va. would possess $\frac{1}{3}$ of the whole. This shows the impossibility of adopting such a system as that on the table, or any other founded on a change in the principle of representation."

The next day, June 9th, the Committee of the Whole considered the resolution (I Farrand 181):

"Resolved, therefore, that the rights of suffrage in the national legislature ought to be apportioned to the quotas of contribution, or to the number of inhabitants, as the one or other rule may seem best in different cases." [Yates]

A long debate ensued. William Paterson of New Jersey said that (id. at 177):

"The proposition for a proportional representation [struck] at the existence of the lesser States. He wd. premise however to an investigation of this question some remarks on the nature structure and powers of the Convention."

"The Convention he said was formed in pursuance of an Act of Congs. that this act was recited in several of the Commissions, particularly that of Masss. which he required to be read: That the amendment of the confederacy was the object of all the laws and commissions on the subject; that the articles of the confederation were therefore the proper basis of all the proceedings of the Convention. We ought to keep within its limits, or we should be charged by our constituents with usurpation."

⁴ All references to the proceedings of the constitutional convention are to the official Journal or to Madison's notes unless otherwise indicated. Rufus King of Massachusetts and Robert Yates of New York also made notes of part of the proceedings to which we will occasionally refer.

⁵ This quotation is from Mason's notes of a speech which Farrand believes was given on June 7. I Farrand 160-161, note 8.

¹ Hereinafter referred to as "Farrand."

² The terms national and Federal Govern-

Paterson then stated (id. at 178):

"A confederacy supposes sovereignty in the members composing it & sovereignty supposes equality. If we are to be considered as a nation, all State distinctions must be abolished, the whole must be thrown into hotchpot, and when an equal division is made, then there may be fairly an equality of representation."

Paterson's notes for his speech on June 9th state (id. at 186):

"Each State is sovereign, free, and independent, etc. Sovereignty includes Equality—

"If then the States in Union are as States still to continue in Union, they must be considered as Equals—

"13 sovereign and independent States can never constitute one Nation, and at the same Time be States—they may by Treaty make one confederated Body."

James Wilson of Pennsylvania, a proponent of a strong national government (I Farrand 179–180):

"Entered elaborately into the defence of a proportional representation, stating for his first position that as all authority was derived from the people, equal numbers of people ought to have an equal no. of representatives, and different numbers of people different numbers of representatives. This principle had been improperly violated in the Confederation, owing to the urgent circumstances of the time. * * * Mr. P. admitted persons, not property to be the measure of suffrage. Are not the citizens of Penna. equal to those of N. Jersey? does it require 150 of the former to balance 50 of the latter? Representatives of different districts ought clearly to hold the same proportion to each other, as their respective constituents hold to each other."

One reason why I am laboring this point is that we should understand carefully that when our Founding Fathers decided on the composition of the Senate, in the process of doing so they argued at great length and with strong feeling the importance of equal representation. They understood this principle. They understood it thoroughly, and they supported it. They knew how vital the principle is to true democracy or to a true republic. They recognized how urgent it is, if there is to be any kind of real fairness and justice.

At the same time, they were confronted with a situation in which they were not merely trying to reconcile 3 million people who at that time wanted to form a union; they were confronted with a situation in which there were 13 separate and distinct entities—in effect, nations which had their own taxing power, each one making contributions to the federated Congress. So it was necessary to make a compromise. But it should be thoroughly understood that in those debates, lasting many days, there was clear protestation and recognition on the part of all delegates to the Convention of the fundamental truth, the deep importance, of equal representation for every citizen.

The fact that the Constitutional Convention eventually reached a compromise, the compromise we know today in our Federal Union, should not obscure the fact that frequently, to a man, they recognized that there was a true, basic, fundamental, vital principle in which they believed, and believed deeply; namely, that politically—not economically, not socially, but politically—men should be equal.

before the law; they should have an equal vote.

The next speaker, Hugh Williamson, of North Carolina (id. at 180):

"Illustrated the cases by a comparison of the different States, to counties of different sizes within the same States; observing that proportional representation was admitted to be just in the latter case, and could not therefore be fairly contested in the former."

Here is an important analogy. Our Founding Fathers did consider a comparison with the States. Every time they did, they recognized that the situation was different. The Founding Fathers had established the State legislatures based on population. There was population representation depending on the size of the counties in the States. So they tried to hold that analogy for the Federal Government. Clearly, there was a difference, because the counties had no element of sovereignty or independence; they had no foundation on which to base their claim of representation, whereas the States clearly had such a claim.

I read further:

Judge David Brearly of New Jersey agreed with Paterson (id. at 181–182):

"If the States will remain sovereign, the form of the present resolve is founded on principles of injustice. He then stated the comparative weight of each State—the number of votes 90. Georgia would be 1, Virginia 16, and so of the rest. This vote must defeat itself, or end in despotism. If we must have a national government, what is the remedy? Lay the map of the confederation on the table, and extinguish the present boundary lines of the respective State jurisdictions, and make a new division so that each State is equal—then a government on the present system will be just." [Yates.]

In contrast, Edward Carrington wrote Thomas Jefferson on the same day that the basic issues before the convention (III Farrand 38–39):

"Are reducible to two schemes—the first, a consolidation of the whole Empire into one republic, leaving in the States nothing more than subordinate courts for facilitating the administration of the Laws—the second an investiture of of [sic] a foederal sovereignty with full and independent authority as to the Trade, Revenues, and forces of the Union, and the rights of peace and War, together with a Negative upon all the Acts of the State legislatures. the first idea, I apprehend, would be impracticable, and therefore do not suppose it can be adopted—general Laws through a Country embracing so many climates, productions, and manners, as the United States, would operate many oppressions, & a general legislature would be found incompetent to the formation of local ones, as a majority would, in every instance, be ignorant of, and unaffected by the objects of legislation. Something like the second will probably be formed—indeed I am certain that nothing less than what will give the foederal sovereignty a complete controul over the State Governments, will be thought worthy of discussion."

On June 11, 1787, a resolution was introduced (I Farrand 192–193):

"That the right of suffrage in the first branch of the national Legislature ought not to be according to the rule established in the articles of confederation; but according to some equitable ratio of representation * * * in proportion to the whole number of white and other free Citizens and inhabitants of every age, sex and condition, including those bound to servitude for a term of years, and three fifths of all other persons not compre-

hended in the foregoing description, except Indians, not paying taxes in each State."

The resolution was passed 9 to 2 by the Committee of the Whole with only New Jersey and Delaware opposing. Roger Sherman of Connecticut then proposed for the first time the plan which was ultimately adopted for the Congress: "[t]hat in the second branch of the National Legislature each State have One vote." Id. at 193. Sherman explained (id. at 204):

"That as the people ought to have the election of one of the branches of the legislature, the legislature of each state ought to have the election of the second branch, in order to preserve the state sovereignty; and that each state ought in this branch to have one vote." [Yates]

The resolution was rejected 6 states to 5. Id. at 193.

That, of course, was the resolution that eventually, in very similar form, became our Federal Government.

James Wilson then proposed a resolution, which was seconded by Alexander Hamilton: "that the right of suffrage in the second branch of the national Legislature ought to be according to the rule established in the first." Ibid. This resolution was passed 6 to 5.

That would have provided for population representation in both the House and Senate. There would have been no equal representation in the States. That was Hamilton's resolution, and it passed; whereas the resolution that eventually became effective, failed at first.

The debate on June 11th centered in large part on whether the legislature should be apportioned according to inhabitants or taxes.⁶ John Rutledge of South Carolina (I Farrand 196):

"Proposed that the proportion of suffrage in the 1st branch should be according to the quotas of contribution. The justice of this rule he said could not be contested."

Pierce Butler of South Carolina supported Rutledge's proposal (id. at 204):

"[M]oney is strength; and every State ought to have its weight in the national council in proportion to the quantity it possesses." [Yates].

(At this point Mr. WALTERS took the chair as the Presiding Officer.)

Mr. PROXMIER. I continue to read:

John Dickenson likewise (id. at 196): "Contended for the actual contributions of the States as the rule of their representation & suffrage in the first branch."

Elbridge Gerry of Massachusetts opposed the proposal because he (id. at 201):

"Thought property not the rule of representation. Why then shd. the blacks, who were property in the South, be in the rule of representation more than the cattle & horses of the North."

Benjamin Franklin said that he thought that (id. at 197–198):

"The number of Representatives should bear some proportion to the number of the Represented; and that the decisions shd. be by the majority of members, not by the majority of States. This is objected to from

⁶ New Hampshire still apportions its Senate by taxes paid. The support for this proposition at the convention reflects the belief that apportionment by taxes as well as by population was equitable, since the former constituted the contribution of the States to the Federal Government. On the other hand, equal representation to all the States, regardless of inhabitants or contributions, was considered by the supporters of apportionment according to taxes to be unfair.

an apprehension that the greater States would then swallow up the smaller.

"But, Sir, in the present mode of voting by States, it is equally in the power of the lesser States to swallow up the greater."

On June 14, the North Carolina delegates wrote to Governor Caswell that the problem of the convention was to form a "Union of Sovereign States, preserving their Civil Liberties and connected together by such Ties as to Preserve permanent & effective Governments." III Farrand 46.

The New Jersey plan was presented to the convention by Paterson on June 15. Its first sentence emphasized: "That a union of the States merely federal ought to be the sole Object of the Exercise of the Powers vested in this Convention." III Farrand 611. As to Congress, the plan provided (id. at 613): "Resolved, That every State in the Union as a State possesses an equal Right to, and Share of, Sovereignty, Freedom, and Independence—

"Resolved, therefore, That the Representation in the supreme Legislature ought to be by States, otherwise some of the States in the Union will possess a greater Share of Sovereignty, Freedom, and Independence than others."

I should like to emphasize that it is fascinating that the first resolution passed provided, in the first place, that the House by a 9-to-2 vote should be on a population representation basis, and by a 6-to-5 vote that the Senate should be, after the present organization was rejected; but it was then clear that they would not be able to obtain assent to this kind of representation, although the majority of our Founding Fathers wished it, even recognizing the serious problems they had of State sovereignty, State independence of the small States, which would obviously lose a great deal of their representation. Recognizing all that, our Founding Fathers came down, with a majority deciding, to have a Federal Government of both bodies with equal representation.

Mr. DOUGLAS. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. DOUGLAS. Despite the fact that a majority favored both Houses being put on a population basis, some of the smaller States, notably Delaware, threatened—unless it had equal representation with the larger States in at least one House—not to join the United States of America. The delegate from Delaware threatened that Delaware would make a treaty with a foreign power. In other words, he presented the Convention, so to speak, with a pistol held at its head and asserted, "Unless you grant equality of representation in at least one House, we will not join the Union." It was with that pistol held at its head that finally the Connecticut compromise came up, with one House based on population, the other with two Senators from each State, regardless of size.

Mr. PROXMIRE. The Senator makes an interesting contribution. It underlines the fact that representation in the U.S. Senate, based upon equal representation in the States, was not arrived at with great unanimity on the part of the Founding Fathers. Philosophically it was felt desirable to give the States their sovereignty, but only with the greatest reluctance, recognizing—as the Senator from Illinois has put it so well—that

there was a pistol held at the head of the Convention; either that, or no union at all.

Obviously, they had to agree to that kind of Federal Government because the smaller States had a veto power and would not have to accept. This is not a criticism of the Federal Government, which has worked out quite well. We must recognize that there are those who are not only for having a federal system, but also for having equal representation in the States.

An excellent justification of this is the role our federalism plays in protecting individual freedom. Our federal system does this. It preserves the rights of the States and the dignity of the States. No one has ever argued that there is any such analogy with the States. The States do not have any such power as the Federal Government has—the power of the sword and the power of the purse, the kind of overwhelming, massive power centralized in Washington that is a serious threat to individual liberty. There is little threat within the States as long as we have a U.S. Supreme Court that is judicially supreme. Within the States there is exactly the contrary problem—namely, how to get the State government that is sufficiently representative and cohesive so that it can move, and move quickly, to solve its problems at the local and State level, so that it will not be necessary to come to Washington and say, "the two branches of our legislature cannot agree. We cannot get the kind of things we need, because we cannot get our State legislatures to go along on urban renewal, on slum clearance. We cannot solve our educational problems. We cannot solve the health problem; therefore, we have to come to Washington to do it."

Those who believe in States rights, those who believe in States responsibility—and they are inseparable—should recognize the serious importance of permitting the Supreme Court decision to stand, and supporting it and supporting it enthusiastically, recognizing that this is one way we can get the States to operate in an efficient manner so that they can solve their own problems.

Mr. DOUGLAS. In the same year in which the Constitution was approved, the Continental Congress meeting at the same time approved the so-called Northwest Ordinance of 1787.

Mr. PROXMIRE. Yes.

Mr. DOUGLAS. That ordinance provided that in the Northwest Territory, which was originally to become governed as one body, which later became the five States of Ohio, Indiana, Illinois, Michigan, and Wisconsin, the legislative body was to be based in proportion to population.

I should like to read section 9 of the Northwest Ordinance or the appropriate portions thereof:

Provided, That for every five hundred free male inhabitants there shall be one representative, and so on, progressively, with the number of free male inhabitants, shall the right of representation increase, until the number of representatives shall amount to twenty-five; after which the number and proportion of representatives shall be regulated by the legislature:

Mr. PROXMIRE. Yes. Article 2, paragraph 14 of this ordinance provides:

The inhabitants of said territory shall always be entitled to the benefits—of a proportionate representation of the people in the legislature.

What could be clearer and more explicit than that?

This is exactly what the Senator has just stated—at the same time and probably close to the same day when these debates were going on—that this is the clear position of our Founding Fathers so far as the State legislatures were concerned.

Mr. President, to continue reading:

The next day, Paterson explained the basic assumptions of the plan (I Farrand 250):

"If the confederacy was radically wrong, let us return to our States, and obtain larger powers, not assume them of ourselves. Our object is not such a Government, as may be best in itself, but such a one as our Constituents have authorized us to prepare, and as they will approve. If we argue the matter on the supposition that no Confederacy at present exists, it can not be denied that all the States stand on the footing of equal sovereignty. * * * If we argue on the fact that a Federal compact actually exists, and consult the articles of it we still find an equal Sovereignty to be the basis of it. He reads the 5th. art: of Confederation giving each State a vote—and the 13th. declaring that no alteration shall be made without unanimous consent. This is the nature of all treaties."

Turning to the question of representation, he said (id. at 251):

"If the sovereignty of the States is to be maintained the Representatives must be drawn immediately from the States, not from the people: and we have no power to vary the idea of equal sovereignty."

James Wilson replied strongly (id. at 253-254):

"He would not repeat the remarks he had formerly made as the principles of Representation, he would only [say] that an inequality in it, has ever been a poison contaminating every branch of Govt. In G. Britain where this poison has had a full operation, the security of private rights is owing entirely to the purity of her tribunals of Justice * * *. The political liberty of that Nation, owing to the inequality of representation is at the mercy of its rulers."

Mr. President, James Wilson's words are very interesting today, when many feel that the security of private rights is indeed due largely if not entirely to the purity of tribunals of justice—namely, our Supreme Court.

The political liberty of the Nation, owing to the inequality of representation, is at the mercy of the rulers because we do have an inequality of representation in our State legislatures.

Continuing to read:

Paterson then responded (id. at 259):

"[R]epresentation must be drawn from the states to maintain their independency, and not from the people composing those States.

"The doctrine advanced by a learned gentleman from Pennsylvania [Wilson], that all power is derived from the people, and that in proportion to their numbers they ought to participate equally in the benefits and rights of government, is right in principle, but unfortunately for him, wrong in the application to the question now in debate."

It is interesting that Paterson, who was one of the great opponents of having both Houses of Congress based on population, recognized that his op-

ponents—those who wanted both Houses based on population—were right in principle. There was no disagreement on the principle of one man, one vote. There was clear agreement on both sides of the debate on this matter. But there was argument by Paterson that this was inapplicable to the Federal Government because of the Federal Constitution, and it was inapplicable because there was a sovereignty in the State that had to be recognized.

I believe that we can honestly say that there was no difference of opinion on the part of our Founding Fathers with respect to State governments and other governments. There would have been no difference with regard to the Federal Government if there had not been the serious problem of the independence of sovereignty on the part of the States.

I continue to read:

When independent societies confederate for mutual defence, they do so in their collective capacity; and then each state for those purposes must be considered as one of the contracting parties. Destroy this balance of equality, and you endanger the rights of the lesser societies by the danger of usurpation in the greater.

Let us test the government intended to be made by the Virginia plan on these principles. The representatives in the national legislature are to be in proportion to the number of inhabitants in each state. So far it is right upon the principles of equality, when state distinctions are done away; but those to certain purposes still exist.

I repeat the last statement:

Let us test the government intended to be made by the Virginia plan on these principles. The representatives in the national legislature are to be in proportion to the number of inhabitants in each state. So far it is right upon the principles of equality, when state distinctions are done away; but those to certain purposes still exist.

On June 18, 1787, Alexander Hamilton attacked the New Jersey plan (I Farrand 286): "Another destructive ingredient in the [New Jersey] plan, is that equality of suffrage which is so much desired by the small States. It is not in human nature that Va. & the large States should consent to it, or if they did that they shd. long abide by it. It shocks too much the ideas of Justice, and every human feeling."

He also submitted to the Committee of the Whole a sketch of a plan for the new government. The plan set the number of Representatives at the start for each State apparently on the basis of population. After that, the plan provided (III id. at 620):

"The Legislature shall provide for the future elections of Representatives, apportioning them in each State, from time to time as nearly as may be to the number of persons described in the 4§ of the VII article, so as that the whole number of Representatives shall never be less than one hundred, nor more than — hundred. There shall be a Census taken for this purpose within three years after the first meeting of the Legislature, and within every successive period of ten years."

I have previously quoted extensively from Thomas Jefferson. He was clearly, consistently, and invariably on the side of equal representation in the State legislatures. Hamilton was on the side of equal representation, even in the U.S. Senate. But there is no difference of opinion so far as State legislatures are concerned.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. DOUGLAS. Hamilton is generally regarded as the leader of the conservative forces.

Mr. PROXMIRE. Yes.

Mr. DOUGLAS. So, the man who was the spiritual leader of the Democratic forces, and the man who was the party leader of the conservative forces agreed on the principle that representation should be in proportion to population or in proportion to population which could be counted. There was a problem, of course, as to whether slaves were to be counted as full persons or not.

Mr. PROXMIRE. Yes. Of course, Hamilton was the great champion of the monied interests, of the financial interests. He played a very important and proper role in that capacity. Hamilton was an extremely wise and brilliant man. He recognized that there was no real threat to the financial interest or the monied interests from having a population-representative legislature. And, indeed, there is none now. The Senator from Wisconsin and the Senator from Illinois are not making the argument—and no Senator that I know of is making the argument—that we are fighting for a liberal representation; that this would better serve the interest of any economic group; or that it would injure monied people or people with property.

Hamilton recognized that equal representation was fair and just. What we are fighting for is equal representation for all, and not for any advantage for any group. The Senator from Illinois has gone to great pains to point out that the greatest beneficiaries would be the suburbanites. No one argues that they are the poorest people in our society.

I continue to read:

The composition of the initial Senate was likewise to be prescribed by the Constitution but the number for each State had not been filled in. As to the apportionment of Senators, Hamilton's plan provided (id. at 621):

"The legislature shall provide for the future elections of Senators, for which purpose the States respectively, which have more than one Senator, shall be divided into convenient districts to which the Senators shall be apportioned. A State having but one Senator shall be itself a district. * * *

"The number of Senators shall never be less than 40, nor shall any State, if the same shall not hereafter be divided, ever have less than the number allotted to it in the second section of this article; but the legislature may increase the whole number of Senators, in the same proportion to the whole number of Representatives as 40 is to 100; and such increase beyond the present number, shall be apportioned to the respective States in a ratio to the respective numbers of their Representatives.

"If States shall be divided, or if a new arrangement of the boundaries of two or more States shall take place, the legislature shall apportion the number of Senators (in elections succeeding such division or new arrangement) to which the constituent parts were entitled according to the change of situation, having regard to the number of persons described in the 4 section of the VII article."

Thus, the apportionment of the new Senate was also to be based on population, although no State could have its representa-

tion reduced from that prescribed for the first Senate.

James Madison returned to the proposal of Judge Brearly that the boundaries of the States should be redrawn to provide equal population and they should be given equal representation in the legislature.

There we have the third of the great participants in our great Government. At least, many people would regard Hamilton, Madison, and Jefferson as the three great participants. Although, Jefferson was the Ambassador to France and was not present during the initial deliberations, he played a vital part in the preparation of the Bill of Rights. All three were clearly, emphatically, and consistently on the side of population representation. They contended that this was right in principle and should be translated into reality.

Madison said:

It was admitted by both the gentlemen from New Jersey, (Mr. Brearly and Mr. Paterson) that it would not be just to allow Virginia which was 16 times as large as Delaware an equal veto only. Their language was that it would not be safe for Delaware to allow Virginia 16 times as many times. The expedient proposed by them was that all the States should be thrown into one mass and a new partition be made into 13 equal parts.

Madison, however, decided that the plan was impracticable (id. at 322):

"The prospect of many new States to the westward was another consideration of importance. If they shd. come into the Union at all, they would come when they contained but but [sic] few inhabitants. If they should be entitled to vote according to their proportions of inhabitants, all would be right and safe. Let them have an equal vote, and a more objectionable minority than ever might give law to the whole."

Alexander Martin, of North Carolina, said (id. at 324):

"[The States] entered into the confederation on the footing of equality; that they met now to to [sic] amend it on the same footing, and that he could never accede to a plan that would introduce an inequality and lay 10 States at the mercy of Virginia, Massachusetts, and Pennsylvania."

On June 20, the convention itself began to consider the proposals which had been made in committee. Roger Sherman again repeated his proposal to have two branches of the legislature apportioned differently (id. at 342-343):

"The disparity of the States in point of size he perceived was the main difficulty. But the large States had not yet suffered from the equality of votes enjoyed by the small ones. In all great and general points, the interests of all the States were the same. * * * If the difficulty on the subject of representation can not be otherwise got over, he would agree to have two branches, and a proportional representation in one of them, provided each State had an equal voice in the other. This was necessary to secure the rights of the lesser States; otherwise three or four of the large States would rule the others as they please."

The next day, William Samuel Johnson, of Connecticut, noted that James Wilson and the Virginians had said that they did not want to abolish the States (I Farrand 355):

"He wished it therefore to be well considered whether in case the States, as was proposed, shd. retain some portion of sovereignty at least, this portion could be preserved, without allowing them to participate effectually in the General Government, without giving them each a distinct and equal vote for the purpose of defending themselves in the general councils."

The debate as to representation continued on June 25, 1787. Nathaniel Gorham, of Massachusetts, said that (I Farrand 404-405): " * * * he inclined to a compromise as to the rule of proportion. He thought there was some weight in the objections of the small States. If Virginia should have 16 votes and Delaware with several other States together 16, those from Virginia would be more likely to unite than the others, and would therefore have an undue influence. This remark was applicable not only to States, but to counties or other districts of the same State. Accordingly the constitution of Massachusetts had provided that the representatives of the larger districts should not be in an exact ratio to their numbers.¹ And experience he thought had shewn the provision to be expedient."

George Read, of Delaware, complained that the large States had appropriated the western lands which should have been applied to the public debt (id. at 405):

"Let justice be done on this head; let the fund be applied fairly and equally to the discharge of the general debt, and the smaller States who had been injured would listen then perhaps to those ideas of just representation which had been held out."

James Wilson opposed election of the second branch by the State legislatures (id. at 406):

"The General Government is not an assemblage of States, but of individuals for certain political purposes—it is not meant for the States, but for the individuals composing them: the individuals therefore not the States, ought to be represented in it: A proportion in this representation can be preserved in the 2d. as well as in the 1st. branch; and the election can be made by electors chosen by the people for that purpose."

However, his amendment to this effect was not seconded.

Pierce Butler, of South Carolina, proposed postponing the issue as to the election of second branch until the question of representation was decided. James Madison seconded the proposal, but it was rejected 7 to 4. I Farrand 407-408. The convention then voted 9 to 2 to have the second house elected by the State legislatures, with Virginia and Pennsylvania opposing. At this point in his notes Madison dropped a footnote (id. at 408):

"It must be kept in view that the largest States, particularly Pennsylvania and Virginia, always considered the choice of the second branch by the State legislatures as opposed to a proportional representation to which they were attached as a fundamental principle of just government. The smaller States, who had opposite views, were re-enforced by the members from the large States most anxious to secure the importance of the State governments."

James Wilson of Pennsylvania likewise said at the convention (id. at 413):

"Equality of representation cannot be established, if the second branch is elected by the State legislatures." [Yates.]

In the debate on June 27 as to whether representation in the first house should be by population, Luther Martin, of Maryland, supported continuation of the State governments as under the Confederation. He said (I Farrand 437-438):

"[A]n equal vote in each State was essential to the federal idea, and was founded in justice and freedom, not merely in policy: that tho the States may give up this right of sovereignty, yet they had not, and ought not: that the States like individuals were in a State of nature equally sovereign and free * * *. [T]he States being equal cannot treat or confederate so as to give up an equality of votes without giving up their liberty: that the propositions on the table were a system of slavery for 10 States: that as Virginia, Massachusetts, and Pennsylvania have 42/90 of the votes they can do as they please without a miraculous Union of the other ten: that they will have nothing to do, but to gain over 1 of the 10 to make them compleat masters of the rest * * *: that no State in ratifying the Confederation had objected to the equality of votes; that the complaints at present run not agst. this equality but the want of power; that 16 members from Virginia would be more likely to act in concert than a like number formed of members from different States; that instead of a junction of the small States as a remedy, he thought a division of the large States would be more eligible."

Yates' account of this same speech states (id. at 440-441):

"This principle of equality, when applied to individuals, is lost in some degree, when he becomes a member of a society, to which it is transferred; and this society, by the name of state or kingdom is, with respect to others, again on a perfect footing of equality—a right to govern themselves as they please. Nor can any other state, of right, deprive them of this equality. If such a state confederates, it is intended for the good of the whole; and if it again confederate, those rights must be well guarded * * *. We must treat as free states with each other, upon the same terms of equality that men originally formed themselves into societies."

"If the foundation of the existing confederation is well laid, powers may be added—you may safely add a third story to a house where the foundation is good * * *. Price says, that laws made by one man or a set of men, and not by common consent, is slavery—and it is so when applied to States, if you give them an unequal representation."

The next day, Luther Martin continued his speech (I Farrand 444-445):

"[T]he General Government ought to be formed for the States, not for individuals: that if the States were to have votes in proportion to their number of people, it would be the same thing whether their (representatives) were chosen by the legislatures or the people; the smaller States would be equally enslaved * * *."

Mr. President, what all that history does is to reenforce once again that the whole force behind unequal representation in the Senate was based upon a fact of life that existed in 1787. That was that the colonies—the individual States—had sovereignty. They had power. They had individual existence. The argument is entirely an attempt to state the right of States to have representation.

There is no such argument that anyone has adduced for counties, towns, or any other entities to have equal representation, in effect, and therefore malapportionment in various State legislatures. No one has pretended that there is any such problem. There is no analogy whatsoever. That whole problem is strictly based on the fact that representatives in the legislature now have constituencies which are congenial

to them, which they know, which they understand, and which will elect them. There is no pretense that there is any basis of principle in the argument carried on in the Congress of the United States. While some of us may decide on the side of Hamilton, Madison, and Jefferson and others on the side of Paterson and some of the others, it is very clear that none of the Founding Fathers would argue that there should be unequal representation in the States.

Their entire argument is founded on the fact that the States did have an existence. They had a sovereignty and they had a power. As the Senator from Illinois [Mr. DOUGLAS] has so well said, the smaller States had in effect a gun at the temple of the larger States. In effect they said, "Either take this or we will veto the whole thing and you will not have a union."

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am happy to yield to the Senator from Illinois.

Mr. DOUGLAS. The Continental Congress indeed called itself the Confederate Congress, indicating that under the Articles of Confederation we were not a federation but a confederation, and that therefore the residual sovereignty rested in the States. The Federal Government had only those powers which the States voluntarily consigned to them. Of course, our southern friends said that the confederation continued in reality down to and including 1861. We of the North maintained that out of the confederation came a federation, and that particularly for the States which joined we became a nation.

Furthermore, it is true that the Virginia program—the so-called Virginia plan—which Madison proposed, provided for a strong national government. Great powers were given to the National Government to legislate for the general welfare. Madison later was somewhat ashamed of that, and I believe that is one of the reasons why he did not publish his journal of the Constitutional Convention for so many years. But the larger States yielded only on the question of equal representation in the Senate, because that was the price of union. If they had not yielded, the country probably would have broken up into three regional federations—the New England States, the Middle States, stretching from New York to Pennsylvania, possibly including Maryland, and the Southern States—and our lot would have been very difficult. In order to get the Union, the larger States consented to equal representation in the Senate.

The Senator from Wisconsin is making a valuable point—that no one questioned the fact that, inside the respective States, the basic principle was to be representation according to population; and in the Northwest Ordinance, which a coordinate body, the Continental Congress, or the Confederate Congress, passed in the same year, there is provision for representation according to population. So the Senator from Wisconsin is on sound constitutional grounds in this matter.

Mr. PROXMIRE. The Senator from Illinois stresses a point which I think

¹ The Massachusetts constitution of 1780 provided that the Senate would be apportioned among the districts on the basis of taxes paid. Pt. II, ch. I, sec. 2, art. I. One member of the House of Representatives was apportioned to each town having 150 votes and an additional member for every 225 additional voters, except that each existing town was given at least one. Pt. II, ch. I, sec. 3, art. II.

must be fully appreciated; and that is that when our Federal Union was formed, all the power was in the hands of the States.

Mr. DOUGLAS. That is, originally.

Mr. PROXMIRE. Yes; originally it was in the hands of the States. The States formed a Union. There was a confederacy that had an agreement to act together, in concert, in military matters, and so forth.

Mr. DOUGLAS. The laws enacted by the Continental Congress or the Confederate Congress did not operate directly upon individuals, but only through the States.

Mr. PROXMIRE. And the power of the States was so great that the Continental Congress had no power to tax.

Mr. DOUGLAS. That is correct.

Mr. PROXMIRE. It accepted contributions.

Mr. DOUGLAS. From the States, but it had no power to tax individuals.

Mr. PROXMIRE. It is important to stress the fact that when the Union came into existence and created the Legislature the power was in the hands of the States. On the other hand, when the States decided to create counties and townships, the States had and retained complete and total power. They could abolish county governments. There are many proposals to do so. Many people conceive a county government as an inefficient administrative device. All it is is an administrative device for convenience. Therefore the argument for equal representation by county evaporates. It is not there, because the counties did not create the States. Nobody has pretended they did.

Continuing to read from Yates:

"In a Federal Government, a majority of States must and ought to tax. In the local government of States, counties may be unequal—still numbers, not property, govern. What is the government now forming over States or persons? As to the latter, their rights cannot be the object of a General Government—These are already secured by their guardians, the State governments. The General Government is therefore intended only to protect and guard the rights of the states as States. * * *

"Representation on Federal principles can only flow from State societies * * *.

"Your General Government cannot be just or equal upon the Virginia plan, unless you abolish State interests. If this cannot be done, you must go back to principles purely Federal.

"The admission of the larger States into the confederation, on the principles of equality, is dangerous. But on the Virginia system, it is ruinous and destructive. Still it is the true interest of all the States to confederate * * *."

I am laboring the point because the idea we must recognize is that there are States and we must recognize that the States have power and are entities and have an identification. But where is the analogy?

To go on with the Yates argument:

"I would rather confederate with any single state, than submit to the Virginia plan. But we are already confederated, and no power on earth can dissolve it but by the consent of all the contracting powers—and four States, on this floor, have already de-

clared their opposition to annihilate it * * *."

James Madison, in opposing the motion of Lansing that "the representation of the first branch be according to the articles of the confederation" [Yates] (I Farrand 455), said that (id. at 446-449):

"[H]e was much disposed to concur in any expedient not inconsistent with fundamental principles, that could remove the difficulty concerning the rule or representation. But he could neither be convinced that the rule contended for was just, nor necessary for the safety of the small States against the large States. That it was not just, had been conceded by Mr. Breerly [sic] and Mr. Patterson [sic] themselves. The expedient proposed by them was a new partition of the territory of the United States. The fallacy of the reasoning drawn from the equality of sovereign States in the formation of compacts, lay in confounding mere treaties, in which were specified certain duties to which the parties were to be bound, and certain rules by which their subjects were to be reciprocally governed in their intercourse, with a compact by which an authority was created paramount to the parties, and making laws for the government of them. If France, England, and Spain were to enter into a treaty for the regulation of commerce and so forth with the Prince of Monaco and four or five other of the smallest sovereigns of Europe, they would not hesitate to treat as equals, and to make the regulations perfectly reciprocal. Would the case be the same if a council were to be formed of deputies from each with authority and discretion, to raise money, levy troops, determine the value of coin, and so forth? Would 30 or 40 million of people submit their fortunes into the hands of a few thousands? If they did it would only prove that they expected more from the terror of their superior force, than they feared from the selfishness of their feeble associates. Why are counties of the same States represented in proportion to their numbers? Is it because the representatives are chosen by the people themselves? So will be the representatives in the National Legislature."

It is interesting that Madison should give that analogy, because he assumed that within the States the counties would be represented in proportion to their numbers. He asked, Why are the counties of the same State represented in proportion to their numbers? It is the only principle on which it could be defended in the States. This is exactly what the Dirksen proposal would destroy.

Madison goes on to say:

"Is it because, the larger have more at stake than the smaller? The case will be the same with the larger and smaller States. Is it because the laws are to operate immediately on their persons and properties? The same is the case in some degree as the articles of confederation stand; the same will be the case in a far greater degree under the plan proposed to be substituted. * * * By the plan proposed a complete power of taxation, the highest prerogative of supremacy is proposed to be vested in the National Government. Many other powers are added which assimilate it to the government of individual States. The negative on the State laws proposed, will make it an essential branch of the State legislatures and of course will require that it should be exercised by a body established on like principles with the other branches of those legislatures. * * *

"In a word; the two extremes before us are a perfect separation and a perfect incorporation, of the 13 States. In the first case they would be independent nations sub-

ject to no law but the law of nations. In the last, they would be mere counties of one entire republic, subject to one common law. In the first case the smaller States would have everything to fear from the larger. In the last they would have nothing to fear. The true policy of the small States therefore lies in promoting those principles and that form of government which will more approximate the States to the condition of counties."

Yates reports that Madison said (id. at 457):

"There is danger in the idea of the gentleman from Connecticut. Unjust representation will ever produce it. In the United Netherlands, Holland governs the whole, although she has only one vote. The counties in Virginia are exceedingly disproportionate, and yet the smaller has an equal vote with the greater, and no inconvenience arises."

Returning to the analogy of England's rotten boroughs, James Wilson said (I Farrand 449-450):

"The leading argument of those who contend for equality of votes among the States is that the States as such being equal, and being represented not as districts of individuals, but in their political and corporate capacities, are entitled to an equality of suffrage. According to this mode of reasoning the representation of the burroughs in England which has been allowed on all hands to be the rotten part of the Constitution, is perfectly right and proper. They are like the States represented in their corporate capacity like the States therefore they are entitled to equal voices, old Sarum (a rotten borough) to as many as London. And instead of the injury supposed hitherto to be done to London, the true ground of complaint lies with old Sarums for London instead of two which is her proper share, sends four representatives to Parliament."

This rotten borough analogy, which was criticized when the Senator from Pennsylvania proposed it in properly labeling the Dirksen amendment, seems to me to be perfectly appropriate and proper. The fact is that we do have rotten boroughs. Nobody has riveted that fact more clearly during the debates in the Senate than has the Senator from Illinois, who pointed out that in some cases one person has 1,000 times the representation in some States than another person has. If this is not rotten borough representation, what is?

Mr. DOUGLAS. In the State of Vermont, 1 hamlet of 36 people sends 1 representative to the State legislature, and a city of 38,000 also sends 1 representative.

Mr. PROXMIRE. One hamlet?

Mr. DOUGLAS. One hamlet of thirty-six people.

Mr. PROXMIRE. Thirty-six people?

Mr. DOUGLAS. That hamlet sends one representative to the Vermont House of Representatives. A city of 38,000 also sends 1 representative.

Mr. PROXMIRE. What possible justification can there be for that? That is certainly a rotten borough situation. It is an abysmal denial of the rights of some of the people of Vermont to have a vote mean something, or mean what it should mean; namely, that all people have an equal opportunity.

Mr. DOUGLAS. They are following the scheme laid down in the constitution of 1793, 171 years ago.

Mr. PROXMIRE. In the Vermont constitution?

Mr. DOUGLAS. Yes.

Mr. PROXMIRE. What they are doing is assuming that the population of Vermont has not moved at all from farms to cities for 173 years.

Mr. DOUGLAS. Yes; whereas in the meantime the cities of Burlington, Montpelier, and other cities, have developed.

Mr. PROXMIRE. What we are calling for is recognition of the fact that when a man moves from one area to another, from a small town to a city, or from a city to a suburb, he retain his representation, and does not lose it.

Mr. DOUGLAS. Yes.

Mr. PROXMIRE. When a farmer moves from his farm to a city, he loses his representation.

Mr. DOUGLAS. Or has it diminished to a very small proportion.

Mr. PROXMIRE. The Senator states it better.

Mr. DOUGLAS. That is true also in California, where 1 district with a population of 14,500 people sends 1 man to the California Senate, and the county of Los Angeles, with more than 6 million people, also sends 1 to the senate.

Mr. PROXMIRE. How can there be any justification for it?

Mr. DOUGLAS. There cannot be.

Mr. PROXMIRE. How can any argument be made that that is fair and just, that we should amend the foreign aid bill and thus deprive the President of the United States of his right of veto, and that we should damage the Supreme Court's dignity and independence and right of review in order to protect that kind of injustice?

Mr. DOUGLAS. It passeth human understanding.

Mr. PROXMIRE. I agree.

Yates says that Wilson stated (id. at 457): "I should be glad to hear the gentleman from Maryland explain himself upon the remarks of Old Sarum, when compared with the city of London. This he has allowed to be an unjust proportion; as in the one place one man sends two members, and in the other 1 million are represented by four members. I would be glad to hear how he applies this to the larger and smaller States in America; and whether the borough, as a borough, is represented, or the people of the borough."

Luther Martin answered that Britain's rotten boroughs were not analogous since (ibid.):

"Individuals, as composing a part of the whole of one consolidated government, are there represented" [Yates].

Roger Sherman argued for concessions by the larger State to protect the smaller. Id. at 450. He further stated (id. at 457):

"In society, the poor are equal to the rich in voting, although one pays more than the other. This arises from an equal distribution of liberty amongst all ranks; and it is, on the same grounds, secured to the states in the confederation * * * [Yates]."

Mr. President, I should like to interrupt my reading once again to emphasize that our Founding Fathers, in all these debates, without any question, agreed that the only argument that could be made for unequal representation in the Senate is that the States have a degree of sovereignty, and that that was the only principle on which it could be done. There is no analogy so far as our State governments are concerned. The coun-

ties of the State are the creatures of the States.

Our Founding Fathers came down unanimously, without question, on the side of equal representation in the State legislatures.

Hugh Williamson, of North Carolina, supported representation based on population on the ground (id. at 456):

"If any argument will admit of demonstration, it is that which declares, that all men have an equal right in society. Against this position, I have heard, as yet, no argument, and I could wish to hear what could be said against it * * * [Yates]."

Mr. CASE. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. CASE. I am interested in the Senator's argument. I wonder if he could tell me the name of the document from which he is reading these very interesting excerpts.

Mr. PROXMIRE. This is a document which was prepared by the Department of Justice for the Supreme Court, as *amicus curiae*, in the Maryland against Tawes case. It is dated October 9, 1963. It is probably the best and most concise analysis of the debates in the Constitutional Convention, when the delegates decided on the form of our government and on representation in the House and in the Senate.

What I am contending is that the most popular analogy, the most frequent objection that one hears to the one-man, one-vote rule and against the population representation principle is the Federal analogy. The U.S. Senate is not based on population. We defend it, and we are for it.

There is a great difference between the U.S. Senate and its responsibility, and the senate of a State legislature.

The practical argument I make, in addition to the philosophical argument, is that we have a Federal system. The State injects its great power between the individual citizen of the State and the Federal Government. It is a division of power which I believe almost all Members of the Senate support.

Mr. DOUGLAS. Mr. President, I should like to enter a demurrer to what the Senator from Wisconsin has said. He said we believe in equality of representation of the States in the U.S. Senate, and that we will defend that principle.

I prefer to say that we acquiesce in it. There is nothing we can do about it.

The fifth article of the Constitution provides that no amendment which may be made prior to 1808 shall affect the first and fourth clauses in the ninth section of the first article—which relates to the importation of slaves—and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

That part of the Constitution cannot be amended. That provides for equal representation in the Senate. There is nothing we can do about it. We from the big States bear this cross. It is a heavy cross.

If anyone wishes to be a second-class citizen, he does not have to be a Negro in Mississippi. He need only be a Senator from a large State. He need only be

a Senator from a large State to really know what second-class or third-class citizenship amounts to. The control of the Senate is in the hands of States of approximately one-fourth of the population of the country.

I do not think it is a wise arrangement, but this matter was settled 177 years ago. It is the price which the big States had to pay for union. We acquiesce in it. We bow our shoulders under the yoke. The nails are driven into our body daily. We suffer from it. The inhabitants of our States suffer from it. There is nothing we can do about it. Therefore, on the whole, we keep silent about it.

However, when the Senator from Wisconsin says that we will defend it, I say that I will not defend it. I merely acquiesce in it and suffer under it.

Mr. PROXMIRE. There are those with whom I disagree who say that the Senate is the South's revenge on the Nation for the Civil War.

Mr. DOUGLAS. William S. White has said it. He said that the South in the Senate is indeed the revenge of the South for Gettysburg.

Mr. PROXMIRE. It is very uncomfortable to find myself in disagreement with the Senator from Illinois, who is a great scholar and a great man and a leader in this debate. However, I must say that I disagree vigorously with him, because I believe our Federal system has served us well. Wisconsin is, perhaps, an average State, because Wisconsin has about 2 percent of the people and we have appropriate representation in the U.S. Senate. From that standpoint we have perfect representation, as a matter of fact. Michigan, New Jersey, and Illinois are underrepresented, on that basis, but they have such excellent Senators, such great Senators, that those States really do not need more representation.

Mr. DOUGLAS. In Illinois we have 6 percent of the population of the country but only 2 percent of the representation. The State of New York has 17 million people, and probably close to 9 percent of the population, but only 2 percent of the representation.

The State of California has 17 million people, and only 2 percent of the representation. The 8 largest States have a population of 80 million, and at least 45 percent of the population, but have only 16 Senators.

The Mountain States, with a population of less than 6 million, have 16 Senators.

Mr. CASE. With respect to the interesting colloquy between the Senator from Wisconsin and the Senator from Illinois, on the wisdom of the system by which the States are represented in the U.S. Senate, the Constitution clearly and unequivocally determines how the apportionment of State legislatures shall be accomplished.

Mr. PROXMIRE. The Senator is absolutely correct. The Senator from Wisconsin, and, I believe, the Senator from New Jersey and the Senator from Michigan all agree on the fundamental principle that there is equal representation in the State governments, as the Supreme Court decided in Reynolds against

Sims, our differences over the U.S. Senate are irrelevant.

Mr. CASE. Mr. President, I ask unanimous consent that this word of mine appear immediately after the most gracious reference by the Senator from Wisconsin and the Senator from Illinois. I express appreciation for this most undeserved encomium.

Mr. PROXMIRE. I thank the Senator from New Jersey. He is a mighty valiant ally. It is wonderful to have him on our side.

On June 29, William Samuel Johnson, of Connecticut, supported Roger Sherman's proposal that one house be apportioned on population and the other be apportioned equally among the States. In doing so, he explicitly based this proposal on a compromise as to the nature of the new government (I Farrand 461-462).

William Samuel Johnson, of Connecticut—

Mr. DOUGLAS. Not Dr. Samuel Johnson, of England.

Mr. PROXMIRE. No, indeed; William Samuel Johnson, of Connecticut. He said:

The controversy must be endless whilst gentlemen differ in the grounds of their arguments; those on one side considering the States as districts of people composing one political society; those on the other considering them as so many political societies. The fact is that the States do exist as political societies, and a government is to be formed for them in their political capacity, as well as for the individuals composing them. * * * On the whole he thought that as in some respects the States are to be considered in their political capacity, and in others as districts of individual citizens, the two ideas embraced on different sides, instead of being opposed to each other, ought to be combined; that in one branch the people, ought to be represented; in the other, the States.

Here we have, by the gentleman from Connecticut who supported Roger Sherman's proposal, which was eventually adopted—it was finally agreed upon as a compromise—an explicit expression, an explicit recognition of what the Senate really is. At the time of the Constitutional Convention, Senators were deemed to represent the States—not the people of the States, but the States. Indeed, until an amendment to the Constitution changed the practice, Senators were elected by the legislatures of the States. That was one of the express purposes, I assume, for electing Senators by the legislatures. We do not represent the people; we represent the States.

What analogy is there to the counties? Has anyone ever heard of a county board electing members of the State legislature? That would be ridiculous. There is no analogy whatsoever.

It seems to me it is necessary to labor this point in detail, really to nail it to the mast. There are those who say, "Yes, but what about the Federal Government?" It has been said in the Senate by some distinguished opponents that there is such an analogy. But the report from which I am reading is as clear and explicit as it can be that there is no analogy as compared with the Federal Government; that there was no delegate of the Continental Congress who argued

that the States should be represented on any basis other than population.

I especially draw attention to William Samuel Johnson's assumption that a parish or a county has influence in proportion to the number of its inhabitants. This is the principle we are fighting for today, and it was generally accepted at the time of the Constitutional Convention.

Rufus King's account of this speech is (id. at 476-477):

"Those who contend for an equality of votes among the States, define a State to be a mere association of men and then say these associations are equal—on the other hand those who contend for a representation in proportion to numbers. Define a State to be a district of country with a certain number of inhabitants, like a parish or county, and then say, these districts shd. have an influence in proportion to their number of inhabitants—both reason justly from year premises—we must then compromise—let both parties be gratified—let one House or branch be formed by one rule and [sic] the other by another."

Certainly every body will agree that counties are associations of men; no one pretends that they are anything else.

Madison continued to oppose the compromise because it overemphasized the sovereignty of the States under the new Constitution and because equal representation by States was unjust (I Farrand 463-464):

Another point ought to be stressed in connection with the debates in the constitutional convention. James Madison is regarded as the father of the Constitution. He was one of the strongest hold-outs against the mixed nature of the Government. Madison was a prominent man. He was the strongest opponent of even the kind of compromise that was arrived at to permit the Senate of the United States to have equal representation from each of the States. The report states Madison's views, as follows:

"[T]he mixed nature of the Government ought to be kept in view; but thought too much stress was laid on the rank of the States as political societies. There was a gradation, he observed from the smallest corporation, with the most limited powers, to the largest empire with the most perfect sovereignty. He pointed out the limitations on the sovereignty of the States, as now confederated * * *. Under the proposed Government, the powers of the States will be much further reduced. According to the views of every member, the General Government will have powers far beyond those exercised by the British Parliament when the States were part of the British Empire. It will in particular have the power, without the consent of the State legislatures, to levy money directly on the people themselves; and therefore not to divest such unequal portions of the people as composed the several States, of an equal voice, would subject the system to the reproaches and evils which have resulted from the vicious representation in Great Britain.

"He entreated the gentlemen representing the small States to renounce a principle which was confessedly unjust, which could never be admitted, and if admitted must infuse mortality into a Constitution which we wished to last forever."

Yates reports concerning this speech that Madison said (id. at 472):

"If the power is not immediately derived from the people, in proportion to their numbers we may make a paper confederacy, but that will be all."

Alexander Hamilton likewise supported apportionment based solely on population (I Farrand 465-466):

"Mr. Hamilton observed that individuals forming political societies modify their rights differently, with regard to suffrage. Examples of it are found in all the States. In all of them some individuals are deprived of the right altogether, not having the requisite qualification of property. * * * In like manner States may modify their right of suffrage differently, the larger exercising a larger, the smaller a smaller share of it. But as States are a collection of individual men which ought we to respect most, the rights of the people composing them, or of the artificial beings resulting from the composition. Nothing could be more preposterous or absurd than to sacrifice the former to the latter. It has been sd. that if the smaller States renounce their equality, they renounce at the same time their liberty.

"The truth is it is a contest for power, not for liberty. Will the men composing the small States be less free than those composing the larger. The State of Delaware having 40,000 souls will lose power, if she has one-tenth only of the votes allowed to Pennsylvania having 400,000: but will the people of Delaware: be less free, if each citizen has an equal vote with each citizen of Pennsylvania. He admitted that common residence within the same State would produce a certain degree of attachment; and that this principle might have a certain influence in public affairs. He thought, however, that this might by some precautions be in a great measure excluded: and that no material inconvenience could result from it, as there could not be any ground for combination among the States whose influence was most dreaded. * * * No considerable inconvenience had been found from the division of the State of New York into different districts, of different sizes."

Incidentally, both houses of the New York Legislature have been apportioned as to the eligibility of its voters according to the New York constitution of 1777.

Let me repeat that principle of Alexander Hamilton.

There can be no truer principle than this, that every individual in the community at large has an equal right to the protection of government.

That sounds almost like the 14th amendment. This was stated by Alexander Hamilton in 1787.

To repeat:

There can be no truer principle than this, that every individual in the community at large has an equal right to the protection of government.

It is very interesting that Alexander Hamilton argued this, when he was talking about the equal right to vote. He used the part of this language almost verbatim which was adopted by our Government, later, when the 14th amendment became law.

Hamilton goes on to say:

"If therefore three States contain a majority of the inhabitants of America, ought they to be governed by a minority? * * * [The larger States] are to surrender their rights—for what? for the preservation of an artificial being. We propose a free government—can it be so if partial distinctions are maintained? * * * In the State of New York, five counties, form a majority of representatives, and yet the government is in no danger, because the laws have a general operation. The small States exaggerate their

danger, and on this ground contend for an undue proportion of power."

I can imagine what Alexander Hamilton would have said about this debate. After all, he was up against a situation confronting the States which at that time were recognized as truly sovereign. They had the sole right to tax. They had given only modest rights to the Confederacy at the time. Yet Hamilton felt so strongly about this principle, he felt that the principle was so basic to a democracy that he argued, even under these circumstances, that the States should have equal representation in the U.S. Senate.

Mr. DOUGLAS. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. DOUGLAS. Is it not a sad thing that those who call on the name of Hamilton, who regard themselves as the exponents of the Hamiltonian tradition, have so far departed from the principles of Hamilton that they advocate and defend inequality of representation in the various State legislatures?

Mr. PROXMIRE. Yes, indeed; and as we say, Hamilton was a man who championed, by and large, the interests of property. He recognized deeply the contributions that wealth makes. He was a true conservative. He was a conservative in the usual sense. He was a champion of the well-to-do person and the person who was skilled and able. Yet he recognized that if we were to have a true democracy, it must be based upon equal representation. He further recognized that this constitutes no threat whatsoever to any legitimate need or interest or protection of property.

Mr. DOUGLAS. Mr. President, in this morning's Washington Post, a very illuminating letter was published on the question of apportionment. It was written and signed by Henry W. Edgerton.

Mr. Edgerton was, for many years, a circuit judge in the Federal Circuit Court of Appeals for the District of Columbia. He was one of the most eminent jurists who ever served in that capacity. Prior to that time, he was dean of the Cornell Law School, the great law school from which Charles Evans Hughes was graduated, and which has also produced many eminent lawyers, such as Myron Taylor, the former president of the United States Steel Corp.

Mr. Edgerton was, on many occasions, mentioned for appointment to the U.S. Supreme Court. I regret that this appointment was not accomplished. He would have added luster to that Court.

Mr. Edgerton has retired from regular active service as a circuit judge. But he felt impelled to write this letter as a citizen. And he made it clear that he was writing only as a citizen.

He points out that the Constitution in article III states:

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

He goes on to point out that the Constitution also declares that "the judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States," and so forth.

In cases arising under that clause of the Constitution, we should remember the first section of the 14th amendment, which forbids any State to deny to any person the equal protection of the laws. In this chain of cases, beginning in the Tennessee case and going on to the Alabama case, a cognate case, and concluding with the Colorado case, the Supreme Court correctly pointed out that people cannot be granted equal protection of the laws if they are unequally, and grossly unequally, represented in the legislatures which make the laws.

Several weeks ago the House of Representatives passed a bill which would nullify the Supreme Court decisions by forbidding both the Supreme Court and the district courts from considering any cases dealing with reapportionment. I am happy that the Senate defeated the Tuck bill presented yesterday to the Senate by the very able Senator from South Carolina [Mr. THURMOND], and I am very glad that it was defeated by a crushing vote. If that bill had become law and were to be observed, it would remove reapportionment cases, insofar as the Congress could do so, from the judicial power of the United States. But, as Judge Edgerton pointed out, because those are cases arising under the Constitution, Congress has no power to do so.

The Tuck bill—or the Thurmond amendment—would undoubtedly have been declared unconstitutional by the Supreme Court if it had been passed by Congress. That would have brought about not only a direct conflict between the Congress and the court, against which the very able Senator from New York [Mr. JAVITS] has warned us, but it would have occurred only after a considerable period of time during which the case would have been tested in the district and circuit courts; and perhaps 3 or 4 years would have elapsed before the Supreme Court would finally declare the Tuck bill or the Thurmond amendment to be unconstitutional. During that time the processes of reapportionment would probably have been stilled and stopped, and the State legislatures would have been continued in their present malapportioned representation. Ample time would therefore have been afforded for a constitutional amendment to be drafted and submitted to the States. The amendment could have been ratified by the malapportioned State legislatures.

During that time the constitutional right to the equal protection of the laws would, so far as Congress is concerned, have been suspended and, indeed, perhaps ultimately denied so far as Congress is concerned.

Judge Edgerton was correct in pointing out that the proposal would have been a usurpation of power on the part of Congress which we do not constitutionally possess. For the time being the Tuck-Thurmond amendment is a thing of the past. But the Dirksen-Mansfield amendment is with us and is the pending business.

Notice the next sentence in the letter of Judge Edgerton:

For the same reason, Congress has no power to require delay in such cases, as a different bill now pending in the Senate proposes to do.

That "different bill," of course, is the Dirksen-Mansfield amendment. Judge Edgerton is saying that just as Congress has no power to forbid the Supreme Court or the district courts to consider the apportionment of State legislatures for a permanent period of time, so it has no right to postpone or delay hearing by the courts in apportionment proceedings. The rights inhere to individuals and cannot be postponed or delayed.

Judge Edgerton went on to say that it is, of course, true that—

The Constitution says, "The Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make." And Congress may "ordain and establish" inferior courts.

Which it did in the judicial bill introduced, I believe, by James Madison in 1789.

Judge Edgerton went on to say—

But these constitutional provisions no more authorize Congress to prevent the judicial power of the United States from enforcing the right to equal protection of the laws than the same provisions authorize Congress to prevent the judicial power from enforcing the right to freedom of speech, or trial by jury, or any other constitutional right.

Judge Edgerton continues—

Congress cannot nullify constitutional rights by the simple device of forbidding U.S. courts to decide cases in which these rights are involved. Congress may redistribute among U.S. courts the judicial power to enforce constitutional rights, but Congress cannot eliminate or reduce that power. The Constitution, like other documents, must be read as a whole.

The constitutional grant to U.S. courts of the judicial power to decide all cases "arising under this Constitution" is not subject to any implicit proviso to the effect: provided Congress is willing. The constitutional grant to Congress of the legislative power to determine what questions may be decided by what courts is subject to an implicit proviso to the effect: provided, that the judicial power conferred by the Constitution upon U.S. courts may not be abridged.

The letter is able, concise, and to the point. It bears out what the Senator from Montana [Mr. METCALF], the Senator from Wisconsin [Mr. NELSON], and others of us have been contending for on the floor of the Senate for many days.

As a great public service this great and noble judge has given advice to the Congress and to the public. I only hope that it may be followed and that it may discourage the sponsors of the Dirksen-Mansfield amendment from pursuing their cause any further.

Mr. President, in the same issue of the Washington Post this morning, there appeared an editorial on the defeat of the substitute for the Dirksen-Mansfield amendment. I do not agree with all the chastisement which the editorial indulged in about those of us who voted for the substitute.

We did so in order to avoid a greater evil and in the belief that the language was harmless and that it might serve as a pacifier, so to speak, for those who wanted to strip the Court of its powers but were somewhat ashamed of the action they had taken and were looking for a way out. But in the cause of the

Court, we are willing to accept chastisement even from our friends, or perhaps I should say particularly from our friends.

The final conclusion of the Post editorial is extremely interesting. It reads:

The choice now is between continuation of the liberals' filibuster against the Dirksen proposal and abandonment of the whole project. The latter course would be infinitely preferable.

Of course it would be preferable.

The editorial does not suggest that those of us who are opposed to the Dirksen amendment should stop our educational campaign to inform the country and the Senate. We do not propose to stop the educational campaign, because we are already having an influence on public opinion. We hope very much that the Dirksen amendment will be abandoned, laid on the table, relegated to the ash heap or the garbage can. That is really what should happen, and we hope very much that some Senator will rise either this week or next week with a motion to table. We would support that motion very readily. I think it would get more votes than it did last time.

When the Senator from Vermont [Mr. AIKEN] made his motion to table, he did it in the hope that it would throw the forces opposed to the Dirksen-Mansfield amendment into confusion. For a moment or two it looked as though he would succeed, because there were some amongst our number who felt that the move came so suddenly that some of our group would not be able to see what was behind the situation—a motion to table being not debatable—and would not wish to expose what was thought possibly was our weakness.

Though the motion came suddenly, without debate, the Members of the Senate rallied around with extraordinary vigor, and there were 38 votes for tabling, although the Senator from Vermont voted against his own motion, and 49 against tabling. At least five Senators who were absent would have voted for tabling. So there were 43 for tabling. At the beginning we had no more than 12, so we increased our forces from 12 to 43.

Yesterday in the vote on the substitute Javits-McCarthy-Humphrey revised amendment, which the members of this group played a leading part in framing, we got 40 votes to 42. Again, if we had been able to obtain the presence of absent Senators, we would have had a majority. So our numbers are increasing.

Who would have thought the Tuck bill, which carried in the other body by a vote of 226 to 175, would have been defeated in the Senate by a vote of 56 to 21—2½ to 1?

No, Mr. President; the people of this country are beginning to find out what these proposals to rob the Supreme Court of its legitimate powers and constitutional powers really amount to, and they are having an effect on the votes in the Senate.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. PROXMIRE. Does the Senator know very many on our side, who would have preferred the Javits-McCarthy compromise to ending the whole thing? Did we not all want to end it? Did we not prefer that?

Mr. DOUGLAS. Yes; very much.

Mr. PROXMIRE. Would not the Senator agree that the great speech made by the Senator from Oregon [Mr. MORSE] on this subject yesterday was a speech we could all support and say "hallelujah" to, and that we had to adopt the modifying amendment as a tactic and with great reluctance?

Mr. DOUGLAS. Yes.

Mr. PROXMIRE. Is it not also true that the editorial implies that, rather than have us continue talking on the matter, it would be better to end the whole thing? But is that not our very purpose in talking?

Mr. DOUGLAS. It is our purpose, by marshaling the information and arguments, that we shall convince the Senate and the country that the amendment should be laid aside.

Mr. PROXMIRE. That is the purpose of our talking.

Mr. DOUGLAS. It is interesting that the advocates of the Dirksen-Mansfield amendment have not really defended their point of view. My colleague from Illinois spoke about an hour and said he was going to speak again. He has not spoken. The Senator from Montana [Mr. MANSFIELD] spoke for about 10 minutes, and said that was all he was going to say. Virtually no one, with one exception, has taken the floor to advocate the measure. They thought they had the votes. We started out not having the votes, but we have argued the fact of existing malapportionment in State legislatures, we have argued on the basis of constitutional law, principles, and public policy, and we are gradually convincing the Senate and the country.

I wish our opponents would take the field and discuss the matter in terms of what should be done, but they evidently feel that their cause is so poor that it should not be exposed to public view. They will depend upon muscle to get it through. That muscle is fast evaporating.

We have proven once again that a few Senators clad in the armour of righteousness can overpower the forces of evil. The dragon of malapportionment has been mortally wounded. It is not yet dead, but its groans and screams can be heard in this Chamber and elsewhere. The Senator from Wisconsin [Mr. PROXMIRE] has played the role of St. George in lancing and piercing the dragon, just as in Raphael's painting St. George thrusts the dragon and one almost hears the screams of the dragon. We have heard the screams, but they are not screams of victory yet; they are screams of mortal wounds and ultimate death.

Mr. PROXMIRE. The Senator from Wisconsin has been carrying the lance. The senior Senator from Illinois [Mr. DOUGLAS] is obviously St. George.

Mr. DOUGLAS. Oh, no.

Mr. PROXMIRE. I would not identify the dragon.

Mr. DOUGLAS. Mr. President, I ask unanimous consent that the two editorials from the Washington Post be inserted at the conclusion of my remarks.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 16, 1964]

SUBSTITUTE DEFEATED

Defeat of the compromise "sense of Congress" resolution by the Senate yesterday leaves that body in a perilous State of calm in which it can move neither backward nor forward. Last week the Senate emphatically rejected Senator DIRKSEN's move to cut off debate. Then it refused to discard his scheme to delay application of the Supreme Court's decisions in the State reapportionment cases, and now it has voted down a proposed milder substitute.

We agree with the critics of the Javits-McCarthy-Humphrey substitute. It was an unnecessary and unfortunate gesture designed to tell the courts that they should act reasonably and responsibly. Senator MORSE was right in saying that it carried an implied insult to the Supreme Court. Many of the Senators who voted for it did so only in the hope of preventing more drastic legislative action.

The choice now is between continuation of the liberals' filibuster against the Dirksen proposal and abandonment of the whole project. The latter course would be infinitely preferable. Even if the grave constitutional objections to this venture could be overlooked, there is no indication that the Senate can agree upon a practical course of action. And if it did, its emphatic rejection of the repulsive Tuck bill passed by the House indicated that the chance for reconciliation of the views of the two houses would be meager.

The 88th Congress cannot afford to have its final session sputter out in a futile row over encroachment upon the courts. The effect would be to defeat vital legislation still awaiting enactment, to mar an otherwise creditable record and to frustrate every Member who is eager to hit the campaign trail.

[From the Washington Post, Sept. 16, 1964]

APPORTIONMENT TANGLE

I have retired from regular active service as a circuit judge of the U.S. Court of Appeals for the District of Columbia Circuit and am interested in apportionment only as a citizen.

The Constitution says "The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish." And "The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States," etc. In cases "arising under" the clause of the Constitution that forbids a State to deny to any person the equal protection of the laws, the Supreme Court has decided that both houses of a State legislature must be apportioned on a population basis so that each person's vote shall have equal weight with every other person's.

The House of Representatives has passed a bill that would nullify these Supreme Court decisions by (1) forbidding the Supreme Court to review cases concerning apportionment of State legislatures and (2) forbidding U.S. district courts to decide such cases in the first place. If this bill were to become law and were observed, it would remove such cases from the "judicial power of the United States." Because these are cases "arising under this Constitution," Congress has no power to do so. For the same reason, Congress has no power to require delay in

such cases, as a different bill now pending in the Senate proposes to do.

The Constitution says "The Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make." And Congress may "ordain and establish" inferior courts. But these constitutional provisions no more authorize Congress to prevent the judicial power of the United States from enforcing the right to equal protection of the laws than the same provisions authorize Congress to prevent the judicial power from enforcing the right to freedom of speech, or trial by jury, or any other constitutional right.

Congress cannot nullify constitutional rights by the simple device of forbidding U.S. courts to decide cases in which these rights are involved. Congress may redistribute among U.S. courts the judicial power to enforce constitutional rights, but Congress cannot eliminate or reduce that power. The Constitution, like other documents, must be read as a whole.

The constitutional grant to U.S. courts of the judicial power to decide all cases "arising under this Constitution" is not subject to any implicit proviso to the effect: provided Congress is willing. The constitutional grant to Congress of the legislative power to determine what questions may be decided by what courts is subject to an implicit proviso to the effect: "provided, that the judicial power conferred by the Constitution upon U.S. courts may not be abridged."

HENRY W. EDGERTON,
Washington.

Mr. PROXMIRE. Mr. President, to return to the debates of 1787 at the Constitutional Convention, I had read the very interesting statement by Madison with respect to the equal rights of individuals.

Elbridge Gerry of Massachusetts also agreed with Madison and said:

[W]e never were independent States, were not such now, & never could be even on the principles of the Confederation. The States & the advocates for them were intoxicated with the idea of their sovereignty. He was a member of Congress at the time the federal articles were formed. The injustice of allowing each State an equal vote was long insisted on. He voted for it, but it was agst. his Judgment, and under the pressure of public danger, and the obstinacy of the lesser States.

Luther Martin replied to Gerry that (id. at 468): "[T]he language of the States being Sovereign & independent, was once familiar & understood; though it seemed now so strange & obscure. He read those passages in the articles of Confederation which describe them in that language."

The convention rejected the motion of Robert Lansing to have the first branch elected on same basis as the Congress of the Confederation, i.e., equal representation by States, by a vote of 6 to 4 with one State divided. By the converse vote, the convention adopted the resolution reported by the Committee of the Whole "that the rule of suffrage in the 1st branch ought not to be according to that established by the Articles of Confederation." (I Farrand 468.)

Oliver Ellsworth of Connecticut then again proposed the compromise first suggested by Sherman (id. at 468-469):

"That the rule of suffrage in the 2d. branch be the same with that established by the articles of confederation". He was not sorry on the whole he said that the vote just passed, had determined against this rule in the first branch. He hoped it would become a ground of compromise with regard to the 2d. branch. We were partly national; partly

federal. The proportional representation in the first branch was conformable to the national principle & would secure the large States agst. the small. An equality of voices was conformable to the federal principle and was necessary to secure the Small States agst. the large. He trusted that on this middle ground a compromise would take place. He did not see that it could on any other. * * * The existing confederation was founded on the equality of the States in the article of suffrage: was it meant to pay no regard to this antecedent plighted faith."

Abraham Baldwin of Georgia opposed Ellsworth's motion on the ground that the second house should represent property. (Id. at 469-470.) George Read of Delaware agreed in part with Madison and Hamilton (id. at 471):

"If [the government was to be] more national, I would be for a representation proportionate to population." [Yates]

James Wilson, on June 30th, strongly opposed Ellsworth's motion to allow each State an equal vote in the second branch. He rejected threats that convention would otherwise fail (I Farrand 482-484):

"If the minority of the people of America refuse to coalesce with the majority on just and proper principles, if a separation must take place, it could never happen on better grounds. The votes of yesterday agst. the just principle of representation, were as 22 to 90 of the people of America. Taking the opinions to be the same on this point, * * * the question will be shall less than $\frac{1}{4}$ of the U. States withdraw themselves from the Union, or shall more than $\frac{3}{4}$ renounce the inherent, indisputable, and unalienable rights of men, in favor of the artificial systems of States. If issue must be joined, it was on this point he would chuse to join it. The gentleman from Connecticut [Ellsworth] in supposing that the preponderancy secured to the majority in the 1st. branch had removed the objections to an equality of votes in the 2d. branch for the security of the minority narrowed the case extremely. Such an equality will enable the minority to controul in all cases whatsoever, the sentiments and interests of the majority."

I digress here to call attention to Wilson's interesting words, that if the minority of the people in the small States should have this control over the Union, the ones in the majority would renounce the inherent, indisputable, and unalienable rights of men, in favor of the artificial systems of States.

The first man to bring this into this debate was the senior Senator from Illinois [Mr. DOUGLAS], who was challenged as to why he would not agree to a constitutional amendment which would provide that one House should be based on population.

He said there are certain unalienable rights. I remind the Senate that these were the precise words used in 1787 by James Wilson in making precisely the same point, but making it on a weaker basis, because he was opposing even giving the States equal representation in our U.S. Senate.

Mr. DOUGLAS. Thomas Jefferson was ahead of both of us, because in the preamble to the Declaration of Independence he speaks of the unalienable rights of man, which it is the purpose of governments to secure.

Mr. PROXMIRE. John Locke, of course, preceded Thomas Jefferson. He wrote almost the verbatim text of the Declaration of Independence before Thomas Jefferson.

Mr. DOUGLAS. Except that Locke emphasized life, liberty, and property, whereas Jefferson emphasized life, liberty, and the pursuit of happiness as being the basic rights. Property had its rights, but it was subordinate to the pursuit of happiness. George Mason deserves a great amount of credit, because he emphasized something more than mere life, liberty, and property.

Mr. PROXMIRE. Oh, yes; his contribution was great. But I wish to stress, of course, that it was James Wilson and PAUL DOUGLAS who agree that this unalienable concept relates to the equal rights that people should have in representation in their legislatures.

The Senator from Illinois has argued that this is an unalienable right in the State legislature. I believe that all our Founding Fathers would agree.

Mr. DOUGLAS. When the Senator revises his remarks for the RECORD, I hope he will omit my name, because I do not regard myself as worthy of unloosing the latches of the shoes of James Wilson, Thomas Jefferson, or George Mason.

Mr. PROXMIRE. No Senator is more worthy.

I continue to read:

Seven States will controul six; seven States according to the estimates that had been used, composed $\frac{2}{5}$ of the whole people. It would be in the power of less than $\frac{1}{3}$ to overrule $\frac{2}{3}$ whenever a question should happen to divide the States in that manner. Can we forget for whom we are forming a Government? Is it for men, or for the imaginary beings called States? Will our honest Constituents be satisfied with metaphysical distinctions? Will they, ought they to be satisfied with being told that one third, compose the greater number of States. The rule of suffrage ought on every principle to be the same in the 2d. as in the 1st. branch. * * * If the motion should be agreed to, we shall leave the U.S. fettered precisely as heretofore; with the additional mortification of seeing the good purposes of ye fair representation of the people in the 1st. branch, defeated in 2d. Twenty four will still controul sixty six.

Ellsworth replied that (id. at 484-485):

"The capital objection of Mr. Wilson "that the minority will rule the majority" is not true. The power is given to the few to save them from being destroyed by the many. If an equality of votes had been given to them in both branches, the objection might have had weight * * * No instance [of a confederacy] has existed in which an equality of voices has not been exercised by the members of it. We are running from one extreme to another. We are razing the foundations of the building. When we need only repair the roof. No salutary measure has been lost for want of a majority of the States, to favor it. If security be all that the great States wish for the 1st. branch secures them. * * * He appealed again to the obligations of the federal pact which was still in force, and which had been entered into with so much solemnity, persuading himself that some regard would still be paid to the plighted faith under which each State small as well as great, held an equal right of suffrage in the General Councils."

Supporting Wilson, Madison said that speakers had urged (id. at 486):

"Continually that an equality of votes in the 2d. branch was not only necessary to secure the small, but would be perfectly safe to the large ones whose majority in the 1st.

² Farrand has taken this phrase from the account of Yates. I Farrand 484, note 5.

branch was an effectual bulwark. But notwithstanding this apparent defence, the Majority of States might still injure the majority of people."

1. They could obstruct the wishes and interests of the majority.

I suppose that has happened in the Senate too.

2. They could extort measures repugnant to the wishes and interest of the majority.

I believe that has happened occasionally.

3. They could impose measures adverse thereto; as the second branch will probably exercise some great powers, in which the first will not participate.

That obviously is also a wise observation by Madison.

William Richardson Davie of North Carolina agreed with Ellsworth, opposing the resolution approved by the Committee of the Whole (I Farrand 487-488):

"The Report of the Committee allowing the Legislatures to choose the Senate, and establishing a proportional representation in it, seemed to be impracticable. There will according to this rule be ninety members in the outset, and the number will increase as new States are added. It was impossible that so numerous a body could possess the activity and other qualities required in it. * * * [I]f a proportional representation was attended with insuperable difficulties, the making the Senate the Representative of the States, looked like bringing us back to Congs. again, and shutting out all the advantages expected from it. * * * He thought that in general there were extremes on both sides. We were partly federal, partly national in our Union. And he did not see why the Govt. might not in some respects operate on the States, in others on the people."

Attempting to meet Davie's objection, Wilson (id. at 488):

"Admitted the question concerning the number of Senators, to be embarrassing. If the smallest States be allowed one, and the others in proportion, the Senate will certainly be too numerous. He looked forward to the time when the smallest States will contain 100,000 souls at least. Let there be then one Senator in each for every 100,000 souls, and let the States not having that no. of inhabitants be allowed one. He was willing himself to submit to this temporary concession to the small States; and threw out the idea as a ground of compromise."

Benjamin Franklin then summarized the debate (I Farrand 488):

"The diversity of opinions turns on two points. If a proportional representation takes place, the small States contend that their liberties will be in danger. If an equality of votes is to be put in its place, the large States say their money will be in danger. When a broad table is to be made, and the edges of planks do not fit the artist takes a little from both, and makes a good joint. In like manner here both sides must part with some of their demands, in order that they may join in some accommodating proposition."

To resolve the impasse, he proposed the following resolution (id. at 489):

"That the Legislatures of the several States shall choose & send an equal number of Delegates, namely who are to compose the 2d. branch of the General Legislature—"

However, while the resolution also gave each State an equal voice on several important issues involving the States such as issues affecting their sovereignty, voting strength was to be calculated by taxes paid with regard to appropriations bills.

Benjamin Franklin explained that (id. at 499):

"Let the senate be elected by the states equally—in all acts of sovereignty and authority, let the votes be equally taken—the same in the appointment of all officers, and salaries; but in passing of laws, each state shall have a right of suffrage in proportion to the sums they respectively contribute." [Yates]

Rufus King rejected all proposals for giving each State an equal vote and said that he was (I Farrand 489-490):

"Filled with astonishment that if we were convinced that every man in America was secured in all his rights, we should be ready to sacrifice this substantial good to the phantom of State sovereignty: * * * that he could not therefore but repeat his amazement that when a just Government, founded on a fair representation of the people of America was within our reach, we should renounce the blessing, from an attachment to the ideal freedom & importance of States: that should this wonderful illusion continue to prevail, his mind was prepared for every event, rather than sit down under a Govt. founded in a vicious principle of representation and which must be as shortlived as it would be unjust. He might prevail on himself to accede to some such expedient as had been hinted by Mr. Wilson: but he never could listen to an equality of votes as proposed in the motion."

Mr. President, that argument by Rufus King once again emphasizes the fact that the only way that our Founding Fathers ever could contemplate providing equal representation for the States in the Senate was to recognize that, illusion that it might be, and artificial creature that a State might be, at least it was a distinct and real entity with a power that was great enough to be a real power; in my judgment the only basic and overriding power in existence in this place at the time.

There was a confederacy, but it was a weak, tentative confederacy; it was nothing more than a treaty or an alliance among the States. Yet, in spite of this, many of the Founding Fathers, close to a majority—in fact, those representing a majority of the people in the Colonies at that time—felt that even under those circumstances, the U.S. Senate should be based on population.

So a compromise was made, and it was made because it was recognized that it was the only way there could be a union. But the Founding Fathers also recognized that the States did, in fact, have sovereign power, an existence, a reality; and also that if there were to be a Federal system, the States should have the dignity of having two representatives in the national body, so that the dignity and sovereignty of the States would be recognized.

Mr. President, I am happy to yield to the distinguished Senator from Illinois.

Mr. DOUGLAS. Mr. President, I congratulate the Senator from Wisconsin for his able statement.

It is my understanding that the Senator from Wisconsin will shortly move, at the instance of the Senate leadership, that the Senate adjourn until the time for convening tomorrow. When that motion is made, I wish to make some comments of my own; namely, that the Senator from Wisconsin should be granted the right to the floor when the Senate convenes tomorrow. I shall not make that request now, but I shall make

it when the motion for adjournment is made.

SILVER FOR DEFENSE NEEDS

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Colorado [Mr. DOMINICK], without losing my right to the floor, and that his remarks will appear after mine.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, I appreciate the courtesy of the Senator from Wisconsin in yielding to me at this time.

Mr. President, on September 14, 1964—last Monday—I was privileged to appear before and speak to the annual convention of the American Mining Congress in Portland, Oreg.

In that speech I outlined the source of many of the basic problems facing the mining industry, problems based on Government management and control in great degree.

I dwelt at some length on the silver crisis. I called the situation a mess, and I likened the Government's position to the story of the Italian general in World War II who, after a disastrous battle, stood on a hill with his aide and watched his troops streaming all over the countryside in all directions. He turned to his aide and cried, "Where are they running? Where are they running? I am their leader and must run in front."

This is the Government's position, so far as silver is concerned, and the crisis we are in right now.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of my speech previously referred to.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR PETER H. DOMINICK TO THE AMERICAN MINING CONGRESS, PORTLAND, OREG., SEPTEMBER 14, 1964

Mr. Chairman, colleagues, ladies and gentlemen, it is always a pleasure to have the chance to meet with those men and women whose daily business activities fall into the highest of all categories, productive creativity. Without the development of our natural resources, from water to uranium, this country, and in fact the world, would still be existing in the dark ages. It is a privilege for me to have the opportunity of discussing with you some problems of your industry which daily become more difficult to solve as we seem to continue the trend toward an all-powerful central government.

Now it strikes me that the Federal Government instead of trying to keep half of you flying all the time has been going out of its way to prevent half of you from flying. In every mining field there are constantly increasing Federal controls over your activities.

Let's just outline a few. In the lead-zinc field, continued State Department pressures have prevented passage of realistic legislation to cut back import quotas and provide support for the domestic industry. As a result, the country becomes more and more reliant on foreign supplies.

In the gold mining field, constant and fierce resistance has been expressed by the executive departments of the Federal Government to all efforts to explore programs to revitalize the gold mining industry. Opposition has been sharply expressed even to hold-

Digest of CONGRESSIONAL PROCEEDINGS

OFFICE OF
BUDGET AND FINANCE

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OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE

Washington, D. C. 20250

Official business Postage and fees paid
U. S. Department of Agriculture

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CONTENTS

Adjournment.....5	Farm prices.....14	Reclamation.....11
Alaska.....6	Farm program.....10,17	Retirement.....3
Appalachia.....8	Foreign aid.....7	Senior citizens.....9
Appropriations.....1	Housing.....9	Surplus commodities.....9
ASC Committeemen.....3	Legislative program.....4	Trade.....12
Credit unions.....15	Meat imports.....16	Voting record.....13
Electrification.....10	Pay.....3	Wheat.....2
Farm labor.....18	Personnel.....3	

HIGHLIGHTS: House committee reported supplemental appropriation bill. Rep. May criticized USDA press release on Russian wheat deal. House committee voted to report bills to extend civil service benefits to ASCS county employees and permit retirement credit for Federal-State cooperative service.

HOUSE

- SUPPLEMENTAL APPROPRIATIONS.** The Appropriations Committee reported H. R. 12633, the Supplemental Appropriation Bill, 1965 (H.Rept. 1891) (p. 21667). Attached to this Digest is a summary table showing the budget estimates and committee action on items of interest to this Department.
- WHEAT.** Rep. May criticized USDA press release on the Russian wheat transaction and stated that the "wheat deal helped Russia more than it has helped us." pp. 21655-6
- PERSONNEL; PAY.** The Rules Committee reported a resolution to provide for agreeing to Senate amendments to H. R. 5932, to amend the Government Employees Salary Reform Act of 1964 so as to authorize that the pay increases provided for be made retroactively effective in the case of employees whose pay is established through administrative action, and to clarify congressional intent regarding provisions authorizing the President to place certain positions in levels IV and V of the executive salary schedule. p. 21668

The Post Office and Civil Service Committee voted to report (but did not actually report) H. R. 2155, amended, to provide annuities for surviving spouses without deduction from original annuities; H. R. 8544, to extend civil service benefits to ASCS County committeemen; and H. R. 5376, to allow retirement credit for certain Federal-State cooperative service.
p. D776

4. LEGISLATIVE PROGRAM. The "Daily Digest" states that the Consent Calendar will be considered on Mon., Sept. 21. p. D776
5. ADJOURNED until Mon., Sept. 21. p. 21654

SENATE

6. ALASKA CENTENNIAL. Concurred in the House amendments to S. 49, to authorize Federal cooperation with the Alaska Centennial Commission in planning the celebration in 1967 of the centennial anniversary of the purchase of the Territory of Alaska. This bill will now be sent to the President. pp. 21621-2
7. FOREIGN AID. Continued debate on reapportionment amendments to H. R. 11380, the foreign aid authorization bill. p. 21649
8. APPALACHIA. Sen. Randolph defended the proposed Appalachia bill against recent criticism and stated that Sen. Simpson's recent reference to the sale of a livestock herd by a family in the Appalachian area "would seem to indicate that, contrary to the position of the minority, at least some parts of Appalachia offer conditions favorable to cattle raising." p. 21621
9. SENIOR CITIZENS. Sen. Young, O., proposed an expanded program for aid to the elderly and commended programs undertaken by the administration to aid them, including housing for the elderly in rural areas, use of surplus commodities in public housing and in senior centers, and training activities under the Area Redevelopment Act. pp. 21649-51
10. FARM PROGRAM; ELECTRIFICATION. Sen. Mundt inserted his debate with Sen. Humphrey on the American Forum of the Air, on July 15, 1951, discussing various issues, including references to the farm program and the programs of REA and TVA. pp. 21633-6
11. RECLAMATION. Sen. Kuchel submitted his report opposing enactment of S. 1658, to authorize construction of the central Arizona project (S. Rept. 1330). p. 21613

ITEMS IN APPENDIX

12. TRADE. Extension of remarks of Rep. Dingell favoring increased trade with Finland and inserting several articles on this subject. pp. A4731-2
13. VOTING RECORD. Extension of remarks of Rep. Pike discussing accomplishments of this Congress and inserting his voting record for the second session. pp. A4732-4
14. FARM PRICES. Extension of remarks of Rep. Jensen criticizing Secretary Freeman's "political speeches" in Ia., and inserting "facts and figures" to show that "livestock prices drop when Democrats are in control of Congress." pp. A4735-6

LEGISLATIVE SESSION

Mr. INOUE. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

The PRESIDING OFFICER. Is there further morning business?

Mr. INOUE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further morning business? If not, morning business is closed.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the so-called Dirksen-Mansfield amendment.

Under the order of yesterday, the Senator from Wisconsin [Mr. PROXMIRE] is entitled to the floor.

Mr. INOUE. Mr. President, will the Senator from Wisconsin yield for the purpose of permitting me to suggest the absence of a quorum?

Mr. PROXMIRE. I yield to the Senator from Hawaii.

Mr. INOUE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Ohio without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. YOUNG of Ohio. Mr. President, on the important subject now being debated by the Senate, I received, a few minutes ago, a very cogent letter from Hon. Maynard E. Sensenbrenner, mayor of Columbus, the capital city of my State of Ohio. I desire to read it into the RECORD as a part of my remarks:

CITY OF COLUMBUS, OHIO,
OFFICE OF THE MAYOR,
September 9, 1964.

Hon. STEPHEN M. YOUNG,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR YOUNG: At this time, we understand that the U.S. Senate is considering a number of proposals to delay the imple-

mentation of court decisions in the matter of the apportionment of State legislatures; and when it comes time to vote upon the question please give consideration to the fact that in a true democracy, the principle of determination in equating rights is based upon the individual as a unit in society.

We also know that the only reason that the Federal Constitution provided for two Senators from each State, was because of the fact that the smaller States would not have ratified the Constitution, had not this concession been made.

To determine representation in the legislative branch on the basis of geography or land is giving more consideration to the land owners and to property than to individuals.

We must recognize that our country is becoming more urbanized each day; and if the people in the cities are not permitted to have fair and equal representation in both branches of the legislature, then we are denying to them their rights to which they are entitled in a true democracy.

I hope that you will give every consideration to these factors when you deliberate and vote on these issues relating to apportionment.

Sincerely,
MAYNARD E. SENSENBRENNER,
Mayor.

Mr. President, I am glad to place in the RECORD this scholarly letter, sent to me by Hon. Maynard E. Sensenbrenner, mayor of Columbus, Ohio.

PROBLEMS OF THE AGING MUST BE SOLVED NOW

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that I may speak without regard to the rule of germaneness.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YOUNG of Ohio. Mr. President, we have created a society in which most people now survive well beyond retirement and are contributing to their communities and to the Nation. The retirement age of 65 fixed by Von Bismarck around 1866, when the life expectancy of an individual was far different from what it is today, makes the present retirement system in many industries unrealistic. Today, many men and women who retire at the age of 65 have 20 or 30 years more of useful life before them. The arbitrary retirement age of 65 is unfortunate. However, because of that practice, our country now has 18 million so-called elderly citizens, and many of them are unemployed, retired, and in need.

As the achievements of medical science progress, the life expectancy of Americans will grow even longer. This is one of the greatest achievements of American civilization.

Of all the revolutions generated in this space age of change and challenge, this is one of the most profound. It brings to us a new frontier in the history of man's development, but it has also created problems which we must face today. The bell of aging tolls for all men and women. We must take action to meet the changing conditions of older citizens in this second half of the 20th century.

A quiet revolution has taken place in the age structure of our society. More than 18 million Americans are now over the age of 65, and it is estimated that

in 1980 there will be more than 23 million. Almost 9 million will be over the age of 75. Every day witnesses a net increase of 1,000 in the number of citizens over 65 years of age.

In my State of Ohio, approximately a million people are now 65 years of age and over, amounting to 9.2 percent of the total population—almost 1 in every 10 persons. From 1950 to 1960 alone the number of people 65 and over in Ohio increased about 190,000, representing a rise of 26.5 percent.

More than 300,000 Ohioans are now over the age of 75, and approximately 53,000 are over the age of 85. The number of those 75 to 84 increased 32.5 percent and the number over 85 rose 54.6 percent. Comparable statistics apply to all States in the Union.

We are seeing the emergence of not one but two generations of older citizens. Today 1 of every 3 persons reaching the age of 60 has a parent or a close relative over the age of 80 to be concerned about. Within 35 years this ratio will soar to 2 out of 3. This means that most men of 25 today have to prepare not only for their own retirement but also for that of a parent or a relative who will be alive and also in retirement.

For far too many Americans retirement means the end of status, dignity, and a comfortable standard of living. It too often means the beginning of poverty, substandard housing, lack of medical care, and days filled with nothingness. Our problem lies in the fact that to date the planning necessary to meet the economic, social, and medical needs of the aged has been inadequate. As a result, too many of our elderly citizens feel unwanted, unneeded, isolated—and neglected.

These are the very people who have contributed for so long to the amazing growth of the American economy. They deserve more. During the 4 years of the Kennedy-Johnson administration, some major steps forward have been taken to raise the dignity and status of our elderly citizens. These accomplishments are in sharp contrast to the previous 8 years. Here are some of the major advances made in this past 4 years:

The social security law was improved in 1961; as a result benefits were raised \$900 million a year, and more than 3,300,000 people received increased benefits for the first time. This year benefits are again being increased, and the number of people who will be covered has been expanded by more than 750,000.

Congress passed a Community Services and Health Facilities Act to authorize new programs for health care outside of hospitals, and communities in Ohio and all other States are benefiting from this act.

We expanded the Federal programs of housing for the elderly. The direct loan program has risen from \$50 million to \$350 million as a result of legislation passed during this administration. Commitments for housing for the elderly through the Office of Housing for senior citizens have more than quadrupled since the end of 1960. The State of Ohio is one of the leading States in this area.

We have passed legislation to help the elderly homeowner when he no longer

is able to take care of a large home and wishes to sell it. He now has the possibility open to him of selling the home without having to pay a capital gains tax on sales up to \$20,000.

We have taken action to decrease discrimination in employment because of age. The President has issued an Executive order requiring Federal contractors and subcontractors to remove all elements of age discrimination in their personnel policies.

We have passed legislation to increase funds available for construction of safe and restorative skilled nursing homes. Authorized funds were increased in 1964 from \$40 million to \$70 million a year for chronic disease hospitals and nursing homes. We are also extending the availability of FHA mortgage insurance for nursing homes to nonprofit groups.

We have established a new Institute of Child Health and Human Development to conduct basic health research on the aging process and to train people to work in the field of aging.

We have created a gerontology branch in the U.S. Public Health Service to deal exclusively with the health needs of older citizens and to put into effect today's health knowledge today. We hope thereby to reduce or eliminate the disabling diseases of stroke, arthritis, and heart disease.

We have passed legislation under both the Area Redevelopment Act and the Manpower Training Act of 1962 to give special attention to older workers whose skills may no longer be useful and who can profit by training to acquire new skills and productive employment.

We have established programs of housing for the elderly in the Department of Agriculture through legislation passed in 1962 and 1964 to help the many elderly citizens in rural areas.

We are utilizing surplus commodities and school lunch programs to help provide hot, nourishing meals to elderly people in public housing and in senior centers.

We have enacted a bold program in the field of mental health with the sound concept of treating older persons who are depressed, or have mental problems, right in their home communities rather than sending them off to mental hospitals. Nothing is more tragic than the commitment of older persons to isolated mental hospitals when they could be assisted and treated right in their home communities, near families and friends. This is one of the great contributions made by the late, great President Kennedy and it will mean an immense amount to the Nation's elderly citizens.

These advances are outstanding when contrasted with the passive indifference to the needs of our elderly citizens during the 8 years preceding the administration.

However, for every step we are able to take forward, the urgency and dynamism of the problems causes us to fall two steps backward.

The aged still have problems. Using my State of Ohio as an example, the following conditions exist:

Most are unemployed. Seventy percent of Ohio's elderly—more than 680,-

000—are completely unemployed and out of the labor force.

They are the largest single poverty group. Three out of five of the aged in Ohio have less than \$2,000 a year income. The median income of older persons in my State is less than \$100 a month.

The aged have health problems. Most of the Nation's elderly are mobile, but 8 out of 10 have one or more chronic illnesses. Older people spend twice as many days in the hospital as those under 65.

Too many elderly are lonely. Almost half of America's elderly citizens are in a single status, that is widowed, divorced, separated, or unmarried. There are almost 6 million widowed persons among the elderly with especially severe problems of social isolation and personal adjustment.

Too many aged are ill housed. One out of every three homes occupied by the elderly is deficient in that it is dilapidated, deteriorating, or sound but lacking important facilities like a bathroom.

The elderly are the ones most tragically hit by relocation. Most of the aged live in our urban areas, and the heaviest proportion is in the central part of our cities. They are, therefore, just in those locations which are hardest hit by highway projects, urban renewal and other public developments.

Mr. President, I could cite many more statistics and examples but they will only serve to emphasize the fact that the aged of the Nation, despite our recent progress, are still a deprived group. Their economic and social status is an undeserved one. They merit greater respect for their contributions to our country.

It is time now—indeed it is past time—to set forth for the elderly citizens of the Nation a bill of rights which is their heritage.

First. The right to the best possible physical and mental health. The most urgent problem of the elderly is how to meet the problem of health care at the time when income is lowest and disability is at its highest.

The elderly of this Nation must have a program of health care through the social security system, whereby during the course of their working lives, they pay a small premium for health insurance—approximately a dollar a month—and have a paid up medical insurance policy upon retirement. This would be an earned right—not a morale-shattering charity handout. The promises of President Kennedy and President Johnson will be won despite the fantastic, and even fanatic, opposition of the American Medical Association.

It is my fervent hope and that of millions of Americans that the medicare proposal recently passed by the Senate will be approved by the House of Representatives and enacted into law before this Congress adjourns.

Second. The right to an adequate income. One fact stands out clearly. The incomes of the aged as a whole are well below what is considered an adequate income for an American standard of living in this second half of the 20th century. A Nation such as ours not only can afford but must insure that its retired citizens enjoy a life which permits

dignity and well-being in the years of retirement.

I propose, therefore, to fight for legislation to secure substantial increases in social security for all beneficiaries. It is time to achieve retirement incomes which are much closer to previous earnings than is now the case.

I intend to press for an expansion in the amount which retired persons can earn without being penalized by deductions from social security benefits. The retirement test should be raised to at least \$2,400.

I intend to work for a social security program which will have automatic adjustment in benefits as changes occur in the cost of living. The elderly should not suffer because prices go up for reasons beyond their control.

Third. The right to adequate housing. The provision of safe, sanitary, and congenial housing at a rental which older persons can afford is a major unmet need of elderly citizens. I intend to press for a program of legislation which will widen the area of choice that older persons have in seeking the kinds of living arrangements they desire in their retirement years.

First, I intend to seek legislation through which elderly homeowners with low or moderate incomes can improve and rehabilitate their homes. Many of Ohio's aged lived in houses which are dilapidated or deteriorating and cannot afford the added expense of borrowing to repair these deficiencies. I shall therefore introduce a program of low interest loans of up to \$2,500 to rehabilitate homes owned and occupied by elderly citizens in order to make them safe and healthy for the elderly themselves and also for the community. This is a program that is already underway in rural areas and certainly deserves to be introduced in urban communities.

Second, I shall propose legislation to authorize the construction of senior centers and health units in connection with housing for the elderly. These facilities should be available to the community as well, and the cost should be shared through grants made by the Housing and Home Finance Agency for these important, related facilities.

Third, I intend to find a more effective and humanitarian use for properties acquired by the Federal Housing Administration and the Veterans' Administration through foreclosure. Those dwellings which are suitable for housing elderly citizens should be made available to responsible nonprofit groups at substantially written-down cost to provide low-rental housing for low and moderate income elderly persons.

Fourth. The right to equal opportunity in employment. The No. 1 problem of those between the ages of 40 and 60 is assurance of equal opportunity for employment. There is ample evidence of serious discrimination in employment because of age. We cannot wait for the longrun economic processes to take care of those who are laid off and whose skills have become obsolete. They must eat and raise a family today, not in the long run. Further legislation must be enacted to help retrain those in this

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CONTENTS

Appalachia.....11	Foreign food.....13	Public Law 480.....6
Appropriations.....8,19	Forest lands.....17,20	Reclamation.....1,18
Conservation.....5,10	4-H Clubs.....14	Soil conservation.....15
Data processing.....4	Lands.....17,20	Water resources.....1
Electrification.....1	Legislative	Wheat.....16
Employment.....3	accomplishments.....12	Wilderness.....5
Farm program.....9	Legislative program.....8	
Foreign aid.....2	Pay.....8	

HIGHLIGHTS: Sen. Hartke commended passage of water resources planning bill.
Sen. McCellan announced investigation of data processing procurement and utilization.

SENATE - Sept. 18 and 19

Met briefly, but conducted no business. pp. 2171-4

SENATE - Sept. 21

1. WATER RESOURCES; ELECTRIFICATION. Sens. Mansfield, Magnuson, Salinger, and Morse inserted and commended several speeches made by the President on his recent trip to the Pacific Northwest, including statements on water resource development and conservation. pp. 21671-2, 21672-3, 21673-4, 21694-6
Sen. Hartke commended recent Senate passage of water resources planning legislation and expressed hope that a water planning commission would be established in the Wabash river basin. p. 21684

2. FOREIGN AID. Continued debate on reapportionment amendments to H. R. 11380, the foreign aid authorization bill. pp. 21688-94, 2196-705
3. EMPLOYMENT. The Banking and Currency Committee reported without amendment S. 3174, to amend sec. 5 of the Employment Act of 1946 relative to appropriation authorizations for the Joint Economic Committee (S. Rept. 1590). p. 21670
4. DATA PROCESSING. Sen. McClellan announced that next year the Government Operations Committee would conduct a study on the purchase, lease, operation, and utilization of automatic data processing equipment by Federal departments and agencies, and presented a background statement on studies which have already been conducted by the Budget Bureau, General Accounting Office, and several subcommittees of the Congress. pp. 21677-84
5. WILDERNESS; CONSERVATION. Received a resolution of the Constitution Island Assoc., West Point, N. Y., commending enactment of wilderness and land and water conservation bills. p. 21670

HOUSE - Sept. 21

6. PUBLIC LAW 480. Both Houses received from the President the 20th semiannual report on activities carried on under Public Law 480 (H. Doc. 365). pp. 21669-70, 21710
7. RECLAMATION. Received from Interior a proposal from the Camarillo County Water District, Ventura County, Calif., for a loan of \$4,800,000 for the construction of a water distribution system, pursuant to section 10 of the Small Reclamation Projects Act of 1956. p. 21711
8. LEGISLATIVE PROGRAM. Agreed to consider bills on the Consent Calendar today, Sept. 22. Rep. Albert announced that on Wed., the House will consider the Senate amendments to H. R. 5932, to amend the Government employees Salary Reform Act of 1964 to make retroactive the pay increases of certain employees whose pay is established through administrative action (p. 21710). "Daily Digest" states that on Tues. the supplemental appropriation bill for 1965 will be considered (p. D180).

ITEMS IN APPENDIX

9. FARM PROGRAM. Extension of remarks of Sen. Mundt inserting resolutions adopted by the So. Dak. Young Republican Convention including a criticism of the administration's farm policies. pp. A4765-6
10. CONSERVATION. Sen. Holland inserted ASCS Administrator Godfrey's speech on long-range conservation programs. p. A4767-9
11. APPALACHIA. Extension of remarks of Rep. Harsha stating that "there is a dire need" for passage of the Appalachia bill. p. A4771
12. LEGISLATIVE ACCOMPLISHMENTS. Rep. Pillion reported on the actions of the 88th Congress. pp. A4772-6
13. FOREIGN FOOD. Rep. Marsh inserted FAS Administrator Ioanes' article, "Foreign Food Laws Can Restrict Trade." pp. A4778-9

area in need of tutoring, and at present 6,500 children are being taught by 3,500 volunteers in tutorial programs throughout the area.

The office will be a center of information for all groups, provide a library of tutoring literature, arrange training opportunities for tutors, facilitate transportation for tutors, recruit additional tutors, and provide evaluation designs to measure the quality of the work being done.

At present the office is being financed by the Eugene and Agnes E. Meyer Foundation, the New World Foundation of New York City and the Elliot Pratt Foundation of New York, but additional funds are still needed and are being sought from foundations and other sources.

Mr. Brown will be assisted in his work by the Tutoring Services Advisory Board which consists of representatives from a wide variety of tutoring groups. Mr. Hostetler, advisory board chairman, is with the Richardson program of the YWCA; Father John C. Haughery, S.J., of Georgetown University, is first vice chairman; second vice chairman is Dr. Herman A. Meyersburg of the Kengar program in Maryland; and Madeline G. Bowling, of Christ Child Settlement House is secretary.

RELIEF OF NORA ISABELLA SAMUELLI

Mr. COOPER. Mr. President, on Wednesday of last week, while I was attending a meeting of the President's Commission, Senator PROXMIER very kindly made reference at my request, to two private bills, S. 2413 and S. 2414, for the relief of Nora Isabella Samuelli, that were favorably reported to the Senate by the Committee on the Judiciary on September 16, 1964.

I asked the Senator from Wisconsin to express the gratitude of myself, and Senators KEATING and JAVITS, who joined me in introducing this legislation on December 20, 1963, and I wanted to pay particular tribute to the senior Senator from Connecticut [Mr. DODD] who cosponsored this legislation and who gave unceasingly of his time and efforts to this bill, as chairman of the subcommittee which conducted hearings and took action on the bill.

In addition to Senator DODD and Senator KEATING, the distinguished Senator from Massachusetts [Mr. KENNEDY] was also a member of the special subcommittee, and I very much appreciated the attention and the support which he gave to this bill and to the work of the subcommittee as it sought out the facts of this case. Senator KENNEDY has expressed his particular interest that both of these bills be considered by the Senate at the earliest possible time, and I wanted to note his work and his concern over granting the deserved relief which these bills provide.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

During the delivery of Mr. RANDOLPH's speech,

Mr. RANDOLPH. Mr. President, I ask unanimous consent that I may yield to the senior Senator from Oregon [Mr. MORSE] and that the remarks that he shall make and the action which shall be taken be printed at the appropriate place in the Record and not as an interruption of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, I thank the Senator from West Virginia very much. He is very courteous in yielding to me. He and I both share the same point of view concerning the sad announcement that I am about to make, which calls for my taking the floor at the present time.

DEATH OF REPRESENTATIVE WALTER NORBLAD, OF OREGON

The PRESIDING OFFICER. The Chair lays before the Senate a message from the House of Representatives, which will be read.

The legislative clerk read as follows:

HOUSE RESOLUTION 885

Resolved, That the House has heard with profound sorrow of the death of the Honorable WALTER NORBLAD, a Representative from the State of Oregon.

Resolved, That a committee of eleven Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

Attest:

RALPH R. ROBERTS,
Clerk.

By JOHN A. ROBERTS.

Mr. MORSE. Mr. President, early this morning Mrs. Morse and I heard for the first time the sad news of the death of Representative WALTER NORBLAD, of Oregon. He died yesterday morning at Bethesda Naval Hospital. We were away from all communications yesterday and did not return to Washington until very late last night.

The news this morning of WALTER NORBLAD's death came as a great shock to both of us. As I said this morning in a note to his wife, Elizabeth, I had no idea that Walter's previous illness of a few weeks ago carried with it such serious implications. In fact, just before he left the hospital a short time ago, I talked to him. He seemed to be in the best of spirits and told me that he was sure he would be in good condition to make his campaign for reelection this fall.

WALTER NORBLAD has been a good friend of ours since I started teaching law at the University of Oregon in 1929. He graduated under me in 1932. After graduation, he expressed an interest in doing a year's graduate work at Harvard Law School, and I was pleased to recommend him to the dean of the Harvard Law School for a special scholarship which would enable him to take the special graduate courses at Harvard for a year in which he was particularly interested.

His father, A. W. Norblad, had been Governor of Oregon and unquestionably exercised a great influence on his son. I am sure that it was through his father,

WALTER developed a keen interest in politics. Even while he was student at the University of Oregon School of Law, he demonstrated a great interest in government and political affairs.

From 1935-39, he was a member of the House of Representatives of the Oregon State Legislature where he became recognized as one of the most able of the young politicians of Oregon.

During World War II, he was a combat intelligence officer with the 8th Air Force and served with such distinction and valor that he was awarded the Air Medal.

In a special election in January 1946, he was elected to the 79th Congress and continued to represent the First Congressional District of Oregon from that time until his death.

Although WALTER NORBLAD and I were not close politically, we always were good personal friends. He was a very sincere conservative in the Republican Party in Oregon, but his differences with my liberal political philosophy never prevented him as a personal friend on a goodly number of occasions from defending me against what he considered to be unfair personal attacks on the part of some individual critic or newspaper. He never allowed partisan politics to interfere with a friendship or mar his sense of fairness.

Mrs. Morse and I have lost not only a good friend, but the Republican Party of Oregon and the State of Oregon have lost a dedicated public servant.

Mrs. Morse joins me in expressing to his wife, Elizabeth, and their son, Walter, and the Congressman's mother, Mrs. A. W. Norblad, Sr., and his sister, Mrs. Eleanor Sorrells, our deepest sympathy. We pray that they will be comforted and strengthened in these sad hours of loss and bereavement.

Mr. President, I submit a resolution which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. WALTER NORBLAD, late a Representative from the State of Oregon.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Mr. JORDAN of Idaho. Mr. President, will the Senator from West Virginia yield to me for the purpose of making a brief statement?

Mr. RANDOLPH. I understand that our colleague desires to join in the present discussion. For that reason, I am delighted to yield.

Mr. JORDAN of Idaho. Mr. President, the passing of WALTER NORBLAD, Representative from the State of Oregon, is a great loss to the State of Oregon and to the Nation. I have known WALTER NORBLAD for many years. I am a former resident of the State of Oregon. I knew WALTER's father before him. I knew

WALTER as he attended the University of Oregon, as he rose in politics in the legislature of Oregon, and finally in the Congress of the United States.

I join my colleague, the distinguished Senator from Oregon, in expressing our deep sympathy to his wife, Elizabeth, to his son, and to the members of his family and the many friends he had throughout the State. Mrs. Jordan joins me in expressing our deepest sympathy and condolences in this tragic hour.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. MANSFIELD. Mr. President, I wish to join the senior Senator from Oregon and the Senator from Idaho in sending condolences to Mrs. Norblad and her family upon the passing of her late beloved husband, WALTER NORBLAD, a Representative from Oregon. I had the pleasure of serving with WALTER NORBLAD in the House for a number of years. He was a highly thought of and well-respected Representative of the people. It was with deep sorrow that I heard on the radio yesterday morning that this outstanding legislator had died of a heart attack at the Bethesda Naval Hospital.

On behalf of Mrs. Mansfield and myself, I extend our condolences to his family.

Mr. MAGNUSON. Mr. President, let me add my sympathy to the family of Representative NORBLAD. I have known him for many years. He is one of the fine Representatives of our area, one who was responsible among others for the signing of the treaty which we commemorated in that area.

His passing leaves us sad. The country has suffered a great loss. The northwest area of the country in particular has suffered a great loss.

The PRESIDING OFFICER. Without objection, the resolution is unanimously agreed to. The Chair appoints the senior Senator from Oregon [Mr. MORSE] and the junior Senator from Oregon [Mrs. NEUBERGER] as a committee of the Senate to attend the funeral of Representative NORBLAD.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The PRESIDING OFFICER. Without objection, the Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 1215) offered by the Senator from Illinois [Mr. DIRKSEN] for himself and the Senator from Montana [Mr. MANSFIELD].

Mr. PROXMIRE. Mr. President, on Wednesday I spoke on this issue for some time. At the termination of the day, I had not finished my speech. The distinguished Senator from Illinois [Mr. DOUGLAS] obtained unanimous consent for me to be recognized on Thursday. On Thursday, I wanted to continue my speech after the morning hour. However, after the morning hour, it was im-

possible to obtain a quorum. Again on Friday, I wanted to continue my speech. It was again impossible to develop a quorum. The same thing was true on Saturday.

I should like very much to continue my speech at this time. However, the distinguished Senator from West Virginia [Mr. RANDOLPH] has a very excellent speech to deliver.

I ask unanimous consent that I may yield to the Senator from West Virginia without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, I am grateful that the able senior Senator from Wisconsin [Mr. PROXMIRE] affords me the opportunity at this time to join in the discussion of the reapportionment proposal which is pending and which has been under much pertinent discussion in the Senate. I do not believe it has been pending too long in view of the many interruptions and the transaction of other business.

I have listened with interest and have been enlightened by the speeches which have been presented in this forum by several Senators. I make special mention of the remarks of the Senator from Illinois [Mr. DOUGLAS], who sits at my right, and the Senator from Wisconsin [Mr. PROXMIRE] who yields to me at this time.

I voted for the Javits-McCarthy-Humphrey compromise resolution, for more than one reason. At least one compelling reason is that I believe it is time to complete the business of the current session of the 88th Congress. I reiterate, however, that I do not want Congress to conclude its work without having taken affirmative action on the passage of the Appalachian Regional Development Act.

I know that there is certain other business that needs to be completed by Congress. I am still hopeful that the conferees may find an area of agreement so that aid to the aged through a health care program within the social security system may become law.

Mr. President, I believe that the language of the Javits-Humphrey-McCarthy substitute, which was defeated 42 to 40, was adequate to explain the sense of Congress without encroaching on the integrity of the judicial branch of the U.S. Government.

The reapportionment issue has gone to the very bedrock of our assumptions regarding the nature of the American system of government under which I hope we shall move forward. I want to have the RECORD reveal my reasons for voting as I did.

I realize that not all Senators rise in this Chamber to give their reasons. That is understandable. But this is an issue which is fundamental. For that reason, I have given study, and a very sincere measure of preparation, to the remarks that I am making. I had several reasons for voting for the Javits-McCarthy-Humphrey substitute to the Dirksen amendment. I believe it is important for me to indicate why I shall vote for an amendment which may come before this body, which amendment has

a similar purpose. I am adamant in my opposition to the Dirksen-Mansfield so-called compromise amendment which is pending in this body.

Seldom within the history of the Senate, and certainly not in recent years, have Senators been called on to deliberate the fundamental issue of civil rights, as Senators have done during this session—first with regard to the Civil Rights Act of 1964, and now with regard to the Dirksen-Mansfield amendment on reapportionment. Let us make no mistake about it. A fundamental civil right is very much the issue in this amendment, as, is, the Constitution itself. As two eminent professors of law, referring to the Dirksen-Mansfield proposal, stated in an article in the Washington Post of August 31, 1964:

If successful here, it would mean the end of the American constitutional system of judicial review and therefore of the American Constitution.

Not within my tenure in the Senate have we been exposed to such a wide array of views on the Constitution and such learned references to the opinions of the founders of the Constitution of the United States. Yet, there is one highly relevant comment by one of the principal authors of that instrument which has not received sufficient emphasis during the debate on this issue. Perhaps it entered the debate and I missed it. But at the risk of repeating the observation of another Senator, I draw attention to the opinion of James Madison, as expressed in the Federalist, No. X, when he stated that—

No man is allowed to be a judge in his own cause; because his interest would certainly bias his judgment and, not improbably, corrupt his integrity. With equal, nay, with greater reason, a body of men are unfit to be both judges and parties at the same time.

Yet, this is precisely the situation in which the pending Dirksen-Mansfield amendment would place the legislatures of many of the 50 States, and indirectly the Senate of the United States as well. With the proposed constitutional amendment which it anticipated, the Dirksen proposal would place the State legislatures in the morally and politically indefensible position of voting on, and thus perpetuating, the very condition of malapportionment which the Supreme Court has declared unconstitutional. As the able junior Senator from Connecticut [Mr. RIBICOFF] noted, it is hardly just or equitable "to have the rotten boroughs decide whether they should continue to be rotten." And there are few if any Members of this body who, by political associations and personal friendships, are not to some degree also involved with the apportionment problems of their respective States.

This is, in my opinion, one of the elements of greatest mischief in the proposed Dirksen-Mansfield amendment.

If enacted, it would in the most literal sense corrupt the democratic process in the States. It would, in addition, be one of the most retrograde steps that the Congress of the United States could take.

The proponents of the Dirksen-Mansfield compromise to the original Dirksen amendment—which was thrust on the Senate without even the benefit of committee hearings—are Senators for whom I have the highest regard. They are Senators who have, on other issues, maintained the utmost concern for orderly legislative procedure, a careful regard for the rights of the States, and a sincere commitment to harmonious and effective Federal-State relationships. It is for this reason that I am at a loss to understand their support for a measure which would violate each of these principles in such fundamental ways.

I need not belabor the fact that the originally proposed amendment was offered with a rather cavalier disregard for legislative procedure. In the closing days of the session, without benefit of hearings or committee action, it was presented for attachment as a totally inappropriate rider to the foreign aid bill. Such actions, although rare, are not without precedent.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield to the very capable Senator from Wisconsin.

Mr. PROXMIRE. I compliment the Senator from West Virginia on his excellent speech. I particularly think the last point he has made should be stressed and underlined. As he says, this is an important proposal. As I understand, he considers this a civil right, an individual right. He has pointed out how the Dirksen amendment brings the Supreme Court into serious jeopardy. The point he makes is that, in the closing days of the session, without benefit of hearings or committee action, the proposal is presented on a bill which is not germane in any way.

In the judgment of the Senator from West Virginia, who has had many years of experience in the House of Representatives and has had substantial experience in the Senate, is it not extraordinary to propose in this manner a matter of this particular importance, which goes to the very root and heart of the relationship between the Congress and the courts? Does not the Senator consider that the procedure followed with regard to this proposal prevents the Senate and the House from exercising the full deliberation which this kind of very serious proposal merits and requires?

Mr. RANDOLPH. I concur completely with the judgment of the Senator from Wisconsin. I have so stated. I appreciate the emphasis which he has placed on this aspect of the issue. The Senate of the United States is often referred to as the greatest deliberative body in the world. Yet the Dirksen-Mansfield proposal would short circuit the processes of deliberation—on a most fundamental issue—which this body has established to guard against popular panic and hasty legislation.

But what disturbs me even more is that the proponents of the Dirksen-Mansfield amendment, most of whom are among the most staunch defenders of the rights of the individual States, would advocate a bill which would allow "any party or intervenor—or any member of

the legislature" to block a reapportionment plan which may have a wide consensus of support throughout a particular State and which may have been developed at great expense and effort by the State. Thus, if that amendment to H.R. 11380 were enacted, the Congress of the United States would, in effect, be giving the green light to any malcontent or lame duck legislator to obstruct any reapportionment plan emanating from a court decision—regardless of the expense to the State or the popular support for such a plan.

Mr. PROXMIRE. Mr. President, will the Senator yield on that point?

Mr. RANDOLPH. I yield.

Mr. PROXMIRE. This is a most significant point. It is not true that wherever there is legislative reapportionment—it is unfortunate but true—at least one and usually several members of the legislature are apportioned out of their seats and their careers ended?

Mr. RANDOLPH. That is true.

Mr. PROXMIRE. Is it not true that in State after State, which has been proceeding very well, in terms of public interest, in providing equitable apportionment, all the painful, tough, gradual adjustment to the situation would be stopped, and stopped cold, and would be stopped cold for a long time, if the Dirksen amendment were adopted?

Mr. RANDOLPH. Yes. I think it would be proper to say that the States would be stultified. I think that situation would result not only in one but in several cases.

There is another and perhaps even more fundamental manner in which the Dirksen amendment would be prejudicial to sovereignty and to a healthy Federal-State relationship. It has become a virtual truism among students and practitioners of government to declare that the States have abdicated many of their powers, rather than having had them seized by the Federal Government. The Federal Government has, in fact, filled the vacuum created, in many instances, by the States inability to meet the needs of a modern industrial society. This failure on the part of many of our States has been due to malapportionment of the State legislatures more than to any other single factor.

Consider but a few of the major problems of so-called Federal intervention today—in the fields of public assistance, slum clearance, urban renewal, urban transit, air and water pollution, and aid to education, for example. These are problems largely associated with our metropolitan areas. And the Federal Government, in fulfilling its responsibilities to the American citizen, has been forced to move into these fields because the rurally dominated State legislatures have too frequently been unresponsive to urban and suburban needs.

It is my firm conviction, therefore, that the reapportionment decisions of the Supreme Court in the Alabama cases and those which preceded during the recent term of the Court will prove to be among the most significant contributions in recent decades to the strengthening of State governments.

In this respect, in particular, I would

disagree with the closing argument in the dissent of Justice Harlan, wherein he declared that—

No thinking person can fail to recognize that the aftermath of these cases, however desirable it may be thought in itself, will have been achieved at the cost of a radical alteration in the relationship between the States and the Federal Government, more particularly the Federal Judiciary.

Justice Harlan then concludes that—

Only one who has an overbearing impatience with the Federal system and its political processes will believe that that cost was not too high or was inevitable. (*Reynolds, et al. v. M. O. Sims, et al.*)

What are the major problems of so-called Federal intervention today?

We find them in the field of public assistance, in slum clearance, in urban renewal, in urban transit, in air and water pollution, and in aid for education, to give some examples which are clearly set forth. These are problems largely associated with the metropolitan areas of the country. The Federal Government, in fulfilling its responsibilities to the American citizen, has been forced to move into these fields because the rurally dominated State legislatures have too frequently been unresponsive to the needs of the urban and suburban sections of our country.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield again to the diligent senior Senator from Wisconsin.

Mr. PROXMIRE. This is a very important and very much overlooked argument. I do not see how it can be answered at all. The "States righters" should be in the front ranks in opposition to the amendment. The argument being made by the Senator from West Virginia makes good sense. If we want the States to assume responsibilities, we should give the people the right to equal representation in both houses of their legislature so that there can be agreement between the two houses and the legislature can act, without one body blocking the other. The Senator from Michigan [Mr. McNAMARA] pointed to a series of instances in a recent year when the Governor of the State of Michigan, the lower house of the State of Michigan, and the people of the State of Michigan were in favor of measures which a majority of State Senators, representing a minority of the people of the State, had persistently blocked. There were not only one or two such measures, but a series of concrete, specific actions.

If we hear anything at all from the proponents of the Dirksen amendment, it is that the Federal Government has become too big and too domineering. This may be true. But if the States are to solve their own problems should we hamstring them by providing that one house should be apportioned on a basis other than population.

I am glad the Senator from West Virginia has so ably stressed this point and has done so not in generalities, but by pointing to specific areas, such as slum clearance, urban renewal, air and water pollution, and education, in which States should assume those responsibilities, but

where they have not done so because they have been paralyzed.

Mr. RANDOLPH. I am grateful for the cogent comment of the senior Senator from Wisconsin [Mr. PROXMIRE].

It is my firm conviction, I repeat, that the reapportionment decisions of the Supreme Court in the Alabama cases and the cases which were presented during the recent term of court, will prove to be among the most significant contributions in recent decades to the strengthening of State governments.

I agree thoroughly with the proposition which has been set forth, that those who should be in the forefront of vocal opposition to the pending Dirksen-Mansfield amendment should be Senators who have spoken, and I believe will speak again, about States rights on other subjects.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. PROXMIRE. This is a happy thought and a very true and accurate reflection. The Supreme Court has been attacked again and again as an instrument of the Federal Government moving against the States. As the Senator has said, the Supreme Court's decisions would strengthen State governments and would strengthen the Federal system. This is a very important observation. I believe it is the first time in this debate that it has been made; and it has been made in a very constructive and positive way.

Mr. RANDOLPH. I thank the Senator. In this connection, I believe I would have to disagree with the closing argument of Justice Harlan in this case.

I say this particularly to the Senator from Wisconsin and the Senator from Illinois [Mr. DOUGLAS]. The declaration was made that "no thinking person can fail to recognize that the aftermath of these cases, however desirable it may be thought in itself, will have been achieved at the cost of a radical alteration in the relationship between the States and the Federal Government, more particularly the Federal judiciary."

Senators will recall that Justice Harlan concluded:

Only one who has an overbearing impatience at the Federal system and its political processes will believe that that cost was not too high or was inevitable.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. DOUGLAS. Justice Harlan, in effect, is saying, is it not that the overwhelming majority of the Supreme Court had an overbearing impatience with the way in which the legislatures were operating? Is it not correct to say that for 60 years virtually no State legislature would reapportion itself? This was not a hasty decision by the Supreme Court. The Supreme Court withheld its hand for decade after decade, and finally, when the evidence was clear that the legislatures would not reform themselves, they moved in under the 14th amendment and the requirement for equal protection of the laws. Did not the majority of the Supreme Court show

great restraint and patience with the operations of the State legislatures rather than overbearing impatience?

Mr. RANDOLPH. The Senator from Illinois is very convincing on this point. He made it before during this debate. The time not only has arrived, but it has been long overdue.

Rather than having rushed in with excessive haste, the Court showed justifiable restraint. In my view, Justice Harlan, in his dissenting opinion, stepped from the field of law into the field of political prophecy. His prophecy is misconceived, I believe, because his own attention seems directed more to the form than to the substance of Federal-State relations.

The implementation of the recent apportionment decisions will, at first, be a somewhat painful remedy for many of the States. But in the long-term view, reapportionment will infuse a new vitality in State governments, enabling the States, once again, to assume the role of full partnership.

This becomes readily apparent when one reflects on the current tendency of municipal officials to bypass State governments and to appeal directly to the Federal Government for solutions to many of their urban and suburban problems. This tendency is the result of the inability of State governments to cope with these problems under their present systems of apportionment.

When I was a Member of the House of Representatives, I joined in the original sponsoring of the Federal Aid to Airports Act. In the drafting of that legislation, in which I had a part, we were careful that there should be a relationship directly between the Federal Government and the municipalities. We recognized that the need for approval of the local project for an airport could not rest upon the State government, because year after year the States could do little to help support an airport within a particular city, within a metropolitan area, or within a center of population. So the Federal funds went to the cities on a matching basis. Many States fought vigorously in Congress against that provision in the Federal Aid to Airports Act. We in Congress knew that the time had arrived for the development of transportation by air in the United States, with no reflection on the States themselves. Frankly, the States were not realistic and could not grapple with the problems of this new form of transport, which was the operation of scheduled airlines serving thousands of persons daily between specific metropolitan areas. I had not anticipated bringing this example to the attention of the Senate, but it is certainly a valid point. In supporting the authority of cities to issue airport bonds, Justice Cardozo reminded us in 1928 that "Chalcedon was called the city of the blind because its founders rejected the nobler site of Byzantium lying at their feet." To paraphrase Justice Cardozo in this issue, one might say that the State legislatures have been blind to ways of increasing the authority and effectiveness of State government, and the Supreme Court has been called upon to open their eyes and give them sight.

Mr. DOUGLAS. Mr. President, will the Senator from West Virginia yield?

Mr. RANDOLPH. I yield.

Mr. DOUGLAS. I have flown into Charleston, W. Va., many times. The airport there was built, as I remember, by leveling off the top of a hill. Does the Senator from West Virginia believe that that would have been done at great expense if the Legislature of West Virginia had had the power to determine whether it should be done and had been compelled to appropriate money for it?

Mr. RANDOLPH. I believe the State of West Virginia would not have moved forward with the construction of the Kanawha County Airport. It lacked the financial capacity to assist materially. The cost of constructing an airport in our capital area is high. It has been said that more earth was moved in the construction of that airport, where mountains were leveled, than was moved in the construction of the Panama Canal. It is expensive to build an airport in mountainous terrain. So, as I have done on prior occasions, I compliment the citizenry of Kanawha County for having voted several million dollars of bonded indebtedness and for having accepted the responsibility to participate with the Federal Government in such a meritorious project. The State itself would never have been able to move forward.

Mr. DOUGLAS. Yet that airport has opened up the State of West Virginia to air travel and has been of great assistance in enabling the chemical and other industries to locate in the Kanawha Valley. Is not that true?

Mr. RANDOLPH. The Senator from Illinois is correct. The chemical industry in the Kanawha Valley is likened to that of the world famous Ruhr Valley. A huge complex of the chemical industry has been located in the Kanawha Valley for some 25 or 30 years. I estimate that it directly employs some 25,000 men and women and creates many, many indirect jobs. It is an important industry.

More than 100,000 passengers a year have been boarding planes at the Kanawha County Airport to travel to other sections of the country, and a comparable number of passengers have been arriving. I refer to the scheduled airline service, the carriers serving the city of Charleston, W. Va.

In my opinion, reapportionment would give the metropolitan regions a stronger voice in the councils of their States, and thus would strengthen the States in their relationship with the Federal Government. To illustrate this in a more specific way, I refer to the kind of problem which arises in framing much of the legislation which is reported by the Committee on Public Works, of which I am a member. With respect to air and water pollution measures especially, we have had to exercise great care in writing provisions which would prevent local and municipal officials from bypassing State agencies when seeking Federal allotments or assistance. In such instances, we find the seeming paradox of the Federal Government protecting the interests of the State government in its relationship with its own political subdivisions.

I feel certain that other Senators would recount similar instances with regard to the work within the jurisdictions of their own committees.

I believe such a precaution on the part of the Federal Legislature would not be necessary if State legislatures and the other agencies of State governments more accurately reflected the needs and interests of their metropolitan populations. I believe also that Justice Harlan would have less anxiety about the future impact of the Court's apportionment decisions if he had contended with the problems of Federal, State, and local relationships that come before Congress for continuing attention and, we hope, for affirmative solutions.

At the outset of my remarks, I stated that a fundamental civil right was at issue in the proposed Dirksen-Mansfield amendment. I would not do justice to my own convictions on this issue if I failed to recognize the question of the right of "one-person, one-vote," and the authority of the Supreme Court to adjudicate this issue. Although I would enter the field of constitutional law with much trepidation, it does not seem necessary to me that a person be a constitutional lawyer to recognize the authority of the Supreme Court in this issue.

It is specifically set forth in article III, section 2 of the Constitution which provides:

In all cases * * * in which a State shall be party, the Supreme Court shall have original jurisdiction.

We understand the English language. This section clearly accords to the Supreme Court and not to the Congress original jurisdiction over apportionment cases in which a citizen files suit against the State in which he is a resident.

Furthermore, we have listened to and have read the comments of Professors Rostow and Emerson. I read from the article in the Washington Post in which they said:

The exception clause, and the power to establish lower Federal courts, cannot be used to abrogate all judicial power to protect any one basic constitutional right.

Mr. President, the Supreme Court has construed that apportionment cases originate from the equal protection clause of the 14th amendment. The logic of the decision in *Reynolds versus Sims*, et al, is clear and unassailable when the court declared:

Diluting the weight of votes because of place of residence impairs basic constitutional rights under the 14th amendment just as much as invidious discriminations based upon factors such as race, *Brown v. Board of Education*, 347 U.S. 483, or economic status, *Griffin v. Illinois*, 351 U.S. 12, *Douglas v. California*, 372 U.S. 353. Our constitutional system amply provides for the protection of minorities by means other than giving them majority control of State legislatures. And the democratic ideals of equality and majority rule, which have served this Nation so well in the past, are hardly of any less significance for the present and the future.

I am not dissuaded from my support of the decision of the Court in this instance by the references which have been made to the views of the founders of the Constitution and especially to

Madison's doctrine that the "public views" should be "refined and enlarged by passing them through the medium of a chosen body of citizens."

This is, of course, the essence of a republican form of government; but it offers no justification, I say—nor did Madison intend it as such—for malapportionment of our State legislatures in the America of today.

It should be no revelation to any student of American history that our founders—including even such optimistic founders as Jefferson and Madison—harbored a certain skepticism regarding popular government. Nor is it surprising—in view of the many qualifications of property, sex, and condition of servitude—that only 12 or 15 percent of the adult citizens of the United States voted in the early elections in this Republic. But the history of this Nation has been, in large part, the history of the extension of the right—and I call it also the responsibility of suffrage—the ballot, a franchise of freedom. I believe, in this instance, that the Supreme Court has done something which should have been done long ago. But it has done it now. To attempt to divert, to sidetrack, or to stultify it, reflects no credit on the Senate, especially considering the manner in which this question is brought before us.

Mr. PROXMIRE. Mr. President, will the Senator from West Virginia yield?

The PRESIDING OFFICER (Mr. JORDAN of Idaho in the chair). Does the Senator from West Virginia yield to the Senator from Wisconsin?

Mr. RANDOLPH. I yield.

Mr. PROXMIRE. This is a great statement being made by the Senator from West Virginia, especially when he states that the history of the Republic has been to some extent the extension of the franchise, the history of progress, the history of justice and equity. This is true. This has been a tough, long, and hard struggle. Is it not true that the amendment to the Constitution that gave women the right to vote was a highly significant milestone along that path?

Mr. RANDOLPH. The Senator is correct, it certainly was a milestone. That battle was not an easy one to win.

Mr. PROXMIRE. Certainly the Civil War amendments which extended the franchise to those who had been slaves, and the benefits which came through the 1957 and 1964 Civil Rights Acts were the implementation of the right to vote. Many of us who were for the 1964 civil rights bill made the argument that one of the most important provisions in the bill was that it gave the minorities—which had been deprived of the right to vote—the right to vote, which is essential to their economic and social progress, as well as to their political progress.

Mr. RANDOLPH. The Senator is correct.

Mr. PROXMIRE. I believe that the Senator from West Virginia is making his point so well that this great Supreme Court decision is in the mainstream of that same struggle, the struggle for po-

litical justice, and the struggle for political equality. I am glad that the Senator from West Virginia has hit this point so hard and so eloquently.

Mr. RANDOLPH. I thank the Senator from Wisconsin.

I should like to go further and say that with the establishment of property qualifications, the extension of suffrage during what we know as the Jacksonian period, the adoption of the 14th, 15th, and 19th amendments, and the progressive elimination of the poll tax and the abolishment of the so-called white primaries, we have witnessed the steady extension of the right to vote and the progressive enlightenment of the American people.

The Supreme Court decisions on reapportionment are but the most recent wave of this tide in the advancement of this Republic.

Finally, Mr. President, we come to the question of the checks and balances within our system and the division of authority between the legislative and the judicial branches. Supporters of the Dirksen-Mansfield amendment have proclaimed that the Court has usurped the authority of the legislative branch and that the Justices are legislating and not interpreting the law.

This argument is hardly a new one. It was exploded more than 40 years ago by the scholarly Justice Benjamin N. Cardozo in the lectures which he gave in 1921 at Yale University.

Mr. DOUGLAS. Were not those lectures called "The Nature of the Judicial Process"?

Mr. RANDOLPH. These were the the Storrs Lectures published under the title of "The Nature of the Judicial Process."

Mr. RANDOLPH. The Senator from Illinois is, as usual, correct in his citation.

Speaking of the "open spaces in the law" and the function of the courts in these areas, Justice Cardozo stated that:

Within the confines of these open spaces and those of precedent and tradition, choice moves with a freedom which stamps its action as creative. The law which is the resulting product is not found, but made. The process, being legislative, demands the legislator's wisdom.

There is in truth nothing revolutionary or even novel in this view of the judicial function. It is the way that courts have gone about their business for centuries in the development of the common law. The difference from age to age is not so much in the recognition of the need that law shall conform itself to an end. It is rather in the nature of the end to which there has been need to conform.

Mr. President, the recent Supreme Court decision, the development of American democracy, and the popular will of American citizens today declare that the end to which Justice Cardozo referred shall be equal representation. The issue is solely and ultimately whether or not we accept equal representation as one of the fundamental goals of American democracy.

This Senator subscribes to the view expressed by Thomas Jefferson when he stated that—

Equal representation is so fundamental a principle in a true republic that no prejudice

can justify its violation because the prejudices themselves cannot be justified.

I shall not break faith with that principle, which has been so eloquently and accurately set forth.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. DOUGLAS. I congratulate the Senator from West Virginia for his very scholarly and thoughtful address which has discussed this issue in the large. It shows how the Supreme Court dealt with a long-standing abuse which the State legislatures themselves stubbornly refused to correct. His address demonstrates how the Court finally came back to the fundamental principle that the people were entitled to the equal protection of the laws and could not be assured of the equal protection of the laws if the legislatures which made the laws were ones in which the people were grossly unrepresented.

The whole argument of the Senator has been on an extremely high level. I know it will have a great deal of influence not only in West Virginia, but also all over the country.

Would the Senator permit me to give some testimony with reference to my own State?

Mr. RANDOLPH. Yes. I want to hear the testimony.

Mr. DOUGLAS. Illinois contained 10,100,000 people according to the census of population in 1960. Illinois has a State senate consisting of 58 senators. The average allotment of inhabitants per senator would therefore be approximately 17,000.

A number of districts have a much greater population than this. A number of districts have a much smaller population than this.

Let me take the smaller ones first. There is one district with 54,000 people, another with 57,000, another with 59,000, another with 67,000. On the other hand, there is one district with 570,000 people, another with 505,000, and another with over 400,000.

Let us compare the smallest district and the largest district. Fifty-four thousand people elect one State senator. Five hundred and seventy thousand people also elect only one senator. One person in the smallest district therefore has over 10 times the effective voice of a person in the largest district. The people in the smallest district are very nice people. But should they be given 10 times the weight of those in another district?

Mr. RANDOLPH. They should not, if I may interrupt.

Mr. DOUGLAS. Another district has a population of 505,000. That district consists of Du Page and Will Counties. That is a congressional district. There are 24 congressmen and 55 State senators. But, the State senatorial district is identical with the Federal congressional district. Therefore, one man in the smallest district would have approximately 9 times the voice of an inhabitant in the senatorial district with 505,000.

Another congressional district consists of Lake, McHenry, and Boone Counties. It contained 398,000 people in 1960.

It has a congressional representative and only one State senatorial representative. It now has well over 400,000 population. It has the same representation as other districts which contain populations of 54,000, 57,000, and 59,000.

So, while we do not have in Illinois the ludicrous example that exists in Vermont where a hamlet with 36 people elects a member of the State legislature, and the largest city with a population of 38,000 also elects only one member of the State legislature it is bad enough. Illinois does not have the absurd condition which exists in California, where 14,500 people elect a State senator, and the over 6 million people in Los Angeles County also only elect one State senator. Still there are improvements that can be made. But 29 percent of the people are in districts which elect a majority of the State senate.

There is one other conclusion which I should like to introduce in the RECORD before I stop. That is that the three worst underrepresented districts are not inside the city of Chicago. They are in suburban districts.

For example, a district with 570,000 people, the first Illinois senatorial district, consisting of the cities of Cicero, Berwin, and Oak Park and Leyden, and Proviso Townships, is the most underrepresented group. Du Page and Will Counties have a population of 505,000, or approximately 3 times the size of what should be the average district. Those are suburban counties directly to the west and south of Cook County. Lake, McHenry, and Boone Counties, which constitute the precise area included in the 12th Congressional District, now have over 400,000 people. This is 2½ times the size of the average district. That is a suburban district. All of these are within the metropolitan area. All of these districts are at the moment strongly Republican. We hope that can be changed. But, at the moment, they are strongly Republican. What strikes me is the fact that so many of our Republican friends—I do not say all of them—are saying this is a struggle between the cities and rural areas. It is not so much that, as a struggle between the suburban areas and the underpopulated rural areas. And we, who are contending for more equal representation, are fighting the battles of the suburban areas even more than we are fighting the battle of the urban areas. I hope very much that these issues can become known and properly emphasized.

I regret that I have intruded upon the philosophic tenor of the speech of the Senator from West Virginia, which was couched in admirable general terms. But, sometimes the meaty specific reinforces the general philosophy and logic.

I again congratulate the Senator from West Virginia. He has made an excellent contribution to the discussion.

Mr. RANDOLPH. Mr. President, I thank the scholarly senior Senator from Illinois. If this were a problem for West Virginia alone, it would not be my purpose to sand here in the Chamber and object. The imbalance in the legislative bodies of the Senate and House of Delegates in West Virginia is not appreciable.

Our legislature has acted resolutely to meet its responsibilities in this vital area of representation.

Apportionment is not the most pressing problem in West Virginia. But a very real principle is involved. That principle is whether we actually believe in equal representation as not only a sought for goal but now—at least in the Supreme Court's action—a realizable goal. I do not wish to see it thwarted.

Mr. DOUGLAS. Of course, the Supreme Court has never said that there must be precise arithmetical equality. The Court specified substantial equality, which would allow a certain percentage of tolerance on either side of the average.

Mr. RANDOLPH. Yes, flexibility is built into the Court's decisions.

Mr. DOUGLAS. That is expressly stated in the decisions of the Court.

Mr. RANDOLPH. My colleague is correct.

Mr. PROXMIRE. Mr. President, will the Senator yield briefly before he leaves?

Mr. RANDOLPH. I yield.

Mr. PROXMIRE. I know that the Senator has an urgent appointment which he must keep. I, too, wish to commend the distinguished Senator from West Virginia on a brilliant speech—a speech that was not only long and hard on the philosophy and principle involved, but also excellent in terms of specifics. I thought the example which the Senator gave us from his own experience in the Public Works Committee was particularly helpful and useful. It showed clearly how the failure of the States to apportion properly and be representative in their legislatures interferes with their relationships with their own cities and their own localities, necessitating adjustments to be made at the Federal level which are often awkward and prevent full justice being done to the people within the State.

Also, as the Senator from West Virginia made emphatically clear, inequality in apportionment makes it necessary for the Federal Government to move into situations that otherwise the States might be able to handle for themselves.

Mr. RANDOLPH. I again thank the Senator from Wisconsin and the Senator from Illinois, who have been gracious and generous in their references to my effort here today. I say to both of them that there are times when we feel an urge—and I have felt it—to stand, to speak, and to serve in support of a principle which needs to be emphasized. So to the extent that I have reinforced and supplemented that which the Senators from Wisconsin and Illinois have so well said, I know that my contribution at least is a sincere one. I hope it will add something to an affirmative determination on the part of the Senate to approve, rather than to tear apart, a historic decision, in the onward sweep of American democracy, enunciated by the Supreme Court.

Mr. PROXMIRE. Mr. President, I thank the distinguished Senator from West Virginia for his fine speech.

Now, Mr. President, for what purpose is the Senate now tied up with the Dirksen amendment to the foreign aid bill? Why? Strictly from the standpoint of

those who want the Dirksen amendment. What difference will it make whether we act on it this year or whether we have action pro or con next year? The fact is that there is not one single State legislature which will meet before January 1965. If we should fail to act now, our failure could have no effect that I can understand on actions by State legislatures next year. Therefore, I hope that the leadership on both sides of the aisle will give very real consideration to the possibility of ending this unfortunate stalemate by withdrawing the Dirksen amendment and pressing in 1965, when the decks will be clear for action and it will be possible to stay with the subject, and when it will be possible to have Senators attend these debates and it will be possible to have more than one quorum call a day.

It is no legislative secret that it is the duty of Senators who favor a proposal to obtain a quorum. It is their responsibility, not ours. It is not the responsibility of those who are opposing a measure.

During the civil rights debate those of us who were for the civil rights bill worked hard and long, and made great sacrifices in terms of not being able to get out to our States and make speeches around the country, canceling commitments in order to be present in the Senate for quorum calls.

I understand that the distinguished Senator from Illinois [Mr. DOUGLAS] was present for more quorum calls than any other Senator at that time. Perhaps there were two or three others who did as well as he did. We were then able to get a quorum in less than 20 minutes; usually, 15 minutes. We were unable to get a single quorum on Thursday; we were not able to get a quorum on Friday. Today we have been in session since 12 o'clock and nearly an hour was required—50 minutes—to get a quorum, although Senators were urged to return to Washington, D.C. As time goes on it is obvious that it will be harder and harder to maintain a quorum. In the absence of a quorum it is difficult for the Senator from Wisconsin to see how we can be criticized by our opposition and taunted about not speaking to a full Chamber. After all, if the proponents of the measure cannot deliver Senators to the Chamber so that the Senate might be held in session, it is not our responsibility—at least those of us who oppose the amendment—to continue talking. If we do talk, we are hopeful that our opposition will see that Senators are present.

Mr. DOUGLAS. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. PELL in the chair). Does the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. DOUGLAS. Is it not true that during the debate on the civil rights bill well over 100 quorum calls were called by the opponents of the civil rights measure, and they were live quorum calls which were demanded?

Mr. PROXMIRE. The Senator is correct. Live quorums were demanded.

Mr. DOUGLAS. We have asked for only one live quorum. Still the advocates of the Dirksen amendment have not taken the hint, and have not appeared on the floor to defend their position. Is that not true?

Mr. PROXMIRE. That is absolutely true. It seems to me that the proponents of the measure have given only a very brief time in support of their position, although the debate relates to a most important constitutional issue. No hearings have been held on the question. No record is before the Senate. We have no record from the House, though the measure would have most serious consequences on all 50 of our State legislatures.

Mr. DOUGLAS. I believe the RECORD will show that my colleague, the junior Senator from Illinois [Mr. DIRKSEN], who is chief sponsor of the amendment, spoke for less than 1 hour. He did not speak again. Later, on the Democratic side, the Senator from Montana [Mr. MANSFIELD], who is a cosponsor of the amendment, spoke for 10 minutes. Neither one of them has spoken since. There may have been one brief speech in support of the proposal, but there has been virtually no discussion.

During the debate on the civil rights issue, those of us who were in favor of civil rights felt an obligation to present our side of the case. We felt that we should not depend upon pure muscle, but that we should try to argue the points involved.

The RECORD will show that for 3 weeks we conducted a debate with Senators going into every phase of the civil rights bill in great detail so that a case might be laid before the Senate and the country.

Now the supporters of the Dirksen-Mansfield amendment in effect refuse to do that. They have refused to state their case. They will not come to the floor of the Senate. In many cases they have helped to prevent a live quorum from being obtained. They are depending on the strength of the groups behind them, and possibly of the organizations of the two parties.

Mr. PROXMIRE. The situation is most peculiar, particularly in view of what has happened in the course of the debate. One might think that time was working on their side. What has happened? On the move for cloture, I presume the minority leader, the distinguished junior Senator from Illinois [Mr. DIRKSEN], would not have filed a cloture motion if he did not believe that he had a good prospect of getting a two-thirds vote in favor of that motion. I am sure that he was confident that he could get it. Not only did he feel that he could get the necessary two-thirds vote, but also after the debate had gone on, after the situation had been explained and our arguments had been made, the cloture motion was defeated by a vote of more than two to one.

Furthermore, even more convincing was what happened to the Tuck bill. The Tuck bill passed the House by 40 votes. But what a spectacular change

transpired in congressional attitude after that House action. The bill came over to the Senate. It was offered as an amendment, and was defeated, as I recall, by a vote of 56 to 21—a resounding and overwhelming defeat.

The Tuck bill embraced the same principle as the Dirksen amendment. In view of the circumstances, in view of the fact that the opposition seems to be losing ground, in view of the fact that the Senate came close to passing a proposal that would have in essence approved what the Supreme Court did, one would think that Senators who desire to have the Dirksen amendment passed would at least come to the floor and make their arguments in favor of it.

The speech just made by the distinguished Senator from West Virginia [Mr. RANDOLPH] pointed out that the Founding Fathers had some question and some reservation about universal suffrage. He pointed out a statistic that I had always been curious about. Something like 10 or 12, or perhaps 15, percent of the adults, in the early years of our Republic, actually voted. Of course, all women were excluded from voting. Slaves were excluded from voting. There were property qualifications in many States. Presumably, there was greater difficulty in voting. In spite of all this, as I have been trying to show, and as I tried to demonstrate on Wednesday last, our Founding Fathers came out overwhelmingly and unanimously on the side of proportional representation, on the side of population representation in the State legislatures.

The only reason why the Congress of the United States has been organized on a different basis, the only reason why the Constitution provides for a Senate of the United States that is not based on population representation, is that it was the only way we could have had a Union. Many of us have argued that this was a wise decision. I feel that it was, but it was not on the basis of any principle. It was arrived at because it was the only way that the States could combine to form a Union.

Elbridge Gerry supported the compromise in these words:

We were, however, in a peculiar situation. We were neither the same nation nor different nations. We ought not, therefore, to pursue the one or the other of these ideas too closely. If no compromise should take place what will be the consequence? A secession he foresaw would take place; for some gentlemen seem decided on it; two different plans will be proposed, and the result no man could foresee. If we do not come to some agreement among ourselves some foreign sword will probably do the work for us.

It was clear, in the words of Elbridge Gerry, that it was not a matter of accepting a great principle in having the Senate represent States, instead of people. It was a matter of getting the kind of unity necessary to preserve the independence of the United States of America.

George Mason agreed with him in these words:

There must be some accommodation on this point, or we shall make little further

progress in the work. Accommodation was the object of the House in the appointment of the committee; and of the committee in the report they had made. And however liable the report might be to objections, he thought it preferable to an appeal to the world by the different sides, as had been talked of by some gentlemen.

No one could contend that the counties or the cities within States have the sovereign power which the States had, and which they were willing to cede to a Federal system at the Constitutional Convention. Those who argue that since the Congress is composed of one House based on something other than population, and therefore the States should be, constantly overlook the fact that the States had the sovereignty, the power, the taxing power, virtually all the attributes of individual nations, when they came together. In the history of the United States there has never been a time when counties or cities came together to cede powers to a State.

First the States are created, and it is the States which create the cities, counties, or other administrative conveniences through which the States operate; but there is no basis for saying that there should be an individual identity in a county which warrants its representation in a State legislature.

James Madison, father of the Constitution, and others were unwilling, even in the face of a need to compromise State sovereignty with national unity, to promote the principle of equal State representation. James Madison fought hard for equal popular representation in the U.S. Congress, even in the Senate.

[Madison] expressed his apprehensions that if the proper foundation of Government was destroyed, by substituting an equality in place of a proportional representation, no proper superstructure would be raised.

What Madison meant was that there should not be equal representation for each State because we would destroy the principle that one man had one vote so far as the Federal Government is concerned. Madison was strongly for the principle and believed deeply in it.

[Madison] reminded [the small States] of the consequences of laying the existing confederation on improper principles. * * * It had been very properly observed by Mr. Patterson [sic] that representation was an expedient by which the meeting of the people themselves was rendered unnecessary; and that the representatives ought therefore to bear a proportion to the votes which their constituents if convened, would respectively have. Was not this remark as applicable to one branch of the representation as to the other? But it had been said that the Government would in its operation be partly Federal, partly National; that although in the latter respect the representatives of the people ought to be in proportion to the people: yet in the former it ought to be according to the number of States. If there was any solidity in this distinction he was ready to abide by it, if there was none it ought to be abandoned.

This was Madison's clear principle that he said in the 1787 constitutional debates must be accepted.

In all cases where the General Government is to act on the people, let the people be represented and the votes be proportional. In all cases where the Government is to act on the

States as such, in like manner as Congress now acts on them, let the States be represented and the votes be equal. This was the true ground of compromise if there was any ground at all. But he denied that there was any ground. He called for a single instance in which the General Government was not to operate on the people individually.

This particular point is philosophical but it is vital. Madison saw the Federal Government as acting directly on individuals, that therefore that they ought to have equal representation; to him it was only with the greatest reluctance that there should be a compromise essential to get a union. He agreed with Jefferson, Hamilton, and others that the States should have equal popular representation in their own State legislatures.

Madison pointed out that:

The practicability of making laws, with coercive sanctions, for the States as political bodies, had been exploded on all hands. * * * He enumerated the objections against an equality of votes in the second branch.

This was Madison's argument against the kind of decision to which the Constitutional Convention finally came with respect to equal representation in the Senate for large and small States.

Madison listed his objections, as follows:

1. The minority could negative the will of the majority of the people.
2. They could extort measures by making them a condition of their assent to other necessary measures.
3. They could obtrude measure on the majority by virtue of the peculiar powers which would be vested in the Senate.
4. The evil instead of being cured by time, would increase with every new State that should be admitted, as they must all be admitted on the principle of equality.
5. The perpetuity it would give to the preponderance of the northern against the southern scale was a serious consideration.

James Wilson agreed with Madison (id. at 10): "A vice in the representation, like an error in the first concoction, must be followed by disease, convulsions, and finally death itself. The justice of the general principle of proportional representation has not in argument at least been yet contradicted."

What Wilson could point out is that despite the fact that there had been serious and extended debate by our Founding Fathers, there was no contradiction of the fundamental principle that each man should have an equal vote. To this principle all of our Founding Fathers agreed.

James Madison implied clearly his view that apportionment of State legislatures on some basis other than population was unfair and that a provision was necessary in the new Constitution to prevent the persons who as a result of malapportionment controlled State government from running congressional elections to serve their own interests (id. at 241): "Besides the inequality of the representation in the legislatures of particular States would produce a like inequality in their representation in the National Legislature as it was presumable that the counties having the power in the former case would secure it to themselves in the latter."

Objections to the Senate's consideration of treaties was based on the fact that Senators represented States rather than an equal number of people.

George Mason supported the proposal that revenue bills must originate in House of

Representatives and cannot be modified in Senate on the ground that (II Farrand 273-274): "1. The Senate did not represent the people but the States in their political character. It was improper therefore that it should tax the people. * * * The House of Lords does not represent nor tax the people because not elected by the people. * * * the pursestrings should be in the hands of the representatives of the people."

Much of the opposition on September 8 to the proposal that treaties must be ratified by two thirds of the Senate arose from the fact that a minority of the people will elect a majority of the Senators. Hugh Williamson of North Carolina (II Farrand 548): "remarked that treaties are to be made in the branch of the Government where there may be a majority of the States without a majority of the people. Eight men may be a majority of a quorum, and should not have the power to decide the conditions of peace."

Elbridge Gerry similarly stressed (ibid): " * * * the danger of putting the essential rights of the Union in the hands of so small a number as a majority of the Senate, representing perhaps, not one-fifth of the people."

I wish to continue this speech, because I think it is very important to document the attitude of our Founding Fathers in establishing our Constitution.

I wish to yield to the Senator from Oregon, but first I wish to make it clear that my experience has no doubt been the experience of other Senators also, namely, that the main objection, the prime question asked by those who oppose the Supreme Court's decision in Reynolds against Sims and to the course the Supreme Court has taken is, Why cannot States have the same kind of representation in their legislatures that the Federal Government has provided for in its two Houses of Congress?

I believe it is necessary to go back to these debates to document fully and accurately and exactly why we have a U.S. Senate and why the Founding Fathers felt very strongly about one fundamental principle of democracy. That each man should have one vote. Under no circumstances would the Founding Fathers compromise that principle, with the single exception that they felt they had to have a Federal Union, and that the only way they could get a union was to compromise and permit each State to have an equal number of Senators.

I shall come back to this point a little later, but at this time I ask unanimous consent that I may yield to the distinguished Senator from Oregon [Mr. Morse], without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENT'S TOUR OF PACIFIC NORTHWESTERN STATES

Mr. MORSE. Mr. President, I thank the Senator very much for yielding to me. I doubt that it will be necessary for him to come back to his subject today. I have been advised that it is contemplated that the Senate will recess or adjourn at a reasonable hour this afternoon. I have asked the Senator from Wisconsin to yield to me at this time be-

cause for the next 2 days I shall be away from the Senate attending to a very sad mission, namely, the funeral of my late colleague in the House from Oregon, Representative WALTER NORBLAD. Before I leave Washington I wish to make a few comments in further opposition to the Dirksen amendment now pending before the Senate.

Before turning to that subject I wish to say that last week I had the honor and opportunity of being a member of the congressional party which traveled with the President of the United States to British Columbia, the State of Washington, the State of Oregon, the State of California, and the State of Utah, where the President delivered a series of speeches, and in his trip to British Columbia joined with the Prime Minister of Canada in putting the final signatures to the great United States-Canadian Columbia River Treaty. That treaty will mean so much to the economic future of the two countries.

I am particularly pleased that the Senator from Idaho [Mr. JORDAN] should be in the Chamber at this time while I am commenting on that treaty. The Senator from Idaho, both as Governor of the State of Idaho and later as an active participant in the Commission which finally brought forth the treaty, did a great deal toward making it possible for the Prime Minister of Canada and the President of the United States to put their signatures on the necessary documents last week in British Columbia.

When the President of the United States came to my State last Thursday morning, he addressed one of the most remarkable audiences that had ever been assembled in my State during my many years in the Senate. He addressed them on a public question at a breakfast held at the Sheraton Hotel in Portland last Thursday morning. Present were representatives of public power groups and private power groups and representatives of all the other business, labor, professional, and economic groups that have a vested stake in the maximum development of the power potential of the great rivers of the Pacific Northwest.

At that breakfast he made a major speech on conservation. I ask unanimous consent that his speech, as read, be inserted in the CONGRESSIONAL RECORD at this point in my remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF THE PRESIDENT AT A BREAKFAST OF THE SHERATON HOTEL, PORTLAND, OREG.

Senator MORSE—when you are traveling with WAYNE, you are always in for a surprise—I wish he had made speeches that short in the Senate—and I might say that good—thank you very much, Senator MORSE; Senator NEUBERGER, Congresswoman GREEN, distinguished Members of the Congress, mayor, Governor, friends in Portland; this is a very nice thing for you to do so early in the morning on a rainy morning. I know it took a lot of arranging and a great deal of trouble, and very fine hospitality. I realize that it is your way of showing your respect for the great office I hold, and for the President of this country. I would like for all the people in the Northwest Public Power Association and the Northwest Electric Light and Power Association to know that I

feel a very special debt of gratitude to you for the time you spent, the money you invested, the wonderful public event that you have helped to bring about.

This is a rather discouraging occasion, however. I think of all the effort it took to turn off a few lights in the White House in Washington, and here you all finally settle your differences and you are turning on millions all over the country every day.

In 1844, a fiery young orator warned, "Make way for the young American buffalo. We will give him Oregon for his summer shade and the region of Texas for his winter pasture." Well, it is wonderful to be here in Oregon with you this morning. But I want it distinctly understood I am not ready for any Texas pasture.

Yesterday in a few hours, I swept across a continent that it took decades of daring to conquer. It took brave men and strong men to make that crossing. But, most of all, it took men of faith—men of great faith in themselves, in their country, in the future of this land. So today we inhabit a continent that is made fertile by that act of faith. Napoleon truly said when he sold Louisiana, "This accession of territory consolidates the power of the United States forever."

But it was not territory that made us great. It was men. Our West is not just a place. The West is an idea. The Bible says, "Speak to the earth and it shall teach thee." And here, in the West, we learned man's possibilities were as spacious as the sky that covered him. We learned that free men could build a civilization as majestic as the mountains and the rivers that nourished him. We learned that with our hands we could create a life that was worthy of the land that was ours. And that lesson has illuminated the life of all America—east, west, north, and south.

This gathering this morning I think is further proof of that. Your work is a more powerful instrument of freedom than a thousand shouted threats and warnings. In far-off countries, men will look here and learn again that the path of free men is the surest path to progress. Here, in the Northwest, America is moving again. And all the world knows it. This intertie which is the result of so many brains and so much work, and such great efforts, is the most exciting transmission system in history. It will make us world leaders in direct current transmission. It will carry from the Peace River to the Mexican border enough power for five San Franciscos. So I come here to tell you, and to tell each of you, that all America is proud of all of you.

I am glad to see this cooperation of private power with public power. The public power yardstick is essential. Private power will always play a substantial and vital role in the future of this great land. This system is also proof of the power of cooperation and unity. You have proved that if we turn away from division, if we just ignore dissension and distrust, there is no limit to our achievements. I am going to interpolate for a moment here to tell you of an experience I had as a young man trying to reconcile the views of the leaders of public and private power in my State.

We had the great man who happened to be a spokesman for Electric Bond and Share, who was president of one of our great power companies, and he looked just like a Methodist deacon. He sat back and was dignified, a very attractive man, a very pure individual, very cautious in what he said. I negotiated with him for 3 days and I never made a dent in his armor. He was looking after those stockholders and he almost looked at me with what I thought was contempt. Finally I got up in my youthful enthusiasm and some impulsiveness that I am very much against these days, and I said, "So far as I am concerned, you can take a running jump and go straight you know where." The old

gent didn't get the slightest bit rattled. He just looked back and smiled and said, "I am sorry you feel that way, young man. We have to do these things as we see them. We are men of convictions and we have to carry out our views and the views of our stockholders as we think we ought to." All of my REA and public power people applauded me and said it was a great speech. I started out of the room and they all stood. As I walked out the door, I saw an old man there that was the general counsel for the water district. He was an ex-Senator. I said, "Senator, how did you like my speech?" He said, "Come by the office and I would like to talk to you about it." I said, "Oh, oh." So I went by and he said, "You are in public life. You are a young man just starting out and I want to see you move along and do well. But," he said, "the first thing you have to learn, son, is to tell a man to go to hell and to make him go are two different propositions."

I said, "Mr. Carpenter doesn't want to go. This is a free country and he is going to stay around here, and he thinks it is pretty hot down there, and he doesn't elect to take your choice." He said, "It took me 2 months to get this group together and you bust it up in 2 minutes. I will have to work now until we can get together again and follow the advice of the Prophet Isaiah, 'Come now, let us reason together'." Many, many times in the Senate and in the other places of responsibility where I have served I have harkened back to that day in that little courtroom when I expressed my views on the president of the power company. A lot of times I wanted to get up and tell Bob Taft what I thought about his viewpoint and where he ought to go, or Bill Knowland, or Everett Dirksen, or even some of my democratic friends, from time to time.

But I never could forget what that old, wise general counsel said to me, "Tell them to go and make them go are two different propositions."

I do want you to know, though, that by your reasoning together, your cooperating together for the benefit of all, I think that is true conservation. This is the kind of conservation action that your Government is going to continue to provide the leadership for. I grew up on the land. The life of my parents depended entirely upon the bounty of the soil. I devoted much of my public life to protecting for our children the great legacy of our national abundance. So I come to report to you that we have not just talked about progress in this field. We have made progress, and we are at the close of the greatest conservation Congress in the history of the United States of America.

The 88th Congress has passed more than 30 important conservation bills. A new land and water conservation fund will help the States and the cities set aside spots of beauty for recreation and pleasure. A Wilderness Act will guarantee all Americans the national magnificence which has been your heritage. Water research and water planning bills will speed the development for the soaring water needs of this great, growing Nation. We established continental America's first new national park in 17 years—23 new national park areas—four new national seashores—and a national riverway. We began a new Bureau of Outdoor Recreation so that our children will have a place to hunt and to fish, and to glory in nature. We began the construction of over 200 water resource projects with 70 more scheduled for 1965. We built or we began more than 5,500 miles of transmissions lines in this great land. Flood control funds were increased by more than 50 percent.

All this we have done, and more. And I pledge you that my administration is going to continue with this progress. But we must do more than continue. Our problems are changing every day and we must change to

meet them. Three changing forces are bringing a new era to conservation. The first is growing population. By the year 2000, more than 800 million Americans will need 10 times the power and $2\frac{1}{2}$ times the water that we now consume. Increasing pressures will take our resources, and increasing leisure will take our recreation.

The second is the triumph of technology. The bright success of science also has had a darker side. The waste products of our progress, from exhaust fumes to radiation, may be one of the deadliest threats to the destruction of nature that we have ever known.

The third force is urbanization. More of our people are crowding into cities and cutting themselves off from nature. Access to beauty is denied and ancient values are destroyed. Conservation must move from nature's wilderness to the man-made wilderness of our cities. All of this requires a new conservation. We must not only protect from destruction, but we have the job of restoring what has already been destroyed—not only develop resources, but create new ones—not only save the countryside but, yes, finally, salvage the cities. It is not just the classic conservation of protection and development, but it is a creative conservation of restoration and innovation. Its concern is not with nature alone, but with the total relation between man and the world around him. Its object is not just man's welfare, but the dignity of his spirit.

Above all, we must maintain the chance for contact with beauty. When that chance dies, a light dies in all of us. Thoreau said, "A town is saved not more by the righteous men in it than by the woods—that surround it." And Emerson taught, "There is no police so effective as a good hill and wide pasture."

We are the creation of our environment. If it becomes filthy and sordid, then the dignity of the spirit and the deepest of our values immediately are in danger. In the development of a new conservation I intend to press ahead on five fronts:

First, we seek to guarantee our children a place to walk and play and commune with nature. The demand on our recreational facilities is doubling each decade. We must act boldly or our future will be barren. We will move vigorously under our recent laws to acquire and to develop new areas for recreation in this country—emphasizing areas of concentrated population. And we will be ready to expand our programs to meet the developing needs. A national program of scenic parkways and scenic riverways is on the horizon. I hope, for instance, to make the Potomac a conservation model for our metropolitan areas. In our cities, open spaces must be reserved where possible, and created where preservation comes to light.

Second, we must control the waste products of technology. The air we breathe, the water we drink, our soil, our wildlife, are all being blighted by the poisons and the chemicals, and all the inevitable waste products of modern life. The skeleton of discarded cars, old junk cars, litter our countryside—and are driving my wife mad. She thinks that one of the advantages of getting defeated is to give her some time to get out and do something about cleaning up the countryside and these old junk cars along our beautiful driveways. I intend to work with local government and industry to develop a national policy for the control and disposal of technological and industrial waste. I will work with them to carry out that kind of a policy. Only in this way, I think, can we rescue the oldest of our treasures from the newest of our enemies.

Third, we must increase mastery over our environment through the marvels of new technology. This means rapidly increasing emphasis on comprehensive river basin development. So we plan to cooperate at every

level to develop the resources and to preserve the values of entire regions of this land. It means drawing fresh water from the oceans. Within a few years economic desalinization will be a reality for a large number of Americans. It means learning to understand the weather and to do something about it. The advance notice that we got on Hurricane Carla saved us thousand of lives and millions of dollars. It means that use in every field of the newest knowledge to meet the oldest needs. It means encouraging the development of the genius of man in order to unlock the secrets of the earth.

Fourth, we must prevent urbanization and growth from ravaging the land. I will suggest, in cooperation with local government and private industry, policies for such prevention. Their goal will be to insure that suburban building, highway construction, industrial spread, are conducted with reverence and with the proper regard for the values of nature.

Fifth, we must conduct conservation on a global scale. The Antarctic Treaty, weather, and fishery agreements, the treaty with Canada that we celebrated yesterday, are all examples of what can be done if Nations will devote common effort to common interest.

These are some of the fronts of the new conservation which I will work to carry forward. And I tell you now that this hope will always be among the closest to my heart.

From the beginning, we have been a people of open spaces. We have lifted our eyes to the deserts and to the mountains, and now we are lifting them to the stars. But on this earth the ring draws closer around us. So let us not leave our task with the reproach of our children already ringing in our ears. Far, far too much is at stake. There are the resources on which our future rests, but there is a good deal more than that. In a thousand unseen ways we have drawn shape and strength from the land.

Respect for man and reverence for God have taken root in our spacious soil. In isolation from nature lies the danger of man's isolation from his fellow and from his creator. All my life I have drawn sustenance from the rivers and from the hills of my native State. I do not see them so often any more these days, and I am lonesome for them almost constantly. But their message of love and challenge is written in my spirit. I want no less for all the children of America than what I was privileged to have as a boy.

In the book of Matthew, it says "The floods came, and the winds blew, and beat upon the house, and it fell not, for it was founded upon a rock." The house of America is founded upon our land and if we keep that whole, then the storm can rage, but the house will stand forever.

This morning you have an unusual assemblage in this room. I was escorted to the dais by a progressive young Republican Governor. I was met by a cordial, hospitable mayor. I flew across the continent with a number of outstanding leaders of the Congress, of the House and of the Senate. You have an unusual quality of leadership in this great Northwest. We celebrated some of the fruits of that planning yesterday in Canada, fruits of the work of men like the two great Senators from Washington, and this wise, veteran legislator from Vermont, George Aiken, who sits on the front row and does me great honor by coming to this area of the Nation with me.

Oregon, Washington, California, and Montana, all the great West, is here this morning, not to just talk about the glories of the past, but to try to pull the talent of this great region together to undertake an adventure of tomorrow. I first came to Portland as a youngster fresh out of uniform in the early days of the war to scrap the battleship *Oregon*. I saw then all of the hope and the daring, and the idealism, and the spirit of con-

servation that I have observed reflected by your spokesmen in the halls of the House of Representatives and in the Senate. We have come along ways in those 20-odd years, but we have not gone nearly far enough. The eyes of the Nation are looking to you to provide the leadership that will not just make this the best conservation Congress we have ever had, but that will help us to bring our dreams of a more beautiful America, a safer America, a healthier America available to our children as it has been available to us.

Thank you very much for your wonderful hospitality.

Mr. MORSE. The speech was in keeping with the conservation philosophy of the great Pinchot and Teddy Roosevelt. It was in keeping with the great conservation philosophy of Woodrow Wilson and Franklin Roosevelt; of Charles McNary and Hiram Johnson; of Clarence Dill, George Norris, and Robert LaFollette. It was in keeping with those men in public life who through the years have stood up and opposed all the nefarious, selfish attempts that have been made by certain groups that put a dollar sign always above the public interest; that would have sought to turn the rivers of this country and their hydroelectric power potential over to their selfish interests, and thereby deny to the people the maximum development of their rivers for the benefit of the public interest.

As I said in Portland after the speech, I say on the floor of the Senate today, that, important as the speech is as of today, it will be a speech of greater importance 3 or 4 years from today, because by that time I am sure we will have accomplished an implementation of many of the challenges that President Johnson laid down in his Portland speech.

I am proud to be associated with a statesman who has the vision and the foresight President Johnson portrayed in his great speech on conservation last Thursday morning. He has given, irrespective of their partisan affiliations, a challenge to all Americans to carry forward with a basic tenet for which so many of us have fought so hard for so many years in the Senate. We have a common obligation to see to it that we perform our obligations as trustees of God's gift of the natural resources of this rich land to the people of the country, and that we have an obligation to see to it that we leave those natural resources in a better condition than that in which we found them. When all is said and done, that is the underlying principle of the philosophy of the great conservationists of all time. It certainly was demonstrated last Thursday to be the underlying philosophy of our great President.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. MORSE. Mr. President, I turn now to the pending business before the Senate.

Mr. PROXMIRE. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. PROXMIRE. In the event the distinguished Senator from Oregon finishes his remarks and moves to adjourn the Senate in the absence of the Senator from Wisconsin, would the Senator from Oregon at that time ask that on Tuesday, after the morning hour, the Senator from Wisconsin shall have the right to complete the speech which he started today and would like to complete, but did not, because he wished to accommodate the Senator from Oregon and yielded to him so that he might speak? It is my understanding that the Senator from Oregon has a substantial statement to make and will take some time today. Although, as the Senator from Oregon said, it is planned to have the Senate adjourn at a reasonable hour, it might not be possible for the Senator from Wisconsin to return to the Chamber.

Mr. MORSE. Mr. President, we ought to attend to that matter right now. I appreciate the special consideration that has been extended to me. I think we will all agree that, under the circumstances, the Senator from Wisconsin was most courteous in being willing to suspend his speech temporarily while I made mine, in view of the reason I have given for my absence from the Senate during the next 2 days. Therefore, it is only courteous that I should now ask unanimous consent that when the Senate reconvenes at its next session, after the transaction of routine morning business, the senior Senator from Wisconsin be recognized to complete the speech that I have interrupted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, the "can of worms" that is before the Senate should be referred to the Committee on the Judiciary. The debate on the Javits amendment in the nature of a substitute established that there is no area of agreement on the authority of Congress in this field. The opponents of the Javits substitute insisted that because it had no force of law, it was useless; and the advocates of the Javits amendment claimed that Congress had no authority to enact binding legislation in this field and, hence, could do no more than express its opinion. The debate on the Javits substitute revealed all the weaknesses of a parliamentary body when it fails to use its committee system.

It has been charged that the courts have caused confusion, but we are only compounding it by our procedure in the Senate. Ask the Committee on the Judiciary for its printed hearings on bills or proposed constitutional amendments relating to reapportionment. The answer will be given that there are no hearings, printed or otherwise. The Committee on the Judiciary has not held public hearings on this subject at all.

That is a travesty on the legislative process. We are dealing with some of the basic, abstract principles of constitutional rights. We have no record or a single statement from a single constitutional law authority in this land. What are we thinking of? I say to the American people: You do not have any rights of freedom separate from the ab-

stract principles of our constitutional government. Here is a flouting, a denial, a desecration of a basic principle of our American constitutional system; namely, that there shall be three coordinate, coequal branches of government, each branch having its supposedly protective rights within its own domain. We have a Congress in which many Members are engaged in a game of playing that they are Justices of the Supreme Court of the United States.

It is for the Supreme Court, not Congress, to decide the constitutional rights of the people. That is undeniable. It has been undeniable ever since 1803, when the great Marshall, of Virginia, in a landmark decision, handed down a ruling that the constitutional rights of the American people are determined by the Supreme Court of the United States. That is where the Congress vested the right giving the people the check, and that check, of course, is the check of the constitutional amending process.

I do not care what kind of semantics are used. As Senators know, I did not make myself too popular last week; but any time popularity and image cultivation becomes my motivating principle, I will get out of the Senate. I did not make myself too popular by being the one so-called liberal in the Senate who refused to go along with the Javits amendment. Of course, I did not go along with the Javits amendment. I did not teach constitutional law to walk out on my teaching merely because I walked into politics.

The Javits-McCarthy-Humphrey substitute for the Dirksen amendment that was voted on the other day was an affront to the Supreme Court of the United States. I do not care what language the liberals use to rationalize their position. They affronted the Supreme Court when they sought to advise it on the handling of apportionment cases. They affronted our system of government that is based upon three coordinate, coequal branches of government. They tried for the moment—and I say this respectfully, but I believe it is true—for reasons of political expediency to put themselves above the Supreme Court.

How would these flaming liberals really feel, if some day the Supreme Court were to meet and hand down a "sense of the Court" opinion telling the Senate how it should transact its business. I can hear the speeches now.

Mr. President, if it becomes necessary between now and Christmas to tell the Senate what I believe those speeches will say, I shall be glad to do so. I am ready to stay until Christmas. I am willing to stay in this Chamber until I drop to prevent the Senate from affronting the Supreme Court.

There is a candidate for the Presidency making speech after speech undermining the prestige of the Supreme Court. I hope the American people will recognize those speeches for what they are—as I am sure they will—and will give him the treatment in November he has coming to him.

The system of three coordinate, coequal branches of Government must be

preserved, if the American people are to remain free.

Congress has no constitutional right, legal or ethical—and I underline the word "ethical"—to sit in legislative assembly and affront a coequal branch of Government.

I have listened to many cheap arguments of political expediency during my 20 years in the Senate: "We must go home to campaign. I must get to campaigning."

My answer is, "So what?"

No Member of this body has any right to vote for a substitute to the Dirksen amendment that is itself a rebuke to the Supreme Court—as the Dirksen amendment is a rebuke to the Supreme Court—out of any motivation of political selfishness.

It is not important for any Senator to go home to campaign, so long as his primary trust is to keep faith with the oath he took when he was sworn in at the beginning of his tour of duty. He has a clear duty to stay and fight, so long as it may be necessary, to stop the passage of the Dirksen amendment until there have been committee hearings.

Let me make clear, as I have done so many times, that when I participate in a filibuster in the Senate, I never participate in one aimed at preventing a vote from ever occurring on a piece of legislation. I am participating in a filibuster now. I am the only liberal who admits to participating in a filibuster at this moment. Most of my liberal friends are great in the use of semantics. When they engage in educational debate, they say they are engaged in prolonged debate, when everyone knows what they are engaging in. They are engaging in a filibuster.

We need to ask ourselves the question: "What kind of filibuster?" Not a filibuster to prevent a vote from ever occurring, but a filibuster that assures the American people time will be made available to accomplish two things: First, committee hearings; and second, a committee report. Committee hearings are vital to the legislative process. Those hearings and the committee report can be used by the courts, and ultimately by the U.S. Supreme Court, to determine the meaning of the legislation from the standpoint of legislative intent at the time it was passed.

But they are much more important to us here in the Senate for our own guidance.

I participate in that kind of filibuster. That is why I am perfectly willing to participate in a filibuster on this question until Christmas or longer, if necessary, in order to prevent the many injustices of the Dirksen amendment, to be used as a shackle upon the freedom of free men in this country.

I participate in filibusters, and shall be glad to participate in a filibuster on this question, including a filibuster against any substitute.

I serve notice that I am fed up with substitutes such as the Javits-McCarthy-Humphrey substitute of the other day, which is only a little less objectionable than the Dirksen amendment.

Any substitute which affronts the Supreme Court, any substitute that seeks to win approval of Congress for what amounts to a reprimand of the Court, any gratuitous comment directed to the Federal judiciary about any class of cases, I shall filibuster.

It will be interesting to see how many liberals join me in that cause.

I am in good voice. I take it for granted that the Senate would not act while I was away attending the funeral of a colleague. I shall be back on Thursday.

(At this point Mr. PROXMIER took the chair as Presiding Officer.)

Mr. MORSE. Mr. President, I am against substitutes. I have attended the meetings and they have yet to put together a chain of words which do not amount in meaning and in fact to a rebuke of the Supreme Court. They say it is justified because Senators wish to go home. It is justified because Senators wish to get out of Washington. It cannot be justified. The only issue we can justify is a vote to lay on the table until we can have hearings.

So, Mr. President, I am going to filibuster against the Dirksen amendment. I am going to filibuster against substitutes to the Dirksen amendment, until we can get some hearings on the Dirksen amendment and on the substitute.

I have listened to the liberals saying, "Oh, there have been no hearings on the Dirksen amendment." I did not hear them even whisper that there had been no hearings on their substitute.

Let me say to my liberal friends that it is just as wrong to go to a vote on a substitute as to go to a vote on the Dirksen amendment. It is bad, rotten, legislative policy. It does not protect the American people. So, let us stop all this shadowboxing, all this subterfuge, all this legislative hypocrisy. I am speaking only my opinion and charging no one with it, I merely give an interpretation. Let us be determined to protect this basic right of the American people to have hearings on the Dirksen amendment.

Then, Mr. President, I shall filibuster against it because it is a rider on the foreign aid bill. I have listened to these magnificent speeches about how bad that policy is. But a substitute is a rider, too. It is just as bad from the standpoint of the legislative process. We cannot justify legislation on a major subject matter by way of a rider on another major subject matter, when the two are nongermane to each other. That pollutes the legislative stream of the Senate. It makes it stink. It is a stinking process.

Mr. President, can we not as liberals stand together for once in support of purity in the legislative process? Do not tell me again, "Oh, but you must compromise, WAYNE." Of course, we must enter into many compromises. I enter into compromises, but never knowingly compromise what I consider to be a matter of principle. This is a basic principle in the legislative process. I shall not buy that expediency. On the contrary, I believe that we have a solemn trust and obligation to stand up against legislating

by way of a rider on the foreign aid bill. And, I am against the foreign aid bill.

I have been asked, "What are you objecting so strenuously for? You are against the foreign aid bill. This will help you." I would not use those tactics to defeat a bill that I was against. If a bill cannot be defeated because of its innate badness, if the bill be one on which there have been hearings and a committee report, I shall be ready for a vote after I have said all I wish to say about the bill.

So I am not interested in seeing the Dirksen amendment used to defeat the foreign aid bill.

I shall filibuster in order to give the American people time to catch up with Congress. I have seen the importance of that procedure so many times in my years in the Senate. This will also give the Senate time to catch up with itself. Many a time I have seen a measure that the old "steamroller" in the Senate was ready to push through, with full steam ahead, when 25 percent of the Senate would be the most that really knew very much about the merits of the bill.

When we have a major bill such as this bill, full of all the abstracts that this bill contains, involving so much of the constitutional history of the Republic, related so directly to our basic freedoms, we must have time for the people to catch up.

We have been discussing this matter now for 30 days. Did anyone really think 30 days ago that there would be anywhere near the public interest in this subject matter from the standpoint of its substantive merit that there is today? Thirty days ago, the editorial writers were still uninformed.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. DOUGLAS. Even the prescient Walter Lippmann misunderstood the issue and wrote an editorial implying that the Dirksen amendment was a forward step.

Mr. MORSE. He performed a great disservice to the American constitutional form of government in this country by that column.

Mr. DOUGLAS. But he has since turned at least halfway back.

Mr. MORSE. He has made some noise in that direction. But I am still waiting for the Lippmann article in which he recognizes his previous disservice and his new enlightenment on the subject—if he has been converted.

The American people are thinking about it now. The American people know the importance of the 14th amendment to the preservation of their freedoms. We have caused such disturbance in the thinking of so many people in regard to the issue we have brought to their attention, concerning their rights under the 14th amendment, that we have had rightist groups, ultra-reactionary extremist groups pour out propaganda that the 14th amendment really is not a legal part of the Constitution of the United States. Such nonsense. Where do those extremists propose to repeal it? See what will happen if they try. Tell the American people

that we must get rid of the 14th amendment, and see what their reaction will be. Thank God, the overwhelming majority of the American people believe in the implementation and constitutional guarantee of equal protection of the law. We cannot have a free society without it.

The difficulty is that with problems as abstract as this, there is always a tendency for some people to take refuge in a rationalization shelter labeled "theory." They think it is too theoretical. How are we to make the American people understand that these theoretical principles of government are the stuff out of which freedom is woven? They are the warp and the woof of our liberty. It takes time.

That is the reason why the senior Senator from Oregon is giving his third reason for opposing any quick vote on this question, except a vote to lay on the table. I believe we ought to keep this great seminar going. I look upon the Senate of the United States these days, as far as the Dirksen amendment is concerned, as a seminar in assembly.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. DOUGLAS. Is it not lamentable that the supporters of the Dirksen amendment do not take the floor and justify their position?

Mr. MORSE. They cannot justify it. How can they justify an unconstitutional amendment? How can they justify attacking the U.S. Supreme Court in the carrying out of its duties within its constitutional prerogatives? They cannot justify it. So, they want to railroad it through. The head of steam has been on. A few of us, however, have been throwing a few barriers on the tracks. We are not through.

I announce that I am perfectly willing to stay here until Christmas. It will not have any effect on the elections if we stay here. The people in the States of Senators who oppose the Dirksen amendment will respect them for staying here and carrying out their trust. The President of the United States will be elected overwhelmingly throughout the country. The American people are becoming more frightened day by day by the irresponsibilities of the Republican candidate.

IRRESPONSIBLE CHARGES IN FOREIGN POLICY

I digress long enough to say that I was shocked, as chairman of the Subcommittee on Latin American Affairs of the Senate, to hear the Republican candidate attack the late beloved President of the United States, John F. Kennedy, a former Member of this body, with his inexcusable slander and libel that President Kennedy played politics with the security of this country in 1962 in connection with the Cuban crisis.

If Jack Kennedy were sitting in the seat in the rear of the Chamber which he occupied for many years, the Senator from Arizona would have his hand called in no uncertain terms and his libel answered. Jack Kennedy is dead. He cannot answer. But as chairman of the Senate Foreign Relations Subcommittee on Latin America, I propose to answer

the Senator from Arizona and say that there is not a word of truth in his libel and slander against Jack Kennedy.

Mr. President, I know what happened in the hours of the early dawn of that historic morning. Jack Kennedy was not a war monger. Jack Kennedy believed that he had a sacred trust as commander in chief and President of this country to win a peace with honor, but to proceed to meet the security needs of this country any time a crisis called upon him to do so.

I should like to say for the benefit of the Senator from Arizona that when the State Department and the Pentagon submitted to the President of the United States the incontrovertible truth, that Castro and Khrushchev had placed in position in Cuba land-to-land missiles—not land-to-air missiles, which under international law Castro had to put in place as a matter of national security of his own country—but land-to-land missiles, thereby jeopardizing the security of the United States and the Western Hemisphere, the President made his decision in those early hours of the dawn. He served notice that those missiles would be dismantled or we would dismantle them.

He did bring about their dismantling, and he did it without resort to war or armed attack of any kind. He did it with a loss of life limited to one or two observation pilots.

Yet the Senator from Arizona seeks to discredit one the greatest achievements of the American Presidency in order to pick up a few votes. Ever since October of 1960, he has indicated that his policy toward Cuba would be one of war and near war. His formula is not the achievement of U.S. objectives through the channels of international law, as was Jack Kennedy's objective, but the prescription of violence and use of force to achieve those objectives. That is why Jack Kennedy is now under attack for one of his finest contributions to world history.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. DOUGLAS. Did he not make a further statement that if any nuclear missiles fell upon the United States, they would be treated as missiles coming from the Communist bloc and we would retaliate with the full force of our nuclear power?

Mr. MORSE. He made that perfectly clear. Khrushchev understood it and Castro understood it.

Mr. President, for any candidate in the midst of an election campaign to try to deceive the American people into believing that their Commander in Chief at that critical hour was playing politics with the security of this country establishes irresponsibility—and that is the kindest word I can use within the rules of the Senate. That is my answer to the American people. There is no place in this campaign for the desecration of the grave out in Arlington Cemetery over which a perpetual torch burns, continuing to send out a light symbolic of the lamp of world statesmanship that Jack Kennedy kindled and kept burning.

There is no place in the Senate for playing politics either in the preservation of our system of three coordinate and co-equal branches of government.

I am opposing the Dirksen amendment again today because the Dirksen amendment is so alarming from the standpoint of its repercussions and its future implications to our whole constitutional system of government. If in shortsightedness the Senate should surrender and go home after adopting either the Dirksen amendment or a substitute amendment, that would have exactly the same effect so far as being a rebuff to the Supreme Court is concerned.

BAD LEGISLATIVE PROCEDURE

I have already pointed out that the Senate Judiciary Committee has not held public hearings on this subject.

The committee reported, without hearings, S. 3069, introduced by our colleague the Senator from Illinois [Mr. DIRKSEN]. But the language of that bill is quite different from the language now before us in the present Dirksen-Mansfield amendment. The fact is that there are no hearings and no committee report on the Dirksen amendment.

Moreover, there is no guidance to Senators who have been suggesting alternative language to the Dirksen amendment.

We are all sitting here spouting curbstone opinions about the manner in which the Federal courts have been handling reapportionment cases, and whether Congress should do anything about it, and if so, what. To do that without the help of so much as an hour of hearings, without the help of any opinion or position from the Justice Department, is an exercise in futility.

It is worse than that. It is an insult to the American people, for the American people have a right to expect us to do our legislative job thoroughly. They have a right to know that we shall at least have a basis for knowing all the implications of any major issue upon which we are called to vote. It would be a very interesting set of examination papers that we would get back from the Senate, may I say most respectfully, if we submitted to the Senate about 20 questions on constitutional law related to the Dirksen amendment, including constitutional history.

The suggestion that the courts should be supervised by Congress is bad enough without trying to accomplish the supervision by means of a Committee of the Whole.

No one who is seeking to give the American people an honest and unfettered opportunity to pass upon the merits of a constitutional amendment changing the court decisions should object to that. Of course, the backers of the Dirksen amendment have indicated that that is not what they want. Our friend from Illinois reminds us again and again that time, in his opinion, is of the essence and that reapportionment must be stopped, pending enactment of a constitutional amendment.

I ask: Why must it be stopped? Why is it not just as feasible to let the administration of justice proceed? Obviously, if that administration of justice is as

heinous as the Senator from Illinois tells us it is, then the American people will change the Constitution quickly enough. They can always do that. They can do it with fairly represented legislatures, as well as with the present malapportioned ones, if that is what they really want.

There is nothing whatever in our constitutional system or in our 150 years of practice under it that sanctions the suspension of justice, the suspension of the Constitution, until a constitutional amendment can be passed.

And however it may be phrased, that is what is sought to be done here with the Dirksen amendment and the various substitutes. The Senator from Illinois [Mr. DIRKSEN] thinks he is directing the courts to give the States time; the Javits proposal was designed to express the opinion of Congress that the courts should take into consideration any constitutional amendment that may be offered on the subject.

I am tired of hearing Senators say they are willing to vote for something if it is meaningless. There is no reason to vote for something meaningless; and nothing that is enacted on the subject will be meaningless because it will have great impact upon the American people even if it has no impact upon the courts.

It simply is not possible to intrude upon the function of the courts and still be meaningless. And if there is to be no intrusion upon the function of the courts, then there is no call to pass anything.

Both the Dirksen and Javits proposals have one thing in common; they are intended to slow down the courts in reapportionment orders. Why else are they offered? One is a directive, the other a request. But the Senator from New York would have no reason in the world to propose any language on the subject at all if he were not seeking to restrain, to slow down, to caution the courts on their application of the 14th amendment to State legislatures. He has advocated his "sense of the Congress" approach as being more effective with the Court than the Dirksen language. But at the same time, support for it was sought among liberals on the basis that it was meaningless and would have no effect.

That is the measure of how confused we are in our deliberation and in our understanding of the issue.

If one is really seeking to vote for something meaningless, one could probably vote for the Dirksen amendment, because, as the Senator from New York has said, it is undoubtedly unconstitutional and therefore null and void. Certainly it would be disregarded by the courts just as readily as a "sense of the Congress" resolution would be disregarded.

The debates and votes taken so far indicate to me that Senators do not really know whether they want to do something effective or not. A "sense of the Congress" resolution is ineffective because it is only advisory. But the Dirksen amendment is ineffective because it is unconstitutional. So what is the difference?

Both constitute an attack upon the Federal judiciary. They lend aid and

comfort to those who seek high office on a platform of undermining the Federal courts. Moreover, that is the intent of most of them. It is their design to keep the State legislatures intact. We have no other reason to be considering any proposal on the subject at all.

The argument between Senators with that intention is how to do it effectively.

I regret that so many others who do not want to suspend the administration of justice have lent themselves to one or the other of these devices as being the lesser of the evils. I think they are wrong in their choice, for one thing. A case can be made that the Dirksen amendment is less harmful than anything else because it is so patently unconstitutional.

For my part, I deny the validity of the objective of all these proposals. They are designed to perpetuate an unsound system of area representation of the State legislatures, in violation of the 14th amendment. They are designed to perpetuate an illegality until it can be made legal.

Why do not the advocates of malapportionment simply put their efforts behind a constitutional amendment to change the 14th amendment? Why do they not concentrate on educating the American people to get behind a change in the 14th amendment? Why it is that they are not willing to leave the issue to the wisdom of the people?

What they are really trying to do is to amend the Constitution by suspending its enforcement. I shall always be opposed to that approach. There is nothing the Federal courts are doing with respect to the State legislatures that cannot be overturned in the years ahead if the American people decide they do not like the application of the Constitution as it is now written.

The Senators who are ardently backing the Dirksen amendment have made repeated pleas to the effect that time is of the essence, that Congress must act now. But time for them is only of the essence because they know that once the people have tasted equal representation in their legislatures they will never go back to the old system. They know that Congress must act now, because if it does not, all is lost for malapportionment forever. They know that over the years, the American people will appreciate, and not oppose the Court decisions, just as they came to appreciate and not oppose the civil rights decisions.

If the Supreme Court has decided that the 14th amendment applies to a situation the people do not want it applied to, they will change their Constitution in time.

Why is that not good enough for the Senator from Illinois and his colleagues? If a constitutional amendment is ever passed, every single State reapportioned under Court order will be free to go back to the old system. Why is that not good enough for the backers of these "Court-busting" propositions?

It is not good enough because they know it would never happen that way.

I am a veteran here in the Senate in connection with Court-busting bills. Time and time again in the Senate, in

the dying days of a session, there have been attempts to steamroller through this body various attacks on the U.S. Supreme Court. I have called them Court-busting bills. I refer also to wiretapping bills.

I believe the record will show that three different times the senior Senator from Oregon has prevented the passing of wiretapping bills in the closing days of the session by engaging in a filibuster in the Senate. On a few occasions I had some help. Each time I said I would be perfectly willing to enter into an agreement to fix a time to vote, or to limit debate on the wiretapping bills, after there had been committee hearings.

I knew what would be shown in those committee hearings. I knew what the overwhelming majority of the American people would say about them once they got the facts on the merits of the issue. I am satisfied that once the American people know of the attempts that proponents of wiretapping bills are engaged in to invade their privacy, and that a candidate for the Presidency of the United States is seeking to capitalize on them for political purposes, by giving the American people the false impression that the President of the United States is responsible for law enforcement—even in Phoenix, Ariz., which has one of the highest crime rates in the country, by the way—they are going to recognize that the problem of law enforcement is basically a State and local problem. The Federal Government must cooperate with the local law agencies, and does. They sit down with the FBI, with one of the most dedicated public officials in my time, J. Edgar Hoover.

Come forward with evidence that the Justice Department does not cooperate with the States when they ask for help in connection with criminal law enforcement. But it again is misleading and deceiving the American people to create in the midst of a political campaign the false impression that, because we have stopped the passage of Court-busting bills in the Congress of the United States, we have added to the crime rate. There is not a scintilla of evidence that supports that contention. Police state methods do not have to be adopted in order to have efficient criminal law enforcement.

SAME PROCEDURE USED IN OTHER COURT-BUSTING BILLS

I joined in preventing the passage of a Court-busting bill that sought to take away one of the precious guarantees of freedom in this country in the field of habeas corpus law. Let me say to the American people: "You would not be a free people if you did not have the protective rights under habeas corpus. Do not forget that your constitutional fathers carried on a successful revolt against the British Crown in part because of the tyranny of the British Crown in the field of habeas corpus."

How short are our memories?

I am ready to do it again this year, because it is in the incubator; it is in the hopper. I have given clear notice that I shall fight it as hard this year as in past years.

There is another Court-busting bill,

or a bill that has some Court-busting features in it, which would repeal the Mallory rule. The Mallory rule was incorporated in the unanimous decision of the Supreme Court which declared that when a Federal arresting officer puts his hand on the shoulders of free men and women, he has the legal obligation to take the arrested man or woman without delay before a committing magistrate for commitment or release.

Yet in this political campaign we find the deceptive tactic being used by the Republican candidate for President which seeks to mislead the American people into the false belief that the preservation of that precious right of freedom and protection from false arrest under the Mallory rule shall be denied to the American people. The basis of the false argument is that the preservation of the rule has something to do with crime rates.

The rule exists in the District of Columbia. However, I ask Senators to go over to Baltimore, where it does not exist, and take a look at the crime rate; or to go to Phoenix, Ariz., or go to any city in this country where, under State administration, not bound by Federal rules, the Mallory rule does not exist. The crime rate is as high or higher than in the District of Columbia.

If the police have probable cause for the arrest, the arrested person is bound to be committed. If the police do not have probable cause for the arrest, the accused should be released forthwith.

That is all that the Supreme Court said. It is a simple, elementary principle in protecting the American people and the constitutional right to be free from false arrest.

Only a few years ago the great Senator Carroll, from Colorado, who is no longer with us, a member of the Judiciary Committee, a brilliant lawyer, and fine constitutionalist, stood with me on the floor around 2 a.m. on the last night of the session. We stood shoulder to shoulder as we assured the Senate we would be very happy to have their company for the next several weeks, if necessary, if that is what it took to prevent the invasion of what we considered to be a precious safeguard of liberty, the right to be free of a public third-degree inquisition device.

The Senator from Colorado, as a part of our parliamentary strategy, decided that we ought to raise a point of order. We were sustained. I shall never forget the brilliant parliamentary argument the Senator from Colorado made on that occasion. I say good naturedly that it was to the relief of many of our opponents when we were sustained. They knew that the resolution for sine die adjournment could then be adopted before morning.

Mr. President, one must expect to be misunderstood during these fights on the floor of the Senate. However, one must never let those misunderstandings and criticisms divert one for even a second. I believe, as an old teacher of criminal law and criminal procedure, that no sacrifice on our part in the Senate by way of whatever effort we find necessary to put out to stop that kind of invasion of

freedom is too much for our people to ask.

I know what a police department can do. As a member of the Committee on the District of Columbia and as chairman of the subcommittee which has jurisdiction over law enforcement in this city, I shall continue to do everything that I can to strengthen our police, but within the limitations of the constitutional rights of the American people.

I shall never give to any police department the authority to arrest an American citizen, to take him down to the police department, and subject him to the inquisition of that department—and this was possible prior to the Mallory rule—for as many hours as they want to put the third degree on that person.

Those are police state tactics, not the tactics of a democracy.

As one who participated in many crime surveys before coming to this body, I say that it has taken the dedicated service of those many people in this country who have brought forth, in the last 30 years, a series of crime surveys, to put a check on the abusive, arbitrary, third degree practices of one police department after another in this country.

I shall never be a party to reviving those abuses. Therefore I have opposed that kind of Court-busting legislation.

PASSPORT REGULATIONS

Mr. President, a few years ago the U.S. Supreme Court handed down a landmark decision in the field of passport law. In the State Department we had a Passport Division which was prosecutor, jury, and judge, all in one, and which acted behind the black curtains of concealment. Those curtains hung as a symbol of the death of the rights of free men and women behind those curtains. The State Department had relegated unto itself the dictatorial function and authority to determine whether a free man or woman could travel abroad.

The Supreme Court in that great decision made it clear that that cannot be reconciled with freedom, either. How well I recall the speeches of abuse against the Supreme Court made on the floor of the Senate. How well I recall the wild charges about aiding Communists and playing into the hands of Moscow. I have always taken the point of view that the best way to whip a Communist in his vicious lying propaganda is to get him out in the open. So there were attempts in the Senate to pass a Court-busting bill with respect to passport legislation. I did my best to forestall it in the closing hours of that Congress, and it was not passed.

Thus, far, such bills have been beaten. But the attempt will be revived. Extreme rightists in this country will attempt again, from time to time, periodically, to make political capital out of their super-patriotism. But if they are allowed to get by with it, they will extinguish one great constitutional guarantee after another, and set up their own police state.

I could continue indefinitely. I was counting up the cases the other night. I think there have been some 10 or more

Court-busting bills in recent years that I have fought to block in the dying days of a session. I have always appreciated the help I received from a few colleagues each time. There were never very many; there were never enough, judged from the standpoint of support those of us who fought those bills should have received.

I find myself today in disagreement with some of my beloved liberal colleagues in the Senate in regard to the parliamentary course of action that should be followed in connection with the Dirksen amendment. Some of them have convinced themselves that they ought to compromise the issue. This great constitutional issue cannot be compromised without doing irreparable damage to the precious rights of the American people. I will not be a party to the compromise proposals of the liberals in the Senate. I consider them to be dead wrong in their approach, and equally guilty with the proponents of the Dirksen amendment. For every procedural argument they use against the proponents of the Dirksen amendment, they are equally guilty in their own procedure.

What they have offered as a substitute is no substitute. They, too, are guilty of affronting the Supreme Court of the United States. They think that if they put a little semantic sugar around the amendment, it will make it less poisonous. But, of course, it will not. They would do irreparable damage because they would mislead American public opinion. They would raise questions in the minds of the people in regard to the jurisdiction of the Supreme Court, and they would play into the hands of the Republican candidate for the Presidency, who is making false attacks and is going about the country seeking to undermine the confidence of the people in the Supreme Court.

I say to my liberal colleagues in the Senate: "You cannot justify your action. You ought to withdraw from your position quickly. Stop proposing substitutes for the Dirksen amendment, for the very nature of your substitutes is a reprimand to the Court. It is bound to be."

But they say: "We are going to use almost entirely the language of the Court." What in the world does that have to do with the purport of a resolution when the language of the Court is written into the framework of a resolution that seeks to give direction and advice to the Court? That does not happen to be the prerogative of our constitutional system.

It is no less gratuitous. It is no less outside the framework of the Constitution. A blow to the courts from their friends is no less damaging than a blow from its enemies.

Again I say, as I said earlier this afternoon that we can imagine the howling that would go up in this august body if the Supreme Court started to hand out sense-of-the-Court opinions in regard to how the Senate ought to do its work. What about the old saying that what is sauce for the goose is sauce for the

gander? I say to my liberal friends that that saying is applicable to them.

What the proponents of the Dirksen amendment are asking Congress to do now is to suspend the Constitution.

DIRKSEN AMENDMENT WOULD SUSPEND CONSTITUTION

What the proponents of the Dirksen amendment are asking Congress to do now is to suspend the Constitution. What connotations that carries with it. What meager history one has to know to know the implications of that. How many nations have headed down the road to totalitarianism with that first step of suspending the constitution and constitutional liberties, or any portion of them.

Usually it is done by a chief executive. Usually it is an announcement by a head of state that he is suspending the constitution until unrest or violence is curbed. Often that is the last that is heard of the constitution, until a revolution takes place and a new one is formed.

I wonder what Members of Congress would say if a President of the United States announced that he was suspending the Constitution, or some part of it, or some right that it guarantees. The Constitution permits the suspension only of the right of habeas corpus, and that only in time of rebellion or invasion. That is the only provision of the Constitution that the document itself admits of abeyance. It was suspended in the early days of the Civil War by President Lincoln; but a court test later established that the terms of the Constitution meant that only Congress could suspend it.

Yet it is common among strong men governments to see the blessings of the rule of the law taken from the people as a key step in their subjugation to the rule of tyrants.

What we have here before us is a suspension by Congress of a constitutional provision. That is what the Dirksen bill provides. The equal protection clause of the 14th amendment is to be suspended until January 1966, insofar as it applies to State legislatures.

That is what the Dirksen amendment provides. It is an incredible thought to many of us that such an action could so much as be contemplated by Members of Congress, much less supported.

The Senator from New York [Mr. JAVITS] argued quite rightly that Congress has no power to do such a thing, and so the Dirksen amendment would be found unconstitutional by the courts when it came time for them to pass upon it.

So instead, it was suggested that rather than try to suspend the Constitution ourselves, we simply ask the courts to do it. The Senator from New York argued on behalf of his substitute that that was a more effective approach. That is the argument that will continue to be made on behalf of most of the other substitutes for the Dirksen amendment.

All the various compromise proposals call for some language that would ask the Federal courts to suspend the equal protection clause in this field for some specific or indefinite time.

What a devotion to constitutionalism. With one breath, Members of Congress condemn the Supreme Court and the Federal judiciary for usurpation of powers or for a variety of alleged distortions of the Constitution. And in the next breath, those same Members call upon the courts to suspend this provision of the Constitution altogether for as long as it may please the Congress of the United States.

That is some lesson to give the Federal judiciary. That is some directive on how to conform to constitutionalism.

That is some example to set for the younger generation that has just gone back to school, to learn about our constitutional system.

What are we thinking of, that we even entertain these measures and their various alternatives is simply beyond me.

Yet the Dirksen amendment to suspend a portion of the Constitution—to suspend the administration of justice—for 2 years has been before this body for some weeks. Opportunity to dispose of it has been presented, but not agreed to.

A substitute that asks the courts to suspend a portion of the Constitution instead of doing it ourselves has at least been rejected. That is some comfort. I believe that if mayhem is to be committed upon the Constitution, it should be done by the advocates and not by an agent directed by them. We should at least do our own dirty work, and not ask the courts to do it for us.

That is all these sense-of-the-Congress resolutions provide. They ask the courts to do only what we doubt we have the power to do ourselves. It remains my view that not only do we not have the power to hold up the application of the 14th amendment for any period of time whatsoever, but that we also have no power to ask the courts anything at all.

I will tell Senators the only way they can influence the Federal judiciary at all in this matter: it is to go home and express their individual views as citizens on reapportionment. The Federal judiciary is no more going to take notice of the sense of Congress acting as a unit than it would take note of an act of Congress suspending enforcement of the 14th amendment for 2 years, and for one simple reason: the first has no more constitutional sanction or authority than the other.

The unofficial, individual requests that Members of Congress may direct to the courts would have more standing with the courts than would any usurpation of power by Congress, whether it is worded as a directive or as a request.

Congress as an institution simply has no grant of power to interfere with the administration of justice, either by direction or by request. It has no grant of power to coach, advise, direct, beg, or plead with the judicial system in the disposition of constitutional cases.

EARLIER ATTEMPTS TO ALTER DECISIONS

The most powerful effort in this century to interfere was much more indirect—it was in 1937, with the attempt to add more judges to the Supreme Court. At least, that was within the power of

Congress to do. Congress has to fix the number of judges on the Court because the Constitution does not. But what is being advanced now, either by way of statute or by way of an advisory opinion, is outside the power of Congress to do.

Since 1954, there have been many other efforts, usually directed to the jurisdiction of the Court or to specific decisions, rather than to its personnel.

Probably the most onerous of these were H.R. 3, relating to the construction to be given to Federal statutes by the judiciary, and what was known as the Jenner bill, revoking appellate jurisdiction from the Court in cases involving congressional committees, executive security programs, State security programs, and admissions to the State bar.

I have already reminded Senators of the disposition that was made of H.R. 3. That bill was passed by the House July 17, 1958, by a substantial majority, 241 to 155.

A companion bill was reported from the Senate Judiciary Committee. It sought to direct the Federal courts that in construing Federal laws, none was to be regarded as having preempted State laws on the same subject unless the Federal statute specifically so provided.

That, too, was an effort by Congress to interfere in the administration of justice. It tried to preempt for Congress the authority not only to make its laws but also to interpret them as well.

When H.R. 3 was offered as a floor amendment to another bill, an effort to table it failed by a vote of 39 to 46.

But by the next day, wiser counsel had had the opportunity to make itself heard. The amendment was committed to the Senate Judiciary Committee.

That is where this amendment should go.

That bit of legislative history also took place late in a dying Congress. 1958 was an election year, too. There was pressure to adjourn. Members were anxious to get home to campaign. It was evident that there would be no calm deliberation but only rash haste in the consideration of the measure.

In those circumstances, the Senate returned the matter to committee.

In the same year, it declined to act hastily and under adjournment pressure on the Jenner-Butler bill, altering the jurisdiction of the Supreme Court by withdrawing from it jurisdiction over cases in four specified areas. That bill had been reported to the Senate from the Judiciary Committee. It was on the calendar.

Senator Jenner offered it as an amendment to a pending House bill that related to court appeals from orders of regulatory agencies.

This, too, came late in the session. On August 20, 1958, the Jenner amendment was tabled by a vote of 49 to 40. Once again, the Senate refused to deal with a matter basic to the separation of powers on a "hurry-up" basis.

There was every reason to doubt the constitutionality of much of the Jenner bill. That alone was sufficient reason to table it.

But all the same doubts adhere to the Dirksen rider and the substitutes pro-

posed for it. The Senate is widely divided on what our constitutional authority is in this field, since it does not relate to any powers delegated to Congress. We are totally divided and uncertain over what the effect of any of these proposals would be.

We are also divided over whether the U.S. Supreme Court should be rebuked by Congress. That is what some of the substitute language does. Some Senators feel that merely rebuking the Court is better than doing anything of a statutory nature.

But a case can be made that since Congress can in fact do nothing of a statutory nature, the only effect of any measure at all on this subject is its effect upon public opinion.

There is no language so innocuous that it will not harm and weaken the Federal judiciary among the American people. In a year when a presidential election campaign is being fought as much on that issue as any other, I cannot understand how so many Members of the Senate can contemplate giving any support whatever to that campaign.

There is no doubt that the Republican candidate for the presidency is carrying on a campaign against the Supreme Court, a campaign which seeks to undermine the prestige and the confidence of that Court with the American people.

This is an irresponsible attack that the Republican candidate is making. I am at a loss to discover any good reason why any of my liberal colleagues on the Republican or Democratic side of the aisle would join in undermining the prestige of the Supreme Court.

Mr. DOUGLAS. Mr. President, will the Senator from Oregon yield?

The PRESIDING OFFICER (Mr. NELSON in the chair.) Does the Senator from Oregon yield to the Senator from Illinois?

Mr. MORSE. I am glad to yield to the Senator from Illinois.

Mr. DOUGLAS. I am really pained that my good friend the Senator from Oregon is now indulging in the language that he is using. I believe that those of us who regard ourselves as liberals and who have borne a large share of the battle against the Dirksen amendment, have been doing so in order to defend the Supreme Court. I believe that we have shown proof of our feelings by the fight which we have been making on the floor. I yield to no one in the efforts I have made to defeat the Dirksen amendment.

We welcome the opposition of the Senator from Oregon against the Dirksen amendment. He has been a valiant ally in this respect; but I do say in all sweetness of spirit that he is no stronger an opponent of the Dirksen amendment, no stronger a defender of the Supreme Court than we are. It is not betraying any confidence to state that our group would reject any and all language which would in any event try to provide for a postponement of the decision of the Court from going into effect, or which would constitute a rebuke of past decisions of the Court, or which would suspend operations while a constitutional amendment was being offered. Moreover, so far as I personally am concerned,

I would certainly oppose any amendment limiting the Courts powers in apportionment matters.

All that we have tried to do has concerned the possibility of drafting language which, in effect, would tell the lower Federal courts to do precisely what the Supreme Court has told them they could do; namely, take into consideration the proximity of elections, and the time in which they have to prepare an alternative plan, and to try to throw the responsibility upon the State legislatures to as great a degree as possible, consistent with getting action.

Although I respect my friend, the senior Senator from Oregon, I do not like to be put in the pillory and told that we liberals are rebuking the Court and not being faithful to the decisions of the Supreme Court. That is not the case and I do not like to hear us charged with it.

What I would personally like to have happen is precisely what the Senator from Oregon would like to have happen; namely, for a tabling motion for the Dirksen-Mansfield amendment, to be proposed at an appropriate time. I would like to have it come at a time when we will have the maximum attendance and the support of the Senate democratic leadership and of the administration. For then we would have our best chance of success.

I hope that my good friend, the Senator from Oregon, will not proceed to divide our ranks. Although I respect his principles very much, I do not think there is any division, so far as purposes are concerned, between the principles of the Senator from Oregon and the rest of us.

We are probably not strong enough to carry a motion before the Senate. We are, however, strong enough by our persistence, probably, to defeat the Dirksen amendment. Whether we would be strong enough by ourselves to carry a tabling motion, however, which has parliamentary precedence, and which can be voted on without debate, is another matter.

We face a situation in which there are three or four groups, none of which is probably strong enough to impose its will affirmatively. In order to get an affirmative solution, we must get the support of an intermediate group, partly Republican, partly Democratic. We will accept somewhat meaningless language as relatively unobjectionable. But we would firmly object any proposal which rebuked the Supreme Court itself.

I hope the Senator from Oregon will take these points into consideration and withhold his answer. After all we have been comrades in arms and we do not ordinarily rebuke one's fellows in this fashion.

MR. MORSE. Mr. President, I say to my friend the Senator from Illinois, that his professed love for me could not possibly be greater than my love for him. I repeat every criticism now by reference that I have made of the liberals on the floor of the Senate today. I am familiar with the rationalizations of my good friend the Senator from Illinois [Mr. DIRKSEN]. We completely disagree with what he is attempting to do.

His substitute, no matter how much sugar he puts on the pill, is a rebuke of the Supreme Court. His substitute would undermine the confidence of the American people in the Supreme Court. His substitute plays into the campaign of the Republican candidate for President, who is trying to stir up a loss of confidence of the American people in the Supreme Court. I do not care what language is used, even though it be the language of the Supreme Court itself in writing it into the framework of the resolution. The fact is that they are giving advice to the Supreme Court. They are seeking to ask the Supreme Court to suspend the implication and the enforcement of the 14th amendment for the time being.

I am shocked by their course of action. I not only do not withdraw the statement that I made this afternoon in criticism of them, but I repeat it. I think they are performing a great disservice by the course of action they are following, on a so-called sense-of-Congress resolution. I tell them once more what I told them in private conference, that they ought to stay here as many weeks as necessary in order to fight this resolution, by way of a filibuster, if necessary, and let them try to pass a cloture motion. Then, let the American people pass judgment on every politician in this body who votes for a cloture motion without a resolution rebuking the Supreme Court going to committee hearings, without a single witness for it, without a single constitutional law authority appearing before the committee.

I am sorry that I have a great difference of opinion with my liberal friends on the Senate floor. I do not question their motivation, but I think their judgment is terrible in this instance. It is their judgment that I have been against. I am sorry, but so long as I feel that my trust calls upon me to do so, I shall do everything that I can to prevent even the liberals from passing what they say is a meaningless resolution. If it is such, it is an act in futility. It is bound to be a resolution that will be interpreted by the American people as a slap in the face of the Court.

There is nothing they draft that is not gratuitous advice or comment to the Federal judiciary. I am against the policy altogether, irrespective of the class of cases involved.

I say to my dear friend the Senator from Illinois that I appreciate his advice. But I reject his advice. It is bad advice, in my opinion. I stand, on the basis of my conviction, in opposition to their course of action, as far as their proposal for a resolution expressing the sense of Congress by way of a substitute for the Dirksen amendment is concerned.

It is an unfortunate development in the Senate. Do not talk to me about splitting the liberals. I did not split them. They split themselves when they proposed a resolution that, in my judgment, is unsound in constitutional history, unsound in constitutional law, and unsound in American public policy.

Mr. President, I am about through with my speech on this subject today,

although I shall speak at great length if necessary later.

The white backlash is not to be cultivated openly in the months ahead, nor will civil rights get much attention in its own right. But the same cause will be served by partisan candidates by denouncing the Federal courts, especially the Supreme Court. Read the papers. Read the accounts of the election campaign. One will read that in many parts of the country we are having a contest between one nominee and the Supreme Court.

That is the trend this campaign is taking, and the U.S. Senate will only expedite and promote it by adopting any measure of any kind that can be construed as advice or criticism of those courts.

Thus, in closing I say that what we ought to do is to stand firm, offer our vote for a motion to lay on the table, or offer to stay here and fight against this unconstitutional proposal for as many weeks as it may take, putting it up to the population in regard to the so-called cloture motion. I know it is said to me half a dozen times a day, "Do you want a cloture motion?" The answer is no. But if a cloture motion is desired, I am for holding responsible in American political life those who so vote. That is the answer. But the answer is not to compromise the Constitution. The answer is not for us to stoop at the altar of public expediency and convenience. On the contrary, the answer is that if we must go down in defeat, we should go down in defeat in defense of what we know is unanswerable, sound, constitutional theory. For, out of that theory will rise again the rights of the American people. The American people will lean forward and assert themselves in the reestablishment of their constitutional rights.

I close by asking unanimous consent that there be printed at this point in the RECORD an editorial from the St. Louis Post-Dispatch of September 17, 1964, entitled "The Goldwater Constitution," an editorial from the St. Louis Post-Dispatch of September 13, 1964, entitled "Attack on the Supreme Court," an editorial from the St. Louis Post-Dispatch for September 16, 1964, entitled "Where Is That Chaos?" and an editorial from the St. Louis Post-Dispatch entitled "Mississippi Bar Manifesto."

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the St. Louis (Mo.) Post-Dispatch, Sept. 17, 1964]

THE GOLDWATER CONSTITUTION

Senator GOLDWATER's repeated attacks on the Supreme Court introduce a strange element in the presidential campaign. The Republican candidate is not running against the Supreme Court, and there would not be a great deal he could do about the Court if he were elected until vacancies occurred. Apart from that, he displays himself as something less than a constitutional expert.

On his southern tour, the GOP candidate asserted that the Court is taking away from State and local agencies "the traditional powers to apprehend and punish criminals." He mentioned three cases in which he said the Court had done this. But his interpreta-

tion was not the Court's, and his conclusion misreads what the Court did.

In one case the Supreme Court unanimously found unconstitutional a police search, without a warrant, of a suspect's hotel room in California. In another, it struck down use of evidence obtained from a warrantless search of an automobile after four suspects had been removed to jail. In a third case, the Justices held that a Chicago man's confession could not be used against him in court because it was obtained after police denied him the right to see his lawyer.

In these cases the Court took nothing away from law enforcement agencies that those agencies could properly claim. The Court did nothing in defense of criminality. The Constitution requires warrants for searches and provides for the right to counsel. In upholding the Constitution in such matters the Supreme Court was upholding the rights given to all the American people.

The same thing can be said of other decisions for which Senator GOLDWATER has criticized the Court. In demanding popular election of both houses of State legislatures, the Court was protecting the citizen's right to have his vote counted equally with all others. In rejecting State authority to order religious services in public schools, the Court was defending freedom of religion, not denying it.

Senator GOLDWATER is on risky political ground in attacking the Court for defending civil liberties. Why does he do so? Perhaps he is trying to capitalize on varying anti-court sentiments prompted by different decisions—the opposition to racial rulings in the South, to apportionment rulings among conservatives generally, to the school prayer rulings among some groups.

If the Goldwater forces could somehow amalgamate all the forces opposed to these decisions, they still would have mustered no more than a curious alliance of misunderstanding and disbelief in the essential principles of American Government. Against them should be arrayed every citizen who values his constitutional freedoms.

[From the St. Louis (Mo.) Post-Dispatch, Sept. 8 to 13, 1964]

ATTACK ON THE SUPREME COURT

Senator DIRKSEN's ride against the Supreme Court has been stalled. Only 30 Senators voted to shut off debate on his plan to restrict Court power over State legislature apportionment, while 63 (including Missouri Senators SYMINGTON and LONG) voted against closure.

Unfortunately, the rider to the foreign aid bill is not dead. A motion to table it was defeated by 49 to 38. So the situation is as it was, with Senator DOUGLAS, of Illinois, and his band free to go on talking against the Dirksen plan. As the debate proceeds, the public should become fully aware of the grave issues involved.

Senator DIRKSEN insists he is not attacking the Supreme Court. He says the issue is whether the Constitution empowers the Court to say how State legislatures shall be composed. What he means is that Congress should decide the Court's power; but the Constitution has already decided that.

It is true, as critics of the Court have said, that the Constitution gives Congress some control of appellate jurisdiction and of lower courts. But the Constitution also creates the Supreme Court, and gives to that Court full jurisdiction in all cases arising from the Constitution.

The Court was enforcing the Constitution in holding that its "equal protection of the laws" clause requires both houses of State legislatures to be elected by popular vote. Senator DIRKSEN is ignoring the Constitution in proposing that Congress, by simple legislation, tell the courts they cannot enforce the equal voting rights principle for a year and more. In that time the Senator hopes for

passage of a constitutional amendment to override the Court decision permanently.

This is not the first attack on the Supreme Court, but it is one of the more serious. Only once in history has Congress actually restricted the Court by legislation. In 1868, during a struggle over Reconstruction, Congress withdrew the Supreme Court's authority to hear habeas corpus appeals from lower Federal courts. Even so, Congress did not tell the High Court it could not hear direct appeals on this great writ, and soon a more thoughtful Legislature rescinded its ruling.

President Franklin D. Roosevelt tried to pack the Court in 1937, when he was dissatisfied with decisions adverse to the New Deal. He proposed that he be given power to name an additional Justice, up to a total of 15, for each one who failed to retire at the age of 70. The Senate of those days was properly outraged, and properly killed the plan.

As a result of the McCarthy period hysteria, former Senator JENNER, of Indiana, in 1957 tried to remove Supreme Court jurisdiction from cases involving contempt of Congress, Federal loyalty actions, and various subversive activities. The Jenner proposals were tabled and never even reached a vote.

Now, for the first time, Congress is asked to interpret the Constitution for itself, taking from the Court that responsibility which the Constitution gives it. Could there be any stronger attack on one branch of Government by another, or any heavier assault on judicial review and separation of powers?

The Dirksen forces have suffered a deserved defeat, with a stalemate as the result. Perhaps Senator HUMPHREY will succeed with his effort to turn the Dirksen command to the courts to advisory legislation only, though there is no great reason for Congress to advise the courts to give States time to comply with the Court decision. The States will have to have time in any case.

But when Senator DIRKSEN insists that he is willing to fight for his cause until Christmas or after, the champions of the High Court cannot depend on leaving their trenches by Christmas. However long it takes, however long the Senate must remain in session, the authority of the Supreme Court to uphold the Constitution must be maintained.

[From the St. Louis (Mo.) Post-Dispatch, Sept. 16, 1964]

WHERE IS THAT CHAOS?

In two votes the U.S. Senate managed to do nothing at all about the Supreme Court and the State reapportionment issue, and nothing is precisely what should be done.

First the Senators voted 42 to 40 against a compromise advising the Federal courts to give the States time to reapportion their legislatures. This was a substitute for Senator DIRKSEN's rider flatly ordering a court stay until 1966. Both the Senator and opponents of his rider agreed that the compromise was pointless.

Then the Senate defeated by 56 to 21 Senator THURMOND's motion withdrawing all Federal court jurisdiction in State apportionment cases. This was similar to the House-approved Tuck bill, but its affront to the Constitution was too much for the Senate to swallow.

So the Dirksen rider and the filibuster against it will proceed as before, with nothing accomplished. And why should anything be accomplished? The main argument of the Dirksen forces is that "chaos" will result if the States are forced to act swiftly.

Such arguments hide a remarkable lack of fact. One fact is that the Supreme Court, in ordering that both houses of State legislatures be apportioned by population, suggested no action until after the November election. A second fact is that States which

have already carried out apportionments have experienced no chaos.

Senator DOUGLAS, in response to supporters of his Illinois colleague, has pointed out that the Colorado Legislature met in special session this year and apportioned the State senate on the basis of population, giving Denver its rightful number of members. There is no chaos there. Senator DOUGLAS said the Legislature of Connecticut, in which 12 percent of the people control one house, expects to reapportion in time for a primary in late September, and there is no chaos there. Michigan voters already have held a primary under a reapportionment plan, without chaos, and apportionment litigation is underway in Oklahoma, and there is no chaos.

By way of contrast, the Dirksen rider itself would create a strong element of uncertainty. Apportionment suits have been filed in most States, including Missouri, and 47 legislatures will meet in 1965, including Missouri's. Fair apportionment could thus proceed on a regular course in the courts and the legislatures next year. But if the Dirksen rider were passed, the courts could not act and many legislatures would not act, and possibly some apportionment decisions would be set aside.

Chaos is a dramatic word. What the Dirksen rider would accomplish might better be called confusion, and an already confused Senate would do far better to let the matter drop.

[From the St. Louis (Mo.) Post-Dispatch, Sept. 14, 1964]

MISSISSIPPI BAR MANIFESTO

The officers and commissioners of the Mississippi State Bar deserve commendation and encouragement for the resolutions they have adopted upholding the rights of accused to counsel in civil rights cases and for the machinery they have asked their president to set up to implement that stand.

It is another matter to agree with the assertion in the same resolution that the lawyers of Mississippi have never failed in their duty to represent all persons accused of crime "regardless of race, creed, color, or national origin" and whether their cause was "popular or unpopular, respected or despised." There have been lawyers in Mississippi who have taken civil rights cases which they knew would alienate them from what Prof. James W. Silver calls "the closed society." But have all of them carried their advocacy as strenuously as in cases involving less personal risk, and have there been enough of them willing to assume substantial risks?

They know, as does every other Mississippian, that in the words of Hazel Smith, the newspaper publisher, "Today we live in fear. * * * It hangs like a dark cloud over us dominating every facet of public and private life. None speaks freely without being afraid of being misunderstood." Frank E. Smith, a former Mississippi Congressman now on the board of directors of the Tennessee Valley Authority, writes: "The Mississippi Advisory Committee to the U.S. Commission on Civil Rights has been composed of brave men and women. Only those willing to face physical threats and economic and social pressure could contemplate serving on it."

The record in civil rights cases of the Mississippi courts is a poor one. So little confidence did, the Mississippi summer project have in the prospect of obtaining ready and forceful counsel from the Mississippi bar that it took along its own staff of lawyers.

We would honor the Mississippi State Bar resolution more unreservedly, and find greater promise of concrete improvement in it, if it boldly admitted the shortcomings of this record instead of taking the defensive attitude that there is no fire in the smoke.

But even with that defect it is a forward step. Particularly encouraging is the pro-

posal for a liaison committee with the State and Federal courts, local bar associations, and accused persons. If it aggressively promotes a heightened sense of personal responsibility regardless of the risks involved it may stiffen a few spines, serve as a measure of organized counterpoise to the local prestige of segregationism, and enter some opening wedges into the closed society.

Mr. MORSE. Mr. President, in inserting those editorials from the St. Louis Post-Dispatch in the RECORD, I wish to pay my high commendation to the journalistic statesmanship of that great newspaper. For some years the St. Louis Post-Dispatch, without exception, has led the newspapers of this country in its frequent editorials educating the American people in respect to their constitutional rights and guarantees. It is a wonderful thing to have a newspaper that recognizes its educational duties in the field of government. All one has to do is to read the editorials that I have just put into the RECORD to have a better understanding as to why the senior Senator from Oregon will reject any compromise of this issue and will insist that the Senate stand up and face directly the Dirksen amendment, either by a vote to lay it on the table, or by a vote against cloture, and then continued debate for as many weeks as it takes in order to defeat the amendment. ♦

Mr. President, I yield the floor.

Mr. PROXMIRE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PROXMIRE. It is my understanding that I yielded the floor to the Senator from Oregon so that he could make a speech today, that I still retain my right to the floor.

The PRESIDING OFFICER. The unanimous-consent agreement was that the Senator from Wisconsin [Mr. PROXMIRE] would be recognized tomorrow after the close of morning business. As of now the Senator may be recognized in his own right.

Mr. PROXMIRE. I thank the Chair.

Mr. President, the speech that my good friend the Senator from Oregon [Mr. MORSE] made—I believe it was last Tuesday—at any rate, it was just before the vote on the so-called Javits-McCarthy-Humphrey compromise—was, I believe, the clearest and most concise speech made on the subject. I subscribe to 99 percent of it, but not 100 percent. I thought that the speech was logical. It was unanswerable. That is the word I used in discussion with others who had the same sentiment that I had in supporting the position of the Senator from Oregon in respect to any rebuke of the Supreme Court, direct or implied.

However, I feel that it is possible to draft a resolution which would not condemn the Supreme Court or rebuke the Supreme Court or imply any criticism whatever of the Supreme Court. Indeed, it would affirm the position of the Supreme Court, and at the same time it would make it possible for us to indicate that we feel that there might be some justice or some reason for persuading, or for giving the position of the Senate

that the subordinate courts—inferior courts—might follow the dictation or the decision of the Supreme Court in providing more time for apportionment.

The Senator from Wisconsin feels very strongly that the Supreme Court was correct in its decision in the case of Reynolds against Sims. The Senator from Wisconsin feels very strongly that population apportionment—one man, one vote—is a vital and fundamental principle, and one for which we should contend however long it might take.

However, it would seem to the Senator from Wisconsin that there may be a way of winning this fight—and we all want to win it—without compromising principle at all and without implying any criticism of the Supreme Court. If that opportunity were available, then this Senator would support our leader, the distinguished Senator from Illinois [Mr. DOUGLAS], who made a fine statement earlier today, in affirming that he believes, as I understand, that we should work in the direction of affirming the court, working for population apportionment, and at the same time, if it meets those requirements, of adjourning sine die as soon as convenient.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am happy to yield to the Senator from Illinois.

Mr. DOUGLAS. I should first like to have a motion offered to table the Dirksen-Mansfield amendment which would carry. And to do so I would need full leadership support.

Mr. PROXMIRE. Yes, indeed.

Mr. DOUGLAS. That is, Senator, a motion to table the Dirksen amendment. If that motion should fail, I would then be willing to accept an amendment which would merely tell the inferior courts that in the judgment of Congress they should do that which the Supreme Court has already told them they should do. I do not regard that as a rebuke of the Supreme Court. I believe it is merely an additional injunction to affirm the qualifying conditions which the Supreme Court itself threw around its instructions; namely, that the lower Federal courts should consider the proximity of elections and pay some slight attention perhaps to factors other than pure population, even though they should retain equality of representation as the substantial, overruling, and predominant criterion for decision.

Mr. PROXMIRE. I thank the distinguished Senator from Illinois. Once again—I feel it so strongly that I wish to say it again—the Senator from Oregon has made magnificent speeches, both last Tuesday and today. His speeches are unanswerable because we agree with them so wholeheartedly.

At the same time, I believe that there is one element upon which we obviously disagree because we voted differently. I believe it is consistent with a deep respect for the Supreme Court and with an absolute commitment to the principle of one man, one vote, which I have, to vote in favor of a compromise which in my judgment would in no way call that principle into question.

ADJOURNMENT

Mr. PROXMIRE. Mr. President, if there is no further business to come before the Senate, as a further mark of respect to the late Representative WALTER NORBLAD, of Oregon, I move that the Senate adjourn until noon tomorrow.

Mr. DOUGLAS. Mr. President, will the Senator withhold his motion?

Mr. PROXMIRE. I withhold the motion.

Mr. DOUGLAS. Mr. President, is it understood that at the conclusion of morning business tomorrow the senior Senator from Wisconsin [Mr. PROXMIRE] will be recognized and will have possession of the floor?

The PRESIDING OFFICER. That understanding is included in the unanimous-consent agreement.

Mr. DOUGLAS. I thank the Chair.

The PRESIDING OFFICER. Does the Senator from Wisconsin renew his motion?

Mr. PROXMIRE. Mr. President, I renew my motion.

The motion was unanimously agreed to; and (at 4 o'clock and 28 minutes p.m.), the Senate adjourned until tomorrow, Tuesday, September 22, 1964, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate September 21, 1964:

POSTMASTERS

The following-named persons to be postmasters:

ALABAMA

Emory C. Gibbs, Hanceville, Ala., in place of E. H. McNutt, deceased.

ARIZONA

Lawrence A. Lippert, Florence, Ariz., in place of L. M. Morrell, retired.

CALIFORNIA

John B. Shamlin, Ceres, Calif., in place of J. M. Gondring, Jr., retired.

Harold B. James, Guerneville, Calif., in place of G. L. Clare, retired.

Mary S. Black, La Honda, Calif., in place of V. M. Benedict, resigned.

Arlie D. McCoy, Lockeford, Calif., in place of F. J. Figge, retired.

FLORIDA

Rosa M. Priest, Morriston, Fla., in place of L. W. Mills, retired.

GEORGIA

Lucille E. McCurdy, Pine Lake, Ga., in place of W. I. Cushing, retired.

ILLINOIS

Kenneth M. Mosher, Dahinda, Ill., in place of A. R. Woolsey, retired.

Floyd E. Lacey, Milton, Ill., in place of R. H. Keys, deceased.

Glenard E. Miller, Willow Hill, Ill., in place of S. L. Keeler, retired.

INDIANA

Harold L. Shepard, La Porte, Ind., in place of R. W. Leets, retired.

Robert W. Rushton, Monrovia, Ind., in place of R. C. Bray, retired.

Chester A. Etchason, Jr., Plainfield, Ind., in place of A. C. Morphew, retired.

IOWA

Sidney J. Ness, Underwood, Iowa, in place of E. L. Klopping, retired.

KANSAS

Myron L. Van Gundy, Reading, Kan., in place of W. R. Jones, retired.

LOUISIANA

June C. Platt, Swartz, La., in place of F. O. Patterson, deceased.

MARYLAND

Hilda B. Free, New Market, Md., in place of F. W. Brashear, retired.

MICHIGAN

George L. Redding, Addison, Mich., in place of D. M. Brown, retired.

Robert J. Doud, Sr., Comstock, Mich., in place of H. H. Tuttle, retired.

Evelyn R. Boynton, Union City, Mich., in place of W. W. Baker, retired.

MINNESOTA

Thomas E. Torgeson, Kensington, Minn., in place of H. S. Rolland, transferred.

Edward C. Ricke, Morgan, Minn., in place of L. W. Kamholz, deceased.

MISSOURI

Joseph D. Swan, Fairfax, Mo., in place of Richard Pearce, retired.

NEBRASKA

Virgil C. Penny, Oxford, Nebr., in place of A. O. Wasenius, transferred.

NEW YORK

William J. Marsh, Cleveland, N.Y., in place of O. E. Westcott, deceased.

Jean N. Van Kleeck, Cragmoor, N.Y., in place of N. C. Garritt, resigned.

NORTH CAROLINA

Loenna M. Warren, Dana, N.C., in place of A. F. Hyder, retired.

OHIO

Allan E. Reynolds, Newtonsville, Ohio, in place of Sylvia Culbertson, retired.

George L. Cassels, Jr., Smithfield, Ohio, in place of Victor Ferrari, Sr., deceased.

OKLAHOMA

J. Patrick Moore, Bristow, Okla., in place of D. E. Senter, retired.

Grant E. Stout, Claremore, Okla., in place of B. H. Bayless, retired.

PENNSYLVANIA

Charles L. Gilmore, Lahaska, Pa., in place of E. M. Davis, retired.

William F. Farrell, Middleport, Pa., in place of Alexander Bubel, retired.

Althea M. Best, Neffs, Pa., in place of L. C. Best, retired.

Walter H. Hoffman, Strasburg, Pa., in place of C. W. Johnston, retired.

George P. Kraft, Washington Boro, Pa., in place of C. B. Strickler, resigned.

SOUTH DAKOTA

Gary E. Owen, Vienna, S. Dak., in place of W. F. Curren, retired.

TENNESSEE

Norman F. Hutchinson, Murfreesboro, Tenn., in place of C. R. Byrn, retired.

John M. Mitchell, Spencer, Tenn., in place of C. B. Shockley, retired.

TEXAS

Ramon G. Amaya, San Diego, Tex., in place of Trinidad Solis, removed.

VIRGINIA

Charles M. Thomas, Jr., Woodberry Forest, Va., in place of G. A. Carpenter, deceased.

WISCONSIN

Andrew G. Bernoski, Friesland, Wis., in place of R. W. LeTourneau, retired.

Donovan E. Ireland, Lodi, Wis., in place of H. L. Van Ness, retired.

ADDITIONAL POSTMASTERS

GEORGIA

Leon W. Mott, Albany, Ga., in place of R. L. Ray, removed.

MARYLAND

G. Mitchell Boulden, Elkton, Md., in place of J. M. Terrell, retired.

NEW YORK

William H. Roberts, Blossvale, N.Y., in place of B. D. Ritter, deceased.

NORTH CAROLINA

Allison O. Burns, Riegelwood, N.C., in place of R. R. Butler, retired.

SOUTH CAROLINA

Norman Assey, Georgetown, S.C., in place of L. C. Davis, retired.

TEXAS

Aubra C. Fuqua, Jr., La Porte, Tex., in place of R. F. Fuqua, retired.

IN THE ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3305:

To be colonels

Abraham, Robert, O32427.
Abrams, Bernard B., O81885.
Addington, Jerry S., O23041.
Ahmajian, Ashod M., O22900.
Alexander, Urey W., O22954.
Allen, Marshall B., O44275.
Allen, Raymond W., Jr., O21810.
Anderson, John C., O44768.
Ansley, John M., O39041.
Archer, Harry C., O44792.
Armstrong, Armour S., O44372.
Athan, Harold W., O52624.
Aubrey, George A., O23110.
Aux, George W., O44399.
Avery, James T., Jr., O32867.
Axtell, Eugene N., O44281.
Baker, Alan G., O23051.
Baker, Barton O., O44222.
Baker, Morris L., O80372.
Ball, Thomas F., O39039.
Balthis, Charles E., Jr., O23199.
Banks, Charles H., O22940.
Barberis, Cesides V., O33248.
Barry, William G., O40457.
Barton, Dennis L., O23052.
Bates, Raymond H., O23184.
Batte, James H., O23401.
Bavaro, Michael F., O23117.
Bayer, Kenneth E., O23551.
Beda, Edward E., O32916.
Beimfohr, Casper V., O81858.
Bell, Olin L., O23119.
Belt, Richard L., O23053.
Bengtson, Nils M., O22979.
Benjamin, George C., O23422.
Bennett, Donald V., O23001.
Benson, Dean M., O22991.
Bingham, Sidney V., Jr., O23269.
Birch, Thomas H., O32696.
Biswanger, Charles T., O23245.
Black, Asa C., O38894.
Black, Edwin F., O23012.
Blackwell, George C., O40478.
Blakeney, Thomas O., O23458.
Blewett, Aaron E., O32893.
Bogardus, Allan L., O43853.
Bogle, James G., O52642.
Bon Durant, Joseph R., O83579.
Bonham, James B., O23107.
Bordley, Marcello W., Jr., O44580.
Bowlby, Herbert M., Jr., O23120.
Boylan, Vincent L., O22162.
Bradford, James C., O32519.
Brady, Stuart F., O32329.
Braid, Robert B., O32950.
Branagan, Robert D., O33024.
Brewer, Robert M., O22975.
Brill, Arden C., O23514.
Bristol, Thomas F., O44459.
Brown, Charles P., O23544.
Brown, Earl J., O39031.
Brown, Gerhard E., O22948.
Brubaker, Jack H., O83580.
Bryan, Thomas L., O23549.
Buechner, Carl A., Jr., O22155.
Bull, Robert H., O23424.
Burfening, John W., O22891.
Burr, Wesley H., O32019.
Burt, Walter L., O43093.
Byers, Carl F., O52643.
Bykerk, Norman H., O33088.
Cagwin, Leland G., O23200.
Calahan, Robert H., O40515.
Callaway, George D., O32502.
Canfield, William D., O44318.
Carlan, Ulysses G., O76836.
Carnahan, George D., O23007.
Carter, George F., O23431.
Cassibry, Robert C., O23058.
Cassidy, Patrick F., O32809.
Cassidy, Richard T., O23213.
Cavness, William D., O23459.
Chamberlain, Thomas C., O23145.
Chin, Wah G., O33058.
Clancy, John L., O52733.
Clapsaddle, Clarence W., Jr., O22972.
Clark, Cuyler L., Jr., O22947.
Clark, John B., O32695.
Clark, Leroy F., Jr., O32863.
Clark, Melvin D., O23550.
Clay, Carmichael L., O32673.
Clement, Wallace L., O23167.
Clifford, Walter H., O33033.
Clock, Raymond M., O22920.
Coats, Wendell J., O22964.
Cobb, Robert B., O33025.
Collart, Joseph H., O23447.
Colley, Martin H., O38982.
Collins, Alfred, O40486.
Conley, Victor G., O23276.
Conn, Charles, O32550.
Cook, Truman F., O44727.
Copley, Lewis L., O22652.
Cornett, Jack G., O32972.
Costello, Darrel G., O23449.
Cougill, John C., O80391.
Cox, Landon G., O32413.
Crandall, Riel S., O21767.
Creel, George R., Jr., O33241.
Crocker, David R., O23207.
Crowe, John H., O32986.
Cullen, Paul S., O23111.
Cunningham, Henry A., O23003.
Dahlstrom, Edward N., O33238.
Daley, David S., O23453.
Davis, Duane D., O39026.
Davis, Warren P., O33245.
de Latour, Frank A., Jr., O23073.
Delamater, Benjamin F., 3d, O23305.
Delaney, Arthur W., O44697.
Delaney, Robert J., O23067.
Delaney, William M., O23633.
Denno, Bryce F., O23161.
Devlin, Francis T., O23314.
Dibble, John, Jr., O23183.
Dickerson, Robert L., O23615.
Dickson, Dwight B., O33099.
Dickson, Lon R., O33098.
Donaldson, John H., O32721.
Downey, Walter G., O33106.
Downs, Lemuel C., O40527.
Drewry, Ivey O., Jr., O33224.
Duddy, Robert R., O33214.
Dunn, Francis L., O40437.
Durgan, Raymond C., O23527.
Duvall, Everett W., O32842.
Eldridge, Ralph S., O23442.
Emmerich, Rollins S., O79704.
Eschenburg, Emil P., O23469.
Evans, Jack C., Jr., O23517.
Evans, John T., O80408.
Fahey, Paul V., O33054.
Fairbanks, George C., 3d, O33145.
Fitzpatrick, Edward D., O23288.
Flake, Joe, O40526.
Flanders, Edward A., O22912.
Fletcher, Melvin, O33111.
Floyd, Alfred J., O23328.
Flynn, Stanley F., O43765.
Fogle, George C., O44428.
Forbes, Lawrence G., O22903.
Foster, David E., O52471.
Foster, Gayle H., O79814.
Francisco, William P., O22955.
Free, Richard H., O22926.
Freund, John F., O23334.
Fuller, Ford P., Jr., O23170.

Sept: 22, 1964

Senate

6. WHEAT. Rep. Findley stated he had sent the President a letter imploring him "to halt dumping of Government wheat stocks at least until U. S. wheat prices climb back to the higher prices in the world market." p. 21747
7. AGRICULTURAL PUBLICATIONS. Rep. Rumsfeld charged that there was waste in the distribution of USDA publications and releases and stated one of his constituents had been "flooded" with such items. p. 21741
8. WOOL IMPORTS. Rep. Cleveland urged restrictions on the import of manufactured wool products. p. 21747
9. AREA REDEVELOPMENT. Rep. Taylor inserted a constituent's letter defending the area redevelopment program. pp. 21775-6
10. COTTON; FOREIGN TRADE. Received an Export-Import Bank report that it has issued its guarantee with respect "to certain cotton transactions with Poland." p. 21777
11. OPINION POLL. Rep. Udall inserted the results of a questionnaire sent to his constituents on various matters, including foreign aid, domestic peace corps, smoking, and poverty. pp. 21750-2
12. LEGISLATIVE ACCOMPLISHMENTS. Reps. Randall, Dent, and Holifield inserted summaries on legislative accomplishments this Congress. pp. 21717-21, 21754-5, 21763-7

SENATE

13. FOREIGN AID. Continued debate on reapportionment amendments to H. R. 11380, the foreign aid authorization bill. pp. 21796, 21814-33
14. FARM PROGRAM. Sen. McGovern commended and inserted Sen. Humphrey's speech setting forth the "views of the Democratic Party on agriculture" and urged a careful study of the 10 points Sen. Humphrey listed as criteria for judging proposed changes in American farm policy. pp. 21794-6
15. NOMINATION. Confirmed the nomination of Robert Sargent Shriver, Jr., to be Director of the Office of Economic Opportunity. p. 21833
16. PROPERTY. Both Houses received from this Department a report of its activities with regard to the disposal of foreign excess property. pp. 21777, 21779
17. APPROPRIATIONS. Received from the President supplemental appropriation estimates which include \$8,000,000 for rural housing for domestic farm labor pursuant to a recent amendment to the Housing Act of 1949, and \$400,000 for salaries and expenses, Farmers Home administration, for administration of the domestic farm labor housing program (S. Doc. 98). p. 21779

ITEMS IN APPENDIX

18. FARM LABOR. Extension of remarks of Rep. Leggett defending the farm labor work program in Calif. and inserting an article which states that the

State which hires 54 percent of the bracero work force does not have "the impoverished 'harvest of shame' after all." p. A4800

19. POVERTY. Rep. Reuss inserted an address citing case histories of poverty in America. pp. A4810-1
20. SURPLUS FOOD. Extension of remarks of Rep. Keith stating that though "the victory may only be temporary the House struck a blow for commonsense and economy in its recent vote to include an anti-Communist provision in the food-for-peace program", and inserting an article, "Surplus Food Rein." p. A4814
21. MEAT IMPORTS. Extension of remarks of Rep. Taylor expressing his approval of the meat import quota bill and stating that "A healthy livestock industry is essential to sound agriculture." p. A4816

BILLS INTRODUCED

22. PERSONNEL. H. R. 12642, by Rep. Fogarty, for the waiver in certain cases of the limitation on the payment of premium compensation imposed by section 603(b) of the Federal Employees Pay Act of 1945, and for other purposes; to Post Office and Civil Service Committee.
23. PERSONNEL. H. R. 12643, by Rep. Fulton, to increase annuities payable to certain annuitants from the civil service retirement and disability fund; to Post Office and Civil Service Committee.

PRINTED HEARINGS RECEIVED IN THIS OFFICE

24. SUPPLEMENTAL APPROPRIATION. Supplemental appropriation bill for 1965, parts 1 and 2. H. Appropriations Committee.
25. EDUCATION. H. R. 6061 and other bills to amend and extend the National Defense Education Act. H. Education and Labor Committee.
S. 2528 and S. 2725, to broaden the base of Federal assistance to States in the computation of grants for impacted areas and to provide standby disaster assistance. S. Labor and Public Welfare Committee.
26. ACCOUNTING. Submissions of agency accounting systems for GAO approval. H. Government Operations Committee.
27. PERSONNEL; RETIREMENT. S. 991, S. 2144, and S. 2184, bills to liberalize the retirement program. S. Post Office and Civil Service Committee.
28. FOREIGN AFFAIRS. H. R. 12010, to amend the Inter-American Development Bank Act to authorize the U. S. to participate in an increase in the resources of the fund for special operations of the Inter-American Development Bank. H. Banking and Currency Committee.
29. FORESTRY. S. 1143, to establish in the State of Michigan the Pictured Rocks National Lakeshore; and S. 1870, to provide for the establishment of the Valle Grande-Bandelier National Park in the State of New Mexico. S. Interior and Insular Affairs Committee.

TEXT PREPARED FOR DELIVERY BY SENATOR HUBERT HUMPHREY, NATIONAL PLOWING CONTEST, FARGO, N. DAK., SEPTEMBER 19

Let me congratulate you on the miracle of American agriculture.

The entire Nation should know—and this great occasion is a good place to tell it—that rather than being a problem, agriculture actually is America's No. 1 success story.

Long before the dawn of history, food has been a matter of life-and-death importance in man's daily struggle to survive.

You have conquered that challenge. You have created a revolution of abundance within the past generation.

The American farmer is the world's most efficient producer. The output of the average agricultural worker in the last decade has increased almost three times as much as the industrial worker's.

Farmers represent less than 8 percent of the population, yet they produce enough food and fiber to feed the Nation better and cheaper than any place in the world. These same farmers produce enough so that we can provide over three quarters of a billion dollars in food each year to our own needy, distribute \$2 billion of food around the world under our food for peace program, sell nearly \$4½ billion worth for dollars abroad to increase our Nation's export earning—and still have adequate reserves for the Nation's safety and a potential to produce even more. This is an amazing record.

The world has never seen anything like this. It truly is an American miracle. We should be proud of that achievement—and I am proud of you who have made it possible.

Unfortunately, we have come to take this American miracle of agriculture for granted. The American people must come to understand the great contribution that American agriculture has made to this Nation, and to the rest of the world as well.

We need to know how we can improve the economic position of a numerically and proportionately shrinking group in our population.

We need to remember who takes the risks of drought and flood, hail and early frost, insects and markets, and all the uncertainties of the marketplace.

Consider what this miracle of agricultural abundance means to the Nation—other than just farmers.

For consumers—and that is all of us—it is consumer insurance of market basket bargains. For workers—millions of them—it is job insurance. For the Nation as a whole it is balance-of-payment insurance. And perhaps most significant of all, it is our insurance of peace, plenty, and freedom.

And let us remember that peace and freedom is everybody's concern, not just the farmer's. Food is power in today's world. Food is a vital force for peace and freedom, giving us needed diplomatic strength in the world as well as enabling us to exemplify the true humanitarian spirit of the American people.

Food for peace may yet prove the real path to peace.

We have scored our greatest victory over communism by the evidence of the success of our free enterprise system of American family farmers.

With the miracle of agricultural abundance meaning so much to this Nation, the Nation's conscience requires greater economic justice for the farm people.

Unfortunately, the blessings that this miracle of abundance have brought to our Nation are not fully shared by all our farm people.

Despite the increased efficiency of the American farmer, he does not fully share in benefits of this greater productivity. Even with farm income increased during the past 4 years, the farmer's average income is only 63 percent of that of the nonfarm worker.

That's hardly the way to reward the most efficient segment of our economy.

We need to do better—a whole lot better. And we're going to.

We have heard and we will hear more about "freedom" in this campaign. All of us are for freedom—real freedom. And that must include freedom from poverty, the greatest force for regimentation of them all.

Opportunity—equal opportunity—is the promise of America. It must be the promise to rural America.

But let's remember that social and economic justice for farm people—as necessary as it is to the Nation's conscience—is only one part of the argument for greater concern about agriculture.

What we do—or fail to do—about protecting and improving farm income is not for farmers alone. It is necessary to protect our national interest.

It is necessary to assure continued "consumer insurance" market baskets bargains resulting from abundance. It is necessary to assure continued "job insurance" for millions of workers. It is necessary to assure continued balance-of-payment earnings through continually expanding farm exports. It is necessary to maintain our Nation's power for peace and freedom in the world.

And, most of all, it is necessary to protect our great agricultural producing plant and to conserve the God-given resource of the soil.

With the uncertainties of climate and disease, the Nation can only be assured of always having enough food and fiber if farmers are willing to produce more than enough. Yet that "more than enough" needed for the Nation's security is what brings down the farmer's prices in the marketplace.

If there is a cost involved in maintaining our power of abundance, it truly is a national cost, not a cost that should be absorbed by farmers alone.

None of us knows all the answers to the complex problems of American agriculture in this great age of technological change. The important thing is that some of us who really care keep on seeking to find better answers.

It is time for a complete new look at where we are going in American agriculture and what we can do to make better use of our tremendous productive potential, while providing greater quality of opportunity for our farm families.

Changing technology, changing American commitments in the world, changing requirements of international trade, changing marketing structure, changing eating habits of American people—all of these have a direct bearing upon American agriculture and American agricultural policy.

We need to know what is good in our programs and what needs change.

I see no reason to seek changes in the present and effective tobacco, peanut, and rice programs—unless the producers themselves find improvements they desire. The same thing is true for the wool program.

Our sugar program is designed to benefit the Nation's beet and cane farmers, assure American consumers adequate supplies at reasonable prices, and provide many foreign countries with a market for their sugar. This program apparently is working well. Any adjustments in it should be designed merely to meet current conditions without changing its basic objectives.

However, we still need improvements in our wheat program, our feed grains program, our dairy program, and our cotton program. Working and planning together we can get needed improvements, but these improvements will not be brought about if the Chief Executive of this Nation is a man who is unsympathetic to the needs of American agriculture.

You know where President Johnson stands. He is a rancher and a cattleman. He is your friend.

You had better know where Senator GOLDWATER stands. He has said he "doesn't know anything about farming" and I believe him. He also has said he wants to get rid of our price support programs. I believe he means that, too.

The feed grains program, the wheat program, the cotton program, and the wool program all expire next year. Any new legislation must go to the White House for approval or veto.

You had better make sure you have a friend in the White House. You had better make sure that Lyndon Johnson remains as President of the United States.

We need to restudy our wheat and feed grains programs. Compulsory production restrictions to gain price objectives do not seem to be a satisfactory answer for wheat and feed grains. Voluntary production adjustments programs properly administered are better, but would not alone achieve our income objectives. Cropland retirement to expand conservation acreage should be further explored. However, we must be concerned with the future of rural communities.

There are various ways of supplementing farm income without distorting market prices and normal channels of trade. This has the advantage of improving our position in world trade—at a time when international trade in farm commodities is becoming of increasing significance. Actually, vigorous efforts to expand outlets for farm products both at home and abroad, seem to offer the brightest hope of all. This particularly is true of cattle, where the ranchers themselves have asked for nothing more than the opportunity to further develop and preserve an expanding free market.

Our farm cooperatives and indeed other segments of our free enterprise system, can and probably should perform many of the marketing functions now being performed by Federal agencies. The Government's role should be to supplement, not supplant, private enterprise—including cooperatives.

What we may need is a combination of several alternatives—depending upon which best fits a specific commodity. At least the door never should be shut in the search for new ways to achieve our national objectives.

For milk and other dairy products we need to find better ways of meeting the real needs of our low income groups and fulfilling our humanitarian objectives abroad.

We certainly must expand and provide adequate funds for our farm credit programs, the great rural electrification program, the soil conservation programs, the special milk program, the school lunch program, and the food stamp program. All of these have made and continue to make a great contribution to rural America and the rest of the Nation.

Rapidly changing agriculture in a changing world requires continuing review and reappraisal of farm programs and policies. This is why I have proposed the creation of a bipartisan blue ribbon commission on agricultural policy.

There is one approach, however, that I flatly reject—the Goldwater alternative of wiping out all of our farm programs and deliberately seeking to force farmers off the land.

Senator GOLDWATER has laid bare his innermost convictions about many matters of public concern in his book called "Conscience of a Conservative." Here is what he says about farm programs, and I quote "There can be no equivocation here—prompt and final termination of the farm subsidy program."

This is the death sentence to agriculture. I regret it. It would impoverish farm people—wipe out billions in rural land values—ruin business on rural America's main streets—and solve absolutely nothing.

But it shouldn't surprise farm people that the temporary spokesman for the Republican Party shows little concern for their well-

being. For 10 years he has been voting against the farmer in the Congress.

Look at his record.

Senator GOLDWATER voted against the feed grain programs in 1961, 1962, and 1963.

Senator GOLDWATER voted against the Agricultural Act of 1962, which authorized programs for wheat and feed grains and expanded authority for food for peace and the Farmers Home Administration.

Senator GOLDWATER has voted consistently against efforts to support and strengthen REA loan funds.

Senator GOLDWATER voted against the bill to authorize funds for public works, TVA and power marketing agencies of the Department of the Interior in 1959.

Senator GOLDWATER voted against the Niagara River project to produce low cost power with preference for cooperative and other consumer electric systems in 1956.

With a record like that, is Senator GOLDWATER the man you want to trust with the destiny of American agriculture?

I don't think so.

Let me assure you of one thing: a Johnson-Humphrey administration never will abandon American agriculture. It never will reject constructive change as long as the change can be for the better.

Our criteria for judging proposed changes in American farm policy will include these 10 points:

1. Will it provide a fair return to the farmer consistent with the goal of full parity of income for farm people?

2. Will it assure an abundant supply to meet the needs of consumers at reasonable prices?

3. Will it add to the strength of the Nation in its quest for world peace, increasing prosperity, and national security?

4. Will it help the individual farmer to preserve his economic independence and to develop his talents to their fullest potential?

5. Will it permit our system of free markets to operate efficiently, fairly, and without needless handicaps?

6. Will it facilitate the expansion of our foreign trade and maintenance of a fair share of world markets for American farm products?

7. Will it encourage the full utilization of land, water, and human resources that are not needed for the agricultural production for alternative purposes more beneficial to the public interest?

8. Will it encourage conservation of our soil and water resources for future generations?

9. Will it assure us of a desirable level of reserves for our national security?

10. Will its cost to the taxpayers be commensurate with its benefits to the consumers, the national economy, and the Nation's strength in world affairs?

With these tests as our guide, I am confident that we can and will build a better future for rural America—and for all America.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

Without objection, the Chair lays before the Senate the unfinished business.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I ask unanimous consent—

The ACTING PRESIDENT pro tempore. Pursuant to the unanimous-consent agreement entered into yesterday, the Senator from Wisconsin [Mr. PROXMIRE] has the floor. Does the Senator from Wisconsin yield to the Senator from New York?

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may yield to the Senator from New York without losing my right to the floor, and that I shall be recognized when the Senator from New York has finished his statement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I am grateful to the Senator from Wisconsin for yielding to me.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, will the distinguished Senator from New York yield to me?

Mr. JAVITS. I yield.

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nomination on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGE REFERRED

The ACTING PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting the nomination of James G. Grunwell for permanent appointment as lieutenant in the Coast and Geodetic Survey, which was referred to the Committee on Commerce.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. BYRD of Virginia, from the Committee on Finance:

Edward W. Dempsey, of Missouri, to be special assistant on health and medical affairs to the Secretary of Health, Education, and Welfare.

By Mr. McNAMARA, from the Committee on Public Works:

Maj. Gen. George H. Walker, U.S. Army, to be a member of the Mississippi River Commission.

The ACTING PRESIDENT pro tempore. If there be no further reports of committees the nomination on the Executive Calendar will be stated.

OFFICE OF ECONOMIC OPPORTUNITY

The Chief Clerk read the nomination of Robert Sargent Shriver, Jr., of Illinois, to be Director of the Office of Economic Opportunity.

Mr. JAVITS. Mr. President, when the nomination of Robert Sargent Shriver came up for consideration in the Committee on Labor and Public Welfare, I voted "present." I voted "present" not because I had any doubts about the capacity of Mr. Shriver to handle the job. In the first place, his capacity to handle it remains to be seen; in the second place, he is rendering a fine service as Director of the Peace Corps. So we had every reason to suppose that he could carry over his talents to perform the task which the war on poverty program involved.

My problem is a different one. Mr. Shriver proposes to retain his position as Director of the Peace Corps at the same time he would hold the position—if his nomination is confirmed, as it undoubtedly will be—as Director of the Office of Economic Opportunity.

Before I speak of my own views on this subject, I invite the attention of Senators to the fact that Senators on the majority side entertained exactly the same reservations.

Senators will note from the record of the hearings on the nomination which is before them that the Senator from West Virginia [Mr. RANDOLPH] said on page 10:

Mr. Shriver, my opinion, for what it is worth, in reference to the matter of holding two directorships, the Peace Corps and the economic opportunity program, is that President Johnson will not ask you to hold both positions. That is my personal feeling. Since it has been a matter of comment and colloquy here today, I would like to have the record indicate my feeling in this regard.

Mr. President, an important point was made, it seems to me by a member of the majority, with respect to the very thing that is troubling me. I also received support from the Senator from Vermont [Mr. PROUTY] on my own side of the aisle. He said:

However, I do share Senator JAVITS' reservations as to one man's ability, regardless of his competence to administer both of these two vitally important programs. I hope that you will give serious consideration to your ability to do that and will make your position known to the President.

The difference between Mr. Shriver and myself, which the RECORD will show was a trying one, lay in the fact that Mr. Shriver sought to convince the committee—and myself—on the question of holding both positions. Incidentally, he said each was a full-time task. He said that specifically. I asked him, on page 3 of the record:

Do you consider being the head of the poverty program a part-time job?

Mr. SHRIVER. I see. No; I do not consider the head of the poverty program as being a part-time job.

I asked him the same question about the Peace Corps. He said practically the same thing with respect to that. The difference between Mr. Shriver and myself, as it developed at the hearing, was that Mr. Shriver insisted that it was up to

in the armed services during the cold war. We will oppose Federal legislation authorizing cash bonuses to veterans.

Consumer protection

Our rapidly advancing technology has diminishing consumer choice in the American marketplace. Under the leadership of Presidents Kennedy and Johnson the position of the consumer has been elevated to a place of importance and respect.

To further protect the consumer, the Democratic Party will support the following:

Enactment of a truth-in-lending bill to require those who lend money to consumers, or sell goods on the installment plan, to disclose the true cost of credit to consumers, both in dollars and cents and in terms of simple annual interest rates.

Enactment of a truth-in-packaging bill to require accurate and complete labeling in consumer products and to establish means of standardized weights and measures for packaged consumer goods.

Enactment of legislation to bring down the high price of prescription drugs to consumers.

Amendments to the Federal Food, Drug, and Cosmetic Act to require pretesting of cosmetics for safety before they are put on the market and to require pretesting for safety and effectiveness of therapeutic devices before they reach consumers.

Legislation to establish safety standards for tires before they are marketed.

Accelerate the investigation of the marketing of food products from the point of production to the point of consumption. Under the leadership of President Johnson a food marketing commission has been established to investigate the high cost of food which has risen 29 percent to the consumer since 1947 but has been reduced by 12 percent to the farmer since that period.

Opposition to quality stabilization legislation which will increase the price of goods for consumers and opposition to all other legislation that increases prices for consumers.

Agriculture

A Democratic administration will support these basic goals for American agricultural policy:

Develop positive programs to increase farm income for those on the family farm.

Fully use our abundance to increase food consumption at home.

The expansion of the food stamp program under President Kennedy and passage of the Food Stamp Act of 1964 under President Johnson will help many impoverished Americans purchase food that will give the recipients a nutritionally adequate diet.

Expansion of the highly successful food-for-peace program.

Rights of women

A Democratic administration supports the policies to promote the full equality of opportunity for women in education, training, employment, and in civil life. In President Kennedy's short tenure, the passage of the Equal Pay Act of 1963 established the principle of equal pay for equal work. Under the leadership of Presidents Kennedy and Johnson more women have been appointed to high public office than ever before.

A Democratic administration pledges to support the following:

A Presidential Executive order requiring Government contractors to eliminate discrimination in employment on the basis of sex.

Increase Federal funds to aid the establishment of child-care facilities and preschool nurseries.

Extend the principles of the Fair Labor Standards Act to women now not covered.

Business practices and structure

We believe in a pluralistic, competitive, free enterprise system. However, we think that a threatening degree of monopoly power now prevails in our economy—both with and

without sanction of law. Guaranteeing the right of every businessman, large and small, to trade in an atmosphere of freedom from unfair competition and domination by monopolies at home and abroad is a large priority in a Democratic administration program.

A Democratic administration pledges to support the following policies:

Continued action to aid small business in obtaining credit and equity capital at reasonable rates.

Continue the present equitable program of Government contract awards to small and independent business.

The Small Business Administration shall inaugurate and accelerate special programs to encourage those from the disadvantaged sectors of the economy who seek to, and have the ability to, receive appropriate management training to enter business.

Continue vigorous enforcement of the antitrust laws, and their strengthening if the problem of excessive concentration of economic power cannot be solved by the existing laws.

Immigration

We pledge ourselves to work for the elimination of the national-origins quota system. We shall support a new system based on democratic principles such as the reunion of scattered families, the provision of asylum for refugees, and the admission of immigrants according to the talents and skills they bring with them rather than their national origin.

We shall put an end to second-class citizenship for naturalized Americans. We shall support legislation enacting due process and judicial review in denaturalization and deportation proceedings.

A functioning democracy

A democratic government must, while protecting minority rights, be responsive to the majority will—and, in a constantly changing world, it must adapt and evolve in order to remain an effective instrument for meeting the needs of its people and fulfilling their aspirations.

We believe that there are important steps we must take today to keep our democratic system functioning effectively in the interests of all the people.

Congressional reform

Procedures and practices have developed in the Congress which make it difficult or impossible for the majority to act with reasonable promptness—or, in many cases, to act at all. Too often the form or even the rate of important and constructive legislation is determined by the ability of a strategically placed minority to delay or obstruct action. We believe that the reform of congressional rules along the following lines is urgently necessary, and we Democrats pledge ourselves to achieve it:

Rules in both the Senate and the House to insure to the administration the right to have its major proposals considered and voted upon before the Congress adjourns.

In the House, the adoption of a rule making it possible to bring legislation approved by a House standing committee to the floor if the Rules Committee has not done so within 21 days; the adoption of a rule permitting the House by a majority vote to send bills into conference with the Senate if the Rules Committee has failed to do so within 7 days; and the reduction of the number of signatures required for a discharge petition from 218 to 150.

In the Senate, the amendment of rule XXII to authorize, after adequate debate, the invocation of cloture by vote of 51 Senators, a majority of the Senate membership.

For congressional committees, the replacement of chairmanship solely through seniority by a system giving the members of the majority party in each Chamber an effective voice in the choice of chairmen, and effective limitation of the arbitrary power of committee and subcommittee chairmen.

The adoption of strict conflict-of-interest regulations for Senators, Congressmen, and members of their staffs, beginning with full disclosure of their financial holdings and sources of income and business dealings.

Congressional and legislative reapportionment

The Supreme Court has ruled in *Baker v. Carr*, *Westberry v. Sanders*, and *Reynolds v. Sims*, against the malapportionment of congressional and State legislative districts which has prevailed widely and for many years. We pledge the enactment of legislation requiring that congressional and legislative districts be contiguous, compact, and (so far as possible) equal in population. We oppose all proposed constitutional amendments, overriding or modifying the Supreme Court's decisions on apportionment.

Campaign expenditures

Campaign expenditures are rapidly increasing, and threaten to make it difficult for a citizen to be elected to any important public office unless he has large private means or is willing to put himself under heavy obligations to special interest groups. We pledge action to reduce campaign expenditures and widen their sources, including:

Tax credit provisions which will stimulate small contributions.

A realistic plan to impose limits on overall spending.

Allocation of a limited amount of free postage and free television and radio time to each candidate.

Jurisdiction of Federal courts

We oppose all legislation to limit the jurisdiction of Federal courts.

Regulatory agencies

A Democratic administration will appoint to the regulatory agencies men of ability and independent judgment, who will make the public interest paramount and will not be afraid to regulate the industries and segments of the economy with which they are concerned, rather than be regulated by them. We pledge appropriate administrative action to insure that these agencies will transact their business expeditiously and above the board.

Freedom of information

A Democratic administration will respect the right of the people to the fullest possible information and will place restrictions on release of news only when it is clearly required for security reasons.

Hatch Act

We pledge the amendment of the Hatch Act to permit Federal employees to participate in political activities, while continuing to protect them from pressures that contribute to or support particular political organizations and candidates.

Home rule for the District of Columbia

We reaffirm our support for home rule for the District of Columbia, and pledge every effort to bring it to the floor of Congress in 1965 for a vote through the discharge petition, appropriate House rules changes, or any other appropriate method of allowing a vote on home rule legislation.

Mrs. Franklin D. Roosevelt, 1947-62; Prof. John P. Roche, national chairman; Reginald H. Zalles, treasurer; Mrs. Jane J. Buchenholz, secretary; Dr. Reinhold Niebuhr, honorary chairman; Edward D. Hollander, chairman, executive committee; Kenneth L. Wentworth, assistant treasurer; Leon Shull, national director; Dr. Samuel H. Beer, Prof. Emile Benoit, Hon. Hubert H. Humphrey, Leon H. Keyserling, Hon. Wayne Morse, Robert E. Nathan, James G. Patton, Joseph L. Rauh, Jr., Walter P. Reuther, Marvin Rosenberg, Morris Rubin, Arthur M. Schlesinger, Jr., Prof. Paul Seabury, vice chairmen; Americans for Democratic Action, 1341 Connecticut Avenue, NW., Washington, D.C.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. DOUGLAS. Is it not true that no man can become a member of the ADA unless he agrees that he is not a believer in any totalitarian philosophy, including the Communist philosophy?

Mr. MORSE. The Senator from Illinois is correct. As a member of ADA and one of its officers, I am proud of the progressive legislation we have sponsored in the Congress of the United States, carrying out the primary obligation we have as Senators, which is to translate into legislation the general welfare clause of the Constitution, which seeks to promote the welfare of all of our people.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. PROXMIRE. Mr. President, once again, I shall try to finish this speech. Since last Wednesday, I have been yielding the floor. I shall try very hard today to complete my speech today.

Mr. DOUGLAS. Mr. President, will the Senator yield with the understanding that I shall not propose an amendment, but merely ask a question?

Mr. PROXMIRE. I yield.

Mr. DOUGLAS. Does not the Senator from Wisconsin believe that the burden of providing a quorum expeditiously should be on the proponents of the amendment?

Mr. PROXMIRE. That has always been true in the Senate. It was certainly true as recently as the civil rights controversy, in which we were locked in debate which lasted for many months. The Senator from Illinois [Mr. Douglas] and others who were in favor of the civil rights bill, made sacrifices to be present. They were on the floor. Quorums were usually developed in 15 or 20 minutes, and often less time than that.

Mr. DOUGLAS. How long did it take to develop a quorum today?

Mr. PROXMIRE. Today was much better than yesterday. It took probably 35 minutes. Yesterday, it required 50 minutes. The Senate was unable to provide a quorum on Thursday, Friday, or Saturday. I suspect, if the opposition cannot produce a quorum more promptly, that after tomorrow it will be progressively more difficult to obtain a quorum as time goes on and we approach closer to the election. It may take a time certain for a vote to insure rounding up the troops. The leadership has sent telegrams to Senators and asked them to return. In spite of that request, those who favor the Dirksen amendment and oppose our position are not putting in an appearance.

The Senator from Illinois has stressed the fact that almost all of the discussion on the bill has been on the side of those of us who oppose the Dirksen amendment—and with good reason. The overwhelming preponderance of consti-

tutional experts agree that the Dirksen amendment would be an unconscionable action against the Supreme Court.

Dean Rostow, of the Yale Law School, has said it would knock out the linchpin of the Constitution, and destroy the judicial power.

That argument has not been answered by those who favor the Dirksen amendment. The argument they make is that if the U.S. Senate is based on some other basis than population, being based on States, we could have one body of a State legislature that would be based on a similar principle.

Mr. President, I have tried to bell that cat. I have called direct attention to the authorities, the Founding Fathers, Madison, Hamilton, Jay, Wilson, and the others who spoke so eloquently on this matter at the time of the Constitutional Convention.

I believe that we have been able to show in great detail that our Founding Fathers unanimously agreed on the one-man, one-vote principle. It was only when the pistol was pointed at their heads and they had no choice except, on the one hand, no union or a compromise of the principles in which they believed deeply, that they accepted the compromise.

We should be aware of the fact that at that time the States were sovereign in a very genuine and real sense. Today the counties, cities, towns, and other administrative agencies are not sovereign in any sense.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. ANDERSON. Does the Senator see any comparison between the 32 counties of New Mexico being bumped together into a State and the States of the Union coming first under a confederacy, and finally a constitution, and a situation in which the representatives of the State in the Senate were originally regarded as something like Ambassadors? Is there any comparison?

Mr. PROXMIRE. No. The Senator from New Mexico is correct. No one pretends that the countries have any element of sovereignty. They can be expanded, reduced in size, or even abolished by the State. Counties have been totally abolished in some States.

There is no basis for saying that a county is an entity, having any kind of existence at all, which requires representation in the State legislature.

Mr. ANDERSON. In the formation of counties in many of the States, does the Senator from Wisconsin see anything comparable to what happened in the formation of the Federal Government? I think, for example, of the establishment of a county in New Mexico. The county was referred to by three or four different names as it went along. At the first formation of the county, it was called Pyramid. Pyramid County consisted of an area which later became Hidalgo County. But, in the process, it was called four or five different names. The legislature did not want to provide a name at that time. There had been a commitment made for the formation of a

county. The legislature, in its despair, kept changing the name of the county. At one time, to show what sincere interest there was in it, they placed the names of three permanent members of the press table in a hat and decided that the name to be drawn out of the hat would determine the name of the county. It would be called either Smith County, Lyon County, or Anderson County. Those at the press table were highly pleased that there was so much interest in the press table, and so little interest in the county.

I do not believe there is anything comparable to the effort to bring my State into the Union and the effort to bring another county into a State. I think they are wholly different. I am glad that the Senator from Wisconsin has recognized that.

Mr. PROXMIRE. The Senator from New Mexico is eminently correct. It is particularly important that he stressed the formation of the Federal Government. The formation of the Federal Government was the result of the coming together of independent States. Those independent States provided some kind of coalition in the Articles of the Confederacy. But it was limited. The States reserved to themselves the right to tax. They reserved to themselves virtually all of the genuine rights of sovereignty. There has been no such coalition of counties to form a State in the history of our country. In every case the States were admitted, except for the Thirteen Original States. And then the States decided what kind of counties they should have, what names the counties should have, what size they should be, and how they fitted the convenience of the particular States.

The States in the Midwest were formed pursuant to the Northwest Ordinance. In 1787, the same year in which the Constitution was adopted, the Founding Fathers said that those States should always have proportional relationship in their legislatures.

Today at lunch, a distinguished Senator, who I believe will speak later, pointed out that in his State, a Federal enabling act admitted the State on the stipulation that its legislature be based on population.

Mr. ANDERSON. I have noticed the names applied to counties in my State. I realize that it required special means to establish them. One county was called Catron County. It was named after Thomas Catron, who was a U.S. Senator from that State. I recognize that the Democrats retired him to private life for a time. But he was a U.S. Senator from that State for a period of time. The legislature, in trying to pick a name, named the county after him. They interested him in trying to help it along.

It was a long time before another county came along. There was not too much interest in it. It was called Harding County, after the President of the United States. I believe that, if they had waited a few years, they would have named it something quite different from that. Harding County had a good many people at the time it was established.

It had something like 1,200 people. I noticed the other day in the newspaper that 1,200 people have an equivalent vote to the population of Bernalillo County, which has 275,000 people. I believe that the principle of legislative apportionment goes badly to pot when we recognize that 1 county with a population of 1,280 and another county a population of 275,000 people have equal representation.

It is that very thing which has caused people to believe that perhaps this system is not perfectly established. I believe that the principle that the State of Wisconsin and other States have been working on in an effort to bring about a greater degree of true apportionment is correct.

I commented the other day that the State of Michigan had done a wonderful job in the organization of districts. It started with districts which were widely different in size. It ended with districts containing from 205,000 to 207,000 people. If it can be done there, it can be done elsewhere.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. DOUGLAS. The change in Michigan was made largely in accordance with court orders.

Mr. PROXMIRE. That is correct. That is exactly why, if we really believe in one-man-one-vote, if we really believe in population representation, we must support the right of the courts to intervene and protect the basic right of the individuals to have an equal vote.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. ANDERSON. Mr. President, does the Senator believe that the evidence from Michigan is fairly good evidence that the courts work out pretty good arrangements? I used it as an example of how an almost perfect arrangement was made in creating districts containing from 205,000 to 207,000 people. They are almost alike in size. I believe that an acceptable plan has been worked out.

Mr. PROXMIRE. Yes, indeed. The experience in Wisconsin was exactly the same. The Supreme Court of the State of Wisconsin apportioned our State legislature and has done so very equitably—within 1, 2, or 3 percent of the population—throughout the State. It is an excellent apportionment.

Mr. ANDERSON. Does that not show that the courts can do a pretty good job?

Mr. PROXMIRE. Yes, indeed.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. DOUGLAS. Did not the Wisconsin Supreme Court act on the basis of the guidelines laid down by the U.S. Supreme Court?

Mr. PROXMIRE. The Wisconsin Supreme Court, I believe, acted under the constitution of the State of Wisconsin, recognizing that, since 1848, our State has had that principle written into it. I am sure that in most States the changes made were made under the guidelines of the U.S. Supreme Court. If it had not been for the U.S. Supreme Court, there would not have been a real opportunity

to have that kind of apportionment brought about.

I should like to make a statement about the helpful remarks of the able and eminent Senator from New Mexico [Mr. ANDERSON]. The Senator from New Mexico made a real contribution in reference to the transient, fleeting, temporary, and tentative nature of the counties throughout our country, when he pointed to the example of a group of newspapermen coming together, put names into a hat, and draw a name out of the hat, to decide what the name of a county should be.

There is a casual attitude toward counties throughout the country. There cannot be any pretense that they should be recognized by having equal ambassadors to their State governments.

So the analogy does not apply.

Mr. President, yesterday, at some length, I pointed out how strongly the father of our Constitution, James Madison, felt about equality of representation. James Madison has been greatly revered on the floor of the Senate by the distinguished Senators from Virginia and others, who feel very strongly—and rightly—that he is one of the great architects of our Republic. Many Senators have been contending for a special monument to him in Washington. He is rightly called the father of our Constitution. He came down as hard as a man possibly could on the side of equal representation, saying that no other principle could be justified.

Last Wednesday we were discussing the attitude of Alexander Hamilton. I should like to refer to No. 22 of the Federalist papers, because, of course, the Federalist papers were the great documents that were written by Hamilton, Madison, and Jay to justify and explain the Constitution. I doubt if any great document has ever had more able or clearer exposition than the Constitution has had, thanks to the Federalist papers. Alexander Hamilton, more than anyone else, is viewed by conservatives as their proper ancestor.

He, more than anyone else, gave the philosophical justification of conservatism.

Alexander Hamilton, also a brilliant man, felt very deeply about this principle. In No. 22 of the Federalist papers Alexander Hamilton attacked at some length equality of representation by the States, which means that he favored equality of representation by the people. If the States had equal representation, obviously the smaller States would be given equal representation with the larger States, and under those circumstances the people in the smaller States would have more representation than those in the larger ones.

On December 14, 1787, Hamilton wrote:

The right of equal suffrage among the States is another exceptionable part of the confederation. Every idea of proportion, and every rule of fair representation conspire to condemn a principle, which gives to Rhode Island an equal weight in the scale of power with Massachusetts, or Connecticut, or New York; and to Delaware, an equal voice in the national deliberations with Pennsylvania or Virginia, or North Carolina. Its operation

contradicts that fundamental maxim of republican government, which requires that the sense of the majority should prevail. Sophistry may reply, that sovereigns are equal, and that a majority of the votes of the States will be a majority of confederated America.

It is interesting to note that this was the only philosophical argument that the brilliant Hamilton could find to oppose his argument and his strong feeling that even the Federal Government should have equal representation of all Americans, whether they lived in a large or a small State. I should like to repeat:

Sovereigns are equal, and that a majority of the votes of the States will be a majority of confederated America.

Nobody pretends—and I think we have established the point very clearly—that the counties are sovereign in any sense or ever have been anywhere. So that argument cannot be made against equal representation in State legislatures. It was made, and it was obviously made with some effect in establishing our Constitution.

Hamilton went on to answer even that argument that States are sovereign and should have equal representation by saying:

But this kind of logical legerdemain will never counteract the plain suggestions of justice and commonsense. It may happen that this majority of States is a small minority of the people of America; and two-thirds of the people of America, could not long be persuaded, upon the credit of artificial distinctions and syllogistic subtleties, to submit their interests to the management and disposal of one-third.

At least in our distinctions—distinctions of some substance when one is talking about equal State representation in the Federal Government—there is a syllogistic subtlety. But there is no syllogistic sense at all in providing equal representation for towns, as in New Hampshire, or counties, as in many of the other States.

Hamilton went on to state:

The larger States would after awhile revolt from the idea of receiving the law from the smaller. To acquiesce in such a privation of their due importance in the political scale, would be not merely to be insensible to the love of power, but even to sacrifice the desire of equality.

It may be objected to this, that not seven but nine States, or two-thirds of the whole number must consent to the most important resolutions; and it may be thence inferred, that nine States would always comprehend a majority of the inhabitants of the Union. But this does not obviate the impropriety of an equal vote between States of the most unequal dimensions and populousness; nor is the inference accurate in point of fact; for we can enumerate nine States which contain less than a majority of the people; and it is constitutionally possible, that these nine may give the vote.

But this is not all; what at first sight may seem a remedy, is in reality a poison. To give a minority a negative upon the majority (which is always the case where more than a majority is requisite to a decision) is in its tendency to subject the sense of the greater number to that of the lesser number. Congress from the nonattendance of a few States have been frequently in the situation of a Polish Diet, where a single veto has been sufficient to put a stop to all their movements. A sixtieth part of the Union which is about

the proportion of Delaware and Rhode Island, has several times been able to oppose an entire bar to its operations.

Then Hamilton went on to say—and this is one of those refinements which in practice is in effect the reverse of what is expected of it in theory—

This is one of those refinements which in practice has an effect, the reverse of what is expected from it in theory. In those emergencies of a nation, in which the goodness or badness, the weakness or strength of its government, is of the greatest importance, there is commonly a necessity for action. The public business must in some way or other go forward. If a pertinacious minority can control the opinion of a majority respecting the best mode of conducting it; the majority in order that something may be done, must conform to the views of the minority; and thus the sense of the smaller number will overrule that of the greater, and give a tone to the national proceedings. Hence tedious delays—continual negotiation and intrigue—contemptible compromises of the public good. And yet in such a system, it is even happy when such compromises can take place: For upon some occasions, things will not admit of accommodation; and then the measures of government must be injuriously suspended or fatally defeated. It is often, by the impracticability of obtaining the concurrence of the necessary number of votes, kept in a state of inaction. Its situation must always savour of weakness—sometimes border upon anarchy.

This was the strong, clear injunction of Alexander Hamilton against permitting one body of even the Federal Legislature to be founded on some basis other than equal population representation. Hamilton, together with Madison and the other proponents of our Constitution, did give in so far as the Federal Constitution is concerned, because there were so many differences in analogy between them when compared to State governments.

Hamilton described, in No. 32 of the Federalist Papers, the balance between the States and the Federal Government under the proposed Constitution, as shown in the Federalist at pages 199–200:

An intire consolidation of the States into one complete national sovereignty would imply an intire subordination of the parts; and whatever powers might remain in them would be altogether dependent on the general will. But as the plan of the Convention aims only at a partial Union or consolidation, the State governments would clearly retain all the rights of sovereignty which they before had and which were not by that act exclusively delegated to the United States. This exclusive delegation or rather this alienation of State sovereignty would only exist in three cases; where the Constitution in express terms granted an exclusive authority to the Union; where it granted in one instance an authority to the Union and in another prohibited the States from exercising the like authority; and where it granted an authority to the Union, to which a similar authority in the States would be absolutely and totally contradictory and repugnant.

In Federalist Paper No. 35, James Madison similarly described the new system, in the following words:

The House of Representatives will derive its powers from the people of America, and the people will be represented in the same proportion, and on the same principle, as they are in the legislature of a particular State. So far the Government is National not Federal. The Senate on the other hand will derive its powers from the States, as

political and coequal societies; and these will be represented on the principle of equality in the Senate, as they now are in the existing Congress. So far the Government is Federal, not National.

The proposed Constitution therefore is in strictness neither a National nor a Federal constitution, but a composition of both. In its foundation, it is Federal, not National; in the sources from which the ordinary powers of the Government are drawn, it is partly Federal, and partly National; in the operation of these powers, it is National, not Federal; in the extent of them again, it is Federal, not National; and finally, in the authoritative mode of introducing amendments, it is neither wholly Federal, nor wholly National.

Most of us—with some prominent exceptions—are highly pleased with the Federal aspects of our Government. We feel that there is a real value in having the States in a position to intervene between the massive, military, financial power of the Central Federal Government and the individual. That certainly has a strong basis in the rights of the individual citizen. However, I have not heard anyone argue that there should be a Federal system within a State. Nobody has contended it. Indeed, although we have 50 States, and although we have had many years of experience with States that have had all kinds of representation in their State legislatures, and there has been ample time to develop this theory with regard to the States, no advocate has arisen, and no article has been written, to show that the States should be organized on this basis. It would be ridiculous to so argue, in view of the fact that the real power that must be watched, that must be limited, is that of the Federal Government, and that the real part of our society which must have power also to do a job would be weakened and be rendered unable to act if it had to cope with divisions within the State operations.

Madison repeated, in Federalist Paper No. 40, that the States continued to be independent sovereigns under the new Constitution. This is certainly an important distinction as compared with counties. He said, in Federalist Papers, No. 40:

We have seen that in the new Government as in the old, the general powers are limited, and that the States in all unenumerated cases, are left in the enjoyment of their sovereign and independent jurisdiction.

The 10th amendment of the Constitution would be the real reliance for that position taken by Madison.

Likewise, in No. 45, Madison said:

The States will retain under the proposed Constitution a very extensive portion of active sovereignty.

This is important to document, because once again, no pretense has been made that counties or towns have a right to sovereignty; but Madison, in Federalist Paper No. 45, said that the States do have the element of sovereignty. I quote him:

The State governments may be regarded as constituent and essential parts of the Federal Government; whilst the latter is nowise essential to the operation or organization of the former. Without the intervention of the State legislatures the President

of the United States cannot be elected at all. They must in all cases have a great share in his appointment, and will perhaps in most cases of themselves determine it. The Senate will be elected absolutely and exclusively by the State legislatures.

It is true that since that time there has been an amendment to the Constitution which has changed the method of selecting Senators, and that Senators are elected by direct popular vote. Nevertheless, this was the theory. This was another element recognizing the authority and power of the States. Said Madison:

Even the House of Representatives, though drawn immediately from the people, will be chosen very much under the influence of that class of men, whose influence over the people obtains for themselves an election into the State legislatures. Thus each of the principal branches of the Federal Government will owe its existence more or less to the favor of the State governments, and must consequently feel a dependence, which is much more likely to beget a disposition too obsequious, than too overbearing toward them. On the other side, the component parts of the State governments will in no instance be indebted for their appointment to the direct agency of the Federal Government, and very little if at all, to the local influence of its members.

In Federalist Paper No. 54 Madison explained the basis for the apportionment of the House of Representatives in the following words:

It is not contended that the number of people in each State ought not to be the standard for regulating the proportion of those who are to represent the people of each State. * * * [T]he rule is understood to refer to the personal rights of the people, with which it has a natural and universal connection.

It is agreed on all sides, that numbers are the best scale of wealth and taxation, as they are the only proper scale of representation.

This proposition seemed to Madison, Hamilton, and John Jay, the writers of the Federalist Papers, to be so self-evident that this is the entire discussion devoted to the basic principle of apportioning one of the two houses of the legislature in their detailed exposition of the proposed Constitution.

I challenge any Senator who opposes our position or who favors the Dirksen amendment to show a phrase in the Federalist Papers supporting the principle behind the Dirksen amendment, that both houses of the State legislatures should not be based on population. There is no such statement in the Federalist papers. We in this country are very fortunate to have the magnificent document, the Federalist Papers, which, more than any other exposition of the Constitution, clearly, simply, and convincingly settle the meaning of the Founding Fathers. Talk about the legislative history we make there. The Federalist Papers have given us the definitive legislative history of our Constitution. In this very history it is clear that all the Founding Fathers were unanimously on the side of the principle of one-man, one-vote, in our State legislatures.

In contrast, Madison apparently felt compelled to explain the apportionment

of the Senate at length in No. 62—the *Federalist*, pages 416–417:

The equality of representation in the Senate is another point, which, being evidently the result of compromise between the opposite pretensions of the large and the small States, does not call for much discussion. If indeed, it be right that among a people thoroughly incorporated into one Nation, every district ought to have a proportional share in the Government; and that among independent and sovereign States bound together by a simple league, the parties however unequal in size, ought to have an equal share in the common councils, it does not appear to be without some reason, that in a compound republic partaking both of the national and federal character, the government ought to be founded on a mixture of the principles of proportional and equal representation.

Mr. President, this is in a compound republic. As I said before, no one is arguing that our States are compound republics. They are far from it. They are anything but that. No Founding Father or other philosopher argued that there should be a Federal system within the States.

To continue:

But it is superfluous to try by the standards of theory, a part of the Constitution which is allowed on all hands to be the result not of theory, but "of a spirit of amity, and that mutual deference and concession which the peculiarity of our political situation rendered indispensable." A common government with powers equal to its objects, is called for by the voice, and still more loudly by the political situation of America.

This was the pistol pointed at the heads of our Founding Fathers.

A government founded on principles more consonant to the wishes of the larger States, is not likely to be obtained from the smaller States. The only option then for the former lies between the proposed government and a government still more objectionable. Under this alternative the advice of prudence must be, to embrace the lesser evil; and instead of indulging a fruitless anticipation of the possible mischiefs which may ensue, to contemplate rather the advantageous consequences which may qualify the sacrifice.

In this spirit it may be remarked, that the equal vote allowed to each State, is at once a constitutional recognition of the portion of sovereignty remaining in the individual States, and an instrument for preserving that residuary sovereignty. So far the equality ought to be no less acceptable to the large than to the small States; since they are not less solicitous to guard by every possible expedient against an improper consolidation of the States into one simple republic.

And in No. 58 Madison summarized the difference in functions between the House and Senate:

One branch of the legislature is a representation of citizens; the other of the States. (Id. at 392.)

That last quotation simply and concisely expresses all the difference between our Federal Government, on the one hand, and State governments, on the other.

There are no States within States. If one branch of a State legislature should represent citizens, both should represent citizens.

It is also instructive to read some of the postconvention materials which illustrate some of the strong reservations

about the Senate, as well as the reasons for the creation of a body in which the States are equally represented.

George Mason, who did not sign the proposed Constitution, wrote on a draft of the Constitution as one of his reasons for this action that the Senate had "the power of altering all money bills, and of originating appropriations of money, and the salaries of the officers of their own appointment, in conjunction with the President of the United States, although they are not the representatives of the people or amenable to them." (II Farrand 638.)

Pierce Butler, a delegate to the convention from South Carolina, wrote to Weedon Butler on October 8 describing the proposed Constitution (III Farrand 102–103):

"We, in many instances took the Constitution of Britain, when in its purity, for a model and surely we could not have a better. We tried to avoid what appeared to us the weak parts of ancient as well as modern republics. View the system then as resulting from a spirit of accommodation to different interests, and not the most perfect one that the deputies could devise for a country better adapted for the reception of it than America is at this day, or perhaps ever will be. It is a great extent of territory to be under one free government. We have, as you will see, taken a portion of power from the individual States, to form a General Government for the whole to preserve the Union. The General Government to consist of two branches of legislature and an executive to be vested in one person for 4 years, but eligible again—the first branch of the legislature to be elected by the people of the different States, agreeable to a ratio of numbers and wealth, to serve for 2 years. The second to consist of two Members from each State, to be appointed by the legislature of the States to serve for 6 years. The powers of the General Government are so defined as not to destroy the sovereignty of the individual States.

It was the clear understanding of our Founding Fathers that there was only one reason why the Senate does not represent the people of American on an equal basis. This was that the General Government shall not destroy the sovereignty, the identity, of the States themselves.

In October 1787, a pamphlet was printed defending the Constitution which consisted largely of a speech written by Charles Pinckney of South Carolina which was intended to have been made to the Convention on May 29. He attached the weakness of the Constitution, including as one cause (III Farrand 108):

"The inequality of the principle of Representation, where the largest and most inconsiderable States have an equal vote in the affairs of the Union."

Because of the many defects in the existing system, he proposed that the Convention (ibid.):

"Consider the subject de novo. That they will pay no further attention to the Confederation, than to consider it as good materials, and view themselves as at liberty to form and recommend such a plan, as from their knowledge of the temper of the people, and the resources of the States, will be most likely to render our Government firm and united. This appears to me, far more proper than to attempt the repair of a system, not only radically defective in principle, but which, if it was possible to give it operation, would prove absurd and oppressive."

Pinckney stated that (id. at 109–110):

"The first important alteration is, that of the principle of representation, and the distribution of the different powers of government. In the Federal councils, each State ought to have a weight in proportion to its

importance; and no State is justly entitled to a greater. A representation is the sign of the reality. Upon this principle, however abused, the parliament of Great Britain is formed, and it has been universally adopted by the States in the formation of their legislatures."

This observation by Pinckney back in 1787, once again underlines and affirms the argument I have been making; namely, that at the time of the adoption of the Federal Constitution the State legislatures were constituted strictly on the basis of population.

Unfortunately, some Senators do not seem to appreciate or recall this. At any rate, they have been making contrary arguments on the floor of the Senate.

Following the adoption of the Constitution, Pinckney observed that this principle, that each person, each voter, should have an equal vote has been universally adopted by the States in the formation of their legislatures.

Those who attack the Supreme Court, in connection with Reynolds against Sims, and call this a new, radical innovation apparently have forgotten what our Founding Fathers had said on this point.

One of the columnists, publishing his column in last night's Washington Star, in his usual intemperate and unfortunate observations on the Federal Government, brought his name-calling, which is largely confined to Members of the Senate, to apply to the Supreme Court. He argued that this Supreme Court action was a radical departure from past practice.

Obviously he has not read the Federalist papers. If he has, he has forgotten what was written in the Federalist papers, and also the observations of the other Founding Fathers. The Federalist papers make it clear that these Supreme Court decisions were no radical departure by the Supreme Court; indeed, the Supreme Court affirmed an ancient procedure, which is older than the Constitution itself.

It is a principle that has been affirmed over and over again. Every person in America, black or white, rich or poor, rural or urban, should have equal representation in their State legislature. There is no basis whatsoever in principle for saying that city people cannot be trusted, that suburbanites cannot be trusted, or that when a person leaves a farm and comes to the city, he leaves his vote behind. There is no such principle in our history or in the observations of the great men who formed our Constitution.

Pinckney goes on to say:

The abuse of this equality—

That is the equality of having each person equally represented—

has been censured as one of the most dangerous corruptions of the English Constitution; and I hope we shall not incautiously contract a disease that has been consuming them. Nothing, but necessity, could have induced Congress to ratify a Confederation upon other principles. It certainly was the opinion of the first Congress, in 1774, to acquire materials for forming an estimate of the comparative importance of each State; for, in the commencement of that session, they gave as a reason, for allowing each

colony a vote, that it was not in their power, at that time, to procure evidence for determining their importance.

In other words, they did not have a census. They did not know accurately the population of the Colonies. They had no provision for determining accurately enough where the people were, so that they could give each Colony proportional representation. Continuing:

"This idea, of a just representation, seems to have been conformable to the opinions of the best writers on the subject, that, in a confederated system, the members ought to contribute according to their abilities, and have a vote in proportion to their importance. But if each must have a vote, it can be defended upon no other ground, than that of each contributing an equal share of the public burdens: either would be a perfect system. The present must ever continue irreconcilable to justice.

"The Senate, I propose to have elected by the house of delegates, upon proportionable principles, in the manner I have stated, which, though rotative, will give that body a sufficient degree of stability and independence. The districts, into which the Union are to be divided, will be so apportioned, as to give to each its due weight, and the Senate, calculated in this, as it ought to be in every government, to represent the wealth of the Nation."

This method of representation was based on Pinckney's view as to the proper relationship of the new National Government and the States (id. at 112):

"I apprehend the true intention of the States in uniting, is to have a firm National Government, capable of effectually executing its acts, and dispensing its benefits and protection. In it alone can be vested those powers and prerogatives which more particularly distinguish a sovereign state. The members which compose the superintending Government are to be considered merely as parts of a great whole, and only suffered to retain the powers necessary to the administration of their State systems. The idea which has been so long and falsely entertained of each being a sovereign state, must be given up; for it is absurd to suppose there can be more than one sovereignty within a government. The States should retain nothing more than that mere local legislation, which, as districts of a General Government, they can exercise more to the benefit of their particular inhabitants."

This idea has persisted ever since the founding of our Constitution: That there is an element of sovereignty within the States and is affirmed in the 10th amendment to the Constitution, and so stated over and over again, which was the only argument given for composing the Senate as it has been composed, with every State, large and small, having equal representation, and disregarding the principle of equal representation for every American citizen.

I continue:

In concluding, Pinckney comments on the proposed constitution and states as one of his two objections to it the composition of the Senate. (Id. at 127.)

In a letter explaining why he had not signed the proposed constitution, Elbridge Gerry wrote that (III Farrand 128-129):

"As the convention was called for 'the sole and express purpose of revising the Articles of Confederation, and reporting to Congress, and the several legislatures, such alterations and provisions as shall render the Federal Constitution adequate to the exigencies of government, and the preservation of the Union.' I did not conceive that these powers

extend to the formation of the plan proposed: but the convention being of a different opinion, I acquiesced in it, being fully convinced that to preserve the Union, an efficient government was indispensably necessary; and that it would be difficult to make proper amendments to the Articles of Confederation.

"The Constitution proposed has few if any Federal features; but is rather a system of national government. Nevertheless, in many respects, I think it has great merit, and, by proper amendments, may be adapted to the 'exigencies of government, and preservation of liberty.'"

I should not say "national"; I should say, in the words of Madison, that this is the Federal aspect of our Republic, not the national aspect.

Perhaps Luther Martin best conveyed the difference between State government, which represents the people, and National Government, which represents States:

From December 28, 1787, to February 8, 1788, Luther Martin's "Genuine Information" was printed in the Maryland Gazette and Baltimore Advertiser. It consisted of an expanded version of the speech he made to the Maryland House of Delegates on November 29. Martin stated that the believers in a Federal system were (III Farrand 179-186):

"For taking our present Federal system as the basis of their proceedings, and, as far as experience had shown us that there were defects, to remedy those defects; as far as experience had shown that other powers were necessary to the Federal Government to give those powers. They considered this the object for which they were sent by their States, and what their States expected from them.

Those who advocated [inequality of representation in the first branch] urged, that, when the Articles of Confederation were formed, it was only from necessity and expediency that the States were admitted each to have an equal vote; but that our situation was now altered, and therefore those States who considered it contrary to their interest, would no longer abide by it. They said, no State ought to wish to have influence in government, except in proportion to what it contributes to it; that, if it contributes but little, it ought to have but a small vote; that taxation and representation ought always to go together; that if one State had 16 times as many inhabitants as another, or was 16 times as wealthy, it ought to have 16 times as many votes; that an inhabitant of Pennsylvania ought to have as much weight and consequence as an inhabitant of Jersey or Delaware; that it was contrary to the feelings of the human mind; what the large States would never submit to; that the large States would have great objects in view, in which they would never permit the smaller States to thwart them; that equality of suffrage was the rotten part of the constitution, and that this was a happy time to get clear of it. In fine, that it was the poison which contaminated our whole system, and the source of all the evils we experienced.

"This, Sir, is the substance of the arguments, if arguments they may be called, which were used in favor of inequality of suffrage. Those who advocated the equality of suffrage, took the matter upon the original principles of government; they urged, that all men, considered in a State of nature, before any government is formed, are equally free and independent, no one having any right or authority to exercise power over another, and this without any regard to difference in personal strength, understanding, or wealth. That, when such individuals enter into government, they have each a right to

an equal voice in its first formation, and afterwards have each a right to an equal vote in every matter which relates to their government. That, if it could be done conveniently, they have a right to exercise it in person. Where it cannot be done in person, but for convenience representatives are appointed, to act for them, every person has a right to an equal vote in choosing that representative; who is instructed to do for the whole, that which the whole, if they could assemble, might do in person, and in the transaction of which, each would have an equal voice."

This is an extremely interesting analysis by Luther Martin, because it recalls to mind quite vividly the gross distortions that now exist in California, where the county of Los Angeles, with a population of 6 million, has 1 State senator, while another county, having a population of 13,000, has 1 State senator. That means that if everyone in that area of California were to attend a gigantic assembly, Los Angeles citizens, in effect, would be permitted to have only 1 citizen in 500 vote, whereas in the other county everybody, all citizens, would be allowed to vote.

Perhaps the inequality which Luther Martin shows so vividly in analyzing the Constitution can be demonstrated with regard to the States.

The remarkable thing, to me, is that what exercised our Founding Fathers so much was that a representative of Delaware and Rhode Island might have 16, 17, or 18 times the influence that a representative of Pennsylvania or New York might have. Now we have a situation within the States in which a citizen of one county may have a thousand times the influence—that is not an exaggeration—in electing the members of a State legislature that another citizen has.

Mr. DOUGLAS. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. DOUGLAS. My own State of Illinois certainly is not the worst State in the Union in this matter, but I introduced material into the RECORD yesterday which showed that in one senatorial district there were only 54,000 people, and in another senatorial district there were 570,000 people. One person in the smallest district had more than 10 times the voice of a person in the registered district, or 1 person was equal to more than 10 persons in the largest district. I illustrated other examples of a district with 57,000, 59,000 and 67,000 on the one hand, and districts having over 400,000 and 505,000 on the other. Interestingly enough, it was the suburban districts which had the biggest population and were, therefore, the most underrepresented.

Mr. PROXMIRE. That is a dramatic and immediate illustration of the kind of unfortunate injustice which the Supreme Court has contended against, and which it has endeavored to correct patiently, slowly, gradually, over a period of many years. The Senator from Illinois has been at great pains to say that for more than 60 years most States have been malapportioned so that the Supreme Court has not acted precipitately but gradually.

Luther Martin goes on to say:

That, if we were to admit, because a man was more wise, more strong, or more wealthy, he should be entitled to more votes than another it would be inconsistent with the freedom and liberty of that other—

Luther Martin reported the deliberations of our Founding Fathers at the time the Constitution was being set up, and he has been acknowledged to be an honest, fair, and objective reporter—and would reduce him to slavery. Suppose, for instance, 10 individuals in a state of nature, about to enter into government, 9 of whom are equally wise, equally strong, and equally wealthy, the 10th is 10 times as wise, 10 times as strong, or 10 times as rich; if, for this reason, he is to have 10 votes for each vote of either of the others, the 9 might as well have no vote at all; since, though the whole 9 might assent to a measure, yet the vote of the 10th would countervail, and set aside all their votes.

Mr. DOUGLAS. Mr. President, will the Senator from Wisconsin yield?

The PRESIDING OFFICER (Mr. MCINTYRE in the chair). Does the Senator from Wisconsin yield to the Senator from Illinois?

Mr. PROXMIRE. I yield.

Mr. DOUGLAS. This is precisely what the oil millionaire, H. L. Hunt, proposes. He has written a book in which he states that people should have votes in proportion to their wealth.

Mr. PROXMIRE. The examples he has given, if votes are in proportion, cannot even be justified on the basis of taxes and wealth, on the wisdom of individuals, their strength, the work they have done, or the experience they have had. There is no basis for this discrimination whatsoever. They happen to live in an area which, because people have left it, is given more influence than another, or they are disadvantaged because they happen to live in an area which is attractive and progressive, and into which people have moved.

Luther Martin goes on to say:

Having thus established these principles, with respect to the rights of individuals in a state of nature, and what is due to each, on entering into government (principles established by every writer on liberty), they proceeded to show, that States, when once formed, are considered, with respect to each other, as individuals in a state of nature; that, like individuals, each State is considered equally free and equally independent, the one having no right to exercise authority over the other, though more strong, more wealthy, or abounding with more inhabitants. That, when a number of States unite themselves under a federal government, the same principles apply to them, as when a number of individual men unite themselves under a State government.

There we have a beautiful, clear, and simple explanation of how to justify the U.S. Senate. Although the States are artificial creatures, they have a real identity, real sovereignty, and we have treated them equally. But no one—no author of the Dirksen amendment, no strongest supporter of the Dirksen amendment, or author of the Tuck bill, for that matter—has ever argued that there is anything like such sovereignty and identity, or any need for the equality of justification, for equality within

the States, the counties, or any other governmental body.

Luther Martin goes on to say:

That every argument which shows one man ought not to have more votes than another, because he is wiser, stronger, or wealthier, proves that one State ought not to have more votes than another, because it is stronger, richer, or more populous. And, that by giving one State, or one or two States, more votes than the others, the others thereby are enslaved to such State or States, having the greater number of votes, in the same manner as in the case before put, of individuals, when one has more votes than the others. That the reason why each individual man in forming a State government should have an equal vote, is because each individual, before he enters into government, is equally free and independent. So each State, when States enter into a Federal Government, are entitled to an equal vote; because, before they enter into such Federal Government, each State was equally free and equally independent.

That argument cannot be made for towns and it cannot be made for counties. It can be made only for individual persons, or, in the case of federated governments consisting of individual States and nations, it can be made, perhaps, on the basis of their identity as individual States or nations.

Luther Martin goes on to say:

"That the 13 States are 13 distinct political individual existences, as to each other; that the Federal Government is, or ought to be, a government over these 13 political individual existences, which form the members of that Government; and that, as the largest State, is only a single individual of this Government, it ought to have only one vote; the smallest State, also being one individual member of this Government, ought also to have one vote.

"It was denied that the equality of suffrage was originally agreed to [in the confederation] on principles of necessity or expediency; on the contrary, that it was adopted on the principles of the rights of men and the rights of States, which were then well known, and which then influenced our conduct, although now they seem to be forgotten."

When the large States threatened that they would never agree to a system of equal representation, Martin said that the small States answered (III Farrand 186):

"That slavery was the worst that could ensue, and we considered the system proposed to be the most complete, most abject system of slavery that the wit of man ever devised, under the pretence of forming a government for free States."

He described the issue whether there should be one or more legislative bodies as a conflict between those in favor of National and Federal Government (id. at 191-193):

"Those who were for two branches in the legislature, a House of Representatives and a Senate, urged the necessity of a second branch, to serve as a check upon the first, and used all those trite and commonplace arguments which may be proper and just, when applied to the formation of a State government, over individuals variously distinguished in their habits and manners, fortune and rank * * *. But, on the other side, it was urged, that none of those arguments could with propriety be applied to the formation of a Federal Government over a number of independent States."

Luther Martin was an accurate, widely accepted reporter of the debates at the time of the constitutional convention.

He said that the arguments made in favor of equal State representation, not popular representation, in the U.S. Senate, were strictly based on the notion that States had an individual, separate, sovereign identity, and that they rose or fell upon the acceptance of that theory. That was the only theory and the only principle. There was no argument that there was some reason to provide area representation or anything of that kind.

Luther Martin goes on to say:

It is the State governments which are to watch over and protect the rights of the individual, whether rich or poor, or of moderate circumstances, and in which the democratic and aristocratic influence or principles are to be so blended, modified, and checked, as to prevent oppression and injury—

The argument of those who contend for the Senate to be organized as it is—that the Federal Government is to guard and protect the States and their rights, and to regulate their common concerns; that a Federal Government is formed by the States, as States, that is, in their sovereign capacities, in the same manner as treaties and alliances are formed; that sovereignties, considered as such, cannot be said to have jarring interests or principles, the one aristocratic, and the other democratic.

It was urged, that the Government we were forming was not in reality a Federal, but a National Government; not founded on the principles of the preservation, but the abolition or consolidation of all State governments; that we appeared totally to have forgot the business for which we were sent, and the situation of the country for which we were preparing our system—that we had not been sent to form a government over the inhabitants of America, considered as individuals; that as individuals, they were all subject to their respective State governments, which government would still remain, though the Federal Government should be dissolved.

Whereas it was urged, that the principles on which a Federal Government over States ought to be constructed and ratified, are the reverse; that instead of the legislature consisting of two branches, one branch was sufficient, whether examined by the dictates of reason, or the experience of ages; that the representation, instead of being drawn from the people at large, as individuals, ought to be drawn from the States as States, in their sovereign capacity; that, in a Federal Government, the parties to the compact are not the people, as individuals, but the States, as States; and that it is by the States as States, in their sovereign capacity, that the system of government ought to be ratified, and not by the people, as individuals.

It was further said, that, in a Federal Government over States equally free, sovereign, and independent, every State ought to have an equal share in making the Federal laws or regulations, in deciding upon them, and in carrying them into execution; neither of which was the case in this system, but the reverse; the States not having an equal voice in the legislature, nor in the appointment of the executive, the judges, and the other officers of government. It was insisted, that, in the whole system, there was but one Federal feature—the appointment of the Senators by the States in their sovereign capacity, that is, by their legislatures, and the equality of suffrage in that branch; but it was said, that this feature was only Federal in appearance.

Mr. Martin went on to say:

In a State government, I consider all power flowing immediately from the people in their

individual capacity, and that the people, in their individual capacity, have, and ought to have the right of choosing delegates in a State legislature, the business of which is to make laws, regulating their concerns, as individuals, and operating upon them as such; but in a Federal Government, formed over free States, the power flows from the people, and the right of choosing delegates belongs to them only mediately through their respective State governments which are the members composing the Federal Government, and from whom all its power immediately proceeds; to which State governments, the choice of the Federal delegates immediately belongs.

I repeat the first part of that statement by Luther Martin. After years of reporting on the origins of our Federal Constitution, the debate led up to the adoption of our Federal Constitution. Luther Martin makes this notation, which is so crucial:

In a State government, I consider all power flowing immediately from the people in their individual capacity, and that the people, in their individual capacity, have, and ought to have the right of choosing delegates in a State legislature, the business of which is to make laws.

It is the people in their individual capacity who can elect a member of a State legislature in proportion to the one man-one vote principle. The Federal Government is, in part at least, a federation of independent and sovereign States. The Federal Government has Senators who represent States—not individuals, but States.

A look at the conventions which ratified the Constitution further illustrates the ideas of the Senate as a body representing the sovereign States. I believe that this is one of the clearest and best evidences that we have that at the time of the adoption of the Constitution, not only in the debate that went on when it was ratified, by the delegates to the Constitutional Convention, but also in its actual ratification by the individual, independent States, was this concept of individual State sovereignty. This was the only reason that the one man-one vote principle was abridged in adopting our Federal Constitution.

I continue to read:

In the Massachusetts Convention, various delegates emphasized the sharp distinction between the function of the Senate and the House of Representatives. Fisher Ames, later a Congressman, stated that (II, "The Debates in the Several State Conventions on the Adoption of the Federal Constitution" (Elliot editor, 2d ed., 1854, p. 11): "The Senators will represent the sovereignty of the States. The representatives are to represent the people."

Christopher Gore similarly remarked (id. at 18): "The Senate represents the sovereignty of the States; the House of Representatives the people of the United States."

And E. Pierce said (id. at 22): "[T]he Federal Representatives, who are to form the democratical part of the general government, are to be a check on the representatives of the sovereignty, the Senate * * *."

In the debate on the constitution of the Senate, Fisher Ames defended the provision that Senators serve for 6 years (II Elliot 46): "The Senators represent the sovereignty of the States; in the other house, individuals are represented. * * * [Senators] are in the quality of ambassadors of the States * * *."

Did anyone propose that a member of a State legislature represented the government of a country, town, or any other administrative convenience? Of course not.

I continue to read:

"If they would be brought by that means more immediately under the influence of the people, then they will represent the State legislatures less, and become the representatives of individuals. This belongs to the other house. The absurdity of this, and its repugnancy to the Federal principles of the Constitution, will appear more fully, by supposing that they are to be chosen by the people at large. If there is any force to the objection to this article, this would be proper. But whom in that case, would they represent?—Not the legislatures of the States, but the people. This would totally obliterate the Federal features of the Constitution."

Continuing this debate, Rufus King, a delegate to the Congress under the Confederation and to the Federal convention, noted (id. at 47):

"[A]s the Senate preserved the equality of the States, their apportionment is equal."

In the debate on article I, section 4, which gives Congress power to regulate Federal elections, George Cabot, later a U.S. Senator, stated (II Elliot 25-26): "[A] free and equal representation is the best, if not the only foundation upon which a free government can be built; and, consequently, that the greatest care should be taken in laying it. * * * I consider the democratic branch of the national government, the branch chosen immediately for the people, as intended to be a check on the Federal branch, which latter is not an immediate representation of the people of America, and is not chosen by them, but is a representation of the sovereignty of the individual States, and its members delegated by the several State legislatures * * *."

Immediately thereafter Theophilus Parsons, a leading attorney, said (id. at 26-27): "In the Congress, not only the sovereignty of the States is represented in the Senate, but, to balance their power, and to give the people a suitable and efficient check upon them, the Federal Representatives are introduced into Congress. The legislatures of the several States are the constituents of the Senate, and the people are the constituents of the Representatives * * *. [A State legislature] might make an unequal and partial division of the States into districts for the election of Representatives or they might even disqualify one third of the electors. Without these powers in Congress, the people can have no remedy; but the fourth section provides a remedy, a controlling power in a legislature, composed of Senators and Representatives of 12 States, without the influence of our commotions and factions, who will hear impartially and preserve and restore to the people their equal and sacred rights of election."

Continuing the debate on this provision, Dr. Charles Jarvis argued (id. at 29): "The right of election, founded on the principle of equality, was, he said, the basis on which the whole superstructure was erected; this right was inherent in the people; it was unalienable in its nature, and it could not be destroyed without presuming a power to subvert the Constitution, of which this was the principal; and by recurring to the 2d section, it would appear that 'representatives and direct taxes shall be apportioned among the several States according to their respective numbers'; it equally appeared that 30,000 inhabitants were entitled to send a representative, and that wherever this number was found, they would have a right to be represented in the Federal Legislature."

Judge Francis Dana, who was a Member of the Congress under the Confederation and

who was chosen to attend the Federal Convention but was unable to do so, also defended article I, section 4: "The Legislature of Rhode Island has lately formed a plan to alter their representation to corporations, which ought to be by numbers. Look at Great Britain, where the injustice of this mode is apparent. Eight-tenths of the people there have no voice in the elections. A borough of but two or three cottages has a right to send two representatives to Parliament, while Birmingham, a large and populous manufacturing town, lately sprung up, cannot send one. The Legislature of Rhode Island is about to adopt this plan, in order to deprive the towns of Newport and Providence of their weight, and that thereby the legislature may have a power to counteract the will of a majority of the people."

Rufus King immediately agreed with Dana in support of article I, section 4 (id. at 50-51): "In Connecticut, they do not choose by numbers, but by corporations. Hartford, one of their largest towns, sends no more delegates than one of their smallest corporations, each town sending two, except latterly, when a town was divided. The same rule is about to be adopted in Rhode Island. The inequality of such representation, where every corporation would have an equal right to send an equal number of representatives, was apparent. In the Southern States, the inequality was greater. By the constitution of South Carolina, the city of Charleston has a right to send 30 representatives to the general assembly; the whole number of which amounts to 200. The back parts of Carolina have increased greatly since the adoption of their constitution, and have frequently attempted an alteration of this unequal mode of representation; but the members from Charleston, having the balance so much in their favor, will not consent to an alteration; and we see that the delegates from Carolina in Congress have always been chosen by the delegates of that city. The representatives, therefore, from that State will not be chosen by the people, but will be the representatives of a faction of that State."

Later in the debate, two speakers emphasized that most American legislatures were apportioned on the basis of population. John Coffin Jones said (II Elliot 75): "[T]he people of the United States are an enlightened, well-informed people, and are, therefore, not easily imposed on by designing men. Our right of representation, concluded Mr. J., is much more just and equitable than the boasted are of Great Britain, whose representatives are chosen by corporations or boroughs * * *."

Similarly, James Bowdoin, a Member of the Congress under the Confederation and former Governor, remarked that (id. at 127): "The equality of representation is determined in nearly all the States by numbers; so it is in the Federal Constitution."

It was, as far as the House of Representatives is concerned. As I pointed out, the Senate was a necessary, and at the same time was considered by many to be an unfortunate, but necessary compromise, which could be justified on the basis of a Federal system protecting the rights of individuals within the States.

Continuing to read:

In the Connecticut convention, Oliver Wolcott a delegate to the Continental Congress and later Governor, defended the proposed constitution. In doing so, he said (II Elliot 202): "The Senate, a constituent branch of the general legislature, without whose assent no public act can be made, are appointed by the States, and will secure the rights of the several States. The other branch of the legislature, the Representatives, are to be

elected by the people at large. They will therefore be the guardians of the rights of the great body of the citizens."

Similarly, during the New York convention, Melancton Smith, a delegate to the Continental Congress, said (II Elliot 311): "[A]s the Senators are the representatives of the State legislatures, it is reasonable and proper that they should be under their control."

Alexander Hamilton described the conflict over representation in Congress (id. at 236): "On the other hand, the small States, seeing themselves embraced by the Confederation upon equal terms, wished to retain the advantages which they already possessed. The large States, on the contrary, thought it improper that Rhode Island and Delaware should enjoy an equal suffrage with themselves. From these sources a delicate and difficult contest arose. It became necessary, therefore, to compromise, or the Convention must have dissolved without effecting anything."

Robert Lansing likewise said (id. at 272): "When the subject of the apportionment of representatives came forward, the large States insisted that the equality of suffrage should be abolished. This the small States opposed contending that it would reduce them to a state of subordination. There was such a division that a dissolution of the Convention appeared unavoidable, unless some conciliatory measure was adopted."

Later in the Convention, Lansing described the nature of the Senate (id. at 289): "I believe it was undoubtedly the intention of the framers of this Constitution to make the lower house the proper, peculiar representative of the interests of the people; the Senate, of the sovereignty of the States."

That refrain runs over and over in the constitutional debates and during the ratification of the Constitution by the various States. It was Lansing who said that the Senate represented the sovereignty of the States.

Continuing to read:

Patrick Henry, the great orator of the Revolution and former Governor, was one of the leading opponents of the Constitution at the Virginia Convention. One of his principal objections to the Constitution involved representation in Congress (III Elliot 46-47): "[The Constitution] says that there shall not be more Representatives than 1 for every 30,000. Now, sir, how easy is it to evade this privilege. 'The number shall not exceed 1 for every 30,000.' This may be satisfied by one Representative from each State. Let our numbers be ever so great, this immense continent may, by this artful expression, be reduced to have but 13 Representatives * * *. When population increases, and a State shall send Representatives in this proportion, Congress may remand them, because the right of having 1 for every 30,000 is not clearly expressed. * * * [W]e may fairly conclude that they may restrain the number to one from each State. Perhaps the same horrors may hang over my mind again."

Later in the debate, he similarly contended (id. at 324): "The honorable gentleman was pleased to say that the representation of the people was the vital principle of this Government. I will readily agree that it ought to be so. But I contend that this principle is only nominally, and not substantially, to be found there."

Continuing:

"We contended with the British about representation. They offered us such a representation as Congress now does. They called it a virtual representation. If you look at that paper, you will find it so there. Is there but a virtual representation in the Upper

House? The States are represented, as States, by two Senators each. This is virtual, not actual. They encounter you with Rhode Island and Delaware. This is not an actual representation. What does the term 'representation' signify? It means that a certain district—a certain association of men—should be represented in the Government, for certain ends. These ends ought not to be impeded or obstructed in any manner. Here, sir, this populous State has not an adequate share of legislative influence. The two petty States of Rhode Island and Delaware, which, together are infinitely inferior to this State in extent and population, have double her weight, and can counteract her interest. I say that the representation in the Senate, as applicable to States, is not actual. Representation is not, therefore, the vital principle of this Government. So far it is wrong."

A man as eminent as the great Governor of Virginia, considered perhaps the most eloquent orator of our Revolutionary period, opposed the Constitution and opposed it strictly on the basis of the fact that the U.S. Senate was not organized on a one-man, one-vote basis.

I think that those who contend that this principle is not a deep, proven, or basic constitutional principle should recognize how very strongly our Founding Fathers felt about it, and those who accepted the principle in the Constitution did so with the greatest reluctance.

Continuing to read:

Another opponent of the Constitution, William Grayson, a former Member of the Continental Congress and later to be a U.S. Senator, similarly argued (III Elliot 280): "A democratic branch marked with strong features of aristocracy, and an aristocratic branch with all the impurities and imperfections of the British House of Commons, arising from the inequality of representation and want of responsibility. There will be plenty of Old Sarums—a rotten borough—if the new Constitution should be adopted. Do we love the British so well as to imitate their imperfections? We could not effect it more than in that particular instance. Are not all defects and corruptions founded on an inequality of representation and want of responsibility?"

A few moments later, Grayson said (id. at 281): "But the British House of Commons are corrupted from the same cause that our representatives will be: I mean from the Old Sarums among them—from the inequality of the representation."

William Grayson, later to be a U.S. Senator, and an opponent of the Constitution, said, in speaking of the Congress:

The people are represented according to their numbers. In the upper House, the States are represented in their political capacities. Delaware or Rhode Island has as many representatives here as Massachusetts. Why should the Senate have a right to intermeddle with money, when the representation is neither equal or just?

In defending the need for congressional control over Federal elections provided in article I, section 4, James Madison said:

Elections are regulated now unequally in some States, particularly South Carolina, with respect to Charleston, which is represented by 30 Members.

William Richardson Davie, a delegate to the National Convention, described its proceedings to the North Carolina ratifying convention. As to Congress, he stated:

The House of Representatives are immediately elected by the people. The Senators represent the sovereignty of the States; they are directly chosen by the State legislatures, and no legislative act can be done without their concurrence.

James Iredell, one of the initial members of this Court, was one of the leading supporters of the proposed Constitution at the North Carolina convention. In doing so, he defended the balance of the new Federal system:

Thus, then, the general Government is to be taken care of, and the State governments to be preserved. The former is done by a numerous representation of the people of each State, in proportion of its importance. The latter is effected by giving each State an equal representation in the Senate. The people will be represented in one house, the State legislatures in the other * * *. The House of Representatives * * * will represent the immediate interests of the people. * * * The respectability of their constituents, who are the free citizens of America, will add great weight to the representatives * * *.

Throughout these justifications and rationalizations for the U.S. Senate, we can see the distinction made, emphasized, and underlined that Senators represent sovereign States, with the individuality of the sovereign States; and that they were selected—until a constitutional amendment in this century—by the State legislatures. There is no analogy whatsoever between a Federal Congress, one branch of which is representative of the people, and the State legislatures.

Subsequently Mr. Iredell said:

It is true that it would be very improper if the Senate had authority to prevent the House of Representatives from protecting the people. It would be equally so if the House of Representatives were able to prevent the Senate from protecting the sovereignty of the States.

Richard Dobbs Spaight, a delegate at the Federal convention, explained the reason that the Senate was required to concur in treaties:

[I]t was thought better to put that power into the hands of the Senators as representatives of the States—that thereby the interest of every State was equally attended to in the formation of treaties—but that it was not considered as a legislative act at all.

Davie likewise defended this requirement, saying that it was "indispensable to give to the Senators, as representatives of States, the power of making, or rather ratifying, treaties. Although it militates against every idea of just proportion that the little State of Rhode Island should have the same suffrage with Virginia, or the great Commonwealth of Massachusetts, yet the small States would not consent to confederate without an equal voice in the formation of treaties."

It is interesting that, even though the burden of my remarks has to do with the distinction between Federal and State bodies, intruding in this debate by the Founding Fathers is the principle that the Supreme Court will defend and protect the rights of individual American citizens from an unconstitutional abridgement of that right by acts of Congress or of the State legislatures:

Charles Pinckney, a delegate at Philadelphia, described the proceedings in the South Carolina convention. Concerning the question of representation, he said that (IV Elliot 256-257): "The degree of weight which each State was to have in the Federal council became a question of much agitation. The larger States contended that no government could long exist whose principles were founded in injustice; that one of the most serious and unanswerable objections to the present system was the injustice of its tendency in allowing each State an equal vote, notwithstanding their striking disparity. The small ones replied, and perhaps with reason, that, as the States were the pillars upon which the general government must ever rest, their State governments must remain; that, however they may vary in point of territory or population, as political associations they were equal; that upon these terms they formally confederated, and that no inducement whatsoever should tempt them to unite upon others * * *."

Mr. President, I pause here to point out again that what the Senator from Illinois [Mr. DOUGLAS] said some time ago about how the creation in our Constitution of a Senate that would not be composed on the basis of population resulted only from the fact that a pistol was pointed at the heads of the Founding Fathers to make them choose between that plan and no Union at all, has been confirmed by what Mr. Pinckney stated:

After much anxious discussion—for, had the convention separated without determining upon a plan, it would have been on this point—

This was the issue then. This was the point that divided the Convention and the Founding Fathers more than any other point. It was the point on which they felt most deeply. During this debate, which has been led by the senior Senator from Illinois, and in which many of us have joined, this same principle has been at issue. It is the principle which divided the Constitutional Convention and which made it so difficult for the Constitutional Convention to arrive at a decision.

This is such an important principle that we are willing at great inconvenience to contend against the Dirksen proposal, because of the principle on which we feel so deeply.

Of course, there is another principle which is even more precious than that. We feel that the Supreme Court of the United States must be preserved in its capacity to review an act of Congress as to its constitutionality, and in its capacity to defend individual constitutional rights. If we do not protect this principle, our freedoms do not mean very much.

As Charles Pinckney said:

"A compromise was effected, by which it was determined that the first branch be so chosen as to represent in due proportion the people of the Union; that the Senate should be the representatives of the States, where each should have an equal weight."

Charles Cotesworth Pinckney, another delegate to the Federal Convention, likewise stated (id. at 282-283): "As we have found it necessary to give very extensive powers to the Federal Government both over the persons and estates of the citizens, we thought it right to draw one branch of the legislature immediately from the people, and that

both wealth and numbers should be considered in the representation."

Pinckney supported the provisions concerning Congress (id. at 304): "[I]n the general Constitution, the House of Representatives will be elected immediately by the people, and represent them and their personal rights individually; the Senate will be elected by the State legislatures, and represent the States in their political capacity" * * *.

Having indicated the strong conflict existing between State sovereignty and national unity at the time our Constitution was drafted, and the compromises this conflict resulted in, I should now like to examine some of the arguments made for using the Federal analogy in State legislatures by reading from a pamphlet entitled "Reapportionment and the Federal Analogy," written by Robert B. McKay. I shall read only the high spots:

The issue, now sharply drawn, may be stated as follows: Since the U.S. Senate provides equal representation for all States regardless of population, while the House of Representatives provides representation according to population, is not a similar arrangement permissible by analogy in State legislatures? The contention is that, since the national governmental structure has proved reasonably satisfactory, and since the system was approved by the framers of the Constitution, a similar formula should be acceptable in State legislatures.

The argument has a surface appeal that has led to uncritical acceptance of the analogy without noting the reasons for which application of that scheme might be inappropriate in the State legislative forum. Typical of the unreasoned acceptance of this too-easy argument is the statement of Mr. Justice Harlan in his dissent in *Baker*.

Mr. President, this is the cornerstone and the only philosophical reference which those who support the Dirksen amendment have made. They constantly come back to the argument of Justice Harlan, who said:

It is surely beyond argument that those who have the responsibility for devising a system of representation may permissibly consider that factors other than bare numbers should be taken into account. The existence of the U.S. Senate is proof enough of that (369 U.S. at 333).

Mr. President, I wish Justice Harlan, before he had written those words, had studied the amicus curiae memorandum which was prepared by the Department of Justice to assist the Court in making its decision. It was prepared in October 1963. It is true that the Reynolds against Sims decision was rendered later. However, this amicus curiae certainly answered any contention that there is any analogy. It answered it chapter and verse. There is no analogy, and the debates in the constitutional convention and the writings of the Founding Fathers and the Federalist Papers prove that there is no analogy.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield to the Senator from Illinois.

Mr. DOUGLAS. Not only was equality of representation of States, regardless of population, put into the Constitution under article I at the point of a pistol and under the threat by the small States that otherwise they would not

join and, indeed, would make treaties with foreign powers, but the small States determined to rivet that provision into the Constitution in article V. Article V, in its concluding passage provides:

Provided, That no amendment which may be made prior to the year 1808 shall in any manner affect the first and fourth clauses of the ninth section of the first article—

That dealt with the slave trade—

and that no State without its consent, shall be deprived of its equal suffrage in the Senate.

There is no limitation. The one reason why this provision has never been changed is that it is the one feature of the Constitution which cannot be changed.

We of the big States have suffered under the principle of equality of representation of the States in the Senate. States of less than a quarter of the population have a majority of the Members in the U.S. Senate, and control this body.

The residents of the larger States pay the major share of the taxes. Representatives of the smaller States determine where the money is to go.

We of the larger States bear a heavy burden and a heavy cross. We accept it, because this is the price of continued union, just as the big States accepted it originally.

The mere fact that it has continued through all this time is not proof that it is the ideal system. Even if it is due to the fact that the small States got this provision in perpetuity when they made it the price of admission to the Union, we do not approve of it. We acquiesce in it because we want to preserve the Union, but it is a heavy price that we pay. Certainly it is not an example which should be copied by any government.

Mr. PROXMIRE. The Senator from Illinois makes a very strong and logical argument, but I do not "buy" it. I believe we ought to be aware of the fact that those of us who oppose the Dirksen amendment do not depend on that argument. Those of us who feel that the Federal Government was based on a wise principle which has worked well do not rely on the argument that every State should have representation in the Senate based only on its population. We can still contend, as I contend—and as I believe perhaps most Senators contend—that each State should have equal representation, that each State should have two Senators in the Senate, and at the same time contend that this principle should not apply to State governments, because there is an analogy and no comparison.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. MAGNUSON. Mr. President, I may be able to contribute a little to this discussion along the lines which the Senator from Illinois and the Senator from Wisconsin have been discussing. The States came into the Union under an enabling act. I have looked up the enabling act of February 27, 1889, which provided for the admission of North Dakota, South Dakota, Montana, and my own State of Washington. Under the provisions laid

down by the enabling act to allow the people of my area and those of other areas to become States, the enabling act passed by Congress provided, in section 3:

SEC. 3. That all persons who are qualified by the laws of said Territories to vote for representatives to the legislative assemblies thereof, are hereby authorized to vote for and choose delegates to form conventions in said proposed States, and the qualifications for delegates to such convention shall be such as by the laws of said Territories, respectively, persons are required to possess to be eligible to the legislative assemblies thereof; and the aforesaid delegates to form said conventions shall be apportioned within the limits of the proposed States, in such districts as may be established as herein provided, in proportion to the population in each of such counties and districts, as near as may be, to be ascertained at the time of making said apportionments by the persons hereinafter authorized to make the same, from the best information obtainable, in each of which districts three delegates shall be elected, but no elector shall vote for more than two persons for delegates to such conventions; that said apportionments shall be made by the Governor, the chief justice, and the secretary of said Territories; and the Governors of said Territories shall, by proclamation, order an election of the delegates aforesaid in each of said proposed States, to be held on the Tuesday after the second Monday in May, eighteen hundred and eighty-nine, which proclamation shall be issued on the fifteenth day of April, eighteen hundred and eighty-nine; and such election shall be conducted, the returns made, the result ascertained, and the certificates to persons elected to such convention issued in the same manner as is prescribed by the laws of said Territories regulating elections therein for delegates to Congress; and the number of votes cast for delegates in each precinct shall also be returned. The number of delegates to said conventions, respectively, shall be seventy-five; and all persons resident in said proposed States, who are qualified voters of said Territories as herein provided, shall be entitled to vote upon the election of delegates, and under such rules and regulations as said conventions may prescribe, not in conflict with this Act, upon the ratification or rejection of the constitutions.

Surely the people of my territory, when they sought to enter the Union, were, by the enabling act passed by Congress, directed to do exactly as I have just read. The apportionment was to be "in proportion to the population in each of such counties and districts, as near as may be" ascertained.

Mr. PROXMIRE. That is a most valuable contribution and is most appropriate. As I understand, Washington, Montana—

Mr. MAGNUSON. North Dakota and South Dakota entered the Union under this enabling act, the Act of 1889.

Mr. PROXMIRE. At that time the clear provisions of the enabling act were that the State legislatures should be based on population—one man, one vote.

Mr. MAGNUSON. That is the way I interpret it. In effect, that is what the language provides. This was a part of the contract the people of the territories made with the Federal Government in order to become States.

Mr. PROXMIRE. In what year was that?

Mr. MAGNUSON. That was in 1889.

Mr. PROXMIRE. Seventy-five years ago our predecessors in Congress

thought that this principle was true. They felt that new States should have representation in their legislatures based on the principle of one man, one vote.

The contribution just made by the Senator from Washington reminds us once again of how the States of the Northwest Territory were to be organized. That great ordinance also provides clearly that all States to be carved out of the Northwest Territory—and those States today include Wisconsin, Illinois, Michigan, Indiana, Ohio—must provide for their people representation in the State legislatures based on population, and must do so in perpetuity. There is no question about it. Those who adopted the Northwest Ordinance were among the same Founding Fathers who adopted our Federal Constitution. This shows how strongly they felt about each person having one vote.

Mr. MAGNUSON. In addition, the States to which I have referred were required, first, to have an assembly to establish the legislative body. The enabling act further provided that even the assemblies that would establish the legislative bodies in those States had to be selected according to population, as nearly as possible.

Mr. PROXMIRE. So not only the State legislatures, but also the assemblies that would establish the legislatures, were required to have equal or equitable representation.

Mr. MAGNUSON. Yes.

Mr. PROXMIRE. To return to the argument by Justice Harlan, who was the lone dissenter in the case of Baker against Carr, Justice Harlan said:

"The existence of the U.S. Senate is proof enough of that."

But the answer is not as delusively simple as Mr. Justice Harlan suggests. Indeed, careful analysis of the issue suggests an exactly opposite conclusion; namely, that the Federal analogy is not relevant in determining whether a State apportionment plan is or is not consistent with the equal protection clause of the 14th amendment. Uncritical application of that standard may well lead into constitutional error.

The arguments favoring the application of the Federal system to the States were summarized by Judge O. Bowie Duckett of the Circuit Court for Anne Arundel County, Md., in his opinion in *Maryland Committee for Fair Representation v. Tawes* (May 24, 1962):

"Such an arrangement protects the minorities. It prevents hasty, although popular, legislation at the time. It is based upon history and reason and helps to protect the republican form of government guaranteed by article IV, section 4, of the U.S. Constitution. It preserves the checks and balances of the State government which has worked so well under the Federal. Moreover, there would be little advantage in having a bicameral legislature if the composition and qualifications of the members were similar."

The arguments above stated are essentially three: (1) The Federal experience, as developed through history, is sufficient precedent. (2) Two houses, differently constituted, operate to restrain hasty and ill-considered legislation. (3) If not differently constituted, the two houses would not serve the separate functions for which established. Each argument deserves examination and, it is believed, rejection.

CONSTITUTIONAL CONVENTION AND THE "GREAT COMPROMISE"

The egalitarian ideal of fairness in political representation was emphatically stated in the Declaration of Independence and frequently thereafter during the late 18th and early 19th centuries. Thomas Jefferson, writing in 1819, was characteristically eloquent: "Equal representation is so fundamental a principle in a true republic that no prejudices can justify its violation because the prejudices themselves cannot be justified."

Yet during those early years not even the most ardent exponents of political equality contemplated the wide diffusion of the franchise which we take for granted today. There was no thought that women should be entitled to vote and few doubted that ownership of property, or even religious tests, might be proper qualifications for voting eligibility. Certainly few thought it odd that the Constitution provided for the election of Senators by State legislators without any direct participation by the people and that the President should also be chosen indirectly through the medium of electors to be appointed in each State "in such manner as the legislature thereof may direct." Yet over the years all these concepts have been challenged as fundamentally inconsistent with the democratic ideal.

Surely no State would today justify limitations on the franchise based on these 18th-century notions, now long rejected.

In this 18th-century context of limited recognition of a popular base for the exercise of the franchise, it would not have seemed strange if the framers of the proposed Constitution had all been agreed upon a plan for nonequal representation in both houses.

There were many abridgments and compromises with the notion of purely democratic representation. It was pointed out that women did not have any vote. Senators were chosen by State legislatures and not by the direct vote of the people. That was a situation which my own predecessor in this chair, some time removed, old Bob La Follette, had a great deal to do with correcting.

The fact that most people did not have a voice in electing their Senators and could do so only indirectly through their State legislatures, was a defect which led to corruption, and the reason why the Senate was known as the millionaires club or the rich man's club.

Also, at the time of the founding of the Constitution, the most powerful office, the Presidency, was selected not directly by the people but determined by the electors who at that time considered themselves, to a considerable extent, to be independent of the vote which had been registered in the presidential election. It was only at a later time that it became clear that electors were bound, in some cases legally but in all cases morally, to vote in accordance with the popular vote in the State from which they were chosen.

There were many compromises with the principle which we now consider to be a truism, a platitude, that if we have a democracy, the people should have a direct vote in the selection of public officials.

At the same time, Mr. McKay points out that there was no difference of opinion on the right the people should have to equal representation in their State legislatures.

As he writes:

Yet the exact opposite was the proposal which most of the delegates originally favored and would ultimately have adopted but for the intransigent opposition of the small States. The Virginia plan proposed by Edmund Randolph, based on what he called the "Republican principle," provided for a popularly elected first branch of the Congress which was then to choose the second from nominees proposed by the State legislatures. Significantly, a favorable vote was actually cast at one time for representation in both Houses to be proportional to population (except that five slaves were to be counted as three freemen).

Nevertheless, the opposition of the smaller States, although less than a majority, demonstrated that a viable instrument of Government could be achieved only by partial relinquishment of the principle of equality. In this lay the genesis of what has come to be called the "Great Compromise" or, as it is sometimes described, the "reluctant" compromise. Max Farrand has said:

"The important feature of the compromise was that in the upper House of the legislature each State—

Not each person—

should have an equal vote. The principle of proportional representation in the lower House was not a part of the compromise, although the details for carrying out that principle were involved." (The Framing of the Constitution of the United States, p. 105 (Yale paperbound 1962).)

Some proponents of the Federal analogy as a justification for representational imbalance in State legislatures have sought support in the Federalist. But such reliance is largely misplaced. It must be remembered that those papers were conceived and published as political tracts designed to persuade New York voters to ratify the Constitution in the form agreed upon at the Convention. Even without discounting for that special pleading, it is interesting to observe the almost apologetic support given to the abandonment of the principle of equality of representation. Thus in No. 62 (probably Madison):

I have quoted this before but I wish to quote it briefly at this time—

"A government founded on principle, more consonant to the wishes of the larger States is not likely to be obtained from the smaller States. The only option, then, for the former lies between the proposed government and a government still more objectionable. Under this alternative, the advice of prudence must be to embrace the lesser evil; and instead of indulging a fruitless anticipation of the possible mischiefs which may ensue, to contemplate rather the advantageous consequences which may qualify the sacrifice."

History subsequent to the Constitutional Convention further supports the proposition that the Federal analogy should not be extended to State legislative bodies. As already indicated, indirect election of Senators and the President had been incorporated into the original Constitution. Madison, in The Federalist, No. 45, specifically endorsed such indirect election as a proper way of reducing the influence of the people as a whole in choice of the leaders of the National Government. But these and other nondemocratic restrictions upon voting rights were not destined to survive. No portions of the Constitution were more altered by amendment or in practice in the 18th and 19th centuries than those provisions relating to franchise, a clear reflection of the inconsistency of some of the original provisions with the growing demand for more truly representative government.

This would tend to confirm what the Senator from Illinois has been contending, that this nondemocratic provision

in the Constitution might well have been amended in the course of the 18th or 19th centuries, as were the other nondemocratic provisions in the Constitution, were it not for the provision in the Constitution that makes an amendment of representation in the Senate unconstitutional in effect, because every State must give consent to it.

Continuing to read:

Section 1 of the 14th amendment, calling upon the States to provide equal protection of the laws and due process, reflected sentiment for limitation of State action that was unfair or unequal. That its potential impact upon the composition of State legislatures was not specifically contemplated in 1868 does not, under familiar principles of constitutional doctrine, foreclose its application to such cases where the inequality or unfairness is later demonstrated. The point is that the 14th amendment does require equality as to all kinds of State action. The fact that inequality, as a matter of political necessity, was built into the national Congress is thus no longer relevant in explaining similar inequalities adopted by States that are forbidden to create invidious discriminations.

It is most important for us to recognize, because frankly, at first I had some reservations about the 14th amendment interpretation. The point is that the 14th amendment requires equality as to all kinds of State action. Election of the State legislature is perhaps the most important kind of State action. Equality of action under the 14th amendment to the Constitution should be recognized.

Mr. METCALF. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. METCALF. While it is true that in our federal system of government we are a group of affiliations of sovereign States, and the Senate analogy would not carry down to the States; it would be even more important to require equal one-man-one-vote representation from State legislatures than even in the Congress of the United States; is that not correct? At least it would be equally important, would it not?

Mr. PROXMIRE. I believe that is true. There was a very clear historical reason for the Federal Government to have a U.S. Senate with two Senators for each State, inasmuch as it was created by sovereign, independent States. They treated themselves and considered themselves as having sovereignty. Later—not at the time of the adoption of the Constitution, but later—the 10th amendment to the Constitution was adopted, which reserved to the States all powers not specifically given to the Federal Government.

This opposition deserves recognition. A strong argument can be made, which I would accept—the Senator from Illinois [Mr. DOUGLAS] would not—that the States therefore should be recognized on an equal basis in one branch of the legislature. It is a wise provision in our Constitution. But, no counties ever got together to form a State. That was not the way in which they were formed anywhere.

The distinguished senior Senator from Washington [Mr. MAGNUSON] pointed out that when the State of Montana came into the Union, it came in under

an enabling act, the same enabling act that covered Washington, North Dakota, and South Dakota. It required equal representation in the State legislature.

Mr. METCALF. When the State of Montana came into the Union, it adopted a constitution which contained a provision that each county should have one senator and no county should have more than one senator. A great Governor of the State of Montana, 75 years ago, when the constitution was adopted, pointed out that that was a provision that violated the Constitution of the United States. That was Gov. Joseph K. Toole. He was the first Governor of the State of Montana. He stated that a republican form of government requires equal representation. Then he said that if there were 200 in one county and 200,000 in another county, that would not be equal representation, and that that was a violation of the Constitution of the United States.

So this is not a new matter. This is not a matter that has just recently arisen through the Supreme Court of the United States. They were talking about it back at that time, concerning how the States of Washington, Montana, and North and South Dakota came into the Union.

Mr. PROXMIRE. That is a very valuable contribution. Those who oppose the Supreme Court decision, oppose it on the ground that the Court has proposed some radical innovation. They ask, "Who ever heard of this? It is a strange, radical innovation."

As was pointed out, we have gone to some time and trouble to show that the Founding Fathers overwhelmingly established that proposition.

Mr. METCALF. As we go through the minutes of the Constitutional Convention of 1787, and as we go through the Federalist Papers that were written by those great Founding Fathers, we find, running throughout those great documents, the position that one-man, one-vote, equal representation is a basic proposition of "republican" form of government.

When the State of Montana came into the Union 75 years ago, a great constitutional lawyer from the State of Montana, who was the first Governor of the State, pointed out that this malapportionment and misrepresentation in State senates and State legislatures was a violation of the proposition of a representative form of government, a violation that we have only recently had an opportunity to correct through recent decisions of the U.S. Supreme Court.

This is no recent proposal. This is no new idea. This is no upstart idea. We have tried for over a century to correct the situation.

Mr. PROXMIRE. Mr. President, I thank the distinguished Senator from Montana. The distinguished and able Senator from Montana is a former State supreme court justice. He was an eminent judge, a scholar of our Constitution, of constitutional law, and constitutional government.

He is absolutely correct when he points out that we can go through the Federalist Papers carefully, and every single reference to State representation affirms

the right of each individual American citizen to equal representation. But, as Madison has said over and over again, the Federal Constitution is a Federal Constitution—just that, not a National Government alone. It is a Federal Constitution. It recognizes the sovereignty, the dignity of each individual State. It does give them, in one branch, equal representation.

I continue to read:

The little-noticed section 2 of the 14th amendment expressed further the increasing demand for direct election and, indeed, the idea of equality of representation, in replacing those portions of section 2 of article I relating to the method of apportionment. The original provision, a minor part of the great compromise, had specified that representatives (and direct taxes) should be apportioned among the States "according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons." The 14th amendment changed this to provide that apportionment shall be exclusively in accordance with population, "counting the whole number of persons in each State, excluding Indians not taxed."

The 15th amendment, in the same spirit, was enacted to insure that no restriction of voting rights could be based on grounds of race or color. The trend continued with the adoption in 1913 of the 17th amendment providing for the direct election of Senators and in 1920 with the enfranchisement of women by the 19th amendment. Recent expression of the same sentiment is found in the Civil Rights Acts of 1957, 1960, and 1964.

The fight that we are engaging in now, in an effort to protect the dignity of the Supreme Court in their decision in Reynolds against Sims is the same kind of historic fight for the preservation of individual suffrage and for the establishment of what I believe is perhaps one of the most important defects in our system at the present time—the right of every individual to have equal representation in the State government.

I continue to read:

Even without formal amendment to the Constitution, changes effected by Congress have also worked toward equality of representation. Before 1842 Congress had limited the exercise of its apportionment power under section 4 of article I to prescribing the number of Representatives to be allotted to each State. But in the apportionment act of 1842 Congress provided that Representatives under the current apportionment should "be elected by districts composed of contiguous territory equal in number to the number of Representatives to which said State may be entitled, no one district electing more than one Representative."

With this history in mind it seems at best anachronistic to argue the ready transferability of the congressional scheme of representation into the State legislatures. The nonrepresentative character of the Senate did not reflect majority sentiment even when adopted, but was instead reluctantly accepted as the required price for establishing an acceptable, if not the best possible, government. The consistent course of events since that time has been toward enlarged reliance upon direct and full participation by all citizens. With this has come increased recognition of the appropriateness in a representative government such as the United States of representation generally in close relation to population. In this light, the

nonrepresentative character of the U.S. Senate is seen to be an historical anomaly and not at all a model for State emulation.

FEDERAL ANALOGY AND MAJORITY RULE

Proponents of the Federal analogy claim as an advantage of two houses, one of which is less responsive to popular will, a healthy restraint upon excessive majoritarianism. This formulation of the argument leaves unstated two underlying premises, neither of which can withstand close analysis.

First, there is a suggestion that majority rule is not altogether desirable, or at least that minority groups are likely to be unreasonably disadvantaged if the majority has its way. But is this true? Minorities are accorded constitutional protection in bills of rights and elsewhere to assure adequate hearing for their views and to protect against oppression by the majority. Once minority rights have been assured in these important respects, no sound reason appears for denying the majority its will in ordinary legislation. Indeed, if the two houses of a legislature are chosen in ways that will insure representation of radically different interests, an opposite and perhaps greater danger is threatened, the legislative stalemate. Even in Congress this has sometimes occurred, but the risk there is minimized by the greater physical expanse and cultural diversity represented in Congress as compared with the more parochial interests within any single State. The interest groups that operate in the U.S. Senate and House of Representatives are so numerous and diverse that ordinarily there is little risk that the two Houses can be separately controlled by opposing interest groups. In short, there are few issues that would pit the area-based Senate against the population-based House.

In the States the problem is very different, as illustrated most dramatically in the urban-rural conflict that is the pattern today in nearly all the States that have departed significantly from the principle of equal population in one or both houses. Sufficient evidence of this legislative impasse on urban-rural issues is found in the repeated refusal of many State legislatures to follow their own constitutional mandate of periodic reapportionment.

Incidentally, one example of that was Oklahoma. Oklahoma was cited as an example of the most flagrant interference of the Federal Supreme Court with the rights of a State. But in the case of Oklahoma, the State legislature refused to follow the State's own constitution. They have failed to follow it ever since 1921.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. DOUGLAS. The same thing, of course, was true in the case of Tennessee and Alabama.

They did not reapportion between 1901 and the decisions of the Supreme Court, which came in 1962 and 1964—after 60 years of refusal by the legislature to reapportion according to their own constitution.

In my own State of Illinois, the constitution required reapportionment every decennial period until 1955. From 1901 until that day there was no reapportionment. During that time there had been a great movement of population toward the cities, which was disregarded. That has been true in State after State.

Mr. PROXMIRE. Yes, indeed. What I believe has been overlooked is the fact that in all these cases—the Alabama case, the Oklahoma case and others—

Federal district courts—or the Supreme Court, if it was called upon to support, to intervene, or to reject the decision of a lower court—have acted after State legislatures have been given many years in which to comply, in most cases, with their own constitutions, and yet they have failed to do so.

Mr. DOUGLAS. Mr. President, will the Senator yield further?

Mr. PROXMIRE. I yield to the Senator from Illinois.

Mr. DOUGLAS. The State courts almost uniformly have held that while the legislatures were acting in disobedience of their own constitutions, there was nothing that the State courts could do about it.

Mr. PROXMIRE. The Senator is correct. In the Oklahoma case, the Supreme Court of the State of Oklahoma said there was nothing it could do. It was none of their business. It was up to the State legislatures.

What has happened in some countries has been that unless the people could get equality of representation, there would be an actual physical armed rebellion. We do not like to do it that way in this country. The only other recourse is to rely on having the right upheld in the courts.

Mr. DOUGLAS. In the Federal courts.

Mr. PROXMIRE. In the Federal courts, because, as the Senator from Illinois has pointed out, the State courts have often refused to act.

Mr. President, continuing to read—

It becomes almost axiomatic that the more severe the malapportionment the less is the opportunity for legislative correction. All too often the Federal system in State legislatures has worked not to protect the minorities but to frustrate all sense of legislative responsibility. When legislatures become incapable of any action on important matters and when they flout the constitutional imperative of periodic reapportionment, State government falls into disrepute. Only through reassertion of State legislative responsibility can the decline of respect for the State governmental process be reversed.

A second major postulate underlying the check-and-balance arguments advanced in support of the Federal analogy is the common belief that the organization of State governments is not essentially different from that of the National Government. The assumption could scarcely be more false. The short answer is that the United States, as the very name implies, is a union composed of the sovereign States, consenting to centralized responsibility as to certain enumerated powers but reserving to themselves the balance. The constituent States, on the other hand, have uniformly adopted a unitary structure of government in which no subordinate political subdivision retains any sovereignty but exercises only such functions as are conferred upon it for the convenience of, and at the pleasure of, the State government.

That is the distinction which I have drawn many, many times, but I think must be drawn over and over again. The States are not a federated system. They are not a Federal system. There is no sovereignty, no power, no individual recognition for any area below the State government as there is in the Federal Government. Therefore, there is no basis for saying that there should be some representation other than population representation in the States.

Continuing to read:

While Congress may not alter the territorial boundaries of the States or take from them the powers over local affairs reserved to them, it has always been clear that the relationship between a State and its political subdivisions is very different. "The number, nature, and duration of the powers conferred upon these corporations and the territory over which they shall be exercised rests in the absolute discretion of the State." *Hunter v. Pittsburgh*, 207 U.S. 161, 178 (1907). At least this freedom to rearrange political subdivisions is absolute so long as action by the States does not impinge on a specific prohibition such as that in the 15th amendment against depriving a citizen of his vote because of race. *Gomillion v. Lightfoot*, 364 U.S. 339 (1961).

FEDERAL ANALOGY AND BICAMERAL LEGISLATURE

A final argument advanced by advocates of the Federal analogy is that there must be differentiation of representation between the two houses not only to serve the check-and-balance function already discussed but as well to justify the existence of a bicameral legislature. As with many plausible-sounding arguments, the difficulty is that the logic has been pressed beyond defensible limits. The proponents of this argument must necessarily defend completely different representation formulas in the two houses, that is, one house related to population and the other totally unrelated.

In fact, however, there are a number of less drastic ways in which the two houses may be made to represent quite different interests.

Mr. President, I was fortunate to have the opportunity to serve in the Wisconsin State Assembly 13 years ago. There is no question that the check-and-balance system works very well in Wisconsin. It works well although both houses are based on strict population apportionment. There was a difference between the length of the terms of members of the State senate—the upper house—and those of members of the State assembly—the lower house. There was a difference in the size of the constituency. At that time a State senator represented 120,000 people. A member of the assembly represented 30,000 or 40,000 people.

Obviously, the views of legislators tend to be different when the constituencies tend to be different or are different, so that it is frequently possible to have a working bicameral system. The proof is not in theory; the proof is in experience. Wisconsin has had that experience for 116 years. We have had both houses based squarely upon population in the bicameral system—the check-and-balance system—and it has worked very well.

Most important is the fact that under any system no member of one house has the same constituency as any member of the other house. When the lower house is several times larger than the upper, as is ordinarily the case, the members of the more numerous house typically represent persons whose interests are often closely identified with each other in terms of geography, economics, and ethnic grouping. Members of the less numerous house, on the other hand, represent larger, more diverse segments of the State, whose problems and interests may be quite different in total impact from those of the smaller group represented by their opposite numbers.

Moreover, terms can be, and usually are, different between the two houses, thus automatically injecting somewhat different political considerations.

Finally, there is no reason to believe that rational, that is, reasonable, variations may not continue, as always, to be based on historical, political, economic or other non-population factors. As Solicitor General Cox stated before the Tennessee Bar Association in June 1962:

"[I]t would not surprise me greatly if the Supreme Court were ultimately to hold that if seats in one branch of the legislature are apportioned in direct ratio to population, the allocation of seats in the upper branch may recognize historical, political, and geographical subdivisions provided that the departure from equal representation in proportion to the population is not too extreme."

CONCLUSION

In matters of franchise at the national level the uniform trend since 1787 has been toward more extended exercise of the right to vote, both as to classes of electors and as to removal of restrictions upon the free exercise of the right. Only in the choice of State legislatures, largely through rejection of the principle of representation in proportion to population, has the ideal of equality of the right to vote been limited in significant ways. To the extent that the Federal analogy is allowed to survive as a justification for these practices, present imbalances in representation can be expected to worsen with the passage of time and the inevitable further concentration of population in urban areas. Not until the idea of representation with some reference to population becomes standard throughout State legislatures can there be confidence in their responsiveness to popular needs and demands.

How better to conclude than by invoking once more James Madison in the *Federalist*, No. 39: "It is essential to [a republic] that it be derived from the great body of the society, not from an inconsiderable proportion or a favored class of it."

Before I conclude, I should like to quote briefly from comments on the alleged analogy between the representation of the States in the U.S. Senate and the representation of county areas in State legislatures, which were brought together by John E. Bebout, director of the Urban Studies Center of Rutgers University, which is the State University of New Jersey:

We know of no extensive general discussion of the historical and constitutional basis, or lack of basis, for the analogy sometimes drawn between the equal representation of the States in the U.S. Senate and the representation of areas, usually counties or towns, in the State legislatures. The supposed analogy is frequently cited in defense of particular arrangements as, for example, the equal representation of the counties in the New Jersey Senate.

This was an extensive study made by Rutgers University. To continue the quotation:

We have found no acceptance, however, of the validity of this analogy in standard works on government nor in objective studies of particular legislatures by recognized authorities. Even in New Jersey, which is one of only seven States that provide for equal representation of all counties regardless of size in one house (and has done so since adoption of its first constitution in 1776), the "Federal analogy," though used from time to time as a debating point, has never been given authoritative endorsement as possessing inherent or technical validity. For example, Chief Justice Joseph C. Hornblower, speaking in the New Jersey Constitutional Convention of 1844, observed:

"Each of the States is sovereign and might or might not assent to the Constitution and come into the federation. But our counties

have not that privilege. Our State is but one territory, one people, one municipality. We are, in fact, only making a municipal law to govern the State. There is, therefore, no similarity between the Constitution of the Federal Union, of an empire, and that of a sovereign State." *Proceedings of the New Jersey Constitutional Convention of 1844*, page 58.

The following excerpts are typical of the treatment of this subject in the literature.

Walker, Harvey, "The Legislative Process," the Ronald Press Co., New York, 1948, page 172: "The representation of areas rather than, or even in addition to, population in a legislative body has small place in a democracy; actually, one cannot represent an area. He must represent the people who live in it. If they are fewer in number than those represented in the same body by another legislator, there is an undemocratic imbalance. The use of artificially created boundary lines on a map to determine representation is as outworn as feudalism. Except in a few States, there is an effort to secure equal representation of population in both houses of the legislature. So while bicameralism makes possible the representation of areas, it is not always used for that purpose. Counties are created by the legislature in most States and may be abolished or consolidated by the same authority. Reform in county government, including considerable reduction in the number of counties, particularly in the South and East, is long overdue. Such reform would do much to show the absurdity of 'area representation.'"

"Legislative Apportionment in Oklahoma," Bureau of Government Research, University of Oklahoma, May 1956, pages 3-4: "General misunderstanding concerning the legal position of the county constitutes the chief obstacle to a fair distribution of the membership of State legislative bodies. The county does not occupy the same constitutional position in the State that the State holds in the Union. Its boundaries may be altered under procedures prescribed by the State, and the form of government under which it operates is set up by, and may be altered by, the State legislature. Unlike the State, the county can lay no claim to inherent powers; it enjoys only those which are specifically delegated by the parent government."

"In territorial days, the Supreme Court declared that counties 'are but subdivisions of the territory created for governmental purposes' * * * and that they 'derive their authority to hold elections and elect officers from the legislature.' Immediately after statehood a series of contests occurred over the constitutional position of counties, in which the Supreme Court had no difficulty in reaching the conclusion that 'a county is one of the territorial divisions of the State created for public and political purposes connected with the administration of State government.'"

"This view of the legal status of the county is uniformly held among the States, and has long been accepted by the courts of the United States. There is no constitutional basis for the notion that a county is a unit in which the right of representation is inherent."

Bosworth, Karl, "Law Making in State Governments," page 85 in "The Forty-eight States: Their Tasks as Policymakers and Administrators" (final edition, background papers), Eighth American Assembly, Graduate School of Business, Columbia University, 1955: "First, perhaps it needs to be said that there is no reason why, in a system that gives allegiance to democratic ideals, any members of either house should have significantly different numbers of constituents—total populations, citizens or voters. Many of the constitutions reflect other theories: that small town and country peo-

ple and perhaps middle-sized city people are more deserving of representation than others, or that counties or towns are, like the States in the Federal system, independent political entities to be represented regardless of their population. There is no basic right in the constitutional theory of any State for counties or towns to have separate representation. Unlike the National Government vis-a-vis the States of the Union, the States can abolish, change the boundaries of, or transform the governments of counties, towns and cities. The local governments' legal position is one of complete dependence upon the States. Any 'sovereignty' of counties or towns is based on entrenched political power, not on constitutional or democratic theory."

There are, of course, numerous statements on the undesirable effects of the failure of many State legislatures to be sufficiently representative of the people. See, for example, the findings of the participants in the Eighth American Assembly, supra, page 138, and the discussion of the State legislature at pages 38 to 40 of the "Report of the Commission on Intergovernmental Relations" (Kestnbaum Commission), Washington, D.C., 1955.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. DOUGLAS. I congratulate the Senator from Wisconsin for his thorough analysis of the difference between the circumstances under which the U.S. Senate was created and the circumstances attending representation of individuals in the various State legislatures. The Senator from Wisconsin has produced a wealth of testimony to prove his point, and should have settled the matter beyond any possibility of doubt.

I take it the Senator from Wisconsin is planning shortly to yield the floor under certain conditions. Pending that time, I should like to ask unanimous consent that at the conclusion of the morning hour tomorrow I be recognized to speak on the subject.

The PRESIDING OFFICER. Does the Senator mean at the conclusion of morning business?

Mr. DOUGLAS. That at the conclusion of the morning business tomorrow I be recognized to speak on this subject.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. PROXMIRE. Mr. President, one more observation before I conclude. The Senator from Wisconsin has unwillingly held the floor since last Wednesday. This is Tuesday. It has taken an entire week for me to make this speech. It was not an infinite speech. It took 6 or 7 hours at the most. It was impossible to complete my speech because those who favor the Dirksen amendment were not available to develop a quorum on Thursday, Friday, or Saturday. On yesterday, Monday, we were able to obtain a quorum after about an hour of waiting for it. I spoke and then yielded to the Senator from Oregon, at which time it was transparently obvious that we could not get a quorum, and the Senate adjourned.

I wish to make it clear that those of us who are supporting the Supreme Court in opposing the Dirksen amendment are desirous of having Senators who oppose our position come to state their

case, to make a quorum, and to provide the kind of attentive and intelligent audience which I know they are capable of making.

Mr. President, I yield the floor to the distinguished Senator from Maryland [Mr. BREWSTER] with the understanding that while he holds the floor there will be no motion made on the pending question of the Dirksen amendment.

The PRESIDING OFFICER. The proposal of the Senator from Wisconsin is not permissible under the rules of the Senate.

Mr. PROXMIRE. Mr. President, I renew my motion. Perhaps I phrased it improperly. I ask unanimous consent that I may yield to the distinguished Senator from Maryland [Mr. BREWSTER], with the understanding that I shall not lose my right to the floor, and that while the Senator from Maryland holds the floor a motion will not be made on the pending business.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BREWSTER. Mr. President, I thank my distinguished colleague from Wisconsin. I congratulate him on his very wise and able presentation of this case and his defense of liberty and representative government.

Mr. President, like it or not, we are caught up in a debate which goes to the very core of the generally accepted philosophy of our representative Government. More than that, we are participants in a political power play which will profoundly affect the future of millions of Americans.

My position on this issue should have been made clear by my recent votes on cloture and the McCarthy-Javits "sense of Congress" resolution. Let me state here and now so that there can be no doubt whatsoever—I am completely and unalterably opposed to any attempt to nullify the Supreme Court's series of "one man, one vote" decisions.

The Senate has already rejected the proposition put forth by the House-enacted Tuck bill, by a substantial vote. Now a second attack is being mounted on the House side in the form of a constitutional amendment sponsored by Representative PATMAN, of Texas. I sincerely hope that Maryland's Representatives on both sides of the aisle will stand firm against it.

The matter before us now is more insidious than either the Tuck or Patman bills because it purports to be—and to some may appear to be—milder in its approach. I, for one, will not buy this. I believe that the Dirksen rider's real purpose is to buy time in order that the antiapportionment forces in both the House and the Senate may mount a determined campaign for the passage of a constitutional amendment which will permanently take away the Supreme Court's jurisdiction and therefore its power to protect our citizens' right to equal representation.

I concur with and subscribe to the thoughts of the distinguished senior Senator from New Mexico [Mr. ANDERSON] when he recently said:

We are now engaged in a debate which centers on the vital organs of our form of government, and reopens arguments raised and resolved by the men who shaped the Constitution of the United States. The outcome of this debate and the issue which prompted it could, over the years, have a deeper effect on more Americans than the civil rights bill we passed in June. The House of Representatives has passed a bill, the Tuck bill, which would bar the Supreme Court from acting in cases involving the reapportionment of State legislatures. This bill defies the basic principle established by the Founding Fathers that the Supreme Court should exercise the role of final arbiter in disputes of interpretation of our Constitution because it would destroy one of the foundation stones of our Republic.

The Tuck bill, in my opinion, should have been defeated. There were those, however, who believed that the extreme measure passed by the House would force this body to accept some sort of more modest counter to the Supreme Court's decisions on legislative apportionment in the States. This so-called more modest measure took the form of the Dirksen amendment. I am as strongly opposed to the Dirksen amendment—even though some would label it a modest proposal—as I am to the Tuck bill. No hearings were held on the Tuck bill in the House. We have not held hearings in the Senate on the Dirksen amendment, yet we are asked here to attach this disruptive amendment to the foreign aid bill.

If this amendment should become a part of the foreign aid bill and the foreign aid bill be sent to the President, I would rather see the President veto that vital legislation rather than let the Dirksen amendment become the law of the land. The amendment abrogates the principles for which the Founding Fathers labored long and diligently in the Philadelphia Convention of 1787. More than that, it would encourage Congress to foreclose Supreme Court actions in other areas which might be unpopular with an active and influential minority. Even when the Supreme Court in 1954 handed down its momentous decision that there should be desegregation in the public schools, I do not recall that any measure was introduced in Congress to deprive the Supreme Court of the right to rule in such cases. Could it be that this issue has generated so much opposition because reapportionment has such a profound effect on the political power structure?

I find it somewhat surprising that the distinguished Senator from Illinois, who was one of the architects of the civil rights bill, should be the principal architect of this proposal which is nothing else but a civil wrongs bill, because it would deny to many the right of equal representation and does violence to the 14th amendment which was one of the bases for the civil rights bill. There are those who say that the Dirksen amendment accepts the decisions of the Supreme Court that both houses of State legislatures must be apportioned on the basis of population, but merely delays implementation of the rulings. In truth the purpose of the Dirksen amendment is to buy time—time in which it is hoped a constitutional amendment can be adopted that will produce the same results, wholly or partially, as the Tuck bill if it were enacted. In reality, we would wind up in the same leaky boat, nullifying the action of the Supreme Court, but worse, foreclosing future decisions by the Supreme Court in this area of fundamental principle. The Dirksen amendment only delays the day of final judgment for the inequality and injustices which have been the lot of large numbers of Americans for so many decades. Malapportionment will still be with us. I am afraid that millions of our citizens will despair that nothing can be done to erase

this blot on our democracy. They will believe that Congress has left them hostage to the whims and will of legislatures which do not accurately respond to their needs.

I also applaud the proposition set forth by the senior Senator from New York [Mr. JAVITS] in urging support for his "sense of Congress" resolution when he said:

The question, then, is how Congress may constitutionally manifest its desire for time to avoid hasty solutions and perhaps to propose a constitutional amendment. I do not believe the Dirksen-Mansfield amendment can do so validly under the doctrine of the separation of powers of the coordinate branches of the Federal Government unless the Court construes it as a request, not an order. I have heretofore argued that in my judgment, the Supreme Court will strike down the Dirksen-Mansfield amendment unless it construes the words "unusual circumstances," as contained in the amendment, to allow it, for all practical purposes, to consider that amendment as a request, not an order. That is a dangerous piece of business. The Court may feel constrained, as a matter of morality in the construction of the law, to hold that this is an order to the Court, and to strike it down, and face the terrible confrontation between Congress and the Court, which I do not believe anyone who loves our country and its institutions should invite. If the amendment is mandatory, if it is a statute, then it could well be construed as an attempt by Congress to impose upon the Federal courts what is called, in words of art, "a rule of decision." This has been held invalid in cases involving constitutional rights already pending before the courts. I have argued on the floor of the Senate the famous McCardle case. There is a great likelihood, in view of the later Klein and Glidden cases, that the McCardle decision is unlikely to be the law of the land as construed by the Supreme Court at this time. It is for these reasons that I wish to avoid this confrontation.

Mr. President, I believe I am correct in stating that the majority of Senators, on both sides of the aisle, are attorneys and were qualified as such before they became Members of the Senate.

As lawyers as well as lawmakers, I fear that some of us have not paid sufficient attention to the development of the law in those cases dealing with reapportionment, or more precisely with malapportionment.

For this reason I thought it might be useful for some of us, at least, to trace the legal history of one of these cases. I know that Senators will understand why I have chosen the Maryland case as my illustration.

It happens that three of the prime movers in the reapportionment fight in Maryland are well known to me personally. The first, Royce Hanson, a vigorous young political science professor from Montgomery County, Md., organized the Maryland Committee for Fair Representation, which served as the principal vehicle of the proreapportionment forces in Maryland. The other two, Alfred L. Scanlan and Johnson Bowie, are longtime personal friends and prominent Maryland attorneys. It was they who, with their cocounsel, John B. Wright, successfully argued the committee's case before the Supreme Court.

Before going into the details of the Maryland case, I believe it would be helpful and interesting to review the strategy of the successful attorneys.

Mr. Scanlan published an interesting article on this aspect of the case in the June 1963 issue of the *Notre Dame Lawyer*, published by the Notre Dame Law School.

In the article, which is entitled "Problems of Pleadings, Proof, and Persuasion In a Reapportionment Case," Mr. Scanlan wrote:

EXPLANATORY COMMENT

In the year which has elapsed since the Supreme Court's monumental decision in *Baker against Carr*, a constitutional ferment of the greatest dimensions has ensued. As the victorious attorney of *Baker against Carr* perceptively observes, "By every yardstick of measurement, this historic landmark decision has had the greatest effect on State Governments of any event since our Federal Constitution was adopted."

By a recent count, cases challenging legislative apportionments had been filed in 36 States, and 25 decisions had been handed down. In 19 of these decisions, the existing apportionment of one or both bodies of the legislature have been found to be unconstitutional. New reapportionment measures have been passed in 15 States and are expected in the near future in 11 more. The Supreme Court recently noted jurisdiction in eight cases involving either reapportionment of State legislatures or congressional redistricting. In addition, the Court already has struck down, by a vote of 8 to 1, the invidious unit rule system observed for so long in primary elections in Georgia.

Parenthetically, the same system, until quite recently, was followed in my State of Maryland.

Many talented and dedicated people have played a part in this battle for constitutional reform, or, if you prefer, revolt. Political scientists and professors of government and public administration have furnished underlying theory and plentiful statistics. The League of Women Voters, the AFL-CIO, and local chambers of commerce have helped furnish funds. Politicians, at least those favorably disposed toward reasonable apportionment, have contributed their native gifts of leadership, direction and productive political compromise. The courts, of course, have provided indispensable stimuli toward necessary legislative action.

In so doing, the judiciary, at last, has given "meaning to the otherwise sterile insistence of Mr. Justice Frankfurter that relief from inequitable apportionment must come through an aroused popular conscience that sears the conscience of the people's representatives."

However, the lawyer has proved to be the infantryman of this war. The late Robert Jackson once remarked that America believes in "government by lawsuit." Sooner or later, practically all of the great public issues which confront the Nation find their way to the courts in one form or another. This has been especially true of the reapportionment controversy. The basic issue is whether representative government is to prevail in the legislative chambers of the States and in the House of Representatives of the United States. More precisely, the question presented is whether there is anything in the 14th amendment that guarantees that the fundamental principles of representative government and majority rule shall obtain in the country's legislative bodies. Thus are raised constitutional issues of the greatest magnitude, enormous impact, and far-reaching effect. Under the circumstances, it is not surprising that it has been the lawyer who has been called upon to furnish the technical advocacy so indispensable to the presentation and resolution of the grave and complex constitutional questions with which

the country, the States, and now the courts are wrestling.

My purpose here is to describe the anatomy of a reapportionment case as seen through the eyes of a lawyer who is called upon to prepare, try, and argue it. From pleadings through proof, a number of problems, some unique, some familiar, are encountered by the attorney who handles a reapportionment or a redistricting case.

BRINGING THE ACTION

1. Where to sue

At the outset the reapportionment advocate must determine, if the choice is open, whether to bring suit in a Federal or a State court. If there is an express remedy provided by the State's constitution, or in its statutes, perhaps the better course is to institute the litigation in the State court. For example, in *Asbury Park Press, Inc. v. Woolley*, a case decided 2 years before *Baker v. Carr*, the New Jersey Supreme Court sustained a claim that the New Jersey Assembly was malapportioned. The court relied on express provisions of the New Jersey constitution, even though it also indicated, without deciding the point, that the malapportionment under attack violated the 14th amendment. Moreover, long before the Supreme Court's decision in *Baker v. Carr*, a number of State courts had held apportionment statutes to be in violation of State law. As the Supreme Court of Oklahoma observed in *Jones v. Freeman*:

"It might be well to point out that in 1938, the courts of 22 States had exercised the power, or had stated that they had the power, to review legislative reapportionment acts upon (State) constitutional grounds, and no court had denied that it possessed such power."

It is perfectly clear also that the 14th amendment issues can be raised and decided in a State court, whether or not the complaining petitioners also have valid State grounds on which to rest their reapportionment action. On the other hand, it may still be contended that a State court would not be obliged to decide the Federal equal protection or due process questions in a reapportionment case where, under State law, no remedy is available by which a decision in favor of the complaining party could be enforced.

On balance, the rapid and momentous events which have transpired since *Baker v. Carr* strongly suggest that a three-judge Federal court certainly is the forum where the most expeditious decision may be obtained. The decision of such a court is directly appealable to the U.S. Supreme Court. In addition, a Federal judge may enjoy a slightly more independent status than a State judge. To the extent that the practical compromises of politics may be significant factors to be taken into judicial account in the resolution of apportionment controversies, these would appear to be considerations less likely to move an appointed judge than an elected judge.

However, there is at least one caveat about bringing a reapportionment action in a Federal court. The Federal courts surely are not anxious to plunge into the reapportionment controversy, despite the decision of the Supreme Court in *Baker v. Carr*. Sound and deeply engrained instincts of judicial abstinence have led some Federal courts to hold their hands until the highest court of a State was given an opportunity to pass upon an apportionment law, especially "where the State constitution was germane to the issue. In *Lein v. Sathre*, a three-judge Federal court in North Dakota stayed the proceedings before it in order to afford an opportunity for the Supreme Court of North Dakota to pass upon questions arising under the North Dakota reapportionment provisions found in the State constitution.

2. When to sue

Proper timing may be quite important. The apportionment advocate may have to look sharply to avoid the dilemma represented by prematurity on the one hand and mootness on the other. Elections for the State legislature occur at regular intervals, and lawsuits take time. To avoid the hazard that injunctive relief may be denied on the grounds that the action is too late and the requested judicial interference with the electoral processes too severe, the safest course is to institute the action as far in advance of the next State election as possible.

The universal rule is that a court will not pass upon a constitutional issue in an action prematurely brought. Nevertheless, the apportionment cases decided up to now indicate that the risk of prematurity is not a substantial one. More usual has been the experience of those plaintiffs who have been told by a court that they have a cause of action, but that relief will be withheld until the legislature has had another opportunity to reapportion.

Disappointment at this type of delayed ruling is eased, however, when the court, as it did in *Lisco v. McNichols*, makes it ominously clear that at least a prima facie case of invidious discrimination has been established. The strong implication that corrective court action may follow further legislative inaction has induced the Legislatures of Minnesota, New Jersey, Maryland, Florida, Tennessee, and Delaware, among others, to reapportion themselves at the next general or special session following the entry of the court's interlocutory decree retaining jurisdiction of the case.

Still, there is always the possibility that a reapportionment suit will be rendered moot as the result of new legislation amending the existing statutes or pertinent provisions of the State constitution. One cannot complain if the legislative action which follows eliminates the constitutional violations against voting rights against which the suit was brought. On the other hand, where the new legislation still falls short of the minimum requirements of the 14th amendment, the apportionment advocate may have a difficult decision to make. In the Georgia unit rule case, for example, the Legislature of Georgia amended the statutes attacked by the complaint, on the same day that the case was heard before the three-judge court. However, the plaintiff was allowed to amend his complaint so as to challenge the amended act which still fell far short of the one-man, one-vote principle ultimately upheld by the Supreme Court of the United States.

The Maryland experience was somewhat different. The day after the Chancellor had declared existing provisions of the Maryland constitution with respect to the representation provided in the house of delegates to be in violation of the 14th amendment, a special session of the Maryland General Assembly was convened. Five days later, the special session adjourned after having enacted stopgap apportionment legislation which increased the membership of the house of delegates from 123 to 142 and allotted the 19 new delegates to the suburban and urban areas. Since the trial court had withheld ruling on the issue of the apportionment of the State senate, the Maryland Legislature naturally did nothing about that. The petitioners, therefore, had to choose between starting over with a new complaint, or appealing on a basis which eliminated a claim that the house of delegates, as such, was unconstitutionally apportioned. The latter course was chosen.

The question of mootness appears to have arisen in the Michigan case now pending in the Supreme Court as *Beadle v. Scholle*. The question of the constitutionality of the representation provided in the Michigan Senate is the sole issue. On April 1, 1963, the

people of Michigan in a statewide referendum, by a very narrow margin adopted a new State constitution which provides a different and slightly improved basis for representation in the State senate. A case of controversy ends if the statute or constitutional provision which is the basis for the action or the conduct complained of is repealed or modified.

3. Who should sue

The problem of who are proper plaintiffs in a reapportionment action is not significant. Indeed, the advocate's problem here seems primarily to discourage, as diplomatically as possible, some of the ambitious young office seekers who want to have their names emblazoned not only in the judicial reports but in the public press as trail blazers in the vindication of fundamental voting rights. The standing to sue possessed by a voter whose vote is diluted or discriminated against has long been established; it is settled now, so far as reapportionment actions are concerned, by *Baker v. Carr*.

Plaintiffs in reapportionment cases may be residents, taxpayers, or voters. The obvious course, then, is to secure plaintiffs who possess all of these characteristics. Moreover, since at least the due process argument against gross malapportionment finds a partial basis in a showing of discriminatory taxation against the taxpayers of the more populous and underrepresented areas, it is provident to see to it that the plaintiffs are taxpayers in good standing from those areas, in addition to their being qualified voters.

Moreover, if one of the plaintiffs happens to be an association, as was true in the Maryland suit, or a radio station, as was the case in New York, *WMCA, Inc. v. Simon*, individual plaintiffs should be joined since associations and radio stations obviously are not voters.

4. Whom to sue

Generally, the proper defendants in a reapportionment suit are the State officials who have the duty, either under the statutes or the State constitution to conduct the elections. It is axiomatic that an official who acts under the color of an unconstitutional provision of a State statute or constitution is acting ultra vires, and his actions may be enjoined. For example, in *Gray v. Sanders*, the Georgia unit rule case, the chairman and the secretary of the Georgia State Democratic Executive Committee properly were named as two of the defendants since, under the statute, they performed certain administrative functions in the conduct of the primary elections. Generally, a declaratory judgment that the election laws or the statutes providing representation in the legislature violate the 14th amendment should be sought in a reapportionment action, plus such injunctive relief as is necessary to insure that the election officials will not conduct the election on the basis of the illegal laws.

5. How long to wait for the legislature to do nothing

Despite the outpouring of litigation following the Supreme Court's decision in *Baker v. Carr*, it is apparent that the courts, State and Federal, remains disinclined to act in a reapportionment case if there is any reasonable possibility that the legislature will do something about the situation. Nevertheless, courts are not blind to the political facts of life; they will not ignore what "all others can see and understand." There comes a time, and the courts will recognize it, however reluctantly on the part of some, when it is manifest that "it would be idle and futile to . . . (seek relief from malapportionment through) the voluntary action of the body that made it."

Accordingly, the petition ought to contain allegations which demonstrate, or at least recite, any extended history of legislative inaction in the premises. In *Baker v. Carr*,

this was achieved through an affidavit by the mayor of Nashville, Tenn., which contained the history of the failure of the Tennessee Legislature, from 1901 through 1960, to reapportion as required by the State constitution.

In *Maryland Committee for Fair Representation v. Tawes*, plaintiffs stated the history of continuing and increasing malapportionment in Maryland as part of the allegations of the bill of complaint. The legislative reference service of the Maryland General Assembly was most cooperative in supplying the dates, numbers, and the disposition of bills that had been introduced over the years in vain attempts to secure some reapportionment of the legislature. The Governor of Maryland also unknowingly cooperated by stating to the press (quite accurately) that any proposed reapportionment legislation whereby representation might be reasonably related to population would be "in the realm of the impossible." In addition, some of the more plain-talking rural legislators supplied further evidence of determined legislative inaction for inclusion in the complaint, and later in the briefs, by their candid acknowledgments of their of their unyielding opposition to reasonable reapportionment, lest they thereby be denied the privilege of continuing minority rule in the Maryland General Assembly.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. BREWSTER. I yield.

Mr. DOUGLAS. Do I correctly understand that there are nine Eastern Shore counties in the State of Maryland?

Mr. BREWSTER. The Senator is entirely correct.

Mr. DOUGLAS. Do I further correctly understand that each of those counties has a senator?

Mr. BREWSTER. At the present time, the nine counties on the Eastern Shore of Maryland each have one senator in the Maryland State Senate. There are a total of 29 senators. There are 25 members of the Maryland House of Delegates.

Mr. DOUGLAS. Is it true that there is one county on the Eastern Shore of Maryland that has a population of 19,000?

Mr. BREWSTER. There are very small counties by population. Caroline County, 1 of the smaller counties, approximates 19,000 people.

Mr. DOUGLAS. Is it true that Baltimore County, as distinguished from the city of Baltimore, has a population of more than one-half million and also has one senator?

Mr. BREWSTER. I am happy that the Senator from Illinois has brought out that point, because Baltimore County is my home county. I represented Baltimore County in the Maryland Legislature for more than 8 years. We now have more than a half million people in Baltimore County, and we have one State senator. When I was in the General Assembly of Maryland there were six members of the house of delegates. Very recently, by reason of court decisions, we have had stopgap reapportionment in Maryland and the house of delegates membership from Baltimore County has been increased to 13. But Baltimore County, with over one-half million people, has 13 delegates and 1 senator, whereas the 9 counties across the great Chesapeake Bay have 9 sen-

ators and 25 members of the house of delegates.

Mr. DOUGLAS. Is it true that the population of those 9 counties is approximately 220,000?

Mr. BREWSTER. That is correct. The population of our great, wonderful Eastern Shore is less than half the population of that one major suburban and urban county.

Mr. DOUGLAS. Still they have nine times the representation of Baltimore County in the State senate.

Mr. BREWSTER. They have nine times the representation in the senate, and they used to have four times the representation in the house of delegates; now they have two and a half times the representation in the house of delegates.

Mr. DOUGLAS. Can the Senator from Maryland inform me as to the population of Montgomery County, which lies in the outskirts of Washington? Is that over one-half million?

Mr. BREWSTER. There are two other very large counties in Maryland. They are both in Washington suburbia. They are Montgomery County and Prince Georges County. I believe each of those counties has a population slightly in excess of 400,000 people.

Mr. DOUGLAS. So if we consider the population of the three counties—Baltimore County—not Baltimore city but Baltimore County—Montgomery County, and Prince Georges County—we would have a total population of 1,300,000 or more. Those counties have three senators, whereas the nine counties of the Eastern Shore, with a population of less than one-quarter of a million, have nine senators.

Mr. BREWSTER. That is entirely correct.

Mr. DOUGLAS. No wonder the Senator from Maryland is such an able and devoted sponsor of legislative reform and true reapportionment.

Mr. BREWSTER. I thank my distinguished colleague. I might further comment in respect to our Maryland situation that until a recent reform, as a result of court decisions, we had an even more unfair situation in our primaries in both parties. We had a convention system under which each county was allocated in the State convention the same number of votes that it had in the legislature, the house and the senate.

A few years ago Baltimore County would have a total of 7 votes in the nominating convention, representing one-half million people, whereas our counties on the Eastern Shore, with slightly over 200,000 people, had a total of 35 votes, or 5 times as many votes in the nominating convention, with one-half or one-third of the population.

Mr. DOUGLAS. That was the so-called county unit system.

Mr. BREWSTER. The so-called county unit system, which I am now very happy to report to the Senate is no longer the law of our State. It is still the actual statute law, but the statutes have been set aside by court decisions.

Mr. DOUGLAS. And it was substantially the county unit system that prevailed in Georgia.

Mr. BREWSTER. Our system, though it was not precisely the same as the Georgia system, was the same in principle. Only in recent years—since World War II—have we seen a candidate get the greatest number of popular votes and still fail to be nominated by his party because a minority candidate was put over by the convention system.

Mr. DOUGLAS. I thank the Senator.

Mr. BREWSTER. Continuing in this history of litigation, with particular reference to the Maryland situation:

If possible, then, the allegations of the complaint or petition should spell out to the fullest extent the past history of legislative inactions. The reapportionment advocate should emphasize at the outset, and at all stages of his case, the demonstrable futility of seeking legislative relief prior to an authoritative and compelling ruling by a court of competent jurisdiction. Even the most timid of judges will acknowledge that the law does not require the performance of a futile gesture as a condition to resort to the courts.

PROVING THE CASE

1. How extensive a hearing

Despite *Baker v. Carr*, it is still possible that the allegations of a reapportionment petition or complaint will be met by demurrer or a motion to dismiss. The grounds might be that the complaint on its face shows that a court of equity should abstain from granting relief in the circumstances disclosed. Justice Rutledge's concurring opinion in *Colegrove v. Green*, could prove to have more enduring vitality than the Frankfurter majority opinion, now superseded by *Baker v. Carr*. Want of equity jurisdiction, unlike lack of jurisdiction over the subject matter, does not go to the power of a court only to the question whether it should, not whether it can, afford injunctive relief.

The lingering possibility of judicial abstention despite jurisdiction to act suggests the importance of filing a fairly detailed "Brandeltype" complaint. Nothing is lost by making the original bill a comprehensive document. If the case goes up to the highest court of the State, or to the Supreme Court of the United States, the record, in the main, is the one created through the draftsmanship of plaintiff's counsel. For example, the petition filed in the Maryland case, including eight exhibits attached thereto, occupied 43 of the 59-page printed record on which the case was reviewed by the Maryland Court of Appeals.

A more critical question, although not entirely the decision of plaintiffs counsel to resolve, is whether or not, following the defendant's answer, plaintiffs should seek a full hearing or elect to proceed by summary judgment. His nonpaying clients are apt to urge a full hearing in order to secure the maximum advantages of publicity which they imagine will be gained thereby. If he follows his instinct for the least work the better, the advocate will choose summary judgment; moreover, summary judgment has real advantages. For instance, the three-judge Federal court before which a full hearing was held in *WMCA, Inc. v. Simon* was very sticky about admitting into evidence certain proof offered by the plaintiffs. Plaintiffs were not allowed to present evidence to prove that existing apportionment represented an intentional discrimination against the residents of New York City and the surrounding area, and that as a result the citizens of the urban areas were subjected to substantial discrimination with respect to the allocation of tax revenues and distribution of State aid as well as in other matters affecting the economic, social, and political welfare of the State.

The New York petitioners also were unsuccessful in an effort to have the court admit into evidence a consensus of scholarly opinion in support of the view that the only legitimate basis of representation in a State legislature is population. These difficulties very likely could have been circumvented by use of the summary judgment procedure. One comprehensive affidavit, or several, with the pertinent appendixes attached, could have placed before the WMCA court the same evidence that it rejected when it was offered as proof.

Actually, of the reapportionment cases decided to date, only Delaware, New York, Alabama, and possibly Oklahoma, have had what might be regarded as full-scale hearings on the merits. In Wisconsin, the court referred the issues to a special master, before whom extensive hearings were held, and both written and oral testimony was taken. An objective reading of the comprehensive report of the special master shows that the evidence on which his findings of fact and conclusions of law are based were all matters of which a court could take judicial notice, or, at a minimum, material that properly could have been brought to the attention of the court in a carefully prepared brief.

Still, there may be some advantage in having a full hearing in an apportionment case. Justice Harlan, for instance, the solitary dissenter in the Georgia unit rule case, *Gray v. Sanders*, lamented the lack of a full hearing on the merits. Certainly, the Supreme Court should not be asked to pass upon momentous constitutional issues on the basis of a partial or incomplete record. On the other hand, malapportionment issues rarely involve complex issues of contested material facts. In the writer's opinion, the one apparent advantage of a full trial on the merits of a reapportionment case is the possibility that, as a consequence, a court might be more disposed to find that the defendant election officials had not adequately explained away the seemingly irrational and discriminatory pattern of representation attacked in the suit. Also, since the record in a full hearing might be somewhat more complete, or at least appear to be, both trial courts and appellate courts might be, as a result, less chary about splashing around in waters usually reserved for the legislatures.

2. Judicial notice: A convenient crutch

As the three-judge Federal court in the Alabama reapportionment case put it:

"We have no disposition to discourage the introduction of evidence by any party, and in the ordinary case our opinion as to whether the plaintiffs will be entitled to appropriate relief should await the introduction of evidence. However, we take judicial notice of the same facts which are well known to the * * * Supreme Court of Alabama and to the people of this State."

In the Georgia unit rule case, the trial court made liberal use of the doctrine of judicial notice in concluding that the Georgia unit rule was invidiously discriminatory. I would encourage the reapportionment advocate to make maximum use of the helpful doctrine of judicial notice, whether in submitting proof in document or affidavit form, or in arguing to the court in a trial memorandum or appeal brief. Truly, there is no persuasive reason why all the material facts in a reapportionment case cannot be put in the record through liberal but perfectly acceptable use of the doctrine of judicial notice. Courts traditionally have taken judicial notice of matters of common knowledge and experience.

Population figures, a critical item of proof in a reapportionment case, are, beyond argument, statistics of which a court can take judicial notice. For example, judicial notice was taken of population statistics furnished by the U.S. Census Bureau in *Tampa Electric*

Co. v. Nashville Coal Co. In other cases, courts have taken notice, not only of population statistics, but even of the comparative population ratings among different areas, and the rapidity of the expansion in population of a particular area.

Important to a persuasive presentation of a reapportionment case may be establishing that the urban and suburban areas, because of rural domination of the legislature, are subjected to discrimination in respect to both taxes imposed and revenues received back from the State for distribution among the local political subdivisions. Statistics of this type, if properly presented, can be judicially noticed, although, as pointed out above, a three-judge Federal court in *WMCA v. Simon* rejected an offer of proof of alleged discriminatory treatment with respect to both taxation and revenue against the residents of the urban areas of New York State.

It also has long been settled that courts may take judicial notice of common matters of public history. Even the mechanics of State legislative procedure represent information or facts of which a court may properly take judicial notice.

The precedents are available, therefore, to sustain the advocate who invokes judicial notice in attempting to place before the court important items of evidence in a reapportionment case. Apart from the adverse rulings in the New York case, the writer has discovered no authority with which to argue against liberal use of the doctrine of judicial notice in a reapportionment case. The major areas of inquiry pertain to statistics, projections, and comparisons, both in respect to population and to area, of the political subdivisions of a State, tax and revenue figures, the legislative history of a State constitution or statute, and the public history of the action, or, more usually, the inaction of a State legislature in apportioning the representation provided in its chambers. These are all matters of which a court properly can take judicial notice. They should be given every opportunity to do so.

3. Paucity of State legislative history materials

In attempting to demonstrate a legislative purpose to discriminate against urban and suburban areas in the enactment of apportionment legislation, or in the refusal to change existing statutes so as to eliminate gross inequities in representation, there is a paucity of legislative history material available, and this may present some problems. Usually, there are no written committee reports, published hearings, or debates on State legislation. Such information as can be obtained from legislative journals, etc., may be useful for tracing the progress of particular bills. Generally, however, they are of no help in determining the legislative intent in their enactment or defeat.

Maryland is no exception to the general situation; the debates on the floor of the General Assembly, committee reports and hearings are not published. However, in *Maryland Committee for Fair Representation v. Tawes*, we were able to circumvent this handicap by research in the "morgue" or backfiles of Baltimore and Washington newspapers. More recent developments were kept track of by extensive and careful clipping of the daily newspaper reports of the doings of the legislature.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. BREWSTER. I yield to the Senator from Illinois.

Mr. DOUGLAS. Is it not true that one of the greatest newspapers in the land is the Baltimore Sun?

Mr. BREWSTER. I believe the Baltimore Sun is known and respected throughout the country as one of the finest and oldest newspapers in the land.

The Baltimore Sun's editorial policy through the years has consistently been for fair representation both in the House of Representatives of the United States and in the General Assembly of Maryland in Annapolis.

Mr. DOUGLAS. The Baltimore Sun had for many years the services of the learned, vitriolic, beer-drinking H. L. Mencken, who was a great newspaperman. Is that correct?

Mr. BREWSTER. Mr. H. L. Mencken was one of the great writers, reporters, thinkers, and users of the English language, I believe of our time, or perhaps of all time. The Baltimore Sun, Baltimore City, and the State of Maryland are proud of the enviable reputation which he established through his writings.

Mr. DOUGLAS. Is it not true that for a time the people thought of Mr. Mencken as a "wisecracker," but that by his book "The American Language" he showed himself to be a great scholar, and that his work on the derivatives of American expressions is better than perhaps that of any lexicographer? The University of Chicago brought from England Sir William Craigie who brought the great Oxford Dictionary to completion. When he came over to this country he had a perhaps superior attitude toward American scholarship, but after he worked through Mencken's book on "The American Language" he said it was a most excellent piece of work, accurate and pungent, and that it rivaled Dr. Johnson's Dictionary.

Baltimore can be justly proud of H. L. Mencken, although in later years he somewhat deteriorated. Certainly the Baltimore Sun has been one of the great newspapers of the Nation.

Mr. BREWSTER. I thank the Senator for his comments. I also recommend to my colleagues two books which I greatly enjoyed. They were written by H. L. Mencken. One is "Heaven Days," and the other is "Newspaper Days." It is a great delight to read those books.

Mr. DOUGLAS. Also "Happy Days."

Mr. BREWSTER. The Senator is entirely correct. "Happy Days," "Heaven days," and "Newspaper Days."

I remember the first national convention that I attended, in Philadelphia, in 1948, when I had the pleasure of accompanying the Maryland delegation, and also accompanying Mr. H. L. Mencken, who was on one of his last assignments for the Baltimore Sun, when he reported the comings and goings of our delegation in Philadelphia. Not only was it amusing to read his comments, but he wrote an excellent report. He drew on his vast experience in politics and public life in reporting the happenings in Philadelphia.

Now continuing with the problems of a lawyer as he attempts to set aside malapportionment in a State legislature:

While the whole State may know that the legislature's motive in enacting apportionment legislation, or failing to amend existing statutes on the subject, was to effect a discrimination in representation, it may be difficult to interest a court with this popularly accepted fact. Courts generally will not inquire into motives which influence the legislature or its individual members in vot-

ing for or against the passage of a statute. On the other hand, the long continuing failure of a legislature to act has a significance which should not be ignored. Moreover, the Supreme Court has told us on more than one occasion that the 14th amendment bars "ingenuous as well as ingenious discriminations." Legislative motives in enacting or in refusing to revise reapportionment laws would not seem to be immune from judicial inquiry.

However, in New York, as previously noted, a three-judge Federal court was not interested in hearing evidence offered as to the discriminatory motive of the New York Legislature in enacting apportionment legislation for that State. On the other hand, in another recent case, involving the claim of congressional redistricting on the forbidden basis of race, another three-judge Federal court in the southern district of New York held that the plaintiffs had failed to offer any proof demonstrating a legislative motive to discriminate on racial grounds in drawing the lines of congressional districts in New York City.

Here also, the difficulty which seemingly confronts the apportionment advocate in presenting evidence of legislative motive is more imagined than real. If the source materials are available, such as current or past newspaper reports, magazine articles, official notes of a State constitutional convention, etc., little ingenuity or effort is required to bring the information to the attention of the court. If the doctrine of judicial notice is not flexible enough to permit it, the even more liberal standards of effective brief writing provide the means for demonstrating to a court the reasons for the failure of a State legislature to reapportion. Long years of inaction are not without compelling significance in furnishing clues to legislative intention. The courts will listen to the apportionment advocate who attempts to supply those clues, if indeed the court does not already know them.

4. The burden-of-proof problem

The burden of proof in a reapportionment case is on the plaintiff. He starts with the proposition that courts will "accept as established such reasons for the districting as are fairly conceivable or inferable in and from the results. However, 'there are limits to the extent of which the presumption of constitutionality can be pressed.' The recent reapportionment decisions indicate that once gross discrepancies of representation are established by appropriate population statistics, the burden shifts to the defendant election officials to present evidence to explain away the disproportions contained in the statutes. Accordingly, while numerical inequalities of voting strength does not necessarily prove a deprivation of voting rights guaranteed by the Constitution, it may establish a prima facie case for that proposition.

Under the circumstances, the apportionment advocate should play his statistics to the limit. In establishing the inequities of representation that exist, he should not only use present population figures but, to the extent possible, project them to demonstrate that existing gross inequities in representation will become even greater as the years pass and the suburban areas continue to expand. He should single out and emphasize compelling statistics illustrating some of the incredible inequalities in representation that may exist. A court which hears that the vote of a resident of one district counts 33 times that of a resident of another district must be moved. In the Georgia unit rule case the Supreme Court listened somewhat incredulously, if not aghast, as counsel for the appellees advised them in oral argument that 5.5 percent of the population controlled the Georgia Senate. Again, to argue, as petitioners did in the Maryland case, that the senator from one large county is elected by

more people than are required to elect a majority of the entire State senate, is to attract the judges' attention, if not their vote.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. BREWSTER. I yield.

Mr. DOUGLAS. In other words, Fulton County, which contains the city of Atlanta, had less representation than approximately 5 percent of the population of the State of Georgia in the senate. Is that correct?

Mr. BREWSTER. In Georgia, prior to the Court's decision, 5½ percent of the voters in Georgia controlled the Senate of Georgia.

Mr. DOUGLAS. Fulton County, which has in it the great city of Atlanta, had only one senator. Is that correct?

Mr. BREWSTER. The Senator is correct.

Continuing, and thanking the Senator from Illinois for his comments:

Remember also the clues which Justice Clark may have furnished in his concurring opinion in *Baker v. Carr*; i.e., "legislative inactivity," "absence of any other remedy," "crazy quilt" patterns of representation. With these in mind, bring to the Court's attention, either in proof or in argument: the discrepancies even within the same class; i.e., rural or urban; the extent and duration of legislative inaction; and the absence of the right of referendum or initiative, if these are not available under the State constitution. If the latter remedies are provided, develop the practical obstacles to effective resort to them as a means of eliminating or substantially mitigating malapportionment in legislative representation.

Despite the fact that the courts have not emphasized the point in the apportionment decisions thus far, the attorney who finds himself in a reapportionment case would do well to emphasize such discriminations with respect to State taxation and the return of State revenue to the local area as he can persuasively establish. For example, in the Maryland case, statistics furnished by official agencies of the State were employed to show that as the result of unfair statutory equalization formula enacted by the rurally dominated general assembly, the suburban counties were severely discriminated against in the amount of State revenue which was returned to the local political subdivisions. Since taxation without adequate representation may reach the point where due process is offended revenue and taxation evidence, although overshadowed by the more compelling statistics regarding gross discrimination in voting strength, should not be overlooked. Moreover, such adverse consequences tend to demonstrate that discriminations in voting strength and legislative representation present more than an abstract injustice.

Indeed, to the extent possible, the petitioners in a reapportionment case should attempt to prove and to argue that discrimination to which they are subjected in the exercise of voting strength has practical adverse consequences. The petition for certiorari filed by the appealing Michigan election officials in *Scholle v. Hare*, for example, makes a fairly compelling argument that the appellees had made no showing that the malapportioned legislature "had failed to adapt itself to modern urban problems." On the other hand, an amicus curiae brief filed by the American Civil Liberties Union in the earlier case of *Magraw v. Donovan*, through an appendix attached thereto, made a convincing showing of the practical consequences on city folk of rural domination of the legislature.

An effort also should be made to allay the fears expressed by Justice Harlan in his dissenting opinion in *Gray v. Sanders* that rea-

sonable reapportionment necessarily means domination by the city vote. As the newer statistics demonstrate, the suburban areas are the victims of the grosser malapportionment. Moreover, while urban and suburban interests in mass transportation and education may coincide, as frequently as not the representatives from the cities may oppose suburban demands for greater powers of taxation, zoning authority, etc. Therefore, the advocate who has the time and the resources would be well advised to provide the Court with either statistics or arguments in order to reassure it that reapportionment will not necessarily mean the substitution of city rule for country rule.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. BREWSTER. I yield.

Mr. DOUGLAS. Do I correctly understand the situation in the Senator's own State of Maryland to be that the city of Baltimore, as distinguished from the county of Baltimore, has six members of the State senate?

Mr. BREWSTER. The city of Baltimore is divided into six districts. Each district, for the purposes of representation in the State legislature, coincides with a county. Each of the six districts previously had six members of the house of delegates and one State senator. Now, with our temporary reapportionment in the house of delegates alone, the bigger districts in Baltimore City have had their representation partially increased, but their representation in the Senate of Maryland remains at six.

Mr. DOUGLAS. At six. What was the population of the city of Baltimore in 1960?

Mr. BREWSTER. The population of Baltimore City is slightly under 1 million. With 6 members of the Senate of Maryland, out of a total of 29, it is not too much out of line with the population of 900,000, in a State whose population is slightly more than 3 million. Baltimore City does not suffer to the same extent from malapportionment as do our suburban counties.

Mr. DOUGLAS. But it is underrepresented in comparison with the Eastern Shore.

Mr. BREWSTER. That is entirely correct.

Mr. DOUGLAS. The Eastern Shore has 9 senators, with a population of 220,000; the city of Baltimore has 6 senators, with a population of approximately 900,000.

Mr. BREWSTER. That is correct.

Mr. DOUGLAS. Or 1 for every 150,000; whereas the Eastern Shore has 1 for approximately every 25,000. But in comparison with Baltimore County, Baltimore City does very well.

Mr. BREWSTER. Considering the city of Baltimore as a whole, it does very well; but it is interesting to note that the six districts of Baltimore City are in no way whatsoever equal in their population. It has some very large districts with hundreds of thousands of people, and some very small districts. So again there is malapportionment.

Mr. DOUGLAS. What the Senator is saying is that the worst cases of malapportionment are in Baltimore County, Montgomery County, and Prince Georges County, on the one hand, as compared with the overrepresentation

of the nine Eastern Shore counties, on the other.

Mr. BREWSTER. The Senator from Illinois is absolutely correct.

Mr. DOUGLAS. And that, therefore, the suburbs of Baltimore suffer more than does Baltimore City.

Mr. BREWSTER. The rapidly expanding suburbs of the two great cities of Baltimore and Washington are the ones that really "get it in the neck."

Mr. DOUGLAS. That is what the Senator from Illinois attempted to demonstrate yesterday and today in citing the figures for Illinois. We have senatorial districts of 570,000, 505,000, and more than 400,000 in the suburbs of Chicago. Then there are districts elsewhere in the State having populations of 53,000, 57,000, 59,000, and 67,000, approximately.

Mr. BREWSTER. Maryland has comparable situations surrounding the Nation's Capital and the great city of Baltimore—and we hope to do something about it.

Concluding this aspect of this presentation:

CONCLUSION

The writer is reasonably certain that most of the suggestions or observations contained in this paper have occurred, or will occur, to those of his colleagues called upon to participate in a reapportionment suit. To the extent, however, that they may furnish some shortcuts in research, briefing or arguments, this paper will have been worth its effort.

All lawyers should take professional pride in the realization that the reapportionment battles in which they are engaged, or which they may be called upon to join, represent primarily contests of law and advocacy. The basic struggle is a constitutional debate in the grand tradition. To that encounter, above all, lawyers should come particularly well equipped by training and experience. Their services are indispensable, for it is their professional skills which, in substantial measure, will determine the outcome. I, for one, am not sure what the ultimate achievements of the reapportionment crusade may turn out to be. Unlike Professor Bickel, however, I refuse to believe that *Baker v. Carr* may be regarded merely as an exercise in jurisdiction and justiciability, with no real impact on substantive constitutional law. Perhaps the Solicitor General of the United States was closer to the mark when he stated that he would not be surprised if the Supreme Court "were ultimately to hold that if seats in one branch of the legislature are apportioned in direct ratio to population, the allocation of seats in the upper branch may recognize historical, political, and geographical subdivisions, provided that the departure from equal representation in proportion to the population is not too extreme." I would prefer, however, to hope that Anthony Lewis, of the New York Times, will prove to be the more accurate prophet. In commenting on the Georgia unit rule case and the "one-man, one-vote" principle on which that decision rested, Lewis said, and I agree: "Why should it be permissible to use the device of unequal legislative districts any more than the unit rule system, to give one man 10 times the vote of another?"

PROBLEMS OF PERSUASION

Whatever the final answer, one can be sure that any renaissance of the principle of majority rule in the legislative chambers of the States will be, to a considerable degree, the fruit of lawyers' dedication and advocates' skills. I am sure that the final triumph, whatever its dimensions, will be forged on a case-by-case basis, with the Su-

preme Court of the United States and the other Federal and State tribunals of the Nation striking down those schemes of representation which do not comply with the minimum requirements of equal protection and due process. In that type of extended and litigious campaign, lawyers are peculiarly well trained to participate and to persist.

I have been privileged to play some small part in the effort expended in the courts of Maryland, and am grateful for that opportunity. I hope that many of my brethren will have a similar chance. I shall be gratified if anything I have written here provides them with even slight assistance in carrying out such assignments as may come their way.

I commend my friend, Alfred Scanlan, on his very able dissertation on the "Problems of Pleadings, Proof, and Persuasion in a Reapportionment Case." I am happy to take note of the article in the Notre Dame Lawyer that the many predictions he makes, and the question that he advocates, have come to pass in more recent decisions of the Supreme Court.

Mr. DOUGLAS. Mr. President, will the Senator from Maryland yield?

The PRESIDING OFFICER (Mr. McGovern in the chair). Does the Senator from Maryland yield to the Senator from Illinois?

Mr. BREWSTER. I yield.

Mr. DOUGLAS. The Senator from Maryland has made a unique contribution to this debate. Most of the speeches, thus far, have dealt with the reasons contained in the decisions. They have not dealt with the processes of litigation. This is the first address I have heard which has really gotten inside the legal struggle. It has been a unique contribution as to the types of evidence, the difficulties of pleading, and the problems which lawyers seeking fair representation encounter.

I am sure that the comments of the Senator from Maryland will be carefully read, not only by the people of his State but also by lawyers and people all over the Nation.

I thank him for his contribution. I

congratulate him upon the high, intellectual level of his performance.

Mr. BREWSTER. I am most grateful for the gracious remarks of the Senator from Illinois. I also commend him on his valiant participation in this fight for fair representation in our State legislatures and in the Halls of Congress.

CORRECTION OF THE RECORD

Mr. DOUGLAS. Mr. President, this morning I found—

The PRESIDING OFFICER. The Chair understands that the Senator from Wisconsin has the floor and has yielded to the Senator from Maryland.

Mr. DOUGLAS. Then the Senator from Wisconsin must return to the Chamber and get back the floor?

The PRESIDING OFFICER. That is correct.

Mr. BREWSTER. Mr. President, I ask unanimous consent that I may be permitted to yield the floor to the Senator from Illinois under the same conditions that the Senator from Wisconsin yielded the floor to me.

The PRESIDING OFFICER. The Senator from Maryland does not have the authority to yield, unless he asks for recognition in his own right.

Mr. DOUGLAS. Mr. President, I should like to ask for recognition in my own right.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DOUGLAS. Mr. President, I ask unanimous consent that I may be recognized, first to correct an error in the CONGRESSIONAL RECORD.

On page 21692 of the CONGRESSIONAL RECORD for September 21, 1964, I am made to say:

The average allotment of inhabitants per senator would therefore be approximately 17,000.

The text should be 173,000, as is evident from the fact that the population of the State is 10,100,000 and 58 senators.

I ask that this may be corrected in the permanent RECORD.

The PRESIDING OFFICER. The correction will be made.

ORDER OF BUSINESS

Mr. PROXMIRE. Mr. President, it is my understanding that in yielding to the Senator from Maryland I did so with the understanding that I would not lose my right to the floor.

The PRESIDING OFFICER. The Senator is correct.

Mr. PROXMIRE. Mr. President, before I move to adjourn, I should like to have the parliamentary situation understood, that the senior Senator from Illinois [Mr. Douglas] has received unanimous consent to be recognized after morning business tomorrow.

The PRESIDING OFFICER. That is correct.

ADJOURNMENT

Mr. PROXMIRE. Mr. President, I move that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 5 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, September 23, 1964, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate, September 22, 1964:

COAST AND GEODETIC SURVEY

Subject to qualifications provided by law, the following for permanent appointment to the grade indicated in the Coast and Geodetic Survey:

To be Lieutenant

James G. Grunwell.

CONFIRMATION

Executive nomination confirmed by the Senate, September 22, 1964:

OFFICE OF ECONOMIC OPPORTUNITY

Robert Sargent Shriver, Jr., of Illinois, to be Director of the Office of Economic Opportunity.

Digest of CONGRESSIONAL PROCEEDINGS

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
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CONTENTS

Congressional procedure..7	Imports.....4,5,14,19	Surplus property.....19
Farm equipment.....5	Lands.....9	Tariffs.....4,5
Farm exports.....6	Livestock.....17	Trade agreements.....6
Farm labor.....11	Pay.....10	Underground
Farmer's Day.....15	Peanuts.....16	water storage.....13
Flood control.....13	Personnel.....10	Virgin Islands.....4
Food additives.....3	Poverty.....18	Water resources.....13
Foreign aid.....2	Price-wage control.....12	Wool.....5,14,19
Foreign trade,4,5,14,19,17	Public Law 480.....1,8	
Housing.....2	Stockpile.....19	

HIGHLIGHTS: House agreed to conference report on Public Law 480; Sen. Fulbright moved to refer report to Foreign Relations Committee. Both Houses received from President report on trade agreements program.

SENATE

1. PUBLIC LAW 480. Debated the conference report on S. 2687, to extend the Public Law 480 program (pp. 21842, 21873-78). Sen. Fulbright objected to certain provisions of the bill as reported from conference and made a motion that the conference report be referred to the Foreign Relations Committee for hearings and study. Agreed to a unanimous-consent agreement to vote on the Fulbright motion on Thurs., Sept. 24. (pp. 21873-78)
2. FOREIGN AID. Continued debate on reapportionment amendments to H. R. 11380, the foreign aid authorization bill pp. 21863-69, 21872-3
Sen. Sparkman commended the program under the Alliance for Progress to aid the underprivileged in Latin America in the construction of housing and inserted a report from AID reviewing the program. pp. 21878-80

3. **FOOD ADDITIVES.** The Labor and Public Welfare Committee reported without amendment H. R. 12033, to authorize the Secretary of HEW to permit until Dec. 31, 1965, under certain conditions, the continued use of certain food additives and pesticide chemicals which were in commercial use before Jan. 1, 1958, but which have not been cleared for use under the Federal Food, Drug, and Cosmetic Act (S. Rept. 1593). p. 21836
 4. **VIRGIN ISLANDS; IMPORTS.** The "Daily Digest" states that the Finance Committee tabled H. R. 10170, to continue until the close of June 30, 1965, the existing exemption from duty enjoyed by returning residents arriving from the Virgin Islands. p. D786
 5. **TARIFFS.** The Finance Committee voted to report (but did not actually report) with amendments H. R. 12253, to amend certain tariff schedules. The "Daily Digest" states that the bill was amended to increase the duty on wool fabrics made of a blend of reclaimed wool and ramie or flax and to clarify the duty-free status of certain farm equipment. pp. D785-6
 6. **TRADE AGREEMENTS.** Both Houses received from the President the annual report on the operation of the trade agreements program. The President stated that in 1963 U. S. farm exports rose to an all-time record to \$5.6 billion and that total U. S. exports reached a new high of \$22.3 billion, \$5.1 billion more than our imports. (H. Doc. 366) pp. 21835, 21923
 7. **CONGRESSIONAL PROCEDURE.** Sen. Clark inserted his proposed comprehensive revision of the Senate rules. pp. 21880-921
- HOUSE
8. **PUBLIC LAW 480.** Agreed to the conference report on S. 2687, to extend the Public Law 480 program. (See Digest 182 for a summary of provisions.) pp. 21923-28
 9. **LANDS.** By a vote of 180 to 118, passed as reported H. R. 1096, to authorize the Secretary of the Interior to cooperate with Wisc. in the designation and administration of the Ice Age National Scientific Reserve. pp. 21928-38
 10. **PERSONNEL; PAY.** Concurred in Senate amendments to H. R. 5932, to amend the Government Employees Salary Reform Act of 1964 so as to authorize that the pay increases provided for be made retroactively effective in the case of employees whose pay is established through administrative action. This bill will now be sent to the president. p. 21939
 11. **FARM LABOR.** Rep. Teague, Calif., inserted an article pointing out that with the termination of the bracero program the Mexican farmers will have a big advantage over California farmers and that the bulk of the strawberries, tomatoes, and cantaloupes will be grown in Mexico rather than in California. pp. 21950-1
 12. **PRICE-WAGE CONTROL.** Rep. Curtis criticized the administration's "guidelines" approach to price-wage control. p. 21950
 13. **WATER RESOURCES.** Rep. Schwengle inserted a speech outlining a program for the underground storage of water "to prevent tremendous evaporation losses and to aid in the furtherance of comprehensive flood control programs." pp. 21951-4

ful charges of 1810, or even 1910. To wit, the blanket of "total" communication which has spread over the countryside since the early days of radio.

One slur, a moment of petulant anger, a sentence growled in scorn, is seen and heard on each household TV, belched out from every car radio, so immense is our network of instant, total, complete communication. These bon mots—hustled into the morning news—saturate the body politic to a degree unprecedented in grandmother's time.

Another new factor has emerged, more successful, more effective than Machiavelli ever dreamed. It does not involve the use of hate as name calling between liberal Democrat and opponent. Instead, as we have seen, Republicans have been accused of hating.

Republicans have been accused of deliberate and unscrupulous attempts to smear.

Republicans have been attacked as appealing to the base instincts of the electorate.

Republicans have been called "haters."

Republicans, say the Democrats, sow fear.

The chieftain of Democrat publicity, the man credited by many as having been responsible for the election, and reelection, of Mr. Roosevelt, neatly capsuled this Democrat approach to political ethics. The quote deserves repeating:

"Nobody has ever been able to formulate a political code of ethics. Despite the fine, altruistic language of party platforms, the habit has always been to smite the opposition, regardless of Marquis of Queensbury rules, whenever and however the opportunity offers."⁹²

Our problem, the Republican problem, is that we didn't know that if you spewed hate but said on the side you didn't really mean it—it's all part of the game—you could get away with it, and win the White House, and the Senate, and the House of Representatives to boot.

On March 9, 1964, the Supreme Court ruled that wide latitude in the press' criticism of public officials is constitutional. Said Justice Brennan:

"Thus we consider this case against the background of a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials."⁹³

Falseness of the charges no longer counts. Malice must now be proved, an exceeding difficult proposition in any libel suit. A difficult question is thus posed. By what means can the spread of hate, now free to echo from 10,000 newspapers, be checked?

We, as Republicans, can offer no simple solution. The gulf between Press Agent Michelson's "smite the opposition" and President Johnson's occasional requests for an avoidance of "venom" appears too great to bridge.

But the record of these past 30 years is unavoidably consistent in its documentation of hate and hatemongering by Democrats, for Democrats, even among Democrats. Lest the GOP unconsciously accept the current inference that only among Republicans does the venom flow, this record is offered. For 30 years Republicans have been called every name in the book. For 30 years Republicans have been walloped, smitten, beaten over the head with the vilest of filth.

Again, exactly who is "pouring venom"?

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend fur-

ther the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. DOUGLAS. Mr. President, what is the present parliamentary status?

The PRESIDING OFFICER. The question is on agreeing to the Dirksen-Mansfield amendment.

Mr. DOUGLAS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 579 Leg.]

Alken	Johnston	Pastore
Anderson	Jordan, N.C.	Pell
Bartlett	Jordan, Idaho	Prouty
Bible	Lausche	Proxmire
Boggs	Long, Mo.	Robertson
Brewster	Long, La.	Russell
Case	McClellan	Smith
Dirksen	McGee	Symington
Douglas	McGovern	Talmadge
Ervin	McIntyre	Walters
Fulbright	McNamara	Williams, Del.
Gore	Metcalf	Yarborough
Hart	Monroney	Young, N. Dak.
Hayden	Mundt	Young, Ohio
Inouye	Nelson	

Mr. MANSFIELD. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Nevada [Mr. CANNON], the Senator from Idaho [Mr. CHURCH], the Senator from Connecticut [Mr. DODD], the Senator from Louisiana [Mr. ELLENDER], the Senator from Alaska [Mr. GRUENING], the Senator from Florida [Mr. HOLLAND], the Senator from Oregon [Mr. MORSE], and the Senator from Oregon [Mrs. NEUBERGER] are absent on official business.

I further announce that the Senator from Alabama [Mr. HILL] and the Senator from Massachusetts [Mr. KENNEDY] are absent because of illness.

I also announce that the Senator from Indiana [Mr. BAYH], the Senator from North Dakota [Mr. BURDICK], the Senator from Mississippi [Mr. EASTLAND], the Senator from West Virginia [Mr. BYRD], the Senator from Indiana [Mr. HARTKE], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Washington [Mr. JACKSON], the Senator from Washington [Mr. MAGNUSON], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Connecticut [Mr. RIBICOFF], the Senator from California [Mr. SALINGER], the Senator from Florida [Mr. SMATHERS], the Senator from Alabama [Mr. SPARKMAN], and the Senator from New Jersey [Mr. WILLIAMS] are absent on official business.

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BEALL], the Senator from Utah [Mr. BENNETT], the Senator from Kentucky [Mr. COOPER], the Senator from Arizona [Mr. GOLDWATER], the Senator from Iowa [Mr. HICKENLOOPER], the Senators from New York [Mr. JAVITS and Mr. KEATING], the Senator from New Mexico [Mr. MECHEM], the Senator from Iowa [Mr. MILLER], the Senator from Kentucky [Mr. MORTON], the Senator from Kansas [Mr. PEARSON], the Senator from Pennsylvania [Mr. SCOTT], the Senator from South Carolina [Mr. THURMOND], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Kansas [Mr. CARLSON] and the Senator from Colorado [Mr. DOMINICK] are detained on official business.

The PRESIDING OFFICER. A quorum is not present.

Mr. LONG of Louisiana. Mr. President, I move that the Sergeant at Arms be directed to request the presence of the absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. ALLOTT, Mr. CLARK, Mr. COTTON, Mr. CURTIS, Mr. EDMONDSON, Mr. FONG, Mr. HRUSKA, Mr. KUCHEL, Mr. MANSFIELD, Mr. SALTONSTALL, Mr. SIMPSON, and Mr. STENNIS entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

Mr. DOUGLAS. Mr. President, there are two main aspects of the question now before us, namely the Dirksen amendment to the foreign aid bill. The first is substantive, and the second is procedural and constitutional. On the substantive side, there is the fact that virtually all the State legislatures are now malapportioned so far as population is concerned, and that this malapportionment has been steadily growing worse as the population has been moving to the cities and suburbs, while the old rural and small town pattern of representation of decades ago has persisted.

The procedural and constitutional aspects involve several features. One of them is the extraordinary inappropriateness of attaching amendment of this type to the foreign aid bill, a point which has nothing to do with the subject matter of the main measure now before us.

Connected with this is the fact that the amendment, far reaching in its importance, was submitted on the floor of the Senate without any prior hearings in any committee, and that the so-called precedent in connection with the civil rights bill does not apply, since that bill had been considered for years in various committees of the Senate, and in this year sections of it had been considered in the Judiciary Committee, in the Committee on Labor and Public Welfare, and in the Committee on Commerce.

The constitutional aspects of this measure are very grave. It was proposed that Congress should enact a law either setting aside or postponing the interpretations of the Constitution given by the Supreme Court.

Mr. President, this is a highly irregular, and, in my opinion, an unconstitutional proposal. The Constitution of the United States is interpreted by the Supreme Court, and that is the Constitution unless and until it is superseded by a constitutional amendment. It is improper for Congress to try to overrule the Supreme Court in matters of constitutional law. That is precisely what the Dirksen amendment would do.

Therefore, our objections to the Dirksen amendment are founded on these facts. First, long continued and accu-

⁹² Michelson, "The Ghost Talks," p. 204.

⁹³ The New York Times, Mar. 10, 1964, p. 22.

mulating abuses in reapportionment were for the first time being redressed by the decisions of the Supreme Court and the inferior Federal courts to reapportion in some fairly close proportion to population; and the cities and the suburbs were for the first time being given hope that they could escape from the legislative shackles with which they were bound.

The Dirksen amendment would prevent these decisions from going into effect for a period of time, and during this time it was the avowed intention of the senior sponsor of the amendment to propose a constitutional amendment permanently forbidding the Federal courts from interfering in such matters. This would have been submitted to the present malapportioned State legislatures. Those malapportioned State legislatures, by ratifying the constitutional amendment, could then put themselves beyond reach of a court order.

This proposal is one of the most dangerous ever submitted to a legislative body. I am proud that some of us who are proud to call ourselves liberals have been trying to prevent the Senate from falling into this folly. I personally have tried to address myself to the first of the major issues; namely, to the malapportionment of existing State legislatures, both in the so-called lower houses and in the upper houses. I have left to my brethren, who are lawyers and constitutionalists primarily, the discussion of the second set of issues.

In keeping with my belief that both issues are important and that both sets of evidence must be considered, I should like to resume today my discussion of how the large cities and the suburbs of the large cities are now grossly underrepresented in our State legislatures, and how the apportionment of seats in such cities and suburbs has not kept pace with the regional drift of the population away from the farms and small towns to the metropolitan centers. By that I mean not merely to the central cities, but to the suburbs also.

In past addresses I have discussed the underrepresentation of the cities and suburbs, both in average terms and also in terms of comparison between the districts which are most underrepresented, and the districts which are most overrepresented. Still more material needs to be introduced to indicate the whole set of injustices which should be laid bare.

In my present presentation I shall draw primarily upon a valuable statistical study which was made in 1961, by two professors at the University of Virginia, Paul T. David and Ralph Eisenberg, who published this very valuable monograph entitled "The Devaluation of the Urban and Suburban Vote."

Mr. David was the coauthor of a very important work some years ago on the presidential primaries and the selection of candidates for the Presidency by the two major parties.

The significance of the approach made by David and Eisenberg was that they made an analysis in terms of counties. There are about 3,100 counties in the United States. David and Eisenberg developed punch cards for each county,

showing its population in 1910, 1920, 1930, and 1960, and its representation at each period of time in the house of its State and in the senate of its State. From this information they could compute the number of persons per senator or per representative in each of these counties for each of these decennial periods.

This is a valuable study. It needs to be noted and analyzed. Perhaps I should start by saying that as to States where the town, rather than the county, is the predominant unit of local government and of representation—and this is true of the New England States—it is not perfectly adequate. As we know, in New England the town is the primary unit of local government. It is the primary unit of representation in the State legislatures. However, as I have said, there are fantastic disparities in the New England States in the representation of small hamlets and of large cities. Again and again, I have called attention to the State of Vermont, where the smallest town, having a population of 36, sends one representative to the lower house of the Vermont Legislature, and the largest city, having a population of 38,000, sends one representative.

Similar fantastic situations exist in Connecticut, where each town is allowed two representatives in the lower house, and cities like New Haven and Hartford, having populations, as I remember, of well over 200,000, receive only the same representation in the Connecticut house as towns having populations of 100, 200, or 300.

New Hampshire has almost a similar disparity, not quite so glaring as Vermont's, but very great.

In Rhode Island, the disparity is not so much in the lower house as it is in the State senate. Until recently each town—I think there are 43 in Rhode Island—had one representative in the State senate. Providence, having more than 200,000 people, had the same representation as East Greenwich, with about 250.

When the county is taken as the basis, some of the disparities between are glossed over, because a county may contain grossly overrepresented small towns and possibly grossly underrepresented cities.

Mr. MANSFIELD. Mr. President, will the Senator yield with the usual reservation?

Mr. DOUGLAS. Mr. President, the Senator from Montana has an important announcement to make, but I ask that the following facts be printed at this point in the RECORD.

Table I is from David and Eisenberg, page 9, with 100 being taken as equal representation on the basis of population, it shows that in 1910, the small counties of the country had on the average 113/81 or 1.4 times the representation per person of those in the largest counties and that by 1960 this had risen on the average to a ratio of 171/76 or 2¼ times the average representation per person of those in the largest counties. It is significant that these disparities existed in general not only in the largest 15 States but also in the smallest States as well.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE I.—Relative values of the right to vote for representation in State legislatures, national averages, and averages for major groups of States, 1910, 1930, 1950, and 1960

Categories of counties by population size	1910	1930	1950	1960
National averages for all 50 States:				
Under 25,000.....	113	131	141	171
25,000 to 99,999.....	103	109	114	123
100,000 to 499,999.....	91	84	83	81
500,000 and over.....	81	74	78	76
Averages for the 7 largest States:				
Under 25,000.....	116	158	165	194
25,000 to 99,999.....	111	134	139	155
100,000 to 499,999.....	99	93	99	100
500,000 and over.....	83	74	77	77
Averages for the 8 next largest States:				
Under 25,000.....	116	135	147	180
25,000 to 99,999.....	100	106	110	119
100,000 to 499,999.....	93	84	78	78
500,000 and over.....	81	78	86	79
Averages for the 35 smallest States:				
Under 25,000.....	111	123	133	162
25,000 to 99,999.....	98	92	101	105
100,000 to 499,999.....	76	70	63	58
500,000 and over.....	45	63	71	67

Mr. DOUGLAS. Mr. President, a second table shows the relative underrepresentation of the 27 largest cities of the country and of the suburban counties which adjoin or ring them. This shows that in nearly every instance, the suburbs are more grossly underrepresented even than the central cities, badly treated as the latter are. We, who have been fighting therefore for fair representation, have been contending therefore more for the suburbs than for the central cities. And I for one resent the efforts of some of our opponents to becloud the issue by stirring up prejudice against the cities and attempting to disparage our motives. We are fighting for justice. This would help the cities but it would help the suburbs even more.

I ask unanimous consent that this table be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE II.—Relative values of the right to vote for representation in State legislatures, central city, and suburban counties of the 27 largest standard metropolitan statistical areas 1910, 1930, 1950, 1960¹

[From David and Eisenberg, pp. 12-13]

1960 SMSA rank	Central city and suburban counties	Relative values			
		1910	1930	1950	1960
1	New York City (5 boroughs).....	75	71	81	93
	Nassau.....	122	54	101	59
	Rockland.....	132	127	108	86
	Suffolk.....	113	79	100	47
	Westchester.....	117	88	109	95
2	Los Angeles (Los Angeles-Long Beach).....	91	39	53	54
	Orange.....	79	90	122	56
3	Cook (Chicago).....	87	71	89	91
	DuPage.....	94	73	74	44
	Kane.....	108	110	90	76
	Lake.....	107	97	72	51
	McHenry.....	107	97	82	66
	Will.....	94	74	81	62
4	Philadelphia.....	89	88	88	98
	Bucks.....	148	147	124	63
	Chester.....	121	131	113	92

Footnotes at end of table.

TABLE II.—Relative values of the right to vote for representation in State legislatures, central city, and suburban counties of the 27 largest standard metropolitan statistical areas 1910, 1930, 1950, 1960¹—Continued

[From David and Eisenberg, pp. 12-13]

1960 SMSA rank	Central city and sub- urban counties	Relative values			
		1910	1930	1950	1960
4	Phila.—Con.				
	Delaware	112	67	67	55
	Montgomery	89	80	72	53
	Burlington, N.J.	123	139	114	86
	Camden, N.J.	87	78	79	76
	Gloucester, N.J.	218	183	169	145
5	Wayne (Detroit)	78	55	72	81
	Macomb	95	75	98	55
	Oakland	103	50	68	48
6	San Francisco	96	78	68	105
	Alameda (Oakland)	97	75	71	87
	Contra Costa	99	185	89	96
	Marin	111	256	189	167
	San Mateo	104	138	112	88
	Solano	117	261	170	195
7	Suffolk (Boston)	104	91	99	123
	Essex	102	106	110	110
	Middlesex	100	101	98	92
	Norfolk	99	119	100	83
	Plymouth	109	115	108	91
8	Allegheny (Pitts- burgh)	89	88	88	88
	Beaver	99	86	80	74
	Washington	83	84	88	94
	Westmoreland	73	80	73	70
9	St. Louis City	69	67	74	92
	Jefferson	90	99	79	62
	St. Charles	93	105	96	71
	St. Louis	67	38	71	45
	Madison, Ill.	103	95	75	72
	St. Clair, Ill.	92	95	67	62
10	Washington, D.C.	0	0	0	0
	Alexandria, Va.	85	84	94	77
	Falls Church, Va.			71	32
	Arlington, Va.	85	79	68	67
	Fairfax, Va.	95	81	71	32
	Montgomery, Md.	164	126	59	38
	Prince Georges, Md.	136	115	50	36
11	Cuyahoga (Cleve- land)	85	84	89	92
	Lake	114	96	87	62
12	Baltimore City	44	51	62	83
	Anne Arundel	125	125	83	62
	Baltimore County	51	55	36	26
	Carroll	146	154	175	197
	Howard	228	258	257	218
13	Essex (Newark)	61	60	67	81
	Morris	137	148	119	94
	Union	88	76	69	69
14	Hennepin (Minne- apolis)	85	67	60	55
	Ramsey (St. Paul)	84	80	76	73
	Anoka	93	95	71	39
	Dakota	93	84	68	40
	Washington	120	156	130	98
15	Erie (Buffalo)	97	93	87	83
	Niagara	138	125	119	106
16	Harris (Houston)	91	53	41	33
17	Milwaukee	100	84	96	92
	Waukesha	113	106	81	54
18	Passaic (Paterson- Clifton-Passaic, N.J.)	77	77	82	85
	Bergen	90	73	67	58
19	King (Seattle)	73	86	94	88
	Snohomish	86	88	90	69
20	Dallas	92	64	50	40
	Collin	101	145	119	151
	Denton	130	148	134	156
	Ellis	98	139	123	159
21	Hamilton (Cincin- nati)	85	86	86	88
	Campbell, Ky.	90	83	90	81
	Kenton, Ky.	92	79	94	84
22	Jackson, Mo.				
	(Kansas City)	59	48	71	68
	Clay, Mo.	110	104	71	51
	Jackson, Kans.	92	76	75	37
	Wyandotte, Kans.	42	33	33	34
23	San Diego	96	85	72	57
24	Fulton (Atlanta)	24	15	12	12
	Clayton	77	77	125	82
	Cobb	95	84	75	49
	DeKalb	93	61	37	23
	Gwinnett	104	125	70	56
25	Dade (Miami)	91	30	17	16
26	Denver	72	69	78	87
	Adams	109	74	98	44
	Arapahoe	79	70	73	46
	Boulder	78	95	81	70
	Jefferson	123	95	71	41
27	Orleans (New Or- leans)	105	93	95	105
	Jefferson	84	67	52	33
	St. Bernard	202	329	256	127

¹a. The standard metropolitan statistical areas used here are those so defined by the Bureau of the Census in reporting the census of 1960. In most cases, the "SMSA" is so defined as to follow county lines, but in some instances, portions of a county only are included. Where this occurred in the case of the areas included in this table, the entire counties were included here. The table includes all metropolitan areas designated as having a population of 850,000 or more in 1960.

Mr. DOUGLAS. I now yield to the distinguished majority leader with the understanding that if I resume the floor, my remarks will be printed in sequence.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, the Senate has been considering the foreign aid bill for about 35 days. It has been on one amendment to the foreign aid bill—the so-called Dirksen-Mansfield reapportionment amendment—for approximately 20 days. An effort was made to table that amendment. It failed. An effort was made to invoke cloture and so bring to a close debate on the Dirksen-Mansfield amendment. It, too, failed.

I must now ask, What is the Senate's pleasure? I ask not 1 Senator, not 10 Senators, but the Senate as a whole. Does the Senate wish to continue as it has done for weeks after the Democratic Convention? There are strong indications that a great many Senators regard business outside of Washington as more pressing than what we are doing here. Last week the Senate tried on 3 successive days to obtain a quorum in order to conduct its business, and on 3 successive days it failed. We barely achieved it yesterday and today.

We can hardly adjourn this session without acting upon the few measures which should be cleared up. Yet we cannot deal with those measures unless we first dispose of the question before us.

It is clear that there is not the substantial majority which is necessary to invoke cloture on the Dirksen-Mansfield amendment. It is also clear that there is not a majority to table the amendment. Whenever the Senate reaches that sort of situation, in which it will neither dispose of a measure one way or another or agree to close debate on the measure by the one means available—that is, by cloture, or by agreeing to go on to other measures—the Senate is reduced to a gross impotence and a de-meaning futility.

It is not the first time that this situation has occurred; and I suppose it will not be the last. The leadership lives in the hope that one day reason will be permanently enshrined in this body and that the rules will be used and not abused, whether the issue is civil rights or reapportionment or whatever. There is only one reasonable way to redeem

the reputation of the Senate in this kind of situation. That is by the adjustment of positions between the vigorous proponents and the vigorous opponents of the measure to a course on which action by the Senate as a whole becomes possible. In my judgment, the distinguished minority leader took a long step in the direction of that reasonable course by the modification which he announced yesterday of his and my original amendment.

I regret that I cannot go along with him on it because I am persuaded that it would not bring this matter to a final resolution.

I have discussed this matter with him and, with his understanding but not his joint sponsorship, I am about to introduce the substance of his proposed modification as a substitute for the original Dirksen-Mansfield amendment. The language differs sharply from that amendment and it differs, primarily, from the distinguished minority leader's modification as unofficially proposed yesterday in that it is a substitute expressing the sense of Congress only. For this change, I want to give full credit to the senior Senator from New Mexico [Mr. ANDERSON], who, in his customary fashion, placed the interests of the Senate in high perspective and assisted greatly in finding an appropriate course.

Mr. President, it is possible to object to this substitute for a variety of reasons. But, on one ground, I cannot see any logic in objection to it. I cannot accept as reasonable the argument that the Congress should never concern itself, in a matter on constitutional grounds, once the Supreme Court has decided it. I ask the Senate to think for a moment what would have happened if this position had prevailed after the Supreme Court had made its historic decision on school integration in 1954. If this position had prevailed, the Court would have been left to its own devices on how to bring about the integration of public education in the United States. Congress would have avoided any further reference to the question. The same thing applies with respect to the ending of discrimination in public facilities, on which the Supreme Court had made a constitutional decision under the 14th amendment. But what were sections III and IV of the 1964 civil rights legislation all about if they were not on these very same subjects, if they were not congressional action with respect to public education and public facilities? Where was the clamor, then, which insisted that Congress should not involve itself in matters the Supreme Court had decided?

I say this, not in criticism of any Member of the Senate. I say it only to point out that all of us, at times, permit our passionate concerns to interfere with our objectivity. I say it in the hopes that it will help the Senate to return to reason in dealing with the issue which has now reduced us to this situation of parliamentary impotence.

I say it in the hope that those who opposed the original Dirksen-Mansfield amendment on reapportionment will rec-

ognize that a long step has been taken to meet the objections. That step was taken, first, by the distinguished minority leader and, now, by the majority leader. I say it in the hope that the Senate will face up to this issue on this new basis, dispose of it as quickly as possible and bring down the curtain on the 88th Congress.

An exceptional record of achievement has been put together by all the Members of this Congress, through a great and a dedicated effort over many months. I think it is most unfortunate that this 11th hour stalemate has occurred. And I would hope that the reins of reason would now be applied, to the end that this measure may be voted on with due dispatch and to the end that we may bring closer to hand the day when we shall be able to close this Congress.

I send the proposal to the desk and ask for its reading.

AMENDMENT NO. 1273

The PRESIDING OFFICER. The clerk will read.

The Chief Clerk read the Mansfield amendment in the nature of a substitute for the amendment offered by Senator DIRKSEN (for himself and Mr. MANSFIELD) numbered 1215, to the bill H.R. 11380, as follows:

It is the sense of Congress that, (a) In any action in any district court of the United States in which the constitutionality of the apportionment of representation in a State legislature or either house thereof is drawn in question, any order affecting the conduct of the State government, the proceedings of any house of the legislature thereof, or of any convention, primary or election could properly, in the absence of unusual circumstances, including those which could make unreasonable or embarrassing demands on a State in adjusting to the requirements of the court's order,

(1) allow the legislature of such State the length of time provided for a regular session of the legislature plus 30 days but not to exceed 6 months in all, to apportion representation in such legislature in accordance with the Constitution, and

(2) permit the next election of members of the State legislature following the effective date of this act to be conducted in accordance with the laws of such State in effect on September 20, 1964.

(b) In the event that a State fails to apportion representation in the legislature in accordance with the Constitution within the time granted by any order pursuant to this section, the district court having jurisdiction of the action shall apportion representation in such legislature among appropriate districts so as to conform to the constitution and laws of such State insofar as is possible consistent with the requirements of the Constitution of the United States, and the court may make such further orders pertaining thereto and to the conduct of elections as may be appropriate.

Mr. DOUGLAS. Mr. President I congratulate the majority leader for the action which he has now taken. I hope the Senate may speedily conclude favorable action on the proposed substitute.

It is, in my judgment, far superior to the original Dirksen-Mansfield proposal in a number of ways.

In the first place, it is not a law. It is merely a statement of the sense of Congress, and thus avoids the constitutional question of whether Congress can issue instructions to judges of the

United States contrary to the opinions of the Supreme Court. It therefore seems to me to be much more in harmony with constitutional law and practice in this country and would avoid any dangers of a precedent since, if we were to enact a law trying to make decisions of the Court unconstitutional—which is a contradiction in terms—this might be extended later to cover such matters as trial by jury and the various protections which an individual has under him by the first 10 amendments to the Constitution. So this is a big step forward. It is not a law and it is not mandatory. It is merely a declaratory expression of opinion.

Second, instead of providing for indefinite delay on the part of the inferior Federal courts, it suggests instead only a very limited delay, not to exceed 6 months in all.

Third, its declaration is confined to the district courts, does not extend to the Supreme Court or the circuit courts, and hence in no sense rebukes or attempts to instruct the higher Federal courts of the country.

Fourth, it does not require, or even suggest, that Congress shall later submit a constitutional amendment.

Fifth, it provides that if a State fails to apportion representation in the legislature in accordance with the Constitution; namely, in accordance with the rules laid down by the Supreme Court, the district court itself may apportion the legislature and issue orders making it effective.

There are many other ways in which I believe this is a distinct improvement upon the original Dirksen-Mansfield amendment and upon the proposed law which my colleague had prepared yesterday and which he had discussed at a press conference.

I again congratulate the majority leader for the step he has taken. So far as our group is concerned—and I believe I speak for a not inconsiderable number—we are not in any sense claiming victory. It is not magnanimous, when one has won, to insist upon the fact of one's winning. It is much more chivalrous to content one's self with the final result. Sportsmanlike in defeat, magnanimous in victory should be our motto.

There were certain inferences, however, that my good friend the majority leader made about the responsibility for the delay, with respect to which I believe I should speak.

If it had not been for the opposition of this not inconsiderable number of Senators, this body would probably have approved the Dirksen-Mansfield amendment in its original form. Congress and the country had not had time to consider it. The proposal originally seemed headed for speedy and overwhelming consent. Those of us who for a considerable period of time have tried to subject these proposals and others like it to the scrutiny both of fact and law, have, I believe, prevented the Senate and the Congress from making a grievous mistake.

We believe that this illustrates the advantage of full and free debate. It

illustrates the advantage of prolonged discussion; not interminable discussion, but prolonged discussion.

I hope that at the next session of Congress, which will begin in January, there may be a thorough analysis of the proposed constitutional amendments. This is the legitimate method to pursue, although I shall oppose such an amendment; that it may be heard in committee, and arguments both pro and con may be advanced and considered, so that the Senate and the House of Representatives may arrive at a considered judgment.

I wish to close on the same note on which I began. It is a mark of a great man to adjust himself to circumstances. The Senator from Montana has been chivalrous in this whole affair. We have been compelled to oppose him on grounds of conscience and history and facts. But we are happy now that this cleavage seems to be over. We look forward to a long period of cooperation with the Senator from Montana, which I hope will be happily cemented by what I believe will be a prospective agreement.

I wish, also, to thank my colleagues in the Senate, who are not afraid to call themselves liberals for the part which they have played both in sturdy resistance to what they believed to be wrong and at the same time in a willingness to compromise on nonessential matters. I thank them from the bottom of my heart. They have displayed a unity and a conscientious and reserve cohesion which is beyond all praise.

If in the hour-to-hour conduct of affairs on the floor, in which I have had some responsibility, I have made any mistakes, they have been errors of the head, not of the heart and I hope I may be forgiven for them.

I say to the majority leader that I believe I speak for the group—although perhaps I am exceeding my authority in this matter—when I say that we will not oppose a unanimous consent agreement to vote at a fairly early time upon this matter. Once again I thank the majority leader.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. DIRKSEN. Mr. President, the original Dirksen-Mansfield amendment has been pending before the Senate for nearly 6 weeks. I am not insensible of the fact that Senators on both sides of the aisle would like to see this session of Congress adjourn, so that those whose names will be on the ballot can get home in time to do some campaigning. That is true on both sides of the aisle.

I believe I have been politely scolded, not openly, but scolded notwithstanding on both sides, for insisting upon the position that I originally took.

What complicated the matter, of course, was that the distinguished majority leader, who is a cosponsor of the original amendment, felt a deep sense of obligation to stand by. Let it be said to his everlasting credit that he has stood by. It was only when we lunched this noon and discussed this whole subject that I said to him that he has a

larger responsibility than a mere commitment to the minority leader. His larger responsibility is the conduct of the Senate and the moving of legislation and the ultimate adjournment of the Senate, so that Senators may go home. I advised him that I felt under these circumstances he was perfectly free to pursue any course of action that he saw fit to pursue, and that I would not in the slightest be offended, and that I would not scold him, and that he was at perfect liberty to pursue such an independent course.

I advised him at the same time that I could not go along with a "sense of Congress" resolution. I could not do so because it does not have the force of law. We have been through that matter in connection with the so-called Soviet wheat deals, and we discovered, on the basis of the Attorney General's rather exhaustive opinion, that if Congress had in mind speaking positively on any matter it would choose the words to do so; but where it spoke about a declaration of policy or the sense of Congress, it was nothing more than an expression of intent that had no legal effect.

So, regrettably, I cannot go along with the new proposal as offered by the distinguished majority leader. I am quite willing, however, to see that this question is resolved, and if a unanimous-consent request can be contrived for a limitation of time that conforms, insofar as possible, to the convenience of Members of the Senate who are in all sections of the country at the present time, I shall not object to that request, either.

We believe we can get word to most of our Members of the Senate who are away from the Capitol at the present time and give them fair notice as to the time when a vote will be taken.

I have suggested to the majority leader that I thought probably there ought to be a provision in the consent request for a motion to table, so that both the substitute and the original amendment might fall, and failing that, if the Senate in its wisdom then undertook to approve the substitute offered by my distinguished friend, that would be quite all right. I believe that he has in mind pursuing that kind of course.

This has not been a happy experience, either for the majority leader or for myself. If I entertained a certain hardness of spirit, to show that always an incandescent partisan spirit motivated every action that I took, it would be quite a different thing. But we shall have been in session, at the end of this month, 21 months since the beginning of the 1st session of the 88th Congress. There was a brief interlude, and then we had to come back and conclude the 1st session of the 88th Congress on the day before the 2d session began. So in a sense it can be said that we have been in continuous session from January 1963, until now.

Moreover, I rather apprehend that before long it will be impossible to get Senators to return to Washington to provide a quorum. If we have no quorum, we are at the mercy of the Senate rules and no business can be conducted from then on.

I wish to say one thing more about the majority leader. At the time we discussed the original amendment, I expressed to him the hope that once it was offered, there would be no intervening business of any kind until the issue was resolved. By intervening business, I meant even calendar business, let alone important measures that probably still have to be considered. So he stood by his word on that matter, and in that time, or at least in recent weeks, there has been no calendar business. There have been no major items other than those that enjoy high privilege under the rules of the Senate. For that, I thank the majority leader. He stood by his word.

I may say here, because I do not know that it is a secret, that the President sent a messenger to me, asking whether I would make way and permit the Appalachia bill to supersede the business of the Senate. One does not deal arbitrarily with a request of the President; but I have a deep conviction on the proposal that is before us, and I was constrained, I was compelled, to say to the messenger, "I am sorry, but I cannot accommodate the request of the President of the United States."

However, this proposal is a quite different matter. I do not cosponsor the new amendment. I only say that if we can vote on a tabling motion, we can vote on this proposal. Let the matter then be resolved; and if time permits, we can bring our Members back. Then obviously, I shall have no quarrel.

I conclude by saying that all this was a prelude to a constitutional amendment that we knew we could not deal with or could not perfect in what remained of this session.

I do propose, however, to proceed with a constitutional amendment, even as is being done in the House of Representatives. So, come January, we shall have such an amendment or resolution to introduce and to be referred. It will take its proper course. We shall do this in the hope that we may get speedy action and send the proposal forward and on its way to the States of the Union for ratification, if that is their disposition.

So we return to the fundamental proposition, where we started. I wish to make it abundantly clear that in the foreshortened time on the modified version I do not for a moment retreat from the position I have taken. I still believe that the fundamental issue before the Senate is the perpetuation of our Federal-State system; because if the Supreme Court of the United States can go into the neighboring State of Virginia and, by its fiat, applied through a three-judge court, arbitrarily say to the State Senators of Virginia, notwithstanding the fact that under the Virginia Constitution they were elected in 1962 for a 4-year term, "Your term is cut in half," I wonder what will happen finally to the system that was set up 187 years ago last week in Philadelphia. That is fundamental. That issue will not be evaded, because we shall keep it alive.

I thank the distinguished majority leader.

Mr. MANSFIELD. I thank the distinguished minority leader.

In view of the statements made by the distinguished minority leader and the distinguished senior Senator from Illinois, I ask unanimous consent that tomorrow, at 2:30 o'clock p.m., the Senate proceed to vote, without further debate, on the substitute amendment proposed by myself for the amendment proposed by Mr. DIRKSEN for himself and the Senator from Montana, No. 1215, to H.R. 11380, the Foreign Assistance Act of 1964; *Provided*, That a motion to lay on the table shall be in order at any time during its consideration.

Mr. PROXMIRE. Mr. President, will the Senator yield for a clarification? I, of course, approve this proposal.

Mr. MANSFIELD. I yield.

Mr. PROXMIRE. I wonder if it would not be possible, in the interest of making certain that this difficulty is cleared up, to have the unanimous-consent agreement include not only a vote on the Mansfield amendment to the Dirksen-Mansfield or Mansfield-Dirksen amendment, but also on adopting the modified Dirksen-Mansfield amendment. The point the Senator from Wisconsin makes is that otherwise there would be a situation tomorrow in which discussion might still continue. I think the Senate is now in a position to agree to that kind of disposition.

Mr. MANSFIELD. I believe the proposal covers all that can be legitimately covered. I feel certain that a motion to table will be made, and that there will be a vote on the Mansfield amendment recently offered. I would assume that there would be a yea-and-nay vote and that all elements involved would be given full protection.

Mr. DOUGLAS. Mr. President, reserving the right to object—and I do not intend to object—I believe the Senator from Wisconsin has made a valuable point from the parliamentary standpoint. Once the Mansfield amendment to the Dirksen-Mansfield amendment has been adopted, the amendment as thus modified will have to be voted on. We want to cooperate and prevent the possibility of a filibuster on the completed amendment. So I wondered if the language could either be changed or interpreted to cover all proceedings connected with the Mansfield substitute sense-of-Congress amendment.

Mr. MANSFIELD. I do not believe we should ask too much or go too far out on a limb, nor should we ask for ourselves what we refuse to give to others.

I believe this is a most reasonable request. I hope it will not be objected to, because it will operate under the regular procedure, and all the elements of protection are contained therein.

Mr. PROXMIRE. I have no objection.

Mr. KUCHEL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from California will state it.

Mr. KUCHEL. If the unanimous-consent agreement is adopted, do I correctly understand that the Senate will vote at 2:30 tomorrow on whether to adopt

the Mansfield proposal as a substitute for the Dirksen-Mansfield proposal that is now pending?

The PRESIDING OFFICER. Provided no motion to table has been made prior thereto.

Mr. KUCHEL. Yes. Assuming that the present Mansfield proposal is adopted, as a substitute to Dirksen-Mansfield, then is that the pending question; and if so, is there any opportunity available to a Senator to offer amendments to the Mansfield proposal?

The PRESIDING OFFICER. If the Mansfield amendment were adopted, there would be no further amendments to it. The Senate would then proceed to vote on the original Dirksen-Mansfield amendment as amended by the Mansfield amendment, which would be the same language as originally included in the Mansfield amendment.

Mr. KUCHEL. In the present Mansfield amendment. The reason I ask that question, I will say to the able majority leader, is that I hurriedly read the proposal which my able friend has submitted, and I listened to it being read by the clerk. Quite aside from perhaps a few grammatical imperfections which I thought I detected, I do not know whether actually the words as written down are completely comprehensible. They may be; they may not be.

I merely wish to know whether any Senator, if he studies the amendment and reaches the same conclusion, might have the opportunity to offer an amendment or point out what might be some errors in it.

The PRESIDING OFFICER. If the Mansfield amendment were adopted, the Parliamentarian informs the Chair that no additional amendments or modifications could be offered to it.

Mr. KUCHEL. If that is the case, then, Mr. President, I ask the able majority leader what time he contemplates convening the session of the Senate tomorrow and whether during the intervening time, from when we convene until 2:30 p.m.—and heaven knows that will be a short enough time at best—any Senators will have an opportunity to offer amendments to the language, if we were so minded?

The PRESIDING OFFICER. It is not open to amendment.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Illinois will state it.

Mr. DIRKSEN. I observe to my distinguished friend from California [Mr. KUCHEL], that the majority leader can always modify his own amendment so that if any Senator wished to have a modification made, it could be spelled out, but that would not be available—

Mr. KUCHEL. To any Member.

Mr. DIRKSEN. To other Members; that is correct. It would have to go to the author of the amendment.

Mr. MANSFIELD. Mr. President, I would try to be reasonable.

Mr. KUCHEL. Everything my leader has stated I agree with, but we have been in session a long time and Senators desire to bring the session to a close. I share their concern, too, over the great

importance of the problem with which we are dealing. If, tomorrow, it appeared to us—and it may not—that the language did not reflect what the author had in mind, although he might disagree, I should like to have reserved to myself the right to offer what might be clarifying language.

Mr. MANSFIELD. Mr. President, I should be most happy at any time to discuss, on a reasonable basis, any modification which the Senator might have in mind.

Mr. KUCHEL. I should like to ask one more question, if I may. Is it the intention of the Senator from Montana in part B of his amendment to provide that elections this year—in November—to State legislatures, shall be under the present State laws as those laws were in effect on a specific date in September 1964?

Mr. MANSFIELD. The answer to that question is "Yes."

Mr. DIRKSEN. And the State constitution.

Mr. KUCHEL. Yes. And the State constitution.

Mr. President, I have no further questions. I do not object.

The PRESIDING OFFICER. Is there objection? The Chair hears none and—

Mr. DOUGLAS. Mr. President, in view of the unanimity which prevails, would it be appropriate to ask for the yeas and nays upon the motion which—

Mr. DIRKSEN. The amendment could not be changed if we should do that.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. MONRONEY. Mr. President, reserving the right to object—and I shall not object—I should like to inquire if the new language in the modified amendment would take care of the cases in which the lower court has acted in reapportioning without reference to the State legislature, or in setting aside the primary question, to shorten 4-year terms of Members of the Senate elected 2 years ago to only 2 years, not 4. I understand that changes have been made in the language. Still, I wonder whether the decision of the district Federal court is still on appeal to the Supreme Court, if States—and there is only one State and it happens to be my own caught in this situation—would have relief under the modified language the distinguished majority leader seeks to substitute for the original Dirksen amendment?

Mr. MANSFIELD. It would be within the discretion of the court. The decision would lie there, insofar as the State of Oklahoma is concerned, and any other State which might be in the same category, none of which I can recall at the moment.

Mr. MONRONEY. Oklahoma is the only one, but there is nothing, as the distinguished majority leader sees it, in the language that would rule out or prevent the State of Oklahoma, which is caught in this peculiar circumstance, from obtaining relief under the language of the amendment.

Mr. MANSFIELD. No; at least not so far as the sense of Congress resolution as now in effect is concerned.

Mr. MONRONEY. I thank the Senator from Montana.

The PRESIDING OFFICER. Is there objection?

Mr. DIRKSEN. Mr. President, I should like to have the attention of the majority leader to the fact that at present there is no division of time provided for, and no control of time under the unanimous consent request. I am advised that he proposes to propound a further consent request with respect to disposition of the time.

The PRESIDING OFFICER. Is there objection to the unanimous consent request? The Chair hears none, and it is so ordered.

The unanimous-consent request was subsequently reduced to writing, as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That on tomorrow (Thursday, September 24, 1964), at the hour of 2:30 o'clock p.m., the Senate proceed to vote without further debate on the substitute amendment (No. 1273) proposed by Mr. MANSFIELD for the amendment proposed by Mr. DIRKSEN (for himself and Mr. MANSFIELD) (No. 1215) to H.R. 11380, the Foreign Assistance Act of 1964: *Provided*, That a motion to lay on the table the said amendment shall be in order at any time during its consideration: *Provided further*, That Mr. MANSFIELD may have the right to modify said amendment.

Ordered further, That the time intervening between the conclusion of the Chaplain's prayer and 2:30 o'clock p.m. be equally divided and controlled, respectively, by Mr. MANSFIELD and Mr. DIRKSEN.

Mr. MANSFIELD subsequently said: Mr. President, I ask for the yeas and nays on the amendment which will be voted on tomorrow.

The yeas and nays were ordered.

ORDER FOR ADJOURNMENT UNTIL TOMORROW AT 11 A.M.

Mr. MANSFIELD. Mr. President I ask unanimous consent that when the Senate concludes its business today, it adjourn to meet at 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of morning business tomorrow, the time be equally divided between the majority leader and the minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. SYMINGTON. I should like to inquire of the majority leader whether that means a single vote on this question tomorrow?

Mr. MANSFIELD. Yes. There will be one vote, perhaps two votes. The last vote on the Mansfield resolution will be at 2:30 o'clock p.m.

Mr. SYMINGTON. If the vote does not come tomorrow on the one issue, will it come the next day on the next issue?

Mr. DIRKSEN. It will have to come tomorrow.

Mr. MANSFIELD. Yes. Any other votes that we can squeeze in we will do so with alacrity.

Mr. SYMINGTON. I thank the majority leader.

Mr. DIRKSEN. Mr. President, if the majority leader will yield, I should like to acquaint the Senate with the fact that tomorrow I shall object to all committee meeting requests after 11 o'clock a.m. I believe that it should be the business of all Senators to be in the Chamber and resolve this question. Therefore, insofar as I can do so, I shall object to every request for a meeting of any committee—

Mr. MANSFIELD. If the Senator from Illinois will yield, I believe that under the rules of the Senate, committees have the right to meet during the morning hour; therefore we shall have to decide whether the time begins at 11 o'clock a.m. or at the conclusion of the morning hour.

Mr. DIRKSEN. We shall know when the bells ring that the morning hour has come to a conclusion. Thereafter, obviously the committees cannot meet.

Mr. MANSFIELD. Mr. President, if the Senator from Illinois wishes, and thinks that the time will be needed, I am willing to forgo the morning hour.

Mr. President, there will be no morning hour tomorrow. Time will start running at the conclusion of the prayer, and all committees are on notice.

I yield to the distinguished senior Senator from New Mexico.

Mr. ANDERSON. Mr. President, this is very fine evidence of the capacity of the majority leader to fulfill the requirements of his position. This is a very vexing question, and has been for a long time. We know that the majority leader has made great effort to tone down the resolution so that it would be acceptable. We know that he did not enter into this endeavor in an effort to control the procedure or influence Senators improperly. He did it through the very best of motives.

When I praise the majority leader for his ability, I would like at the same time to add a few words of praise concerning the minority leader. I think it is laudable that the minority leader tried hard to produce a better and more acceptable resolution.

What the majority leader offered followed, to a large degree, the resolution which the minority leader had drafted. I think that is fine evidence of the desire of Senators to expedite business in the closing days of the session.

I have nothing but praise for the majority and minority leaders. Senators wish to go home. I believe I want to leave more than any other Senator. These men had a very difficult problem. I appreciate what they have done individually and together in an effort to speed this matter along.

The change is a good one. I say that because I have been doing some work in the past few days in an effort to redraft amendments. I know how difficult it is to find language on which all can agree. When a person finishes with one draft and it is acceptable to one group, someone else wants to change it. And there

is good reason for it. Someone wants to shift the whole emphasis. Someone else comes along and says, "If you include 'the constitution of the States' we can support it."

The language cannot be made perfect for everyone. But I compliment the majority leader for his resolution, which seems to meet the desire of those who have fought so hard.

I believe that the resolution would give the State legislatures plenty of time in which to operate. I am sure that was the real reason for the original action of the minority leader. It was an effort to give the State legislatures an opportunity to express the will of the people of the States. But a very good case has been made for the argument that the legislatures are not truly representative of the people in the States, and that, therefore, some activity is needed.

I would have preferred somewhat different language than the able majority leader has suggested. But, I believe that if we were to inquire among all Senators, we would have about 75 different versions of what the able majority leader has presented. Each Senator would have his reasons for his own particular views. But I say to the majority leader that his proposal is probably better than he realizes. I hope that the language will be acceptable to a majority of the Senate.

I congratulate the majority leader on his work. I appreciate the patience with which he has handled the task. He is a fine leader for all of us. We are happy to have him.

Mr. MANSFIELD. Mr. President, I thank the Senator from New Mexico.

I thank the Senator from Illinois, who so graciously yielded the time.

Mr. MONRONEY. Mr. President, will the Senator from Illinois be good enough to yield for 8 to 10 minutes with the understanding that he will not lose the floor and that his further remarks will appear in continuity in the RECORD.

Mr. DOUGLAS. I yield to the Senator from Oklahoma with the understanding that the Senator will not introduce a motion or an amendment.

CAMPAIGN TACTICS OF THE REPUBLICAN NOMINEE FOR PRESIDENT

Mr. MONRONEY. Mr. President, in Tulsa, Okla., yesterday the Republican nominee for President demonstrated once again that he willingly adopts vicious and irresponsible tactics in his frantic efforts to come from behind.

Senator GOLDWATER's statements in Tulsa impugn the honesty and integrity of those Americans who have patriotically risked life and limb in South Vietnam in the cause of freedom. Such a distortion of patriotism by one who seeks the highest office in the land must appear incredible to those Republicans who have helped chart the difficult course which the free world has pursued against communism.

The policies which this Nation has adopted to meet the Communist threat to the freedom of southeast Asia have heretofore had the bipartisan support of the leaders of both political parties. But, in Tulsa, Senator GOLDWATER reck-

lessly ignored this fact. He rewrote recent history to suit his political purposes. But I am convinced he has once more underestimated the good judgment of the vast majority of the voters of this Nation, including my fellow Oklahomans who heard his ridiculous accusations firsthand.

Once more the Republican nominee has ignored the truth concerning the Communist threat to the free world. Once more he has sidestepped the brutal realities of the most crucial life and death issue before the American people.

Goldwaterism has now become a well-defined political phenomenon, though unique in the presidential arena of our Nation. Fortunately for those Americans who have neither the time nor the inclination to sift through Senator GOLDWATER's daily diet of misinformation and miscalculations, his reckless statements are being carefully documented by the Nation's leading journalists and commentators. There are the men, among many others, who were not intimidated by the boos and catcalls at the Republican National Convention.

His charge that the President has withheld vital information on Vietnam to conceal facts from the American people is as absurd as his reckless charge that the Democrats have "hundreds of lives and hundreds of lies" to answer for to the American people.

The Republican nominee knows—or should know—that the threat of Communist domination of all southeast Asia erupted during a Republican administration. He knows—or should know—that both Democrats and Republicans laid aside their domestic political differences to meet this threat of Communist conquest in Vietnam. He knows—even the newest Member of Congress knows—that America's great political parties have always closed ranks when our freedom is endangered by aggression anywhere in the world.

What a pitiful spectacle this latest insinuation is—that American lives are being expended in this brutal confrontation with communism for a partisan political purpose. Responsible members of the Republican Party know and appreciate the need for unity where American security is threatened by Communist aggression. They know that it is an American policy to prevent Communist guerrilla forces from capturing the rich rice bowl of Asia. They know that the policy of training and equipping the free South Vietnam troops to defend their nation against aggression is in the interest of freedom and against the expansion of Communist control in this vital part of the world.

Certainly there have been and will be crises and reverses in any action in this unsettled part of the world. Yet, Senator GOLDWATER seeks to exploit this to gain political advantage.

If the Senator from Arizona believes his own charges, he must now follow up and state specifically which of our military commanders in South Vietnam have falsely reported on the situation there. He should do more than indulge in rhetoric with a meaningless statement that "the day of reckoning for South Vietnam

must not be delayed." Has he some design or plan now to expand the war? Or, would he advocate a withdrawal of American forces and thus surrender the entire Southeastern Asia area to the Chinese Communists?

The great danger in his reckless charges in Tulsa is his unequivocal rejection of the historic bipartisan approach to foreign policy. He has committed himself to making a political issue of the patriotism of those military strategists who have counseled both Republicans and Democrats to undertake our present limited military assistance in South Vietnam as a means of attaining a safer and saner world.

He has served notice that he will not attempt the bipartisan approach. It has become obvious that he has neither the restraint nor reasonableness that such an approach requires.

This is a serious threat to the free world, but he treats it as a political card game in which every card he deals is wild. Our people have the maturity required to recognize the stern facts in South Vietnam as they exist. They realize that the problem cannot be solved by military means alone, although the Vietcong campaign of terror and infiltration must be met with force.

Political stability cannot be imposed forcibly upon that troubled part of the world, but we must not shrink from our terribly difficult task. When the crises that Senator GOLDWATER complains of occur, we must meet them.

It is essential that we offer every encouragement possible to those who want a stable and free government in South Vietnam. If Senator GOLDWATER has a design for action in southeast Asia that differs from the policies which were first implemented by President Eisenhower and have since been carried on with strong bipartisan support, he should disclose it.

If he is trying to change his image from a "trigger-happy," "shoot from the hip" candidate to a dove of peace, he has a long way to go. His attack on the limited American action in South Vietnam does not quite wipe out his bellicose statements of recent weeks.

These may be recalled via vivid descriptions of our leading columnists and commentators.

Mr. Joseph Alsop, in a column published September 16, brought into strong focus the implication contained in a statement which the GOP candidate made in Seattle, Wash. He points out that although Senator GOLDWATER's speech writers have been trying to tone down the trigger-happy candidate, he stated in Seattle:

Right here in Seattle, when we had a Defense Department that was defense-minded, you turned out aircraft which shot down a lot of enemies; and you're going to do it again.

This scarcely seems to be the dream of a peace-loving man.

Another eminent journalist, Mr. Walter Lippmann, has labeled the Republican candidate a "dreamer who lives in a world of fantasy" where "hard realities do not really exist." Mr. Lippmann said

this explained one of Senator GOLDWATER's most glaring inconsistencies:

The Senator finds it easy to believe that a smaller, shrunken, much less costly government can overawe the Communist nations jointly and severally, can command the Western alliance, and can put Latin America in order. In BARRY GOLDWATER's mind a cheaper government could act more strongly, a weaker government could see that the cities are successfully policed.

Senator GOLDWATER's abandonment of fact in favor of politically motivated fiction has been subjected to penetrating analysis by another competent observer, Mr. James Reston, of the New York Times. In a dispatch dated September 10, Mr. Reston stated:

One of the minor mysteries of the election campaign is why Senator GOLDWATER refuses to look at the official foreign policy and security information President Johnson has offered to make available to him.

Mr. Reston continued:

As a result of this refusal, he continues to make serious charges based on wildly inaccurate information, which open him up to counterattack and make him look ridiculous.

His charge yesterday that President Kennedy timed the missile crisis in Cuba for political reasons at home is a case in point.

The record on when the long-range missiles were first spotted in Cuba is available to him. It is precise, down to the exact minute when the photographs were taken, who took them, and where and when.

If the Senator does not trust John McCone, the head of CIA, and a prominent Republican, who was instructed by the President to brief him on such information, he can doublecheck the information with his friends in the Air Force, where he is a Reserve officer.

Yet he has chosen instead to affront the memory of the late President by suggesting that Kennedy actually risked atomic war with the Soviets at a time calculated to pick up votes for the Democrats in the 1962 congressional elections.

In view of this and many other carefully documented examples of Senator GOLDWATER's technique, his Tulsa outburst was more saddening than surprising.

The commentaries of Mr. Alsop and Mr. Lippmann, previously referred to, appeared prior to Senator GOLDWATER's visit to Oklahoma, but I commend these dispatches to my colleagues of the Senate because they help explain his Tulsa tactics. I ask unanimous consent that they be inserted at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 16, 1964]

CURIOUSER AND CURIOUSER

(By Joseph Alsop)

Senator BARRY GOLDWATER's campaign for the Presidency has been getting curiouser and curiouser—if one may borrow a phrase from "Alice in Wonderland."

His formal campaign-opener at Prescott, Ariz., was a speech that had clearly been designed to reassure the worried voters and rally the dissident Republicans. Since then, however, he has sounded more and more like an evangelist preaching to revival meetings sponsored by a small, far out, but fervent religious sect.

The attempt to reassure worried voters has been altogether abandoned. To be sure,

the official speechwriters have not revived the old, near-warlike Goldwater tone; but there have been ad libs by the candidate that reminded you of the New Hampshire primary. In Seattle, for instance, Senator GOLDWATER said:

"Right here in Seattle, when we had a Defense Department that was defense-minded, you turned out aircraft which shot down a lot of enemies; and you're going to do it again."

The charges the Senator makes have also been getting wilder and wilder—the strangest of all being the charge, also included in the Seattle speech, that President Kennedy timed the October 1962 missile crisis to influence that year's congressional election. Much has been said about this charge already.

Yet it is still worth noting the almost incredible fact that Senator GOLDWATER was an active member of the Subcommittee of the Senate Armed Services Committee, which carefully investigated the work of the U.S. intelligence community prior to the Cuban missile crisis.

Although often a lax attender of committees, Senator GOLDWATER participated in these hearings. He asked for a subcommittee report stressing "confidence" in our intelligence surveillance of Cuba, and he concurred in the highly favorable report that was finally issued. Yet a fairly young child ought to be able to see what the record clearly shows—that the timing of the missile crises was entirely controlled by the incoming intelligence.

But leave out the ad libs, the wild charges, and the carefully indirect appeals to racial prejudice. The Goldwater speeches then read like the more heightened sort of revival meeting oratory; for they are abstract, flossily moralistic, and unmarked by more than the most fleeting mention of the great practical issues confronting the United States.

They are like revival oratory in another way, too. Few but practicing Holy Rollers go to Holy Roller revivals; and in the same way, most persons in the crowds that have cheered Senator GOLDWATER are clearly members of the Goldwater-sect of the Republican Party.

The extreme right in this country is now highly organized. The Birch Society's organization is even modeled on the Communist Party's system of secret cells. In any big city, therefore, there are plenty of workers to get out a reasonably good crowd to welcome the Senator at the airport, and another crowd to cheer his formal speech.

Meanwhile, the opinion-testers are finding that the Republican nominee has actually been losing support since the active campaign opened. His base at the starting-point, after San Francisco, was already strikingly narrow. But this century has seen nothing like the most recent result obtained by the inquiring Dr. Gallup, who has now found that close to two-thirds of the electorate favor President Johnson while hardly more than a quarter are ready to vote for Senator GOLDWATER.

Senator GOLDWATER says he does not believe the pollsters. The pollsters may be wrong at that, but if they really are wrong this time, they are wrong by such a margin that they will have to go out of business for good. In any case, the Goldwater high command plainly believes the pollsters enough to be made acutely apprehensive by them. Hence wilder and wilder charges, stranger and stranger ad libs, more and more overt encouragement of the so-called backlash are all to be expected as the campaign continues.

At this juncture, however, the main question appears to be what Senator GOLDWATER is going to do to his own party. In many States, the Senator's supporters are acting as though they were less interested in electing their man than in getting a stranglehold

on the party machinery strong enough to survive a Goldwater defeat.

The same holds true of the Republican National Committee. Here the bonus places, given to States carried by the Republican ticket, now seem likely to go, in the main, to Southern racists; and these bonus seats may conceivably assure a pro-Goldwater majority strong enough to withstand an electoral disaster.

Altogether, the Goldwater campaign and its consequences and sideshows provide much food for thought.

[From the Washington Post, Sept. 15, 1964]

THE HALLMARK OF GOLDWATERISM

(By Walter Lippmann)

Senator GOLDWATER has been telling the country that the President has become much too powerful and that this very powerful President has been much too weak to win the cold war and stamp out crimes of violence in our city streets. The Senator has based his campaign on the thesis that the powers of the Presidency must be reduced and that then a smaller and weaker President can and should do away with the most troublesome problems at home and abroad.

This central contradiction is the hallmark of Goldwaterism. The Senator finds it easy to believe that a smaller, shrunken, much less costly government can overawe the Communist nations jointly and severally, can command the Western alliance, and can put Latin America in order. In BARRY GOLDWATER'S mind a cheaper government could act more strongly, a weaker government could see that the cities are successfully policed.

How, one must ask, can we run the world and yet pay less? The fact, to be sure, is that to do what Senator GOLDWATER wants to have done demands a much more powerful government than we have today. Why does he think it doesn't? The plain truth, I submit, is that he is a dreamer, that when BARRY GOLDWATER talks about public affairs, he lives in a world of fantasy. He dreams that all things are possible. For it is only in the world of dreams that weaker Presidents can do gigantic things, that great results can be achieved at little cost.

This unworldliness is a part of his personal attractiveness. In his world everything becomes possible when you have said that it should happen. There is no clash between the theories and the facts. The hard realities do not really exist. It was this boy who has never grown up fully who said the other day that when he was President he would install his ham radio set in the White House and would then be able to talk to a number of heads of State.

This unworldly divorce from reality is not always charming. Many dreams can be quite cruel, and when Senator GOLDWATER talks about the poor he can be very cruel. He has been making much of our common worries about the increase of crime and, exploiting this worry for political purposes, he has been claiming that he, BARRY GOLDWATER, can stop the crime which Lyndon Johnson is, so says GOLDWATER, promoting.

How is President Johnson promoting crime? By backing the Civil Rights Act and by sponsoring social security and welfare measures. These, according to Senator GOLDWATER'S Minneapolis speech, are causing "a breakdown in private responsibility" and in "respect for law and order." The Senator asks that "if it is entirely proper for Government to take from some to give to others, then won't some men be led to believe that they can rightfully take from anyone who has more than they?"

This must be about the first time in 200 years that any public man has argued that charity corrupts the characters of the poor.

It is not only charity that is corrupting the poor. The search for justice is also cor-

rupting the poor. The Goldwater theory about civil rights for Negroes is that by enacting laws about these rights the Negroes have been incited to demand these rights. According to one of his leading supporters, perhaps the most distinguished intellectual in the Goldwater camp, Prof. Milton Friedman of Chicago University, the Civil Rights Act "has directed Negro resentment against whites."

Thus, it is not the grievances that incite the Negroes; it is the effort to redress the grievances.

The campaign has been underway only for about 2 weeks and it begins to look as if the real issue to be decided is not whether this or that policy or this or that piece of legislation is sound but whether BARRY GOLDWATER is fit to be President in the hard world of reality.

Mr. MONRONEY. Mr. President, I thank my distinguished colleague the senior Senator from Illinois [Mr. DOUGLAS] for yielding to me.

THE POSITION OF THE DEFENSES OF THE UNITED STATES

Mr. SYMINGTON. Mr. President, I would speak today about our national defense posture, a subject with which I have been associated directly, or indirectly, for over 20 years.

Our military strength today is unparalleled in world history.

The strategic forces of the United States are, and will remain in the 1960's, and I would hope thereafter, sufficient to insure the destruction of both the Soviet Union and Communist China, or any other aggressor, under the worst imaginable circumstances accompanying the outbreak of war.

These strategic forces, together with our expanded and revitalized limited war forces, enable us to meet any aggression, across the entire spectrum of possible military conflict.

There should be no doubt of this in the mind of any American. In any case, there is none in the minds of our enemies.

We have this overwhelming military power today; and the Kennedy-Johnson administration had a great deal to do with creating that power.

The Kennedy-Johnson administration has increased our defense budget by \$30 billion since 1961.

By budgeting more than \$200 billion for national defense in the last 4 fiscal years, the Kennedy-Johnson administration has attained—

A 150-percent increase in the number of nuclear warheads, and a 200-percent increase in total megatonnage in our strategic alert forces.

A 60-percent increase in the tactical nuclear force in Western Europe.

A 45-percent increase in the number of combat-ready Army divisions.

A 44-percent increase in the number of tactical fighter squadrons.

A 75-percent increase in airlift capability.

A 100-percent increase in ship construction to modernize our fleet.

An 800-percent increase in the special forces trained for counterinsurgency.

We now have a 4-to-1 superiority over the Soviet Union in bombers, a 4-to-1 superiority over the Soviet Union in ICBM's, and almost a 2-to-1 superiority

over the Soviet Union in submarine-launched missiles which are superior in range, launch capability, and performance to anything the Russians have at sea.

By 1970, we will have more than a thousand intercontinental ballistic missiles, and 656 operational Polaris submarine-launched missiles, poised to strike any aggressor.

In addition to strengthening our conventional and nuclear forces, this administration has increased expenditures for military research and development by 50 percent over the level prevailing during the last 4 years of the last Republican administration.

This research and development program has initiated, or completed such weapons systems as—

The new SR-71 Strategic Air Command supersonic aircraft.

The new Minuteman II intercontinental ballistic missile system.

Amazing new radar which actually sees around the curvature of the earth to detect missile launchings.

Two hostile satellite destroying systems which President Johnson recently announced in Seattle.

These are the facts of our overwhelming national military strength. This tremendous power, this power to devastate a large part of mankind, demands a firm, prudent, wise man to control it. It demands a man who knows what that power can do, and what it cannot do without causing a nuclear war.

In less than 60 days the people of this Nation will choose that man—the man whose finger will control the nuclear trigger—the man who may decide the future of life on this planet.

President Johnson has said, "We must be strong enough to win any war, but wise enough to prevent one."

President Johnson says that "no President of the United States can divest himself of the responsibility" to decide on the use of nuclear weapons.

Senator GOLDWATER tells us he would "cut taxes" and "eliminate the military draft," and be prepared to undertake military operations against the vulnerable members of the Communist bloc, thereby confronting the Soviet Union with the choice between "local defeat" and "nuclear disaster." But he does not tell us what happens to our country, if the Soviets choose nuclear war.

Senator GOLDWATER says that we must spend more for defense. But he tells us he will also cut our budget drastically.

He says we must be strong, but he would end the draft without any plausible alternatives.

Our Military Establishment in this country has been governed for 175 years by the principle of civilian control over the military. But Senator GOLDWATER tells us, "I fear the civilians. They are taking over," and he asks, "How can we possibly reason that an all-powerful civilian command is less dangerous than a military command?"

One day Senator GOLDWATER tells us we have a missile which can hit the men's room in the Kremlin. Later he says of our missiles, "I have very strong doubt about their reliability."

One day Senator GOLDWATER tells us we are developing missiles at exactly the correct pace; later he tells us we are in second place to Russia in missiles.

One day Senator GOLDWATER says it is "absolutely essential" that we get a man on the moon; later he tells us, "I don't want to hit the moon."

Last December, Senator GOLDWATER commended the closing of unneeded military bases; but now he states that at least some of these bases should stay open.

Senator GOLDWATER has said that NATO was "doomed to failure." Now he tells us it is our first line of defense.

Senator GOLDWATER calls tactical nuclear weapons "conventional." But he does not say how "conventional" the atomic radiation is these weapons produce; or how many times more powerful they are than any conventional weapons used, in Korea or World War II.

To me, saddest of all, is Senator GOLDWATER's statement that war is inevitable—real nuclear war—within 5 or 10 years.

That I cannot accept. If this Nation continues to maintain its present strength, and continues to inform the world about that strength, I do not believe any nation would decide to destroy itself by attacking the United States.

CRIME IN THE NATION'S CAPITAL

Mr. ALLOTT. Mr. President, not too long ago I had occasion, upon the floor of the Senate, to speak about the lawless situation and the crime situation in Washington. Since then we have had all kinds of remarks from the chief of police and other people trying to allay the fears of the people about the crime situation in Washington. Nothing will change the fact that the streets of Washington, D.C., are a jungle upon which no woman; nor almost any man, is safe after darkness falls.

Despite the statistics that have been quoted, Washington, D.C., has the highest crime rate in the United States in assaults with deadly weapons. This is a fact no one can get around.

At the time I formerly spoke I was paying tribute to a secretary in my office, Miss Joyce Morgan, for having the foresight to pick up a pistol and defend herself when a young hoodlum, who had a previous record and conviction, entered her apartment by breaking the chain on the door and attempted to rob the apartment. At that time I said the shot she fired ought to deter that young man from attempting anything like that in the near future.

I have just learned this week that the same man—the same hoodlum, that same hooligan—was released by the police of Washington on what the morning paper of this city described as a \$5,000 bond, but which was actually a bond signed only by himself. It had no sureties or assurance behind it at all. So this young hoodlum with a record, who barely escaped losing his life or serious injury by the grace of the Lord, was released to prey on the people of this community by the police of this community upon his own recognizance.

Last Saturday night, this same young hooligan entered another apartment in this city and stole jewels which are valued at approximately \$700, and was re-arrested and rearraigned.

I call attention to this situation because I believe that, so long as the police of this city deal with these problems in this way and with this looseness, we shall not see any solution to the crime problem in Washington, D.C.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 2049) to authorize the Secretary of Commerce to accept gifts and bequests for the purposes of the Department of Commerce, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2687) to extend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H.R. 5932) to amend the Federal Employees Health Benefits Act of 1959 so as to authorize certain teachers employed by the Board of Education of the District of Columbia to participate in a health benefits plan established pursuant to such act and to amend the Federal Employees' Group Life Insurance Act of 1954 so as to extend insurance coverage to such teachers.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. ALLOTT. Mr. President, I should like to make a few remarks about the situation in which the Senate finds itself at this time. In the 2 weeks which preceded Saturday, August 22, I believe most Members of the U.S. Senate thought it would be possible to adjourn the Senate and finish our business, business which needs to be badly done, by the time of the Democratic National Convention, which began August 24. At that time we had before us the Mansfield-Dirksen amendment, which I support. I do not support other substitutes which have been proposed. I was surprised that a group of so-called liberal Senators would take it upon themselves to conduct a filibuster upon this matter.

I am sensitive about filibusters. My friends from the Southern States who hold a different view on civil rights than I do were taken to task day after day and week after week, during consideration of the civil rights bill, by the same liberal Senators, who said that they had a right to vote upon issues which were presented to the Senate.

No Senator can assert that he does not know what the issues are with re-

spect to the pending amendments. I make these remarks because I feel not only that the Senate has been unjustifiably delayed, but that those who have carried on this filibuster have carried it on to the detriment of the Senate and to the detriment of the Congress, and that they have themselves been guilty of doing the same thing for which they categorically denounced Senators who held a different view on civil rights than they themselves held.

I have supported motions for cloture, particularly with respect to civil rights bills. I supported a motion for cloture upon this particular matter. I feel—and it applies to any question that comes before the Senate—that any Senator has a right to debate it, and debate it at length, but that no group or individual Senator has a right to prevent the Senate from voting upon a proposal which is placed before it, which we all understand, and which has been debated and discussed in every newspaper and every periodical, and perhaps in every meeting of lawyers in the United States.

I am happy to see a resolution of this matter today, but it is a resolution which I think might well have been arrived at before August 22.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. AIKEN. I would like to add, if I have the Senator's permission, that, whatever happens to this legislation from now on, the Senate has already expressed its opinion of the Supreme Court's decision when it refused, by a vote of 49 to 38, to table the Dirksen-Mansfield amendment. That was the vote on what we thought of the Court's decision. There were 13 absentees. I am sure there were at least five on each side. So we may assume that the Senate, in the proportion of 55 to 45, expressed its strong disapproval of the action of the courts of this country in undertaking to interfere with the operation of the States and the communities of the United States.

Whatever happens from now on, we have had our vote. We have expressed our disapproval of the Court's decisions. We hope that something may happen. I would like to see a constitutional amendment submitted to the vote of either all the people or State by State. There is no question about how the vote would come out. Our friends who have been carrying on the filibuster over the weeks have been determined that the people should not have an opportunity to vote, either by themselves or through their elected representatives in Congress.

Mr. ALLOTT. The Senator is entirely correct. I appreciate his constructive comments. It is nothing new to disagree with a decision of the U.S. Supreme Court. It is the prerogative, and even the duty, of Congress to take adequate steps to correct those areas in which the Court may have gone awry and in which, in the opinion of Congress, it has gone awry. That is what we have been attempting to do.

Mr. AIKEN. Mr. President, we have disagreed with Supreme Court decisions before. I believe that sometimes the

Court has been wrong. However, we have never before had a decision of the Court which in effect changed our form of government.

Mr. ALLOTT. The Senator is entirely correct. That decision will have a more far-reaching effect than any decision the United States Supreme Court has ever made, I believe, with the possible exception of one.

EXTENSION OF AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954—CONFERENCE REPORT

Mr. JOHNSTON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2687) to extend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of September 22, 1964, pp. 21756-21757, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. JOHNSTON. Mr. President, the House has already adopted the conference report. Judging by the calendar, it would appear that we should have taken up the conference report first. However, the House had a quorum, and it was thought that it would act on the conference report. It has acted upon it already. The report was signed by all the conferees, both in the House and in the Senate. I call the attention of Senators to the fact that although the House had struck out all of the Senate bill and had written a new bill in the House, practically all of the Senate bill was put back and agreed to in the conference committee, with very few exceptions.

I ask unanimous consent to have printed in the RECORD at this point an explanation of the conference report. It was prepared by the Committee on Agriculture and Forestry of the Senate. It shows how we came out in the conference.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

DISPOSITION BY CONFERENCE SUBSTITUTE OF DIFFERENCES BETWEEN SENATE AND HOUSE VERSIONS OF S. 2687

1. Senate bill required title I foreign currencies to be convertible to dollars to the extent consistent with the purposes of the act. Retained in proposed conference substitute.

2. Senate bill prohibited Commodity Credit Corporation from financing ocean freight charges on title I shipments, except to the extent of the differential required as a result of cargo preference where the U.S.-flag vessel rate exceeds foreign vessel rates. Retained in substitute, which further provides that title I agreements require the importing country to pay the balance of U.S.-flag vessel

freight in dollars, and makes the provision effective beginning with agreements entered into after December 31, 1964.

3. Senate bill required expenditures under the act to be classified in the budget as expenditures for international affairs and finance. Retained in substitute.

4. Senate bill extended title I for 2 years with \$2.7 billion (plus carryover) authorization. House amendment extended for 3 years with \$4 billion (plus carryover) authorization. Conference substitute retains Senate provision.

5. Senate bill removed 25-percent ceiling on Cooley loan funds. Retained in substitute.

6. Senate bill subjected all grants under section 104 of the act, and all uses of principal and interest paid on loans made under title I, to the appropriation process. In lieu of this provision the conference substitute provides for an advisory committee, and prohibits any grants (except for military assistance), or use of loan principal and interest payments, until after 30 days if Congress is in session (60 days if it is not) following transmittal to the Senate and House Committees on Agriculture, and then only if neither of those committees disapproves.

7. House amendment prohibited use of foreign currencies to promote production of any farm commodity which has been exported "from such country" during the preceding year in competition with U.S. production. Omitted from conference substitute.

8. House amendment increased the minimum amount of title I foreign currencies subject to the appropriation process to 20 percent (from 10 percent), subject to Presidential waiver. Retained in conference substitute.

9. House amendment excluded from definition of "friendly nation" for the purposes of titles I and IV any country which permits its ships or aircraft to transport materials to or from Castro Cuba. Conference substitute limits this provision to title I, specifically permitting title IV sales for dollars to such countries. If but for such permission title IV sales to such country would be prohibited by the Battle Act or other legislation, the title IV credit would be limited to not more than 5 years.

10. Senate bill prohibited restrictions on U.S. use of foreign currencies reserved for U.S. use, required such currencies to be legal tender or convertible to legal tender to pay U.S. obligations to the host government, and required title I loans to bear interest at not less than the cost of funds to the United States. Conference substitute retains the minimum interest provision, but permits the President upon the recommendation of the advisory committee to fix a lower rate. The convertibility of U.S. use currencies to pay obligations to the host country is covered by the provision dealing with convertibility (sec. 1(2)).

11. Senate bill extended title II for 2 years with annual authorization of \$375 million (plus carryover). House amendment extended title II for 3 years, with annual authorization of \$450 million (plus carryover). Senate bill also provided effective date to prevent lapse in title II. Conference substitute extends for 2 years with annual authorization of \$400 million (plus carryover). Retains Senate effective date.

12. House amendment authorized use of CCC funds under title II to purchase title I foreign currencies for self-help activities designed to alleviate the causes of the need for assistance. Conference substitute limits this provision to \$7.5 million per year.

13. House amendment prohibited use of funds under "this act" in certain aggressor countries, and in countries using U.S. funds for purposes inimical to U.S. foreign policy. Conference substitute prohibits sales under Public Law 480 to countries the President

finds to be such aggressors or so using U.S. funds.

14. House amendment redefined "friendly nation" to exclude any nation controlled by a Communist government, even though not controlled by the organization controlling the world Communist movement. Conference substitute limits this provision to title I, permitting title IV sales for dollars to such countries. If but for such permission title IV sales would be prohibited by the Battle Act or other law, the title IV credit would be limited to not more than 5 years.

15. Senate bill amended section 304 to add nations controlled by Communist China to those which title I is to assist friendly nations to be independent of trade with. Retained in conference substitute.

16. Senate bill made the cost of funds to the Treasury the minimum, rather than maximum, interest rate under title IV. Conference substitute makes the minimum rate provided for Development Fund loans the minimum rate for title IV loans.

17. Senate bill requires CCC to make extra long staple cotton available for export at not more than world prices as long as it is in surplus. Conference substitute retains this provision in revised form, providing that exports under this provision shall be excluded in computing marketing quotas.

18. House amendment permitted food commodities donated under clause (4) of section 416 of the Agricultural Act of 1949 to be used for community and other self-help activities designed to alleviate the causes of the need for assistance. Retained in conference substitute.

Mr. JOHNSTON. Mr. President, the bill was passed in the Senate without a yeas and nays vote. The Senate should be well pleased with the outcome in conference on the bill. I understand that the Senator from Arkansas wishes to be heard on it.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. JOHNSTON. I yield.

Mr. FULBRIGHT. With regard to the definition of a friendly country, was this a matter which was considered by the Senate committee, or was this provision put in the bill on the House floor, and not by the House committee?

Mr. JOHNSTON. It was added to the bill on the House floor. It was not considered by the Senate committee.

Mr. FULBRIGHT. Were any hearings held in the Senate committee on this provision, which in effect would prohibit the sale of agricultural commodities to Yugoslavia and Poland for foreign currency?

Mr. JOHNSTON. There were no hearings on it. It was not before the Committee.

Mr. FULBRIGHT. No testimony was taken from any State Department representatives?

Mr. JOHNSTON. The Senator is correct.

Mr. FULBRIGHT. Nor did the House hold any hearings on this subject?

Mr. JOHNSTON. The House did not hold any hearings on it, either to my knowledge. It was proposed and discussed on the floor. My understanding is that no hearings were held on it.

Mr. FULBRIGHT. It is my understanding, also—and I wish to make the RECORD clear on this point—that the amendment was offered by Representative FINDLEY on the floor of the House, and it was not considered in committee in the House.

Mr. JOHNSTON. The Senator is correct.

Mr. FULBRIGHT. The State Department had no opportunity to present any of its views with regard to this matter?

Mr. JOHNSTON. The Senator is correct.

Mr. FULBRIGHT. It had no opportunity to present testimony before either committee. Is that correct?

Mr. JOHNSTON. The Senator is correct.

Mr. FULBRIGHT. This is a very unfortunate procedure. This bill deals primarily with agricultural commodities and the disposal of agricultural commodities. But it is legislating in a very sensitive and important field in connection with our foreign relations in Eastern Europe, particularly with Yugoslavia and Poland.

Last year we held long hearings on the most-favored-nation clause and had long debate on it in the Senate. The Senate committee and the Senate itself, and the House also, after thorough discussion, voted to repeal the previous action of Congress, which had been taken in the trade bill.

Again the subject of our relations with Eastern Europe comes up in a bill which neither the Foreign Affairs Committee of the House nor the Foreign Relations Committee of the Senate, or even the State Department, has had an opportunity to consider.

It seems to be very imprudent that this kind of action should be taken, because it has a direct, and, I believe, a very serious, effect upon our foreign relations.

I realize that this is a matter of power. If the Senate wishes to act, it may act, but I do not think this is a wise procedure to follow. We should not pass on this matter without thorough consideration by the committees that have jurisdiction over our foreign relations.

Mr. JOHNSTON. Mr. President, in reply to the Senator from Arkansas, I must say that we found ourselves in the predicament, when we went into conference, that the House was adamant. There was considerable debate pro and con on this subject on the floor of the House. However, no hearings were held in committee. It was thought that if we did not put this provision in the bill in conference, it would be impossible to have the bill approved in the House. I believe the other conferees will say the same thing. That is what they found the situation to be in the House. We did modify the Findley amendment greatly in conference. The Findley amendment would have prohibited all sales to Yugoslavia and Poland. The conference substitute does not do that. It prohibits only title I sales for foreign currencies to these countries and specifically permits title IV sales to them for dollars on credit. Yugoslavia has already made purchases under title IV and the conference substitute permits it to continue to do so. Therefore the conference substitute has reduced the Findley amendment from an absolute prohibition to a provision for shifting Yugoslavia and Poland from soft currency sales to dollar credit sales. Poland is in a little different situation from

Yugoslavia. Because the Battle Act prohibits financial assistance to Poland, Poland is not now eligible for title IV credit sales. The conference substitute specifically authorizes such sales to Poland on not to exceed 5 years credit. So the conference committee has greatly modified the Findley amendment. It does not prohibit sales to these countries, but provides only for shifting them from one title to another. We want to do business with them on a businesslike basis.

Mr. FULBRIGHT. I am not willing to accept this kind of action on the part of the conferees. Even though the subject was debated on the floor of the House, the executive branch, which is responsible for our foreign relations, had no opportunity to present its views in committee. I am not willing to agree to the conference report.

I regret very much that this kind of action has not been subjected to committee hearings, and that the executive branch has not been given an opportunity to present its views. It is very much along the line of the action taken with regard to the most favored nation clause, upon which we acted last year, in a manner directly opposite to this action. This is a very unwise proposal. I strongly oppose it.

Mr. JOHNSTON. I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, the Senator from Arkansas is correct in his assumption that the conference report is not all that it should be. The Senate conferees recognized that. The House conferees, while they may have recognized it, also recognized the fact that the bill would be rejected, as was the coffee agreement; that they could not go back to the House with any bill which went any further away from the House-passed bill than what was agreed to by the conferees.

One thing that was done, however, was to shorten the time the program would be in effect. The bill which the House passed provided for 3 years; in conference, the time was reduced to 2 years.

We have also provided for the sale of agricultural products under title IV, but with a shorter period for extending credit. That was reduced from 20 years to 5 years.

This amendment affects Poland and Yugoslavia. I think the people of those countries are desperately trying to become more democratic and need our assistance in doing so, although their Governments are still communistic or socialistic, whichever term one wishes to use.

Yugoslavia does not desire to purchase goods from us under title I. It does wish to purchase under title IV, because its grain crops failed this year, and it needs our help.

It was our help, given in 1948, that weaned Yugoslavia away from Russia and enabled her to become an independent nation. There is some feeling that perhaps we would not have been in this trouble had it not been for certain rulings of the executive departments relative to the making of sales. I am not sure about that. I shall not go into

the details about that or about what can be done. I do not know. But it seems to me that we could go along for the next 2 years under the bill as it is now written. Great changes are taking place in the world. I cannot foresee what may occur in the next 2 years, the way things are taking place in international affairs today. I do not think anyone else can, either.

We did well to reduce the duration of the bill from 3 years to 2 years, which applies to sales for foreign currencies. It is my understanding that the Yugoslav Government is contemplating paying its World War debt very soon. That will put her in a class with Finland. Yugoslavia is making considerable progress, and a determined effort to put her finances in order. It is also my understanding that even though we hold \$50 million worth of zlotys at the present time, Yugoslavia does not expect them to last forever without their being converted into our currency. In my opinion, Yugoslavia is making a strong effort to balance her debts with us. I am sorry that we could not have made better arrangements.

Mr. JOHNSTON. Yugoslavia has made purchases under title IV. They can continue to be made under that title as they have been in the past. The conference substitute permits us to continue dealing with Yugoslavia and Poland.

Mr. FULBRIGHT. What the Senator from Vermont has just said is the main point. Whether Yugoslavia may be able to operate under title IV or some of the other provisions is a little beside the point. After all these years of operation, this action is taken at a time when, as the Senator has said, there are signs that real progress is being made in Yugoslavia—and, for that matter, in certain other countries of Eastern Europe that are not affected by this proposal.

This kind of action is a slap; it is a deliberate insult. We say, in effect, that Yugoslavia will not be given an opportunity to purchase under title I. That is what is so bad from the standpoint of international political relations, aside from whether or not Yugoslavia will get the grain. We are deliberately changing the definition of a friendly country and are, in effect, saying that Yugoslavia is not a friendly country and can never be a friendly country so long as it has a government that is called Communist. The Senator from Vermont himself said that perhaps the country might be called Socialist. In this respect, we are going only on a name, without regard to what our relations have been.

Our relations with Yugoslavia for the past several years have been reasonably normal. We have relations with many countries that are not so good as our relations with Yugoslavia. The Government of Yugoslavia is called Communist; actually, it operates in many respects that are different from other Communist governments, especially in its relations with us, as the Senator well knows.

The Senator from Vermont mentioned Yugoslavia's contemplation of paying its past debts. It is not in default in any of its recent dealings. It has acted cor-

Digest of CONGRESSIONAL PROCEEDINGS

OFFICE OF
BUDGET AND FINANCE

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OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE

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CONTENTS

Adjournment.....20	Farm program.....21,23	Legislative
Administrative	Food additives.....7	accomplishments....16,22
procedure.....10	Foreign aid.....2	Meat imports.....24
Appalachia.....4,13,14	Foreign trade.....25	Monetary reform.....11
Appropriations.....8	Forestry.....3,15,17	Public Law 480.....1,22
Committees.....6	General services.....9	Recreation.....15
Communications.....9	Interstate commerce....10	Roads and trails.....3
Education.....19	Judgments.....8	Sisal.....5
Electrification.....12	Lands.....17	Stockpiling.....5
Employment.....6	Legislative program....13	Watersheds.....18

HIGHLIGHTS: Senate agreed to conference report on Public Law 480 bill (ready for President). Senate passed foreign aid authorization bill. Rep. Cramer submitted minority views on Appalachia bill.

SENATE

1. PUBLIC LAW 480. By a vote of 54 to 11, agreed to the conference report on S. 2687, to extend the Public Law 480 program (pp. 22057-67). By a vote of 24 to 46, rejected a motion by Sen. Fulbright to refer the conference report to the Foreign Relations Committee for hearings and study (pp. 22057-64). This bill will now be sent to the President. See Digest 182 for a summary of the bill.
2. FOREIGN AID. By a vote of 44 to 16, passed with amendments H. R. 11380, the foreign aid authorization bill (pp. 22025-7, 22030-57, 22067-78). Conferees were appointed (pp. 22078). House conferees have not yet been appointed.
3. ROADS AND TRAILS. Passed without amendment H. R. 12289, to establish a committee to develop plans for marking the route traversed by Lewis and Clark from St. Louis to the Pacific. A similar bill, S. 3116, was stricken from the Calendar. This bill will now be sent to the President. p. 22153

4. APPALACHIA. Resumed consideration of S. 2782, to provide public works and economic development programs and the planning and coordination needed to assist in the development of the Appalachian region. p. 22153
5. STOCKPILING. Passed without amendment H. R. 12091. to authorize the disposal without regard to the prescribed 6-month waiting period of approximately 9,500,000 pounds of sisal from the national stockpile. This bill will now be sent to the President. p. 22138
6. EMPLOYMENT; COMMITTEES. Passed without amendment S. 3174, to amend the Employment Act of 1946 so as to remove the ceiling on appropriations for the Joint Economic Committee. p. 22153
7. FOOD ADDITIVES. Passed over, at the request of Sen. Mansfield, H. R. 12033, to authorize the Secretary of HEW to permit until Dec. 31, 1965, under certain conditions, the continued use of certain food additives and pesticide chemicals which were in commercial use before Jan. 1, 1958, but which have not been cleared for use under the Federal Food, Drug, and Cosmetic Act. p. 22153
8. APPROPRIATIONS. The "Daily Digest" states that the Appropriations Committee concluded hearings on H. R. 12633, the supplemental appropriation bill for 1965, and will meet in executive session Tues., Sept. 29, to mark up the bill. p. D791
Received from the President supplemental appropriation estimates of \$1,024,994 to pay judgments rendered against the U. S. (S. Doc. 101).. p. 22078
9. COMMUNICATIONS; GENERAL SERVICES. Received from GAO a report "on unnecessary costs to the Government for commercial long-distance telephone calls made by Federal agencies in the San Francisco region between cities served by the Federal Telecommunications System, General Services Administration." p. 22078
10. ADMINISTRATIVE PROCEDURE; INTERSTATE COMMERCE. Sen. Dirksen inserted an address by a member of the Federal Trade Commission, "Agency Decisionmaking: Adjudication by the Federal Trade Commission." pp. 22088-9
11. MONETARY REFORM. Sen. Javits stated that the U. S. now favors liberalizing the international monetary system and inserted several items on the matter. pp. 22127-9
12. ELECTRIFICATION. Sen. Dominick commended the announcement of the Colo. Public Service Co. and by other public service companies "of the formation of a new group called the Western Energy Supply & Transmission Associates for the purpose of putting together the largest regional electric power development program ever planned." pp. 22129-30
13. LEGISLATIVE PROGRAM. Sen. Mansfield expressed hope that the Senate could complete action on S. 2783, the Appalachia bill, Fri., Sept. 25. pp. 22067, 22153-4

Senate

THURSDAY, SEPTEMBER 24, 1964

The Senate met at 11 o'clock a.m., and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Merciful Father: In a world that so largely lieth in darkness, with the human family swept by fitful winds of doubt and despair, we pause at this sheltered sanctuary of Thy grace to make sure that no encircling gloom without dims the inner light on the altar of our heart.

As servants of the state, set aside to prescribe for the ills of an ailing social order, we pray that Thou wilt first cleanse our own lives from moral pollution and from any compromise of evil. Make our spirits great enough for these days on ages telling. Matching the large design of these challenging times, may we keep step with the drumbeat of Thy truth which is marching on, grateful that—

Thy love hath led us in the past;
In this free land by Thee our lot is cast.

Be Thou our ruler, guardian, guide and stay;

Thy word our law, Thy paths our chosen way.

Amen.

MESSAGES FROM THE PRESIDENT— APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Ratchford, one of his secretaries, and he announced that on September 22, 1964, the President had approved and signed the following acts:

S. 584. An act for the relief of Yih-Ho Pao and his wife, Joanne T. Pao; and

S. 2701. An act to provide for an investigation and study to determine a site for the construction of a sea level canal connecting the Atlantic and Pacific Oceans.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 1096) to authorize the Secretary of the Interior to cooperate with the State of Wisconsin in the designation and administra-

tion of the Ice Age National Scientific Reserve in the State of Wisconsin, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 2049) to authorize the Secretary of Commerce to accept gifts and bequests for the purposes of the Department of Commerce, and for other purposes, and it was signed by the Acting President pro tempore.

HOUSE BILL REFERRED

The bill (H.R. 1096) to authorize the Secretary of the Interior to cooperate with the State of Wisconsin in the designation and administration of the Ice Age National Scientific Reserve in the State of Wisconsin, and for other purposes, was read twice by its title and referred to the Committee on Interior and Insular Affairs.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time for the quorum call to be equally divided between each side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I yield 5 minutes to the distinguished senior Senator from Oregon.

The ACTING PRESIDENT pro tempore. The senior Senator from Oregon is recognized for 5 minutes.

Mr. MORSE. Mr. President, I appreciate the courtesy of the majority and minority leaders in permitting me to make my statement now in opposition to the Mansfield substitute. I am engaged in a conference, in a room close to the Senate Chamber, seeking to work out a compromise on the NEDA bill. Therefore I suggested that I be allowed to make my statement early.

I regret that I cannot support the Mansfield substitute for the also unsound Dirksen amendment. Most of the debate

on the Dirksen amendment has centered around the rightness or wrongness of the Federal court decisions on apportionment. That is certainly one aspect of the Dirksen amendment. Personally, I favor the decisions, and I am opposed to any constitutional amendment to change them. But I believe there is something more immediate involved. The nature of the cases is not so important as the fact the Congress is interfering in the prerogatives of the Federal courts.

That is the real issue in the Dirksen amendment. That is the real issue in the substitutes. It does not matter one whit whether Congress addresses itself to cases of State apportionment arising under the 14th amendment, or to some other classes of cases so far as my opposition is concerned. It is to the bad practice that the legislation represents that I have addressed myself more than to the nature of the cases affected, because legislative intrusion into the jurisdiction of the courts is an unsound venture no matter what specific cases are affected by it. I have always opposed that during my service in the Senate, and shall continue to do so. When all is said and done, I believe that this approach violates the separate powers doctrine of the Constitution.

On the merits of the language itself, the new substitute is at least a huge improvement over the Javits amendment. It makes no mention and holds out no implied promise—of a constitutional amendment to preserve malapportionment.

It further improves upon previous language by being phrased in the language of enforcement rather than nonenforcement of the 14th amendment.

But it does not matter that only the advice of Congress is offered, or that it largely repeats the language of the High Court itself. It remains a rebuke to the courts so far as the public is concerned. It means that Congress believes something must be said to the courts from another separate branch of the Government about the way they are doing their job. It is "backseat driving."

Constitutionally, it is completely gratuitous.

In my judgment, it is in as bad grace as would be a "sense-of-the-Supreme-Court" resolution, passed by the Justices, giving us their gratuitous advice as to how we should conduct the legislative process in the Senate.

It assumes that the Supreme Court is failing in some respect or another and that Congress must fill the breach with its own opinion and advice, even if it were nothing more than a repetition of what the High Court has already said.

Any comment from Congress on this subject which does not take the form of a statutory enforcement procedure for en-

forcement of the 14th amendment is a substitution of the opinion of Congress for the opinion of the Court. Under the Constitution, Congress has authority to enforce the 14th amendment, including the application of the equal protection clause to State legislatures. But it has no authority to suspend the equal protection clause, as the Dirksen amendment proposes, nor to give to the courts its opinion of what constitutes equity in the absence of statute, as the Javits and now the Mansfield amendments propose.

The pending language means only that Congress now is going to give informal instructions to the lower courts about reapportionment cases. What can that possibly mean except that Congress believes the Federal judiciary is in need of advice and instruction from Congress on its handling of a judicial matter? This language, too, rebukes the Supreme Court, as though the latter were incapable of exercising proper control over the lower courts.

It is an evil day in American history when Congress begins to advise any level of the judicial system on the handling of its cases, and I shall not join in setting our country upon that course.

I warn the Senate today that I believe it is establishing a precedent that will rise to plague it. Every procedural argument that has been made against the Dirksen amendment is applicable also to the Mansfield substitute.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. MORSE. Mr. President, may I be permitted to continue for an additional minute?

The ACTING PRESIDENT pro tempore. Without objection the Senator from Oregon is recognized for an additional minute.

Mr. MORSE. Mr. President, the substitute is a rider on the foreign aid bill. We have heard that fact raised as an argument against the Dirksen amendment. It is pointed out that the Dirksen amendment is a rider, a nongermane addition to the foreign aid bill. I agree. The same is true of the Mansfield substitute. Both amendments are equally bad procedurally. I shall continue to oppose them. The Dirksen amendment has not been the subject of committee hearings. Neither has the Mansfield substitute been the subject of committee hearings. I have the same objection to it as to the Dirksen amendment.

We cannot justify the Mansfield amendment from a procedural standpoint.

Mr. President, if I were not alone—and I am sure I am alone—I would engage in what my liberal friends call a prolonged debate in opposition to this amendment. I call it a filibuster. It would be a legitimate use of the filibuster in order to obtain a postponement of this measure until there could be committee hearings.

I would be perfectly willing to fix a date in the latter part of January or early February of next year, after committee hearings, to vote on the whole package of reapportionment proposals. But I know that, standing alone, it would be an act in futility for me to try to

stop this legislative steamroller. I am impressed with one argument of the Senator from Montana [Mr. MANSFIELD] that is quoted in the press. I believe we have reached the point in the Senate where we must go to a vote, or we shall do the Senate as much harm as we would if we passed the Dirksen-Mansfield amendment.

We have a duty as Senators also to protect the respect that the people ought to hold for the Senate.

I conclude my opposition with one further comment, so far as debate is concerned. I hope that the Mansfield substitute will be defeated, but in due course of time today I shall, if some other Senator does not, move to lay the whole package on the table, including the Dirksen amendment itself. I understand from a parliamentary standpoint that I shall be in a position to so move after there has been a vote on the Mansfield amendment and before a vote on the Dirksen amendment, as amended, is called for. I serve notice that at that point I shall move to lay the whole package on the table if in the meantime the Senate makes the mistake of passing the Mansfield substitute. If it defeats the Mansfield substitute I shall then move to lay the Dirksen amendment on the table.

Mr. MANSFIELD. Mr. President, I yield 5 minutes to the distinguished Senator from New York [Mr. JAVITS].

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, it will be recalled that, together with the Senators from Minnesota [Mr. MCCARTHY and Mr. HUMPHREY], I authored a sense-of-Congress resolution upon this question.

Now we have finally before us a sense-of-Congress resolution of which the majority leader is himself the sponsor. It is my belief that the resolution will carry. I wish to express my support of it, and point out what has been so very much implicit in the debate. It is an addition to, rather than a derogation of, the dignity of our standing in the hierarchy of the Federal establishment when we recognize, rather than tear down, the coordinate power of another branch of the Government—the judiciary. There is nothing in the resolution that shows weakness on our part. On the contrary, recognition of the strength of equals shows strength on our own part.

Many times legislation has stepped in where the Supreme Court jurisdiction has ended. The best evidence of that is that we have passed bills such as the bill designed to answer the problem of the Yates case, in which the Supreme Court narrowly limited the definition of those who would be charged with counseling the overthrow of government by force to the original organizers of the Communist Party.

The Congress was not satisfied with that decision. It enacted legislation expressing its intention that the statute relate to any such organization, including one established later than the original Communist Party, in order to bring such later organizations within the purview of the law. The Court had interpreted

a statute. So the Congress had the power to act to reverse that interpretation.

But now we are dealing with a constitutional interpretation by the Court. Therefore, we do not have the power, except by a law of equal authority, namely, a constitutional amendment, to affect it.

The pending resolution, if heeded by the Supreme Court—and I shall come to that point in a moment—would accommodate the possibility of a constitutional amendment. I have already introduced substantially the amendment offered by Representative McCulloch in the other body. That proposal would permit a statewide referendum in any State to determine whether the people of that State wish one house of its legislature apportioned not according to population. Americans believe that they ought to have that right, in my judgment, because they do not follow the labyrinth of reasoning that the establishment of the Senate under the Federal Constitution was the result only of the original Federal compact between the States and the trading within the Constitutional Convention. I believe it is endemic in the conscience of Americans that a type of legislative body like the Senate is a good thing. Many States, by a vote of the people—one person, one vote—may put such a provision into effect. We ought to give the States an opportunity to do so if the people wish it. The sense of Congress resolution accommodates that idea.

Finally, I should like to make the point that, in my judgment, the Supreme Court would listen. The Supreme Court should listen. The lower courts should listen. This whole controversy was brought about—and we must give credit to the Senator from Illinois [Mr. DIRKSEN] for highlighting it—by the fact that the lower courts in many cases showed an unreasonable lack of practicality. With all respect to the courts—and no one has fought for them harder than I have—they did so in New York. Compelling three elections in 2 years and curtailing the terms of individual legislators elected by the people is, in my judgment, to quote the language of the Supreme Court itself in Reynolds against Sims, unreasonable and embarrassing to any State. The courts did so in Vermont. They forbade the legislature from doing any business except redistricting, which was again demeaning to a State.

I believe the Supreme Court decision in the case of Reynolds against Sims should be enforced and can be with great dignity and respect to the authority and the standing in the Federal establishment of every State.

We have constructed our legislatures since the founding of the Republic pretty much in one way, and we should correct the situation. I am all for it. But it does not have to be done with quite the ax which was forecast in some of the three-judge court decisions.

I hope that the Senate will now resolve this dilemma by voting to adopt the Mansfield substitute, which will do what we want to do and, at the same

time, respect the power of a coordinate branch of the Government—the judiciary—and I am confident that the Supreme Court will listen.

I thank the Senator from Montana for yielding the time.

Mr. DIRKSEN. Mr. President, I yield 5 minutes to the distinguished Senator from Ohio [Mr. LAUSCHE].

The ACTING PRESIDENT pro tempore. The Senator from Ohio is recognized for 5 minutes.

Mr. LAUSCHE. Mr. President, I do not believe that the amendment offered by the senior Senator from Montana ought to be adopted. To me the whole problem has a significance far in excess of what has been generally recognized. In my judgment, if the order of the Court is carried into effect without the States being given an opportunity to decide whether they wish to amend the Constitution, we shall witness the initial steps in a change that will come about in our basic law, eliminating the right of States to have two Senators, regardless of population. To me that is the crux of the issue. Our Government, under a system giving States two Senators and Representatives on the basis of population, regardless of the number reached after a proper ascertainment of the population, has been the strength of our Government.

Rhode Island, with 841,000 people, has 2 Senators; Nevada, with 282,000 people, has 2 Senators; Alaska with 224,000 people, has 2 Senators. I do not know what the population of Montana is, but if we should apply the same formula to Montana that some are applying to representation in the State legislatures, Montana would have no Senator.

There are 190 million people in the United States. If the 100 Senators in the Senate were apportioned on the basis of population, there would be 1 Senator for each 1.9 million people. Ohio would be entitled to five Senators; Illinois would be entitled to six. New York would probably have eight, and California nine.

I suggest to Senators who come from sparsely populated States that they are witnessing the beginning of a movement that will call upon the people of the United States to amend the Constitution so as to select Senators on the basis of population and not on the basis of representing the individual States.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. LAUSCHE. I do not yield at this time. I have only 5 minutes. I will yield if the Senator from Montana will charge the time to the proponents.

The ACTING PRESIDENT pro tempore. Does the acting majority leader, the Senator from Hawaii [Mr. INOUE], yield time to the Senator from Illinois?

Mr. INOUE. I shall be happy to yield time.

Mr. DOUGLAS. I need only half a minute.

This is one provision of the Constitution which cannot be changed. Article V provides that no State can be denied

equal representation in the Senate without its consent, so my friend from Ohio should lay his fears to rest.

Mr. LAUSCHE. I will not abide by that statement, because we can achieve things with the approval of the people. But if that is the position of the Senator, if he labels sound and wise the proposition that each of the States shall have two Senators, how can he reach the conclusion that the sparsely settled areas in my State or his State shall have no Senator? The Senator cannot answer that question logically. He will find himself at an impasse.

I should like to discuss what the Supreme Court has said and to point out the paradoxical position it reached in its catchy phrase that the legislators are not representing rocks, rivers, mountains, and streams, but that they are representing people. If that principle is sound, on what theory does the Senator say that Rhode Island, with 800,000, and Nevada, with 282,000, shall each have two Senators?

Those who framed our Constitution thought wisely. They pondered this issue. They wanted representation in Congress neither solely on the basis of population nor solely on the basis of geographical representation. They knew there was a need for a blend of the two. Unless there is such a blend, we shall have a one-sided Government.

I come from the city of Cleveland. My county has 1,500,000 people in it. If the industrial counties in and around Cleveland are given representation both in the lower and upper house on the basis of population, there will be completely destroyed the advice of the people in the rural areas.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. LAUSCHE. May I have 2 more minutes?

Mr. DIRKSEN. I yield 2 minutes to the Senator from Ohio.

Mr. LAUSCHE. Cuyahoga County, Cincinnati, Columbus, Dayton, and Youngstown will dominate. When they do, they will dominate through the labor leaders, the Americans for Democratic Action, and the big city political bosses.

When that point is reached, we shall not have good government. There must be the influence of the stable individuals who do not comprise that one segment of our economy completely. Legislatures should not be dominated one sidedly either by big city or rural voters.

May I point out what happened in Ohio? Our constitution provides that each county shall have at least one representative. Our State has 88 counties. That means each county has one representative. Added thereto is the factor of population giving added representation to the big cities. That is the constitutional provision. It was adopted in 1903.

In 1910 the people called for a constitutional convention. It was held in 1912. Efforts were made to change that provision, and the proposal was rejected.

In 1930 the people were asked to decide whether there should be a constitutional

convention, which was submitted to them. One of the issues was whether to reapportion the State legislature. The vote was 1,056,000 against and 853,000 for. The convention was not held.

We come down to 1952. In 1952 the issue was primarily, Shall we have—

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. LAUSCHE. I ask for 1 more minute.

Mr. DIRKSEN. I yield 1 minute to the Senator from Ohio.

Mr. LAUSCHE. The issue was, Shall there be a constitutional convention? The question was whether there should be reapportionment. Those same forces arguing against the Dirksen amendment were arguing for the convention in 1952. What did the people do? Listen to the people: the vote was 1,977,000 "No"; 1,020,000 said "Yes." The vote was practically 2 to 1 against reapportionment.

I believe the Dirksen amendment should be adopted for the good of our country. It should be adopted so that there may be a blend of thinking in the State legislatures in determining what our economic and other policies shall be.

I yield the floor.

UTAH NOW HAS A MILLION HEIRS

Mr. DIRKSEN. Mr. President, I yield the Senator from Utah 20 minutes.

Mr. BENNETT. Mr. President, we have been discussing this problem now before us for a long time, and I beg the indulgence of the Senate to take this time to discuss what we have found in Utah to be a very pleasant fact.

Today, September 24, 1964, marks an important point in the history of Utah. The Census Bureau and Utah State officials have agreed that sometime today Utah's population will reach the magic 1 million mark.

Utah is relatively a newcomer to the United States, having first been settled on July 24, 1847, when Brigham Young led a hardy band of Mormon pioneers across the continent, peered into Salt Lake Valley and said, "This is the place."

It is recorded that Brigham Young prophesized that the Salt Lake Valley some day would be filled with homes and communities from one end to the other and that those living there would thrive and prosper for years to come.

Despite his prophetic vision, I doubt that even he had a full conception—although, I am sure he had hope—of the developments the next 117 years would bring.

Of one thing he and his followers were certain—in this area their cities and towns would be laid out, but no dream of theirs could envision the State of Utah now with 1 million inhabitants.

Utah's founding year was 1847, when the vanguard of the settlers came into the area. Now we salute the efforts of many unnamed toilers who built the schools, business enterprises, banks, mills, factories, mines, and beautiful cities sprinkled around, in and near, unexcelled outdoor recreational facilities in the can-

yons and parks that surround the valley.

By 1850 the population of Utah was about 11,000 as the original settlers began moving out from their early town-sites in Salt Lake Valley.

By 1860 it was 40,273; by 1870, 86,786; and by 1890 it was 210,779.

As the century turned, Utah had 276,749 residents; by 1910, 373,351; by 1920, 449,396; by 1930, 507,847, the half million mark; by 1940, 550,310, and by 1950, 688,862.

When the last official U.S. census was taken in 1960, Utah's population was 890,627. In July of 1961, reports put it at 958,000. By July of this year the total was 992,000.

The population of Utah has many characteristics that make it distinctive.

Typically, Utah has the Nation's highest or second highest birth rate, and consistently has maintained the lowest or second lowest death rate. Utah's birth rate, in the last census, was 28.4 per thousand population, compared with a national average of about 23.4 per thousand. Its death rate during the same period was 6.7 per thousand compared with a national average of 9.3 per thousand.

And no one should talk of Utah's accomplishments as it moved to reach the million figure without mentioning those in the field of education.

Utah ranks first in the Nation of those 25 years old and older with at least 4 years of high school; first in the Nation in median school years completed by persons 25 years old and older; lowest percentage in the Nation of selective service registrants failing the mental test; lowest percentage in the Nation of population 25 years old and older with less than 8 years of schooling; and lowest percentage in the Nation of population 25 years old and older with less than 5 years of schooling.

If Utah's millionth resident is typical of other newcomers who have recently streamed into the State, he will seek and find a job in industries such as steel-making, chemicals, electronics, machinery manufacture, garment making, and missiles, that have given the State a new look and a new outlook in the tremendous spurt of population increase during the past decade.

All Utahans are very proud of our "million" tag and I am sure it should not be too long before a Senator from my State stands before this same body and announces that the second million has been achieved.

Utah has come a long way since that day when Brigham Young left for Utah with 143 men, 3 women, 7 children, 73 wagons, 93 horses, 52 mules, 66 oxen, 19 cows, 17 dogs, and some chickens.

The first million and the first 117 years were the hardest.

This is a happy day for us, to have reached this mark.

THE PRICE OF SILVER—U.S. SILVER POLICY AT THE CROSSROADS

Mr. BENNETT. Mr. President, in this morning's Journal of Commerce we read that contracts for future delivery

of silver, for next August, 1 year from now, traded in a range from a low of \$1.3820 an ounce to \$1.3850 an ounce.

During the past year I have been constantly reminding the Senate that the present legal price of silver, being maintained artificially by the willingness of the Treasury to sell silver to all comers at \$1.29 an ounce, cannot long be maintained.

The day when the spot or current price of silver rises slightly above \$1.29 an ounce, it will be profitable to melt down our silver dollars, because the silver in the dollars is monetized at a rate of \$1.2929 an ounce. A rate which was set, by the way, in 1792 in the first monetary law passed after our Government was formed and the Constitution was adopted. This was the official value of silver in our silver dollars as long ago as that, and it has been maintained officially, though not always practically, since then.

I should emphasize that the \$1.29 an ounce figure refers only to the monetized value of silver in the silver dollar coin. In 1853, the value of silver in the lesser coins—dimes, quarters, and half dollars—was reduced, so that it would require a price of \$1.38 an ounce to bring us to the point where it would pay to melt down the smaller coinage. We have now reached that point in the futures market. We have reached it in the sense that the price paid yesterday for delivery, next August was \$1.3820—\$1.3850 an ounce.

This emphasizes a problem that I have long tried to bring to the attention of Members of the Senate. We are reminded that, with all the pressures that are operating against silver, the Treasury no longer has very much time in which to move to develop a new coinage system. If Congress and the Treasury do not act early in the next session of Congress to solve this problem, the shortage of coins which we now consider to be serious will become insignificant compared with the probable loss from circulation of almost all, if not all, the dimes, quarters, and half dollars.

Our silver dollars have already disappeared. Even though we have agreed upon a bill to mint \$45 million more, at the same value of the silver, \$1.29 an ounce, I predict that they will disappear as fast as they are minted. They are already collectors' items. Anyone who is not a collector does not realize that they are becoming an interesting curiosity. Many collectors have been gathering silver dollars with the intention of melting them down when the price of silver breaks through the ceiling.

The solution to our silver problem will not be a simple matter; nor will it be possible to satisfy all who are concerned. However, we must face the problem now. We have attempted to ignore the problem long enough but, as usual, ignoring it did not make it disappear.

One year ago predictions were made that our Treasury supplies of silver would be sufficient to fill the production deficit for as long as 15 to 20 years. The events of the past year should certainly impress all of us that the projections were inaccurate and that we cannot hesitate longer

without adding to the problem and increasing the difficulty of its solution.

Only last week, at the American Mining Conference Convention, held in Portland, I outlined and analyzed our silver problem in a rather simple and brief fashion. I also pointed out the fallacies of the many superficial attempts to deal with the problem in legislative proposals which have been introduced. I should like to point out some of the highlights of this situation.

The silver problem is basically economic. It stems from the fact that both in the United States and throughout the world demand for silver at the price ceiling being held by the Treasury is greater than the amount that is being produced at that price. One does not have to be an economic genius to know that this cannot continue long, since the only way the demand can be met under these circumstances is to use up already existing stockpiles.

Let me review a few statistics on production and consumption which will indicate the magnitude of the problem. In 1940, U.S. production and consumption of silver were approximately equal at a figure of 68.3 million ounces. Last year domestic production was 37 million ounces, while domestic consumption had increased to 221.3 million. In other words last year the United States produced only about one-sixth of its own silver needs, leaving a deficit of 184.3 million ounces to be supplied either from foreign sources or from U.S. Treasury stocks.

If world production had been sufficient to supply this deficit, there would have been no great problem; but free world production was 210.5 million ounces compared with consumption of 419.2 million. Silver used for industrial and art purposes alone totaled 247 million ounces and exceeded total production by 37 million ounces. Thus, production would not have equaled consumption even in the absence of any use of silver for coinage. Coinage needs of foreign countries were 60.9 million ounces, and the U.S. mint used 111.3 million ounces. From these figures, one very important fact stands out. The free world used just twice as much silver as it produced.

WORLD SILVER DEFICIT DEPLETES TREASURY STOCKS

The world deficit had to be filled from previously mined silver, and last year most of it came from silver held by the U.S. Treasury. This year's outflow of silver from the Treasury will be approximately 263 million ounces, or a significant 53-percent increase over the 185 million ounces used last year. And things are not going to be any better next year as demands on Treasury silver increase.

We recently had some hearings in Congress on the need for additional coins. Representatives of the U.S. mint testified that mint facilities are now working at full capacity, and they intend to continue at that rate. It is expected that between 8 and 9 billion coins—twice the number minted this year—will be turned out next year. Approximately 1,629 million of these will be dimes, quarters, and half dollars. I mention these

coins specifically because they contain silver and will require approximately 245 million ounces. This demand alone exceeds all U.S. silver consumption during last year by over 23 million ounces and just about equals expected total world production, leaving nothing for the growing demand for silver for use in industry.

Minting of the new silver dollars authorized this year and transfers to other governmental agencies will require at least an additional 35 million ounces; and if industry continues to draw from the Treasury at the present rate, this will cause another 60-million-ounce withdrawal. All these add up to a total domestic demand on Treasury silver of about 340 million ounces. At this rate, the 1.4 billion ounces of silver held by the Treasury would be completely exhausted in 4 years.

We do not know what the reaction of foreign governments will be to the fact that the United States will be able to hold the price of silver at present levels for so short a time.

From the figures I used at the beginning of my statement, it can be realized that the world market for silver is already recognizing the Treasury's dilemma and is willing to bet that next August the price for silver will have broken through the \$1.29 ceiling and have reached the price of \$1.38, which is the point at which our small coins can be profitably put into the melting pot.

It would be naive to assume that some withdrawal due to foreign demands will not occur. Any such withdrawal will further hasten the day when the Treasury stocks will be depleted.

I hope these statistics impress all Members of the Congress as they do me, with the importance of immediate Treasury action.

TREASURY MUST SUPPLY ALL SILVER DEMANDS

Some have asked, "Well, why does not the Treasury simply stop selling its silver?" To the uninitiated, this sounds like a reasonable request; and, in fact, bills have been introduced in Congress to do that very thing. But the situation is not that simple.

First, on every \$1 silver certificate that is in circulation, there is this inscription:

This certifies that there is on deposit in the Treasury of the United States of America one dollar in silver payable to the bearer on demand.

If the outstanding silver certificates were redeemed, it would require 96 percent of the 1.4 billion ounces of Treasury silver, leaving only about 45 million ounces for all other purposes, including the minting of small coins.

Second, the Treasury has no choice but to provide silver to industrial users, whether they be United States or foreign, because if it did not make its stocks available, the price would soon be bid above the present ceiling of \$1.29. Some of you may think that nothing could be better, believing that the Treasury should get out of the silver business and let the market determine the price.

Looking at figures of demand and supply, it is natural to conclude that the price would immediately rise and thus

stimulate increased production. From this point of view, one could become very impatient with Treasury officials. This impatience would be justified if the Treasury were able to let the price of silver seek its natural market level without other disastrous consequences.

In my personal discussions with the Secretary of the Treasury and with other Treasury officials, I find that they would like nothing better than to get out of the silver market. However, serious problems would develop if the Treasury did not hold the price of silver at its present level long enough to work out a plan to protect our present subsidiary coinage against hoarding until it can be replaced with a new coinage system. Let me discuss this in a little more detail.

VALUE OF SILVER NOW EQUALS MONETARY VALUE

In the early days of our country, all coinage was minted on an intrinsic value basis rather than a token basis. This meant that the metal value of each coin, when minted, equaled the monetary value. Every time there was a slight inflationary trend, the coins became worth more as metal than as money, and they were melted down or hoarded.

We are at that same point today. If the price of silver rises significantly above \$1.29 an ounce, it will be profitable to melt down silver dollars. Speculative hoarding of dollars has already taken place. You notice that there aren't any circulating. There is also evidence that our subsidiary coins are already being hoarded. If the Treasury were to let the price of silver rise much above \$1.38 an ounce, then we would see all of our dimes, quarters, and half dollars disappear.

This, in a nutshell, is our silver problem. Now let us see what is being done about it and what the final solution should be.

LEGISLATION THUS FAR FALLS SHORT OF SOLUTION

Some action has been taken. The Silver Act of 1963 made it possible for the Treasury to replace silver certificates with Federal Reserve Notes and thus use some of its silver for coinage. There has been legislation to permit a continuation of the 1964 date on coins if necessary. Authority has been given to mint new dollars, and the U.S. Mint is doubling its production of coins. None of these actions has done any more than buy time in which a more or less permanent solution can be formulated and some of them will have the result of lessening the time available.

When we consider what is now being done, we find that since this is a legislative matter, many bills have been introduced. All of them thus far, however, have fallen far short of a long-range solution; and some of them, if accepted, would be disastrous. Let us consider some of the bills, briefly.

First. Several were drafted which would immediately double the price of silver. In the absence of prior action to protect our present coinage, we know that to do this would immediately drive all of our silver-bearing money into hoarding or the melting pot.

Second. Another bill was introduced to prohibit the redemption of silver certificates with bullion and the direct sale of Treasury silver. If the Treasury were unable to supply industrial users with their needs in bullion, it would have to be done in silver coins. We have only 3 million silver dollars on hand, and industry uses approximately 60 million ounces a year or an equivalent of 68 million silver dollars. Why burden the American taxpayers with an estimated \$1 million minting cost when the newly minted dollars would immediately be melted down for their silver content to be used in photography, tableware, electronics, and the hundreds of other industrial uses?

Third. A measure was introduced and passed by Congress providing authority to mint 45 million new silver dollars. Last year I predicted that our standard silver dollar was "on its way out." I continue to maintain that position; and though I am from a silver-producing State and like silver dollars as well as any other Westerner, I could not support the authorization. I doubt that you will ever see any of the newly minted dollars circulating as a medium of exchange. You may get a few to keep as souvenirs of the first minting of silver dollars since 1935—and probably the last standard silver dollar ever to be minted in the United States. Even if the new dollars do not become a special collector's item, each of them will contain \$1 worth of silver at present artificially low prices and thus will be an excellent investment for their silver content.

Fourth. The problem of hoarding was recognized by some Congressmen, and a bill was introduced to reduce the silver content in a dollar from 900 to 800 grams. This would have removed the dollar as a first-line defense of our coins and could have resulted in a withdrawal of all of our present coins because they would have a greater value as silver compared to their monetary value than the new dollars.

SILVER USERS WANT SILVER REMOVED FROM COINAGE

Silver users take an entirely different and opposite approach to the problem. Typical of the silver users' position is a recent speech made by Mr. Stevens of International Silver Co. He made the usual recommendation that all silver be taken from our coinage. This has long been the stand of silver users because it would reduce the demand for silver significantly. With reduced demand, they feel that the price may decline to their advantage.

We have noted earlier that silver demands for industry and art presently exceed world production; so in the absence of action by the U.S. Government to break the price, a hope by users for a decline is going to go unfulfilled. Mr. Stevens goes on to say:

As long as the Treasury has silver, it would sell it at the present price to protect the existing coins in our monetary system.

In other words, sell every ounce at the present price. This is obviously indefensible.

I have confidence that the Treasury and the Congress will find a solution to

the problem before the ultimate minimum is reached. I do not know what a proper minimum Treasury stockpile should be, but it seems reasonable that it might be about half of our present stock, or about 700 million ounces. I cannot bring myself to believe that those in charge of the only significant world stock of a strategic metal—such as silver—would be so irresponsible as to let it become depleted below a reasonable minimum which must be retained for defense purposes. If such a minimum is retained, there is presently not more than a 1- to 2-year supply before the price would have to rise under present conditions.

DRASTIC TREASURY ACTION COULD CONTROL PRICE

Lest we come to the conclusion that there is no alternative to a price rise in the immediate future, let me point out an unwise and unlikely action that could make it possible to hold the price almost indefinitely and even break it to lower levels. New coins could conceivably be made of a base metal. All present coins could be called in, and holding them made illegal, as was the case with gold in 1933. I am sure that this might solve the problem temporarily.

The PRESIDING OFFICER (Mr. RIBICOFF in the chair). The time of the Senator from Utah has expired.

Mr. INOUE. Mr. President, I ask unanimous consent that the Senator from Utah may proceed for 2 additional minutes.

The PRESIDING OFFICER. Without objection, the Senator from Utah is recognized for 2 additional minutes.

Mr. BENNETT. Mr. President, all present coins could be called in, and holding them could be made illegal, as was the case with gold in 1933.

While this created a temporary advantage for the gold miners, in the 30 years which have passed it has become a millstone around the neck of the gold mining industry.

With its stock of silver, the Treasury could then force the price even lower for a period of time to bring out all hoarded coins. This could add approximately \$1.5 billion worth of silver to present Treasury stocks. If the coins were all turned back to the Treasury and melted, the Treasury would then have about 3 billion ounces. If we did not use any silver for coinage, annual world consumption would drop to about half what it now is, and the world deficit could be covered by Treasury silver for many years, instead of 1 or 2.

So we see that the contest between the producers and the users of silver still continues. The producers are trying to find a way to keep some silver in our coinage system and, at the same time, allow the world price to break through the present artificial Treasury ceiling. The users, on the other hand, are trying to eliminate all silver from our coinage in the hope that the Treasury could then be persuaded to use its enormous supply to break the market and provide them with all the silver they desire at a reduced price.

FINAL SOLUTION SHOULD BE REASONABLE

The final solution will probably lie somewhere between these two positions. Eventually, controlled and planned reduction of the silver content in our coins is the only possible solution to the dilemma. It is desirable, however, to keep some silver in the coins. We have always had silver in our coinage; and although the value of the coins is not dependent on their silver content, silver has had a stabilizing effect and has given confidence in our money. This has been particularly true since gold coins were withdrawn from circulation in 1933. The fact that our coins have always had a reasonable intrinsic value and that it has been possible to redeem paper money for silver has allayed justifiable fears of a system which had nothing in it but printing press money.

If possible, we should also make sure that enough silver is kept in the coins so that the electrical conductivity qualities needed to make them usable in today's coin-operated machines and dispensers will be preserved. But, at the same time, it is important that the silver content be reduced to such a level that no expected increase in silver prices in the foreseeable future would make the silver content in the new coins equal to or greater than their authorized monetary value. If the Treasury can find the right breaking point, it could get out of the silver business and allow supply and demand to operate on prices and bring them to a reasonable level.

SILVER LEGISLATION MUST HAVE PRIORITY NEXT YEAR

I am sure that the Treasury is now thoroughly aware of the problem and is committed to proposing a solution to Congress. A quiet study has been going on behind the scenes for nearly 1½ years, and I hope that specific recommendations will be made to Congress when it meets next year.

Certainly, for the protection of both producers and consumers and to preserve confidence in our coinage system, silver legislation should be at the top of the "must" list and should get priority attention early in the next Congress.

Mr. LAUSCHE. Mr. President, will the Senator from Utah yield?

Mr. BENNETT. I yield.

Mr. LAUSCHE. How would we support the coins which are made up of a base material other than silver?

Mr. BENNETT. They would have no backing. The base material would be token.

Mr. LAUSCHE. We would not have any Federal notes to support anything of that nature.

Mr. BENNETT. The coins would be only token with slight, if any, intrinsic value and no precious metal backing unless legislation was passed to that effect.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. INOUE. Mr. President, in suggesting the absence of a quorum, I ask unanimous consent that the time be charged equally to the proponents and to the opponents on the subject matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. INOUE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUE. Mr. President, I yield 10 minutes to the distinguished Senator from Wisconsin [Mr. PROXMIRE].

Mr. PROXMIRE. Mr. President, yesterday, the distinguished Senator from Illinois [Mr. DOUGLAS]—who has done such a magnificent job in this fight and I believe has won a signal victory in the Congress for constitutional rights and for preserving the dignity and independence of the Supreme Court—summarized well and concisely the arguments from our standpoint in the fight on the Dirksen proposal.

The Senator from Illinois stated that this Mansfield amendment is not a law. It is a "sense" resolution. He said it was the sense of Congress there could be a delay—and I shall come to that point in a moment—limited to a shorter period, a 6 months' total limitation. He said that it applied only to the district courts, and not to the Supreme Court; that no constitutional amendment is implied. It would not be the sense of Congress that there be delays pending a constitutional amendment or after the passage of a constitutional amendment by the House and Senate, and the congressional resolution would emphatically endorse and affirm court action when a legislature lags.

What I should like to add to that excellent summary by our leader on this subject is the very fortunate language used in the amendment.

It provides that in any district court, any order could properly allow the legislature of such State the length of time provided for a regular session on apportionment, or 6 months, whichever is less, to permit the next election of members of State legislatures following the effective date of this act to be conducted in accordance with the laws of such State.

I wish to stress the fact that the language is not "shall delay." It is not "should delay." It is not "may delay." It uses a word of art which is about as gentle, about as modest, and, I believe, about as reluctant a word as one could find. It states, "could properly." It does not state that the courts cannot require apportionment before the legislative session or before the 6 months is up. It states that it is the sense of Congress that the district courts could properly permit a 6-month period, or a lesser period, while the legislature is in session, to apportion representation.

This is a very important distinction, it seems to me. When it is contrasted

with the second paragraph of the amendment, the force of the Mansfield proposal can be particularly understood. In the second paragraph it provides that in the event the legislatures do not apportion during their legislative session, or during the 6-month period, the district court shall apportion. It does not state, "could properly." It does not state "may." It does not state "should." It states "shall apportion." It comes down strongly on the side of apportionment. On what basis? It states that they shall apportion "insofar as is possible consistent with the requirements of the Constitution of the United States."

I affirm that this is a real victory for those who support the Supreme Court of the United States, for those who believe very deeply in the principle of one man, one vote, and for those who feel that this is an ancient, cherished democratic principle. I believe that this is a real victory for us.

We have had a long debate on this matter—not as long, perhaps, as many other debates which have not been called filibusters, but a substantial debate. A legal argument concerning the measure has been brilliantly made by the distinguished junior Senator from Montana [Mr. METCALF]. The constitutional case has been very well made by the senior Senator from Oregon [Mr. MORSE]. It has been made in the newspapers by the dean of the Yale Law School, Mr. Rostow. It has been made in depth. It has been demonstrated that the Constitution made it very clear that the Supreme Court has this authority and this power of judicial review.

What has the opposition had to say in answer to that? There has not been a word said. Not a constitutional expert was summoned to reply to that demonstration. The only thing the opposition did was to refer to the dissent by Justice Harlan. The dissent by Justice Harlan deserves some examination. One of the points that he made was a statement that the States should have the same authority, the same power to establish a house based on some other basis than population, as the Federal Government had in the establishment of the U.S. Senate.

We showed in a recent speech going back and examining all of the debate involved in the Constitutional Convention that our Founding Fathers saw no analogy. They were not interested in a blending of population and area. There were only two reasons why they accepted a compromise with one house on population, one on area. They had a pistol pointed at their heads. It was the only way they could get a Union. They recognized that the States have a sovereignty, an independence, and an identity that should be equally represented in one of the houses. There is not a word by Madison, Jefferson, Hamilton, Jay, Wilson, or any of our Founding Fathers to the effect that the State legislatures should be constituted on any other representative basis than population. There were many statements and many firm expressions that they should be based on one man, one vote

as a basic, fundamental, vital democratic principle.

Where is the answer to the argument that we have made? From the supporters of the Dirksen amendment there has not been a single historical reference to our constitutional fathers nor have they referred to any other experts at the time of the founding of the Republic. They have not shown that any of our philosophical leaders, constitutional leaders, or great statesmen believed in any other philosophical principle than representation by population.

The distinguished senior Senator from Michigan [Mr. McNAMARA] has made what I thought was one of the very finest and most practical speeches on this issue. He showed what has happened in the State of Michigan year after year because of a divided legislature with one branch of the legislature based on area rather than population. He showed that on one specific and vital measure after another, the Governor was for it, the lower house was for it, and the State senators, representing a big majority of the Michigan population were for it. But, because those State senators represented a minority of the State senate by reason of the malapportionment, those measures were blocked.

It is not just a matter of theory. It is not just a matter of fine, philosophical judgment. This is a very practical matter. The States have been paralyzed and still are paralyzed because of malapportionment.

In the 7 years that I have been in the Senate, I have not heard any Senator make a more devastating case than the senior Senator from Illinois [Mr. DOUGLAS] has made in showing the actual population inequities in State after State, documenting it by chapter and verse. He has shown almost incredibly unjust situation that existed in Illinois, California, New Hampshire, and many other States throughout the country. He showed not only that some people have 10 times the representation in their legislatures that other people have, but he also showed that in some instances some people have 1,000 times the representation that other people have in their State legislatures. Who can possibly defend that representation? It is unfair representation. It clashes with the basic, philosophical doctrine of democracy in which our Founding Fathers so fervently believed.

There has not been any answer to that showing. No one has said it is not true. There has not been any answer to that fundamental argument. One of the most recent speeches on this subject was delivered by the distinguished senior Senator from West Virginia [Mr. RANDOLPH]. He gave an excellent talk in which he said that the practical effect in the areas of housing, urban renewal, education, and air pollution, and in many other areas involved in his own committee work, was that States were unable to act or could act only with great reluctance and hesitation because of malapportionment.

That is not merely a theory. That is a fact. That argument has not been an-

swered or met in any way by the opposition.

Where is the practical justification for the Dirksen amendment? The only specific State in which it was said a remedy was required was Oklahoma.

On next Tuesday, Oklahoma will have an election. No one can pretend that passage of the Dirksen amendment would eliminate the need for this election, or serve any other purpose in Oklahoma. That election will be held subject to an order of the court. It will be held so that the people of Oklahoma can have the kind of constitutional protection of rights under which every citizen has equal representation in the State legislature.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROXMIRE. Mr. President, may I have an additional 2 minutes?

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for an additional 2 minutes.

Mr. PROXMIRE. Mr. President, the distinguished Senator from Ohio made his usually impassioned, eloquent, and persuasive speech on this issue this morning. In the course of his speech, he made the argument that with population apportionment labor would be dominant. He made the argument that the big machines of the city would dominate if this proposal were to be approved.

Mr. President, nothing could be further from the fact. The fact is that in many great cities in this country, the central city has actually declined in population. This is one of the great recent phenomena. In the 1960 census, many cities did not gain in population. They declined. This was true in city after city. The areas in the Nation that universally showed a gain in population were the suburban areas. The people who live in the suburban areas do not vote Democratic. They are usually well educated. They are well to do. They pay larger taxes. They deserve equal representation—not more than equal representation, but equal representation.

By permitting malapportionment as the population moves, we deny to the most progressive communities—and, frankly, communities in which the people pay heavier taxes—the right to have equal representation in their State legislatures.

Mr. President, from every standpoint, the Dirksen amendment should not pass. It must not pass. I serve notice—and I know that some other Senators feel the same way—that if the Mansfield amendment is not adopted today, we have no choice except to stay on the floor as long as we can—and that will be a long time—opposing the Dirksen amendment.

Mr. CLARK. Mr. President, will the Senator yield 5 minutes to me?

Mr. INOUE. Mr. President, I yield 5 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 5 minutes.

Mr. CLARK. Mr. President, I shall reluctantly support the Mansfield substitute amendment to the Dirksen amendment to the foreign aid bill. My reluctance is due to my strong feeling

that a nongermane amendment should never be permitted to an important bill such as the foreign aid authorization bill, and that as a matter of principle Senators should indicate by their votes their determination that the really vicious practice of attaching nongermane amendments should no longer be permitted.

Yesterday I offered as a part of a comprehensive revision of the Senate rules a change which would bring our practice into line with that of other, somewhat more enlightened legislative bodies, by prohibiting nongermane amendments.

Moreover, I am reluctant to have the whole question of the congressional attitude toward reapportionment and the recent decisions of the Supreme Court handled in so cursory way as by an amendment to a bill dealing with a totally different and yet very important subject, namely, foreign aid.

It has been reiterated over and over, but it bears repetition, that the Dirksen amendment—and, of course, the Mansfield substitute—were subject to no adequate hearings in committee. It is being tacked on to a bill to which it has no pertinence.

Mr. President, that is not the way to legislate. Quite frankly, I believe we should be ashamed of ourselves for permitting the Senate to legislate in that wholly improper way. Nevertheless, the Mansfield amendment would remove practically all of the objectionable features from both the original Dirksen amendment and the substitute Mansfield-Dirksen amendment. The Mansfield amendment would do nothing to indicate any opposition to the point of view of those of us who support the Supreme Court in its decisions and who believe in the rule of one man one vote in both houses of State legislatures.

It is obvious that the Senate—because to my way of thinking it has quite inadequate rules and procedures—finds itself in a box—in a dilemma, if Senators prefer a more stylish word. More than a majority, but less than two-thirds, want to vote in favor of the Dirksen amendment. The other day, by a vote of 42 to 40, the Senate rejected the first compromise. Now we have another opportunity to get out of this dilemma and to go home, where we all belong, in order to touch base with our constituents and to support the candidates of our respective political parties in the important presidential election which confronts us on November 3.

Therefore, with reluctance, feeling that it would do no real harm to the cause of adequate reapportionment of State legislatures, and believing that the pragmatic requirement that we should close up the Senate session and go home should take precedence over any theoretical objections of the nature I have stated earlier, I shall vote for the Mansfield amendment.

Mr. President, I yield back the remainder of my time.

Mr. INOUE. Mr. President, I yield 5 minutes to the Senator from Montana.

Mr. METCALF. Mr. President, I thank the acting majority leader.

The PRESIDING OFFICER. The Senator from Montana is recognized for 5 minutes.

Mr. METCALF. Mr. President, I compliment my senior colleague for bringing in the proposed compromise. I opposed the so-called Dirksen amendment as it was originally offered because it was directed to any court in any action in any proceeding.

I call attention to the fact that the Mansfield amendment is not directed to any court in any action. It is directed only to actions in the district courts. There is clearly constitutional power in the Congress of the United States to withhold powers from the so-called constitutionally designated inferior courts; and Congress could even enact a law which would provide that the district courts would not have authority to entertain jurisdiction in the area to which we are referring.

The original Dirksen amendment provided that no court would have authority to entertain a right for an individual action to enforce a constitutional privilege. I prepared a proposed section to add, in the event the original Dirksen amendment was adopted, to any bill in which the constitutionality of the measure was doubtful, which would state that:

No court of the United States shall have jurisdiction to hear or determine any question concerning the validity of any provision of this act under the Constitution of the United States or enter or enforce any judgment, decree, or order, or restrain, impede, or impair the execution, administration, or enforcement of any provision of this act upon the grounds of its constitutional invalidity.

That language demonstrates that if we had embarked upon the adoption of the Dirksen amendment, it would have been the end of constitutional government in the United States. It would have been the end of the separability of powers. But in the amendment before the Senate we would, first, only direct our attention to the district courts. Second, we would say that it is the sense of the Congress. As the Senator from New York [Mr. JAVITS] said, one coordinate branch of the Government is directing to another coordinate branch an idea that it is our opinion that it should proceed cautiously and slowly. It would be an admonition from one equal to another. There would be no rebuke to the Supreme Court. We would not even be talking to the Supreme Court. We would only be saying to the district courts of the United States that they should carry out the provisions that their own appellate courts have provided. We would only be admonishing the district courts that they should carry out the admonition that has been handed down by the U.S. Supreme Court.

I differ with some of my friends. I feel that after hearings I shall vote for a constitutional amendment. I feel that we have a right in the United States to apportion our legislatures on other than a population basis if we choose to do so. We might apportion on any economic basis, on the basis of rural areas, or on some other basis.

During the course of the debate I have examined the minutes of the Constitu-

tional Convention, Madison's reports, and I reread the Federalist Papers for the first time in a number of years. I enjoyed reading those ancient documents. I believe it was almost unanimous among our Founding Fathers that they intended that the one man, one vote idea be a part of our State legislatures and our State legislative bodies.

I am convinced, from reading the Federalist Papers and the minutes of the Constitutional Convention, that when it was said we would have a republican form of government, it meant apportionment on the basis of population. The only way we can alter that original opinion of the Founding Fathers is to adopt a constitutional amendment, such as that proposed by the Senator from New York. That is an entirely different question from what we are confronted with when an attack is being made by the original Dirksen amendment, which provides that no court shall have jurisdiction to enforce a constitutional right. I see nothing that attacks the Supreme Court in the present proposal.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. METCALF. May I have 3 minutes?

Mr. MANSFIELD. I yield 5 minutes to the Senator from Montana.

Mr. METCALF. I see nothing that attacks the Supreme Court of the United States. It is not directed to the Supreme Court. It is directed to the district courts. This body has complete authority even to eliminate the district courts of the United States, by an act of law.

The Mansfield amendment, on which we are now approaching a vote, carries out the highest tradition of this body.

We are convinced that we should go more slowly in some apportionment cases. So is the Supreme Court of the United States. In many decisions handed down by it, it has admonished the district courts to go more slowly.

We are convinced that "one man—one vote" is a basic proposition. The Mansfield amendment carries out that program. We are convinced that we should not take away or postpone basic rights of individual citizens that have been sustained by the Supreme Court. The Mansfield amendment protects those rights, and states only that it is the sense of the Congress that certain things should be done.

I urge my colleagues—my colleagues who believe in the Supreme Court decision, my colleagues who believe in constitutional government, my colleagues who believe in the enforcement of individual rights of citizens—to vote for the Mansfield amendment.

Mr. KUCHEL. Mr. President, I should like to ask the acting majority leader to yield to me so I may ask a question.

Mr. INOUE. Mr. President, before suggesting the absence of a quorum, I ask unanimous consent that the time be equally charged.

Mr. FULBRIGHT. Mr. President, will the Senator withhold that suggestion?

Mr. INOUE. I withhold it.

FIRST ANNIVERSARY OF SENATE VOTE ON LIMITED NUCLEAR TEST BAN TREATY

Mr. FULBRIGHT. Mr. President, it is deeply gratifying to me to be able to mark this first anniversary of the Senate's approval of the nuclear test ban treaty by reaffirming my conviction that it was a wise and highly significant step.

That approval—by a bipartisan vote of 80 to 19—was the culmination of an exhaustive examination of the meaning, effects, and possible ramifications of the treaty—first by the Committee on Foreign Relations, joined by members of the Committee on Armed Services and the Joint Committee on Atomic Energy, and then by this body as a whole. It followed a careful weighing by each of us of the possible risks and advantages involved, and a thorough consideration of the potential effects of the treaty on our national security and on international affairs.

In opening the debate on the Senate floor last year, I said that the treaty might well prove to be a turning point in history. It symbolized a change in direction. It demonstrated that the two great nuclear powers shared an overriding common interest in the imposition of limitations on nuclear weapons and in reducing the pace of their proliferation.

For these and other reasons, I pointed out that the treaty made sense under world conditions as they then existed.

It makes at least as much sense today. Although it is still too soon to render a definitive judgment, there is ever increasing evidence of significant changes in the character of East-West relations and of the emergence of attitudes more conducive to meeting the overriding challenge of our time—to reduce the risk of nuclear war. While our progress in meeting this challenge has been slow, I am convinced that the test ban treaty has contributed, and will continue to contribute, to facilitating such progress.

And our judgment that the risks involved could be adequately guarded against has been confirmed. I was particularly gratified by the recent report by Senator STENNIS on the results of his subcommittee's continuing scrutiny of the safeguards adopted in conjunction with our ratification of the treaty. It is apparent to me that our relative position in the nuclear field has by no means suffered in the past year, and that our means of protecting ourselves against the risks of violation of the treaty are even more effective than they were a year ago.

Thus I welcome this occasion as an opportunity to express again my conviction that the test ban treaty, though a rather modest step in the quest for peace, was an extremely significant one; and that the wisdom of having ratified it is even more apparent today than it was last September 24.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend fur-

ther the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. KUCHEL. Mr. President, I ask the acting majority leader to yield me 3 minutes.

Mr. INOUE. I yield 3 minutes to the Senator from California.

Mr. KUCHEL. Mr. President, yesterday, at the conclusion of the comments made by my able friend from Illinois, indicating the intention or the goal sought to be achieved by the Mansfield sense of Congress substitute, I asked a couple of questions with respect to the specific intention of that substitute. I repeat my question today with a bit more precision, to ask the author of the resolution to confirm, if he will, my understanding of the intention involved in the resolution now pending. I should like to clarify the intent of subsections (1) and (2).

Am I correct, in my understanding that the purposes of the two subsections, taken together, are, first, to give the State legislatures a period of time, not exceeding 6 months, in which to act on reapportionment, despite the pendency of the court action; and second, meanwhile, to permit members of State legislatures to be elected in 1964, to be elected in accordance with State laws in effect on September 20, 1964?

To put the question another way, in view of the maximum of 6 months allowed for State legislative action, I take it the words in subsection (2) "the next election of members of the State legislature following the effective date of this act" mean November 3, 1964, not November 1965, or November 1966, or November 1967 or 1968, or November 1970.

I ask my friend if I am correct in my understanding that that is the intention of the sense of Congress amendment now pending, which he has authored.

Mr. MANSFIELD. Mr. President, in view of the questions asked by the distinguished acting minority leader, my answer is that his interpretation is correct. The intention is to provide for November 1964. It is clearly indicated by providing in (1) a maximum period of 6 months in which the legislatures may act. The whole purpose of the amendment is to encourage and permit State legislatures to act expeditiously to bring their own representation into line with constitutional requirements.

Mr. KUCHEL. I thank the Senator for confirming my understanding of the intention of his amendment. I shall support the sense-of-Congress resolution he has introduced. In my judgment, my able friend from Montana and other Senators on both sides of the aisle have achieved a fine and constructive alternative to the recommendations others have made to shear away part of the jurisdiction of the U.S. Supreme Court in an unconstitutional manner.

Mr. METCALF. Mr. President, will the majority leader yield me 1 minute?

Mr. MANSFIELD. I yield 1 minute to my colleague.

Mr. METCALF. I call to the attention of the acting minority leader the fact that this proposal is directed to the district courts.

Mr. KUCHEL. Exactly.

Mr. METCALF. Other actions that have gone beyond the district court, and are pending in the circuit court or Supreme Court, are not affected by the proposed legislation.

Mr. KUCHEL. In other words, the Congress of the United States—assuming the Mansfield substitute is adopted—makes no comment with respect to the sense of this body on any lawsuits that may be pending before the circuit courts or the U.S. Supreme Court.

Mr. METCALF. That is correct. It makes no comment on actions in either the circuit courts or the Supreme Court.

Mr. KUCHEL. I thank my friend for making that abundantly clear, and I thank the Senator for yielding to me.

Mr. HART. Mr. President, will the Senator yield me 1 minute for the purpose of asking a question?

Mr. MANSFIELD. I yield 1 minute to the Senator from Michigan.

Mr. HART. I was on the telephone and entered the Chamber at the conclusion of the colloquy between the distinguished majority leader and the distinguished majority whip. The question has been asked me—and apparently it goes to the point our distinguished leader was answering in response to a question by the Senator from California, and I shall ask it in this form—with respect to subsection (1) under (a) in the proposed resolution. Does the date against which the 6-month maximum is measured begin to run from the date of enactment of this bill for all States, or is there any accommodation that would require that the 6-month time period would run only after a State's regular session began?

Mr. MANSFIELD. It is my belief that under the resolution now before us the writ would begin to run on the day the Court laid down its order.

Mr. HART. I thank the Senator.

Mr. JAVITS. Mr. President, will the Senator yield me 1 minute so that I may ask him a question?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Is there any magic in the September 20, 1964, date? Should not the RECORD show why that date was chosen? Apparently that is the date fixed in the resolution for the effective date of State laws. Does it refer to a particular date with respect to a State law?

Mr. MANSFIELD. It could have been the date of the enactment of the act, but the intention is to give some finality.

Mr. JAVITS. It has no relationship to a particular State or State law.

Mr. MANSFIELD. No. In one respect that was unfortunate.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. AIKEN. I would like to have a clarification of one provision. The amendment authorizes the court to act "in the absence of unusual circumstances." What would be considered unusual circumstances?

Mr. MANSFIELD. I could give no specific answer to that question at this time. I doubt whether any Senator could do so. However, it is my understanding that this is a phrase which is usually considered in a legal matter to

allow for something unforeseen in the proposal under consideration—something that is unusual.

Mr. AIKEN. In the event that the courts have already issued an order to a State to reapportion, and have set a date by which time reapportionment must be accomplished, would that fact, in the mind of the Senator, constitute an unusual circumstance?

Mr. MANSFIELD. Yes; I would say it would.

Mr. AIKEN. Then, in the event that a State—and I am thinking particularly of Vermont, Connecticut, and New York—has already been subjected to unusual circumstances, the district court having jurisdiction would not be authorized to reapportion the legislature under the wording of the amendment. Is that correct?

Mr. MANSFIELD. I should say that the answer to the question raised by the distinguished senior Senator from Vermont is that it would lie within the discretion of the court, and that the court itself would have to make that decision.

Mr. AIKEN. But the amendment only authorizes the court to reapportion in States where there are no unusual circumstances.

Mr. MANSFIELD. But it allows for unusual circumstances at the same time. The language "in the absence of unusual circumstances" works both ways. The courts have wide-ranging discretion in this matter as to what their interpretation should be.

Mr. AIKEN. Does the Senator mean that if the court undertook to redistrict, and if the legislature had failed to reapportion, the court must make that undertaking under other legislation than the pending amendment? The amendment, as I read it, virtually fails to indicate that the district court should reapportion if there are unusual circumstances, such as being already under an order of the court.

Mr. MANSFIELD. Except that it would be a matter that the district court itself would have to determine.

Mr. AIKEN. I am not sure that it does not provide that the district court is not authorized, except in the absence of unusual circumstances, to redistrict a legislature.

Mr. MANSFIELD. It would be the hope, if this "sense" resolution is agreed to, that the court would take into consideration the position of the State legislatures, and that the State legislatures would do likewise.

Mr. AIKEN. Would it be the sense of Congress that States which are already under an order of the Court would be entitled to the same privilege that is allowed to other States? I realize that the resolution merely expresses the sense of Congress and that its terms are not binding legislation. Is it intended to recommend the regular time, plus 30 days, but not to exceed 6 months in all? Our legislature, which will be elected under the laws existing on September 20, 1964, would normally meet in the first week in January. It has been directed to reapportion and to do nothing else, and to be all through by March 31. Normally the legislature

would be in session—we have no time limit, of course—until somewhere around the last of June or the first of July, or approximately for 6 months from the time that it convenes. Would the Senator from Montana feel that the resolution would express the sense of Congress that the State of Vermont should be allowed 6 months in all, after convening, in spite of the fact that the Court has ordered it to reapportion in 3 months from January 1.

Mr. MANSFIELD. My answer would be that that matter would be within the discretion of the Court. If the Court so decided, it would be possible.

Mr. AIKEN. But it would be the sense of Congress, would it not, that that be done?

Mr. MANSFIELD. It would be my interpretation, from what the distinguished Senator has said, that it would be possible, but it would be a matter which would be within the discretion of the Court.

There is nothing in the amendment which is binding in any way; it merely expresses the sense of Congress.

Mr. AIKEN. It is rather incongruous that States which are in the bind in which States like Vermont, Connecticut, and New York find themselves, should be required to reapportion within 3 months, while States like Delaware and Rhode Island, where there are no court cases, but which, according to what I have heard in the Senate, are the most malapportioned of any of the States, would have 6 months' time allowed after convening.

Mr. MANSFIELD. It is my belief that if the courts so decide, it is within their discretionary authority to do what the Senator from Vermont has said.

Mr. AIKEN. Would the Senator say that we are extending the same "sense of Congress" expression to judges who are considering cases in certain States as we do with respect to other States?

Mr. METCALF. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. METCALF. As I read the amendment, it is the sense of Congress that the Court could properly suspend any order on reapportionment until the legislatures are allowed to meet, or permit another election to be held under the laws in effect on September 20, 1964. In order to give greater latitude and greater discretion to the Court, we put in the provision about unusual circumstances.

It is difficult for us, on the floor of the Senate, without a knowledge of all the record before the court, to understand the circumstances of each case.

Mr. AIKEN. But does the Senator agree that the same "sense of the Congress" would extend to States which are already caught in a bind, as well as to the State of Rhode Island?

Mr. METCALF. I would agree to that. I believe that is the intention, as I read the amendment. The intention is to say to any district court that has jurisdiction: "We would like you to have the authority to provide a 6 months' opportunity to reapportion."

Mr. AIKEN. As I recall, early in the

discussion I suggested on the floor of the Senate that the State of Vermont should have until the first of July, which would be 6 months from the time the legislature convenes.

Mr. METCALF. I would not want my comments to apply to a specific case, because I do not know what unusual circumstances might exist. The court would certainly have discretion to ascertain and determine them. But I agree with the Senator from Vermont that the amendment states that it is the sense of Congress that the States could properly be given this opportunity. That is provided in subsections (1) and (2).

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. AIKEN. I yield.

Mr. MAGNUSON. In the State of Washington a three-judge court decided approximately 60 days ago that the State legislature was to meet and reapportion the State; otherwise the candidates running for the legislature would run on what the court called a weighted-vote basis. The legislature has not met, but the decision of the court stands.

What would this amendment do, first, about a court decision, in view of the language of the amendment?

The effective date of this act to be conducted in accordance with the laws of such State in effect on September 20, 1964.

The State law stands as it is; but the Court has made a decision. If someone wanted to seek a change in the Court decision under this amendment in the nature of a substitute, would he have to ask the Court to change its decision? What would be the practical legal situation?

Mr. METCALF. The only way in which one can get into court is to file a complaint. The Senator from Vermont has named some States that are allegedly more malapportioned than his own State. The only reason why there has been no action is that no one has filed a complaint with the court. However, if I were handling the case, I would certainly go into court on the basis of this amendment and ask for additional time.

Mr. MANSFIELD. Mr. President, may I ask from which side time is being yielded?

Mr. MAGNUSON. Mr. President, I ask that I be yielded 2 minutes.

Mr. DIRKSEN. I yield 2 minutes to the Senator from Washington.

Mr. MAGNUSON. If the legislature met and changed the apportionment according to the direction of the court, that would be different.

What bothers us in the State of Washington is that a three-judge court has handed down its decision. The decision made the reapportionment legal under color of law at the time it was made. How can it be changed? Obviously, one could go back to the court and ask it to review its decision. But if no one wanted to do that, I suppose the decision of the court would stand, would it not?

Mr. METCALF. The court decision would stand if no one sought a review.

The reason for including the phrase "in the absence of unusual circumstances" is to allow the court to do it. One of the unusual circumstances would be such a decision as that which has al-

ready been made by a three-judge court in the State of Washington.

Mr. MAGNUSON. But it might also say that there are reasons to justify deferring the effectiveness of its decision until the next meeting of the legislature.

Mr. METCALF. It might permit the members of the next legislature to be continued under the laws in effect.

Mr. MAGNUSON. They have already filed and have been nominated. This situation poses a practical political problem in any State where the Court has made a decision.

Mr. METCALF. That is why this language has been included. It would permit absolute discretion on the part of a court to ascertain exactly what the circumstances are under the facts that have been submitted.

Mr. MAGNUSON. I thank the Senator from Montana. Several persons have called me in the past 2 or 3 days and asked for a clarification. My own view is that the Supreme Court decision should stand in every State, and that each State should reapportion in the way the Court and the Constitution say it should be reapportioned. But I understand that some other practical problems may be involved.

Mr. MANSFIELD. Mr. President, I yield myself half a minute.

I move to modify the pending amendment in the nature of a substitute by striking out, on page 1, line 8, and on page 2, line 1, the phrase "including those," and inserting in lieu thereof "or in the presence of circumstances."

The PRESIDING OFFICER (Mr. RIBICOFF in the chair). The request will require unanimous consent.

Mr. MANSFIELD. I ask unanimous consent to so modify the amendment in the nature of a substitute.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MONRONEY. Mr. President, on page 2, lines 9 through 12, the language reads:

(2) Permit the next election of members of the State legislature following the effective date of this act to be conducted in accordance with the laws of such State in effect on September 20, 1964.

Does that mean that legislators who are nominated, whichever group might be nominated in my State, would be running under the laws in effect in November, at the time of the general election or under the laws in effect on September 20, 1964? Or does it apply to the next legislature, that normally would run for election in 1966? Is this language designed to take care of cases like those which exist in Virginia and Kentucky only, where the elections will be in 1965?

Mr. METCALF. I should think that this language would apply only to the immediate next election.

Mr. MONRONEY. Which would be in November of this year?

Mr. METCALF. In November of this year.

Mr. MONRONEY. The distinguished Senator from Montana is an eminent

lawyer and has worked hard on this subject, trying to bring some degree of logic to it. I should like to have his views concerning the situation in my State of Oklahoma, which has been directed by a three-judge Federal court to cancel the primary elections that had been held as directed by the Supreme Court of the United States.

The court finally got around to redistricting the State of its own volition, and directed that the election in the new districts be held. The Governor called an election to be held on September 29—this month.

Which law applies in the State of Oklahoma? The decision of the three-judge court is on appeal to the Supreme Court, so it is not final. It seems to me that until the Supreme Court makes final, one way or the other, the appealed judgment of the three-judge Federal court, the State law, in the eyes of Congress at least, should normally apply. Of course, in the eyes of the electorate, we are going ahead and are having the court-ordered election without the finality of the appeal. The candidates who will be nominated in the new primary on September 29, which replaces the two primaries that have already been held, will, I presume, go into the November election as the nominees of the parties in those districts.

What I am trying to find out is the meaning of the date, September 20, 1964, and what laws are in effect.

Mr. METCALF. In the first place, this is a "sense of Congress" resolution.

Mr. MONRONEY. I realize that.

Mr. METCALF. In the second place, we are saying to the district courts that we hope they will use the same judicial restraint which the Supreme Court of the United States has used. The decision of the three-judge district court has to be final, whether the resolution passes, or the Dirksen resolution passes, or any other resolution passes. I would hope that if the resolution should pass, the district courts in the various States would heed the admonition to exercise the same judicial restraint which the U.S. Supreme Court has asked.

I cannot answer the question of the Senator from Oklahoma because it may be that even before we get to the Supreme Court and have the decision rendered, the election will be held and the question will be moot.

Mr. MONRONEY. That is what I am afraid of. The September 20, 1964, dateline is what makes it moot.

Mr. METCALF. The September 20, 1964, dateline, in my opinion, would not alter the situation in Oklahoma. That was a line written in when the amendment was drawn up. As my colleague, the Senator from Montana [Mr. MANSFIELD], said, it might well have been the effective date of the amendment, but we tried to put in some specific date.

Mr. MONRONEY. I do not object to the date. I am fearful that the date will result in the application of the laws of the State as changed by a decision of the three-judge Federal court, now on appeal to the Supreme Court. The amendment

should express the sense of Congress that Oklahoma would be entitled to be included with the other 49 sister States as having some rights, to be dealt with in the same degree of equity which the other States have enjoyed. This is a crazy-quilt pattern because there is no uniformity on when the Supreme Court's decision of June 15 becomes final with respect to all States.

Mr. METCALF. Let me give the Senator from Oklahoma—so far as I can give it—the same answer I gave the Senator from Vermont.

We say it is the sense of Congress in any action in the district court that any order could properly be set aside to allow the legislature to meet, or to permit the next election immediately following the act under the laws of the State. We could take judicial notice of the laws of Oklahoma—permitting discretion by the district courts. But the sense of Congress is that we would hope, unless there are unusual circumstances, that the three-judge district court would carry out the laws of the State at the next November 3 election and give the legislature up to 6 months in which to reapportion.

Mr. MONRONEY. From what the Senator says, the laws of the State actually are the laws of the State.

Mr. METCALF. The Senator is correct.

Mr. MONRONEY. Not those which have been amended by the three-judge Federal court.

Mr. METCALF. This is not a declaration that they are unconstitutional. This would be applied to the laws of the State of Oklahoma as enacted by its legislature and in existence on September 20, 1964.

Mr. MONRONEY. Even though the Federal court action had been taken and is now on appeal.

Mr. METCALF. The Senator is correct.

Mr. MONRONEY. I thank the distinguished Senator from Montana for his efforts to help shed some light on this problem.

Mr. METCALF. I am sorry that I could not have been more helpful.

Mr. MONRONEY. The Senator from Montana has been most helpful.

Mr. METCALF. Mr. President, I yield 3 minutes to the Senator from Michigan [Mr. HART].

The PRESIDING OFFICER. The Senator from Michigan is recognized for 3 minutes.

Mr. HART. Mr. President, I join in the expressions already voiced in thanking the majority leader for the role he has played in bringing us to this point.

I have every hope that the Senate will adopt the new Mansfield amendment.

I support the amendment, but I do not throw my hat in the air in wild enthusiasm.

I wish very much that even this short step in the direction of seeming to attempt to influence any Federal court need not be taken; that it be made clear, however, under all the circumstances reflected in the Record of the debates so far, that the course of prudence and

responsibility supports those who express the hope that the Senate will adopt the amendment.

As the able senior Senator from Illinois [Mr. DOUGLAS] has pointed out, this is an expression of our attitude. It is not a direction by way of enactment of a law. It does not direct even this expression of attitude toward the Supreme Court of the United States. In these senses, then, it avoids the confrontation which could cause a critical constitutional crisis for this country.

It should not be cited as precedent for congressional review of Supreme Court decisions, and certainly not as precedent for a new shortcut method to amend the Constitution or suspend constitutional rights.

In closing, I again make the point which, in the few times I have debated, has been my principal concern: As citizens of a republic, let us understand clearly the implications which are involved, should we at any time take any action which would suspend and therefore deny a constitutional right to a citizen of this country, except as we would amend the Constitution in the form provided.

This, at root, has been the basic concern of all of us. I hope that such concern is shared even by some of those who believe the one man, one vote principle is bad law. Worse than any bad law, it would be a course of action by the Senate which would have the effect some day—tragically—of leaving our Constitution worth precisely the paper it cost to print it, and nothing more. That is a lesson of history we had all better understand, the amendment as proposed would have no effect on the operation of the apportionment procedures in Michigan.

As an expression of confidence, I thank the Senator from Illinois [Mr. DOUGLAS], and all other Senators who joined in bringing us to this moment.

In closing, Mr. President, some days ago I called to the attention of the Senate some communications that I have received from people and groups across the country in opposition to the Dirksen-Mansfield rider. We now are offered a vastly different approach in the sense of Congress resolution which is pending. Yet the RECORD should contain the thoughtful expressions which continue to cross my desk on the basic issue raised. The basic issue may be raised again, in connection with this or some other constitutional right. It would be well to record the cautions voiced in these communications.

Mr. President, I ask unanimous consent that the above-mentioned communications be printed at this point in the RECORD, together with an explanation of each.

There being no objection, the correspondence communications and explanations were ordered to be printed in the RECORD.

Mr. HART. Prof. Malcolm E. Jewell, of the Department of Political Science at the University of Kentucky, is a recognized authority on State government and reapportionment. He has been involved in the successful reappor-

tionment efforts in Kentucky. Following is a statement in opposition to any legislation which would delay enforcement of the Supreme Court's reapportionment decision:

NO NEED FOR DELAY

Perhaps the strongest, as well as the simplest, argument against legislation to delay enforcement of the Supreme Court's reapportionment decision is that it is unnecessary. There is no crisis in the States concerning reapportionment. Ever since the *Baker v. Carr* decision, the Federal courts have moved cautiously and moderately. A review of the Federal court decisions and of the views advanced by judges during hearings on reapportionment would show that the Federal judges have approached this issue with restraint and have given State legislatures every reasonable opportunity to reapportion themselves. The standard pattern, repeatedly followed by the courts, has been to give the legislature time to reapportion before the courts have acted. The courts have then reviewed the legislative product. Sometimes they have approved, sometimes they have given tentative approval pending a better apportionment law by the next legislature. Rarely the courts have been forced to put into effect, as in Alabama, a judicially designated apportionment.

The reaction of legislatures in many States, however, has been to seek the minimum amount of change that might satisfy the courts or to make improvements in one house but make the apportionment even less equitable in the other. In many States there has not been an honest effort to comply with judicial requirements. In those States where the legislature has now been given only months instead of years to reapportion, it is largely the fault of legislators who gambled on winning court approval for apportionments that were little better than those of the past. There is no need for delay, beyond the delays granted—in the past and at the present—by the courts. Rather there is a need to settle the apportionment problem, to accept and apply the principle of equality in both legislative houses, and to put an end to footdragging.

There is no evidence that the American public is disturbed by the Court's decisions on apportionment or by the principle of population equality in the legislature. A recent Gallup poll showed a solid majority in favor of basing apportionment in both houses on equality. In fact, there is considerable apathy and ignorance concerning the problem. But leaders of opinion, and the better informed citizens in the metropolitan sections of the country have welcomed the apportionment decisions as long overdue. Editorial opinion has been generally favorable. In those States where the legislature has complied with the judicial decisions, there has been general approval, and no evidence of public dismay. The resistance to the Court's decisions on apportionment comes, instead, from the legislators themselves and from a few of the interests that believe they have more to gain from malapportionment. The legislators' reaction is understandable, and there is no doubt that some political careers will be eclipsed; but the personal interests of a few hundred legislators are hardly as important or worthy of protection as the interests of millions of Americans in an equal voice in government.

THE REAL ISSUE: POLITICAL EQUALITY

The real issue we are debating is not whether the courts should slow down or whether the Congress should interfere with the enforcement of judicial decisions. The sponsors and supporters of this proposal for delay are frank to admit that their objective is to lay the groundwork for measures that would reverse at least some part of the Su-

preme Court's decisions on apportionment. One plan would be to limit the principle of population equality to one house of the legislature, leaving the States free to use any standard for the second house. The more drastic Tuck proposal would strip the Federal courts of authority to protect citizens in their exercise of voting equality in legislative elections. The real issue is whether we will turn back the clock and undo the reforms that have been undertaken.

It has been argued that the practice of basing apportionment in one house is so widely accepted as to be almost a principle of democratic government at the State level. This claim deserves to be examined closely. Controversy over apportionment dates from the earliest history of the States. During the period of Jacksonian democracy most of the States removed property qualifications for voting and as their constitutions were revised they retained or added provisions using population as the primary base of apportionment. The Northwest Ordinance of 1787 had stipulated that the legislature should be apportioned by population in the territory. The principle of population was only partially diluted by provisions assuring each county a minimum of representation, perhaps in one house. In the early 19th century such recognition of local units of government did not cause serious distortions in apportionment by population because the contrasts between densely and sparsely populated counties were small. It was only when the trend toward the cities began that the problem became acute.

In some States, during the latter part of the 19th century, the rural interests hastened to add constitutional provisions that would perpetuate their control despite the surge of population to the cities. In other States the rural interests succeeded in retaining constitutional provisions that had only recently begun to have inequitable results. In some States the rural interests, still holding a legislative majority, simply ignored State constitutional provisions requiring reapportionment. Sometimes, as in Illinois where the deadlock lasted half a century, urban legislators and voters agreed to compromises that minimized the effect of population in one house in order to win compliance with the constitutional provisions for periodic reapportionment of the other house. Whether they were defending, revising, or ignoring the State constitution, the rural majority in the legislature was simply perpetuating its own power.

It is easy to describe legislative apportionments that give minimum weight to population as balanced plans or compromises that reflect the political philosophy of the State's citizens. In fact, however, these apportionments usually reflect simply the success of a legislative majority in maintaining their power in one or both houses despite the fact that they no longer represent a majority of the State's citizens. Rarely have the voters of a State deliberately chosen a plan of malapportionment unless the alternative was an apportionment that was older or more arbitrary in its effect. The population principle was initially the major principle in the apportionment of most State legislatures, and the effect in the early legislatures was an apportionment that was equitable in practice. The population principle has been eroded by population trends, and by the unwillingness of those in power to yield that power to urban voters.

The issues of majority and minority rights are as old as the history of political thought. It is one of the virtues of a democracy that it respects both majorities and minorities and devises institutions that will make this respect meaningful and realistic. In the debate over apportionment the issue of majority rule and minority rights is often simplified so drastically that it becomes meaningless. It is true, of course, that when a

majority of the voters living in large cities can elect only 15 or 20 percent of the legislators a majority is being reduced to a minority voice in government. It is also true that in many States the rural voters would have only a small minority of legislators under an equitable apportionment. But the debate over majorities and minorities often assumes that both urban (or metropolitan) and rural (or nonmetropolitan) legislators vote as a bloc. This is simply not true. Several studies of rollcall voting in legislatures have demonstrated that such cohesion of urban and rural forces is rare. Urban interests, in particular, are divided because of the wide variety of viewpoints represented in a large metropolitan area. Nor is it true that, in States like Oregon and Massachusetts that have had quite equitable apportionments, the urban legislators have either voted as a bloc or have ridden roughshod over the rights of the small cities and counties. This simply has not happened, and no one who understands the legislative process in the States would expect it to. In fact our metropolitan areas are becoming more diverse all the time. The growth of modern suburbia to a majority position in some metropolitan areas means that the largest beneficiary of reapportionment will be those voters who are least likely to be cohesive in their views and voting, least likely to be bossed or managed.

In reality the political struggle in any legislative body, as in political society as a whole, is a conflict among groups—all of which are minorities. Legislation is, in part, a result of the arguments and political strength of these various groups. Some of these groups have greater access, are more effective and influential, when rural legislators are in a majority or are more numerous than an equitable apportionment would permit. When the rural voter is overrepresented, the interests that may benefit are not necessarily rural; they may be businesses located in a distant city. The legislative process is too complex to measure precisely the effect of any particular apportionment on various interests. For this reason, the effort to protect certain groups—such as the farmer—by overrepresentation of certain counties, is not necessarily successful.

The conflict over apportionment is not really a conflict over majority and minority rights—because there is not, in any of our States, any cohesive, identifiable majority. The question is whether certain minorities should have more votes in legislative elections than others do. When the cities and suburbs are underrepresented, certain minorities lose a part of their voice in government. One of these is the suburban dweller, who is so indefinable a type that we might more properly divide him into various subgroups. Another minority is the labor union member. Another member clearly discriminated against by malapportionment is the Negro. Most Negro voters live in metropolitan areas, North and South.

We have many ways of protecting minority groups in this country. The U.S. Constitution and the State constitutions contain bills of rights that serve this purpose. The recent civil rights law is one example of legislative protection for a minority. But there is no reason why one minority, residing in the least populated counties, should be singled out for a special kind of protection. As Justice Warren said in the apportionment decision: "Our constitutional system amply provides for the protection of minorities by means other than giving them majority control of State legislatures."

Many persons have been disturbed by the Court's willingness to reverse decisions on reapportionment taken by the voters in a State, such as Colorado. It can be argued, as the Court did, that the issue in an apportionment referendum is seldom clear cut and

voter understanding of such questions is often not great. But the fundamental reasons why the courts cannot be bound by a public vote on apportionment involve this issue of minority rights. The question of apportionment reached the Supreme Court under the 14th amendment, and the Court's decision was based squarely on the equal protection clause of that amendment. This constitutional provision has been consistently used to protect minority rights. As the Court has said: "A citizen's constitutional rights can hardly be infringed upon because a majority of the people choose to do so." It does not matter that a majority of voters in every other county in California voted against increasing the representation of Los Angeles County, for example. Voters have a right to an equal vote, whether they are a minority (like the 40 percent of Californians living in Los Angeles) or a majority (like the majority in Florida's six largest counties). The issue is not a conflict of majority and minority. There is, in political reality, no meaningful majority bloc—urban or rural. What is at stake is the votes of individuals.

There is no more reason why a majority of voters in a State should be able to devalue the votes of citizens in a few large cities than there is why a majority of voters should be permitted to disenfranchise Negro voters. And there is no more reason for Congress to intervene in judicial decisions protecting the value of the vote than for Congress to intervene in judicial decisions protecting the right to vote itself. The right to vote is a fundamental right, recognized by those Senators from the South who dispute the importance of other aspects of the civil rights bill. If the right to vote is fundamental, the right to have substantially an equal vote must be nearly as basic. If a constitutional amendment were passed to reverse some or all parts of the apportionment decisions, this would be the first time in American history that Congress had sought by constitutional amendment to restrict the rights, and specifically the voting rights, of American citizens.

ONE HOUSE OR TWO?

The Supreme Court's decision that the population principle must be applied to both houses of the legislature has been the subject of the most intense criticism and it is this aspect of the apportionment decision that is the target of a proposed constitutional amendment. The comparison of the State legislature with Congress, the so-called Federal analogy, has been so often disproved that it needs little comment. The States are not Federal systems, the counties lack the rights and prerogatives enjoyed by States in a Federal system, and the system of representation in the U.S. Senate is the product of historical compromise that is not pertinent to the experience or the needs of the States. The Federal analogy has no basis in law, in history, in constitutional theory. It is but a debating point.

If the case for reapportionment rests on equality of political power, of access to the legislature, for all citizens, it is impossible to make a distinction between one house and the other. If our citizens needed protection from government, it might be enough to grant equality of vote in a single house, but the role of government is positive and not negative. Today voters seek benefits from government, measures of health, education, welfare, measures to assist cities in meeting their responsibilities, and the distribution of State funds to localities. For these purposes, equality of representation in one house is not enough. There must be an equal voice in both houses, or a minority may be able to exercise a legislative veto to block measures desired by a majority.

In those States where only one house is based on population, the consequence is not compromise and a balancing of interests,

usually. The result is deadlock, buckpassing, and irresponsibility. Sometimes the result of a single malapportioned house is that one political party cannot hope to win both houses even though it elects a Governor and wins a majority of the votes cast for legislative office. Under these conditions the voters have a limited choice. They may elect a Governor and a legislative majority that are Republican, or they may choose a divided government, but they may not choose a Democratic legislature.

In other States it is the Republican Party that is similarly discriminated against. In fact it is not a political organization that is discriminated against in such States; it is the majority of voters who are unable to translate their votes into a partisan majority in the legislature. The result of divided government, so often encouraged by malapportionment, is irresponsibility. If the legislature acts unwisely, or fails to act, the average voter—and often even the best informed voter—is unable to determine which party, or which house, is to blame. Deadlock becomes the order of the day. And if compromise is achieved under these circumstances, it is likely to be the consequence of patronage and logrolling rather than an adjustment of views and interests in the best sense of the term "compromise."

Increasingly our States are developing two-party systems that are actually competitive. In many of these States party cohesion in the legislature is high, or at least growing. An apportionment system that guarantees or encourages deadlock or that excludes one party (but not the other) from the chance of winning control of government (which is the very reason for a party's existence) is a system that undermines the two-party system itself.

THE CONSEQUENCES OF EQUITABLE APPORTIONMENT

No man can predict exactly what changes would result from equitable apportionments in those States that have been malapportioned. The precise political and policy results are often unclear. But a few predictions can be made, and these point up the necessity of permitting this reapportionment movement inspired by the courts to continue unchecked.

Increasingly the problems of our States are urban ones, the problems of rapid metropolitan growth, of crowded cities, expensive urban highway systems, greater demands on the educational and welfare services that are heavily concentrated in the cities. Reapportionment will not solve these problems or assure that any particular approach to them will be adopted. It will, however, guarantee that a greater proportion of legislators have knowledge and understanding, first-hand, of the problems of urban America. No single step will strengthen the States more or enhance their ability to deal with these problems. No greater encouragement to urban citizens to seek Federal help for their problems could be imagined than destroying their chances for an equitable voice in the State legislature. It is not reasonable to assume or expect that urban citizens will give up in their efforts to deal with their needs. If they cannot be met in the State capitols there will be even greater pressure for action in Washington. The States have a role, a major role, to play in the federalism of the next few decades, but they will not play this role well if the legislatures are ill-equipped to respond to the demands of the voters.

Thirty years ago the rural defenders of the status quo warned that big city machines would dominate the State. These machines are increasingly a myth or a hollow shell. But the major beneficiaries of reapportionment are going to be the suburbanites, whose votes are rarely controlled by any machine, urban or rural. Reapportionment will have

at least short-run effects on political parties that can be predicted. It will help the Democrats in some States and the Republicans in others. It will tend, in most States to intensify party competition at the State level by helping minority parties. But, in political terms, reapportionment on the basis of population equality will increase the representation of those areas that are most marginal, most competitive. In the longer run, traditionally strong one-party areas, both urban and rural, will lose representation, and more legislators will be chosen from genuine two-party districts. This in itself is a healthy thing, a step in the direction of revitalizing our political system and increasing the interest of voters.

Following are statements made by representatives of the League of Women Voters of Wisconsin in support of fair apportionment in that State:

STATEMENT BEFORE THE JOINT JUDICIARY COMMITTEE OF THE WISCONSIN LEGISLATURE BY MRS. F. A. MOTE, LEAGUE OF WOMEN VOTERS OF WISCONSIN, IN SUPPORT OF BILLS 813S AND 770A (IDENTICAL) AND 812S AND 771A (IDENTICAL) RELATING TO APPORTIONMENT OF SENATE AND ASSEMBLY DISTRICTS

The League of Women Voters of Wisconsin supports bills 813S and 770A (identical) and 814S and 771A (identical). 813S is the bill drafted by a subcommittee of the legislative council of the 1959 session made up of Republican and Democratic legislators and five public members. Bill 813S is based on 812S and contains amendments to provide divisions of the multidistrict counties based on the 1960 population figures that were not available to the legislative council subcommittee. The League of Women Voters supports 813S or 812S (with amendments to apportion districts in the multidistrict counties) because they both more fully carry out the principle of representation based on population than does 815S. Bill 813S provides many more districts nearer the ideal size than does 815S. Under 813S there would be 26 assembly districts within 1,000 of the ideal (39,500) while there are only 13 (exactly half as many) within 1,000 of the ideal size in 815S. There are 48 districts within 3,000 of the ideal size in 813S and only 32 within 3,000 in 815S. In the Senate, 813S creates 4 districts within 3,000 of the ideal size while there are none within this range in bill 815S. Bill 813S contains 18 districts within 9,000 of the ideal size. Only 14 fall in this range in 815S. Bill 813S, as demonstrated by the number of districts it has created nearer the ideal size, has done a more complete job of reapportioning the whole State than has 815S.

In addition, 815S does not provide Milwaukee County with fair representation. The framers of the bill have evened the districts in Milwaukee County to range in size from about 40,000 to 45,000. There are, however, fewer districts near the ideal size in 815S than in 813S. It also results in leaving over 87,000 Milwaukee County residents without representation in the legislature. If you multiply the ideal sized assembly district by the 24 districts allowed Milwaukee County under 815S and subtract this total from the population of the county, you find that over 87,000 people in the county are not adequately represented. This number more than equals the number necessary for two more assembly districts. In no other part of the State is there a district with even half that number unrepresented. In fact there are 7 counties with under 86,000 people that have 2 legislative districts each.

There are constitutional restrictions which make it impossible to give some districts the representation to which they are entitled, but these same restrictions make it necessary to

overrepresent other areas and in some cases grossly overrepresent them. In Milwaukee County these restrictions do not create such problems in the same magnitude and there is an opportunity to create districts of almost ideal size. We believe that 813S (770A) apportion Milwaukee County more fairly as well as creating more districts for the whole State nearer the ideal size.

The League of Women Voters began its study of apportionment in the early 1930's and has supported population apportionment since that time. Our studies have confirmed the belief that equality of representation gives people more respect for government. Recently, Roscoe Drummond of the Christian Science Monitor reiterated arguments made by the League of Women Voters in support of population apportionment. He says that if State legislatures are representative of the people and responsive to voter opinion, the trend of the disenfranchised city voter to go to Washington for everything will be halted. States rights will be strengthened because the capacity of fairly apportioned legislatures to discharge State responsibilities will be strengthened. It is interesting to note Drummond's final point—he suggests that if States were fairly apportioned perhaps there would have been no agitation to establish a Cabinet post of Department of Urban Affairs.

The League of Women Voters looks to the present legislature to reaffirm the people's respect for State government by recommending bills 813S and 770A or bills 812S and 771A (with amendments) for passage.

STATEMENT BEFORE THE JOINT JUDICIARY COMMITTEE OF THE WISCONSIN LEGISLATURE BY MRS. H. A. LARDY, DIRECTOR, LEAGUE OF WOMEN VOTERS OF WISCONSIN, IN OPPOSITION TO JOINT RESOLUTIONS 116S, 117S, 152A, 155A, AND 156A, RELATING TO CHANGING THE CONSTITUTION TO INCLUDE AREA IN APPORTIONMENT OF SENATE DISTRICTS AND IN CASE OF JOINT RESOLUTION 155A IN APPORTIONMENT OF ASSEMBLY DISTRICTS

The League of Women Voters of Wisconsin opposes Joint Resolutions 116S, 117S, 152A, and 156A which amend the constitution to include area in apportionment of State senate seats and 155A which includes area in apportionment of assembly seats. Proponents of area representation argue that because the U.S. Senate has two Members from each State, regardless of size, that State legislative bodies might also constitute one house that way and, in fact, many do. The League of Women Voters would like to remind you that these divisions of government are not comparable. The Thirteen Colonies were independent sovereign States, but counties are arms of the State government and not entitled to representation as independent sovereignties might be.

Wisconsin can be proud indeed that it did not follow the example of many States that adopted the Federal system without realizing the fundamental differences between State and Federal Government. Wisconsin was the 30th State to be admitted to the Union and was one of the Midwestern States, which because of an increasing appetite for democracy broke the pattern of adopting the Federal system. The people of Wisconsin wisely chose representation based on population in both houses of our legislature.

It would be ironic if, at this juncture in history when the U.S. Supreme Court is setting States on the road to more representative apportionment, Wisconsin would step backward down the path to less representation by changing the constitution to include area.

The League of Women Voters of Wisconsin urges you to maintain Wisconsin's proud place in the history of population appor-

tionment by rejecting Joint Resolutions 116S, 117S, 152A, 155A, and 156A.

STATEMENT BEFORE SENATE JUDICIARY COMMITTEE OF THE WISCONSIN LEGISLATURE BY MRS. MARSHALL BEAUGRAND, DIRECTOR, LEAGUE OF WOMEN VOTERS OF WISCONSIN, IN OPPOSITION TO JOINT RESOLUTION 12, S (AMENDING THE CONSTITUTION TO DENY FEDERAL COURT JURISDICTION OVER STATE LEGISLATIVE APPORTIONMENT)

I am Mrs. Marshall Beaugrand of Racine, appearing on behalf of the League of Women Voters of Wisconsin in opposition to Joint Resolution 12, S. The league has for many years supported redistricting and reapportioning of legislative seats on a population basis at regular intervals, as provided in our State constitution. We have recently strongly reaffirmed this position.

Naturally we, too, are very interested in the decision of the Supreme Court in the Tennessee case and have watched to see what effect it would have in other States, as well as in our own. If we understand it correctly, in the Tennessee case the Court has said, in effect, that State legislatures are not free to deprive the citizens of a State of their rightful representation in their State legislatures. And if we understand correctly the intent of Joint Resolution 12, S, it says, in effect, that State legislatures are free to do this very thing. Further the resolution says that the people of a State may never appeal to the Federal court in the matter of representation, no matter how serious their grievance might be. People who do not have their just measure of representation in the legislative bodies that make decisions affecting their lives are not free people. To the extent that we are deprived of this right, we have a grievance. In our State courts, and in the laws and Constitution of the United States, we are entitled to redress of grievance. But this resolution would take away this right under the U.S. Constitution, as it relates to the representation of citizens in their State legislatures, an area of continuing controversy, since we could not petition a silent court.

Over the years, we have learned something of the problems of reapportionment, and understand that there are difficult, personal, partisan, and economic questions involved in this issue, and that it truly is something over which reasonable men may disagree. We followed the session last summer and saw that the disagreement among legislators can be bitter, almost violent at times. As a matter of fact, ordinary citizens can get quite upset over it, too. But a controversy can be taken in stride when it's all in the framework of our government. The rules for our protection are there, and the game is played out according to the rules that we know and respect. This joint resolution would change those rules.

Those of us who watch the operation of State government and who know a little of government in other States take great pride in Wisconsin. We are confident that we can break through our problems in Wisconsin, rather than breaking down under them. We aren't perfect, of course, but as many textbooks on State government point out, Wisconsin has often been the first State to take this or that constructive action for good government. It seems unlikely that proposals such as those embodied in this group of joint resolutions could ever have originated in Wisconsin—they are unlike Wisconsin ideas. In our opinion, they urge us to take rash and excessive action. In this connection, we note that the courts have not acted rashly or excessively—they have acted with considerable restraint. We earnestly hope that this committee, and the legislature, will act with restraint and prudence,

and will refuse to recommend or to adopt joint resolution 12, S.

STATEMENT TO ASSEMBLY COMMITTEE ON ELECTIONS BY MRS. WILLARD HURST, LEAGUE OF WOMEN VOTERS OF WISCONSIN, IN PARTIAL SUPPORT OF JOINT RESOLUTION 77A, RELATING TO A SUPPLEMENTARY AGENCY FOR LEGISLATIVE REAPPORTIONMENT

The League of Women Voters of Wisconsin favors amending the State constitution to provide a supplementary agency to carry out legislative reapportionment if the legislature fails to act. In our studies of apportionment procedures we considered also the possibility of taking the responsibility for this painful job entirely out of the hands of the legislature by providing automatic reapportionment, as six States do. But most of our members preferred merely to establish a supplementary agency. It would either be a spur to action by the legislature or it would do the job itself.

Eight States now provide an alternate procedure if the legislature fails to act. Five of these alternate procedures are commissions. They have 5 to 10 members, some or all of whom are State officials as provided in the proposal before us.

While the league supports the main point of this resolution, we question one provision. That is to have the chief justice as a member of the reapportionment commission. Even before *Baker v. Carr*, the Wisconsin Supreme Court reviewed the constitutionality of Wisconsin apportionment acts. So it seems the chief justice should not be involved in the process at another stage than that of court review.

We do, however, clearly support a supplementary agency to reapportion if the legislature fails to do so within the time provided in the State constitution.

Prof. Harlan Hahn, now on the faculty at the University of Michigan, has done extensive research on Iowa government and politics. This is his statement based largely on the reapportionment situation in Iowa:

THE UNIVERSITY OF MICHIGAN,
SCHOOL OF PUBLIC HEALTH,
Ann Arbor, Mich, August 28, 1964.

Senator PHILIP A. HART,
Senate Office Building,
Washington, D.C.

DEAR SIR: I received a letter yesterday from William J. D. Boyd, senior associate of the National Municipal League, asking me to send you a statement on State legislative apportionment which the Senator might use in the current debate on this subject on the Senate floor. Although I have recently accepted a joint appointment at the University of Michigan as a research associate in the school of public health and as an assistant professor in the department of political science, most of my previous research on reapportionment was done in the State of Iowa in connection with my Ph. D. dissertation on Iowa politics which I wrote at Harvard University.

I am, therefore, enclosing a short statement on legislative apportionment based largely upon data which I obtained in Iowa. As you will note, most of this material has previously appeared in two articles which I wrote, "Reapportionment, the People, and the Courts," *Iowa Business Digest*, XXXIV (August 1963), pages 19-22 and "Urban versus Rural Split Shows in Vote," *National Civic Review*, LIII (March 1964), pages 146-147. I hope that you might find the enclosed statement useful.

Thank you very much.

Sincerely yours,

HARLAN HAHN.

MYTHS IN THE REAPPORTIONMENT CONTROVERSY

To gain a clearer understanding of the arguments which have developed since the recent Supreme Court decisions on reapportionment, it is necessary to examine carefully the propositions advanced by both sides of the controversy. This statement seems to be particularly important with regard to the claim that desired advantages would accrue to various sectors of the population through the postponement of the implementation of the Court decision requiring that all persons shall be equally represented in both houses of a State legislature. If this assertion is to be sustained, one must first discover which segment of the population will receive the greatest advantage from the failure to adopt an equitable apportionment plan promptly, and then determine whether or not this segment has supported such a delay.

Evidence on this subject can be obtained from the State of Iowa. Although the constitution of that State requires the reapportionment of both houses of the legislature decennially solely on the basis of population, prior to 1964 the Iowa General Assembly had not been reapportioned in nearly 50 years. In 1963 the legislature passed and submitted to a popular referendum a constitutional amendment, commonly known as the Shaff plan, which would have postponed equal apportionment by freezing only a slight improvement in the disparity of population and representation into the State constitution. Although this amendment was overwhelmingly defeated at the polls, both the Shaff plan and the apportionment of the Iowa Legislature prior to 1964 provide an opportunity to determine which group obtained the greatest advantage under those systems and whether or not this group supported the postponement of an equal apportionment plan.

It has often been assumed that an unequal apportionment of legislative seats gives greater representation to farmers and to geographic area. Yet the 55 least populous counties, which constituted a majority in the apportionment of the lower house of the Iowa Legislature before 1964, represent only 51.8 percent of the area and 46.5 percent of the farm residents in the State. The 50 least populous counties, which would have controlled a majority in the Iowa House under the Shaff apportionment plan, represent only 45.5 percent of the area and 40.9 percent of the farm residents in the State.

Even more striking perhaps is the fact that farm residents do not have a majority within the 50 or 55 least populous counties of the State. Statistics reveal that farm residents constitute only 40.7 percent of the people living in the 50 least populous counties and 40.6 percent of the population of the 55 least populous counties.

What group, then, would have controlled a majority in the Iowa Legislature? The Shaff plan or the apportionment before 1964 would have given the residents of small towns majority representation in the Iowa Legislature. According to the 1960 census, people living in small, incorporated towns accounted for 52.1 percent of the total population of the 50 least populous counties and 52.6 percent of the population of the 55 least populous counties. None of those counties contain towns of 10,000 or more population. Yet the population of the 20 counties having cities larger than 10,000 is 53.1 percent of the total population of the State. Within those 20 counties the people living in towns of 10,000 or more represent 71.8 percent of the total population of the counties. Thus the residents of towns of more than 10,000 population are probably the most underrepresented segment in the Iowa Legislature,

while the towns smaller than 10,000 are probably the most overrepresented group.

One might therefore anticipate that voters in towns of less than 10,000 population would have provided the strongest support and that voters in cities larger than 10,000 would have evidenced the strongest opposition to the Shaff plan. Since a Federal court had already declared the apportionment which existed in 1963 unconstitutional, support for the Shaff plan in the referendum could only be interpreted as evidence of a willingness to postpone an equal apportionment scheme. As expected, cities of more than 10,000 population demonstrated the greatest opposition to the Shaff plan; and the plan was largely defeated in the 17 counties in Iowa which contain cities larger than 10,000. However, support for the Shaff plan did not follow the anticipated pattern.

Although the Shaff plan would have given majority representation in the State legislature to small towns rather than farm areas, farm townships in 19 counties supported the plan with a 70.2-percent majority. On the other hand, the county seat towns in these 19 counties opposed the plan by 56.4 percent.

In one county the farm townships recorded a majority vote against the plan. In Cerro Gordo County the farm townships opposed the plan by 52.4 percent, while Mason City, the only town in the 19 counties studied of more than 10,000 population, was 82.4 percent in opposition. When the votes from Cerro Gordo County are omitted from the total, the vote in opposition to the Shaff plan was 29 percent in the farm townships and 45.7 percent in the county seats.

Apparently voters do not always consult their self-interest when balloting on this issue. The vote on apportionment in Iowa was probably influenced more by the general configurations of urban-rural conflict than it was by the interests of the sectors of the population involved. Farmers were apparently deluded by the belief that the Shaff plan would give them majority representation in the Iowa Legislature; and small towns seemed to identify more with the viewpoint of their larger urban counterparts than with their own interests in this election.

Thus the above evidence, which has been largely compiled from two articles in the *Iowa Business Digest* and the *National Civic Review*, indicates that there are several myths in the reapportionment controversy which should be dispelled. Neither farmers nor geographical area would always gain majority representation in a State legislature through a delay in equal apportionment. And the segment of the population which would obtain the greatest advantage through the postponement of equal apportionment has not supported such a delay. There were no groups which would both gain an advantage and which have supported the failure to reapportion State legislatures promptly on the basis of population. Therefore, there would seem to be few reasons for further delay in the implementation of Supreme Court decisions.

Mr. Irving Achtenberg, an outstanding attorney of Kansas City, Mo., made the following statement on reapportionment before the Democratic platform committee:

KANSAS CITY, MO.,
August 28, 1964.

Senator PHILIP A. HART,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR: Mr. William Boyd, of National Municipal League, indicates that you are interested in public statements on the subject of reapportionment.

I enclose herewith a statement which I made before the Democratic platform com-

mittee last week, which I would be very happy for you to use for any purpose which it might serve.

We are all very appreciative of your efforts in behalf of equal representation and I personally want to cheer and urge you on in this most important political effort for equal representation.

Sincerely yours,

IRVING ACHTENBERG.

STATEMENT ON REAPPORTIONMENT BY IRVING ACHTENBERG BEFORE THE DEMOCRATIC PLATFORM COMMITTEE, AUGUST 20, 1964

Mr. Chairman, I appear before you this afternoon to urge you to consider a plank in the Democratic Party platform affirming the principle of equality of representations under the 14th amendment; supporting the magnificent decisions of the U.S. Supreme Court calling for legislative reapportionment; decrying current congressional efforts at delaying and destroying legislative reform and calling upon the States to voluntarily comply with the spirit of the Supreme Court's mandate of "one person—one vote."

The Court, by its momentous decisions in *Baker v. Carr* and *Reynolds v. Sims* has opened the judicial gates through which we can return to equal representation by population, with which our country began, but which have been eroded in the past century.

When the Thirteen Colonies became States in 1775, most of them adopted constitutions employing population as the basis for election of legislators. Through the first half of the 19th century the tendency toward political equality of persons regardless of origins or economic position, continued. The original constitutions of 36 States required that representation be based totally or substantially on population.

However, there was a shift from this pattern in the second half of the century. The growth of cities and the shifts of population from the farms became appreciable and there began to develop differences of economic and political philosophy between the citizens in rural areas and those of the cities. Despite the change to an urban-oriented economy, legislative apportionment and legislative apportionment formulas have failed to reflect the change—this has been because of the resistance of rural legislators, not anxious to vote themselves, or their friends, or political point of view, out of office.

Today over 135 million Americans—3 out of 4 of us—live in cities and suburbs. We are an urban society. Yet the undisputed figures show that in most States the rural voters are overwhelmingly in control of one legislative house and overweighted, if not dominant, in the other house. In my own State of Missouri 20 percent of the voters of the State elect a majority of the lower house and 69 of the 89 rural counties favored in the lower house are also favored in the senate. The smallest county, with a population of under 4,000 has 1 representative just as does the largest district with over 55,000 people—an unfair weighting of the rural vote over the urban vote of 13.5 to 1. In each of your States you know that a somewhat similar malapportionment exists.

What is the significance of all of this? Simply that our State legislatures are not adequately handling the problems of economic and social change resulting from our 20th century life. Representative government is not working well at the State level. As a result the cities are looking elsewhere for solutions to their problems. The States are ceasing to play their proper, important role in the governmental sector of our society.

The Supreme Court has met this issue directly and forcefully. On June 15, 1964, in the case of *Reynolds v. Sims*, Chief Justice Warren, speaking for the majority, said:

"We hold that, as a basic constitutional standard, the equal-protection clause requires that the seats in both house of a bi-

cameral State legislature must be apportioned on a population basis. Simply stated, an individual's right to vote is unconstitutionally impaired when its weight is in a substantial fashion diluted when compared with votes of citizens living in other parts of the State. The equal-protection clause requires that a State make an honest and good faith effort to construct districts, in both houses of its legislature, as nearly of equal population as is practicable."

If I may summarize the rule laid down, it is that both houses of every State legislature must be on a population basis and each State must make an honest and good faith effort to form legislative districts as nearly of equal population as possible.

These are principles we must defend, not destroy.

Equality of the vote is not a partisan issue. It may help the Democrats in New York or the Republicans in Texas; the liberals in the large cities or the conservatives in the suburbs. The truth is that today the most underrepresented geographic group is not the voters of the central cities, but those in the burgeoning suburbs.

The fact remains that the only fair standard of representation in a democracy is people—not mountains, or acres, or economic interests. This means, and requires, equality of representation in both houses of the legislature.

The Republican Party platform proposes tampering with this fundamental democratic principle by supporting a constitutional amendment enabling States to apportion one house on a basis including factors other than population. Do not be misled by arguments that this is a fair compromise, balancing the votes between the rural interests and those of the cities. This proposal would totally resist any real change. The power of a rural group, or any other economic minority, to control one house is the power to block and destroy the voice of the majority in the other house. What other factors does the other party suggest, if not population? What virtue is possessed by those who reside in the sparsely populated areas, which is not possessed by those in more densely populated areas? Many minorities besides the farmer have special problems in their relation to their government. Organized labor is concerned with legislation affecting its dealings with management, and industry likewise is concerned with its relationship to labor; the Catholic is concerned with the growing costs of parochial education; other groups are concerned with the relationship between church and state; and resort areas want laws preserving parks and recreational areas; central cities need help with the decaying slums and problems of sewage, water supply, mass transit, zoning and urban sprawl; the Negro is concerned with civil rights and his position at the bottom of the economic ladder. Which of these economic, religious or geographic groups would have a greater voice in your State if factors other than population may control one house? If the rural voter with his special problems is entitled to a heavy weighting of his vote, why not one or all of these?

The answer is simple and absolute. Once we depart from the principle of "one person, one vote" there is no rational standard, if we are to retain our American form of representative government first proclaimed in the Declaration of Independence.

We are now confronted with a major congressional attempt either to destroy the power of the Federal courts to require equal representation or to delay and impede the implementation of court decrees. These efforts are ill-conceived tampering with fundamental, democratic, constitutional rights. We must not as a party sanction or favor any such attempts.

All of this is not to claim that equitable

reapportionment will solve all our legislative ills. It is reasonable to suggest, however, that it will produce greater awareness in at least two of the great problem areas of today—the fields of human rights and urban affairs.

We are the party which in 1796 in America's first contested national election campaigned under the leadership of Thomas Jefferson on the principles of "the rights of man." We are the party that in 1960 in its platform concerned itself with the issues of human rights and human dignity—the right to useful employment, minimum wages, a decent living for the farmer, the right to a decent home, adequate medical care and protection from the economic fears of old age, sickness and unemployment, the need for better education for our children and equal opportunity for all men.

When you again this year deliberate on these specific rights of the individual, which our party defends and supports, remember that the right to vote is the most cherished and fundamental right of all, underlying, supporting and protecting all the rest.

We must not temporize, we cannot compromise the right of all Americans to an equal voice in the legislative branches of their government.

IRVING ACHTENBERG,
Kansas City, Mo.

(Attorney for plaintiffs from the under-represented urban areas of Missouri now seeking reapportionment of the State legislature in the Federal court case of *Jonas v. Hearnese*.)

Following is a letter I have received from Mr. M. L. Borawick, of Midway, Wash., who has served as counsel in the reapportionment case in that State. He describes the confusion that would be created in that State by passage of the Dirksen-Mansfield rider:

MIDWAY, WASH.,
September 4, 1964.

Hon. PHILIP A. HART,
U.S. Senator, Senate Office Building,
Washington, D.C.

DEAR SENATOR HART: The National Municipal League requests that those interested in opposing Senator DIRKSEN's pending bill concerning the Federal judiciary to write you since you are spearheading the efforts to defeat this measure. Since I feel strongly about this matter, I send this letter for whatever assistance it may be in your struggle.

In June 1962, I had the occasion to file the Washington State reapportionment case in the U.S. District Court in Seattle. This court was chosen because it offered a distinct advantage over filing in the State courts. The three-judge court called for by the United States Code and the direct appeal to the U.S. Supreme Court meant a faster and less expensive action than a comparable suit in the State system. As it turned out, the advantages I recited were soon apparent to all parties. The case was filed on June 6, 1962. It was decided on the merits on December 13, 1962. A decree was entered in May 1963, the delay due to the court giving the legislature an opportunity to apportion itself during its regular session in 1963. This the legislature failed to do in both regular and special session. The State appealed, and the U.S. Supreme Court affirmed the lower court on the merits in June 1964. *Thigpen v. Meyers*, 211 F. Supp. 826 (1962); *Meyers v. Thigpen*, 377 U.S. —, 32 Law Week 3442 (1964). Thus a final decision was rendered in just 2 years after the original complaint was filed, and the preparation of extensive and expensive briefs which would have been necessary, in all probability, had the action gone from the superior court to the State supreme court to the U.S. Supreme Court was avoided.

If the Dirksen bill is passed, a litigant in this type of action will be denied these very

real advantages. Litigation will be more expensive and time consuming. In the final analysis, the public will suffer.

On the merits as applied locally, the Washington State Legislature has not apportioned itself of its own volition since 1901. Even in that year, the apportionment was but a completion of the original apportionment called for by the State constitution. Our State constitution provides for legislative reapportionment after every Federal census "according to population." An initiative measure which would have placed legislative districts close to numerical equality was passed in the mid-1950's, but the legislature emasculated the initiative.

A State court challenge to the districting failed because of failure of proof as to population figures. By 1960, the differences in population between legislative districts was as high as 8 to 1. Recent population studies show these discrepancies are widening as more and more people leave the rural and central city areas and move to the suburbs. Admittedly the discrepancies in Washington State are not nearly as bad as Vermont, Connecticut, New Mexico, and California, for example, but 8 to 1, and growing, when 1 to 1 is called for by the State constitution is bad enough.

So for the first time in 60 years, we are on the verge of obtaining not only Federal constitutional guarantees, but guarantees of our State constitution through the action of our 3 judge Federal court. A hearing is scheduled on September 14 in Seattle at which time we expect the Court to hand down a final decree implementing the Court's prior rulings that the legislative districts are unconstitutionally drawn.

If the Dirksen bill is passed, 2 year's work will go for naught, and we will probably be in a situation where an action to reapportion will be brought in the State courts resulting in a duplication of effort and creation of unnecessary and additional political uncertainty.

While I have not read of anyone articulating it on the floor of Congress, there seems to be a feeling that Congress may properly withdraw all jurisdiction from Federal courts in the State legislative apportionment area because of the precedent set down in *ex parte McCordle*, 7 Wall. (74 U.S. 506). (1869). None of the writings I have seen in connection with the Dirksen bill have pointed out that McCordle concerned itself with the withdrawal by Congress of jurisdiction from the Supreme Court of appeals from lower Federal courts in a given area while the Dirksen bill, if I correctly understand it, would deny Federal appellate jurisdiction in the review of State court decisions. This is a horse of an entirely different color. It seems that the Dirksen bill, if successfully negotiated through Congress, would bring about a fundamental change in the character of the Federal system.

Finally, the Dirksen bill would operate retrospectively to impair or deny vested rights. The analogy of this type of legislation to *ex post facto* laws is clear.

For the foregoing reasons, I heartily support your opposition to the Dirksen bill. If there is any further assistance I can give, please do not hesitate to let me know.

Sincerely yours,

M. L. BORAWICK.

Following is a statement made before the House Judiciary Committee by the Honorable Herman Goldner, mayor of St. Petersburg, Fla., and chairman of the Florida Mayors' Conference on Fair Apportionment:

REMARKS BY MAYOR HERMAN GOLDNER, OF ST. PETERSBURG, IN TESTIMONY BEFORE THE HOUSE JUDICIARY COMMITTEE, WEDNESDAY, AUGUST 5, 1964

Mr. Chairman, members of the Judiciary Committee, ladies and gentlemen, I am here

today as the representative of the U.S. Conference of Mayors, as chairman of the Florida Mayors' Conference on Fair Apportionment and as mayor of St. Petersburg, Fla.

My purpose is to attempt to shed some light on a problem facing the burgeoning urban areas of this Nation which, if not given a sympathetic hearing by you and by the entire Congress, will result in further shame and shambles such as we have witnessed most recently in the heavily populated areas of New York's Harlem, Rochester, and Jersey City.

The proposed constitutional amendment you are considering would, if approved, deprive a majority of the citizens of this Nation the opportunity of fair representation in the State legislatures. This has been the case during the first 64 years of this century in a majority of States in this country.

Without fair representation in State law-making bodies, the needs of urban areas have been shunted aside for pork barrel programs that exist on urban-earned tax dollars and perpetuate the dynasty of rural-oriented legislators who cannot or will not face up to their responsibilities to the large numbers of people in our cities.

Bringing this matter close to home for me is the situation in Florida right now.

A strong rural power structure, elected by less than half of the qualified voters of the State, has a death grip on the helm of both houses. This power group comprises a majority of the voting body of the senate and an equally potent portion of the house of representatives.

Instead of correcting this situation to give the people the rights guaranteed under our U.S. Constitution, the people serving in these bodies have offered token plans that merely shift the districts in a manner so that their control is never lost.

This situation has become a cancer on our Nation's body politic. It is getting larger instead of smaller. It is a roadblock for urban growth that has caused the cities to take over, more costly and time-consuming means to meet the problems inherent with a large population.

To further illustrate, let us take a close look at Florida's history in reapportionment. Since 1925, Florida's State Legislature has been confronted with four constitutionally required reapportionment sessions. To date there has been a negligible amount of progress. In 1925, the creation of four new counties created four new house seats; the senate, meanwhile, through expansion and addition of counties, added six seats in the period from 1923-25. This brought the totals for the 2 houses to 38 senators and 95 representatives. These figures were not to change again until 1963.

In the intervening period, apportionment action was severely limited. In 1935, four house seats were reshuffled. In 1945, two house seats and two senate seats were reshuffled.

In 1955, with Florida beginning to swing into the most dynamic growth period any State in this Nation has ever experienced, the legislature made a vain attempt to assure forever minority control of the senate. A move to make each of Florida's 67 counties a senatorial district was soundly defeated by the people at the polls. Two other apportionment bills were vetoed by then Gov. Leroy Collins because they didn't do the job. In 1957, a special session of the legislature offered a "daisy chain" amendment that was quickly invalidated by another vote of the people.

Our first successful reapportionment was achieved in early 1963. By successful I mean only that at least something was done, although it was by no means enough to even approach fair apportionment. In the previous legislative session, 1961, a majority of the Florida Senate was elected from counties having 12.3 percent of the State's population. A majority of the house was elected

from counties having 14.7 percent of the population. A plan for realignment was presented by this body for ratification by the people. This failed at the polls and shortly thereafter, a special legislative session was called by Gov. Farris Bryant.

The special session of November 1962 failed in its mission to come up with a reapportionment formula which would be more palatable than the one which had been defeated at the polls.

Another special session was called in late January of 1963, approximately 2 months before the regular legislative session was slated to open. This third special session within 18 months came up with a proposal that was immediately implemented by statute and at the same time offered as a constitutional amendment to be considered in the November 1964 general election.

Quickly acting on this plan, a new legislature was elected which offered a slightly improved but wholly inadequate representation of the majority of Floridians. The 1963 legislature was so constructed that 27.4 percent of the population elected the house of representatives while 14.5 percent of the people elected a majority of the senate.

Today these figures are a little worse as our urban areas have continued to grow larger.

Malapportionment is not an evil designed by these people who refuse to give the majority a fair voice. It is merely a convenient tool that was created by rapid growth in concentrated areas.

As the growth in our population centers has continued upward, the needs of these areas have increased. There is one major item that is most vital to people living in these populous areas—taxation.

Most people don't object to carrying their fair share of the tax load. And yet the battlecry of our Founding Fathers during the American Revolution has come back to haunt many of us who have the responsibility of leadership in large cities. That being "Taxation without representation is tyranny." In our cases, we cannot say we aren't represented. We just aren't fairly represented.

An illustration: Today in Florida, a State senator from Dade County (Miami) represents 467,500 people. A State senator from the district made up of Levy, Dixie, and Gilchrist Counties represents 17,700 people. They both have the same lawmaking and voting privileges, but the senator representing Levy, Dixie, and Gilchrist Counties actually has more than 25 times the voting power of the Senator from Dade County.

There exists, therefore, not only a great deficiency in representation for our cities in State legislatures, but a definite tax imbalance which continues to get more topheavy in favor of the less populous areas.

Those who would point to the U.S. Congress and say that this is the way our forefathers meant the State lawmaking bodies to be made up also are not looking closely enough at their history books.

In 1838, Florida's first constitutional convention proposed a legislature which had a Senate and a House with districts divided as nearly equal in population as possible.

This constitution was approved by the people and was the document under which Florida was governed when it entered the Union in 1845. In the years that followed, Florida had four more "new" constitutions—yet always the principle of fair representation in both houses prevailed in the language of the documents.

There is no magic number which will give us complete fair apportionment. No equal units of population can be designated in order to do this because of the political subdivisions known as counties. We ask that within the bounds of reason, however, that those areas with massive populations be given the full right to vote and not be relegated to positions of partial citizenship through denial of representation.

The result of the malapportionment is the very thing our rural-controlled legislatures decry as the socialistic drift of the Nation through welfare and aid programs.

If the legislatures of the respective States faced squarely the apportionment responsibilities that are theirs by law, the cities would not have to continue to go to the Federal Government for help in meeting the needs of their growing populations.

In Florida, cities have no tax powers other than ad valorem property taxes. Therefore, we are pinned down very tightly on just what we can do and can't do for the people we represent. As mayor of St. Petersburg, I am in a better position than most because of some excellent management of our city affairs and because of the wonderful patience of my constituency.

However, in most cities, there is a growing unrest for those things which have been due for so long but which population centers of this Nation are only doing what must be done in order for them to survive. Take away our chances of fair apportionment and you will be thrusting on the people of this country a burden that may, in the final analysis, break our backs.

Reapportionment must be required, and it must come quickly. We proudly boast of being the most modern and dynamic nation in the world yet we are attempting to govern this great Nation through a system at the State level that is a smothering cover of mediocrity.

We had a constitutional amendment in the early part of this century that reflects what happens when people out of tune with the majority gain control. Prohibition was a mistake. Countless lives and a great many tax dollars were wasted enforcing a law that people didn't want. Don't make the same mistake with this amendment prohibiting court intervention in State apportionment. You will seal off the only chance we have left to gain our rightful place in the affairs of our State. You will be making the same mistake that our English ancestors made. Taxation without representation cannot and will not be tolerated in this country.

Mr. METCALF. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Montana is recognized for 1 minute.

Mr. METCALF. Mr. President, in the course of colloquy with the Senator from Vermont and the Senator from Oklahoma, the question was raised as to the application of the proposed Mansfield amendment to an existing court order.

I invite attention to the language. We are not only expressing the sense of Congress as to the function of a district court in any action, but also "Any order affecting the conduct of a State government." That would be specifically applicable to a situation in the State of the Senator from Vermont.

Mr. AIKEN. Mr. President, I believe that the Senator from Montana is correct in his interpretation of the language. If the court observed the sense of Congress at all, it would be helpful to our State. We have given our legislature, which meets in January—

The PRESIDING OFFICER. The time of the Senator from Montana has expired.

Mr. AIKEN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 5 minutes.

Mr. AIKEN. We have been given until March 31 to complete reapportionment. In the meantime, however, because of the Court's order, the Governor—who is now running for reelection—indicated that he might call a special session of the old legislature after election.

I do not know what they would do. They could conceivably vote the new legislature, which would be elected the first week in November, out of business. I do not know what the situation would be. But it would be handled much more smoothly, and a better job would be done if the legislature could meet as usual. And I am sure it could complete its work within the time which the sense of the Congress establishes as a reasonable time.

Mr. METCALF. I believe that is exactly what we are trying to do.

Mr. AIKEN. I thank the junior Senator from Montana for his interpretation. It makes sense. It was what I hoped he would say.

Mr. METCALF. Mr. President, I yield to the senior Senator from Illinois [Mr. DOUGLAS] such time as he may require.

Mr. DOUGLAS. Mr. President, the original Dirksen amendment, which in a sense, is still before this body, was aimed at delaying, and, if possible, overthrowing the apportionment decisions of the U.S. Supreme Court. I believe that those decisions were long overdue, and are basically correct, so that they should be affirmed, and not reversed. That was the fundamental reason that I am opposed to the original Dirksen-Mansfield amendment.

The population districts for the election of members of the State legislature were laid out long ago, when the States were primarily rural and agricultural, with their populations relatively evenly spread over a particular State. And the apportionment schemes which were laid down go back in certain States to the period before there was even a United States of America. For the constitutions of Vermont, New Hampshire, and New Jersey laid out a system of representation, for at least one house, based on the population situation which existed almost two centuries ago.

In a great many other States, the apportionment pattern was laid out before 1900. In general, I think that the decade 1900-1910 was the period, or almost the latest period, in the majority of the States, when the legislative pattern of representation was formed. Since those times, there has been a tremendous shift of population, both to the cities and to the suburbs.

I introduced figures early in the debate to show that, whereas even as late as 1910, only 31 percent of the population lived in areas which could be regarded as metropolitan, by 1960, 62 percent lived in these metropolitan areas. Today, probably the figure is close to two-thirds. With the rapid movement toward the cities and suburbs, this percentage will shortly become 70 percent, 75 percent, and then 80 percent. But the States have been held to the legislative system

of apportionment based on conditions which have long since disappeared. Of course, those who benefit from this malapportionment do not want to change it. The politicians in the small communities and small counties do not want to change it. It would mean diminishing their power. The big corporations and private utilities do not want to change it, in the main, because they find it easier to control the legislators from those districts than they would the legislators from the cities and suburbs. So there are powerful forces in opposition to the decisions of the Supreme Court.

The Supreme Court acted only after no other practical remedy was presented or possible. The existing, malapportioned legislators have refused to reapportion themselves.

The State courts had refused to intervene, even when, as in many cases, including my own State of Illinois, the State constitutions prescribed a reapportionment every 10 years according to population. This injunction was violated decade after decade. And the State courts stated that they were powerless to interfere. The Federal courts withheld action for a long time.

In the famous case of *Colegrove* against *Green*, with a somewhat divided opinion, the Supreme Court refused to interfere. But, when it became apparent that there was no other remedy, that the legislatures would not act and the State courts would not act, then the Supreme Court stepped into the breach.

It has now been charged that it did so in a legislative fashion because they thought it was proper to reapportion. And, I dare say they did so believe. It has been charged that they did not do so under the Constitution. I deny that.

There is an amendment to the Constitution which a great many people try to ignore. It is the 14th amendment. And the 14th amendment provides that no State shall deprive any person of the "equal protection of the laws." That is a part of the Constitution. The Supreme Court reasoned, "How can people be granted the equal protection of the laws if they have grossly unequal representation in the legislative bodies which make the laws?" If they are substantially underrepresented, they will not be accorded the equal protection of the laws.

I do not see that there is any answer to that logic under the Constitution. Some have quoted Justice Harlan's dissent. But, I would remind the Senate that Justice Harlan was almost the sole dissenter as far as the logical and constitutional aspects of the issue are concerned.

It is true that the present pattern of apportionment demands change. We have placed some of these figures in the *RECORD*. But, they are worth repeating again. Let me take the case of the lower house of the various bodies. We have cited the horrible example of Vermont, where a town of 36 people has the same representation as a city of 38,000.

In Vermont, it is not merely a question of disparity between the most overrepresented and the most underrepresented towns. But, 12 percent of the population

of Vermont can elect a majority of the lower house.

In Connecticut, 13 percent of the population can elect a majority of the lower house. I see in the chair the distinguished junior Senator from Connecticut [Mr. RIBICOFF]. He presided with great efficiency as Governor of that State. He knows what I am talking about.

In Delaware, 18 percent of the people elect a majority of the house. In Florida, it is 30 percent. And until recently, it was only 15 percent. The figures which I have, as of June 21, show that Kansas elects a majority of the house with 19 percent. I believe that has been changed since June. But there are any number of States in which a relatively small proportion elect a majority of the members of the lower house of the State legislatures.

In Georgia, it is 22 percent of the population. In North Carolina, it is 27 percent. In Alabama, it is 38 percent. In Louisiana, it is 33 percent. In Texas, it is 39 percent. In Oklahoma, it is 32 percent. In Arkansas, it is 33 percent. In Missouri, it is 20 percent. In South Dakota, it is 38 percent. In Utah, it is 33 percent. In Nevada, it is 29 percent. And in Washington, prior to the recent apportionment, it was 35 percent.

In New York, 35 percent of the population controls the lower house; in Ohio, 29 percent; and in my own State of Illinois, 40 percent. Even in the lower houses, which in general, outside of New England, are supposed to be the popularly elected body, a relatively small minority of persons living in rural areas controls even the lower house.

When we come to the State senates, the situation is even worse: In Nevada, 8 percent can elect a majority of the State senate; California, 10 percent; Arizona, 14 percent; New Mexico, 14 percent; Florida, 15 percent; Maryland, 14 percent; New Jersey, 19 percent; Montana, 16 percent; Idaho, 17 percent, and so on. In Illinois, it is 29 percent.

Mr. President, our time is drawing to a close. It is interesting that the proponents of the Dirksen amendment and the opponents of the Mansfield substitute have really not taken the floor today.

Many of us were reluctant to accept the proposed change, but we are confident that it will not interfere with the decisions of the Supreme Court. The only adjustment that might possibly be made would be to give the legislatures a little more time in which to reapportion. But this is not to exceed 6 months.

The resolution would not be a law. It would not be mandatory. It would merely make a suggestion to the lower courts but not to the Federal circuit courts or to the Supreme Court. It would state that in our opinion any delay should not be more than 6 months at the outside, and if the States do not act in that time, the courts, in our judgment, should proceed to apportion in accordance with the decisions of the Supreme Court. I agree with the able discussion by the senior Senator from Wisconsin [Mr. PROXMIRE], who pointed out that all it says is that these lower courts "could properly" take

the need for a slight delay into consideration "in the absence of unusual circumstances."

I hope very much that the present Mansfield amendment will be adopted by a big majority. It is the best which we can obtain in an imperfect world.

Mr. AIKEN. Mr. President, for purposes of clarification, I have a couple of additional questions that I should be glad to have answered in the time that might be available to me.

Mr. METCALF. I shall be glad to try to answer them.

Mr. AIKEN. I do not know how much time remains. I believe there is time enough for all of us.

The first question is as follows: Would the Senator consider a court order directing the State Legislature of Vermont to do something that had been prohibited by the Vermont constitution since 1793 as constituting "unusual circumstances" within the meaning of the pending amendment? If a court called upon the State legislature to do something which is prohibited by the State constitution, would that constitute an "unusual circumstance"?

Mr. METCALF. A State constitution could be as unconstitutional under the 14th amendment as a State statute. When the constitution of Montana was adopted, a provision was inserted in the constitution providing that each county shall have not more than one senator. At that time one of the greatest constitutional lawyers in Montana said, "That provision is a violation of the 14th amendment of the Federal Constitution." That statement was made 75 years ago. He said, "This is not a republican form of government."

Mr. AIKEN. Would it be an "unusual circumstance" for a court to order a State to do something which has been recognized as unconstitutional within that State since 1793? That is 171 years. Would that not be a rather unusual circumstance?

Mr. METCALF. That is the reason that the clause containing the words "unusual circumstances" is included in the amendment. It would give a three-judge court some latitude in determining whether or not strict enforcement of an order should follow. But that would be up to the judges to ascertain under the facts of the particular case. There would be more facts involved than the Senator has presented. I have objected all along to moving in and permitting Members of the Congress to take the position of judges.

Mr. AIKEN. I am speaking of the meaning of the amendment rather than any decision of the judges. I am asking whether, within the meaning of the amendment, a violation by a State of provisions of a constitution which it had held for 171 years would constitute an "unusual circumstance"?

Mr. METCALF. That would be the opinion of the Senator. That might be my opinion. That might be or might not be the opinion of the judge. I repeat that, as I understand the amendment, we would say to any district court hav-

ing jurisdiction that any order heretofore entered should be postponed until the legislature had an opportunity to meet or waive an election, unless there are unusual circumstances.

Mr. AIKEN. Another question has arisen which perhaps the Senator might be able to answer. The pending amendment provides that the court could properly permit a legislature to reapportion only in the absence of unusual circumstances. Why not permit the legislature to reapportion if there are unusual circumstances, particularly when the legislature has been so directed by the court?

Mr. METCALF. I do not believe that the amendment so provides. The amendment is directed to a district court in any action that is pending or any order that has been issued affecting the conduct of the State government, and provides that that court may properly permit the legislature to meet and permit the next election to be held.

Mr. AIKEN. Then it is the understanding of the Senator from Montana that the intent of the amendment would be to permit a State legislature to reapportion its legislature even though unusual circumstances might exist.

Mr. METCALF. If there are unusual circumstances that would cause the court to decide otherwise, the amendment would give discretion to the court. But unless they were unusual circumstances, it is our intention, if we adopt the amendment, to say that it is the sense of Congress that legislatures should properly be permitted to meet in not more than 6 months and reapportion themselves.

Mr. AIKEN. Whether or not "unusual circumstances" prevail.

Mr. METCALF. The provision relating to "unusual circumstances" is intended to give special discretion to a court in cases in which the ordinary admonition that we are putting into the sense of Congress resolution should not prevail.

Mr. AIKEN. If the legislature refused to reapportion, or was unable to reapportion—I believe at a recent session the legislature of Connecticut found itself in that position—the district court could step in to reapportion.

Mr. METCALF. The Senator is setting forth some of the facts that might be taken into consideration.

Mr. AIKEN. It is the intent, then, of the amendment that a State legislature should be permitted to reapportion whether or not "unusual circumstances" prevail, and if they are unable to do so for any reason, the district court may take over.

Mr. METCALF. I cannot agree to that. It is the intention of the amendment to admonish the various district courts that have jurisdiction of actions or have entertained orders that they should give the legislatures the right to meet. An election should be held at the next election under the existing laws of the State, unless there are unusual circumstances that would require some other action.

Mr. AIKEN. The Senator has already indicated that directing a State to violate a constitution which has been observed for 170 years might be an unusual circumstance, or the fact that a Federal court had already directed a State to reapportion within a certain time might be an unusual circumstance. I would say that if those are unusual circumstances, the legislature would have to be permitted to reapportion rather than turn the question over to the district court.

Mr. METCALF. The Senator reads the amendment differently from the way in which I read it. I would say that the general rule that would be laid down under the amendment would be that the legislatures should be permitted to meet and reapportion.

The general rule laid down is that the next election be permitted to be held under the laws of the State, unless there are some special or unusual circumstances that should prohibit it. So the general rule the Senator is trying to have laid down is that the legislature of Vermont should be permitted to apportion in the next general session of the legislature unless the judge decides, in his discretion, that there is something that would prevent it.

Mr. AIKEN. And the members of the legislature elected November 3 would be meeting in January.

Mr. METCALF. Under the laws in existence on September 20.

Mr. AIKEN. I believe that we have become about as involved as it is possible to be.

Mr. METCALF. The Senator from Vermont is using the expression "unusual circumstances" to try to justify something. As I understand, the unusual circumstances would be taken into consideration only to prevent the operation of the sense-of-Congress resolution that the legislature shall meet and reapportion, and that an election shall be held on November 3.

Mr. AIKEN. What the Senator from Vermont is asking, what he hopes the sense of Congress resolution provides, is that the legislature of Vermont which will be elected November 3 and which will meet the first week in January, is given 6 months' time to reapportion.

Mr. METCALF. That is what the resolution provides.

Mr. President, I should like to reserve the rest of my time. May I ask how much time I have left?

The PRESIDING OFFICER. There are 9 minutes remaining on the side of the proponents.

Mr. METCALF. How much on the side of the opponents?

The PRESIDING OFFICER. The opponents have 48 minutes.

Mr. METCALF. Mr. President, I should like to have a quorum call and be allowed to retain our 9 minutes.

Mr. AIKEN. Mr. President, the only request I have is for 10 minutes by the Senator from Illinois [Mr. DIRKSEN], but not until after 2 o'clock, because he is trying to have lunch.

Mr. METCALF. Mr. President, I ask unanimous consent that there may be a

quorum call, and that the proponents will still have 9 minutes remaining.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. AIKEN. Mr. President, I do not anticipate any further requests for time. I will not say there will not be any. Therefore, I would not want to yield back my time; but let us have a quorum call without charging the time to either side.

Mr. METCALF. With the understanding that the proponents still have 9 minutes.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, immediately after the vote on the Mansfield amendment, not to exceed one-half hour be allowed for various possible motions to table which might be offered before the time would begin to run on the motion to refer to the Committee on Foreign Relations the conference report on S. 2687.

I have cleared this request with interested Senators, including the distinguished chairman of the Foreign Relations Committee, the Senator from Arkansas [Mr. FULBRIGHT].

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

THE ROLE OF THE FEDERAL COURTS IN THE REAPPORTIONMENT OF STATE LEGISLATURES

Mr. DIRKSEN. Mr. President, I try to take as even an approach to the problem of reapportionment and the effect of the court decisions on this problem as I can, and take account of the scholarly literature in this field. I ask, therefore, that there be printed at this point in my remarks the winning essay in the 1964 Ross Prize Essay Competition, conducted annually by the American Bar Association pursuant to the bequest of the late Judge Erskine M. Ross. The contest was open to all members of the association and it closed prior to the Supreme Court's decisions in the June 15 Supreme Court decisions in the reapportionment cases. The judges were Sylvester C. Smith, Jr., of West Orange, N.J., who, I believe, is a past president of the American Bar Association; Judge Richard H. Chambers of the U.S. Court of Appeals for the Ninth Circuit; and Dean F. D. G. Ribble of the University of Virginia School of Law.

This article is entitled "The Role of the Federal Courts in the Reapportionment of State Legislatures" and appears in the American Bar Association Journal for September 1964.

I call attention particularly to the following passages:

The equality of voter influence implicit in the "one person, one vote" concept is invalid when it is not limited to equality in the cor-

relation between voters in a common constituency. The true issue involving a voter's due respecting his representation is primarily whether he has an equal voice in the choice of the representative of him and his fellow constituents; it is only secondarily involved with the relative influence of his representative in shaping legislation compared with the influence of other representatives.

But, it is insisted that insofar as the Federal Courts, by implementation of *Baker v. Carr* or otherwise, impose upon the States an obligatory formula of geographically equal districting it will irretrievably dilute and weaken State government.

Baker v. Carr moves incapably to confirm that observation. It does more than move from the States to the Federal Government jurisdiction over problems now of national scope. It tends to undermine the health of State governments, and its consequences should not be underrated.

The contest was won by R. W. Nahstoll, a practicing attorney of the Oregon bar. It is certainly a scholarly and documented piece of work. With some modesty, I am happy to note that the thinking of the author is not too far a departure from my own thoughts on this general subject.

I believe, therefore, as a part of the literature of this discussion it ought to be included in the RECORD. Accordingly I make that request.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

[From the American Bar Association Journal, September 1964]

THE ROLE OF THE FEDERAL COURTS IN THE REAPPORTIONMENT OF STATE LEGISLATURES

(By R. W. Nahstoll, of the Portland (Oreg.) bar)

(This is the winning essay in the 1964 Ross Prize Essay Competition, conducted annually by the American Bar Association pursuant to the bequest of the late Judge Erskine M. Ross. The contest was open to all members of the association (except officers and employees), and it closed prior to the Supreme Court's decisions in the reapportionment cases. The judges were Sylvester C. Smith, Jr., of West Orange, N.J.; Judge Richard H. Chambers of the U.S. Court of Appeals for the Ninth Circuit; and Dean F. D. G. Ribble of the University of Virginia School of Law.)

During the latter part of the 18th century, men of good will concerned themselves with the theory and structure of government. It is immaterial that the period cannot be precisely defined, but surely from 1776 to the adoption of the Bill of Rights in 1791 these were matters of coffee house concern. Public attention to the "state of the Union" was sometimes skeptical, sometimes defiant, sometimes incredulous, but rarely apathetic. If general public interest did not ultimately supply the delicate phraseology which is the statement of the Constitution, nor yet the basic principles, it nevertheless furnished a crucible in which the ideas of the political sophisticates were refined for articulate explanation through The Federalist and similar communications.

Probably the interest in apportionment problems, congressional and legislative, has provoked currently more widely spread reflection on political theory than at any time since the founding of this country.

During the Reconstruction Period, to be sure, there was high popular interest in these affairs. But, the attendant climate of post-war hostility, despair and fatigue, aggravated

by calculated vindictiveness of some elements of congressional leadership, tended to abort, at that time, development of any valid political theory.

From time to time, issues arousing intense public responses have arisen in relatively restricted issues, e.g., President F. D. Roosevelt's New Deal, the extension of executive power, and his "courtpacking" effort of 1937. However, despite the heat generated by these issues, they provoke no significant general reanalysis of the theory of government.

And then came 1962—and *Baker v. Carr*.¹ This offering proposes no effort to review the niceties of *Baker v. Carr*, vis-a-vis its predecessors, nor to examine the positions assumed by the several members of the Court. To anyone aware of the copious compendium already published to those ends, no conceivable purpose could justify another effort. Also, the nature of *Baker v. Carr* and its spawn commends the suggestion of Mr. Justice Holmes, who, in a different context, observed that "at this time we need education in the obvious more than investigation of the obscure".² As a milestone on the tortuous path of constitutional policy, the significance of the case is nowhere to be denied. It marks a turn that will have it live in the company of *McCulloch v. Maryland*³ and *Marbury v. Madison*⁴ which is assurance, indeed, that it likely will not be disregarded. But the disturbing effect of the *Baker* case results from the narrowness of the path from this turn as restricted by the labored effort of the majority to justify Federal judicial intervention in this problem on the basis of the equal protection clause of the 14th amendment and to reject the basis of the guaranty clause of article IV. I submit that the result of that election of the Court interjects the Federal Government beyond appropriate limits into internal affairs of the States by according to the Federal Government an unjustifiable power to require uniformity in the structure of State governments. The result includes potential harm by reducing or destroying the viability and genius of the "republican" form of government which is constitutionally presumed for each State.

One hundred sixty-two pages of the U.S. Reports are devoted to the collective opinions in *Baker v. Carr*, but the reader may indulge a private suspicion that, after the dust had settled from the Court's in camera skirmish, it might have served the purpose to rule briefly the essence of the case: To claim for the Federal Government, acting through its courts, the power and duty to intervene, on the petition of individual voters,⁵ in a matter of legislative apportionment. In short unless he is to be understood as joining his brethren of the majority in limiting jurisdiction to the 14th amendment, Justice Stewart's opinion might well have sufficed.

LITTLE RESISTANCE TO BAKER PRINCIPLE

There has been little resistance expressed by writers to the *Baker* principle that legislative apportionment is an appropriate area for Federal judicial concern and action; nor is it suggested here.⁶ Indeed, one's predisposition to acknowledge the necessity of

Federal jurisdiction over matters of legislative apportionment is so strong that it is astonishing to what difficulty Justice Brennan believed himself committed in order to persuade his reader to not change his mind. Few could have anticipated that the Court, when at last it faced the problem, should, or might have, ruled otherwise. The realities of our times render vain the continuing protestation of some that, "Come weal or come woe, our status is quo." Whatever may be one's attitude toward the prospect of more of the same, it is unrealistic to believe that the future holds any significant retreat from past changes tending toward centralization of authority in the Federal Government.⁷ Many of the affairs of men once thought to be of only local or intrastate concern have become of concern to those in other States, adjoining and remote, and must be now resolved in the context of the several states. These interstate interests are founded, in part, on the moral responsibility of caring about the welfare of fellow countrymen. They are founded also on the realities of interstate business and the fluidity of our people. It does make a difference to a Californian that a child in Mississippi is educated today, for tomorrow they may be neighbors. It does make a difference to a New Yorker that industry is not attracted elsewhere by submarginal wages. It does make a difference to an Oregon lumberman whether West Virginia's economy sustains a market for lumber products. Moreover, Federal attention to such matters may be regarded as necessary if one accepts the cynical assumption that States consciously control the rate at which they "solve" their social problems to retard interstate flow of residents. Does any State consciously deter its solution to problems of its needy, its aged or its minorities lest solution of the problems invite the welfare and employment burdens of other states? The practical recall that the public image of prosperous California enticed droves of dust bowl needy who became a welfare and employment burden. But precisely because such matters have come within the Federal concern there is need to respect as a hazard a possible "tyranny of the majority."⁸

COURT REFUSES TO EVADE RESPONSIBILITY

Properly, it seems, the Court refused to evade responsibility for decisive action by taking refuge behind the "political question"

have been that State apportionment systems, whether contained in the State constitution or in legislation, could be admitted to examination in a case before a Federal court to determine whether they violate the equal-protection provision of the 14th amendment of the Federal Constitution (page 154).⁹ Professor de Grazia does not, in his book, consider article IV, and in his apparent acquiescence in the Court's position excluding the guaranty clause, he is not joined by this writer.

⁷ See Jackson, "The Supreme Court in the American System of Government" (1955), especially chapter III: "It is the maintenance of the constitutional equilibrium between the States and the Federal Government that has brought the most vexatious questions to the Supreme Court. That it was the duty of the Court within its own constitutional functions, to preserve this balance has been asserted by the Court many times; that the Constitution is vague and ambiguous on this subject is shown by the history preceding our Civil War. It is undeniable that ever since war ended we have been in a cycle of rapid centralization, and Court opinions have sanctioned a considerable concentration of power in the Federal Government with a corresponding diminution in the authority and prestige of State governments" (pp. 65-66).

⁸ De Tocqueville, "Democracy in America," ch. XVI (for a similar warning, see *The Federalist*, No. 51).

doctrine of *Colegrove v. Green*.⁹ If Federal protection is due the individual, where but the courts can he look for that protection? It is not satisfactory to leave the solution, as would Justice Frankfurter, ultimately to the "conscience of the people's representatives".¹⁰ If a voter is deprived today, it is no answer to tell him that at some indefinite future time things may worsen sufficiently to evoke curative action.¹¹ To refuse to be limited by the "political question" theory does not require that the courts remove from the judicial arsenal the doctrine of equitable restraint to act in those cases where satisfactory State action is manifestly under way. Retained for appropriate use, it can serve an obvious function to withhold judicial action pending the State's opportunity in lieu of dismissal of the litigation.

But the unfortunate results of *Baker* flow from the incongruity of its unpersuasive proclamation that: (a) Under the guaranty clause of article IV, legislative apportionment as an element of the republican form of government is a nonjusticiable "political question"; and (b) Under the 14th amendment, legislative apportionment as an element of equal protection is not a "political question", and is justiciable. This distinction is based upon the Court's adoption of reasoning which began with *Luther v. Borden*,¹² and has now come full circle. Chief Justice Taney wrote for the Court in *Luther* that Congress rather than the courts, had exclusive right to decide which of two disputing State governments was the established one. The Court assumed, without explanation, that Congress was charged under article IV "to decide what government is the established one in a State * * * before it can determine whether it is republican or not."¹³ The Court disregarded the distinction between (a) the choice of recognizing as the established government one of two claimants and (b) the issue of deciding as to only a single government whether it was "republican" in form, and suggested, in what was dictum with reference to the second issue, that the problem was a "political question * * * to be settled by the political power" and accordingly was committed to Congress.¹⁴ From this origin, ensuing cases perpetuated and expanded the notion until any issue raised under the guaranty clause was judicially spurned as a "political question".¹⁵ Now we are told by Justice Brennan that issues arising under the guaranty clause are committed to a coordinate branch of the Federal Government and respect for the separation of powers requires courts to regard

⁹ 328 U.S. 548.

¹⁰ 368 U.S. 270.

¹¹ As Justice Goldberg observed in *Watson v. Memphis*, 373 U.S. 526, 533: "The basic guarantees of our Constitution are warrants for the here and now and, unless there is an overwhelmingly compelling reason, they are to be promptly fulfilled."

¹² 7 How. (48 U.S.) 4.

¹³ 7 How. (48 U.S.) 42.

¹⁴ 7 How. (48 U.S.) 46. Justice Brennan approaches acknowledgment that this part of *Luther* is dictum, in stating: "But the only significance that *Luther* could have for our immediate purposes is in holding that the guaranty clause is not a repository of judicially manageable standards which a court could utilize independently in order to identify a State's lawful government (369 U.S. 223)."

¹⁵ E.g., *Highland Farms Dairy v. Agnew*, 300 U.S. 608, 612, holding that even if a State statute were a denial of a republican form of government as guaranteed by article IV, "the enforcement of that guaranty, according to the settled doctrine, is for Congress, not the courts," citing *Pacific States Telephone & Telegraph Co.*, 223 U.S. 118; *Ohio ex rel. Davis v. Hildebrandt*, 241 U.S. 565; and *Ohio ex rel. Bryant v. Akron Metropolitan Park Dist.*, 281 U.S. 74.

¹ 369 U.S. 186.

² Collected Legal Papers 292-293 (1920).

³ 4 Wheat. (17 U.S.) 316.

⁴ 1 Cranch (5 U.S.) 137.

⁵ The standing of "any person whose right to vote is impaired" appears properly resolved, against the contention that such a claimant is without standing because his right is not peculiar to him, but is shared in common with all others. *Baker v. Carr*, 369 U.S. 186, 204-208; *Gray v. Sanders*, 372 U.S. 368, 375.

⁶ A valuable contribution to the literature on this subject is Prof. Alfred de Grazia's book, "Apportionment and Representative Government" (1962). The author says: "The least disputable general determination of the Supreme Court in *Baker v. Carr* appears to

such as nonjusticiable "political questions". But this "bootstrap" reasoning which began with Chief Justice Taney's dictum in *Luther* is something short of Justice Brennan's standard that a "political question" involves a "textually demonstrable constitutional commitment of the issue to a coordinate political department".¹⁰ *Luther* says the questions are nonjusticiable because they are "political questions" and, as such, committed to Congress. Baker says the questions are committed to Congress and, as such, are "political questions". Then, with implicit recognition that the guaranty clause was not satisfactorily explained away, Justice Brennan undertook to nail down its coffin lid with a bewilderingly small tack:

"This case does, in one sense, involve the allocation of political power within a State, and the appellants might conceivably have added a claim under the guaranty clause. Of course, as we have seen, any reliance on that clause would be futile."¹¹

It seems equally clear that, as a guaranty clause issue, legislative apportionment is not a fortiori rendered nonjusticiable by Justice Brennan's alternative standard that a political question exists where there is a lack of judicially discoverable and manageable standards for resolving the issue.¹² If standards of legislative apportionment are judicially discoverable for equal protection purposes, are they less so for purposes of article IV? And, if there were serious doubt regarding the judicial capacity "to decide the limits of the meaning of republican form" as Justice Brennan suggests in a footnote, where is greater capacity to be found?¹³

Is it a significant difference that the courts treat legislative apportionment as a factor of equal protection rather than as a factor of the guaranty clause? This involves consideration of the source and nature of the right which the Federal courts have undertaken to enforce. It is necessary to respect the distinction between congressional apportionment and legislative apportionment. The former is clearly a Federal matter, contemplating definition by Federal statute. If congressional apportionment is improperly defined by Congress or insufficiently implemented by adequate State action, and falls short of satisfying constitutional standards, it is clearly a matter of Federal remedy. Whether that remedy should come from courts or wait congressional action is an issue on which there is strong difference of judgment, but none disputes that a Federal right is in issue.

THE PROBLEM OF LEGISLATIVE APPORTIONMENT

The Court's position respecting the source of the required standard for legislative apportionment is more bothersome. On its facts, Baker might have been limited to protection by Federal concern of a right vested in the individual voters by a constitutional dictate of the State. This restraint would have left for future consideration the status of a claim of right to voter-parity in the absence of State provision, either constitutional or statutory, or against the claim that the State provision does not satisfy acceptable standards of voter-parity. Also, further consideration could have been accorded the question whether the recognized right is a federally protected right to be secure in such rights as the State has undertaken to define as the due of all its voters, or a federally protected right to federally defined voter-parity. Similarly, Baker might have been confined to situations where, as in Tennessee, there exists no provision for popular initiative.

The lower court found the Tennessee apportionment statute repugnant to the State

constitution and violative of something ambiguously described as "the rights of the plaintiffs."²⁰ The majority of the Supreme Court expressly disregarded "rights guaranteed or putatively guaranteed by the Tennessee constitution" and, in a footnote which belied the significance of the point, boldly classified the enforceable right as one derived exclusively from the equal protection clause.²¹ And there's the rub.

We must acknowledge that rights of an individual to participate in his State government on acceptable voter-parity (bearing in mind the need for definition of that term) is by its source a Federal right. But to acknowledge Federal interest in and power to enforce the individual's relation to his State government is not to define it. Nor does it supply the definition to bespangle the concept, with labels which are attractive, inviting, euphemistic, and familiar—and meaningless. Once the right is classified as a part of the equal protection principle, epithetical jurisprudence supplies labels sufficient to confuse the problem and the solution: "equal apportionment," "fair representation," "equal representation," "equality among voters," "one person, one vote."²² Through label-fixing, the problem is oversimplified and appears plausibly satisfied by judicial insistence upon a system of geographical subdivisions of practically equal population.

This solution has the appeal of relative certainty and precision. What, after all, is more certain than geography and arithmetic? But, it is also unimaginative, doctrinaire, and stifling of the representation it purports to protect.²³ Thus, one sympathizes with the frustration implicit in Justice Stewart's remark to counsel during argument of *WMCA v. Simon*:

"I'm only suggesting that the problems in these cases are somewhat more complicated and subtle than the briefs suggest, and cannot be solved by eighth-grade arithmetic."²⁴

The Court has abandoned its actual duty to protect an equal right to share participation in a republican form of State government.²⁵ It undertakes, instead, to establish a Federal standard of participation in State government without allusion to whether something less, or different, would qualify as a republican form of government. Indeed, the Court consciously advoided reference to the republican structure as the measure of acceptability and gratuitously adopted the substitute test of voter equality, brooking no "invidious discrimination." It might have been possible, in the absence of further expression, to speculate that the States continued free and viable to invoke different or modified techniques of realizing representational government. But, this freedom is manifestly in jeopardy, and with its restriction the genius of republican government is seriously prejudiced, inasmuch as the essence of the individual's relation to his State is no longer voter representation. It is now voter power to influence legislative action.

The Supreme Court appears persuaded that exigencies of present society require

that a theory of relatively uniform representation be adopted, found or fabricated. It has refused to recognize that the applicable standard should test whether a challenged State system is republican in form.

In its inception, the guaranty clause contemplated that the several States are interested in the republican character of their governments and those of their sister States, and the Federal Government was acknowledged as the repository of power to enforce that interest.²⁶ Though the guaranty clause in form is a statement of assurance to the several States, it is not confined to a Federal promise to hold the States free of antirepublican encroachment by the Central Government or extraneous forces. As expressed by Madison, the assurance contemplates that the States "may choose to substitute other republican forms" with the indulgence and protection of the Federal Government. Concurrently, the States are restricted by the obligation that their respective governments shall be "republican" in character. The significance of this continuing requirement is as surely a matter of concern to and right of the individuals within a State, as to the totality of the State's citizenry.²⁷ Accordingly, the pre-14th amendment Constitution should be recognized as a valid source of Federal guarantee of the right of individuals to participate in, and live under, a republican State government. The 14th amendment reaffirmed that Federal interest and duty. At least this has been clear since the overruling of the doctrine of the *Slaughter-House* cases,²⁸ which held that applicability of the 14th amendment was limited exclusively to the rights and status of Negroes.

The central issue is whether the 14th amendment did more than assure to each citizen that, in common with others in his State, he shares a right of equal protection under a "republican" State government. Until Baker, there had been no indication that the 14th amendment had changed or broadened the guaranty clause right.²⁹ What is that right? That the individual is due a "republican form of government" answers nothing without definition of that term.

THE SEMANTICS OF THE SCIENCE OF GOVERNMENT

We have been too long careless of the semantics of the science of government. Though the U.S. Constitution guarantees us a "republican" form of State government, of habit we have come to think of our government as "democratic." What "democracy" imports to us, respectively, probably is more closely correlated to subjective criteria of

²⁰ Madison, *The Federalist*, No. XLIII.

²¹ See *Hoxie School Dist. No. 46 of Lawrence County, Arkansas v. Brewer*, 137 F. Supp. 364 (E. D. Ark. 1956).

²² 16 Wall. (83 U.S.) 36.

²³ It is one of those interesting quirks of legal literature that *Luther v. Borden*, on which the majority in *Baker v. Carr* principally rely to hold the guaranty clause inapplicable contains language which recognizes the power of the States to remodel their governmental structures, subject only to the limitation of congressional determination that it continues "republican" in form. Chief Justice Taney said: "No one, we believe, has ever doubted the proposition that, according to the institutions of this country, the sovereignty in every State resides in the people of the State, and that they may alter and change their form of government at their own pleasure. But whether they have changed it or not, by abolishing an old government, and establishing a new one in its place, is a question to be settled by the political power. And when that power has decided, the courts are bound to take notice of its decision, and to follow it [7 How. (48 U.S.) 46]."

²⁴ 179 F. Supp. 828.

²⁵ 369 U.S. 194.

²⁶ See *Wesberry v. Sanders*, 376 U.S. 1.

²⁷ Mr. Justice Goldberg during argument of *WMCA v. Simon*, 32 Law Week 3189.

²⁸ See *Gray v. Sanders*, 372 U.S. 368, 381; *Wesberry v. Sanders*, 376 U.S. 1.

²⁹ For a congressional apportionment case referring to other factors justifying consideration, see *Lund v. Mathas*, 145 So. 2d 871 (Fla. 1962).

³⁰ 32 Law Week 3189.

³¹ Justice Frankfurter, dissenting in *Baker v. Carr*, recognized the issue as a "guaranty clause claim masquerading under a different label." 369 U.S. 297.

¹⁰ 369 U.S. 217.

¹¹ 369 U.S. 226, 227.

¹² 369 U.S. 217.

¹³ See note 43, 369 U.S. 222.

freedom of the citizens under the government than to any connotation respecting either the structure of that government or the precise implementation of voting influence. Considered apart from the concept of freedom, democratic government is variously understood. The term can, of course, refer to a direct democratic form, of the town meeting type, in which each citizen participates and votes his will.

Surely there are few, if any, serious advocates of this as a vehicle for present-day government. The term can also refer to a representative democratic form. Such is the republican government contemplated by the Constitution. Representative democracy involves the element of consent of the governed expressed in popular selection of those charged with administration of government, including assurance that the selection is subject to some acceptable mode of review by the governed. It contemplates that diverse interests and points of view will be communicated and considered in the implementation of government. It requires a balance of power for protection of those who, of the moment, constitute the minority. It connotes an orderly system of law to which the government, as well as the governed, is responsible and responsive.

Proper legislative apportionment of a representative democracy is necessarily related to the role or charge to which the elected official is committed as a "representative" of his constituency. As long as representative government has been considered, writers have espoused one or the other alternative of the familiar dichotomy. Is a representative chosen to determine the will of the majority of his constituency and to express that will through his vote? If this is the extent of his responsibility, it could be accomplished better these days by utilization of opinion sampling and computers. Certainly the representative is chosen for a higher and more exacting task. Despite the premise of democracy, "the people" cannot be enlightened on all intricacies of modern government, informed as to the details of governmental affairs or sophisticated to the handling of them.

This is not to suggest that public inquiry and interest should be discouraged; nor is it to discount lay expertise respecting limited areas in the public concern. But, it is unrealistic to suppose that individual voters, much less an aggregate of those in a constituency, have an informed and formulated judgment to which their representatives are, or should be, bound. Accordingly, we must accept the alternative theory that the representative is charged to become informed and then to vote his informed judgment and conscience. His judgment is not informed by any inherent omniscience. It must become so through reflection on information and attitudes of others. To broaden the base of that reflection, the widest possible variety of responsible opinion should be available before decision. To effect this fundamental purpose of supplying that diversity of opinions is the end of representation.

Mindful of this simple principle, Baker and its successors measure distressingly wide of the mark. In extending itself beyond Justice Stewart's recognition that Federal jurisdiction lies, and undertaking to establish an arithmetically and geographically oriented definition of acceptable standards of equal protection, these cases tend to adopt two invalid predicates: (a) a definition of constitutionally sufficient representation cast in terms of the power consequences indirectly effected by the voter through his representative; and (b) an assumption that geographical subdivisions are reliable, and perhaps exclusive, bases of the several interests properly in need of articulate representation.

These two predicates are commingled in the misleading principle adopted as the goal of reapportionment under the grossly over-

simplified shibboleth, "one person, one vote," which dominates the Court's theme. So committed are we to respect for "equality" that we tend to prompt, unchallenging and reverent acceptance of any idea couched in terms suggesting absence of discrimination. It is not inappropriate to exact "equality" among the several voters within a defined constituency, so that the representative of that group may be selected by a majority. But, it is a quite different thing to require that the several constituencies shall be so defined that the arithmetical prospect of influencing ultimate legislation shall be equalized between a voter in constituency "A" and a voter in constituency "B".³² If this were the true goal, a myriad other factors of great practical influence logically would require similar equalization. Should each expect that, in common with every other voter, he is entitled to have his representative function as chairman of the most powerful committee in the legislative body? Should a voter be constitutionally offended if the representative of another constituency is more politically sophisticated, articulate, competent, or successful? Has he a constitutional right to expect that there shall be no disparate committee assignments? The equality of voter influence implicit in the "one person, one vote" concept is invalid when it is not limited to equality in the correlation between voters in a common constituency. The true issue involving a voter's due respect for his representation is primarily whether he has an equal voice in the choice of the representative of him and his fellow constituents; it is only secondarily involved with the relative influence of his representative in shaping legislation compared with the influence of other representatives.³³

Without discounting the unfortunate emphasis assigned to the promise that each voter must have equal ultimate influence, an even more disturbing consequence of the cases is their apparent ultimatum that constituencies be geographical divisions of equal population.

Of habit we have become accustomed to geographical districts. It is a familiar scheme, and we have not troubled ourselves seriously to consider alternatives.³⁴ But alternatives there are, and because of their relative validity as vehicles to implement representative government, we should be astonished, concerned, and perhaps outraged that they seem to have been eliminated from adoption, or even consideration, as variations from the Court's preconceived commitments to representation by cohesive geographical districts. It is one thing for the Court to restrain the States from invidious discrimination against fair representation. It is quite another thing for the Court to indicate that *prima facie* avoidance of unacceptable discrimination must commence with constituencies defined as cohesive geographical districts practically equal in population.

³² See concurring opinion of Justice Stewart in *Gray v. Sanders*, 372 U.S. 368, 381.

³³ See, for conscious adoption of both goals, *Moss v. Burkhardt*, 220 F. Supp. 149, 151 (W. Okla. 1963).

³⁴ de Grazia, *op. cit.* supra note 6, at 153: Some State courts have been charged with the review of apportioning procedures for years. Mr. Arthur L. Goldberg has cited 54 cases in which apportionments were invalidated, prior to *Baker v. Carr*. There is even a smattering of theory about representation and apportionment to be found in court decisions going back to earliest times. At the same time, almost all of these cases may be shown to be highly tentative and apologetic incursions into the province of the legislature. Moreover, the great number of affected voters have remained, until *Baker v. Carr*, generally oblivious and unaroused.

In the first place, the obligation can require shifting of voters from a constituency with which they have been traditionally allied, and with which their felt interests are to some extent associated, to a different constituency with which there is relatively less community of interest for the rather artificial reason that the districts will then be equal in population. Within the purposes the Court professes to serve, the shifted group is disserved, and its influence on ultimate legislative action, in fact, is diminished.

In the second place, there is not a rational justification for adopting a definition of constituencies which is committed to a geographical essence. It is conceivable that in some past day the interests of voters in public affairs were reasonably correlated to geographical residence, and segregation of interest groups by the vertical division of geography may have had acceptable validity. If it were so in the past, it is doubtful that this obtains today. The mere circumstance of a voter's place of residence may well be one of the least of the reasons which arouse his interest in the public concerns. Is it not conceivable, or even likely, that a Democratic millworker with no school-age children and a leaning toward public power, though he resides in geographical district X, has more in common with a similarly oriented millworker residing in district Y, than he has with his neighbor in district X, a Republican utilities employee and the father of four public-school students?

Should the two millworkers, by the chance of their remote residences, be denied opportunity to choose a common representative? Or, suppose that in districts "X" and "Y," respectively, there are 5,000 of our hypothetical millworkers and 4,000 of our hypothetical utilities workers. If more numerous millworkers elect the representative in each of the districts, 8,000 utilities employed would be without a legislative spokesman. The "tyranny of the majority" of which De Tocqueville warned, and against which the essence of republican government is directed, can then become a foreboding potentiality.

In the third place, an uncompromising requirement of geographical representation virtually precludes the possibility of providing within the legislative framework for selection of representatives from among available persons of competence, respected over the State, but not "politically known" in their districts of residence and unprepared to engaged in the rigors of a campaign for localized support. It will be an expensive error for us to aggravate the tendency, upon which John Stuart Mill and others have commented, for representative government to attract to its assemblies persons who are less than the best qualified.³⁵

Some of the alternatives to the geographical-arithmetic representation base have been rather specifically expounded or employed. Professor de Grazia has classified the systems by which constituencies are apportioned as involving one or more of the following criteria: "territorial surveys; governmental boundaries [cities, counties, town, etc.]; official bodies [e.g., the electoral college, or election of a mayor by the popularly elected city council]; functional divisions of the population [i.e., "nonterritorial aggregates of persons who share social or economic interests," including taxpaying groups, nationality groups, university groups, professional groups, factory groups, and general occupational groups]; and free population alignments."³⁶ The most com-

³⁵ J. S. Mill, "On Representative Government," c. 7. See also, "de Tocqueville, Democracy in America," c. XIII; Bryce, "The American Commonwealth," c. XLV.

³⁶ de Grazia, *op. cit.* supra note 6, c. 2, pages 20-26.

prehensive free population plan is that proposed by Thomas Hare in 1859³⁷ and enthusiastically championed by John Stuart Mill as a system of "personal representation" * * * among the very greatest improvements yet made in the theory and practice of government."³⁸

It is not suggested here that all, or any one, of the schemes heretofore tried or espoused would be advisable for adoption by any of the United States. But, it is insisted that insofar as the Federal courts, by implementation of *Baker v. Carr* or otherwise, impose upon the States an obligatory formula of geographically equal districting it will irretrievably dilute and weaken State government.

The hazard from diminution of State government is not primarily the risk of offense taken by the States on account of some vague invasion of sovereignty. The hazard is that it will preclude or discourage pragmatic experimentation into political ways and means which characterizes a viable government. In an earlier day, the Court observed:

"The science of government is the most abstruse of all sciences; if, indeed, that can be called a science which has but few fixed principles, and practically consists in little more than the exercise of a sound discretion, applied to the exigencies of the state as they arise. It is the science of experiment."³⁹

The significance of that experimentation was dramatically revealed by the talented British observer, James Bryce:

"It has been truly said that nearly every provision of the Federal Constitution that has worked well is one borrowed from or suggested by some State constitution; nearly every provision that has worked badly is one which the convention, for want of a precedent, was obliged to devise for itself."⁴⁰

Dicey once characterized the United States as "A nation concealed under the form of a federation,"⁴¹ *Baker v. Carr* moves inescapably to confirm that observation. It does more than move from the States to the Federal Government jurisdiction over problems now of national scope. It tends to undermine the health of State government, and its consequences should not be underrated.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator yield time?

Mr. MANSFIELD. Mr. President, will the Senator from Illinois yield time from his side?

Mr. DIRKSEN. I yield time.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. McIntyre in the chair). Without objection, it is so ordered.

Mr. DIRKSEN. Mr. President, on the 12th day of August the Senate began

consideration of the Dirksen-Mansfield amendment to the pending bill. That was 6 weeks ago. For 6 weeks, with some variation, we have been on this matter.

For a good many weeks the Senate has done exactly nothing except to consider the pending business. The majority leader was kind enough to agree with my contention that it should not be set aside for any other business, including the Senate calendar.

So, at long last, we are up to the point where, perhaps, God willing, we can dispose of this matter one way or the other. We have witnessed the filibuster during all this time by the very Senators who have always found the filibuster to be a hideous device. It depends entirely upon whose ox is gored.

We—speaking for myself and other Senators—would not accept the bill without this amendment. They, on the other hand, would not accept the bill with the amendment. Therefore, we experienced the ensuing stalemate.

I must say that the action has not been willful. But at least there has been a misrepresentation of what I believe is the basic issue. We have never obscured it. We have endeavored not to permit it to be obscured, if we could help it.

We started with the premise that was laid down in the dissenting opinion of Justice John Marshall Harlan, that the 14th amendment did not clothe any agency in the Federal Establishment—or even the Supreme Court for that matter—with the authority under the equal protection clause to dip into a matter of the composition of State legislatures. It was that simple. That was the burden of the Harlan decision. It was supported, I believe, by all the historic documents that any decision ever required.

We were not able, in the compass of time within which this Congress would still be alive, to maneuver a constitutional amendment. In view of the fact that the shortest period of time within which to secure ratification of an amendment is 7 months, it could not be consummated. Therefore, we had to resort to a statutory proposal to make the Supreme Court decision in the Reynolds against Sims case inapplicable where there was an application to stay it from being applied under certain circumstances.

That was the burden and the purport of the original Dirksen-Mansfield proposal. It is that condition which brought about the stalemate in the proceedings of the Senate.

We had intended to follow it up in the next Congress, immediately, with a joint resolution calling for a constitutional amendment; and that we shall still do. We have not seen anything yet, so far as this decision is concerned. Only a handful of States have thus far been affected. Wait until the rest of the States become involved.

Justice Harlan put it very clearly when he said that this is the beginning of a trend or a movement that must reach out into the other 44 States of the Union. When all of them are affected, I believe we shall discover that this is indeed an incandescent national issue. And it will remain that way until it has been resolved.

It has been stated that in terms of the language offered by my distinguished friend the senior Senator from Montana [Mr. MANSFIELD] in the Mansfield substitute, the court can do nothing other than act reasonably in view of all the debate. Let us examine that statement for a moment.

This debate started on the 12th day of August, 6 weeks ago. Only last Friday a three-judge court in the State across the river, the Commonwealth of Virginia, hacked up the senate of that State, cutting in two the terms of senators who were elected in 1962 for a 4-year term, under the law and the Constitution of the Commonwealth of Virginia. Yet, this debate had been going on for 6 weeks. That court chamber is within a stone's throw of this Chamber. If the justices of that court had not taken account of the debate by last Friday, I ask in all conscience whether they ever will take account of all the debate that has taken place here.

The substitute of my friend the senior Senator from Montana is predicated on a false hope and an illusion that will never become a reality. The court will do precisely what it did in the Oklahoma case.

In that case, the court made that clear in language that was unmistakable, when it said, "This is a matter not of our doing, and we intend to apply the decision of the Supreme Court of the United States."

The rest is very simple. The resolution, in its first sentence, begins, "It is the sense of Congress"—we do not have to read further. It makes no difference what else is written in that resolution. It has no validity. It has no legal effect. That was amply demonstrated in the Soviet wheat case. The Attorney General researched all the cases and said that if Congress intended to take positive and affirmative action, it would have said so instead of relying upon the language that it is a declaration of policy, or the sense of Congress.

My regard for my distinguished friend, the senior Senator from Montana, being what it is, I can only say, if I propose to be candid with the Senate, that this document is not worth the paper upon which it is printed, so far as concerns its impact or binding effect upon the Supreme Court, or any other Federal court. It is a prayer. It is a hope. It is an entreaty. It is as much as to say, "Please, sir"—and then to be ignored as the Commonwealth of Virginia was ignored last week when the blow fell. It was a blow, indeed, as everyone who reads the press knows.

So what we shall vote on directly will be the substitute proposed by the distinguished majority leader for what he and I originally proposed, the Dirksen-Mansfield proposal, which had some teeth in it and made it possible for a Governor, an Attorney General, and a member of the State legislature to go before a court and file an application for a stay of proceedings until two things could happen: First, that a regular session of the legislature would act—

The PRESIDING OFFICER. The time of the Senator has expired.

³⁷ Hare, "The Election of Representatives."

³⁸ J. S. Mill: "On Representative Government," c. 7. For current support to a comparable plan, see Prof. Charles V. Laughlin's article, "Proportional Representation: It Can Cure Our Apportionment Ills," 49 A.B.A.J. 1065 (1963).

³⁹ *Anderson v. Dunn*, 6 Wheat. (19 U.S.) 204, 226.

⁴⁰ Bryce, "American Commonwealth," 35 (3d ed.).

⁴¹ Dicey, "Introduction to the Law of the Constitution," (9th ed. 1939) App. 604.

Mr. MANSFIELD. Mr. President, I yield 2 additional minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 2 additional minutes.

Mr. DIRKSEN. Second, that there would be an election under the State constitution and State law. The language of the amendment is meaningless so long as it is nothing more than an expression of the sense of the Congress.

So I earnestly hope that the Senate this afternoon will vote down the Mansfield substitute, first, because it is meaningless; second, because it would settle exactly nothing; third, because the issue would continue to engross the attention of every State of the Union. That is no way to resolve the question.

So I can only hope that the amendment will be voted down and that we can recur to the original Dirksen-Mansfield proposal and have it approved before the afternoon runs out.

I had intended to offer a motion to table the amendment. I have decided not to do so. I think it is just as well for the Senate to vote on the merits of the Mansfield substitute and resolve it once and for all.

I am grateful for the time yielded to me by my distinguished friend, the majority leader.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DIRKSEN. If I have any time remaining, I yield.

Mr. HOLLAND. As the Senator knows, I returned from Miami. When I left there my understanding was that the Senator from Illinois would move to lay on the table the amendment of the Senator from Montana. Why has the distinguished Senator decided not to make such a motion?

Mr. DIRKSEN. Because there might be two rollcalls covering the same amendment. There might be a motion to table, and then another rollcall on the merits of the amendment. Instead of going through that process, we thought it would be just as well to vote on the substance of the resolution, because I believe Senators know what is in it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HOLLAND. Mr. President, will the Senator from Montana yield a minute to me?

Mr. MANSFIELD. I yield 1 minute.

Mr. HOLLAND. So far as I am concerned, I would rather have the two issues presented, because I would like to vote on a motion to table the Mansfield substitute. I believe it is much weaker and much less desirable than the original Dirksen-Mansfield amendment. Then if we should lose on that measure, we might have to take something much weaker than we want to take.

Mr. DIRKSEN. The Senator may have that opportunity. My understanding is that the distinguished Senator from Oregon [Mr. MORSE] proposes to move to table the original Dirksen-Mansfield amendment. So there will be a vote on that question.

Mr. KEATING. Mr. President, will the Senator yield to me?

Mr. MANSFIELD. I yield 1 minute to the distinguished Senator from New York.

Mr. KEATING. I support the Mansfield resolution expressing the sense of Congress that Federal courts should allow the State Governments more time for redistricting of legislative seats. This resolution is a necessary and responsible affirmation both of the need for legislative reapportionment in certain cases and of the practical difficulties of accomplishing equitable reapportionment under a restrictive time schedule. This resolution seems to me the only feasible method of resolving the impasse which has developed.

I also favor and will support a constitutional amendment to permit apportionment of one house of the State legislature on a basis other than strict population statistics. If the voters of a State choose to make provision in one house of the legislature for special town, county, or city representation through a statewide referendum or other equitable procedures, I believe they should not be barred from taking such action. The vitality of local government often depends upon the ability of local governmental bodies as well as individual citizens to make their voices heard in legislative councils.

The Supreme Court's action stems directly from the failure of Congress and State legislatures to take appropriate action themselves, to remedy gross abuses in legislative districting. In the 87th Congress, I authored a resolution with Senator CLARK, DOUGLAS, HART, JAVITS and SCOTT to provide for a complete study of population disparities in congressional and State election districts. Had my resolution been adopted, the study might well have culminated in congressional initiative to remedy inequitable districting and thus might have obviated the need for judicial intervention.

Since the Congress and the legislatures did not act, the Supreme Court performed a necessary service in bringing this issue to the forefront of U.S. political thinking. Nevertheless, the words of the Supreme Court Justices must be viewed not as the end but as the beginning of a responsible national review of legislative apportionment.

This sense of Congress resolution will allow the people of the United States, the 50 State legislatures, and the Congress full opportunity to review the terms of proposed constitutional amendments. It will encourage full-fledged national debate on the underlying principles of legislative authority.

It therefore becomes the obligation of those with knowledge and experience in public and particularly legislative life to study the questions raised by the Supreme Court decision. This can be done better by a thorough and judicious debate of proposed constitutional amendments than by hastily contrived make-shifts. Certainly, the Mansfield resolution should make clear to all Federal courts that reapportionment is an issue which will demand national attention for some time to come.

Mr. MANSFIELD: I yield 1 minute to the Senator from Ohio.

REAPPORTIONMENT: LETTER OF CHARLES P. TAFT

Mr. YOUNG of Ohio. Mr. President, the debate on the pending amendment regarding the Supreme Court reapportionment decisions is one of the most important and far-reaching legislative proposals ever to come before the Senate. Within the past few weeks this important matter has engaged the attention of thoughtful Americans throughout the Nation and has assumed the proportions of a great national debate.

How the Senate disposes of this legislative proposal will shape the form of our State and Federal Governments and the lives of all Americans for generations to come. In effect, it is a civil rights bill of the highest magnitude, for it affects the voting rights of well over half of the citizens of our Nation.

My position is clear. I favor the Supreme Court decision, although I regret that it was necessary for the Federal courts to intervene. However, had the States taken the necessary corrective action, it would not have been necessary for the Supreme Court to rule on this matter. The people who are being deprived of fair representation—for the most part Americans living in metropolitan areas—had no alternative but to appeal to the Federal courts once their petitions were rejected by their State courts.

My opponent, in Ohio, for election as U.S. Senator voted for the Tuck bill. It would attempt to strip the Supreme Court of its power to rule on reapportionment cases. In effect, this was not only a bill affecting reapportionment, but also a direct attack on one of the three coordinate branches of our Federal Government and therefore an attack on the very composition of our Government. He has also indicated that he favors the amendment pending before the Senate.

Mr. President, on September 8, 1964, there appeared in the Columbus Citizen-Journal, a great newspaper of my State, a letter to the editor from Charles P. Taft, an outstanding American who has served his community, State, and Nation well over the years. Charles P. Taft is the brother of the late Senator Robert Taft and the uncle of my senatorial opponent. His letter is a cogent and concise summary of the one-man, one-vote concept central to the debate. It is a strong defense of the Supreme Court decision. I commend this letter to my colleagues and ask unanimous consent that it be printed in the RECORD at this point as part of my remarks:

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CHARLES P. TAFT DISSENTS

DEAR MR. EDITOR: I note with interest your editorial on apportionment of State legislatures. Your argument is summarized in the last paragraph, which read as follows:

"Why shouldn't it be made constitutional for the voters of Ohio, for instance, if they so choose, to set up one house of its legislature on an other-than-population basis to keep Cuyahoga County from dominating its legislature?"

You neglect one very important historical fact. The Constitution provided for two

Senators from each State as the "great compromise" essential to secure the ratification of the Constitution. The smaller States would not have gone along except on this basis.

The great compromise has been damned at frequent intervals since 1787, especially after events like the defeat of the League of Nations by the Senate in 1920, or the kowtowing to the "silver" Senators at various times in the last 30 years before silver became scarce.

Your suggestion of one house not based on population, designed to protect the rest of the State from Cuyahoga County, clearly implies that the people of Cuyahoga County are somehow second-class citizens.

In 1647, the famous Putney debate took place between Cromwell and the Levellers who were the representatives of Cromwell's army. Cromwell claimed that if anything but property qualifications qualified a man to vote, then those without property, being more numerous, would take the property away from those that had it.

The Levellers insisted that the poorest man in England had a life to live as much as the richest man, and "Therefore, sir, I think it is clear that no man should be under a government except by his own consent."

Cromwell has been proven wrong, and the Levellers right.

This is the heart of our democracy, and your proposal rejects it.

Mr. MANSFIELD. I yield 1 minute to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, I support the revised Mansfield reapportionment amendment.

It has now become clear that, should the Senate fail to approve this amendment, in all probability Congress would not act in this area during the present session.

The pending amendment would express the sense of Congress that the next election of members of the State legislatures, following the effective date of this act, be conducted in accordance with the laws of such State which were in effect on September 20, 1964.

In addition, the amendment would give the State legislatures an opportunity to reapportion themselves.

By adopting this amendment, we would also avoid serious constitutional questions raised by other proposals; and, clearly, nothing would be gained by now adopting an amendment which later might be declared unconstitutional by the courts.

My support for this proposed substitute amendment does not, in any way, change my intention to cosponsor, or, if need be, to introduce, a constitutional amendment which would allow the people of each State, if they so desired, to apportion representation in one house of their legislature on some basis other than population alone.

Mr. MANSFIELD. I yield 2 minutes to the Senator from Iowa.

Mr. HICKENLOOPER. Mr. President, in the August issue of the Farm Journal, the largest of our farm publications, appeared an article relating to the Supreme Court decision. I would like to read a few paragraphs from that article.

In one sweeping, historic gesture, the U.S. Supreme Court has voted (6 to 3) to:

Reach down into each State and remake the State legislatures across the land.

The Court has ordered that States must stir themselves to district both houses of

their State legislatures on the basis of population—and the population in each district must be "substantially equal." This is likely to force 40 or more States to revamp their legislatures.

This will toss into the ashcan one of the basic, time-honored cornerstones of our system of American representative government.

Since colonial days, States and the Federal Government have selected one house on the basis of population, and the other house partially or entirely by area. It has been one of the vital parts of our check-and-balance governmental system.

The new Court decision shears farm people of a good share of the influence they've had in their State governments.

A State senate based largely on area permits representatives of farm sections to better serve widely scattered farm people and their economic and minority interests.

Also it has served as a brake against population centers running off with all the marbles, or imposing the "tyranny of the majority"—a point held dear by the Founding Fathers.

If this Court decision stands, it will bring one of the most sweeping overnight changes in American government since the Revolution. Farmers and rural areas will feel it most.

Mr. President, I do not believe that farmers should be confused about who is doing what to whom.

Judging by the vote on the previous McCarthy, Javits, Humphrey substitute for the Dirksen amendment, the overwhelming support for leaving the Supreme Court decision undisturbed is the Democratic Party and the leadership of the Democratic Party.

Many of those who profess to be the best friends that farmers have are behind this effort to curtail farmers' influence in State legislatures.

I had welcomed the assistance of the distinguished majority leader, in his cooperation with the minority leader, to give the people, the States, and the Congress a little time to analyze this issue and to perhaps find a better answer to the situation created by what Justice Harlan called the Draconian decision of the Supreme Court.

I must express my disappointment that the majority leader has now switched sides and is supporting action which is little better than no action so far as any influence it may have on the future course of events is concerned.

The President has been silent on this matter. Yet, what conclusion can we draw with respect to his position when we note that the Senate majority leader and the Senate assistant majority leader, the Democratic candidate for the vice-presidency, are the leaders in the effort to set aside meaningful action and substitute the feeble admonishment of the substitute now offered.

It is a great disappointment to me that the President and the Democratic vice-presidential candidate could not have taken what I would consider to be a broad gage statesmanlike approach to the issue, even though it may be their personal view that the Supreme Court decision should stand undisturbed. It seems to me that consistent with this view they might have advocated a procedure that would give the people of the United States an opportunity and a little time

to look at the issue and to reach a consensus of national opinion by this process.

The people are to have nothing to say about this issue if the counsel of the Democratic leadership is to prevail. By the time this Congress meets again and is organized to do anything, the courts will have foreclosed the issue in many States.

It seems to me that under these circumstances the President and the Democratic vice-presidential candidate might well have said to the country: This is an exceedingly important issue. It involves a basic reorganization of State legislatures in most of the States. It apparently involves, too, a basic reorganization of the structure of many county and city governing boards. It involves the most important and far-reaching constitutional change of our time.

We need not therefore hurry. We should proceed to debate the issue at every level. After all, our government structure has existed for 170 years, and it has not been an unsuccessful structure. So we should hold the issue in abeyance for a short time—giving an opportunity to debate the issue—to reach a consensus of national opinion. Let the democratic process prevail.

Yes, I think the President and the Democrat vice presidential candidate might have and should have advocated this approach, even though it may be their personal opinion that representation on both bodies of every State legislature and on the governing boards of local units of government should be on a strictly population basis.

I think this approach to the problem would have brought commendation from all concerned, would have been welcomed by almost everyone, irrespective of what their individual views might be.

So let us not be confused—let us recognize that it is the leadership of the Democrat Party that is telling us today that the issue should be settled now—as it would probably be settled by the proposed substitute offered us today—that the people and State governments should be foreclosed from having any say as to the disposition of the matter, that there shall be no national debate of the issue before it is settled. This proposal offered us today is not in my view the way the most important constitutional issue of our time should be decided.

So let us not be confused. Those who hold out to farmers one hand in friendship, but who stab them in the back with a pitchfork with the other, cannot consistently pose as their friend. No talk of how much they love farmers can hide what they propose to do to farmers and the manner in which it is proposed to be done.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President—

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, yesterday, when I introduced the pending substitute amendment—and I was under no illusion—I gave the background which dictated the necessity of making a further effort in changing the original language in view of the total stalemate that had developed in this body. When the will to talk shows no sign of waning, when the listeners demonstrate the inability to invoke cloture, when the body as a whole refuses to table the measure, it is clear the rules provide no further remedy; then reasonable and responsible men must at that point make some further effort. The distinguished majority leader did just that. We sat down in an attempt to rework our original language to take into account the criticism that had been directed at it. We did this, but we found that even the new language promised more weeks of educational debate.

I conferred again with the distinguished minority leader; he has had strong views on this measure from the beginning. He had demonstrated on two separate occasions his willingness to adjust greatly his original views in the effort to work out a solution.

It would have been unreasonable of me to insist at this point for the minority leader to go to the well with me again when on our last two trips we found it dry.

I regret that some have interpreted the proposals on this matter offered by the minority leader and myself constituted an uneasy alliance. Nothing could be more untrue. The minority leader's intentions in this matter have been made very clear on several occasions. They have, I must admit, differed from mine. The language we worked out, however, did injustice to neither of our intentions.

I have been interested from the beginning in extending to the States the hand of reasonableness, on a deliberate speed basis, in adjusting to the Constitution as interpreted by the Supreme Court, while at the same time confirming the basic precepts of our land that the Supreme Court is vested with the final authority in interpreting our Constitution and that the Constitution cannot be suspended for any period of time, for any purpose without the adoption of a constitutional amendment. The language we worked out on both occasions would clearly effectuate this purpose without abusing these basic precepts. The language presently before us is entirely consistent with this purpose and this responsibility. I have chosen this path—to offer this substitute alone—because I realize the realities of the present parliamentary stalemate and the responsibility of the leadership position which dictated a third and somewhat difficult trip to the well.

I am convinced that this present substitute will both express the keenness of the congressional interest in the reapportionment problem and show what course of action this deliberative body considers most effective in permitting the

States to adjust to this constitutional mandate.

I urge the adoption of the substitute. Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DIRKSEN. Do I correctly understand that the question will be on the Mansfield substitute for the original Dirksen-Mansfield amendment, and that the substitute is a "sense of Congress" resolution?

The PRESIDING OFFICER. The Senator is correct.

Pursuant to the unanimous-consent agreement entered into yesterday, the hour of 2:30 p.m. having arrived, the Senate will now proceed to vote.

The question is on agreeing to the modified amendment of the Senator from Montana [Mr. MANSFIELD] in the nature of a substitute for the Mansfield-Dirksen amendment to the Foreign Assistance Act of 1961. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia (when his name was called). On this vote I have a pair with the Senator from Washington [Mr. JACKSON]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay."

Mr. SMATHERS (when his name was called). On this vote I have a pair with the senior Senator from Minnesota [Mr. HUMPHREY]. Were he present and voting, he would vote "yea." Were I at liberty to vote, I would vote "nay." I therefore withhold my vote.

Mr. SYMINGTON (when his name was called). On this vote I have a live pair with the senior Senator from Louisiana [Mr. ELLENDER]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I therefore withhold my vote.

The rollcall was concluded.

Mr. MANSFIELD. I announce that the Senator from Idaho [Mr. CHURCH], the Senator from Louisiana [Mr. ELLENDER], the Senator from Minnesota [Mr. McCARTHY], and the Senator from Alaska [Mr. GRUENING] are absent on official business.

I also announce that the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Alabama [Mr. HILL] are absent because of illness.

I further announce that the Senator from Nevada [Mr. CANNON], the Senator from Mississippi [Mr. EASTLAND], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Washington [Mr. JACKSON], and the Senator from Oregon [Mrs. NEUBERGER] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. GRUENING], the Senator from Idaho [Mr. CHURCH], and the Senator from Massachusetts [Mr. KENNEDY] would each vote "yea."

On this vote, the Senator from Nevada [Mr. CANNON] is paired with the

Senator from Oregon [Mrs. NEUBERGER]. If present and voting, the Senator from Oregon would vote "yea," and the Senator from Nevada would vote "nay."

On this vote, the Senator from Mississippi [Mr. EASTLAND] is paired with the Senator from Massachusetts [Mr. KENNEDY]. If present and voting, the Senator from Massachusetts would vote "yea," and the Senator from Mississippi would vote "nay."

On this vote, the Senator from Minnesota [Mr. McCARTHY] is paired with the Senator from Texas [Mr. TOWER]. If present and voting, the Senator from Minnesota would vote "yea," and the Senator from Texas would vote "nay."

Mr. KUCHEL. I announce that the Senators from Kansas [Mr. CARLSON and Mr. PEARSON], the Senator from Arizona [Mr. GOLDWATER], and the Senator from Texas [Mr. TOWER] are necessarily absent.

On this vote, the Senator from Texas [Mr. TOWER] is paired with the Senator from Minnesota [Mr. McCARTHY]. If present and voting, the Senator from Texas would vote "nay," and the Senator from Minnesota would vote "yea."

If present and voting, the Senators from Kansas [Mr. CARLSON and Mr. PEARSON] would each vote "nay."

The result was announced—yeas 44, nays 38, as follows:

[No. 580 Leg.]

YEAS—44

Anderson	Hayden	Muskie
Bartlett	Inouye	Nelson
Bayh	Javits	Pastore
Beall	Keating	Pell
Brewster	Kuchel	Proxmire
Burdick	Long, Mo.	Randolph
Case	Long, La.	Ribicoff
Clark	Magnuson	Salinger
Dodd	Mansfield	Scott
Douglas	McGee	Smith
Edmondson	McGovern	Walters
Fulbright	McIntyre	Williams, N.J.
Gore	McNamara	Yarborough
Hart	Metcalfe	Young, Ohio
Hartke	Moss	

NAYS—38

Aiken	Hickenlooper	Mundt
Allott	Holland	Prouty
Bennett	Hruska	Robertson
Bible	Johnston	Russell
Boggs	Jordan, N.C.	Saltonstall
Byrd, Va.	Jordan, Idaho	Simpson
Cooper	Lausche	Sparkman
Cotton	McClellan	Stennis
Curtis	Mechem	Talmadge
Dirksen	Miller	Thurmond
Dominick	Monroney	Williams, Del.
Ervin	Morse	Young, N. Dak.
Fong	Morton	

NOT VOTING—18

Byrd, W. Va.	Goldwater	McCarthy
Cannon	Gruening	Neuberger
Carlson	Hill	Pearson
Church	Humphrey	Smathers
Eastland	Jackson	Symington
Ellender	Kennedy	Tower

So Mr. MANSFIELD's substitute amendment, as modified, for the amendment proposed by Mr. DIRKSEN and Mr. MANSFIELD (No. 1215), was agreed to.

Mr. ANDERSON. Mr. President, I move to reconsider the vote by which the amendment to the amendment was agreed to.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MORSE. Mr. President, I have a brief statement which I shall read preparatory to moving to lay on the table the Dirksen amendment as amended by the Mansfield substitute as modified.

I assure Senators that I shall not make my motion without providing adequate time to other Senators to discuss the motion. I wish to make a brief statement, and then I should like to have an understanding with the leadership that I may withhold my motion to lay on the table for the purpose of debate. After that I shall have an opportunity to make my motion.

The PRESIDING OFFICER (Mr. MCINTYRE in the chair). The Chair informs the Senator from Oregon that under the unanimous-consent agreement entered into previously the time is controlled, with 15 minutes allowed to each side.

Mr. MORSE. I shall need only 3 or 4 minutes to read my statement.

Mr. President, whenever I drive down a highway that carries a billboard screaming: "Impeach Earl Warren" I renew my determination that so long as I am able, I shall do all in my power to defeat and offset all such assaults upon this great Chief Justice and the Court he heads, from whatever source.

During the 1940's, when the Supreme Court was also reversing decisions of long standing and opening new areas of personal liberty for the American people through application of the Bill of Rights and the 14th amendment, it was known as the Roosevelt Court. It was known for the man who appointed the Justices.

But the Court of the 1950's and 1960's is known for the man who is its chief. It is called the Warren Court, not the Eisenhower Court.

Under the magnificent leadership of Earl Warren, the Federal judiciary has been the protector, advocate, and guardian of the personal liberties of American citizens. It has, despite all the distortions to the contrary, advanced the personal liberty of individuals by protecting them from encroachments by all levels of government, both local and Federal.

The courts have come under attack only because they have extended judicial protection to many liberties not previously protected by the courts. The Supreme Court has come under attack only because it has upset some long-practiced and long-established infringements upon personal liberty that another significant body of citizens profited from in one way or another.

The courts came under attack when they put to an end many actions and practices of State, local, and Federal Governments that infringed upon or denied to individuals or to whole classes of citizens personal freedoms that theoretically were theirs under the Constitution.

Despite all that is being said in this election campaign about alleged encroachments of "big government," all allegations that the Federal Government is taking away all our personal freedoms, the fact remains that the U.S. Supreme Court has in the last dozen years greatly advanced and expanded the personal freedoms of the American people.

Many did not think so because it was the liberty of others than themselves that was advanced. In many cases, it was the personal rights of minorities over whom the majority long enjoyed some sort of wardship, or guardianship. The Court met with disapproval for advancing the rights of persons whose rights the critics did not want advanced.

But every protection of free speech, every protection of freedom of religion, every protection of freedom of the press, every protection of due process of law, every protection of the right to assemble peacefully and to petition Congress, every protection of equality before the law, advance the freedom of every citizen in these areas.

In nearly all cases, these freedoms were advanced against government, often the Federal Government.

We are engaged in a presidential campaign in which the Supreme Court has become a major target for bombardment, although because of our historic tradition, its members cannot and do not reply.

Every day, in this political campaign attempts are made to gain votes at the expense of the Supreme Court. He knows there will be no reply and no defense from its members.

Attackers of the Court know that this is the cheapest possible way to campaign, because they are able to beat a horse that is tied, gagged, muzzled, and hobbled.

In attacking the Supreme Court, they are not attacking a McNamara, or a Johnson, who not only can answer but can make some attacks of their own. Enemies of the Court are maligning for their own political purposes the one branch of our Federal Government that is outside of campaign politics.

This attack comes from those who have been trying to convince the American people that big government is taking away all their liberties. If any group or institution is going to protect the American people from governmental infringement upon their liberties, it is not the enemies of the Court, but the very Supreme Court and lower courts they are so anxious to discredit.

Last Sunday, there appeared in the Eugene Register-Guard, of Eugene, Oreg., an Associated Press story entitled: "Earl Warren Still Presides in Silence and Serenity." It is a summary of the reasons why the Supreme Court is a central point of political attack in this presidential campaign, and I ask unanimous consent that it be printed in the RECORD at the conclusion of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MORSE. Mr. President, the Mansfield substitute approved today can be called a victory only to the extent that it is not as bad as the Tuck bill, the Dirksen amendment, and the Javits substitute.

But it still is an interference by way of gratuitous advice from Congress into the jurisdiction of the Federal courts. That is why I voted against it. That is why I continue to hope that it will disappear from the foreign aid bill before that bill reaches the President's desk.

No matter how it is sliced, this language is still a slap at the Supreme Court because its passage carries with it the understanding that the Federal courts require supervision and advice from Congress. I say they do not. I say that until Congress writes statutory language enforcing the 14th amendment, which is our only constitutional function in this area, the Supreme Court is entirely able to supervise the application of the equal protection clause to the State legislatures. That is its function, in the absence of enforcement legislation, just as it was the function of the Federal courts to supervise the application of the equal protection clause to racial discrimination during the 10 years when there was no enforcement legislation.

I plead with Congress not to aid and abet the current campaign against the Federal judiciary by tossing off, without the benefit of so much as 1 day of public hearings, this unwarranted rebuke of the Supreme Court.

Let Senators not forget that Earl Warren is not Chief Justice of the Supreme Court, but Chief Justice of the United States. He is the top judicial officer of the Federal court system. Senators who have been saying that the Mansfield substitute is directed only at the district courts and not at the Supreme Court at all seem to be uninformed of the fact that the Chief Justice and the Supreme Court are responsible for the administration of justice all the way down through the district courts.

The Mansfield amendment interdicts that authority. It substitutes the curbstone opinion of the Senate for the rightful, constitutional authority of the Chief Justice and the Supreme Court. I submit that Earl Warren does not need any reminder of his duty or any pointers on equity from a Senator DIRKSEN, or MANSFIELD, or DOUGLAS, or GOLDWATER, or MORSE, or from all of us together in a collective action.

A recent television program on the history of the Presidency referred to disputes between the President and Congress. It included the words of President Jackson, when he said:

I'll not accept any resolution from those damned rascals in the Senate.

Earl Warren might say the same of this sense-of-the-Congress statement, and he would be right.

The amendment should be tabled. Therefore, I shall move to lay on the table the Dirksen amendment as amended. However, I withhold my motion to table until time has been taken to discuss my statement or anything else, if it is understood that before the matter is disposed of I shall have the privilege of moving to table the Dirksen amendment as amended by the Mansfield substitute as modified.

EXHIBIT 1

[From the Eugene Register-Guard, Sept. 20, 1964]

TEN STORMY YEARS FOR SUPREME COURT: EARL WARREN STILL PRESIDES, IN SILENCE AND SERENITY

(By Bem Price)

(EDITOR'S NOTE.—The Supreme Court has had 10 stormy years since the famous school desegregation decision, but Earl Warren still

presides over it, in silence and serenity. And the storm signals are still flying as the Court, recently concluding a momentous session, opens a new term October 5 and prepares to grapple with civil rights issues.)

WASHINGTON.—There are billboards scattered along some of the Nation's highways which exhort:

"Impeach Earl Warren."

Earl Warren is, of course, the 13th Chief Justice of the United States, a three-time Republican Governor of California, and the Republican's 1948 vice-presidential candidate.

He is also head of the Commission investigating the assassination of President John Kennedy, and personally heard dozens of witnesses. The report of the Commission is expected shortly.

Warren took this assignment, perhaps one of the most solemn duties he will ever perform, only at the insistence of President Johnson.

Warren was 73, eligible for retirement from the Supreme Court at full salary of \$35,000 annually, when the President assigned him the task. Warren accepted, though it violated his own firm belief that Supreme Court Justices should not take outside assignments.

As for the highway signs, they are indicative of the deep controversy which Warren and the Court he has headed for 11 years has stirred among countless Americans.

Hotly defended as a protector of individual rights against the encroachment of authority, Warren and the Court have been just as hotly criticized as, among other things, "being soft on communism," usurping the legislative powers of Congress, and basing decisions on emotion and sociological findings rather than on legal fact.

Senator BARRY GOLDWATER, the Republican presidential candidate, has stated his opinion of the Court. A week ago he told the American Political Science Association that the Court had abandoned the principle of 'judicial restraint with respect to acts of Congress with which it disagreed but which are founded on legitimate exercise of legislative power.'

GOLDWATER said he was weighing his words carefully when he said that of the three branches of Government "today's Supreme Court is the least faithful to the constitutional tradition of limited government."

The next day President Johnson said he could see "nothing to be gained" by involving the Court in the campaign. Reminded that the Court had been a live issue in the days of Franklin Delano Roosevelt, Johnson said that was because specific proposals had been made (enlarging the Court) and "I know of no such proposals now."

On his first campaign swing into the South GOLDWATER hit the Supreme Court issue hard. He said that if elected he would use his power of appointment to Federal courts to "redress constitutional interpretations in favor of the public."

He strongly attacked the Supreme Court decision ordering reapportionment of State legislatures. He said he would work to overturn a series of Supreme Court decisions on rights of defendants in criminal prosecutions. He said he believed in States rights and would use his "influence and power to see that law-enforcement officers, on the State and local level, get back the power to carry out their job."

Two decisions which fostered bitterness against Warren were the decision 10 years ago ordering desegregation in schools and another the following year which declared that desegregation must be accomplished "with all deliberate speed."

In both cases, the rulings were unanimous.

There is little likelihood that Warren will be impeached. Even the John Birch Society, which has been a leader in the movement, doesn't expect it to happen.

Says John Rousselot, official spokesman for the society:

"Actually, we know Earl Warren won't be impeached by the Senate. What we want is a trial there as provided by the Constitution that will result in reestablishing where the legislative authority resides—in Congress, not in the courts."

While arousing the ire of rightist groups, Warren has always considered himself a man of the center in politics. He has described his philosophy as "progressive conservatism," and while he was in politics he urged the Republican Party to repudiate "extremists of the right."

Warren's views once prompted Harry S. Truman to say, "He's really a Democrat and doesn't know it."

That some men would disagree vehemently with the Court's interpretation of the Constitution was foreseen long ago by the fourth Chief Justice, John Marshall, when he wrote:

"A constitution is framed for the ages and is designed to approach immortality as nearly as human institutions can approach it. Its course cannot always be tranquil. It is exposed to storms and tempests."

But whatever can be said of the present Court—called the most important in the 100 years—several things appear quite clear:

It has been a staunch advocate of individual freedom, including the freedom to dissent; it has been a vigorous foe of governmental encroachment upon those freedoms, and a notable number of decisions in important cases have been unanimous.

The Court has made it quite plain it feels that before the law, all men are equal, that none can claim privileges denied to others by reason of race, creed, or national origin.

Warren's concern with individual rights has been manifest in a number of opinions. He has written:

"The abhorrence of society to the use of involuntary confessions does not turn alone on their inherent untrustworthiness. It also turns upon the deep-rooted feeling that the police must obey the law while enforcing the law; that in the end life and liberty can be as much endangered from illegal methods used to convict those thought to be criminals as from the actual criminals themselves."

And again:

"The privilege against self-incrimination is a right that was hard earned by our forefathers. The privilege was generally regarded then, as now, as a privilege of great value, a protection to the innocent through a shelter to the guilty, and a safeguard against heedless, unfounded or tyrannical prosecutions."

In the 11 years, come October 5, Warren has served as Chief Justice, few men in judicial history have been damned and denounced quite as much.

The new term of Court, opening October 5, offers little promise of peace between the Court and its critics. The court has agreed, as its first act of business, to review the public accommodations section of the new Civil Rights Act.

The particular case involves the barring of Negroes from the Heart of Atlanta Motel in Atlanta, Ga., and, by extension, the Pickrick Restaurant, also in Atlanta, which closed its doors rather than serve Negroes.

Later, the Court also has on its docket a case from Florida in which a white woman was fined for living with a man described as a Negro. A decision in this case will affect miscegenation laws in all Southern States.

In still another case, the Court will decide whether States are barred by the Constitution from using trespass laws to keep Negroes from business establishments.

In the days when Warren was a practicing politician an attack would have brought a devastating counterattack.

"A Senator or a Governor," he once told an interviewer, "may explain or defend his

position publicly but not members of the Supreme Court. We can't be guided by what people think or say, except in legal discussion. We can't be guided by public appraisal. If we did, we'd be deciding cases by other than legal means."

If the white-haired Warren is perturbed by any of the criticism it rarely shows. He still turns a sunshiny smile upon the world and finds refuge amid the highly partisan crowds at football and baseball games where he carefully refrains from booing the umpires.

On one occasion, however, when he was asked whether he sometimes wished he might reply to attacks upon the Court, he replied: "Oh, boy. Sometimes it makes you cringe, to see what other people say and write."

There is no doubt that in the 11 years Warren has occupied the highest judicial post in the land, the Court has set in motion vast changes throughout its majority opinions—opinions which go to the root of American life.

It has ruled that:

Legislatures represent people, not trees or acres and hence State legislatures should be apportioned on the basis of population.

States may not segregate school children on the basis of race, color, creed, or national origin.

The fifth amendment's protection against self-incrimination applies to State as well as Federal courts.

Indigent persons are entitled to legal representation provided by the courts in both State and Federal jurisdictions.

Bible reading and state-composed prayers as required exercises in public schools clash with the Constitution's guarantee against governmental interference with religious.

Racial imbalance in schools does not violate the Constitution.

A Federal law denying passports to Communists was unconstitutional on its face.

These were just some of the decisions which stirred the passions of some men throughout the Nation. In the last session alone, the Court reviewed 2,410 cases—highest in the Court's history.

One decision of the past session which aroused wide reaction, mainly among politicians, was the ruling that State legislatures must be apportioned on the basis of population.

What this decision does, in effect, is to end rural domination of State legislatures.

The House of Representatives has already passed and sent to the Senate a proposal which would strip the Federal courts of jurisdiction in apportionment cases. The bill, by Representative WILLIAM TUCK, Democrat of Virginia, would leave intact the Supreme Court's ruling that both houses of a State legislature must be apportioned on a population basis. But it would give the Court no enforcement powers.

Senate Minority Leader EVERETT DIRKSEN, Republican of Illinois, has given the Tuck measure little chance of passage in the Senate. DIRKSEN has his own measure which would delay enforcement of the reapportionment decision for a year or two.

Whether either the Dirksen or Tuck proposals can be acted upon in this session of Congress is problematical.

Warren also wrote the 1954 school desegregation decision. In that decision, which upset some 250 years of Southern tradition, he declared:

"Education is perhaps the most important function of State and local governments. It is the very foundation of good citizenship.

"We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal."

But whatever the opposition, Supreme Court decisions have a way of hardening into the law of the land. The passage of the 1964 civil rights legislation is indicative.

In all his 11 years on the Bench, Warren has only once come close to answering the Court's critics. That was in 1963 before the California Bar Association meeting at San Francisco.

In that speech Warren said the landmark cases of the past 10 years had been charged with emotion, but then so were decisions of the 1930's and 1940's.

Those earlier decisions, he said, "are now shorn of emotion and are a part of the settled jurisprudence of the Nation."

Then Warren said:

"There are many people, and, I fear, some lawyers, who believe that whenever the Court disapprove of some facet of American life, it reaches out and decides the question in accordance with its desires.

"We can reach for no cases. They come to us in the normal course of events or we have no jurisdiction. When they do come to us, we decide them or we do not do our duty."

As for those who say the Court is invading the rights of States, Warren had this to say:

"Where the supreme court of a State is vigilant in its protection of constitutional rights, as is the Supreme Court of California few differences arise between it and the Supreme Court of the United States."

Warren concluded that speech by saying:

"Too often we find people who believe fervently in that portion of the rule that protects them in their own sphere of activity but are intolerant of that portion which protects other people.

"When we say we have a government of laws and not of men, we mean at the very least, that the law protects all men equally in their property and individual rights, regardless of their race, religion, color, or wealth."

The lawyers cheered.

To the buffeted Warren, it must have been a rare balm.

Mr. RUSSELL. Mr. President, I should like to have 2 or 3 minutes yielded to me by whomever is in control of the time.

Mr. DIRKSEN. I yield 5 minutes to the Senator from Georgia.

Mr. RUSSELL. I thank the Senator.

Mr. President, I shall vote in favor of the motion of the Senator from Oregon to table the amendment, but for an entirely different reason from that which he has assigned. I believe that the adoption of the amendment in the form in which it is presented would be demeaning to the Senate of the United States. I shall, therefore, vote to table this sense-of-the-Congress amendment.

If we may judge from some of its more recent opinions, the Supreme Court does not have a very high regard for the sense of the Congress in the first instance. Indeed, if we abandon so completely our legislative responsibility and the power vested in this body under the Constitution and assume an attitude of obeisance, subservience, and supplication when we have the power to pass effective legislation in this field, then the Supreme Court is justified in believing that Congress has no sense.

To me, this is a regrettable state of affairs. I did not initiate the original amendment. I am not sure the foreign aid authorization bill was the proper measure to which to offer it. But after the matter was brought before the Senate, it had my heartiest support, and for that I apologize to no one.

Congress is supposed to be a coequal and coordinate branch of the Government. Legislative power is supposed to be vested in this body and not in any judicial branch, anywhere, even though it be as exalted as the Supreme Court of the United States. That Court has lost sight of the fact that the States created the Federal Government. The States are not creatures of the Federal Government; they are the creators of the Federal Government. Not a single one of the legislative bodies of the Original Thirteen States was apportioned purely on a basis of population. I agree that one house of each State legislature should be apportioned purely on the basis of population. But there are sound reasons in the whole history of human affairs, of government, of its management, and of society to take into consideration factors other than the population in determining the representation of the other body.

It is impossible for every interest and element of our people to have their voices heard and their interests protected if our ever increasing urban centers are to have the power to elect all members of both legislative bodies. The peculiar problems of an ever decreasing rural population will have no attention whatever. They will be lost in the maneuvering as the political leaders of the great centers of population jockey for position and power.

Indeed, Mr. President, if both houses of the State legislatures are to be chosen on the basis of population alone there is little reason to retain the bicameral system—a one house legislature would be more economical and arrive at the same result.

To say that both houses of a State legislature should be apportioned purely on the basis of population is to invite the creation of political bosses of political machines in the great centers of population, such as we have seen in the past—machines which give rise to corruption, graft and crime and cause people to hang their heads in shame for many years. When other factors are taken into consideration, there are checks and balances, and city machines cannot control the States. When all factors other than a counting of heads are destroyed, a rule by mob—by a majority of one of the moment—is created. That is the very thing that the Founders Fathers sought to avoid when they wrote the Constitution of the United States.

It was never contemplated by the Founding Fathers that the courts should have any such authority as to require both houses of a State legislature to be apportioned strictly on a basis of population. It is an act of cowardice on the part of Congress to back away from its responsibility and permit the Court to assume the powers it has in this instance.

Rather than to be put in a position of subservience to the Supreme Court, I shall vote to table this poor, weak, futile gesture of Congress—a Congress that once was respected throughout the United States.

Mr. MANSFIELD. Mr. President, I yield 2 minutes to the distinguished Senator from New York.

Mr. JAVITS. Mr. President, I shall

vote against the motion to table. I believe that in good faith toward the people of the country, who have watched this battle go on in Congress, where the middle position has finally been successful—as it so often is in this country—we should go through with what we have finally decided as the consensus of this body.

The reason is that it takes as much strength to respect a coordinate branch of the Government as it does to try to override it when we have no power to override it. The Congress has no power to override a constitutional interpretation by the Supreme Court, except by a constitutional amendment. In my judgment, the argument for tabling is invalid because we have a remedy. We have a remedy under the supreme law, which would have the same authority as that which justified the Supreme Court's decision, namely, a constitutional amendment, and we have the power and the right to start such an amendment in motion. In my judgment, if we seek to assert an authority over the Supreme Court that we do not have, we are guilty of exactly the same kind of tyranny which those who argue for the tabling motion have argued against the Supreme Court. This is not strength; it is weakness or pique. I hope the Senate will not do it.

Mr. MANSFIELD. Mr. President, I first yield 4 minutes to the distinguished Senator from Florida [Mr. HOLLAND], and then I shall yield 4 minutes to the distinguished Senator from Ohio [Mr. LAUSCHEL].

Mr. HOLLAND. Mr. President, I agree with everything the distinguished Senator from Georgia [Mr. RUSSELL] said except one thing. I do not agree with his conclusion.

I shall vote against the motion to table because I believe the Senate and the House have a positive duty to perform. When the Supreme Court goes astray, in the judgment of any Senator or any Member of the House, I do not know anywhere else that the people of the States of our Nation can turn for any voice to be raised in defense of a system they believe in and have operated under since 1789, or prior thereto, except to Congress.

Another reason why I oppose the motion is that I do not care to be placed in the position of maligning the Supreme Court. I stood on the floor of the Senate and suggested, when there was trouble in Mississippi, that the Governor of Mississippi should obey an order of the Supreme Court or of a Federal court. I have always stood for obedience to the courts. But I also stand for the responsibility of Congress in a matter which does not enable the people to turn anywhere else.

It seems to me that while we are given a very milktoast sort of amendment now—and I am only sorry that my distinguished leader lost faith in his original proposal and has gone backward to this weak, spineless proposal—

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. HOLLAND. At the same time, I must vote for that, if that is all that he

could offer, because I believe that the Senate and House must express their complete disapproval of a departure from constitutional principles, which reach back to the very inception of the Constitution.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. HOLLAND. I know, because I have read every word of the debates on the submission of the 14th amendment, that it was stated by the sponsors of the amendment to others on the floors of both Houses, that Congress was leaving out the power to do what the Supreme Court has done in this case, and for the very definite reason that Congress felt that if such power were included in the 14th amendment, the amendment would not be ratified by the States. Of course, Congress was correct in that conclusion.

I do not favor the Supreme Court's amending the Constitution; yet that is what it is doing in this particular matter. I do not know where the people can go, except to us, to have us lift our voices against a procedure that we are deeply convinced is wrong and unconstitutional.

I am not trying to impeach or to malign anyone; I am standing for what I think, in good conscience, is right. I think it is the duty of the elected representatives of the people of the States to stand up for the constitutional privileges and rights of the American people and the States.

I regret that we are now reduced to a very weak handling of this subject; but I would rather do that than to sit here and make no effort at all, offer no voice at all, against an encroachment that I think marks the breakdown of important constitutional rights and privileges. I feel it so deeply that I shall vote for anything that we have an opportunity to vote for, which addresses itself to opposing what I think is a terrific abuse of constitutional authority by the Supreme Court.

Mr. LAUSCHE. Mr. President, I contemplate voting against the motion to table that will be made by the Senator from Oregon. I would have preferred the adoption of the Dirksen amendment. Since it has been eliminated, I have concluded that acceptance of the status as it is now is better than nothing at all.

I direct my remarks to the possibility of the court listening to the suggestion which has been made. It was argued earlier today that the court will listen to what we have to say. I wish I could feel confident about the correctness of that statement. I am somewhat dubious about that, but although I am dubious I still have hope and, therefore, wish to see the Mansfield amendment, as modified, adopted.

Mr. President, to illustrate what I have in mind, I should like to discuss the Landrum-Griffin bill. In 1959, we had before us the issue: Shall secondary boycotts be prohibited in economic strikes of labor and management?

The Senate concluded that there shall be no prohibition. The House decided that secondary boycotting shall not be allowed. Inasmuch as the House and Senate were in conflict, a conference committee was appointed. That con-

ference committee made its decision. The former President, Senator John F. Kennedy, was chairman of the Senate conferees. He reported to the Senate that the conference had agreed. Under the agreement, secondary boycotting of a neutral place of business was to be prohibited.

What was permitted was the giving out of handbills or information for radio use. Former Senator Kennedy reported that it was agreed that secondary boycotting should not be allowed. When that statement was made by former Senator Kennedy, the Senator from Oregon [Mr. MORSE] obtained the floor and made the statement:

The bill does not stop with threats and with legalizing the hot cargo agreement. It also make it illegal for a union to coerce or restrain. This prohibits consumer picketing at a neutral place of business.

After the Senator from Oregon was finished, former Senator Kennedy took the floor and made the statement:

We were not able to persuade the House conferees to permit picketing in front of any secondary shop.

Those were the statements made to the Senate. The Senator from Minnesota [Mr. HUMPHREY], the Senator from Oregon [Mr. MORSE], former Senator Kennedy, and other Senators concluded that secondary boycotting was not allowed.

Then began a strike in the State of Oregon. Secondary boycotting was resorted to, but secondary boycotting was resorted to in a peculiar way. Pickets were thrown around the Safeway Stores. They carried signs, "Do not buy the products of X company." The case went to the Supreme Court. The Supreme Court, in the face of what the Senator from Oregon had said, what former Senator Kennedy had said, and what the Senator from Minnesota [Mr. HUMPHREY] had said, issued the pronouncement that secondary boycotting was allowed.

How can I, who was on the floor of the Senate at that time, and heard the arguments of the Senator from Oregon, the Senator from Minnesota, and former Senator Kennedy, forget the fact that the Supreme Court said that we did not do what everyone else said we did: It is an indefensible unexplainable judgment reached by the Court on the basis of its wishes and contrary to the clear intent of the Congress.

The proposal in the Mansfield amendment is better than nothing. It is for that reason that I shall vote for it, hoping that the courts will understand that the Nation is alarmed about what was done and that reasonable time should be accorded to the States to amend their constitutions, if they so desire.

Mr. DIRKSEN. Mr. President, how stands the time?

The PRESIDING OFFICER. Nine minutes remain.

Mr. DIRKSEN. I yield 1 minute to the Senator from Vermont [Mr. AIKEN].

The PRESIDING OFFICER. The Senator from Vermont is recognized for 1 minute.

Mr. AIKEN. Mr. President, I am disappointed that the Mansfield amend-

ment was adopted. Nevertheless, it is an expression on the part of the Senate of disapproval of the action of the Federal courts of this country; therefore, I shall vote not to table it.

We must take some action in Congress and make it our business next session. What the courts have done is to take this country a long way away from the democratic form of government it previously enjoyed for 170 years.

The action of the courts makes the Government of the United States unique among the nations of the world, in that the United States will be virtually the only nation in which a tribunal appointed by one branch of Government can nullify and reverse the acts of the legislative branch of the same Government.

Mr. DIRKSEN. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 4 minutes.

Mr. DIRKSEN. Mr. President, I shall support the motion to table, as the distinguished Senator from Georgia [Mr. RUSSELL] has stated, for reasons quite other than those ascribed by the distinguished Senator from Oregon [Mr. MORSE].

When the vote is taken, and assuming, of course, that the motion to table fails, the very facile gentlemen sitting above us in the Chamber, who have an expertise in somehow winnowing truth from the superfluities and sending it out on the transmission channels all over the country, will probably headline their stories: "The Dirksen-Mansfield Proposal as Amended by the Mansfield Substitute Was Approved by the U.S. Senate This Afternoon." The people who will read it will forget that it is nothing more than the sense of Congress, without validity, without legality, and without any real admonition to any Federal court in the land to pay the slightest attention.

If they were going to pay attention, let me say to the distinguished chairman of the Finance Committee, they would have done it in his State, because we have been discussing this issue for 6 weeks; but last Friday the three-judge court tore his State senate apart and cut their terms in half.

One dares suppose that the members of the three-judge court read the newspapers. One dares assume that they know what is going on in the Senate. From that assumption, they did not pay the least attention to any intent or purpose or objective of the sense of Congress that may have been uttered and expressed upon this floor in the last 6 weeks.

People will read the newspaper stories, and some will find comfort in them. They will say, "The Senate finally came to the rescue of the State legislatures." But it will be a deception. It will be an illusion. I am not going to be a party to fooling the people of the United States, if I can knowingly avoid it. That is all we will get. That is all the "sense of Congress" resolution is. That is all the impact it will have on the Court, even as it did in the State of Oklahoma. The Court said, "It was not of our making,

and we expect you to apply the law." They did.

It should be tabled, but not for the reasons assigned by the distinguished Senator from Oregon [Mr. MORSE].

Mr. MORSE. Mr. President, I shall take only 30 seconds.

Senators have the right to criticize the Court on the floor of the Senate and on the political platforms of America; but I leave them when they seek to use the legislative process to rebuke the Court, because when they do that I claim it to be a violation of the separation of powers, doctrine of the Constitution. That is the reason why I oppose it.

I move to table the Dirksen amendment, as amended by the Mansfield amendment, as modified, in the nature of a substitute. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the senior Senator from Oregon to lay on the table the Dirksen amendment, as amended by the modified amendment of the Senator from Montana [Mr. MANSFIELD] in the nature of a substitute. The yeas and nays have been ordered; and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Idaho [Mr. CHURCH], the Senator from Louisiana [Mr. ELLENDER], the Senator from Alaska [Mr. GRUENING], the Senator from Minnesota [Mr. MCCARTHY], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I also announce that the Senator from Alabama [Mr. HILL] and the Senator from Massachusetts [Mr. KENNEDY] are absent because of illness.

I further announce that the Senator from Nevada [Mr. CANNON], the Senator from Mississippi [Mr. EASTLAND], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Washington [Mr. JACKSON], and the Senator from Oregon [Mrs. NEUBERGER] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. GRUENING] would vote "nay."

Mr. KUCHEL. I announce that the Senators from Kansas [Mr. CARLSON and Mr. PEARSON], the Senator from Arizona [Mr. GOLDWATER], and the Senator from Texas [Mr. TOWER] are necessarily absent.

If present and voting, the Senators from Kansas [Mr. CARLSON and Mr. PEARSON] and the Senator from Texas [Mr. TOWER] would each vote "yea."

The result was announced—yeas 27, nays 56, as follows:

[No. 581 Leg.]

YEAS—27

Allott	Jordan, Idaho	Robertson
Bennett	McClellan	Russell
Byrd, Va.	Mechem	Saltonstall
Cotton	Miller	Simpson
Curtis	Morse	Sparkman
Dirksen	Morton	Stennis
Dominick	Mundt	Talmadge
Hickenlooper	Pastore	Thurmond
Hruska	Pell	Young, N. Dak.

NAYS—56

Aiken	Hart	Metcalf
Anderson	Hartke	Monroney
Bartlett	Hayden	Moss
Bayh	Holland	Muskie
Beall	Inouye	Nelson
Bible	Javits	Prouty
Boggs	Johnston	Proxmire
Brewster	Jordan, N.C.	Randolph
Byrd, W. Va.	Keating	Ribicoff
Case	Kuchel	Salinger
Clark	Lausche	Scott
Cooper	Long, Mo.	Smathers
Dodd	Long, La.	Smith
Douglas	Magnuson	Symington
Edmondson	Mansfield	Walters
Ervin	McGee	Williams, N.J.
Fong	McGovern	Williams, Del.
Fulbright	McIntyre	Yarborough
Gore	McNamara	

NOT VOTING—17

Burdick	Goldwater	McCarthy
Cannon	Gruening	Neuberger
Carlson	Hill	Pearson
Church	Humphrey	Tower
Eastland	Jackson	Young, Ohio
Ellender	Kennedy	

So Mr. MORSE's motion to table the Dirksen amendment, as amended by the Mansfield amendment, as modified, in the nature of a substitute, was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois [Mr. DIRKSEN], as modified by the amendment of the Senator from Montana [Mr. MANSFIELD].

The amendment was agreed to.

ORDER OF BUSINESS

The PRESIDING OFFICER. Pursuant to the unanimous-consent agreement entered into yesterday, the Senate will next proceed to the consideration of the question of referring the conference report on the bill (S. 2687) extending the Agriculture and Trade Development and Assistance Act of 1954, and for other purposes, to the Committee on Foreign Relations for hearing and study, the time to be equally divided and controlled by the proponents, the Senator from Arkansas [Mr. FULBRIGHT], and the opponents, the Senator from South Carolina [Mr. JOHNSTON]. The time of 1 hour has been allotted under the agreement, one-half hour to each side.

Mr. MANSFIELD. Mr. President, the time is not to exceed 1 hour.

Mr. President, I send to the desk a unanimous-consent request and ask for its immediate consideration. The request has been cleared with all interested Senators, I believe. Those I might have missed have not been overlooked arbitrarily. I hope the Senate will see fit to agree.

The PRESIDING OFFICER. The proposed unanimous-consent agreement will be stated.

The Chief Clerk read as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That, during the further consideration of the bill (H.R. 11380), to amend further the Foreign Assistance Act of 1964, as amended and for other purposes, debate on any amendment, motion, or appeal, except a motion to lay on the table, shall be limited to 1 hour, to be equally divided and controlled by the mover of any such amendment or motion and the majority leader: *Provided*, That in the event the majority leader is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him:

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 4 hours, to be equally divided and controlled, respectively, by the majority and minority leaders: *Provided*, That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

The PRESIDING OFFICER. Is there objection?

Mr. HICKENLOOPER. Mr. President, reserving the right to object, I should like to ask a question of the leadership.

I should like to ask the leadership for any information available about what amendments are to be on file and are likely to be controversial or which would require any particular discussion—other than the unfortunate situation that we just failed to cure by not tabling the Dirksen amendment, as amended.

Mr. MANSFIELD. Mr. President, to the best of my knowledge, there are three amendments at the desk. One, submitted by the Senator from Kansas [Mr. PEARSON], relates to sugar. A second amendment relates to loyalty, and has been submitted by the Senator from Vermont [Mr. AIKEN]. A third amendment has to do with antisemitism in the Soviet Union, and has been submitted by the Senator from Connecticut [Mr. RIBICOFF].

Mr. HICKENLOOPER. Mr. President, I do not intend to object to the unanimous-consent request. However, I believe that before we become tied up in a constricted situation we ought to know what we are getting into. I do not know how much debate the sugar situation will require.

Mr. MANSFIELD. Not too much, I understand.

Mr. HICKENLOOPER. I am not trying to inhibit the procedure. I have no objection.

Mr. DIRKSEN. Mr. President, reserving the right to object, I should like to know a little about the so-called loyalty oath amendment which my distinguished friend, the Senator from Vermont, proposes to offer.

Mr. AIKEN. I have a very fine amendment to offer to the bill. The amendment would require the recipients of all contracts under the aid program to take the same loyalty oath as dropouts in high school, paraplegics, and poor children would have to take under the poverty bill. I believe the amendment is an excellent one. I cannot conceive of any Senator not voting for it. I would be glad to offer it now and have it accepted, although it would be a wonderful amendment upon which to have a record vote.

Mr. MANSFIELD. Would the Senator from Vermont be agreeable to a unanimous-consent request in relation to his amendment?

Mr. AIKEN. Yes. I do not believe that it would require 5 minutes to "sell" the amendment.

Mr. RUSSELL. Mr. President, if we are to vote on an amendment, may we have it stated?

Mr. MANSFIELD. The amendment has not yet been offered.

The PRESIDING OFFICER. Is there objection to the unanimous-consent agreement proposed by the Senator from Montana?

Mr. RUSSELL. Mr. President, I should like to have the unanimous-consent request restated. I did not understand that part about voting immediately on an amendment without debate.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. MANSFIELD. We have asked for an agreement that debate on each amendment be limited to 1 hour, the time to be equally divided and controlled by the mover of any such amendment or motion and the majority leader, provided that in the event the majority leader is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him. Four hours would be allotted for debate on the bill.

Mr. RUSSELL. The proposed unanimous-consent agreement would not preclude the offer of other amendments than the ones stated.

Mr. MANSFIELD. No.

The PRESIDING OFFICER. Is there objection?

Mr. HICKENLOOPER. Mr. President, to which measure does the request apply? I am uncertain as to which bill this request applies to.

Mr. MANSFIELD. The foreign aid bill, which has been the pending business for 35 days, more or less.

Mr. HICKENLOOPER. I am glad to get that information, and I appreciate it. I would like to be brought up to date. I thought it was on the Public Law 480 bill.

Mr. MANSFIELD. No. There is an hour's limitation on that matter.

Mr. HICKENLOOPER. That is, on the conference report.

Mr. MANSFIELD. Yes. The provisions of this request will take effect following action on that matter.

Mr. HICKENLOOPER. Does the unanimous-consent request apply to the majority leader's substitute, which was just adopted?

Mr. MANSFIELD. No; it applies to the same bill to which that substitute is attached.

Mr. HICKENLOOPER. The substitute is already in the bill?

Mr. MANSFIELD. Yes.

Mr. HICKENLOOPER. So the question will not recur on the Senator's substitute? That has already been adopted.

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears none, and the unanimous-consent request is agreed to.

two Houses on the amendment of the House to the bill (S. 2687) to extend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes.

Mr. FULBRIGHT. Mr. President, before Senators leave, I ask for the yeas and nays on my motion.

The yeas and nays were ordered.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FULBRIGHT. As I understand, I have 30 minutes, and the Senator from South Carolina [Mr. JOHNSTON] has 30 minutes.

The PRESIDING OFFICER. That is correct.

Mr. MANSFIELD. Mr. President, I have taken some of the time of the Senator from South Carolina, I am sure with his consent, and the approval of the Senator from Vermont.

Mr. FULBRIGHT. How much time has the Senator from South Carolina left?

Mr. JOHNSTON. I should like to know. I did not know I was giving away any of my time.

The PRESIDING OFFICER. Five minutes have been taken from the time of the Senator from South Carolina, so there remain 25 minutes to the Senator from South Carolina and 30 minutes to the Senator from Arkansas.

Mr. JOHNSTON. Mr. President, several Senators desired to say something on this matter. I am sorry that time was taken from my side.

Mr. HOLLAND. Mr. President, will the Senator from Arkansas yield for a parliamentary inquiry?

Mr. FULBRIGHT. I yield, but not on my time.

The PRESIDING OFFICER. Time is now running.

Mr. FULBRIGHT. I cannot yield now.

I yield one-half minute to the Senator from Florida.

Mr. HOLLAND. I thank the Senator.

Mr. President, a parliamentary inquiry. Suppose the Senate should unwisely adopt the motion and send the conference report to the Foreign Relations Committee, which has no relation at all to this particular conference report or this field of jurisdiction. What, if anything, would the Committee on Foreign Relations be instructed to do?

The PRESIDING OFFICER. The Parliamentarian informs the Chair that all the committee could do would be to hold hearings. That would be it. It could taken no action.

Mr. FULBRIGHT. Mr. President, the committee could make recommendations. The Foreign Relations Committee could hold hearings and make recommendations to the Senate in regard to those matters in the bill within its jurisdiction.

Mr. President, the question before the Senate involves a basic issue of foreign policy and also of the Senate's procedure in its approach to matters involving our foreign policy.

We have before us the conference report on the extension of the Agricultural

Trade Development and Assistance Act, popularly known as Public Law 480. This act is supposed to do what its name implies—that is, promote the development of trade in agricultural commodities and thereby dispose of some of our burdensome surpluses. It is not supposed to be a vehicle for casually making fundamental changes in our foreign policy, and for restricting by law the legitimate discretion of the President who bears the primary responsibility for the conduct of our foreign relations. This, however, is what the conference report seeks to do. It contains several provisions which have little, if any, relevance to the purpose of Public Law 480 but which, on the contrary, impinge directly and adversely on the foreign policy of the United States.

The most obnoxious of these provisions is that which, in effect, prohibits sales for local currency under title I to Yugoslavia and Poland.

There have been no hearings on this proposal in either the House or the Senate. It was not considered by the Senate Committee on Agriculture and Forestry, nor—so far as I know—by the House Committee on Agriculture. It was not considered on the floor of the Senate during Senate debate on the bill. It was adopted on the floor of the House, and it has unfortunately been retained by the conferees. I hardly need add that it has not been considered at all by the Committee on Foreign Relations—nor the House Committee on Foreign Affairs—nor has the Department of State had an opportunity to be heard, despite the fact that the Department is strongly opposed.

This provision would negate one of the most important principles of our foreign policy—the principle that we treat different Communist countries differently. This principle has been applied consistently and with good results for 15 years, under Presidents Truman, Eisenhower, Kennedy, and Johnson. In this period, Yugoslavia has successfully asserted and maintained its independence of the Soviet Union. This independence, in the opinion of Mr. George Kennan, our distinguished former Ambassador to Yugoslavia, has been “conducive to the peace and stability of the Balkan and Adriatic areas generally.”

The Yugoslav example has also, quite clearly, been contagious in Eastern Europe. Since 1956 Poland has moved significantly toward independence from Moscow. More recently, Rumania has apparently set out on the same course. It sent a trade commission here for preliminary discussions. There have even been stirrings in Hungary and Czechoslovakia.

Surely, our interests are more advanced in Eastern Europe today than they would have been if these things had not happened. Although it would be too much to say that our policies, by themselves, have brought about these changes, it is certainly not too much to say that our policies have helped. They have made it easier for the Yugoslavs to pursue a policy independent of Moscow. They have made it easier for the Poles to assert a modicum of independence. They have made it easier for the Rumanians to expand their relations with the West.

EXTENSION OF AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the

To put it the other way, if we had not followed these policies, if we had not come to the aid of the Yugoslavs in 1950 and of the Poles in 1957, who can say with any assurance that Eastern Europe would not today still be a monolithic buttress of the Soviet Union? Reason and logic indicate that it would be. Would we be better off if the 15 or 20 Yugoslav divisions were under Soviet command?

Let me quote again from a recent statement by former Ambassador Kennan, who probably knows Eastern Europe better than any other American:

The Yugoslav Government is dominated by a party which uses the name "Communist"; but that government differs in certain very fundamental respects from other governments that go by that name. Not only does it differ in its institutions but it differs even more in its practices, and particularly its practices in matters that determine its relations with us. It is not linked with any other Communist power by bonds of military alliance. It is not a member of the Warsaw Pact or of any other Communist military political grouping. In its bilateral relations with us, during the period of my recent service as American Ambassador there, it showed itself consistently correct and proper. It did not default on any obligations to us. There was no evidence that it was conducting either independently or in association with any other country, improper activities in this country. No Yugoslav official I ever asked to see refused to see me or treated me otherwise than with complete courtesy. Americans, official and unofficial, were treated with exceptional warmth and kindness throughout the country.

What more do we want, and what is our complaint? We disagree with the Yugoslav leaders, certainly, on many questions of international affairs. But they have as much right to disagree with us as we have to disagree with them. Are we supposed to demand agreement with all our views, as the price of normal relations? If so, why do we start with the Yugoslavs?

Yugoslavia occupies an extremely sensitive and strategic position, between the countries of the Soviet bloc and the Adriatic. It commands some of the strongest armed forces in Europe outside of Soviet control.

For over 15 years its Government has pursued an independent course in its international relations. This course has not been identical with ours; but it has also not been identical with that of Moscow. The policy implied by the amendment can have only one conceivable effect: to convey to the Yugoslavs that they have no favorable prospects in their relations with us, no matter how they treat us, and to impel them, for lack of alternative, in the direction of a closer relationship with Moscow. There is no one—but literally no one—who could benefit from a movement of the Yugoslavs in that direction except policymakers in Moscow. What is at stake here is not just Yugoslavia alone, but also the policies of other Communist governments which have been, and will continue to be, importantly influenced by the Yugoslav example.

How, Ambassador Kennan asks, can "a policy having such effect conceivably be defended on the grounds that it is anti-Communist?"

That is a good question, Mr. President, and an unanswerable one. This is sham anticommunism. It will please no one except the Communists in Moscow and the superpatriots in the United States.

What more eloquent testimony could we want that people who call themselves Communists are different; that selling

wheat to one group does not mean selling out to another?

Aside from the large effect which the ill-considered provision of the conference report will have on our overall relations with Eastern Europe, there is another effect which it will have in terms of individual human beings. It can only mean that millions of Poles and Yugoslavs will be hungrier—through no fault of their own but only because we disapprove not of their actions but how they describe their Government.

And all of this—I repeat, Mr. President—has been done without hearings and without consideration by the Foreign Relations or any other committee. It is directly contrary to the stand Congress took a year ago when—after consideration by the Foreign Relations Committee and debate in the Senate—we voted to repeal, in effect, a provision of the Trade Expansion Act prohibiting the extension of most-favored-nation treatment to Poland and Yugoslavia.

For the life of me, I cannot understand why the Congress, or certain Members of it, persist in gratuitously insulting countries with whom we would like to maintain normal and hopefully improving relations.

There is another matter in the conference report which would have deleterious effects on our foreign relations. This is the provision for subsidizing the export of long staple cotton. This is certain to impair our relations with Peru, and probably with the United Arab Republic and Sudan as well. It is probably also in violation of GATT, and it will invite retaliation against our other nonsubsidized exports. It is the kind of action which would cause us to apply countervailing duties and invoke the Anti-Dumping Act if it were taken against us by another country.

There is a further reason this conference report should be referred to the Committee on Foreign Relations. The report adds a new sentence to section 103(a) of Public Law 480 as follows:

In presenting his budget, the President shall classify expenditures under this act as expenditures for international affairs and finance rather than for agriculture and agricultural resources.

We may pass over, for the time being, the question of the propriety of the Congress telling the President how to classify expenditures in his budget. Congress may, of course, act on the budget or rearrange it in any way that Congress desires; but in the first instance, it is the President's budget, not Congress.

The significant aspect of this provision of the conference report is that here is as plain a statement as one could make that the Agriculture Committees themselves view the activities under Public Law 480 as primarily affecting international affairs and finance rather than agriculture. The advocates of this conference report cannot have it both ways. Either Public Law 480 deals primarily with U.S. agriculture, in which case it ought not to deal with the U.S. foreign policy; or it does deal primarily with U.S. foreign policy—with "international affairs and finance," in the words of the

conference report itself—in which case it comes under the jurisdiction of the Foreign Relations Committee. In either case, given the provisions of the conference report, it ought to be referred to Foreign Relations.

These are matters of serious import, Mr. President. They should not be acted on hastily without adequate consideration by the committees most directly concerned. I have no wish to delay the matter indefinitely. Senators may argue that if my motion is agreed to, the bill is dead for this Congress. As I said yesterday, even if that were true, it would not be a calamity. The present law continues in force until December 31. A new Congress will be here January 3. We could certainly pass another bill—hopefully, a better bill—within a month or two.

However, Mr. President, referral of the conference report to the Foreign Relations Committee does not necessarily kill the bill. I assure the Senate that the committee will consider the matter. We will have hearings immediately. We will report our recommendations, and the Senate can work its will upon them—after we have had the benefit of testimony and after these very serious questions have received the attention they deserve.

In conclusion, Mr. President, I want to impress upon the Senate the seriousness of the issue that is involved here. It goes to the heart of our relations with the Communist third of the world, and, therefore, to the heart of our whole foreign policy. The issue, simply stated, is whether we proceed on the assumption that there is any hope of ever improving, or even ameliorating, those relations, or ever encouraging even the slightest diversity within the Communist world; or whether we proceed on the assumption that any such hope is illusory, that all Communists—be they followers of Tito, Gomulka, Khrushchev, or Mao—are alike in their implacable hostility to us, and that consequently our only safe course lies in implacable hostility to each and every one of them. The end result of this latter course is likely to be nuclear war. If we should adopt a policy—as implied by this conference report—of never agreeing to anything, this in itself amounts to an ominous agreement—in a suicide pact.

The question now before us is the same issue which was involved in the question of most-favored-nation treatment for Poland and Yugoslavia a year ago. It is the same issue which was involved in the sale of wheat to the Soviet Union. It is indeed the same issue which was involved in the test ban treaty.

In each of these cases the Senate decided the issue in favor of hope and reason and against fanaticism and despair.

Mr. President, I urge the Senate to support my motion.

MODIFICATION OF MOTION TO COMMIT

It has been suggested that there could be some question about the committee reporting the conference report to the Senate. I am perfectly willing to modify my motion. I assure Senators that the committee will report it back with a rec-

however, the President and the State Department repeatedly ignore the threat that Nasser poses to world peace, I think Congress is obligated to enact into law stronger provisions to insure that American aid is not stuffed into Egyptian canons.

In view of this, Mr. President, I am gratified to note that the conference report has incorporated into this year's "food for peace" authorization language to the effect that the President shall bar Public Law 480 expenditures in any country if he finds such country is:

(a) an aggressor, in a military sense, against any country having diplomatic relations with the United States; or (b) using funds, of any sort, from the United States for purposes inimical to the foreign policies of the United States.

The PRESIDING OFFICER. The question is on agreeing to the conference report. On this question the yeas and nays have been ordered; and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Indiana [Mr. BAYH], the Senator from Maryland [Mr. BREWSTER], the Senator from North Dakota [Mr. BURDICK], the Senator from West Virginia [Mr. BYRD], the Senator from Idaho [Mr. CHURCH], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Louisiana [Mr. ELLENDER], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from Arizona [Mr. HAYDEN], the Senator from Missouri [Mr. LONG], the Senator from Minnesota [Mr. McCARTHY], the Senator from Maine [Mr. MUSKIE], the Senator from Rhode Island [Mr. PASTORE], the Senator from Virginia [Mr. ROBERTSON], the Senator from Florida [Mr. SMATHERS], the Senator from New Jersey [Mr. WILLIAMS], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I also announce that the Senator from Nevada [Mr. CANNON], the Senator from Mississippi [Mr. EASTLAND], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Washington [Mr. JACKSON], and the Senator from Oregon [Mrs. NEUBERGER] are necessarily absent.

I also announce that the Senator from Alabama [Mr. HILL] and the Senator from Massachusetts [Mr. KENNEDY] are absent because of illness.

I further announce that, if present and voting, the Senator from Indiana [Mr. BAYH], the Senator from Maryland [Mr. BREWSTER], the Senator from North Dakota [Mr. BURDICK], the Senator from Idaho [Mr. CHURCH], the Senator from Mississippi [Mr. EASTLAND], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Washington [Mr. JACKSON], the Senator from Maine [Mr. MUSKIE], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Rhode Island [Mr. PASTORE], the Senator from Virginia [Mr. ROBERTSON], the Senator from Florida [Mr. SMATHERS], and the Senator from New Jersey [Mr. WILLIAMS] would each vote "yea."

On this vote, the Senator from Louisiana [Mr. ELLENDER] is paired with the Senator from Massachusetts [Mr. KENNEDY].

If present and voting, the Senator from Louisiana would vote "yea," and the Senator from Massachusetts would vote "nay."

Mr. KUCHEL. I announce that the Senators from Kansas [Mr. CARLSON and Mr. PEARSON], the Senator from New Hampshire [Mr. COTTON], the Senator from Nebraska [Mr. CURTIS], the Senator from Illinois [Mr. DIRKSEN], the Senator from Arizona [Mr. GOLDWATER], the Senator from Kentucky [Mr. MORTON], the Senator from Massachusetts [Mr. SALT-ONSTALL], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from Texas [Mr. TOWER] are necessarily absent.

If present and voting, the Senator from Kansas [Mr. CARLSON], the Senator from New Hampshire [Mr. COTTON], the Senator from Nebraska [Mr. CURTIS], the Senator from Illinois [Mr. DIRKSEN], the Senator from Kansas [Mr. PEARSON], the Senator from Massachusetts [Mr. SALT-ONSTALL], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from Texas [Mr. TOWER] would each vote "yea."

The result was announced—yeas 54, nays 11 as follows:

[No. 583 Leg.]

YEAS—54

Aiken	Javits	Nelson
Allott	Johnston	Prouty
Beall	Jordan, N.C.	Proxmire
Bennett	Jordan, Idaho	Randolph
Bible	Keating	Ribicoff
Boggs	Kyche	Russell
Byrd, Va.	Lausche	Salinger
Case	Long, La.	Simpson
Cooper	Magnuson	Smith
Dodd	Mansfield	Sparkman
Dominick	McClellan	Stennis
Ervin	McGee	Symington
Fong	McIntyre	Talmadge
Gore	Mechem	Thurmond
Hickenlooper	Miller	Walters
Holland	Morse	Williams, Del.
Hruska	Moss	Yarborough
Inouye	Mundt	Young, N. Dak.

NAYS—11

Anderson	Fulbright	Metcalf
Bartlett	Hart	Monroney
Clark	McGovern	Pell
Douglas	McNamara	

NOT VOTING—35

Bayh	Ellender	Muskie
Brewster	Goldwater	Neuberger
Burdick	Gruening	Pastore
Byrd, W. Va.	Hartke	Pearson
Cannon	Hayden	Robertson
Carlson	Hill	Saltonstall
Church	Humphrey	Scott
Cotton	Jackson	Smathers
Curtis	Kennedy	Tower
Dirksen	Long, Mo.	Williams, N.J.
Eastland	McCarthy	Young, Ohio
Edmondson	Morton	

So the conference report was agreed to.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, so that I can inform the Senate what the business will be for the remainder of the week, it is my understanding—and this is subject to correction—that there are three amendments to be considered, none of which under ordinary circumstances would take too long a period of time. If

that assumption proves to be correct, it is hoped that the Senate will be able to vote on final passage of the foreign aid bill this evening.

I had hoped that that could be followed by a bill having to do with the ROTC, which I had promised the distinguished senior Senator from Georgia [Mr. RUSSELL], the chairman of the Armed Services Committee, that I would take up. But circumstances seem to preclude that. Nevertheless, it is intended to bring up the Executive Calendar, to take up the items on the calendar to which there is no objection and to lay before the Senate the Appalachian bill and get started on that.

If all of this proves to be halfway correct, it may be possible to vote on the Appalachian bill tomorrow. I realize that is taking a long trip into the blue yonder. But, that is the program as of now.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

(AMENDMENT NO. 1237)

Mr. AIKEN. Mr. President, I send to the desk my amendment No. 1327 and ask for its consideration. I do not intend to take more than 2 or 3 minutes on the amendment. I ask that the reading of the amendment be waived, but that it be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment offered by Mr. AIKEN is as follows:

(d) Add at the end thereof the following new section:

"SEC. 639. LOYALTY AFFIDAVITS.—No part of any funds appropriated or otherwise made available for expenditure under authority of this Act shall be used to make payments under any contract, entered into for the purpose of carrying out any provision of this Act, between any department or agency of the Government or any recipient of assistance under this Act and any individual who is a United States citizen or with any corporation, partnership, or other association created under the laws of the United States or of any State or territory or substantially beneficially owned by United States citizens, unless there is executed and filed with the department or agency administering the program under which the assistance is furnished, by such individual, or the principal officers of such corporation, partnership, or association, an affidavit that he does not believe in, and is not a member of and does not support any organization that believes in or teaches, the overthrow of the United States Government by force or violence or by any illegal or unconstitutional methods. The provisions of section 1001 of title 18, United States Code, shall be applicable with respect to such affidavits."

Mr. AIKEN. The amendment merely calls for the beneficiaries of our foreign aid program—and by that I mean the contractors and those who have their investments guaranteed—to take the same

loyalty oath that is required to be taken by the beneficiaries of the so-called poverty program.

It may be recalled that when the proposal was made to amend the poverty program so as to require all beneficiaries who received even \$500 a year to take a loyalty oath, the Senate overwhelmingly, by a voice vote, approved that amendment. I am sure that the Senate will be equally glad to approve this amendment, which would require the heads of contracting firms and others who receive great benefits from the AID program to take the same oath.

It keeps all people on the same level. Of course, it does not include them all, yet. But, give us time, and perhaps we can get the remainder of them.

I do not know how anyone could legitimately object to accepting this amendment after supporting the loyalty oath in the case of recipients of the poverty program benefits.

The PRESIDING OFFICER. Does the Senator from Vermont yield back the remainder of his time?

Mr. AIKEN. That depends on whether there will be any discussion in opposition or not.

Mr. FULBRIGHT. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 3 minutes.

Mr. FULBRIGHT. Mr. President, I believe it is unworkable. Many universities participate in this program on a contract basis. I do not believe that they are beneficiaries. They are beneficial to the program; at the same time, they are in the position of contractors. Many financial institutions participate. If there were an attempt to enforce this provision literally, it would be almost impossible to do so with the many universities and banks in the country which participate in the guarantee programs, the investment guarantee programs, and other programs.

I do not think it could be administered at all. I am not a great advocate of the other loyalty oath that the Senator from Vermont was discussing. So I am certainly not inconsistent in objecting to this amendment.

I shall not support it. I hope the Senate will reject it.

Mr. AIKEN. Mr. President, I am sure that the Senator from Arkansas cannot mean that one class of people should take a loyalty oath and another class of people should not. I am sure that if Sarah Jones, walking on her crutches in the Ozarks, is required to take the loyalty oath in order to receive some benefit from the poverty program, the president of the University of Arkansas would be delighted to take the loyalty oath along with her.

I cannot conceive of any Senator voting against this amendment.

If the Senator from Arkansas is willing to yield back the remainder of his time, I am glad to yield back the remainder of my time.

The PRESIDING OFFICER. Do the Senators yield back the remainder of their time?

Mr. LAUSCHE. Mr. President, will the Senator yield 2 minutes to me?

Mr. AIKEN. Does the Senator wish to speak on the amendment?

Mr. LAUSCHE. I do not.

Mr. AIKEN. I would appreciate it if the Senator would wait until there has been a vote on the amendment.

Mr. FULBRIGHT. Mr. President, I yield back the remainder of my time.

Mr. AIKEN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 1218

Mr. RIBICOFF. Mr. President, I call up my amendment No. 1218.

The PRESIDING OFFICER. The amendment of the Senator from Connecticut will be stated.

The Chief Clerk proceeded to read the amendment.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be printed in the RECORD.

Mr. RIBICOFF's amendment is as follows:

PART V—RELIGIOUS PERSECUTION BY THE SOVIET UNION

SEC. 501. It is the sense of the Congress that the United States deeply believes in freedom of religion for all people and is opposed to infringement of this freedom anywhere in the world. The Congress declares that abundant evidence has made clear that the Government of the Soviet Union is persecuting Jewish citizens by singling them out for extreme punishment for alleged economic offenses, by confiscating synagogues, by closing Jewish cemeteries, by arresting rabbis and lay religious leaders, by curtailing religious observances, by discriminating against Jews in cultural activities and access to higher education, by imposing restrictions that prevent the reuniting of Jews with their families in other lands, and by other acts that oppress Jews in the free exercise of their faith. The Congress further declares that the Soviet Union has a clear opportunity to match the words of its constitutional guarantees of freedom of religion with specific actions so that the world may know whether there is a genuine hope for a new day of better understanding among all people. Accordingly, it is the sense of the Congress that persecution of any persons because of their religion by the Soviet Union be condemned, and that the Soviet Union in the name of decency and humanity cease executing persons for alleged economic offenses, and fully permit the free exercise of religion and the pursuit of culture by Jews and all others within its borders.

Mr. RIBICOFF. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. RIBICOFF. Mr. President, I call up amendment No. 1218 for myself, my colleague from Connecticut [Mr. DONN], the senior Senator from New York [Mr. JAVITS], and the junior Senator from New York [Mr. KEATING]. I ask unanimous consent that the names of the Senator from Pennsylvania [Mr. SCOTT], the Senator from New Jersey [Mr. CASE], the Senator from Kentucky [Mr. MORTON], and the Senator from Iowa [Mr. MILLER] also be added as cosponsors of amendment No. 1218.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. Mr. President, this amendment was originally introduced as Senate Resolution 204 on September 25, 1963. It was cosponsored by 64 Members of this body including Mr. ALLOTT, Mr. ANDERSON, Mr. BARTLETT, Mr. BAYH, Mr. BEALL, Mr. BOGGS, Mr. BREWSTER, Mr. BURDICK, Mr. CANNON, Mr. CASE, Mr. CHURCH, Mr. CLARK, Mr. COOPER, Mr. COTTON, Mr. DODD, Mr. DOMINICK, Mr. DOUGLAS, Mr. EDMONDSON, Mr. GOLDWATER, Mr. GRUENING, Mr. HART, Mr. HARTKE, Mr. HOLLAND, Mr. HUMPHREY, Mr. INOUE, Mr. JACKSON, Mr. JAVITS, Mr. JORDAN of Idaho, Mr. KEATING, Mr. KENNEDY, Mr. KUCHEL, Mr. LAUSCHE, Mr. LONG of Missouri, Mr. MAGNUSON, Mr. MCCARTHY, Mr. MCGEE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. McNAMARA, Mr. METCALF, Mr. MILLER, Mr. MONRONEY, Mr. MORSE, Mr. MORTON, Mr. MOSS, Mr. MUNDT, Mr. NELSON, Mrs. NEUBERGER, Mr. PASTORE, Mr. PELL, Mr. PROXMIRE, Mr. RANDOLPH, Mr. SALTONSTALL, Mr. SCOTT, Mr. SIMPSON, Mr. SMATHERS, Mr. SYMINGTON, Mr. THURMOND, Mr. TOWER, Mr. WALTERS, Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, and Mr. YOUNG of Ohio.

I bring it up today so the Senate can go on record promptly against an especially great injustice: the Soviet persecution of the Jewish people. The Senate voicing the conscience of the American people, can call attention to an old problem that has flared up recently in virulent form—religious persecution, especially the persecution of Soviet Jews. It is important that we take an official stand on the Soviet Government's systematic policy of attrition against the 3 million Jewish citizens of the U.S.S.R.

The main components of that policy are:

- First. Deprivation of cultural rights.
- Second. Deprivation of religious rights.
- Third. The anti-Jewish propaganda campaign.
- Fourth. The scapegoating of Jews.
- Fifth. Discrimination in education and employment.
- Sixth. Refusal of the right to emigrate.

It adds up to a policy of reducing the Jews to second-class citizenship in the U.S.S.R., of breaking their spirit and crushing their pride. It aims to shatter, pulverize, and gradually eliminate Jewish historical consciousness and Jewish identity. This policy works itself out as a whole; but for purposes of examination and evaluation, it can be broken down into the following categories:

I. DEPRIVATION OF CULTURAL RIGHTS

The 3 million Jews of the U.S.S.R. are officially recognized as a nationality.

Although Soviet Jews constitute only 1.09 percent of the total Soviet population, they rank 11th numerically among the more than 100 diverse Soviet nationalities.

Soviet ideology, Communist Party directives, the Soviet Constitution and law, and historic Soviet practice all recognize the inherent right of every Soviet nationality to maintain and perpetuate its own cultural identity, through its own cultural institutions in its own language.

The Jews are the only nationality which is deprived of the basic cultural rights accorded to all the others.

Although the use of Hebrew as a Jewish national language was forbidden soon after the Bolshevik revolution, the Jews were permitted a wide-ranging cultural life in Yiddish.

Until 1940, they were permitted a large network of schools, elementary, middle and higher schools, in the Yiddish language. Until 1948, they were allowed newspapers, publishing houses, thousands of books, a variety of literary journals, professional repertory theaters and dramatic schools, literary and cultural research institutes—all in Yiddish.

In 1948, this whole vast array of institutions was forcibly closed down and liquidated. Hundreds of Jewish writers, artists, and intellectuals were imprisoned or banished. The 24 most distinguished and talented of them were secretly tried on trumped-up charges of espionage, and executed in 1952.

No basic change in this policy of cultural deprivation and discrimination occurred, despite Stalin's death and the gradual easing of conditions generally—until 1959. In 1959 and in 1961, only six Yiddish books were published—all six by writers long since dead. The books were put out in editions of 30,000 copies each, in large part for export. No Yiddish book was published in 1960 or 1962 or 1963 or in 1964 to date. And since 1948—16 years—not one Yiddish book has been published by a living Jewish writer.

The Soviet Yiddish theater, once one of the great prides of Soviet artistic achievement, was forcibly liquidated in 1948 and has never been reopened. In Moscow and Leningrad—the two major centers of Soviet Jewry, together numbering nearly 1 million Jews—there is neither a professional nor an amateur Jewish theater or any other Jewish artistic or cultural group permitted to exist.

Jews are forbidden schools of their own. They are forbidden classes in Yiddish or Hebrew in the general schools. They are even forbidden classes in the Russian language on Jewish history and culture.

II. DEPRIVATION OF RELIGIOUS RIGHTS

In addition to their status as a nationality, the Jews are also regarded as a religious group. Officially, Jewish congregations, synagogues, and rabbis occupy a status more or less comparable to similar religious institutions of the Russian Orthodox Church, the Baptists, the Lutherans, the Roman Catholics, and the Moslems.

But the Jewish religion is subjected to unique discrimination, and religious Jews are subjected to special disabilities which do not affect any other major religious denomination in the U.S.S.R.

Unlike all the other denominations, Jewish congregations are not permitted to maintain nationwide federations or other central organizations through which their religious needs would be serviced and religious contact and communication maintained. Synagogues and rabbis are also forbidden to maintain any kind of officially sanctioned, formal

affiliation or contact with organizations of coreligionists abroad.

No Hebrew Bible has been published since 1917, nor has even a Russian translation of the Jewish Bible been allowed. Not a single Jewish religious book, whether of scholarship or piety, has appeared in print since the early 1920's. There is an extreme shortage of prayer books and religious calendars, and no facilities or authorization for their publication. The decades-old ban on Hebrew prevents Jewish children from understanding or participating in the prayers of their religion. The production of indispensable religious articles is prohibited.

Synagogues have been forcibly closed down in many cities and towns. In these circumstances, Jews frequently try to gather in each others' homes for prayers. But such private prayer meetings (minyans) have been banned, dispersed, or otherwise harassed.

A singular discrimination is practiced against the sole rabbinical seminary in the country, opened in Moscow in 1957. Its student body was never permitted to exceed 14, though a great many applications were received. For the last couple of years, no more than three or four students have been permitted there.

Three of the most ancient and fundamental Jewish religious rites have been subjected to systematic administrative pressures, whose object is to prevent Soviet Jews from practicing them. Soviet Jews have virtually ceased to practice circumcision, for fear of censure or punishment. Also, the authorities, in Moscow, Kiev, and other places in the past year or so, have effectively stopped the burial of Jews in consecrated ground. And in the past few years, they have prohibited the public baking and sale of matzah, the unleavened bread indispensable to the proper observance of the Passover. This year, as in the last 2 years in Moscow and the last 7 years in other parts of the country—religious Jews, and even secular Jews who have a special feeling for Passover and matzah, were forced to do without.

III. THE ANTI-JEWISH PROPAGANDA CAMPAIGN

The Soviet policy of cultural and religious repression of the Jews is conducted within the charged atmosphere of a virulent press and propaganda campaign against Judaism. In this campaign, Jews are represented in traditional anti-Semitic stereotypes—as unscrupulous, cunning, sly, and mean. Judaism as a religion is vilified. Its clerical and lay leadership is portrayed as a bunch of swindlers, moneygrabbers, and immoralists. The Jewish religion is portrayed as a focus of disloyalty to the U.S.S.R. It should be noted that only with respect to Jews and Judaism has the issue of loyalty been injected into Soviet antireligious propaganda.

Perhaps the most hair-raising example of this sort of thing appears in a full-scale "scientific" volume published in late 1963 by the Ukrainian Academy of Sciences in Kiev. It is called "Judaism Without Embellishment" by T. K.

Kychko—and it passes for scholarship and science in the Ukraine.

Even though Soviet authorities belatedly issued tepid and halfhearted criticisms of the book, largely as a result of worldwide indignation and protest, it was never condemned for the vicious anti-Semitic tract that it is, and the authorities failed, as they have so often in the past, to use this incident as the occasion for the initiation of a massive educational campaign against anti-Semitism. Moreover, other such books, containing similar bile, continue to appear in the U.S.S.R.

IV. THE SCAPEGOATING OF JEWS

Alongside this virulent anti-Jewish propaganda in the press and other publications has been the notable pattern of hostility against the Jews in the massive national campaign waged against economic offenses.

Beginning in May 1961, a series of decrees called for capital punishment for such crimes as embezzlement, currency speculation, and bribery.

In the process of seeking to eradicate and prevent such large-scale and widespread economic abuses—in which the majority of the Soviet citizenry is evidently forced by economic necessity to engage—the authorities have made scapegoats of the Jews. Accompanying the draconic measure of capital punishment has been a major, systematic nationwide press campaign that has featured trials resulting in death sentences for the accused. Scores of such trials have been reported from cities throughout the country.

Jews have been used as the scapegoats for the economic ills that plague the country. They are singled out in these trials, which are conducted in a circus atmosphere that is a travesty of justice; singled out in the press campaign, which is a mockery of objective journalism; and singled out, most of all, in the death sentences. For of the 195 people sentenced to death for such crimes, at least 100—and possibly as many as 106—have been Jews.

In general, the Jews are consistently presented as people who are "Slaves of Gold" and "whose only God is gold" and who are "money worshippers"—all traditional anti-Semitic stereotypes which are applied in the Soviet press only to Jews accused of economic crimes.

The ominous significance of this publicity—alongside the anti-Semitic character of the official propaganda against the Jewish religion itself—is unmistakable. It informs the conditioned Soviet reader that the Government and party think the tiny community of Jews, constituting little more than 1 percent of the population, is responsible for 50–55 percent—and in some areas—such as the Ukraine—80–90 percent—of the economic crimes that warrant capital punishment.

All this has just been fully confirmed and analyzed in great detail in the current issue of the scholarly Journal of that distinguished world legal body, the International Commission of Jurists.

This has had two dire results: It has exacerbrated endemic anti-Semitic. And

it has created an atmosphere of fright and intimidation in many Jewish communities and homes.

V. DISCRIMINATION IN EDUCATION AND EMPLOYMENT

The proportion of Jews in higher education, science, and the professions has been declining for many years. In many universities and advanced institutes, a numerus clausus and sometimes even a numerus nullus prevails. Jews have diminished from 13.5 percent of all students in higher education, in 1935, to 3.1 percent today—and this, despite the fact that the Jews are a highly urbanized community whose aspirations toward education have diminished in no discernible way.

Some especially gifted Jews will indeed be found in top positions in various walks of life—a concession by the authorities to the country's needs in those sectors. But Jews have virtually disappeared from the diplomatic service and, with rare exception, from positions of major responsibility in the armed forces. Jews in the middle ranks of economic, industrial, technical, and engineering work know that they cannot aspire to the leading positions in any of those sectors.

VI. REFUSAL OF THE RIGHT TO EMIGRATE

East European Jewry, including Soviet Jews, suffered enormously at the hands of the Nazi butchers during the war. Many of the survivors in the U.S.S.R. are the sole remnants of their families on the East European soil that is for them intolerably soaked with Jewish blood, and, in their memories, filled with insufferable nightmares.

Many thousands of Soviet Jews wish to leave the U.S.S.R. to be reunited with the remnants of their broken families who have managed to create a new life for themselves on new soil—in Israel, the United States, and elsewhere.

The Soviet Government has refused these Jews the elementary human right, even on purely humanitarian grounds, to leave their country in order to be reunited with their families—even though the U.S.S.R. has in principle accepted the legitimacy of this right.

In sum Soviet policy places the Jews in an inextricable vise. They cannot assimilate, nor live a full Jewish life, nor can they emigrate to live freely as Jews or rejoin war-scattered families. On the one hand, the authorities want the Jews to assimilate; on the other hand, they fear the full penetration of Soviet life which assimilation implies. So the Jews are formally recognized as a nationality, as a religious group, as equal citizens—but are at the same time deprived of their national and religious rights as a group, and of full equality as individuals.

Soviet policy as a whole, then, amounts to spiritual strangulation—the deprivation of Soviet Jewry's natural right to know the Jewish past and to participate in the Jewish present. And without a past and a present, the future is precarious indeed.

In April of this year, hundreds of representatives of all the major national American Jewish organizations gathered in this city to express their unified concern with the current plight of their

coreligionists in the Soviet Union. I was privileged, among others, to address that conference.

The American Jewish Conference on Soviet Jewry protested the denial to Soviet Jews of those basic institutions and facilities granted to other religions and nationality groups within the Soviet Union. In an appeal to the conscience of the free world, the conference expressed hope that the Soviet authorities would respond to at least 18 specific demands, as follows:

First. To declare its policy of eradicating anti-Semitism by a vigorous educational effort conducted by government and party.

Second. To permit the free functioning of synagogues and private prayer meetings.

Third. To remove hindrances to the observance of sacred rites such as religious burial and circumcision.

Fourth. To make possible the production and distribution of phylacteries, prayer shawls, mezzuzoth, religious calendars, and other religious articles.

Fifth. To restore all rights and facilities for the production and distribution of matzah and kosher food.

Sixth. To make available facilities to publish Hebrew Bibles, prayer books, and other religious texts in the necessary quantities.

Seventh. To permit the organization of a nationwide federation of synagogues.

Eighth. To sanction the association of such a federation with organizations of coreligionists abroad.

Ninth. To permit Jews to make religious pilgrimages to the Holy places in Israel.

Tenth. To make it possible to allow all qualified applicants to attend the Moscow Yeshivah, to provide facilities for the establishment of additional Yeshivot as needed, and to enable rabbinical students to study at seminaries abroad.

Eleventh. To provide schools and other facilities for the study of Yiddish and Hebrew, and of Jewish history, literature, and culture.

Twelfth. To permit Jewish writers, artists, and other intellectuals to create their own institutions for the encouragement of Jewish cultural and artistic life.

Thirteenth. To reestablish a Yiddish publishing house and to publish books in Yiddish by classical and contemporary Jewish writers.

Fourteenth. To reestablish Yiddish state theaters in major centers of Jewish population and to publish Yiddish language newspapers with national circulation.

Fifteenth. To eliminate discrimination against Jews in all areas of Soviet public life.

Sixteenth. To end all propaganda campaigns which use anti-Semitic stereotypes, implied or overt.

Seventeenth. To halt the discriminatory application of maximum penalties, including the death sentence, against Jews for alleged economic crimes.

Eighteenth. To make possible on humanitarian grounds Soviet Jews who are members of families separated as a result

of the Nazi holocaust to be reunited with their relatives abroad.

The conference appealed for a redress of these and other wrongs and sufferings and for the elimination of discrimination and the full restoration of Jewish rights in the U.S.S.R.

The world has learned from bitter experience of the dangers of persecution of the Jews. We have learned that it is a symptom of a greater sickness, a symptom which, though it hurts the sufferer, is not felt by others until the sickness spreads.

Let us try to curb this sickness, before it spreads. Let us say to the Soviet Union:

If the world is to have new hope, if the cold war is to ease, let the first thaw occur in the icy indifference you have shown to the plaintive cries of those within your borders who seek an end to religious persecution.

Soviet Jews surely have the right to walk in dignity—no less than their fellow citizens of other nationalities and religions. They are deprived of this right—and the Democratic Party of the Nation that is the leader of the free world, has the obligation to protest, in the name of human decency. I urge adoption of the amendment.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. RIBICOFF. I am pleased to yield to the Senator from Colorado.

Mr. DOMINICK. Will the Senator be kind enough to add my name as a cosponsor of the amendment?

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the name of the Senator from Colorado be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. TALMADGE. Will the Senator ask that my name be added as a cosponsor of the amendment?

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the name of the Senator from Georgia be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, will the Senator yield me 2 minutes?

Mr. RIBICOFF. I am pleased to yield 2 minutes to the distinguished Senator from New York.

Mr. JAVITS. I hope very much that the Senate will adopt the amendment, and will do so unanimously. I make that statement for the following reasons: One of the most treasured traditions of the United States is the fact that it has protested violations of human rights throughout the years—ever since its early history—and it had occasion to protest persecution in czarist Russia, to condemn programs against Jews, and other oppressions in the closing decades of the 19th century.

Like many other Members of this body, I have been in the Soviet Union and I can testify personally to the atmosphere which exists there, which is designed directly to repress the practice of the Jewish faith.

The extraordinary thing is that in the barbaric practice in the Soviet Union of executing people for so-called economic crimes, such as alleged black-marketeering—punishment which is barbaric in terms of the civilized world—though Jews constitute 1½ percent of the population, over 50 percent of the almost 200 people executed for those economic crimes were Jews. The Russian newspapers, which rarely publish the names of those accused of crimes except in the case of a political show trial, regularly publish the names of Jews who are arrested and charged with black-marketeering in synagogues, and other alleged economic offenses. It is almost shameful that we must say it today, but that practice of reporting distinctly Jewish names could not go on without at least the implication that the Soviet Government looked upon it with some favor.

Mr. President, this is a precise case for an expression of emphatic disapproval by the Senate of the United States, and we have the opportunity to do in the fine amendment offered by the Senator from Connecticut [Mr. RIBICOFF]. I hope that the Senate will act upon it today, decisively, and unanimously.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the names of the Senator from Michigan [Mr. HART], the Senator from Wisconsin [Mr. NELSON], and the Senator from South Carolina [Mr. JOHNSTON] be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield to my colleague.

Mr. DODD. I strongly support the amendment offered by my colleague. The amendment is timely. In fact, it is overdue in time. On several occasions I have spoken on the same subject—the persecution of religion and particularly of the Jews in the Soviet Union.

I remember back as far as 1954, when, as a Member of the House, I was privileged to serve on the Select Committee on Communist Aggression in the 82d Congress. The committee took extensive testimony on the persecution of Jews and other religious and ethnic minorities in the Soviet Union.

I have spoken in this Chamber on this subject before, and particularly in February 1960, when I made an extensive speech on the subject of persecution of the Jews in the Soviet Union.

Great credit is due our colleague from Connecticut for crystallizing this question and for giving it the dramatic setting which is needed for all to understand the situation currently and properly. He has rendered a great public service. And as the Senator from New York has pointed out, this action is essential. I hope that the Senate will act promptly. And I hope the Senate will act with one voice, so that our foes who are engaged in this dreadful and sinful persecution of the Jewish people in the Soviet Union will feel the great moral force and effect of the voice with which the U.S. Senate is speaking. I could not more heartily endorse it.

Mr. RIBICOFF. Mr. President, I ask unanimous consent to add as a cosponsor the name of the Senator from Nevada [Mr. BIBLE].

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. I yield now to the Senator from New York [Mr. KEATING].

Mr. KEATING. I thank the Senator from Connecticut and commend him for offering the amendment. I believe originally I was stated to be a cosponsor. If not, I would like to have my name added.

Mr. RIBICOFF. Mr. President, if the Senator will yield, the Senator from New York was an original cosponsor of the resolution and the amendment.

Mr. KEATING. I thank the Senator. I shall be brief. I hope we can reach a vote promptly and have a unanimous vote to condemn what is going on in Soviet Russia.

As a longtime exponent of the proposition that America's outrage over the U.S.S.R.'s ruthless persecution of its Jewish subjects must be firmly and formally declared, I am pleased to support this amendment, which expresses the sense of the Congress condemning Soviet persecution of members of the Jewish faith.

During my career in the Senate I have repeatedly taken the position that persecution in all its forms must be exposed and denounced. It is our obligation, Mr. President, to make it clear to the world that this Nation deplores anti-Semitism. I have cited numerous instances of Communist persecution of the Jews within its borders, painfully familiar accounts of vicious propaganda, imprisonment, and execution. World War II taught us the lesson that the world has become too small, and international responsibility too great, for us to ignore oppression wherever it appears.

Mr. President, this statement of principle will undoubtedly be attacked by the Communist world as self-righteous. In anticipation of this habitual criticism, let me say that Americans are all too aware of the wounds of prejudice in their own land, but an objective look at our record over the past decade certainly proves that an overwhelming majority of Americans are dedicated to eradicating the blot of intolerance and hatred. We are blessed with a form of government that allows us to protest and to stamp out injustice, and to work toward complete fulfillment of the ideals we cherish.

The peoples of the Soviet Union, on the other hand, do not enjoy civil rights. If the all-powerful Communist Party decides to make life miserable for a religious or an ethnic group, the object of its hate campaign has no recourse to a court of justice. Neither government or citizenry in the Soviet Union will take up their cause. Therefore, it behooves us, together with all freedom-loving peoples, to make known our unalterable opposition to this crime, and to state our position over and over again until the Soviet Union, under pressure of world opinion, feels shame for its persecutions and takes effective steps to abandon hate and bigotry as an instrument of national policy.

I am grateful to my friend from Con-

necticut and proud to be a cosponsor of the amendment which he has offered.

Mr. RIBICOFF. I yield to the Senator from Tennessee [Mr. WALTERS].

Mr. WALTERS. Mr. President, several months ago I joined with almost two-thirds of the Senate in cosponsoring Senate Resolution 204 condemning religious persecution of Jews and people of other faiths by the Soviet Union.

I did so because I felt we needed to make it clear to the world that we do not in any way condone the continuance of the present policies of religious oppression of the Soviet Union.

I have high hopes that the 88th Congress will add to its already outstanding record by adopting this resolution prior to final adjournment, either through committee action or as an amendment, thereby voicing the concern of the Congress and the people of the United States.

We are living at a time when the Communist concept, fathered by Karl Marx, threatens the way of life of the entire free world. Ours is a system of established law and order under God. The godless system of communism denies freedom to all; it is a system of government which robs the individual of the precious right of worship as he sees fit.

Today the people of the Soviet Union live under what has been characterized as a system of parental law in which people are treated not as independent possessors of rights, but as immature dependent youths who must be trained and disciplined in their consciousness of rights and duties and for whom rights are also gifts. Today the distinctive feature of Soviet law is that it is force law, since all of it is pointed to promote the policy of the Soviet Union without regard to the individual.

The intangible force that makes freedom and progress possible in the free world is of course law that concerns itself with the individual.

We, in America, are a religious people. Our Nation was given its beginning by God-fearing men and on the coin of the Republic we proudly proclaim "In God We Trust."

America has achieved her greatness not primarily because of her great natural wealth, but because the foundation of our form of government and way of life are firmly embedded in the rugged rock of our Christian spiritual heritage. It is a heritage that endured many trials and has successfully withstood the onslaughts of time and would-be conquerors. Ours is a good example of what religious freedom can do for a nation, and it is indeed fitting and proper that we strengthen our defenses against any encroachment of Communist ideology and doctrine by denouncing the Soviet persecution of the Jewish people.

By adopting this resolution we are announcing in clear, loud terms to the free world and to the Soviet Union that we are not now ready and never will be ready to accept the vicious propaganda pattern established in Russia against the Jews and we vigorously condemn its continuance.

Mr. RIBICOFF. Mr. President, I yield now to the Senator from West Virginia [Mr. RANDOLPH].

Mr. RANDOLPH. Mr. President, widespread evidences of anti-Semitism in the Soviet Union have aroused the indignation of men and women throughout the world who believe in justice and freedom. It has been factually demonstrated in instance after instance that the Soviet citizens of Jewish faith are being persecuted because of their beliefs.

The B'nai B'rith International Council has recently issued a special report which documents anti-Semitic activity in every phase of Soviet life. The report specifies denials of Jewish cultural rights, provides a summary of suppression of Judaism in religious practices, and gives evidence of discriminatory action in areas such as education, employment, and political activity. It also points out that there are indications of rising anti-Semitic attitudes on the part of the Soviet people.

The Washington Star, on August 14, 1964, carried an editorial commending the efforts of our distinguished colleague, Senator ABRAHAM RIBICOFF, in focusing public attention on this deplorable situation. Senator RIBICOFF has sponsored Senate Resolution 204 as an amendment to the Foreign Assistance Act of 1964, both of which call for a resolution on the part of Congress deploring persecution of the Jews in the Soviet Union. I request unanimous consent that the Star editorial be printed at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ANTI-SEMITISM IN THE SOVIET UNION

Senator RIBICOFF has made an excellent case for his proposal to have the Senate go on record as condemning religious persecution in the Soviet Union. As he has told the Foreign Relations Committee, there can be no doubt that such persecution exists, and it is especially virulent in the case of the U.S.S.R.'s 3 million Jews.

In the Senator's words, the Kremlin's anti-semitic policy "aims to shatter, pulverize and gradually eliminate Jewish historical consciousness and Jewish identity." To that end, Soviet Jews have been deprived of their cultural rights; have been denied the free exercise of their religion; have been discriminated against in education and employment; have been used as scapegoats for the country's economic ills; have been subjected to a campaign of ceaseless vilification in the press; and have been forbidden to emigrate to other lands. Accordingly, with the cosponsorship of 63 other Senators, Mr. RIBICOFF as long ago as last September introduced a resolution calling upon the Senate to declare against this evil.

It is a sound resolution and it should be adopted without further delay. The Soviet leaders, of course, are not going to turn over a new leaf just because of it, but it may help to persuade them to moderate their present policy against the Jews and other minorities. In any case, as Senator JAVITS has declared, affirmative Senate action would help to "expose * * * the hypocrisy behind the Kremlin's denial of anti-Jewish actions."

Mr. RANDOLPH. Mr. President, as one of the original cosponsors of Senate Resolution 204, I urge the Senate to unanimously affirm the pending amendment. It is most appropriate that an official branch of Government in the United States go on record opposing the continuation of discriminatory actions

against the Jews of the Soviet Union. I commend the Senator from Connecticut, and join in the advocacy of the amendment.

Mr. RIBICOFF. Mr. President, I yield back the remainder of my time.

Mr. FULBRIGHT. Mr. President, I send to the desk a substitute for the pending amendment, and ask that it be stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Arkansas as a substitute for the amendment offered by the Senator from Connecticut [Mr. RIBICOFF], for himself and other Senators, will be stated.

The Chief Clerk read the amendment in the nature of a substitute, as follows:

On page 1, after line 5, insert the following:

"CHAPTER 1—POLICY

"SEC. 101. Section 101 of the Foreign Assistance Act of 1961, as amended, which relates to statement of policy, is amended by inserting the following at the end of the first sentence of the sixth paragraph:

"The Congress heartily condemns infringement of religious freedom anywhere in the world. It is the sense of the Congress that persecution of any persons because of their religion and the execution of persons for alleged economic offenses be condemned, and that all persons should be permitted the free exercise of religion and the pursuit of culture."

Mr. FULBRIGHT. Mr. President, I yield myself 3 minutes.

If we are to go into the procedure of condemning religious persecutions, I see no reason why we should limit it to the Soviet Union. It is the practice in many countries of the world.

We have read about these persecutions. Protestants have had difficulties in Spain. In Italy certain sects were maltreated—or thought they were and believed themselves subjected to religious persecution. We know that persecution takes place in varying degrees in many other countries.

I am not sure that the Congress should restrict its condemnation of persecution of religious sects, in this instance Jews, to Soviet Russia. If we condemn religious persecution there, I see no reason why we should not condemn it in other countries. It is not restricted to the Soviet Union.

Therefore, I believe my amendment is germane and is consistent with a condemnation of persecution, such as that of Jews in the Soviet Union. It would also condemn the persecution of Baptists or Methodists or any other sects in the Soviet Union.

I do not see why the Senator from Connecticut could not accept this substitute, because it covers the field he seeks to cover. It extends the same sympathy to other sects being persecuted. I do not know why we should be so exclusive as to restrict the condemnation only to the persecution of the Jews. I hope the Senator agrees to accept the amendment, and I hope the Senate will accept it.

Mr. RIBICOFF. Mr. President, I object very strenuously to the substitute amendment offered by the Senator from Arkansas. What the Senator from Arkansas seeks to do is to completely undercut the original resolution and take

the Soviet Union "off the hook." I cannot stand on the floor of the Senate and allow the Senator from Arkansas to accomplish this end.

We are dealing here with an unusual situation. There are 3 million Jews in the Soviet Union. They are the second largest number of Jews in the world. The largest Jewish population is in the United States, 5 million. For the past 20 years there has been an attrition of and an attempt to wipe out the Jews of the Soviet Union.

The Soviet Union does not encourage any religion, but the difference we have here is that the Soviet Union does not treat the Jews as belonging to a religion, but as a nationality. The Methodists, Baptists, Catholics, Mormons—whatever sect one can think of—are treated as members of a religion in the Soviet Union, but the Jew has stamped on his passport "Jew," representing his nationality. A Russian Methodist does not have stamped on his passport "Methodist." A Roman Catholic does not have stamped on his passport "Roman Catholic." A Baptist does not have stamped on his passport "Baptist." So this is an entirely different situation.

The Soviet Union would like very much to see the adoption of the amendment offered by the Senator from Arkansas, because it could say, "See; we are not treating the Jews any differently than we treat anyone else." But there are 101 separate nationalities in the Soviet Union, and the Jews are not treated as one of those nationalities. They are singled out from all the other nationalities. Jews cannot have schools of their own. Other nationalities can. The Jews cannot have theaters of their own. The other nationalities can. The Jews cannot have their own religious seminaries. The other nationalities can. The Jews cannot have their own newspapers and magazines. The other nationalities can.

We seek to tell the world that the Soviet Union seeks to grind out 3 million Jews. The whole world stood by when the Nazi regime took over in Germany and started to exterminate the Jews of Germany and of the satellite countries that they had invaded. All we are seeking to do is to raise the conscience of the entire world, not only of the American people, to make sure that what happened to the 6 million Jews in Europe will not happen to the 3 million Jews in the Soviet Union.

I, for one, object to the Senator from Arkansas taking the Soviet Union off the hook. They should be brought to face the public opinion of the world on what the Soviet Union seeks to do to 3 million people. If the Senator from Arkansas is concerned with religious persecution of other people in the world, let him offer a separate amendment. I would support such a separate amendment.

But, the only way in which we can influence the Soviet Union is to bring them up against world opinion. World opinion cannot be better expressed than by action taken in the Senate of the United States by the adoption of my amendment.

Senators represent 50 States. We speak for all the people. We speak for the people of every religion and of every

faith. If Senators, who represent 184 million people, would accept by unanimous vote the amendment we have offered, it would be a warning to the Soviet Union that the American people are aroused and that the American people will not stand idly by.

I hope the Senate will reject the substitute amendment of the Senator from Arkansas, because it undercuts completely what we seek to do in the amendment that we have offered.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield to the Senator from New York.

Mr. JAVITS. I support my colleague from Connecticut in his position against the amendment offered by the Senator from Arkansas. I support the Senator from Connecticut on all the grounds that he has stated, plus two additional grounds.

Mr. President, we are dealing within a frame of history in the Soviet Union of anti-Semitism, which the U.S. Government protested many times.

Second, there is no situation comparable with the points made about executions for economic crimes, and the dreadful and terrible suppression that they represent.

Unless we adopt the basic amendment and make the protest which it represents, we shall not be effective, considering the status of our relations with the Soviet Union. Our action would be effective only if the Senate declared itself in favor of the fundamental resolution. I hope the Fulbright amendment will be defeated and that the Ribicoff amendment will be adopted.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. MORSE. I say to the Senator from Connecticut that I associate myself with every argument he has made. His arguments are unanswerable. The persecution of Jews in Russia is an unquestioned fact. The United States should go on record in opposition to this inhumanity of man to man. The opportunity we have as Senators is to adopt the amendment of the Senator from Connecticut and to defeat the amendment offered by the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I yield myself 3 minutes.

I appreciate the compliment of Senators in attributing all the opposition to me. As a matter of fact the State Department, which is not known to be opposed to the interests of Israel, and the U.S. Information Agency look with a jaundiced eye on this proposal. The State Department has recommended against the acceptance of the amendment by the committee. It is the same as the resolution which had previously been submitted to the committee. The purpose of it is to help the Jews in the Soviet Union. As so often happens, the overzealous friends of people may do them more harm than do their enemies.

Mr. President, I ask unanimous consent to have printed in the *Record* at the conclusion of these particular remarks the complete report from the

State Department and from the U.S. Information Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. FULBRIGHT. I should like to read from page 2 of the letter from the Department of State:

Specifically, the first clause in the second paragraph of the resolution to the effect that "the Government of the Soviet Union is persecuting Jewish citizens by singling them out for extreme punishment for alleged economic offenses," would be considered by the Soviet Government and the Soviet people as an effort of the American Congress to interfere with the legal processes of the Soviet Union.

All things considered, the Department believes that appeals by private organizations and individuals to the Soviet authorities is the procedure most likely to bring about a change in Soviet policies affecting the situation of Soviet Jews. Such appeals may heighten the Soviet sensitivity on this subject and may encourage a decrease in Soviet activity against these unfortunate people.

Since the fate of Soviet Jewry is of concern to the world community, serious thought might be given to a united appeal of private organizations representing worldwide Jewry and, if possible, other religious groups.

For the foregoing reasons the Department does not recommend adoption of a resolution such as Senate Resolution 204.

The whole letter is concerned with the plight of the Jewish people in the Soviet Union. The question is, What is wise to do about it?

I can understand the appeal of this matter to Members of this body and their enthusiasm for it. However, it is the considered opinion of the Department of State and the U.S. Information Agency that this is not the wise way to serve the purposes of the Senator from Connecticut and of all the other cosponsors of the amendment.

Everyone regrets the persecution of the Jews. I am certain that is the unanimous opinion of all Senators. However, the question is, Is it wise for us to take this means to attack this particular problem?

Let me read a sentence from the U.S. Information Agency's letter:

Impact on Soviet Union official attitudes will more likely result from continued expressions against anti-Semitism by public and private Americans to Soviet officials.

I read further from the letter of the Department of State:

Given the uncertainty of the present situation in the Soviet Union, any such intervention as that proposed by Senate Resolution 204 might be seized upon by the Soviet authorities to show that they are in fact able to act independently and might lead them to take the very action against the Jewish people of the Soviet Union which we are trying to prevent.

Mr. President, I do not wish to prolong this discussion. It is not my resolution. I did not initiate it. I have tried to be helpful to the Senator from Connecticut. I warn against overzealousness, which might result in greater injury to the people we are seeking to help.

The Senator made one other point, namely, about the nationality of the Jews. It has been my impression that, particularly under the leadership of Ben-Gurion, Jews have been considered as

a nation. It is my information that Ben-Gurion regarded the Jews as a nation, and often made such speeches. There was some difference of opinion, of course, but I have understood that the idea of Jews being a nationality was not confined to the Soviet Union.

EXHIBIT 1

U.S. INFORMATION AGENCY,
Washington, D.C., March 23, 1964.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate

DEAR MR. CHAIRMAN: I refer to your letter of September 27, 1963, requesting Agency comments on Senate Resolution 204, submitted by Senator RIBICOFF for himself and 60 others, condemning Soviet persecution of Jews and other religious groups.

The proposed Resolution condemns Soviet persecution of any persons because of their religion and specifically calls on the Soviet Union to cease persecuting the Jews. Unhappily, we doubt that the resolution will have any restraining effect on Soviet authorities. Impact on Soviet Union official attitudes will more likely result from continued expressions against antisemitism by public and private Americans to Soviet officials.

The Bureau of the Budget advises that it has no objection to the submission of this report from the standpoint of the administration's program.

Sincerely,

CARL T. ROWAN,
Director.

DEPARTMENT OF STATE,
Washington, D.C., April 17, 1964.

Hon. J. W. FULBRIGHT,
Chairman of the Committee on Foreign
Relations, U.S. Senate.

DEAR MR. CHAIRMAN: Thank you for your letter of September 27, 1963, requesting comment by the Department of State on Senate Resolution 204 as published in the *CONGRESSIONAL RECORD* of September 26. The resolution expresses the sense of the Senate that the Soviet Government's persecution of persons because of their religion be condemned, that the Soviet Government cease executing persons for alleged economic offenses, and permit the free exercise of religion and cultural pursuits by Jews and all other persons living in the Soviet Union.

The Department has consistently stressed our Government's belief that the long-term antireligious campaign in the Soviet Union has grown in intensity over the past several years. All religions, including the Jewish religion, are being subjected to increasing restrictions, forms of interference, and negative social pressures.

The Department cannot stress too strongly its disapproval of the pressures which are brought to bear against various religious and minority groups in the Soviet Union. As the Department has frequently pointed out, in the case of the Jews these pressures prevent the normal maintenance and development of Jewish religious and cultural life.

The Department can well appreciate the humanitarian and religious motives which have inspired the drafters of the proposed Senate Resolution 204, intended to relieve the plight of the Jews and other religious people in the Soviet Union. These unfortunate people continue to suffer for their religious convictions as the result of repressive actions initiated by the Soviet Government since its accession to power following World War I. If the Department believed that passage of this resolution offered a reasonable possibility of achieving its purpose, it would urge the resolution's submission for consideration by the Senate. It is the Department's considered opinion that under present circumstances this unfortunately would not be the case.

The Department seriously doubts that Soviet leadership would be influenced favorably by the Senate's adoption of the resolution. In the past, Soviet officials have reacted most unfavorably to outside criticism, particularly that by foreign government organs or official representatives, on matters which the Soviet Government considers to be within the sole purview of Soviet internal interests.

Given the uncertainty of the present situation in the Soviet Union, any such intervention as that proposed by Senate Resolution 204 might be seized upon by the Soviet authorities to show that they are in fact able to act independently and might lead them to take the very action against the Jewish people of the Soviet Union which we are trying to prevent. The resolution might therefore redound seriously to the detriment of Soviet Jews and other religious people of the Soviet Union.

Specifically, the first clause in the second paragraph of the resolution to the effect that "the Government of the Soviet Union is persecuting Jewish citizens by singling them out for extreme punishment for alleged economic offenses," would be considered by the Soviet Government and the Soviet people as an effort of the American Congress to interfere with the legal processes of the Soviet Union.

All things considered, the Department believes that appeals by private organizations and individuals to the Soviet authorities is the procedure most likely to bring about a change in Soviet policies affecting the situation of Soviet Jews. Such appeals may heighten Soviet sensitivity on this subject and may encourage a decrease in Soviet activity against these unfortunate people.

Since the fate of Soviet Jewry is of concern to the world community, serious thought might be given to a united appeal of private organizations representing worldwide Jewry and, if possible, other religious groups.

For the foregoing reasons the Department does not recommend adoption of a resolution such as Senate Resolution 204.

The Bureau of the Budget advises that from the standpoint of the administration's program there is no objection to the submission of this report.

Sincerely yours,

FREDERICK G. DUTTON,
Assistant Secretary.

Mr. RIBICOFF. Mr. President, the Senator from Arkansas says that the State Department looks on this matter with a jaundiced eye. Mr. President, I have a jaundiced view of the State Department's attitude about problems of the Jews in the Soviet Union. The State Department has no concept of what is going on there in relation to this problem. The State Department's attitude, if we were to follow it, would mean that we would always be behind when we sought to move forward in the field of human rights and human relations.

The State Department never has been sympathetic to these problems. The State Department treats Jews merely as numbers. The State Department seems to be consistently ignorant and uninformed on this problem.

I also disagree with the statement of the Senator from Arkansas that this situation should be handled by private groups. The most august body in the United States is the Senate of the United States. If the Senate of the United States speaks with the unanimous voice, then the Senate of the United States is speaking for the people of the United States.

The Soviet Union is concerned with world opinion, not merely with the statement of one individual or another. For the life of me, I cannot understand why, whenever we come up against a problem on which we seek to speak our conscience, the State Department seeks to throw cold water on the efforts of the American people to speak with spirit and to speak with emotion. I stand on the floor of the Senate condemning the attitude of the State Department in this particular instance, because the State Department shows its ignorance of what is happening to 3 million Jews. It shows its indifference. The State Department has a lot to learn about people as human beings and humanity in general. The time has come for the State Department to get a little education of its own. One way to give the State Department some education is to reject the substitute amendment offered by the Senator from Arkansas and let the Senate vote. Sixty-four Senators have joined in cosponsorship of this amendment to condemn the Soviet Union. We who are U.S. Senators understand public opinion and understand better what will move the Soviet Union than do some bureaucrats who sit in the State Department.

Mr. DODD. Mr. President, will my colleague yield?

Mr. RIBICOFF. I am pleased to yield to the senior Senator from Connecticut.

Mr. DODD. Mr. President, I join my colleague in opposing the amendment in the nature of a substitute offered by the Senator from Arkansas.

The first sentence of the amendment offered by my colleague, and of which the senior Senator from New York [Mr. JAVITS] and I are cosponsors, reads:

It is the sense of the Congress that the United States deeply believes in freedom of religion for all people and is opposed to infringement of this freedom anywhere in the world.

The amendment in every instance refers to "all people." So the amendment makes clear what the Senator from Arkansas is trying to obtain; namely, that it is not alone directed to the relief of persecuted Jews in Russia, but as well, is concerned with the persecution of all people within the Soviet Union. It seems to me there is no need for an amendment to include all others.

Second, it is of the greatest importance that, once and for all, we tag the Communists with these acts of persecution. For a long time they have tried to make it appear that they are not people who persecute others because of religion. Time and again, they have pointed to their written constitution, which of course has no meaning, as proof of the fact that they have not been against anybody because of his religion. It took time to discover the true condition, but we are finally agreed that they are persecuting people on religious grounds.

If we pass up the opportunity to do this and, as the Senator from Connecticut has put it, let the Soviets off the hook, we will have missed a great chance for the free world to establish a most important point for the education of the people concerning what is taking

place in the Soviet Union. Once the amendment has been adopted, they will know that the Government of the Soviet Union and Communist governments elsewhere in the world are engaged in one of the most awful things that humankind can stoop to; that is, the persecution of people because of their religious beliefs. Let us not miss this great opportunity.

It will be a tragic day if we neglect this chance by adopting weaker language. I hope the substitute amendment of the Senator from Arkansas will be rejected and that the amendment of the junior Senator from Connecticut will be agreed to.

Mr. JAVITS. Mr. President, first, I think we would all agree that there is no feeling on the part of the Senator from Arkansas [Mr. FULBRIGHT] other than simply that all of us should condemn persecution wherever it exists. However, we have one difference as to how best to do that.

He has raised a question as to whether what we are doing is really the best for the Jewish community. It is on that point that I should like to remind my colleague, which I think is a supplement with respect to his magnificent statement, that on April 5 and 6, 1964, in Washington, 24 major American Jewish organizations, representing practically all organized American Jewry—I believe they comprise all the leading organizations—convened an emergency conference in Washington—the American Jewish Conference on Soviet Jewry—to deal with the plight and problems of Soviet Jewry. The 24 organizations were:

- American Jewish Committee.
- American Jewish Congress.
- American-Israel Public Affairs Committee.
- American Trade Union Council for Histadrut.
- American Zionist Council.
- B'nai B'rith.
- Central Conference of American Rabbis.
- Conference of Presidents of Major American Jewish Organizations.
- Hadassah.
- Jewish Agency for Israel-American Section.
- Jewish Labor Committee.
- Jewish War Veterans of the United States of America.
- Labor Zionist Movement.
- Mizrachi-Hapoel Hamizrachi.
- National Community Relations Advisory Council.
- National Council of Jewish Women.
- National Council of Young Israel.
- Rabbinical Assembly.
- Rabbinical Council of America.
- Synagogue Council of America.
- Union of American Hebrew Congregations.
- The Union of Orthodox Jewish Congregations of America.
- United Synagogue of America.
- The Zionist Organization of America.

Both the junior Senator from Connecticut [Mr. RIBICOFF] and I addressed that meeting. The Senator from Connecticut set forth his resolution, which he has offered in the Senate as an

amendment, for the support of others of us. The action adopted by that conference was in the form of an 18-point plan along the following lines. I read from the report of the conference proceedings:

Protesting "the denial to Soviet Jews of the basic institutions and facilities granted to other religious and ethnic groups of the Soviet Union," the plan urges the Soviet Government to—

1. Eradicate anti-Semitism by a vigorous educational effect conducted by government and party.
2. Permit the free functioning of synagogues and private prayer meetings.
3. Remove hindrances to the observance of sacred rites such as religious burial and circumcision.
4. Permit production and distribution of religious articles and calendars.
5. Restore facilities to produce and distribute matzoh and kosher food.
6. Grant the right to publish Hebrew Bibles, prayer books, and other religious texts.
7. Permit synagogues in the U.S.S.R. to organize a nationwide federation.
8. Sanction the association of such a federation with organizations of their coreligionists abroad.
9. Permit Jews to make religious pilgrimages to Israel.
10. Allow all qualified applicants to attend Moscow holy places and rabbinical seminaries, and to permit rabbinical students to study at seminaries abroad.
11. Provide schools and other facilities for the study of the Yiddish and Hebrew languages, and Jewish history and culture.
12. Permit Jewish writers, artists, and other intellectuals to create their own institutions for the encouragement of Jewish cultural and artistic life.
13. Reestablish a Yiddish publishing house to publish books in Yiddish by classical and contemporary Jewish writers.
14. Reestablish Yiddish state theaters and permit publication of a Yiddish language newspaper with nationwide circulation.
15. Eliminate discrimination against Jews in all areas of Soviet public life.
16. End the anti-Semitic campaign in the press.
17. End the discriminatory applications of the death penalty and other severe sentences imposed against Jews for economic crimes against the state.
18. Make it possible for Soviet Jews separated from their families as a result of Nazism to be reunited with their relatives on humanitarian grounds.

What could better express to the Soviet Union America's official concern than the resolution which is now offered as an amendment by Senator RIBICOFF, zeroing right in on the target, making it the official concern of the people of the Nation, and expressing the unmistakable indignation of the Senate concerning what is occurring in the Soviet Union?

The Senator from Connecticut is exactly correct. I urge that the amendment in the nature of a substitute, offered by the Senator from Arkansas [Mr. FULBRIGHT], be rejected.

Mr. RIBICOFF. I thank the Senator from New York. In a previous discussion the Senator from New York did the Senate a great service by presenting a partial list of resolutions adopted by past Congresses condemning persecution of the Jews in Russia. It includes reso-

lutions going back to 1879 and those adopted in 1892, 1906, and 1911. Another resolution condemned the persecution of the Jews by Nazi Germany in 1934.

Other resolutions were adopted by the Senate, protesting the persecution of Armenian children and the abduction of Greek children.

In 1956, Congress adopted a resolution condemning discrimination by Saudi Arabia against American Jews.

So there is a history of the Senate, time and time again, adopting resolutions of this type.

Mr. President, I ask unanimous consent that the names of the Senator from West Virginia [Mr. RANDOLPH] and the Senator from Maryland [Mr. BEALL] be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KUCHEL. Mr. President, I favor what my able friend from Connecticut is trying to do. So do the American people. Religious persecution in the Soviet Union against Jewish people merits the condemnation of mankind. Persecution of any human beings for their faith and creed is a barbaric thing which shocks the sensibilities of every decent person. Today a clear opportunity is afforded Senators to indicate, by the adoption of his amendment, their own revulsion, and that of our country, for all the wanton acts perpetrated against Jews, their temples, their cemeteries, their property, and their lives in the Soviet Union.

We are, this debate makes clear, now on our way to passing a sense-of-Congress resolution, by an overwhelming vote. In my judgment, it ought to be approved in the other body, to indicate clearly and without equivocation, that the legislative branch of the U.S. Government rejects the persecution by the Soviet Government of a people because of their religion. The United States believes in religious freedom and condemns the abuse of that freedom by anyone, against any faith, anywhere.

Mr. RIBICOFF. I thank the Senator from California.

The PRESIDING OFFICER. Does the Senator from Connecticut yield back the remainder of his time?

Mr. RIBICOFF. I am pleased to yield back the remainder of my time.

Mr. FULBRIGHT. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

The amendment was rejected.

The PRESIDING OFFICER. The question now recurs on the amendment of the Senator from Connecticut [Mr. RIBICOFF]. The yeas and nays have been ordered.

Mr. FULBRIGHT. Mr. President, in view of the rejection of my amendment in the nature of a substitute, I am perfectly willing to take the amendment of the Senator from Connecticut to conference, if he wishes to have me do that.

Mr. RIBICOFF. I thank the distinguished Senator from Arkansas, but the yeas and nays have been ordered on my

amendment. The basic purpose of the amendment is to put the Senate of the United States on record, so that the Government of the Soviet Union can see that the Senate speaks with a strong and purposeful voice in condemning the persecution of the Jews of the Soviet Union.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Connecticut [Mr. RIBICOFF]. On this question the yeas and nays have been ordered; and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Indiana [Mr. BAYH], the Senator from Maryland [Mr. BREWSTER], the Senator from North Dakota [Mr. BURDICK], the Senator from West Virginia [Mr. BYRD], the Senator from Idaho [Mr. CHURCH], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Louisiana [Mr. ELLENDER], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from Arizona [Mr. HAYDEN], the Senator from Missouri [Mr. LONG], the Senator from Minnesota [Mr. McCARTHY], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], the Senator from Rhode Island [Mr. PASTORE], the Senator from Georgia [Mr. RUSSELL], the Senator from New Jersey [Mr. WILLIAMS], and the Senator from Ohio [Mr. YOUNG] are absent an official business.

I also announce that the Senator from Nevada [Mr. CANNON], the Senator from Mississippi [Mr. EASTLAND], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Washington [Mr. JACKSON], and the Senator from Oregon [Mrs. NEUBERGER] are necessarily absent.

I also announce that the Senator from Alabama [Mr. HILL], and the Senator from Massachusetts [Mr. KENNEDY] are absent because of illness.

I further announce that, if present and voting, the Senator from Maryland [Mr. BREWSTER], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Washington [Mr. JACKSON], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Minnesota [Mr. McCARTHY], the Senator from Maine [Mr. MUSKIE], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Rhode Island [Mr. PASTORE], and the Senator from New Jersey [Mr. WILLIAMS] would each vote "yea."

Mr. KUCHEL. I announce that the Senators from Kansas [Mr. CARLSON and Mr. PEARSON], the Senator from New Hampshire [Mr. COTTON], the Senator from Nebraska [Mr. CURTIS], the Senator from Illinois [Mr. DIRKSEN], the Senator from Arizona [Mr. GOLDWATER], the Senator from Nebraska [Mr. HRUSKA], the Senator from Kentucky [Mr. MORTON], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from Pennsylvania [Mr. SCOTT], the Senator from South Carolina [Mr. THURMOND], the Senator from Texas [Mr. TOWER],

and the Senator from Delaware [Mr. WILLIAMS] are necessarily absent.

If present and voting, the Senator from Kansas [Mr. CARLSON], the Senator from New Hampshire [Mr. COTTON], the Senator from Illinois [Mr. DIRKSEN], the Senators from Nebraska [Mr. HRUSKA and Mr. CURTIS], the Senator from Kansas [Mr. PEARSON], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from Pennsylvania [Mr. SCOTT], the Senator from South Carolina [Mr. THURMOND], and the Senator from Texas [Mr. TOWER] would each vote "yea."

The result was announced—yeas 60, nays 1, as follows:

[No. 584 Leg.]

YEAS—60

Aiken	Holland	Morse
Allott	Inouye	Mundt
Anderson	Javits	Nelson
Bartlett	Johnston	Pell
Beall	Jordan, N.C.	Prouty
Bennett	Jordan, Idaho	Proxmire
Bible	Keating	Randolph
Boggs	Kuchel	Ribicoff
Byrd, Va.	Lausche	Robertson
Case	Long, La.	Salinger
Clark	Magnuson	Simpson
Cooper	Mansfield	Smathers
Dodd	McClellan	Smith
Dominick	McGee	Sparkman
Douglas	McGovern	Stennis
Ervin	McIntyre	Symington
Fong	McNamara	Talmadge
Gore	Mechem	Walters
Hart	Metcalfe	Yarborough
Hickenlooper	Miller	Young, N. Dak.

NAYS—1

Fulbright

NOT VOTING—39

Bayh	Goldwater	Moss
Brewster	Gruening	Muskie
Burdick	Hartke	Neuberger
Byrd, W. Va.	Hayden	Pastore
Cannon	Hill	Pearson
Carlson	Hruska	Russell
Church	Humphrey	Saltonstall
Cotton	Jackson	Scott
Curtis	Kennedy	Thurmond
Dirksen	Long, Mo.	Tower
Eastland	McCarthy	Williams, N.J.
Edmondson	Monroney	Williams, Del.
Ellender	Morton	Young, Ohio

So Mr. RIBICOFF's amendment was agreed to.

Mr. RUSSELL subsequently said: Mr. President, a short time ago the Senate voted on the amendment introduced by Senator RIBICOFF to put the Congress on record as being strongly opposed to the religious persecution practiced by the Soviet Union against the Jewish people living behind the Iron Curtain.

Mr. President, unfortunately I was detained on other matters and was unable to come to the Senate for that vote, but I want the RECORD to show that I strongly support that amendment and would have voted for it if I had been here. I also believe it is high time that the Senate and the Congress expressed itself on the matter.

Mr. MORSE. Mr. President, I ask for the yeas and nays on the passage of the foreign aid bill.

The yeas and nays were ordered.

Mr. DODD. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 2, lines 18 and 23, it is proposed to strike out the word "manufacturing."

Mr. DODD. Mr. President, it is not a very technical amendment. It merely enlarges the meaning of the language with respect to making used machinery and equipment available to other countries.

The Foreign Relations Committee accepted an amendment I proposed to require a study of the possibilities of expanding our present efforts to send to other countries used machinery and tools, described as manufacturing equipment.

In the Senate, an amendment was added to my proposal to expand this study to include used machinery sold through regular trade channels.

I think that equipment such as trucks, tractors, and nonmanufacturing implements can be useful to the less developed countries, and I hope this refinement of my original amendment will be accepted by the Senate.

Mr. FULBRIGHT. Mr. President, I have discussed this amendment with the distinguished Senator from Connecticut. I believe it is a good amendment. It really rectifies the meaning of the amendment that he offered and the Senate adopted some time ago.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. SPARKMAN. The Senator may recall that I offered an amendment. Does this amendment in any way affect the amendment which I offered?

Mr. DODD. No.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Connecticut.

The amendment was agreed to.

Mr. JOHNSTON. Mr. President, at this time I wish to express my opposition to H.R. 11380, the Foreign Assistance bill for the fiscal year 1965, now before the Senate. There was a time, some years ago, when I felt very much alone in criticizing a program of foreign aid; but as far back as 1946, I felt justified in this criticism, and now, some 18 years later, I am completely convinced of the validity of my argument.

During recent years we have seen increased opposition by the people of the United States to the use of so-called American "dollar diplomacy" as a substitute for the traditional means of diplomacy once advocated by our Government. But since World War II, foreign aid has become an all too conspicuous feature of our foreign policy. For too long we have attempted to satisfy the demands of our foreign policy by monetary aid that has done nothing more than cause worldwide resentment toward this great Nation. I recall the words from the farewell address of the founder of our Republic, George Washington, when he said:

It is folly in one nation to look for disinterested favors from another; * * * it must pay with a portion of its independence for whatever it may accept under that character.

Those words are as true today as they were in 1796. However, we have asked no nation to surrender its sovereignty to us upon receiving American assistance, but we do ask these people to honor their

obligations under existing conditions of international law. It shocks my sense of conscience and respect for law and order when I read almost daily the accounts of various belligerent demonstrations against our embassies by people who have accepted our foreign aid. I say it is high time Congress take notice of these appalling events and to restate just what constitutes foreign assistance by our Government.

When we look upon the history of foreign aid during the past few years, it is obvious that the entire program is one of the greatest frauds ever inflicted upon the American people.

Mr. President, do you realize that since World War II, we have spent on foreign aid a total of some \$500 for every man, woman, and child now living in the United States? This total is equal to all Federal Government expenditures of any nature during the first 143 years after the inauguration of George Washington. Incredible as it may seem, this total represents over one-third of the current national debt, which, as we know, is a staggering amount.

Mr. President, I think we should critically examine the premises of aid doctrines, both as to fact and as to value. In this regard, I am especially concerned about the economic assistance rendered in our foreign-aid program. Actually, very little has been written or said about the theory of this aspect of foreign aid. So far as I can determine, the supporters of economic aid tend to justify their position on the basis that such aid is indispensable in increasing the per capita income of less fortunate people, in order to promote their general welfare, which, in turn, leads to the spread of democracy. But this view fails to take into consideration certain factors of international politics; namely, that economic endeavors are substituted for the prime goal of international affairs, the political end. Thus, the ever-changing conditions of economic affairs are substituted for the historically proven methods of well-established legal norms in the area of international affairs.

Another theory, which is erroneous upon its very face, is that foreign assistance tends to enhance American prestige and leads to support for the United States by the uncommitted nations.

Mr. President, to disprove this theory, I have at my disposal many practical examples of worldwide demonstrations against the United States. In Ghana, for example, we have poured \$159 million of the taxpayers' money—into a nation which has, on repeated occasions, severely castigated American officials there, and has directed mobs against the American Embassy. These well-controlled attacks culminated the past February in a scene that Americans residing in Ghana will never forget. A crowd of Ghanaians, led by a Government loudspeaker van, converged on our Embassy. They held signs reading, "Yankee Rogues Go Home." A spokesman for a Government-owned Ghanaian newspaper declared over the loudspeaker, "We are fed up with your imperialist American dollars. We will massacre you as you massacred the people in Korea and Germany, in Cuba, and Panama."

Another shocking example is the case of India, which has received a total of almost \$5 billion in aid. In return for our generosity, we are plagued with remarks by Government officials, such as a recent one by a prominent member of the Indian Parliament who denounced what he thought to be the attitude of our Government in thinking it had a right to make and impose decisions on the Indian people. This view seems to be somewhat ironic when we cannot even convince India to give us a minimum of support in the United Nations.

But one case which has attracted my attention is that of Indonesia's President, who actually told our Ambassador in Jakarta to "Go to hell with your aid." The pathos of the condition in Indonesia is that we have spent \$881 million in economic and military commitments.

Numerous examples of that sort in the newly emerging nations can be mentioned. But now our traditional allies have begun to heap criticism upon us after their postwar rehabilitation—such as in the case of France. Since World War II, France has actually received \$1½ billion in American aid. In return, we are slapped with De Gaulle's new independent line. It seems that de Gaulle has convinced the French people that the United States does not possess the intellectual or cultural ability to be a world leader. It seems strange to me that this opinion of de Gaulle's comes after \$1½ billion from us and two world wars fought by us to save France. This underscores the futility of attempting to buy friends with foreign aid programs.

I, for one, have grown tired of this lack of gratitude toward the United States by various recipients of our foreign aid. When our Nation is accused by an official in Cairo of considering itself as the shadow of God on earth in imposing American principles, it is high time we took a long look at the more than \$860 million spent in aid to the United Arab Republic. When we see that our foreign aid programs have created keen foreign competition to our farmers and industries, it is time for us to examine the merits of a program under which industrial Japan and Europe have been handed billions of dollars in U.S. economic aid, but have, in turn, purchased mass-production machinery more modern than much of ours. It is quite obvious that foreign wages and taxes are lower than ours, while depreciation allowances are higher. As a consequence, our industrial security is threatened.

Mr. President, foreign aid has not only led to American setbacks in international affairs; this program has also engaged in a shocking number of totally wasteful projects. I was both amused and certainly annoyed to read a part of the House debate on this bill, during which an enterprising Member of the House made a partial list of unnecessary items made available to certain foreign nations. For the benefit of Senators who failed to read the CONGRESSIONAL RECORD of June 9, 1964, I shall mention a few of those items.

Turkey, a nation which has failed to achieve economic stability, even after

receiving foreign aid totaling almost \$4,200,000 has listed such interesting items as a bill for \$999.98 for bubble gum. I know very little about bubble gum; but it seems to me that \$1,000 could be directed toward a more sensible endeavor in Turkey. Another item for Turkey, of all things, is a bill for airwick, a household deodorant, for \$10,650.60. But among the most amazing of all were two separate bills for Metrecal, totaling \$17,000 for none other than Cambodia.

Mr. President, this Nation has granted Cambodia \$355 million in foreign aid; but only recently Prince Sihanouk stated that Cambodia's best friend is now Communist China, and all of us are aware of the role being played by Cambodia in the Vietnam situation. Evidently Metrecal is not needed in Cambodia. Nor is another cent of American assistance to that nation. I hold in my hand copies of these bills, some dating as far back as 1961.

Some of the examples I have cited are actually relatively minor, when one considers the whole foreign aid program. The point I stress is that we have let our foreign aid program be channeled in all directions except the right one. How in the world the advocates of foreign aid can say this is necessary to keep communism behind the Iron Curtain is beyond my comprehension. One has only to look at Cuba, to see how completely wrong we have been.

The United States poured over \$50 million in foreign assistance into Cuba, prior to Castro, and nearly \$2 million after Castro. I realize that most of this aid came before Castro, but this point simply emphasizes the futility of foreign aid.

A foreign aid program cannot possibly influence nations throughout the world. As a result of this wasteful spending, the people of our great Nation are being held up as objects of ridicule. It seems paradoxical, to me, that the overburdened American taxpayer is forced to share in his own ridicule. Our American dollars have become the laughingstock of the world. We have become the proverbial money changers of the world. It is high time for the forces of good sense to be applied to foreign aid.

Communism is not going to terminate as a result of giveaway programs. If anything, foreign aid in the past few years has aided the Communist ideology, by turning one set of people against another. For example, the attack by Israel on Egypt was probably made possible by our foreign aid, since economic aid made it possible for Israel to free its foreign exchange, for the purpose of purchasing weapons. The confusing thing is that we also provide Egypt with a means of purchasing armaments, by granting the Egyptians economic or nonmilitary aid. This is also the case with India and Pakistan, where we really have created a bad situation for ourselves.

Mr. President, foreign aid in the form of economic handouts has resulted in increased criticism of the United States by both our traditional allies and the so-called noncommitted nations. I, for one, am sick and tired of this increased hostility toward the people of our great democracy. Now is the time for the Senate

to reject this bill. I sincerely believe that the foreign aid program, in the form of outright economic handouts and assistance, is going to lead to our own undoing. We cannot support the rest of the world financially with the hard-earned money of the American taxpayers.

Now is the time for change. Now is the time for this great body to reject this piece of proposed legislation. Foreign aid proponents owe the American people an explanation of why they have been forced to spend a total of \$104 billion, since 1945, on various foreign projects with which they, themselves, are not concerned. Let us return to a program of foreign policy whereby we are not forced to "buy" our friends. Their resentment and the resentment of the American people are to be reckoned with. We must prove to the world and to ourselves that this country is not the "sugar-daddy" of the world.

Foreign assistance has gone too far. At no point in my career as a U.S. Senator have I regarded this issue as more important than I do today. It is a total farce for anyone to think that freedom and democracy can be purchased with American dollars, or that our money alone can halt international communism.

For the sake of the American people and for the salvation of our free Nation, I urge the Senate to vote against this latest foreign aid bill now before us.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. DOMINICK (after having voted in the affirmative). Mr. President, on this vote I have a pair with the Senator from South Carolina [Mr. THURMOND]. If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. MANSFIELD. I announce that the Senator from Indiana [Mr. BAYH], the Senator from Maryland [Mr. BREWSTER], the Senator from North Dakota [Mr. BURDICK], the Senator from West Virginia [Mr. BYRD], the Senator from Idaho [Mr. CHURCH], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Louisiana [Mr. ELLENDER], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from Arizona [Mr. HAYDEN], the Senator from Missouri [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], the Senator from Rhode Island [Mr. PASTORE], the Senator from New Jersey [Mr. WILLIAMS], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

Also I announce that the Senator from Nevada [Mr. CANNON], the Senator

from Mississippi [Mr. EASTLAND], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Washington [Mr. JACKSON], and the Senator from Oregon [Mrs. NEUBERGER] are necessarily absent.

I also announce that the Senator from Alabama [Mr. HILL] and the Senator from Massachusetts [Mr. KENNEDY] are absent because of illness.

I further announce that, if present and voting, the Senator from Indiana [Mr. BAYH], the Senator from Maryland [Mr. BREWSTER], the Senator from North Dakota [Mr. BURDICK], the Senator from West Virginia [Mr. BYRD], the Senator from Idaho [Mr. CHURCH], the Senator from Alaska [Mr. GRUENING], the Senator from Washington [Mr. JACKSON], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Maine [Mr. MUSKIE], the Senator from Rhode Island [Mr. PASTORE], the Senator from New Jersey [Mr. WILLIAMS], and the Senator from Ohio [Mr. YOUNG] would each vote "yea."

Mr. KUCHEL. I announce that the Senators from Kansas [Mr. CARLSON and Mr. PEARSON], the Senator from New Hampshire [Mr. COTTON], the Senator from Nebraska [Mr. CURTIS], the Senator from Illinois [Mr. DIRKSEN], the Senator from Arizona [Mr. GOLDWATER], the Senator from Nebraska [Mr. HRUSKA], the Senator from Kentucky [Mr. MORTON], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from Pennsylvania [Mr. SCOTT], the Senator from South Carolina [Mr. THURMOND], the Senator from Texas [Mr. TOWER], and the Senator from Delaware [Mr. WILLIAMS] are necessarily absent.

On this vote, the Senator from Kansas [Mr. CARLSON] is paired with the Senator from Nebraska [Mr. CURTIS]. If present and voting, the Senator from Kansas would vote "yea" and the Senator from Nebraska would vote "nay."

On this vote, the Senator from Kentucky [Mr. MORTON] is paired with the Senator from Nebraska [Mr. HRUSKA]. If present and voting, the Senator from Kentucky would vote "yea" and the Senator from Nebraska would vote "nay."

On this vote, the Senator from Massachusetts [Mr. SALTONSTALL] is paired with the Senator from Kansas [Mr. PEARSON]. If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from Kansas would vote "nay."

On this vote, the Senator from Pennsylvania [Mr. SCOTT] is paired with the Senator from New Hampshire [Mr. COTTON]. If present and voting, the Senator from Pennsylvania would vote "yea" and the Senator from New Hampshire would vote "nay."

On this vote, the Senator from Delaware [Mr. WILLIAMS] is paired with the Senator from Texas [Mr. TOWER]. If present and voting, the Senator from Delaware would vote "yea" and the Senator from Texas would vote "nay."

The pair of the Senator from South Carolina [Mr. THURMOND] has been previously announced.

The result was announced—yeas 44, nays 16, as follows:

[No. 585 Leg.]

YEAS—44

Aiken	Hickenlooper	Nelson
Allott	Holland	Pell
Anderson	Inouye	Prouty
Bartlett	Javits	Proxmire
Beall	Keating	Randolph
Boggs	Kuchel	Ribicoff
Case	Lausche	Robertson
Clark	Magnuson	Salinger
Cooper	Mansfield	Smathers
Dodd	McGovern	Smith
Douglas	McIntyre	Sparkman
Fong	McNamara	Symington
Fulbright	Metcalf	Walters
Gore	Miller	Yarborough
Hart	Mundt	

NAYS—16

Bennett	Jordan, Idaho	Simpson
Bible	Long, La.	Stennis
Byrd, Va.	McClellan	Talmadge
Ervin	Mechem	Young, N. Dak.
Johnston	Morse	
Jordan, N.C.	Russell	

NOT VOTING—40

Bayh	Goldwater	Moss
Brewster	Gruening	Muskie
Burdick	Hartke	Neuberger
Byrd, W. Va.	Hayden	Pastore
Cannon	Hill	Pearson
Carlson	Hruska	Saltonstall
Church	Humphrey	Scott
Cotton	Jackson	Thurmond
Curtis	Kennedy	Tower
Dirksen	Long, Mo.	Williams, N.J.
Dominick	McCarthy	Williams, Del.
Eastland	McGee	Young, Ohio
Edmondson	Monroney	
Ellender	Morton	

So the bill (H.R. 11380) was passed.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. FULBRIGHT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FULBRIGHT. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. FULBRIGHT, Mr. SPARKMAN, Mr. MANSFIELD, Mr. HICKENLOOPER, and Mr. AIKEN conferees on the part of the Senate.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following communications and letters, which were referred as indicated:

PROPOSED APPROPRIATION, 1965, FOR DEPARTMENT OF COMMERCE (D. Doc. No. 103)

A communication from the President of the United States, transmitting a proposed appropriation for the fiscal year 1965, in the amount of \$15,000, for the Department of Commerce (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

PROPOSED SUPPLEMENTAL APPROPRIATION, TO PAY JUDGMENTS RENDERED AGAINST THE UNITED STATES (S. Doc. No. 101)

A communication from the President of the United States, transmitting a proposed supplemental appropriation to pay judgments rendered against the United States, in the amount of \$1,024,994 (with accompanying papers); to the Committee on Appropriations, and ordered to be printed.

PROPOSED SUPPLEMENTAL APPROPRIATION, 1965, FOR DEPARTMENT OF STATE (S. Doc. No. 102)

A communication from the President of the United States, transmitting a proposed supplemental appropriation for the fiscal year 1965, in the amount of \$300,000, for the Department of State (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

REPORT ON SHIPMENTS TO YUGOSLAVIA INSURED BY FOREIGN CREDIT INSURANCE ASSOCIATION AND EXPORT-IMPORT BANK

A letter from the Assistant Secretary, Export-Import Bank of Washington, Washington, D.C., reporting, pursuant to law, on shipments to Yugoslavia insured by the Foreign Credit Insurance Association and that Bank, for the month of August 1964; to the Committee on Appropriations.

REPORT ON FEDERAL CONTRIBUTIONS PROGRAM—EQUIPMENT AND FACILITIES

A letter from the Director of Civil Defense, Department of the Army, transmitting, pursuant to law, a report on Federal contributions program—equipment and facilities, for the quarter ended June 30, 1964 (with an accompanying report); to the Committee on Armed Services.

PUBLICATION OF NOTICE OF PROPOSED DISPOSITION OF CERTAIN SILK

A letter from the Acting Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a copy of a notice to be published in the Federal Register of a proposed disposition of approximately 113,500 pounds of raw silk and approximately 969,500 pounds of silk noils now held in the national stockpile (with an accompanying paper); to the Committee on Armed Services.

REPORT OF THE U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

A letter from the Acting Chairman, the U.S. Advisory Commission on International Educational and Cultural Affairs, transmitting, pursuant to law, a report of that Commission, dated September 1964 (with an accompanying report); to the Committee on Foreign Relations.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary costs to the Government for commercial long-distance telephone calls made by Federal agencies in the San Francisco region between cities served by the Federal Telecommunications System, General Services Administration, dated September 1964 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on examination of financial statements of the Office of the Treasurer of the United States, Treasury Department, fiscal year 1963 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary testing costs included in the prices of Klystron tubes purchased from Radio Engineering Laboratories, Inc., Long Island City, N.Y., Department of the Air Force, dated September 1964 (with

88TH CONGRESS
2D SESSION

H. R. 11380

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24, 1964

Ordered to be printed with the amendments of the Senate numbered

AN ACT

To amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Foreign Assistance Act
4 of 1964".

PART I

(1) CHAPTER 1—POLICY

7 *SEC. 101. Section 102 of the Foreign Assistance Act*
8 *of 1961, as amended, which relates to the statement of policy,*

1 *is amended by adding at the end thereof the following new*
 2 *paragraph:*

3 *“It is the policy of the United States to encourage the*
 4 *efforts of our colleges and universities to participate in pro-*
 5 *grams of development and research in the less developed*
 6 *friendly countries, and to strengthen the partnership between*
 7 *the United States Government and these institutions of higher*
 8 *education, by all available means including increasing and*
 9 *facilitating interchange of personnel.”*

10 CHAPTER 2—DEVELOPMENT ASSISTANCE

11 **(2)**TITLE I—DEVELOPMENT LOAN FUND

12 *SEC. 102. Section 201(d) of the Foreign Assistance*
 13 *Act of 1961, as amended, which relates to the Development*
 14 *Loan Fund, is amended to read as follows:*

15 *“(d) Funds made available for this title shall not be*
 16 *loaned or reloaned at rates of interest excessive or unreason-*
 17 *able for the borrower and in no event shall such funds (ex-*
 18 *cept funds loaned under section 205 and funds which prior to*
 19 *the date of enactment of the Foreign Assistance Act of 1964*
 20 *were authorized or committed to be loaned upon terms which*
 21 *do not meet the minimum rates set forth herein) be loaned*
 22 *(1) in the case of commercial loans, at a rate of interest of*
 23 *less than the rate arrived at by adding one-quarter of 1 per*
 24 *centum per annum to the rate which the Secretary of the*
 25 *Treasury determines to be equal to the average annual in-*

1 *terest rate on all interest-bearing obligations of the United*
2 *States then forming a part of the public debt as computed at*
3 *the end of the fiscal year next preceding the date the appli-*
4 *cation for the loan is approved and by adjusting the result*
5 *so obtained to the nearest one-eighth of 1 per centum, and*
6 *(2) in the case of noncommercial loans, at a rate of not less*
7 *than $2\frac{1}{2}$ per centum per annum. With respect to commercial*
8 *loans, payments constituting principal on any such loan may*
9 *be postponed during the period from the date on which the*
10 *funds are initially made available under the loan to the date*
11 *on which the productive enterprise or facility which is the*
12 *subject of such loan commences operations or is available for*
13 *operational use, and thereafter such payments of principal*
14 *shall become due at intervals of not less than one year until*
15 *repayment in full is made in not more than twenty-five years.*
16 *Noncommercial loans shall be repaid in regular installments*
17 *within not more than twenty-five years. For the purposes*
18 *of this subsection—*

19 “(A) the term ‘commercial loans’ includes loans
20 made, as determined by the President, for the develop-
21 ment of productive enterprises or facilities directly used
22 in the operation of productive enterprises, such as equip-
23 ment, machinery, supplies, or materials, and for the ac-
24 quisition of land necessary for the development of produc-
25 tive enterprises or facilities, and

1 “(B) the term ‘noncommercial loans’ includes all
2 other loans.”

3 **(3)** *SEC. 103. Section 203 of the Foreign Assistance Act*
4 *of 1961, as amended, which relates to fiscal provisions with*
5 *respect to development loans, is amended to read as follows:*

6 “*SEC. 203. FISCAL PROVISIONS.—All receipts from*
7 *loans made under and in accordance with this title shall be*
8 *available for use for the purposes of this title, subject only*
9 *to the annual appropriation thereof. Receipts so appro-*
10 *priated and other funds made available under this title for*
11 *use for the purposes of this title shall remain available until*
12 *expended.*”

13 **(4)** SEC. 104. Title I of chapter 2 of part I of the Foreign
14 Assistance Act of 1961, as amended, is hereby amended by
15 striking out section 205 thereof, which relates to the use
16 of the facilities of the International Development Associa-
17 tion.

18 TITLE II—TECHNICAL COOPERATION AND DEVELOPMENT
19 GRANTS

20 SEC. (5) 104-105. Title II of chapter 2 of part I of the
21 Foreign Assistance Act of 1961, as amended, which relates

1 to development grants and technical cooperation, is hereby
2 amended as follows:

3 (a) Amend the title heading to read as follows:

4 "TITLE II—TECHNICAL COOPERATION AND DEVELOPMENT
5 GRANTS"

6 (b) Amend section 212, which relates to authorization,
7 by striking out "1964" and "\$220,000,000" and substitut-
8 ing "1965" and "~~(6)~~\$224,600,000 \$215,000,000", respec-
9 tively.

10 (c) Amend section 214 (c), which relates to American
11 schools and hospitals abroad, by striking out "1964, \$19,-
12 000,000" and substituting "1965, \$18,000,000", and by
13 striking out the second sentence.

14 (d) Amend section 216 (a), which relates to voluntary
15 agencies, by inserting after "ports" the first time it appears,
16 the words "or, in the case of excess or surplus property
17 supplied by the United States, from foreign ports".

18 ~~(7)~~(e) *Add the following new section at the end thereof:*

19 "SEC. 217. USED EQUIPMENT.—The President is au-
20 thorized to use funds made available for the purposes of
21 section 211 to conduct a study and investigation to determine

1 *the feasibility of establishing programs for the furnishing to*
 2 *less developed friendly countries and areas of used tools,*
 3 *machinery, and other equipment to be donated by private*
 4 *enterprises, or acquired through normal channels of trade,*
 5 *and the extent to which such programs are likely to be*
 6 *utilized by and contribute to the economic development of*
 7 *the receiving country. The President shall submit to the*
 8 *Congress at the earliest practicable date a report of the results*
 9 *of such study and investigation, together with such recom-*
 10 *mendations for legislation as he deems advisable."*

11 TITLE III—INVESTMENT GUARANTIES

12 SEC. ~~(8)~~ 102 106. Title III of chapter 2 of part I of
 13 the Foreign Assistance Act of 1961, as amended, which
 14 relates to investment guaranties, is hereby amended as
 15 follows:

16 (a) Amend section 221 (b) (2), which relates to gen-
 17 eral authority, as follows:

18 ~~(9)~~ (1) Strike out "fraud or misconduct" in the second
 19 proviso and insert in lieu thereof "fraud, misconduct, or
 20 action not meeting a standard of reasonable business
 21 prudence".

22 ~~(10)~~ (1) (2) Strike out "\$180,000,000" in the third proviso
 23 and substitute "\$300,000,000".

24 ~~(11)~~ (2) (3) Strike out "1965" in the last proviso and sub-
 25 stitute "1966".

1 (b) Amend section 224 (b), which relates to housing
 2 projects in Latin American countries, by striking out “\$150,-
 3 000,000” and substituting “\$250,000,000”.

4 TITLE IV—SURVEYS OF INVESTMENT OPPORTUNITIES

5 SEC. ~~(12)~~~~103~~ 107. Section 232 of the Foreign Assist-
 6 ance Act of 1961, as amended, which relates to surveys of
 7 investment opportunities, is amended by striking out “1963”
 8 and ~~(13)~~“\$2,000,000” and substituting “1965” ~~(14)~~and
 9 “\$2,100,000”, respectively.

10 TITLE VI—ALLIANCE FOR PROGRESS

11 SEC. ~~(15)~~~~104~~ 108. (a) Section 252 of the Foreign
 12 Assistance Act of 1961, as amended, which relates to the
 13 Alliance for Progress, is amended by striking out in the first
 14 sentence the words beginning with “of the funds” the first
 15 time they appear through the words “fiscal year 1964” and
 16 substituting “in each of the fiscal years 1963 and 1964 and
 17 \$85,000,000 in fiscal year 1965 of the funds appropriated
 18 pursuant to this section for use beginning in each such fiscal
 19 year”.

20 ~~(16)~~(b) *Section 253 of the Foreign Assistance Act of 1961,*
 21 *as amended, which relates to fiscal provisions, is amended by*
 22 *amending the first sentence thereof to read as follows: “All*
 23 *receipts in United States dollars from loans made under this*
 24 *title and from loans made for the benefit of countries and*
 25 *areas of Latin America under title I of chapter 2 of part I*

1 *of this Act, notwithstanding section 203, shall be available for*
 2 *use for loans payable as to principal and interest in United*
 3 *States dollars in furtherance of the purposes of this title,*
 4 *subject only to the annual appropriation thereof."*

5 CHAPTER 3—INTERNATIONAL ORGANIZATIONS AND
 6 PROGRAMS

7 SEC. ~~(17)~~¹⁰⁵ 109. Section 302 of the Foreign Assist-
 8 ance Act of 1961, as amended, which relates to international
 9 organizations and programs, is amended as follows:

10 (a) Strike out "1964" and "\$136,050,000" and sub-
 11 stitute "1965" and ~~(18)~~"\$134,272,400 \$134,400,000",
 12 respectively.

13 (b) At the end thereof, add the following new sentence:
 14 ~~(19)~~"None of the funds available to carry out this chapter
 15 shall be contributed to any international organization or to
 16 any foreign government or agency thereof to pay the costs of
 17 developing or operating any volunteer program of such orga-
 18 nization, government, or agency relating to the selection,
 19 training, and programing of volunteer manpower *None of the*
 20 *funds available to carry out this chapter may be used for con-*
 21 *tributions (1) to the International Secretariat for Volunteer*
 22 *Service or any similar international organization for use by*
 23 *it to pay the costs of developing or operating any volunteer*
 24 *service or other Peace Corps-type program of any foreign*

1 *government or agency thereof or (2) to any volunteer service*
 2 *or other Peace Corps-type program administered by such*
 3 *international organization."*

4 CHAPTER 4—SUPPORTING ASSISTANCE

5 SEC. ~~(20)~~406 110. Section 402 of the Foreign Assist-
 6 ance Act of 1961, as amended, which relates to supporting
 7 assistance, is amended by striking out "1964" and "\$380,-
 8 000,000" and substituting "1965" and ~~(21)~~"\$405,000,000
 9 \$374,700,000", respectively~~(22)~~; and by adding at the end
 10 thereof the following new sentence: "Of the funds made
 11 available for the fiscal year 1965 to carry out the purposes
 12 of this chapter, not less than \$200,000,000 shall be available
 13 solely for use in Vietnam, unless the President determines
 14 otherwise and promptly reports such determination to the
 15 Committees on Foreign Relations and Appropriations of the
 16 Senate and to the Speaker of the House of Representatives."

17 CHAPTER 5—CONTINGENCY FUND

18 SEC. ~~(23)~~407 111. Section 451 (a) of the Foreign As-
 19 sistance Act of 1961, as amended, which relates to the con-
 20 tingency fund, is amended by striking out "1964" and
 21 "\$160,000,000" and substituting "1965" and "\$150,000,-
 22 000", respectively.

PART II

CHAPTER 2—MILITARY ASSISTANCE

SEC. 201. Chapter 2 of part II of the Foreign Assistance Act of 1961, as amended, which relates to military assistance, is amended as follows:

~~(24)(a)~~ Amend section 503, which relates to general authority, as follows:

~~(1)~~ In subsection ~~(c)~~ strike out “and” at the end thereof and in subsection ~~(d)~~ strike out the period at the end thereof and substitute “; and”.

~~(2)~~ Add the following new subsection ~~(c)~~:

“(c) guarantying, insuring, coinsuring, and reinsuring any individual, corporation, partnership, or other association doing business in the United States against political and credit risks of nonpayment arising in connection with credit sales financed by such individual, corporation, partnership or other association for defense articles and defense services procured in the United States by such friendly country or international organization.”

~~(25)(b)~~ (a) Amend section 504 (a), which relates to authorization, by striking out “1964” and “\$1,000,000,000” and substituting “1965” and ~~(26)~~\$1,055,000,000”, \$1,045,000,000”, ~~(27)~~respectively, and by adding at the end thereof the following new sentence: “Of the funds made

1 available for the fiscal year 1965 to carry out the purposes
 2 of this part, not less than \$200,000,000 shall be available
 3 solely for use in Vietnam, unless the President determines
 4 otherwise and promptly reports such determination to the
 5 Committees on Foreign Relations and Appropriations of the
 6 Senate and to the Speaker of the House of Representatives.”
 7 *respectively.*

8 **(28)**~~(e)~~ (b) Amend section 507 (b), which relates to sales,
 9 by inserting after “are due” at the end of the first sentence
 10 the following: “: *Provided*, That the President may, when he
 11 determines it to be in the national interest, accept a depend-
 12 able undertaking to make full payment within one hundred
 13 and twenty days after delivery of the defense articles, or the
 14 rendering of the defense services, and appropriations avail-
 15 able to the Department of Defense may be used to meet the
 16 payments required by the contracts and shall be reimbursed
 17 by the amounts subsequently received from the country or
 18 international organization”.

19 **(29)**~~(d)~~ Amend section 509, which relates to exchanges, as
 20 follows:—

21 ~~(1)~~ The section heading is amended to read as follows:
 22 “**EXCHANGES AND GUARANTIES**”.

23 ~~(2)~~ After the section heading insert “(a)”.

24 ~~(3)~~ Add the following new subsection (b):

25 “(b) In issuing guaranties, insurance, coinsurance, and

1 reinsurance; the President may enter into contracts with ex-
2 porters; insurance companies; financial institutions; or others;
3 or groups thereof; and where appropriate may employ any of
4 the same to act as agent in the issuance and servicing of such
5 guaranties, insurance, coinsurance, and reinsurance; and the
6 adjustment of claims arising thereunder. Fees and premiums
7 shall be charged in connection with contracts of guaranty,
8 insurance, coinsurance, and reinsurance. Obligations shall be
9 recorded against the funds available for credit sales under this
10 part in an amount not less than 25 per centum of the con-
11 tractual liability related to any guaranty, insurance, coinsur-
12 ance, and reinsurance issued pursuant to this part and the
13 funds so obligated together with fees and premiums shall con-
14 stitute a single reserve for the payment of claims under such
15 contracts. Any guaranties, insurance, coinsurance, and re-
16 insurance issued pursuant to this part shall be considered con-
17 tingent obligations backed by the full faith and credit of the
18 United States of America.”

19 ~~(30)(e)~~ (c) Section 510 (a), which relates to special
20 authority, is amended by striking out “1964” in the first and
21 second sentences thereof and substituting “1965”.

22 ~~(31)(f)~~ (d) Section 512, which relates to restrictions on
23 military aid to Africa, is amended by striking out “1964”
24 and substituting “1965”.

1 **(32)(e)** *Add the following new section at the end thereof:*

2 “*SEC. 513. CERTIFICATION OF RECIPIENT’S CAPA-*
3 *BILITY.—(a) Except as provided in subsection (b) of this*
4 *section, no defense articles shall hereafter be furnished to any*
5 *country or international organization under the authority of*
6 *this Act (except under the authority of section 507) unless*
7 *the chief of the appropriate military assistance advisory*
8 *group representing the United States with respect to defense*
9 *articles used by such country or international organization or*
10 *the head of any other group representing the United States*
11 *with respect to defense articles used by such country or inter-*
12 *national organization has certified in writing within six*
13 *months prior to delivery that the country or international*
14 *organization has the capability to utilize effectively such*
15 *articles in carrying out the purposes of this part.*

16 “*(b) Defense articles included in approved military*
17 *assistance programs may be furnished to any country or*
18 *international organization for which the certification required*
19 *by subsection (a) of this section cannot be made when*
20 *determined necessary and specifically approved in advance*
21 *by the Secretary of State (or, upon appropriate delegation of*
22 *authority by an Under Secretary or Assistant Secretary of*
23 *State) and the Secretary of Defense (or, upon appropriate*

1 *delegation of authority by the Deputy Secretary or an Assist-*
 2 *ant Secretary of Defense). The Secretary of State, or his*
 3 *delegate, shall make a complete report to the Speaker of*
 4 *the House of Representatives and to the Committee on Foreign*
 5 *Relations and the Committee on Appropriations of the*
 6 *Senate of each such determination and approval and the*
 7 *reasons therefor."*

8 PART III

9 CHAPTER 1—GENERAL PROVISIONS

10 SEC. 301. Chapter 1 of part III of the Foreign Assist-
 11 ance Act of 1961, as amended, which relates to general
 12 provisions, is amended as follows:

13 ~~(33)~~(a) Amend section 601(c), relating to the Advisory
 14 Committee on Private Enterprise, as follows:

15 (1) In paragraph (4), strike out "December 31,
 16 1964" and substitute "June 30, 1965".

17 (2) In paragraph (5), strike out "\$50,000" and
 18 substitute "\$100,000 for all costs necessary to the
 19 Committee's operations".

20 ~~(34)~~(a) Amend section 601(b), relating to the encourage-
 21 ment of free enterprise and private participation, as follows:

22 (1) Strike out "and" at the end of paragraph (5).

23 (2) Strike out the period at the end of paragraph (6)
 24 and substitute "; and".

1 (3) *At the end thereof add the following new para-*
 2 *graph:*

3 “(7) *conduct a study and investigation to determine*
 4 *the feasibility of establishing tax and other incentives to en-*
 5 *courage and facilitate the participation of private enterprise*
 6 *in furthering the development of the economic resources and*
 7 *productive capacities of less-developed friendly countries and*
 8 *areas.”*

9 **(35)**(b) *Amend section 601(c), relating to the Advisory*
 10 *Committee on Private Enterprise, by striking out in para-*
 11 *graph (4) “December 31, 1964” and substituting “June 30,*
 12 *1965”.*

13 **(36)**(b) ~~Section 601, which relates to the encouragement of~~
 14 ~~free enterprise and private participation, is amended by~~
 15 ~~adding at the end thereof the following new subsection:~~

16 ~~“(d) It is the sense of Congress that the Agency for~~
 17 ~~International Development should continue to encourage,~~
 18 ~~to the maximum extent consistent with the national interest,~~
 19 ~~the utilization of engineering and professional services of~~
 20 ~~United States firms (including, but not limited to, any cor-~~
 21 ~~poration, company, partnership, or other association) or~~
 22 ~~by an affiliate of such United States firms in connection with~~
 23 ~~capital projects financed by funds authorized under this~~
 24 ~~Act.”~~

1 **(37)(c)** Amend section 604(b), which relates to maxi-
 2 mum prices for commodities procured under the Act, by in-
 3 serting “(1)” after the word “than” and by striking out the
 4 period at the end thereof and inserting in lieu thereof a
 5 comma and the following: “or (2) in the case of petroleum
 6 or petroleum products, the price generally charged by the
 7 supplier in comparable export sales from the source country
 8 at the time of purchase. Clause (2) of the foregoing sen-
 9 tence shall not apply to the purchase price in sales under
 10 formal competitive bid procedures. The term ‘comparable
 11 export sales’ as used in such clause shall not include sales to
 12 affiliates.”

13 (d) Amend section 604, which relates to procure-
 14 ment, by adding the following new subsection (e):

15 “(e) None of the funds made available under this Act
 16 shall be used to pay any barter agent’s commission or other
 17 servicing charges or disposal fees in any case in which
 18 commodities or defense articles furnished to a recipient coun-
 19 try are procured through the barter of other commodities
 20 or articles, and any such commission, charge, or fee shall
 21 be paid by the supplier of the commodities or defense articles
 22 so furnished or the recipient country.”

23 **(38)(e)** Amend Section 612, which relates to the use of
 24 foreign currencies, by adding the following new subsection
 25 (c):

1 “(c) Any Act of the Congress making appropriations
2 to carry out programs under this or any other Act for United
3 States operations abroad is hereby authorized to provide
4 for the utilization of United States-owned excess foreign
5 currencies to carry out any such operations authorized by
6 law.

7 “The President shall take all appropriate steps to assure
8 that, to the maximum extent possible, United States-owned
9 excess foreign currencies are utilized, in lieu of dollars. As
10 used in this subsection, the term ‘excess foreign currencies’
11 means foreign currencies or credits owned by or owed to
12 the United States which are, under applicable agreements
13 with the foreign country concerned, available for the use
14 of the United States Government and are determined by
15 the President to be excess to the normal requirements of
16 departments and agencies of the United States for such cur-
17 rencies or credits and are not prohibited from use under
18 this subsection by an agreement entered into with the foreign
19 country concerned.”

20 **(39)***(f) Amend subsection 620(e), relating to expropria-*
21 *tions and other similar matters, as follows:*

22 (1) After “(e)” insert “(1)”.

23 (2) Redesignate subparagraphs (1), (2), and (3)
24 of the first paragraph as subparagraphs (A), (B), and
25 (C), respectively.

1 (3) Strike out “paragraphs (1), (2), or (3)” and
 2 substitute “subparagraphs (A), (B), or (C) of paragraph
 3 (1)”.

4 (4) At the end of such subsection add the following
 5 new paragraph (2):

6 “(2) Notwithstanding any other provision of law, no
 7 court in the United States shall decline, on the ground of
 8 the federal act of state doctrine, to make a determination
 9 on the merits or to apply principles of international law,
 10 including the principles of compensation and the other
 11 standards set out in this subsection, in a case in which an
 12 act of a foreign state occurring after January 1, 1959, is
 13 alleged to be contrary to international law, and effect shall
 14 not be given by the court in any such case to acts that are
 15 found to be in violation thereof: Provided, That this sub-
 16 paragraph shall not be applicable in any case with respect
 17 to which the President determines that application of the
 18 act of state doctrine is required in that particular case by
 19 the foreign policy interests of the United States and a sug-
 20 gestion to this effect is filed on his behalf in that case with
 21 the court.”

22 ~~(40)(d)~~ (g) In section 620 (f), relating to prohibitions on
 23 furnishing assistance to Communist countries, immediately
 24 after “Union of Soviet Socialist Republics” insert the follow-
 25 ing: “(including its captive constituent republics)”.

1 **(41)(h)** Amend section 620(j) to read as follows:

2 “(j) In light of the actions of Indonesia in alining itself
3 with North Vietnam, a nation which has aggressively attacked
4 United States naval vessels, and the actions of Indonesia in
5 threatening the peace and security of the nation of Malaysia—

6 “(1) No further United States assistance shall be
7 furnished to Indonesia under this Act or any other pro-
8 vision of law; and

9 “(2) All Indonesian military and police personnel
10 now receiving training at United States military schools
11 or bases or at any other United States Government
12 facilities shall be notified of the immediate termination of
13 such training, and no other training of Indonesian
14 nationals shall be initiated.”

15 **(42)(e)** (i) Amend section 620(k) by striking out “1964”
16 each place it appears and substituting “1965” in each such
17 place.

18 **(43)(f)** (j) In section 620(m), relating to prohibitions on
19 furnishing assistance to Cuba and certain other countries,
20 after “during” insert “each” and also strike out “1964” and
21 “\$1,000,000” and substitute for the latter “\$500,000”.

22 **(44)(g)** At the end of section 620, add the following new
23 subsection:

24 “(n) No assistance shall be furnished under this Act
25 for the construction or operation of any productive enterprise

1 in any country unless the President determines that similar
 2 productive enterprises within the United States are operating
 3 at a substantial portion of their capacity and that such
 4 assistance will not result in depriving such United States
 5 enterprises of their reasonable share of world markets.— The
 6 President shall keep the Foreign Relations Committee and
 7 the Appropriations Committee of the Senate and the Speaker
 8 of the House of Representatives fully and currently informed
 9 of assistance furnished under this Act for the construction
 10 or operation of productive enterprises in all countries, in-
 11 cluding specifically the numbers of such enterprises, the types
 12 of such enterprises, and the locations of such enterprises.”

13 **(45)(k)** *At the end thereof add the following new section:*

14 “*SEC. 620A. LIMITATION ON AGGREGATE AUTHORI-*
 15 *ZATION FOR USE IN FISCAL YEAR 1965.—Notwithstanding*
 16 *any other provision of this Act, the aggregate of the total*
 17 *amounts authorized to be appropriated for use during the*
 18 *fiscal year 1965 for furnishing assistance and for adminis-*
 19 *trative expenses under this Act shall not exceed*
 20 *\$3,250,000,000: Provided, That an additional \$50,000,000*
 21 *is authorized to be appropriated for the purchase of domesti-*
 22 *cally produced beef, poultry and other meats and meat prod-*
 23 *ucts, dairy products, rice and other high protein foods in*
 24 *adequate supply in the United States for donation to school*

1 *lunch and similar programs in foreign countries eligible for*
2 *assistance under this Act.”*

3 CHAPTER 2—ADMINISTRATIVE PROVISIONS

4 SEC. 302. Chapter 2 of part III of the Foreign Assist-
5 ance Act of 1961, as amended, which relates to administra-
6 tive provisions, is amended as follows:

7 (a) Amend section 625, which relates to employment
8 of personnel, as follows:

9 (1) In subsection (d) (2) in the third proviso strike
10 out “more than thirty persons in the aggregate” and substi-
11 tute “the assignment to such duty of more than ~~(46)~~ twenty
12 *thirty* persons at any one time”.

13 ~~(47)~~(2) Subsection (e) is amended to read as follows:

14 “(e) The President is authorized to prescribe by
15 regulation standards or other criteria for maintaining
16 adequate performance levels for personnel employed or
17 assigned to perform duties pursuant to this Act and may,
18 notwithstanding any other provision of this or any other
19 law, but subject to an appropriate administrative appeal,
20 separate personnel who fail to meet such standards or
21 other criteria, other than personnel employed under sec-
22 tion 624(d), 625(b), 625(k), 626(a) or 631 of this
23 Act, and also may grant personnel separated hereunder
24 severance benefits of one month’s salary for each year’s

1 service, but not to exceed one year's salary at the then
2 current salary rate of such personnel."

3 **(48)(3)** Add the following new subsection (j):

4 "(j) The President is authorized, at any time dur-
5 ing the two-year period commencing on the effective date
6 of the Foreign Assistance Act of 1964, to separate, not-
7 withstanding any other provision of this or any other
8 law, any person employed or assigned to perform duties
9 pursuant to this Act. The authority contained in this
10 subsection shall not apply to persons with General Sched-
11 ule appointments of grade 12 or below, Foreign Service
12 Reserve appointments of class 5 or below, or Foreign
13 Service Staff appointments of class 3 or below, or to
14 persons employed under section 624(d) of this Act.
15 The aggregate number of persons separated under this
16 subsection shall not exceed one hundred in any twelve-
17 month period."

18 **(49)(2)(4)** Add the following new subsection **(50)(j)(k)**:

19 **(51)**~~"(j) (k)~~ The President may appoint or assign a United
20 States citizen to be representative of the United States to
21 **(52)**the ~~Inter-American Economic and Social Council and~~
22 ~~to be United States representative to the Inter-American~~
23 Committee on the Alliance for Progress and, in his discretion,
24 may terminate such appointment or assignment, notwith-
25 standing any other provision of law. Such person may be

1 compensated at a rate not to exceed that authorized for a
 2 chief of mission, class 2, within the meaning of the Foreign
 3 Service Act of 1946, as amended."

4 (b) Amend section ~~(53)~~626 626(c), which relates to
 5 experts, consultants and retired officers, ~~(54)~~as follows:

6 ~~(1)~~ Subsection ~~(a)~~ is amended by striking out "\$75"
 7 and substituting "\$100".

8 ~~(2)~~ Subsection ~~(e)~~ is amended by striking out the
 9 words "Career Compensation Act of 1949, as amended (37
 10 U.S.C. 231 et seq.)" and substituting "section 101 (3) of
 11 title 37 of the United States Code".

12 (c) Amend section 637 (a), which relates to adminis-
 13 trative expenses, by striking out "1964" and \$54,000,000"
 14 and substituting "1965" and "\$52,500,000", respectively.

15 ~~(55)~~(d) Add at the end thereof the following new section:

16 "SEC. 639. LOYALTY AFFIDAVITS.—No part of any
 17 funds appropriated or otherwise made available for expendi-
 18 ture under authority of this Act shall be used to make pay-
 19 ments under any contract, entered into for the purpose of
 20 carrying out any provision of this Act, between any depart-
 21 ment or agency of the Government or any recipient of assist-
 22 ance under this Act and any individual who is a United
 23 States citizen or with any corporation, partnership, or other
 24 association created under the laws of the United States or of
 25 any State or territory or substantially beneficially owned by

1 *United States citizens, unless there is executed and filed with*
 2 *the department or agency administering the program under*
 3 *which the assistance is furnished, by such individual, or the*
 4 *principal officers of such corporation, partnership, or associa-*
 5 *tion, an affidavit that he does not believe in, and is not a*
 6 *member of and does not support any organization that be-*
 7 *lieves in or teaches, the overthrow of the United States*
 8 *Government by force or violence or by any illegal or uncon-*
 9 *stitutional methods. The provisions of section 1001 of title*
 10 *18, United States Code, shall be applicable with respect to*
 11 *such affidavits.”*

12 CHAPTER 3—MISCELLANEOUS PROVISIONS

13 SEC. 303. Chapter 3 of part III of the Foreign Assist-
 14 ance Act of 1961, as amended, which relates to miscellaneous
 15 provisions, is amended by adding at the end thereof the
 16 following new section:

17 “SEC. 648. SPECIAL AUTHORIZATION FOR USE OF
 18 FOREIGN CURRENCIES.—(56)(a) Subject to the provisions
 19 of section 1415 of the Supplemental Appropriation Act,
 20 1953, the President is authorized, as a demonstration of good
 21 will on the part of the people of the United States for the
 22 Polish and Italian people, to use foreign currencies accruing
 23 to the United States Government under this or any other Act,
 24 for assistance on such terms and conditions as he may specify,
 25 in the repair, rehabilitation, improvement, and maintenance

1 of cemeteries in Italy serving as the burial place of members
 2 of the armed forces of Poland who died in combat in Italy
 3 during World War (57)H.² II.

4 (58)“(b) Subject to the provisions of section 1415 of the
 5 Supplemental Appropriation Act, 1953, the President is
 6 authorized, as a demonstration of good will on the part of the
 7 people of the United States for the Polish people, to use for-
 8 eign currencies that have accrued to the United States Gov-
 9 ernment under this or any other Act, for assistance on such
 10 terms and conditions as he may specify, in the repair, reha-
 11 bilitation, improvement, and maintenance of the Powazki
 12 Cemetery in Warsaw, which serves as the chief burial place
 13 for the tens of thousands of Polish resistance fighters who fell
 14 in the heroic Warsaw Uprising of July 1944.”

15 PART IV—AMENDMENTS TO OTHER LAWS

16 SEC. 401. The first section of the Act entitled “An Act
 17 to authorize participation by the United States in the Inter-
 18 parliamentary Union”, approved June 28, 1935 (22 U.S.C.
 19 276), is amended to read as follows:

20 “That an appropriation of \$50,000 annually is authorized,
 21 \$23,100 of which shall be for the annual contributions of
 22 the United States toward the maintenance of the Bureau of
 23 the Interparliamentary Union for the promotion of inter-
 24 national arbitration; and \$26,900, or so much thereof as may
 25 be necessary, to assist in meeting the expenses of the Amer-

1 ican group of the Interparliamentary Union for each fiscal
2 year for which an appropriation is made, such appropriation
3 to be disbursed on vouchers to be approved by the President
4 and the executive secretary of the American group.”

5 **(59)**SEC. 402. *Section 502(b) of the Mutual Security Act*
6 *of 1954, as amended, is amended by inserting after the words*
7 *“United States” where they first appear in the first sentence*
8 *thereof a comma and the following: “which are in excess of*
9 *the amounts reserved under section 612(a) of the Foreign*
10 *Assistance Act of 1961, as amended, and of the requirements*
11 *of the United States Government in payment of its obliga-*
12 *tions outside the United States, as such requirements may be*
13 *determined from time to time by the President,”.*

14 **(60)**SEC. 403. *It is the sense of Congress that,*
15 *(a) In any action in any district court of the United*
16 *States in which the constitutionality of the apportionment*
17 *of representation in a State legislature or either house thereof*
18 *is drawn in question, any order affecting the conduct of the*
19 *State government, the proceedings of any house of the*
20 *legislature thereof, or of any convention, primary or election*
21 *could properly, in the absense of unusual circumstances, or*
22 *in the presence of circumstances which could make unreason-*
23 *able or embarrassing demands on a State in adjusting to the*
24 *requirements of the court’s order.*

1 (1) allow the legislature of such State the length
2 of time provided for a regular session of the legislature
3 plus 30 days but not to exceed 6 months in all, to appor-
4 tion representation in such legislature in accordance with
5 the Constitution, and

6 (2) permit the next election of members of the State
7 legislature following the effective date of this Act to be
8 conducted in accordance with the laws of such State
9 in effect on September 20, 1964.

10 (b) In the event that a State fails to apportion repre-
11 sentation in the legislature in accordance with the Constitu-
12 tion within the time granted by any order pursuant to this
13 section, the district court having jurisdiction of the action
14 shall apportion representation in such legislature among
15 appropriate districts so as to conform to the constitution and
16 laws of such State insofar as is possible consistent with the
17 requirements of the Constitution of the United States, and
18 the court may make such further orders pertaining thereto
19 and to the conduct of elections as may be appropriate.

20 (61)PART V—RELIGIOUS PERSECUTION BY
21 THE SOVIET UNION

22 SEC. 501. It is the sense of the Congress that the United
23 States deeply believes in freedom of religion for all people
24 and is opposed to infringement of this freedom anywhere in

1 *the world. The Congress declares that abundant evidence*
2 *has made clear that the Government of the Soviet Union is*
3 *persecuting Jewish citizens by singling them out for extreme*
4 *punishment for alleged economic offenses, by confiscating*
5 *synagogues, by closing Jewish cemeteries, by arresting rab-*
6 *bis and lay religious leaders, by curtailing religious observ-*
7 *ances, by discriminating against Jews in cultural activities*
8 *and access to higher education, by imposing restrictions that*
9 *prevent the reuniting of Jews with their families in other*
10 *lands, and by other acts that oppress Jews in the free exer-*
11 *cise of their faith. The Congress further declares that the*
12 *Soviet Union has a clear opportunity to match the words*
13 *of its constitutional guarantees of freedom of religion with*
14 *specific actions so that the world may know whether there*
15 *is a genuine hope for a new day of better understanding*
16 *among all people. Accordingly, it is the sense of the Con-*
17 *gress that persecution of any persons because of their religion*
18 *by the Soviet Union be condemned, and that the Soviet Union*
19 *in the name of decency and humanity cease executing persons*

- 1 *for alleged economic offenses, and fully permit the free exer-*
2 *cise of religion and the pursuit of culture by Jews and all*
3 *others within its borders.*

Passed the House of Representatives June 10, 1964.

Attest: RALPH R. ROBERTS,
Clerk.

Passed the Senate with amendments September 24,
1964.

Attest: **FELTON M. JOHNSTON,**
Secretary.

AN ACT

To amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24, 1964

Ordered to be printed with the amendments of the
Senate numbered

Sept 30, 1964

14. FOREIGN AID. Rep. Johansen objected to Rep. Morgan's request to send H. R. 11380, the foreign aid authorization bill, to conference (p. 22438). The Rules Committee then reported a resolution to send the bill to conference (p. 22472).
 15. WATERSHEDS. The Public Works Committee approved work plans for the following watersheds: Home Supply, Colo.; Beaverdam Creek, Ga.; South Fork of Little River, Ga.; Crabtree Creek, N. C.; Four-Mile Creek, Okla.; Three and Twenty Creek, S. C.; Montpelier Creek, Ida.; and Sutherlin Creek, Ore.; to Appropriations Committee. p. 22429
The "Daily Digest" states that the Public Works Committee "also approved a watershed project for South Anna River, Va.; a navigation survey for Port Everglades, Fla.; and a flood control survey resolution for Shoal Creek, Ill." p. D806
 16. EDUCATION. Received the conference report on S. 3060, to amend and extend the National Defense Education Act of 1958 and laws providing aid to schools in federally impacted areas (H. Rept. 1916) (pp. 22438-42). As reported from conference the bill includes provisions as follows: Extends the act for 3 additional years. Extends the laws providing aid to schools in federally affected areas for 1 additional year.
 17. HOLIDAY. Rep. Fino urged action on Sen. Keating's bill to make Columbus Day a national holiday and inserted letters from constituents expressing appreciation for efforts in this direction. pp. 22454-7
 18. WHEAT. Rep. Kyl stated that "the 'dumping' practices of the Agriculture Department are depressing farm prices and posing other crisis for our farmers." p. 22459
 19. LEGISLATIVE ACCOMPLISHMENTS. Rep. Reid, Ill., reviewed some of the major legislation enacted into law in the 88th Congress. pp. 22469-70
 20. APPROPRIATIONS. The Rules Committee reported a resolution for the consideration of H. J. Res. 1183, making continuing appropriations for the fiscal year 1965. p. 22472
 21. RECLAMATION. The Rules Committee reported a resolution for the consideration of H. R. 6151, to increase the appropriation authorization for the completion of the construction of the irrigation and power systems of the Flathead Indian irrigation project, Mont. p. 22472
 22. LEGISLATIVE PROGRAM. Rep. Albert announced that on Thurs. the appropriation continuation measure and the conference report on the National Defense Education Act amendments will be called up. pp. 22430, 22463
- ITEMS IN APPENDIX
23. PESTICIDES; RESEARCH. Extension of remarks of Rep. Whitten urging increased efforts "to find and use all means to protect ourselves and our source of food from insects and disease," and quoting from the report on USDA appropriations, "The Pesticide Residue Problem." pp. A4957-9
 24. APPALACHIA. Extension of remarks of Rep. Friedel expressing his support for the proposed Appalachian program and inserting an article, "Appalachia in Maryland." p. A4969

25. TRANSPORTATION. Rep. Pelly inserted a speech discussing the current problems of the domestic water transportation industry. pp. A4974-5
26. AREA REDEVELOPMENT. Rep. Holland inserted a AFL-CIO United Steelworkers resolution stating support of the ARA program. pp. A4977-8
27. LEGISLATIVE ACCOMPLISHMENTS. Extension of remarks of Rep. Minshall inserting his report on the accomplishments of the 2nd session of the 88th Congress. pp. A4999-5001
28. WATERSHEDS; FOREST SERVICE. Extension of remarks of Rep. Tollefson objecting to Forest Service's proposed opening of the Green River, Wash. watershed to public travel and recreation and inserting an article on this subject. p. A5001

oOo

HIGHLIGHTS: Senate agreed to sugar amendment to tariff bill. Senate debated supplemental appropriation bill. Senate committee submitted report on Estes cotton allotment case. Rep. Kyl claims wheat "dumping practices" of USDA are depressing farm prices. House committee reported forest roads and trails authorization bill. Rep. Whitten defended use of chemical pesticides and inserted excerpt from report on USDA appropriations.

TAKING H.R. 11380 FROM THE SPEAKER'S TABLE AND
SENDING THE SAME TO CONFERENCE

SEPTEMBER 30, 1964.—Referred to the House Calendar and ordered to be printed

Mr. SMITH of Virginia, from the Committee on Rules, submitted the
following

R E P O R T

[To accompany H. Res. 895]

The Committee on Rules, having had under consideration House Resolution 895, report the same to the House with the recommendation that the resolution do pass.



House Calendar No. 321

88TH CONGRESS
2D SESSION

H. RES. 895

[Report No. 1922]

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 30, 1964

Mr. SMITH of Virginia, from the Committee on Rules, reported the following resolution; which was referred to the House Calendar and ordered to be printed

RESOLUTION

1 *Resolved*, That immediately upon the adoption of this
2 resolution the bill (H.R. 11380) to amend further the For-
3 eign Assistance Act of 1961, as amended, and for other pur-
4 poses, with the Senate amendments thereto, be, and the same
5 hereby is, taken from the Speaker's table, to the end that the
6 Senate amendments be, and the same are hereby, disagreed
7 to and that the conference requested by the Senate on the
8 disagreeing votes of the two Houses be, and the same is
9 hereby agreed to.

House Calendar No. 321

88TH CONGRESS
2D SESSION

H. RES. 895

[Report No. 1922]

RESOLUTION

Taking H. R. 11380 from the Speaker's table and
sending the same to conference.

By Mr. SMITH of Virginia

SEPTEMBER 30, 1964

Referred to the House Calendar and ordered to be
printed

445) to provide for adjustments in annuities under the Foreign Service Retirement and Disability System, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 24, 1964.)

Mr. HAYS. Mr. Speaker, this is a unanimous report. In addition to myself, the conferees were Mrs. KELLY, Mr. ZABLOCKI, Mr. ADAIR, and Mr. THOMSON of Wisconsin. I want to pay tribute to all of the conferees who are also members of the subcommittee that worked on the bill. They were diligent in their attendance at the hearings. They played an active part in writing the bill. We came out with what we thought was a pretty good piece of legislation.

There were eight points of disagreement between the Senate and the House. The Senate receded on six points. The House accepted the Senate language on one item dealing with widows, which disqualifies a widow from receiving a grant if she is receiving Federal Employees' Compensation Act benefits as the widow of the Foreign Service officer or anyone else. The major difference concerned 177 annuitants who made no provision for a widow's annuity. We accepted part of the Senate language which requires that if they elect a survivor's annuity of \$2,400 at the more favorable cost available since 1960, they will have to make a repayment back as far as 1960 of \$300 a year. The repayment may be in a lump sum or at the rate of \$25 per month.

If they make such an election and if the wife dies before the retired Foreign Service officer completes the repayments, the widow is relieved of any liability for the unpaid balance. This repayment is in addition to the annuitant's current payment of \$300 for a survivor annuity.

Mr. Speaker, I urge acceptance of the conference report. I yield to the gentleman from Indiana [Mr. ADAIR].

Mr. ADAIR. Mr. Speaker, if the gentleman will yield, let me say that the gentleman from Ohio [Mr. HAYS] has correctly stated the facts with respect to the action of the conferees and the contents of the bill. The bill will apply to a very limited number of persons. I believe 354 is the maximum number that can be affected. It is a somewhat technical piece of legislation. It remedies a situation which is in existence. I think it is proper legislation, and I join the gentleman in asking that it be adopted.

Mr. HAYS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to. A motion to reconsider was laid on the table.

PRINTING OF REPORT OF MEETING OF AMERICAN INSTRUCTORS OF THE DEAF

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up Senate Concurrent Resolution 78 and ask for its immediate consideration.

The Clerk read the Senate concurrent resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That the report of the proceedings of the International Congress on Education of the Deaf, and of the forty-first meeting of the Convention of American Instructors of the Deaf, held in Washington, District of Columbia, in June 1963, be printed with illustrations as a Senate document; and that five thousand additional copies be printed for the use of the Joint Committee on Printing.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

PRINTING AS A HOUSE DOCUMENT "COMPILATION OF SOCIAL SECURITY LAWS"

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 856 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the compilation of social security laws, prepared by the Social Security Administration for the use of the Committee on Ways and Means, be printed as a House document; and that two thousand additional copies be printed of which one thousand shall be for the use of the Committee on Ways and Means, two hundred copies shall be for the use of the Senate Committee on Finance, and eight hundred copies shall be for the use of the House Document Room.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF "OBLIGATIONS FOR RESEARCH AND DEVELOPMENT, AND RESEARCH AND DEVELOPMENT PLANT"

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 877 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That there be printed for the use of the Committee on Science and Astronautics, House of Representatives, one thousand two hundred additional copies of the study entitled "Obligations for Research and Development, and Research and Development Plant".

The resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF "IMMIGRATION HEARINGS BEFORE SUBCOMMITTEE NO. 1 OF THE COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, PARTS 1, 2, AND 3"

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up House Concurrent Resolution 358 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Committee on the Judiciary, House of Representatives, five thousand additional copies each, to be printed concurrently with the publications entitled "Immigration Hearings Before Subcommittee No. 1 of the Committee on the Judiciary, House of Representatives, parts 1, 2, and 3", Eighty-eighth Congress, second session.

With the following committee amendment:

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Committee on the Judiciary, House of Representatives, five thousand additional copies of part 1, "Immigration Hearings Before Subcommittee No. 1 of the Committee on the Judiciary, House of Representatives; and five thousand additional copies, each, of parts 2 and 3 to be printed concurrently with the publications entitled "Immigration Hearings Before Subcommittee No. 1 of the Committee on the Judiciary, House of Representatives", Eighty-eighth Congress, second session.

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

"STUDY OF POPULATION AND IMMIGRATION PROBLEMS; POPULATION OF THE UNITED STATES"

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up the concurrent resolution (H. Con. Res. 364) and ask for its immediate consideration.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there shall be printed one thousand additional copies of the documents entitled "Study of Population and Immigration Problems; Population of the United States", with illustrations and maps, special series 1 through 16, inclusive, for the use of the House Committee on the Judiciary.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

"CATALOG OF FEDERAL AIDS TO STATE AND LOCAL GOVERNMENTS"

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up the concurrent resolution (S. Con. Res. 96) and ask for its immediate consideration.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on Government Operations eighteen thousand additional copies of its committee print of the Eighty-eighth Congress, second session, entitled, "Catalog of Federal Aids to State and Local Governments", a study prepared by the Legislative Reference Service of the Library of Congress for the Subcommittee on Intergovernmental Relations.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

"INDEX OF U.S. DEFENSE POLICIES FROM WORLD WAR II THROUGH 1963"

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up the resolution (H. Res. 889) and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That the document entitled "Index of United States Defense Policies From World War II Through 1963" prepared by Charles H. Donnelly, Library of Congress, be printed as a House document.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ADDITIONAL COPIES OF HEARING ON TAX-EXEMPT FOUNDATIONS AND CHARITABLE TRUSTS

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up the resolution (H. Res. 890) and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That there shall be printed for the use of the Select Committee on Small Business of the House of Representatives one thousand five hundred additional copies of the record of the hearings held by Subcommittee Numbered 1 of that committee during July, August, and September 1964, regarding Tax-Exempt Foundations and Charitable Trusts: Their Impact on Small Business.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. SAYLOR. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 263]

Abbutt	Brademas	Davis, Tenn.
Alger	Brock	Dawson
Aspinall	Bromwell	Denton
Avery	Brown, Ohio	Derounian
Becker	Buckley	Devine
Berry	Burton, Calif.	Diggs
Betts	Carey	Downing
Blatnik	Clancy	Dulski
Bolton	Clausen	Edmondson
Frances P.	Don H.	Fascell
Bolton	Clawson, Del.	Flynt
Oliver P.	Davis, Ga.	Ford

Fraser	Martin, Mass.	Schadeberg
Fulton, Tenn.	Martin, Nebr.	Schenck
Gibbons	Matsunaga	Schwengel
Gill	Matthews	Scott
Grant	Meador	Selden
Griffiths	Michel	Sheppard
Hagan, Ga.	Miller, N.Y.	Shriver
Hansen	Montoya	Smith, Calif.
Harvey, Ind.	Morris	Snyder
Healey	Morrison	Staebler
Hoffman	Morton	Stafford
Horton	O'Hara, Mich.	Stratton
Hull	Patman	Sullivan
Jones, Ala.	Pickle	Taft
Kee	Pilcher	Talcott
Kilburn	Pillion	Thompson, La.
King, Calif.	Powell	Thompson, N.J.
Knox	Pucinski	Thompson, Tex.
Landrum	Reifel	Toll
Lankford	Riehlman	Tupper
Latta	Rivers, Alaska	Ullman
Leggett	Rivers, S.C.	Weltner
Lesinski	Rostenkowski	White
McCulloch	Roudebush	Willis
McIntire	St. George	Wilson, Ind.
MacGregor	St Germain	Wyman

The SPEAKER. On this rollcall 319 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

FOREIGN ASSISTANCE ACT OF 1964

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. JOHANSEN. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

NATIONAL DEFENSE EDUCATION ACT AMENDMENTS

Mrs. GREEN of Oregon submitted the following conference report and statement on the bill (S. 3060), to amend and extend the National Defense Education Act of 1958 and to extend Public Laws 815 and 874, 81st Congress—federally affected areas:

CONFERENCE REPORT (H. REPT. NO. 1916)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3060) to amend and extend the National Defense Education Act of 1958 and to extend Public Laws 815 and 874, 81st Congress (federally affected areas), having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: "That this Act may be cited as the 'National Defense Education Act Amendments, 1964.'"

"TITLE I—AMENDMENTS OF TITLE I

"Amendment of statement of findings

"SEC. 101. The second sentence of the second paragraph of section 101 of the National Defense Education Act of 1958 is amended by striking out 'which have led to an insufficient proportion of our population educated in science, mathematics, and modern foreign languages and trained in technology'.

"Schools of nursing

"SEC. 102. The second sentence of section 103(b) of the National Defense Education Act of 1958 is amended by striking out 'private' and by striking out '(3)', and by inserting before the period at the end thereof the following: ', and includes any school of nursing as defined in subsection (1)' of this section'.

"Additional definition

"SEC. 103. Section 103 of such Act is amended by adding at the end thereof the following:

"(1) The term 'school of nursing' means a public or other nonprofit collegiate or associate degree school of nursing.

"(m) The term 'collegiate school of nursing' means a department, division, or other administrative unit in a college or university which provides primarily or exclusively an accredited program of education in professional nursing and allied subjects leading to the degree of bachelor of arts, bachelor of science, bachelor of nursing, or to an equivalent degree, or to a graduate degree in nursing.

"(n) The term 'associate degree school of nursing' means a department, division, or other administrative unit in a junior college, community college, college, or university which provides primarily or exclusively an accredited two-year program of education in professional nursing and allied subjects leading to an associate degree in nursing or to an equivalent degree.

"(o) The term 'accredited' when applied to any program of nurse education means a program accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education."

"TITLE II—AMENDMENTS OF TITLE II

"Appropriations authorized

"SEC. 201. The first sentence of section 201 of the National Defense Education Act of 1958 is amended by striking out 'and \$135,000,000 for the fiscal year ending June 30, 1965, and such sums for the fiscal year ending June 30, 1966, and each of the next three fiscal years as may be necessary to enable students who have received loans for school years ending prior to July 1, 1965, to continue or complete their education' and inserting in lieu thereof '\$163,300,000 for the fiscal year ending June 30, 1965, \$179,300,000 for the fiscal year ending June 30, 1966, \$190,000,000 for the fiscal year ending June 30, 1967, and \$195,000,000 for the fiscal year ending June 30, 1968, and such sums for the fiscal year ending June 30, 1969, and each of the next three fiscal years as may be necessary to enable students who have received loans for school years ending prior to July 1, 1968, to continue or complete their education'.

"Allotments to States

"SEC. 202. Section 202 of the National Defense Education Act of 1958 is amended by striking out '1965' wherever it appears therein and inserting in lieu thereof '1968'.

"Payment of Federal capital contributions

"SEC. 203. Effective with respect to fiscal years beginning after June 30, 1964, section 203 of the National Defense Education Act of 1958 is further amended by striking out subsection (b) and by striking out '(a)' after 'SEC. 203'.

"Conditions of agreements

"SEC. 204. (a) Paragraph (4) of section 204 of the National Defense Education Act of 1958 is amended to read as follows:

"(4) provide that in the selection of students to receive loans from such student loan fund special consideration shall be given to students with a superior academic background; and".

"(b) The amendment made by subsection (a) of this section shall apply to the selection of students under title II of the National Defense Education Act of 1958 made in or

Africa—the third continent to benefit from its services.

During the past 4 years the doctors and nurses of this privately financed program of medical education and healing have trained thousands of physicians, surgeons, dentists, nurses and medical technicians in Indonesia, South Vietnam, Peru, and Ecuador.

While carrying out its primary goal of medical education, HOPE has treated and inoculated millions who had known only poverty, disease, and ignorance. Now they have hope.

Mr. Speaker, I am proud to represent the district in which HOPE was conceived and developed.

Montgomery County is the home of the founder and president of Project HOPE: Dr. William B. Walsh, who also is a noted internist and heart specialist in Washington, and is an assistant professor of internal medicine at Georgetown University.

Maryland's Sixth District is also the home of HOPE's vice president, Joseph T. Geuting, Jr., manager of the Utility Airplane Council of the Aerospace Industries Association.

Eugene M. Zuckert, U.S. Secretary of the Air Force, and instrumental in the founding of HOPE, also resides in Montgomery County.

Mr. Speaker, the list of distinguished area residents who have helped build Project HOPE is unending. It includes Mr. Edward J. Clarke, president of C. & C. Elite Linen Services, who was the original chairman of the Metropolitan Washington Committee for Project HOPE and this year was designated the official founder of the committee.

Replacing Mr. Clarke as chairman is the equally able Mr. Foster Shannon, president of the Shannon & Luchs Realty Co. Assisting Mr. Clarke is an executive committee of outstanding civic servants, and I would like to read their names into the RECORD.

They are: Mr. Alvin Q. Ehrlich, Mrs. Eugene R. Jacobsen, Jr., Dr. William T. Joyce, Mrs. Garfield I. Kass, Mr. Benjamin B. Newton, and Mrs. Oscar D. Nohowel.

These are just a few of the persons in my district who have donated their valuable time and extraordinary talents to the fostering of Project HOPE, while raising nearly \$250,000 in 3 years.

Mr. Speaker, I wish at this time to commend these people for their unselfish devotion to such a worthy project.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. ROBERTS of Alabama, for 1 hour, today.

Mr. O'NEILL, for 30 minutes, on tomorrow, October 1.

Mr. VANIK, for 15 minutes, tomorrow.

Mr. MATHIAS (at the request of Mr. WHALLEY), for 15 minutes, today; to revise and extend his remarks and to include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Appendix of the RECORD, or to revise and extend remarks, was granted to:

Mr. HAYS and to include two articles. Mr. O'NEILL and to include extraneous matter.

Mr. ZABLOCKI in two instances and to include extraneous matter.

Mr. FEIGHAN in six instances and to include extraneous matter.

Mr. BURLESON and to include certain material.

Mr. RUMSFELD in two instances.

Mr. CONTE and to include extraneous matter.

Mr. PELLY in two instances and to include extraneous matter.

Mr. CHAMBERLAIN in two instances.

Mr. HEBERT to revise and extend his remarks on H.R. 9124, H.R. 9718, H.R. 2512, and H.R. 2501.

Mr. ROBERTS of Alabama to revise and extend his remarks in the body of the RECORD.

Mr. HARRIS to extend his remarks following the remarks of Mr. ROBERTS of Alabama in the Committee of the Whole on H.R. 8546, and to include extraneous matter.

(The following Members (at the request of Mr. WHALLEY) and to include extraneous matter:)

Mr. BARRY in four instances.

Mr. MOORE in four instances.

Mr. SIBAL.

Mr. LIPSCOMB in two instances.

Mr. CLEVELAND in two instances.

Mr. HOSMER.

(The following Members (at the request of Mr. DENNIS) and to include extraneous matter:)

Mr. KEOGH.

Mr. FRIEDEL in two instances.

Mr. EDMONDSON in two instances.

Mr. CORMAN in three instances.

Mr. HOLLAND in six instances.

Mr. MOORHEAD in six instances.

Mr. JOELSON.

Mr. LANDRUM.

Mr. EDWARDS.

Mr. VAN DEERLIN.

Mr. UDALL.

Mr. ROONEY of New York in two instances.

Mr. MARSH in two instances.

Mr. PICKLE.

Mr. ROGERS of Florida in five instances.

Mr. DORN.

Mr. VANIK in three instances.

(The following Members (at the request of Mr. ANDERSON) and to include extraneous matter:)

Mr. DERWINSKI in three instances.

Mr. NELSEN in two instances.

Mr. MOORE.

Mr. PICKLE to extend his remarks in the body of the RECORD immediately prior to the passage of H.R. 8546.

SENATE BILL AND JOINT RESOLUTION REFERRED

A bill and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2249. An act to provide for the establishment of the Indiana Dunes National

Lakeshore, and for other purposes; to the Committee on Interior and Insular Affairs.

S.J. Res. 139. Joint resolution proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice Presidency and to cases where the President is unable to discharge the powers and duties of his office; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 6233. An act to provide for the conveyance of certain land of the United States to the Pascua Yaqui Association, Inc.; and

H.R. 6593. An act for the relief of Earnest O. Scott.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 653. An act to provide an adequate basis for administration of the Lake Mead National Recreation Area, Ariz., and Nev., and for other purposes;

S. 1024. An act to authorize the Commissioners of the District of Columbia to pay relocation costs made necessary by actions of the District of Columbia government, and for other purposes; and

S. 1082. An act to establish in the Treasury a correctional industries fund for the government of the District of Columbia, and for other purposes.

ADJOURNMENT

Mr. PICKLE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 29 minutes p.m.) the House adjourned until tomorrow, Thursday, October 1, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2578. A letter from the Comptroller General of the United States, transmitting report on review of military assistance program for a Far East country, Department of Defense (pursuant to 31 U.S.C. 53 and 31 U.S.C. 67), to the Committee on Government Operations.

2579. A letter from the Comptroller General of the United States, transmitting, pursuant to law, report on unnecessary cost to the Government through the leasing of electronic data processing systems by the Bacchus Works, Hercules Powder Co., Magna, Utah, Department of Defense; to the Committee on Government Operations.

2580. A letter from the Acting President of the Board of Commissioners of the District of Columbia, transmitting draft of proposed legislation entitled, "A bill to authorize the Commissioners of the District of Columbia to enter into joint contracts for supplies and services on behalf of the District of Columbia and for other political divisions and subdivisions in the National Capital region"; to the Committee on the District of Columbia.

2581. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report of the use of NASA funds for the construction and renovation of research facilities at New York University, New York, N.Y. (pursuant to 77 Stat. 141, 142, and 77 Stat. 425, 439); to the Committee on Science and Astronautics.

2582. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report of the use of NASA funds to provide additional research facilities for the Polytechnic Institute of Brooklyn, N.Y. (pursuant to 77 Stat. 141, 142, and 77 Stat. 425, 439); to the Committee on Science and Astronautics.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAYS: Committee on House Administration. Senate Concurrent Resolution 78. Concurrent resolution authorizing the printing of the report of the meeting of the American Instructors of the Deaf as a Senate document and providing for additional copies; without amendment (Rept. No. 1908). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Resolution 856. Resolution providing for printing as a House document the "Compilation of Social Security Laws"; without amendment (Rept. No. 1909). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Resolution 877. Resolution authorizing the printing of additional copies of the study entitled "Obligations for Research and Development, and Research and Development Plant"; without amendment (Rept. No. 1910). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Concurrent Resolution 358. Concurrent resolution to provide for the printing of 5,000 additional copies of "Immigration Hearings Before Subcommittee No. 1 of the Committee on the Judiciary, House of Representatives, parts 1, 2, and 3"; without amendment (Rept. No. 1911). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Concurrent Resolution 364. Concurrent resolution authorizing the printing of an additional 1,000 copies of the document entitled "Study of Population and Immigration Problems; Population of the United States"; without amendment (Rept. No. 1912). Ordered to be printed.

Mr. HAYS: Committee on House Administration. Senate Concurrent Resolution 96. Concurrent resolution to print additional copies of a committee print entitled "Catalog of Federal Aids to State and Local Governments"; without amendment (Rept. No. 1913). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Resolution 889. Resolution that the document entitled "Index of U.S. Defense Policies From World War II Through 1963" prepared by Charles H. Donnelly, Library of Congress, be printed as a House document; without amendment (Rept. No. 1914). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Resolution 890. Resolution providing for printing hearings on "Tax-Exempt Foundations and Charitable Trusts"; without amendment (Rept. No. 1915). Ordered to be printed.

Mr. POWELL: Committee of conference. S. 3060. An act to amend and extend the National Defense Education Act of 1958 and to extend Public Laws 815 and 874, 81st Congress (federally affected areas) (Rept. No. 1916). Ordered to be printed.

Mr. SMITH of Virginia: Committee on Rules. House Resolution 892. Resolution for consideration of House Joint Resolution 1183, joint resolution making continuing appropriations for the fiscal year 1965, and for other purposes; without amendment (Rept. No. 1917). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 893. Resolution for consideration of H.R. 6151, a bill to increase the appropriation authorization for the completion of the construction of the irrigation and power systems of the Flathead Indian irrigation project, Montana; without amendment (Rept. No. 1918). Referred to the House Calendar.

Mr. YOUNG: Committee on Rules. House Resolution 894. Resolution for consideration of H.R. 12318, a bill to provide an equitable system for the classification of certain positions under the House of Representatives and for other purposes; without amendment (Rept. No. 1919). Referred to the House Calendar.

Mr. FALLON: Committee on Public Works. S. 1147. An act to enable the Secretary of Agriculture to construct and maintain an adequate system of roads and trails for the national forests, and for other purposes; with amendment (Rept. No. 1920). Referred to the Committee of the Whole House on the State of the Union.

Mr. FALLON: Committee on Public Works. S. 2938. An act to amend subsection 120(f) of title 23, United States Code; with amendment (Rept. No. 1921). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Virginia: Committee on Rules. House Resolution 895. Resolution for sending to conference of H.R. 11380, a bill to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes; without amendment (Rept. No. 1922). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MOORE:

H.R. 12733. A bill to provide for the acquisition and preservation of the real property known as the West Virginia Independence Hall as a national historical site, to the Committee on Interior and Insular Affairs.

By Mr. PIRNIE:

H.R. 12734. A bill to provide for the recognition of the Masonic War Veterans of the State of New York, Inc., by the Secretary of Defense and the Administrator of Veterans' Affairs; to the Committee on Veterans' Affairs.

By Mr. TEAGUE of Texas:

H.R. 12735. A bill to provide for payments to certain locomotive firemen whose separation allowance under the award made by Arbitration Board No. 282 was reduced by reason of their service in the Armed Forces of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. WYDLER:

H.R. 12736. A bill making Columbus Day a legal holiday; to the Committee on the Judiciary.

By Mr. MAHON:

H.J. Res. 1183. Joint resolution making continuing appropriations for the fiscal year 1965, and for other purposes; to the Committee on Appropriations.

By Mr. BARRY:

H.J. Res. 1184. Joint resolution to amend the Constitution of the United States to permit any State to apportion one house of its legislature on factors other than population with the approval of a majority of its voters; to the Committee on the Judiciary.

By Mr. HARSHA:

H.J. Res. 1185. Joint resolution providing for the establishment of a joint committee

of the two Houses of the Congress to study matters relating to the implementation of the award of the Board established under Public Law 88-108 to arbitrate a labor dispute between certain carriers by railroad and their employees; to the Committee on Rules.

By Mr. BROYHILL of Virginia (by request):

H.J. Res. 1186. Joint resolution to authorize the President to proclaim National Volunteer Fireman's Week; to the Committee on the Judiciary.

By Mr. WILLIAMS:

H.J. Res. 1187. Joint resolution proposing an amendment to the Constitution of the United States to provide that no person may be a Member of Congress unless such person, when elected or appointed, possesses the qualifications of electors of the most numerous branch of the legislature of the State from which he is chosen, and has been an inhabitant for at least 5 years of such State; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H. Con. Res. 369. Concurrent resolution to bring justice to Cyprus; to the Committee on Foreign Affairs.

By Mr. NELSEN:

H. Res. 891. Resolution authorizing a review of national policy for local airline service; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia (by request):

H.R. 12737. A bill for the relief of Marion W. Campbell; to the Committee on the Judiciary.

H.R. 12738. A bill for the relief of Mrs. Suat-Lieu Soong; to the Committee on the Judiciary.

H.R. 12739. A bill for the relief of William H. Stewart; to the Committee on the Judiciary.

By Mr. HERLONG:

H.R. 12740. A bill for the relief of Angelo Drakos; to the Committee on the Judiciary.

By Mr. KARTH:

H.R. 12741. A bill for the relief of Fotini Ralli Hohlfeider; to the Committee on the Judiciary.

By Mr. O'HARA of Illinois:

H.R. 12742. A bill for the relief of Georgios P. Sotos; to the Committee on the Judiciary.

By Mr. PERKINS:

H.R. 12743. A bill for the relief of the estate of Charley Conley; to the Committee on the Judiciary.

By Mr. ROONEY of New York:

H.R. 12744. A bill for the relief of Salvatore Pitino; to the Committee on the Judiciary.

By Mr. RYAN of New York:

H.R. 12745. A bill for the relief of Rita Castillo; to the Committee on the Judiciary.

H.R. 12746. A bill for the relief of Jorge Antonio Cabrera; to the Committee on the Judiciary.

H.R. 12747. A bill for the relief of Seoung Lek Rim and his wife, Chun Hye Rim (nee Choe); to the Committee on the Judiciary.

By Mr. WALLHAUSER:

H.R. 12748. A bill for the relief of Frank Murphy; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

1048. The SPEAKER presented a petition of Henry Stoner, New York, N.Y., requesting consideration of his petition with reference to proposing legislation to make it a Federal crime to attempt to assault or murder any Federal official receiving \$25,000 or more annual salary, which was referred to the Committee on the Judiciary.

Digest of CONGRESSIONAL PROCEEDINGS

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE

Washington, D. C.

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U. S. Department of Agriculture

Issued Oct. 2, 1964

For actions of Oct. 1, 1964

88th-2nd; No. 189

CONTENTS

Appropriations.....12,8,14,20	Foreign trade.....5	Research.....27
Area redevelopment.....21	Forest Service.....1	Scientific reserve.....3
Committees.....12	Lands.....3	Sugar.....4,13
Economic growth.....26	Legislative	Supplemental
Education.....9	accomplishments....18,24	appropriations.....1,8
Employment.....12,26	Legislative program...6,20	Textiles.....16
Estes case.....15	Manpower.....17	Voting record.....23
Farmers.....22	Personnel.....11,15	Water pollution.....19
Federal-State relations.25	Potatoes.....28	Water resources.....1,27
Foreign aid.....2,7,20	Reclamation.....10	

HIGHLIGHTS: Senate passed: Supplemental appropriation bill. Foreign aid appropriation bill. Sen. Clark inserted Sen. Humphrey's statement supporting sugar amendment to tariff bill. House received conference report on foreign aid authorization bill. House rejected appropriation continuation measure.

SENATE

1. SUPPLEMENTAL APPROPRIATION BILL, 1965. Passed with amendments this bill, H. R. 12633 (pp. 22563, 22564-74). Conferees were appointed in both Houses (pp. 22574, 22656). Agreed to an amendment by Sen. Kuchel to provide \$860,000 for emergency flood control construction of debris basins and channel clearing in the Santa Barbara, Calif., area affected by recent forest fires. Sen. Kuchel stated that some of these structures will be located on national forest lands and the Forest Service has agreed to permit such construction. (pp. 22564-5) Agreed to an amendment by Sen. Randolph to provide \$350,000 for a water resources survey of the Appalachian area contingent upon the enactment of S. 2782, the Appalachia bill, which would authorize such a survey (pp. 22565-7). See Digest 187 for a summary of items for this Department. The bill also includes items for the National Commission on Food Marketing; National Commission on Technology, Automation, and Economic Progress; Office of Water Resources Research; Public Land Law Review Commission; Appalachian Regional Commission; and claims and judgments.

2. FOREIGN AID APPROPRIATION BILL, 1965. Passed with amendments this bill, H. R. 11812 (pp. 22574-82). This bill includes \$204,600,000 for technical cooperation and development grants, \$134,272,400 for international organizations and programs, \$87,100,000 for the Peace Corps, and funds for the Alliance for Progress and the Export-Import Bank.
3. LANDS. Passed without amendment H. R. 1096, to authorize the Secretary of the Interior to cooperate with Wisc. in the designation and administration of the Ice Age National Scientific Reserve in the State. This bill will now be sent to the President.
4. SUGAR. Sen. Clark inserted the statement of Sen. Humphrey commending adoption by the Senate of sugar amendments to the tariff bill and stating he would have supported the amendments had he been present in the Senate. pp. 22561-2
5. FOREIGN TRADE. Sen. Simpson inserted an item criticizing the extension of longterm credits by Western nations to Communist nations. pp. 22556-7
6. LEGISLATIVE PROGRAM. Sen. Mansfield announced his intention, at an appropriate time, to suggest a consent agreement "that commencing on Monday, the Senate go into pro forma sessions, meeting every 3 days and recessing immediately while it awaits the pleasure of the House." pp. 22563-4

HOUSE

7. FOREIGN AID. Received the conference report on H. R. 11380, the foreign aid authorization bill (H. Rept. 1925)(pp. 22652-6). As reported from conference the bill authorizes \$215,000,000 for technical cooperation development grants and \$134,272,400 for international organizations. The conferees agreed to delete a Senate amendment which would have prohibited further assistance to Indonesia under this bill or any other provision of Law, a Senate amendment providing selection-out and separation authorities for AID employees, a Senate amendment on reapportionment, and a House provision prohibiting assistance for the construction or operation of any productive enterprises abroad unless the President determined that similar productive enterprises in the U. S. were operating at a substantial portion of their capacity and such assistance would not deprive U. S. enterprises of their reasonable share of world markets.
Earlier, the House had agreed to a Rules Committee resolution to send the bill to conference, and conferees were appointed. pp. 22616-22
Agreed to a unanimous consent request by Rep. Albert that the conference report may be taken up today, Oct. 2. p. 22657
8. SUPPLEMENTAL APPROPRIATION BILL, 1965. Agreed to a unanimous consent request by Rep. Mahon that it be in order to consider the conference report on this bill, H. R. 12633, as soon as it is filed. pp. 22656-7
9. EDUCATION. By a vote of 320 to 20, agreed to the conference report on S. 3060, to extend and amend the National Defense Education Act of 1958 and laws providing aid to schools in federally impacted areas (pp. 22625-51). See Digest 188 for items of interest in the conference report. A motion to recommit in order to provide a 2 year extension of the impacted area aid program was rejected by a vote of 107 to 236 (p. 22650).

FOREIGN ASSISTANCE ACT OF 1964

OCTOBER 1, 1964.—Ordered to be printed

Mr. MORGAN, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H.R. 11380]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 3, 4, 9, 10, 11, 13, 14, 16, 18, 19, 21, 22, 24, 25, 26, 27, 28, 29, 30, 31, 34, 36, 37, 38, 41, 45, 46, 47, 48, 49, 50, 51, 53, 54, 55, 56, 57, 58, and 60.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 7, 33, 44, and 52 and agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I—DEVELOPMENT LOAN FUND

SEC. 101. Section 201(d) of the Foreign Assistance Act of 1961, as amended, which relates to the Development Loan Fund, is amended as follows:

(a) *Strike out "Foreign Assistance Act of 1963" and substitute "Foreign Assistance Act of 1964".*

(b) *Strike out "2 per centum" and substitute "2½ per centum".*

(c) *Strike out "three-fourths of 1 per centum" and substitute "1 per centum".*

And the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows:

Strike out the matter proposed to be stricken out and in lieu of the matter proposed to be inserted by the Senate amendment insert the following: 102; and the Senate agree to the same.

Amendment numbered 8:

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows:

Strike out the matter proposed to be stricken out and in lieu of the matter proposed to be inserted by the Senate amendment insert the following: 103; and the Senate agree to the same.

Amendment numbered 12:

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows:

Strike out the matter proposed to be stricken out and in lieu of the matter proposed to be inserted by the Senate amendment insert the following: 104; and the Senate agree to the same.

Amendment numbered 15:

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows:

Strike out the matter proposed to be stricken out and in lieu of the matter proposed to be inserted by the Senate amendment insert the following: 105.; and the Senate agree to the same.

Amendment numbered 17:

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows:

Strike out the matter proposed to be stricken out and in lieu of the matter proposed to be inserted by the Senate amendment insert the following: 106; and the Senate agree to the same.

Amendment numbered 20:

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows:

Strike out the matter proposed to be stricken out and in lieu of the matter proposed to be inserted by the Senate amendment insert the following: 107; and the Senate agree to the same.

Amendment numbered 23:

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows:

Strike out the matter proposed to be stricken out and in lieu of the matter proposed to be inserted by the Senate amendment insert the following: 108; and the Senate agree to the same.

Amendment numbered 32:

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with amendments as follows:

On page 8, line 2, of the Senate engrossed amendments strike out "(e)" and insert: (g)

On page 8, line 5, of the Senate engrossed amendments strike out "articles" and insert: *article having a value in excess of \$100,000*

On page 8, line 16, of the Senate engrossed amendments strike out "articles" and insert: *article*

And the Senate agree to the same.

Amendment numbered 35:

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows:

On page 10, line 2, of the Senate engrossed amendments strike out "(b)" and insert: (a); and the Senate agree to the same.

Amendment numbered 39:

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

(d) *Amend subsection 620(e), relating to expropriations and other similar matters, as follows:*

(1) *After "(e)" insert "(1)".*

(2) *Redesignate subparagraphs (1), (2), and (3) of the first paragraph as subparagraphs (A), (B), and (C), respectively.*

(3) *Strike out "paragraphs (1), (2), or (3)" and substitute "subparagraphs (A), (B), or (C) of paragraph (1)".*

(4) *At the end of such subsection add the following new paragraph (2):*

"(2) Notwithstanding any other provision of law, no court in the United States shall decline on the ground of the federal act of state doctrine to make a determination on the merits giving effect to the principles of international law in a case in which a claim of title or other right is asserted by any party including a foreign state (or a party claiming through such state) based upon (or traced through) a confiscation or other taking after January 1, 1959, by an act of that state in violation of the principles of international law, including the principles of compensation and the other standards set out in this subsection: Provided, That this subparagraph shall not be applicable (1) in any case in which an act of a foreign state is not contrary to international law or with respect to a claim of title or other right acquired pursuant to an irrevocable letter of credit of not more than 180 days duration issued in good faith prior to the time of the confiscation or other taking, or (2) in any case with respect to which the President determines that application of the act of state doctrine is required in that particular case by the foreign policy interests of the United States and a suggestion to this effect is

filed on his behalf in that case with the court, or (3) in any case in which the proceedings are commenced after January 1, 1966."

And the Senate agree to the same.

Amendment numbered 40:

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows:

Strike out the matter proposed to be stricken out and in lieu of the matter proposed to be inserted by the Senate amendment insert the following: (e); and the Senate agree to the same.

Amendment numbered 42:

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows:

Strike out the matter proposed to be stricken out and in lieu of the matter proposed to be inserted by the Senate amendment insert the following: (f); and the Senate agree to the same.

Amendment numbered 43:

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows:

Strike out the matter proposed to be stricken out and in lieu of the matter proposed to be inserted by the Senate amendment insert the following: (g); and the Senate agree to the same.

Amendment numbered 59:

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows:

On page 17, line 19, of the Senate engrossed amendments immediately after "President," insert the following: *(and any other local currencies owned by the United States in amounts not to exceed the equivalent of \$50 per day per person exclusive of the actual cost of transportation)*; and the Senate agree to the same.

Amendment numbered 61:

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

PART V—RELIGIOUS PERSECUTION

SEC. 501. It is the sense of the Congress that the United States deeply believes in the freedom of religion for all people and is opposed to infringement of this freedom anywhere in the world. The Congress condemns the persecution of any persons because of their religion. It is further the

sense of Congress that all persons should be permitted the free exercise of religion and the pursuit of their culture.

And the Senate agree to the same.

THOMAS E. MORGAN,
CLEMENT J. ZABLOCKI,
EDNA F. KELLY,
WAYNE L. HAYS,
W. S. MAILLIARD,
PETER H. B. FRELINGHUYSEN,
Managers on the Part of the House.

J. W. FULBRIGHT,
JOHN SPARKMAN,
MIKE MANSFIELD,
Per J. W. F.

BOURKE B. HICKENLOOPER,
GEORGE D. AIKEN,
Managers on the Part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

I. TECHNICAL AMENDMENTS

The following Senate amendments made technical, clerical, clarifying, or conforming changes: 5, 8, 10, 11, 12, 15, 17, 20, 23, 25, 28, 30, 31, 38, 40, 42, 43, 49, 50, 51, 53, 56, and 57. With respect to these amendments (1) the House either recedes or recedes with amendments which are technical, clerical, clarifying, or conforming in nature; or (2) the Senate recedes in order to conform to other action agreed upon by the committee of conference.

II. AUTHORIZATION OF FUNDS

The House bill authorized the appropriation of \$2,126,472,400 while the Senate amendment authorized \$2,076,600,000, a reduction of \$49,872,000. In addition to these new authorizations of funds, there is authorization in the law for funds for development loans, for Alliance for Progress loans, and for Department of State expenses in connection with the administration of the program.

The following amendments pertaining to the authorization of funds were in disagreement between the two Houses.

Amendment No. 6—Technical cooperation: The House bill authorized \$224,600,000; the Senate amendment, \$215,000,000. The committee of conference recommends \$215,000,000.

Amendments Nos. 13 and 14—Surveys of investment opportunities: The House bill authorized \$2,100,000; the Senate amendment, \$2,000,000. The committee of conference recommends \$2,100,000.

Amendment No. 18—International organizations and programs: The House bill authorized \$134,272,400; the Senate amendment, \$134,400,000. The committee of conference recommends \$134,272,400.

Amendment No. 21—Supporting assistance: The House bill authorized \$405,000,000; the Senate amendment, \$374,700,000. The committee of conference recommends \$405,000,000.

Amendment No. 26—Military assistance: The House bill authorizes \$1,055,000,000; the Senate amendment, \$1,045,000,000. The committee of conference recommends \$1,055,000,000.

Amendment No. 45—Limitation on aggregate authorization for use in fiscal year 1965: The Senate amendment added a new section 620A to the act limiting to \$3,250,000,000 the aggregate of the total amounts authorized to be appropriated for use in fiscal year 1965 for furnishing

assistance and for administrative expenses under the act. The Senate amendment also contained a proviso authorizing an additional appropriation of \$50,000,000 to be used to donate domestically produced meat and other protein foods to school lunch programs abroad.

The Senate recedes.

The following table shows the differences between the House bill and the Senate amendment, the sums agreed to by the committee of conference, and the administration appropriation request for programs authorized in this bill and in existing law.

	Executive appropriation request	House bill	Senate amendment	Conference agreement
	(1)	(2)	(3)	(4)
Part I: Economic:				
Chapter 2: Development assistance:				
Title I: Development loans----	\$922, 200, 000	(1)	(1)	(1)
Title II:				
Technical cooperation, development grants-----	224, 600, 000	\$224, 600, 000	\$215, 000, 000	\$215, 000, 000
American schools and hospitals-----	18, 000, 000	18, 000, 000	18, 000, 000	18, 000, 000
Title IV: Surveys of investment opportunities-----	2, 100, 000	2, 100, 000	2, 000, 000	2, 100, 000
Title VI:				
Alliance for Progress loans-----	465, 000, 000	(1)	(1)	(1)
Alliance for Progress grants-----	85, 000, 000	85, 000, 000	85, 000, 000	85, 000, 000
Chapter 3: International organizations-----	134, 400, 000	134, 272, 400	134, 400, 000	134, 272, 400
Chapter 4: Supporting assistance-----	405, 000, 000	405, 000, 000	374, 700, 000	405, 000, 000
Chapter 5: Contingency fund-----	150, 000, 000	150, 000, 000	150, 000, 000	150, 000, 000
Part II: Military-----	1, 055, 000, 000	1, 055, 000, 000	1, 045, 000, 000	1, 055, 000, 000
Part III:				
Administrative expenses, AID-----	52, 500, 000	52, 500, 000	52, 500, 000	52, 500, 000
State Department-----	2, 900, 000	(1)	(1)	(1)
Total-----	3, 516, 700, 000	2, 126, 472, 400 ³ (3, 516, 572, 400)	² 2, 076, 600, 000 ³ (3, 466, 700, 000)	2, 116, 872, 400 ² (3, 506, 972, 400)

¹ Previously authorized.

² The Senate amendment added a new section 620A to the act which limited the total authorization for appropriations to \$3,250,000,000. An additional \$50,000,000 was authorized to be appropriated for the purchase of meat and related products.

³ This total includes sums for programs previously authorized that are included in the total for col. 1. This figure is shown for purposes of comparability.

III. AMENDMENTS FROM WHICH THE SENATE RECEDED

AMENDMENT NO. 1: STATEMENT OF POLICY

The Senate amendment included a new paragraph to be added to the statement of policy of the act. The added language states that it is the policy of the United States to encourage the efforts of American institutions of higher learning in programs of development and research in the less developed friendly countries and to strengthen the partnership between the U.S. Government and these institutions by all available means including increasing and facilitating interchange of personnel.

The House bill did not contain this provision.

The Senate recedes.

AMENDMENTS NO. 3 AND NO. 16: APPROPRIATION OF LOAN RECEIPTS

The Senate amendments amended sections 203 and 253 of the act to subject the authority of the President to relend receipts from

development loan funds and from Alliance for Progress loans⁷ to the annual appropriation of such receipts.

The House bill did not contain similar provisions.

The managers on the part of the Senate accepted the argument in opposition that section 117 of the Foreign Aid and Related Agencies Appropriation Act, 1964, already subjects development loan receipts, and receipts from Alliance for Progress loans to the appropriation requirement. Section 117 is a permanent provision of law, the continued validity of which is not dependent upon annual reenactment.

The Senate recedes.

AMENDMENT NO. 4: INTERNATIONAL DEVELOPMENT ASSOCIATION

The Senate amendment repealed section 205 of the act, which authorizes the President to lend up to 10 percent of development loan funds to the International Development Association (IDA) for use by the IDA pursuant to the International Development Association Act (Public Law 86-565) and the IDA articles of agreement if the President determines that such action would more effectively serve the purposes of the development loan fund.

The House bill contained no comparable provision.

The Senate recedes.

AMENDMENT NO. 9: EXCLUSIONS FROM LOSS COVERED BY EXTENDED RISK GUARANTEE

The Senate amendment amended section 221(b)(2) of the act to exclude from the kinds of loss covered by extended risk guarantees, losses attributable to an "action not meeting a standard of reasonable business prudence for which the investor is responsible."

The House bill did not contain a similar provision.

The committee of conference noted that section 221(b)(2) already excludes losses "arising out of fraud or misconduct for which the investor is responsible." The difficulty inherent in drafting a statutory definition of "a standard of reasonable business prudence" was also recognized. It was the opinion of the committee of conference that this matter should be dealt with by administrative action and that the factor of reasonable business prudence should be taken into consideration by the executive branch in administering the investment guarantee program.

The Senate recedes.

AMENDMENTS NOS. 18 AND 19: CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS FOR USE FOR VOLUNTARY SERVICE PROGRAMS

The House bill added to section 302 of the act a provision that none of the funds available to carry out chapter 3 of part I of the act may be contributed to an international organization or a foreign government or agency thereof to pay the costs of operating or developing any volunteer programs which are related to the selection, training, and programing of volunteer manpower. The House bill also reduced chapter 3 authorization by \$127,600 for the purpose of limiting the U.S. contribution to the International Secretariat for Volunteer Service to \$22,400, an amount sufficient to finance, on a

40-percent matching basis, the information clearinghouse functions of the Secretariat.

Senate amendment No. 19 struck out the House language and substituted therefor a provision that none of the funds available to carry out chapter 3 may be used for contributions (1) to the International Secretariat for Volunteer Service or any similar international organization for use by it to pay the costs of developing or operating any volunteer service or other Peace-Corps-type program of any foreign government or agency thereof, or (2) to any volunteer service or other Peace-Corps-type program administered by such international organization. Senate amendment No. 18 also authorized the full amount requested by the executive branch for chapter 3, thereby making possible a U.S. contribution to the International Secretariat for Volunteer Service of \$150,000.

The Senate recedes in both instances.

The committee of conference is of the opinion that the U.S. contribution to the International Secretariat for Volunteer Service should be limited to \$22,400, on a 40-percent matching basis. Such a contribution should enable the International Secretariat to perform its information clearinghouse function. At the same time, the agreed language would not authorize contributions to the Secretariat for technical assistance to Peace-Corps-type programs of any international organization or foreign government.

AMENDMENT NO. 22: EARMARKING OF SUPPORTING ASSISTANCE FUNDS FOR VIETNAM

The House bill added a new sentence at the end of section 402 of the act, providing that not less than \$200 million of the supporting assistance funds for fiscal year 1965 may be available solely for use in Vietnam, unless the President determines otherwise and promptly reports his determination to the Congress.

The Senate amendment struck out this provision.

The Senate recedes.

The committee of conference agreed that while the earmarking of foreign assistance funds for particular countries generally is undesirable, the special circumstances of Vietnam warrant an exception in this case. There is little likelihood that the United States will furnish less than \$200 million of supporting assistance to Vietnam in fiscal year 1965. Further, the language of the House bill, while according special recognition to the U.S. effort in Vietnam, allows the President adequate flexibility. The committee of conference wants to go on record, however, that this action should not be construed as establishing a precedent for the earmarking of foreign aid funds in the future.

AMENDMENTS NOS. 24 AND 29: MILITARY CREDIT SALES GUARANTEES

The House bill amended chapter 2 of part II of the act, which relates to military assistance, in two respects:

First, it added a new subsection (e) to section 503 of the act authorizing the President to guarantee individuals and firms doing business in the United States against political and credit risks of nonpayment arising in connection with credit sales of defense articles and services

which they finance to friendly foreign countries and international organizations; and

Second, it added a new subsection (b) to section 509 of the act, authorizing the President to employ the services of private firms in connection with the issuance and servicing of such guarantees, and the adjustment of claims arising under them. The proposed subsection (b) further provided that guarantees issued pursuant to part II of the act would be considered contingent obligations backed by the full faith and credit of the United States, that obligations were to be recorded against funds available for credit sales under part II of the act in an amount equivalent to 25 percent of contractual liability related to such guarantees, and that the funds so obligated, together with fees and premiums directed to be charged in conjunction with the issuance of such guarantees, would constitute a single reserve for the payment of claims.

Senate amendments No. 24 and No. 29 struck out both of the above-described provisions of the House bill.

The Senate recedes.

AMENDMENT NO. 27: EARMARKING OF MILITARY ASSISTANCE FUNDS FOR
VIETNAM

The House bill added a new sentence at the end of section 504(a) of the act providing that not less than \$200 million of the military assistance funds for fiscal year 1965 may be available solely for use in Vietnam, unless the President determines otherwise and promptly reports his determination to the Congress.

The Senate amendment struck out this provision.

The Senate recedes.

The views of the committee of conference on Senate amendment No. 22 apply also with respect to this amendment.

AMENDMENT NO. 34: STUDY OF INCENTIVES TO PRIVATE ENTERPRISE

The Senate amendment added a new subsection 601(b)(7) to the act, directing the President to study the feasibility of establishing tax and other incentives for private enterprise to help develop the economic resources and productive capacities of less developed countries.

The House bill did not contain a comparable provision.

The Senate recedes.

AMENDMENT NO. 36: ENCOURAGEMENT OF UTILIZATION OF U.S.
ENGINEERING AND PROFESSIONAL FIRMS

The House bill added a new subsection (d) to section 601 of the act, relating to encouragement of free enterprise and private participation. The new subsection expressed the sense of the Congress that the Agency for International Development should continue to encourage the use of engineering and professional services of U.S. firms or their affiliates in financing capital projects.

The Senate amendment struck out this provision of the House bill.

The Senate recedes.

AMENDMENT NO. 37: SPECIAL PRICE TEST FOR PETROLEUM PRODUCTS
FINANCED UNDER THE FOREIGN ASSISTANCE PROGRAM AND BARTER
AGENTS' COMMISSIONS

The Senate amendment added a new proviso to section 604(b) of the act, establishing a new price test for petroleum products financed under the foreign assistance program. It would preclude the supplier of petroleum products from charging a price in excess of the price he charges in comparable export sales from the source country at the time of sale. The comparable export sales price test would not apply to purchases under formal competitive bids or to commodities traded on exchanges. In determining the supplier's "comparable export sales price," sales to affiliates would be excluded.

The Senate amendment also added a new subsection (e) to section 604 of the act, providing that no funds available under the act shall be used to pay a barter agent's commission or other servicing charge or disposal fee when commodities furnished to an aid recipient country are procured through barter arrangements. Any such commission, charge, or fee would have to be paid by the supplier of the commodities so procured or by the recipient country.

The House bill did not contain comparable provisions.

The Senate recedes.

The committee of conference took note of the fact that no hearings have been held before the Committee on Foreign Relations or the Committee on Foreign Affairs on the proposals embodied in the amendment. Further, the committee of conference was informed by the executive branch that the amendment is based on assumptions which are incorrect and that it would not result in economies in the administration of foreign aid. Because of the complexity of issues involved, and the potentially far-reaching effects of the amendment on the administrative burden on AID, the committee of conference believes that the proposed changes should receive thorough study by the appropriate authorizing committees of the Congress.

AMENDMENT NO. 41: AID TO INDONESIA

The Senate amendment amended section 620(j) of the act to provide that no further U.S. assistance shall be furnished to Indonesia under the act or any other provision of law and that all Indonesian military or police trainees now in the United States shall be notified of the immediate termination of such training and no other training of Indonesian nationals initiated.

The House bill did not contain a similar provision.

The committee of conference took note of the fact that section 620(j) of the act already prohibits aid to Indonesia unless the President determines that the furnishing of such assistance is essential to the national interest of the United States. The act also requires the President to report fully and currently to both Houses of the Congress on any assistance furnished to Indonesia. The committee of conference agreed that because of the fluid situation in southeast Asia and the Pacific, and in order to assure most effective use of foreign aid to serve U.S. foreign policy and security interests, the President should be allowed to retain this minimum degree of flexibility.

The Senate recedes.

AMENDMENT NO. 46: INITIAL ASSIGNMENT OF FOREIGN SERVICE
PERSONNEL TO WASHINGTON POSITIONS

The House bill amended section 625(d)(2) of the act to authorize the initial assignment of up to 20 AID foreign service personnel to Washington positions at any one time prior to assignment overseas.

The Senate amendment increased that number to 30.

The Senate recedes.

AMENDMENTS NOS. 47 AND 48: SELECTION-OUT AND SEPARATION
AUTHORITIES

Senate amendment No. 47 amended subsection (e) of section 625 of the act to extend to other AID personnel the existing selection-out authority which is presently applicable only to AID foreign service personnel. Certain specified categories of personnel were excepted.

Senate amendment No. 48 added a new subsection (j) to section 620 of the act authorizing the President to separate, notwithstanding any other provision of the law, a maximum of 100 employees of AID in the upper grades during each of the 2 years commencing with the effective date of the bill.

The House bill did not contain comparable provisions.

The Senate recedes. The committee of conference recognizes that there is need to strengthen the personnel structure and personnel policies of AID. On the other hand, the Senate version proposed a remedy that for the present was regarded as far reaching. The burden rests with AID to improve its personnel practices through the more rigorous and thorough application of existing laws and regulations. The problem should be kept under close and continuing review by the Congress.

AMENDMENT NO. 54: COMPENSATION OF EXPERTS AND CONSULTANTS

The House bill amended section 626(a) of the act to increase the maximum compensation that may be paid experts and consultants performing functions under the act from \$75 per day to \$100 per day.

The Senate amendment struck out this provision.

The Senate recedes.

AMENDMENT NO. 55: LOYALTY AFFIDAVITS

The Senate amendment added a new section 639 to the act stipulating that no funds under that act shall be used to make payments under any contract between the United States or any aid recipient and any individual U.S. citizen, U.S. corporation, or foreign corporation owned by U.S. citizens, unless such individual or the principal officers of the corporation file an affidavit that they do not believe in and are not members of or support any organization that believes in the violent overthrow of the U.S. Government.

The House bill contained no comparable provision.

The committee of conference noted that with respect to contracts involving the service of U.S. citizens overseas, full protection of U.S. interests is given by section 111 of the Foreign Aid and Related Agencies Appropriation Act and by AID's own regulations. Section 111 of the appropriation act provides that none of the funds available

under the act shall be used to make payments with respect to any contract for the performance of services outside the United States by citizens who have not been investigated for loyalty and security in the same manner as if they were regularly employed by the United States. AID regulations go beyond this to require that all domestic nongovernment personnel must be cleared if their positions are sensitive, even if they do not have access to classified information.

The Senate recesses.

AMENDMENT NO. 58: THE POWAZKI CEMETERY IN WARSAW, POLAND

The Senate amendment added a new subsection (sec. 648(b)) authorizing the President, as a demonstration of good will on the part of the people of the United States for the Polish people, to use foreign currencies that have accrued to the U.S. Government under the Foreign Assistance Act or any other act, for assistance in the repair, rehabilitation, improvement, and maintenance of the Powazki Cemetery in Warsaw, which serves as a burial place for thousands of Polish resistance fighters who fell in the Warsaw uprising of 1944. The exercise of this authority was made subject to the provisions of section 1415 of the Supplemental Appropriations Act, 1953.

The House bill did not contain this provision.

The Senate recesses.

AMENDMENT NO. 60: SENSE OF CONGRESS ON PROCEEDINGS FOR REAPPORTIONMENT OF STATE LEGISLATURES

The Senate amendment added a new section to the bill (sec. 403) which expresses the sense of Congress that, in any case where a district court of the United States has ordered reapportionment of either house of a State legislature to conform with constitutional requirements regarding representation, such State legislature should be allowed the length of time of a regular legislative session plus 30 days, but not to exceed 6 months, to comply. The section also expresses the sense of Congress that in such cases the next election of members of the State legislature should be conducted in accordance with the laws of such State in effect September 20, 1964. If such a State fails to apportion representation within such time limitation, it is declared to be the sense of Congress that the district court having jurisdiction shall apportion representation in such legislature among appropriate districts so as to conform to the constitution and laws of such State insofar as is possible consistent with the requirements of the Constitution of the United States.

The House bill did not contain a comparable provision.

The Senate recesses.

IV. AMENDMENTS FROM WHICH THE HOUSE RECEDED

AMENDMENT NO. 2: INTEREST RATES ON LOANS

The Senate version added to the act a requirement that, except for loans already authorized or committed, no development loans may be made (1) in the case of commercial loans at an interest rate of less than one-fourth of 1 percent above the average annual interest rate on U.S. interest-bearing obligations as of the end of the fiscal

year preceding the year in which the loan application is filed (i.e., as of June 30, 1964, approximately 3½ percent), or (2) in the case of noncommercial loans at an interest rate of less than 2½ percent per year. In addition, the Senate version required that with respect to commercial loans principal payments may only be deferred until the productive enterprise or facility which is the subject of the loan commences operation or becomes available for operation. Thereafter principal payments shall become due at annual intervals and full payment must be made in no less than 25 years. Noncommercial loans must be paid in "regular installments" within 25 years. The amendment defines "commercial loans" as loans made for the development of productive enterprises or for facilities directly used in productive enterprise, such as equipment, machinery, supplies, materials, or land. "Noncommercial loans" are all other loans. By reason of section 251(b) of the act the Senate version would also apply to Alliance for Progress loans.

The House bill contained no comparable provision.

The House recedes with an amendment that raises the interest rate on loans during the 10-year grace period from three-fourths of 1 percent per annum to 1 percent per annum and raises the minimum interest rate for the life of the loan following the grace period from 2 to 2½ percent per annum. Such rates would not be effective on funds authorized or committed to be loans prior to the effective date of the Foreign Assistance Act of 1964. These terms will also apply to Alliance for Progress loans.

The committee of conference weighed the appeal for stiffer loan terms against the more important consideration that borrowing countries not be encouraged to pursue irresponsible debt practices. Prudence requires that such nations not be burdened with unduly high loan costs until their development is sufficient to finance their debts. Any severe increase in the costs of loans would only increase the possibilities of default which would have serious consequences not only for foreign governments and international financial institutions that had loaned the money but also for private investors, many of whom are U.S. citizens.

At the same time the committee of conference noted the trend by other foreign leaders to lower their interest terms and extend the maturities and grace periods. The amendment agreed to by the committee of conference brings U.S. terms closer to those of such lenders. The language in existing law and that in the amended language accepted by the committee of conference sets minimum loan terms. It was noted that the United States has set terms for its loans above the minimum wherever the capacity of the borrower permits.

The conferees agreed that some hardening of minimum loan terms is appropriate. Further, the conferees urge AID to require interest rates above the minimum whenever possible in view of the balance-of-payments position of the borrowing country.

AID is launching a study of the relationship of U.S. lending terms to the development efforts in various countries, to the lending policies of other donor countries, and to the very serious problem of rapidly mounting debt service burdens. The Congress will have an opportunity early next year to consider the full implication of this study.

AMENDMENT NO. 7: FEASIBILITY STUDY OF USED EQUIPMENT PROGRAM

The Senate amendment added a new section (sec. 217) authorizing the President to use technical cooperation/development grant funds to study the feasibility of establishing a program for furnishing less developed friendly countries with used tools, machinery, and other equipment to be donated by private enterprises or acquired through normal channels of trade. The purpose would be to determine how such programs may be utilized by and contribute to the economic development of the receiving country. The President is required to report to the Congress at the earliest practicable date on the results of such study, together with recommendations.

The House recedes.

The managers on the part of the House were concerned that the use of old equipment, unless fully and carefully rehabilitated, could result in costly and unnecessary delays, but agreed to the Senate language authorizing a study and investigation to determine the feasibility of such programs. Such a study should involve neither expense nor excessive time because of reviews which have already been conducted by the Agency for International Development over the past several years.

AMENDMENT NO. 32: SPECIAL CERTIFICATION FOR MILITARY ASSISTANCE

The Senate amendment added a new section 513 to the act to require either (a) that the appropriate chief of U.S. Military Advisory Group, or a corresponding officer, certify in writing at least 6 months prior to delivery that a recipient country or international organization has the capability to utilize effectively any defense articles which the United States proposes to furnish, or (b) that the Secretary of State, the Secretary of Defense, or certain designees, determine with respect to defense articles in approved programs that it is necessary to furnish the defense articles in the absence of such certification and specifically give advance approval to the furnishing of the defense articles. In addition, the Secretary of State would be required to make a complete report of each such determination and approval and the reasons therefor to the Speaker of the House of Representatives and to the Senate Committees on Foreign Relations and Appropriations. The section would not apply to military sales under section 507 of the act.

The House bill contained no comparable provision.

The House recedes with amendments which limit the application of this section to any single defense article having a value in excess of \$100,000. The purpose of this new section is to discourage the furnishing of military equipment to countries where it cannot be used effectively. Numerous instances were reported where sophisticated and costly equipment was incapable of use either because related and necessary component parts were not provided, requirements had changed in the interval between approval of the program and the delivery date, or the recipient country itself lacked the skill or organization to use the equipment. While the managers on the part of the House recognized the persuasiveness of these arguments, they were reluctant to increase the paperwork and man-hours devoted to

clearing hundreds of small items. The act already includes a definition of value. For example, rifles and trucks would not require a certification whereas aircraft and costly electronic equipment, if it has a unit value of more than \$100,000, would be covered by the language in this section.

AMENDMENTS NOS. 33 AND 35: ADVISORY COMMITTEE ON PRIVATE
ENTERPRISE IN FOREIGN AID

The House bill amended section 601(c)(5) of the act to raise from \$50,000 to \$100,000 the authority to use funds otherwise available under the act for the expenses of the Advisory Committee on Private Enterprise in Foreign Aid.

The Senate amendments struck the House language raising the limitation on expenses of the committee to \$100,000 (No. 33), but retained the termination date of June 30, 1965, contained in the House bill (No. 35).

The House recedes.

The legislative history of this provision makes clear that only the direct costs of the members of the Committee are to be charged to the statutory ceiling. Such costs of backstopping the Committee operations as may be incurred by AID are not charged against the ceiling. The limitation of \$50,000 is adequate for the work of the Committee.

AMENDMENT NO. 39: EXPROPRIATIONS BY FOREIGN STATES

The Senate amendment added a new paragraph (2) to subsection 620(e) of the act, providing that no U.S. court shall refuse, on the ground of the "act of state" doctrine, to examine the validity of acts of foreign states occurring after January 1, 1959, which are alleged to be contrary to international law, unless the President determines and notifies the court that application of the "act of state" doctrine is required by U.S. foreign policy interests.

The House bill did not contain a comparable provision.

The House recedes with an amendment.

The managers on the part of the House regretted that there had not been an opportunity for thorough study and full hearings on the subject. The committee of conference amended the Senate language to pinpoint its precise effect, making it clear that it does not apply if no violation of international law principles is found, or if the case involves a short term irrevocable letter of credit issued in good faith prior to the taking of property by a foreign state. The exception in those individual cases in which the President determines that judicial review of the foreign government's action is not in the U.S. foreign policy interest is preserved. An additional change was added to limit the application of the amendment to cases in which the proceedings are commenced before January 1, 1966. This limitation was approved with the understanding that the congressional committees concerned will make a full review and study of the matter during the next Congress and make a determination on the need for permanent legislation.

AMENDMENT NO. 44: PRODUCTIVE ENTERPRISE

The House bill added a new subsection (n) to section 620 of the act providing that no assistance should be furnished for the construction or operation of any productive enterprise abroad unless the President determined that similar productive enterprises in the United States were operating at a substantial portion of their capacity and such assistance would not result in depriving such U.S. enterprises of their reasonable share of world markets.

The Senate amendment deleted this provision of the House bill.

The House recedes.

The managers on the part of the House accepted the Senate amendment after full consideration of the argument advanced in opposition that section 620(d) of the act already provides adequately for the protection of U.S. industry by requiring the administrators of the foreign assistance program to make arrangements with countries where U.S. assistance is provided for the construction or operation of productive enterprises to limit competition of such enterprises with U.S. industry.

AMENDMENT NO. 52: U.S. REPRESENTATIVE TO THE INTER-AMERICAN COMMITTEE ON THE ALLIANCE FOR PROGRESS

The House bill added a new subsection (k) to section 625 of the act, relating to the employment of personnel. The new language would authorize the President to appoint or assign a U.S. citizen to be the U.S. representative to the Inter-American Economic and Social Council (IA-ECOSOC) and to be the U.S. representative to the Inter-American Committee on the Alliance for Progress. Provision for compensation for such officer was also included.

The Senate amendment deleted the reference to the IA-ECOSOC, thus authorizing the President to appoint or assign a representative only to the Inter-American Committee on the Alliance for Progress under the authority of the new section.

The House recedes.

When the House had the bill under consideration, the Executive contemplated that one individual would serve as U.S. representative to both organizations. Subsequently, the Executive changed its request to provide the special authority only for the U.S. representative to the Inter-American Committee on the Alliance for Progress.

AMENDMENT NO. 59: AVAILABILITY OF FOREIGN CURRENCIES

The Senate amendment added to section 502(b) of the Mutual Security Act of 1954, as amended, a provision which would restrict the use of foreign currencies by appropriate committees of the Congress engaged in carrying out their duties under section 136 of the Legislative Reorganization Act to those currencies "which are in excess of the amounts reserved under section 612(a) of the Foreign Assistance Act of 1961, as amended, and of the requirements of the U.S. Government in payment of its obligations outside the United States, as such requirements may be determined from time to time by the President."

The House bill contained no comparable provision.

The House recedes with an amendment, which, while retaining the Senate language, places a limitation on the use by appropriate committees of the Congress of local currencies not covered by the Senate language.

AMENDMENT NO. 61: RELIGIOUS PERSECUTION

The Senate amendment added a new section to the bill (sec. 501) which expresses the sense of the Congress that the United States deeply believes in freedom of religion for all people and is opposed to infringement of this freedom anywhere in the world. The Senate amendment further declares that there is evidence that the Government of the Soviet Union is persecuting Jewish citizens by singling them out for extreme punishment for alleged economic offenses and by infringement of their freedom of religious observance, and that the Soviet Union has a responsibility to the nations of the world to match its constitutional guarantees of freedom of religion with specific action. Finally, the amendment expresses the sense of the Congress that religious persecution in the Soviet Union be condemned and that the Soviet Union in the name of decency and humanity cease the enumerated acts of persecution.

The House bill did not contain any comparable provision.

The House recedes with an amendment which expresses the consensus of the committee of conference that the religious persecution of peoples of all faiths, and the infringement of their freedom of religious observance, is repugnant and to be condemned.

THOMAS E. MORGAN,
CLEMENT J. ZABLOCKI,
EDNA F. KELLY,
WAYNE L. HAYS,
W. S. MAILLIARD,
PETER H. B. FRELINGHUYSEN,
Managers on the Part of the House.



Mr. Flynt with Mr. St Germain.
Mr. Scott with Mr. Sheppard.
Mr. Dorn with Mr. Healey.
Mr. Pool with Mr. Lesinski.
Mr. Abbit with Mrs. Kee.
Mr. Gill with Mr. Bass.
Mrs. Griffiths with Mr. Morris.
Mr. Forrester with Mr. McMillan.

Messrs. CAMERON, WILLIS, BRAY, and GLENN changed their vote from "yea" to "nay."

Messrs. ROBERTS of Alabama and VAN PELT changed their vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the conference report.

Mr. GOODELL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 320, nays 20, answered "present" 2, not voting 88, as follows:

[Roll No. 269]

YEAS—320

Abele	Derwinski	Hosmer
Adair	Dingell	Ichord
Addabbo	Dole	Jarman
Albert	Donohue	Jennings
Anderson	Dowdy	Jensen
Andrews,	Downing	Joelson
N. Dak.	Dulski	Johnson, Calif.
Arends	Duncan	Johnson, Pa.
Ashley	Dwyer	Johnson, Wis.
Ashmore	Edwards	Jonas
Ayres	Elliot	Jones, Mo.
Baker	Everett	Karsten
Baldwin	Evens	Karth
Baring	Fallon	Kastenmeier
Barrett	Farbstein	Keith
Barry	Fascell	Kelly
Bates	Feighan	Kilgore
Battin	Fino	King, Calif.
Becker	Fisher	King, N.Y.
Beckworth	Flood	Kirwan
Beermann	Fogarty	Kluczyński
Belcher	Ford	Knox
Bell	Foreman	Kornegay
Betts	Fountain	Kunkel
Blatnik	Fraser	Kyl
Boggs	Frelinghuysen	Laird
Boland	Friedel	Langen
Bolling	Fulton, Pa.	Latta
Bolton,	Fulton, Tenn.	Lennon
Frances P.	Fuqua	Libonati
Bolton,	Gallagher	Lindsay
Oliver P.	Garmatz	Lipscomb
Bonner	Gary	Lloyd
Bow	Gathings	Long, La.
Bray	Gialmo	Long, Md.
Bromwell	Gibbons	McClory
Broomfield	Gilbert	McCulloch
Brotzman	Glenn	McDade
Brown, Calif.	Gonzalez	McDowell
Brown, Ohio	Goodling	McFall
Broyhill, N.C.	Grabowski	McLoskey
Broyhill, Va.	Gray	Macedonald
Burke	Green, Oreg.	MacGregor
Burkhalter	Green, Pa.	Madden
Burleson	Gross	Mallon
Burton, Utah	Grover	Mailliard
Byrne, Pa.	Gubser	Marsh
Byrnes, Wis.	Gurney	Martin, Calif.
Cahill	Hagan, Ga.	Mathias
Cameron	Hagen, Calif.	Matthews
Carey	Hall	May
Cederberg	Halleck	Milliken
Chamberlain	Halpern	Mills
Chelf	Hansen	Minish
Chenoweth	Harding	Minshall
Clausen,	Harris	Monagan
Don H.	Harrison	Moore
Cleveland	Harsha	Moorhead
Cohelan	Harvey, Ind.	Morgan
Collier	Harvey, Mich.	Morse
Conte	Hawkins	Morton
Cooley	Hays	Mosher
Corbett	Healey	Moss
Cramer	Hechler	Multer
Cunningham	Henderson	Murphy, Ill.
Curtis	Herlong	Murphy, N.Y.
Daguerre	Hoeven	Murray
Dague	Hollifield	Natcher
Daniels	Holland	Nedzi
Delaney	Horan	Nelsen
Dent	Horton	O'Brien, N.Y.

O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neill
Osmer
Ostertag
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pillion
Pirnie
Poage
Poff
Powell
Price
Pucinski
Purcell
Quie
Randall
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rich
Riehlman
Rivers, S.C.
Roberts, Ala.
Roberts, Tex.
Robison
Rodino

Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Roudebush
Roush
Roybal
Rumsfeld
Ryan, Mich.
Ryan, N.Y.
St. Onge
Schenck
Schneebeli
Schweiker
Schwengel
Secrest
Sennner
Shipley
Shriver
Sibal
Sickles
Siler
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Va.
Springer
Staebler
Steed
Stephens
Stinson
Stratton
Stubblefield
Taft

Teague, Calif.
Thomas
Thompson, N.J.
Thomson, Wis.
Tollefson
Trimble
Tuck
Tuten
Udall
Ullman
Utt
Van Deerlin
Vanik
Van Pelt
Vinson
Waggonner
Wallhauser
Watson
Watts
Weaver
Westland
Whalley
Wharton
White
Whitener
Wickersham
Widnall
Willis
Wilson, Bob
Wilson,
Charles H.
Wright
Wylder
Wyman
Young
Zablocki

NAYS—20

Abernethy
Andrews, Ala.
Ashbrook
Bennett, Fla.
Bruce
Clancy
Colmer
Findley
Griffin
Haley
Huddleston
Hutchinson
Johansen
Passman
Saylor
Short
Teague, Tex.
Whitten
Williams
Winstead

ANSWERED "PRESENT"—2

Goodell
Kilburn
NOT VOTING—88

Abbit
Alger
Aspinall
Auchincloss
Avery
Bass
Berry
Brademas
Brock
Brooks
Buckley
Burton, Calif.
Casey
Celler
Clark
Clawson, Del.
Corman
Curtin
Davis, Ga.
Davis, Tenn.
Dawson
Denton
Derounian
Devine
Diggs
Dorn
Edmondson
Ellsworth
Finnegan
Flynt
Forrester
Gill
Grant
Griffith
Hanna
Hardy
Hébert
Hoffman
Hull
Jones, Ala.
Kee
Keogh
Landrum
Lankford
Leggett
Lesinski
McIntire
McMillan
Martin, Mass.
Martin, Nebr.
Matsunaga
Meador
Michel
Miller, Calif.
Miller, N.Y.
Montoya
Morris
Morrison
Nix
Pilcher
Pool
Quillen
Rains
Reifel
Rivers, Alaska
Rostenkowski
St. George
St Germain
Schadeberg
Scott
Selden
Sheppard
Sikes
Smith, Calif.
Snyder
Stafford
Staggers
Sullivan
Talcott
Taylor
Thompson, La.
Thompson, Tex.
Toll
Tupper
Weltner
Wilson, Ind.
Younger

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Keogh for, with Mr. Selden against.
Mr. Schadeberg for, with Mr. Goodell against.

Mr. Talcott for, with Mr. Kilburn against.

Until further notice:

Mr. Hébert with Mrs. St. George.
Mr. Toll with Mr. Curtin.
Mr. Sikes with Mr. Quillen.
Mr. Hardy with Mr. Brock.
Mr. Thompson of Louisiana with Mr. Al-
ger.
Mr. Morrison with Mr. Berry.

Mr. Rivers of Alaska with Mr. Snyder.
Mr. Weltner with Mr. Meader.
Mr. Brademas with Mr. Auchincloss.
Mr. Hull with Mr. Del Clawson.
Mr. Rostenkowski with Mr. Ellsworth.
Mr. Aspinall with Mr. Wilson of Indiana.
Mr. Davis of Georgia with Mr. Stafford.
Mr. Edmondson with Mr. Younger.
Mr. Leggett with Mr. Hoffman.
Mr. Scott with Mr. Reifel.
Mr. Matsunaga with Mr. Martin of
Nebraska.
Mr. Staggers with Mr. Smith of California.
Mr. Miller of California with Mr. Tupper.
Mr. St Germain with Mr. Derounian.
Mr. Denton with Mr. Avery.
Mr. Grant with Mr. Devine.
Mr. Hanna with Mr. Michel.
Mr. Rains with Mr. McIntire.
Mr. Thompson of Texas with Mr. Martin
of Massachusetts.
Mrs. Griffiths with Mr. Sheppard.
Mr. Montoya with Mr. Nix.
Mr. Brooks with Mr. Buckley.
Mr. Burton of California with Mr. Casey.
Mr. Jones of Alabama with Mr. Celler.
Mr. Clark with Mr. Dawson.
Mr. Morris with Mr. Diggs.
Mr. Pool with Mr. Davis of Tennessee.
Mr. Pilcher with Mr. Lesinski.
Mr. Landrum with Mr. Lankford.
Mr. Abbit with Mrs. Kee.
Mr. Flynt with Mr. Finnegan.
Mr. Gill with Mr. Dorn.
Mr. Corman with Mr. McMillan.
Mrs. Sullivan with Mr. Bass.
Mr. Taylor with Mr. Forrester.

Mr. GOODELL. Mr. Speaker, I have a live pair with the gentleman from Wisconsin [Mr. SCHADEBERG]. If he were present he would have voted "yea." I was recorded as voting "nay." I therefore withdraw my vote and vote "present."

Mr. KILBURN. Mr. Speaker, I have a live pair with the gentleman from California [Mr. TALCOTT]. If he were present he would have voted "yea." I voted "nay." I therefore withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. POWELL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 12633. An act making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes

of the two Houses thereon, and appoints Mr. PASTORE, Mr. HOLLAND, Mr. HAYDEN, Mr. RUSSELL, Mr. ELLENDER, Mr. McCLELLAN, Mr. MONRONEY, Mr. BARTLETT, Mr. YOUNG of North Dakota, Mr. SALTONSTALL, Mr. MUNDT, and Mrs. SMITH to be the conferees on the part of the Senate.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 11812. An act making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1965, and for other purposes.

COMMITTEE ON FOREIGN AFFAIRS

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until midnight to file a conference report on the bill H.R. 11380.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. HALLECK. Mr. Speaker, I am not sure that I heard the request altogether. May I suggest that the gentleman also ask unanimous consent that if the report cannot be filed until tomorrow, it be in order to take it up tomorrow.

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that if the report is not filed by midnight, it be in order to take it up tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. GROSS. Reserving the right to object, Mr. Speaker, I would think that that last motion or request could be taken up tomorrow rather than tonight. I would be constrained to object to the second request. Let us see how things move tomorrow.

Mr. HALLECK. Mr. Speaker, will the gentleman yield to me?

Mr. GROSS. Yes, I am glad to yield to the gentleman from Indiana.

Mr. HALLECK. I must say that I am very sorry that the gentleman has seen fit to interpose an objection.

I have discussed this matter with many people interested in it on the Foreign Affairs Committee and many people who are interested in disposing of the matter so that we can expedite the adjournment of the Congress.

If the gentleman insists on his objection—of course, that is his right—I am sorry he has seen fit to do so.

Mr. GROSS. Mr. Speaker, let the RECORD show that I did not say that I would object tomorrow to the same kind of request, but I do object to the request tonight, Mr. Speaker, to the second part of the request which was made.

The SPEAKER. Objection is heard. That is the part of the request for which unanimous consent is pending before the House.

CONFERENCE REPORT (H. REPT. No. 1925)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, having met, after full and free con-

ference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 3, 4, 9, 10, 11, 13, 14, 16, 18, 19, 21, 22, 24, 25, 26, 27, 28, 29, 30, 31, 34, 36, 37, 38, 41, 45, 46, 47, 48, 49, 50, 51, 53, 54, 55, 56, 57, 58, and 60.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 7, 33, 44, and 52, and agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"TITLE I—DEVELOPMENT LOAN FUND

"SEC. 101. Section 201(d) of the Foreign Assistance Act of 1961, as amended, which relates to the Development Loan Fund, is amended as follows:

"(a) Strike out 'Foreign Assistance Act of 1963' and substitute 'Foreign Assistance Act of 1964'.

"(b) Strike out '2 per centum' and substitute '2½ per centum'.

"(c) Strike out 'three-fourths of 1 per centum' and substitute '1 per centum'."

And the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Strike out the matter proposed to be stricken out and in lieu of the matter proposed to be inserted by the Senate amendment insert the following: "102;" and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: Strike out the matter proposed to be stricken out and in lieu of the matter proposed to be inserted by the Senate amendment insert the following: "103;" and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Strike out the matter proposed to be stricken out and in lieu of the matter proposed to be inserted by the Senate amendment insert the following: "104;" and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: Strike out the matter proposed to be stricken out and in lieu of the matter proposed to be inserted by the Senate amendment insert the following: "105;" and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: Strike out the matter proposed to be stricken out and in lieu of the matter proposed to be inserted by the Senate amendment insert the following: "106;" and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: Strike out the matter proposed to be stricken out and in lieu of the matter proposed to be inserted by the Senate amendment insert the following: "108;" and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows:

Strike out the matter proposed to be stricken out and in lieu of the matter proposed to be inserted by the Senate amendment insert to following: "108"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with amendments as follows:

On page 8, line 2, of the Senate engrossed amendments strike out "(e)" and insert: "(g)"

On page 8, line 5, of the Senate engrossed amendments strike out "articles" and insert: "article having a value in excess of \$100,000"

On page 8, line 16, of the Senate engrossed amendments strike out "articles" and insert: "article"

And the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows: On page 10, line 2, of the Senate engrossed amendments strike out "(b)" and insert: "(a)"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(d) Amend subsection 620(e), relating to expropriations and other similar matters, as follows:

"(1) After '(e)' insert '(1)'.

"(2) Redesignate subparagraphs (1), (2), and (3) of the first paragraph as subparagraphs (A), (B), and (C), respectively.

"(3) Strike out 'paragraphs (1), (2), or (3)' and substitute 'subparagraphs (A), (B), or (C) of paragraph (1)'.

"(4) At the end of such subsection add the following new paragraph (2):

"(2) Notwithstanding any other provision of law, no court in the United States shall decline on the ground of the Federal act of state doctrine to make a determination on the merits giving effect to the principles of international law in a case in which a claim of title or other right is asserted by any party including a foreign state (or a party claiming through such state) based upon (or traced through) a confiscation or other taking after January 1, 1959, by an act of that state in violation of the principles of international law, including the principles of compensation and the other standards set out in this subsection: *Provided*, That this subparagraph shall not be applicable (1) in any case in which an act of a foreign state is not contrary to international law or with respect to a claim of title or other right acquired pursuant to an irrevocable letter of credit of not more than 180 days' duration issued in good faith prior to the time of the confiscation or other taking, or (2) in any case with respect to which the President determines that application of the act of state doctrine is required in that particular case by the foreign policy interests of the United States and a suggestion to this effect is filed on his behalf in that case with the court, or (3) in any case in which the proceedings are commenced after January 1, 1966."

And the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Strike out the matter proposed to be stricken out and in lieu of the matter proposed to be inserted by the Senate amendment insert the following: "(e)"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows:

Strike out the matter proposed to be stricken out and in lieu of the matter proposed to be inserted by the Senate amendment insert the following: "(f)"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: Strike out the matter proposed to be stricken out and in lieu of the matter proposed to be inserted by the Senate amendment insert the following: "(g)"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: On page 17, line 19, of the Senate engrossed amendments immediately after "President," insert the following: "and any other local currencies owned by the United States in amounts not to exceed the equivalent of \$50 per day per person exclusive of the actual cost of transportation"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"PART V—RELIGIOUS PERSECUTION

"SEC. 501. It is the sense of the Congress that the United States deeply believes in the freedom of religion for all people and is opposed to infringement of this freedom anywhere in the world. The Congress condemns the persecution of any persons because of their religion. It is further the sense of Congress that all persons should be permitted the free exercise of religion and the pursuit of their culture."

And the Senate agree to the same.

THOMAS E. MORGAN,
CLEMENT J. ZABLOCKI,
EDNA F. KELLY,
WAYNE L. HAYS,
W. S. MAILLIARD,
PETER H. B. FRELINGHUYSEN,
Managers on the Part of the House.

J. W. FULBRIGHT,
JOHN SPARKMAN,
MIKE MANSFIELD,
Per J. W. F.
BOURKE B. HICKENLOOPER,
GEORGE D. AIKEN,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

I. TECHNICAL AMENDMENTS

The following Senate amendments made technical, clerical, clarifying, or conforming changes: 5, 8, 10, 11, 12, 15, 17, 20, 23, 25, 28, 30, 31, 38, 40, 42, 43, 49, 50, 51, 53, 56, and 57. With respect to these amendments (1) the House either recedes or recedes with amendments which are technical, clerical, clarifying, or conforming in nature; or (2) the Senate recedes in order to conform to other action agreed upon by the committee of conference.

II. AUTHORIZATION OF FUNDS

The House bill authorized the appropriation of \$2,126,472,400 while the Senate amendment authorized \$2,076,600,000, a reduction of \$49,872,000. In addition to these new authorizations of funds, there is authorization in the law for funds for development loans, for Alliance for Progress loans, and for Department of State expenses in

connection with the administration of the program.

The following amendments pertaining to the authorization of funds were in disagreement between the two Houses.

Amendment No. 6, technical cooperation: The House bill authorized \$224,600,000; the Senate amendment, \$215,000,000. The committee of conference recommends \$215,000,000.

Amendments Nos. 13 and 14, surveys of investment opportunities: The House bill authorized \$2,100,000; the Senate amendment, \$2,000,000. The committee of conference recommends \$2,100,000.

Amendment No. 18, international organizations and programs: The House bill authorized \$134,272,400; the Senate amendment, \$134,400,000. The committee of conference recommends \$134,272,400.

Amendment No. 21, supporting assistance: The House bill authorized \$405,000,000; the Senate amendment, \$374,700,000. The committee of conference recommends \$405,000,000.

	Executive appropriation request (1)	House bill (2)	Senate amendment (3)	Conference agreement (4)
Part I: Economic:				
Chapter 2: Development assistance:				
Title I: Development loans.....	\$922,200,000	(1)	(1)	(1)
Title II:				
Technical cooperation, development grants.....	224,600,000	\$224,600,000	\$215,000,000	\$215,000,000
American schools and hospitals.....	18,000,000	18,000,000	18,000,000	18,000,000
Title IV: Surveys of investment opportunities.....	2,100,000	2,100,000	2,000,000	2,100,000
Title VI:				
Alliance for Progress loans.....	465,000,000	(1)	(1)	(1)
Alliance for Progress grants.....	85,000,000	85,000,000	85,000,000	85,000,000
Chapter 3: International organizations.....	134,400,000	134,272,400	134,400,000	134,272,400
Chapter 4: Supporting assistance.....	405,000,000	405,000,000	374,700,000	405,000,000
Chapter 5: Contingency fund.....	150,000,000	150,000,000	150,000,000	150,000,000
Part II: Military.....	1,055,000,000	1,055,000,000	1,045,000,000	1,055,000,000
Part III:				
Administrative expenses, AID.....	52,500,000	52,500,000	52,500,000	52,500,000
State Department.....	2,900,000	(1)	(1)	(1)
Total.....	3,516,700,000	2,126,472,400 3 (3,516,572,400)	2,076,600,000 3 (3,466,700,000)	2,116,872,400 3 (3,506,972,400)

¹ Previously authorized.

² The Senate amendment added a new section 620A to the act which limited the total authorization for appropriations to \$3,250,000,000. An additional \$50,000,000 was authorized to be appropriated for the purchase of meat and related products.

³ This total includes sums for programs previously authorized that are included in the total for col. 1. This figure is shown for purposes of comparability.

III. AMENDMENTS FROM WHICH THE SENATE RECEDES

Amendment No. 1: Statement of policy

The Senate amendment included a new paragraph to be added to the statement of policy of the act. The added language states that it is the policy of the United States to encourage the efforts of American institutions of higher learning in programs of development and research in the less developed friendly countries and to strengthen the partnership between the U.S. Government and these institutions by all available means including increasing and facilitating interchange of personnel.

The House bill did not contain this provision.

The Senate recedes.

Amendments No. 3 and No. 16: Appropriation of loan receipts

The Senate amendments amended sections 203 and 253 of the act to subject the authority of the President to relend receipts from development loan funds and from Alliance for Progress loans to the annual appropriation of such receipts.

The House bill did not contain similar provisions.

The managers on the part of the Senate accepted the argument in opposition that section 117 of the Foreign Aid and Related Agencies Appropriation Act, 1964, already subjects development loan receipts, and receipts from Alliance for Progress loans to the

Amendment No. 26, military assistance: The House bill authorizes \$1,055,000,000; the Senate amendment, \$1,045,000,000. The committee of conference recommends \$1,055,000,000.

Amendment No. 45, limitation on aggregate authorization for use in fiscal year 1965: The Senate amendment added a new section 620A to the act limiting to \$3,250,000,000 the aggregate of the total amounts authorized to be appropriated for use in fiscal year 1965 for furnishing assistance and for administrative expenses under the act. The Senate amendment also contained a proviso authorizing an additional appropriation of \$50,000,000 to be used to donate domestically produced meat and other protein foods to school lunch programs abroad.

The Senate recedes.

The following table shows the differences between the House bill and the Senate amendment, the sums agreed to by the committee of conference, and the administration appropriation request for programs authorized in this bill and in existing law.

appropriation requirement. Section 117 is a permanent provision of law, the continued validity of which is not dependent upon annual reenactment.

The Senate recedes.

Amendment No. 4: International Development Association

The Senate amendment repealed section 205 of the act, which authorizes the President to lend up to 10 percent of development loan funds to the International Development Association (IDA) for use by the IDA pursuant to the International Development Association Act (Public Law 86-565) and the IDA articles of agreement if the President determines that such action would more effectively serve the purposes of the Development Loan Fund.

The House bill contained no comparable provision.

The Senate recedes.

Amendment No. 9: Exclusions from loss covered by extended risk guarantee

The Senate amendment amended section 221(b)(2) of the act to exclude from the kinds of loss covered by extended risk guarantees, losses attributable to an "action not meeting a standard of reasonable business prudence for which the investor is responsible."

The House bill did not contain a similar provision.

The committee of conference noted that section 221(b)(2) already excludes losses

"arising out of fraud or misconduct for which the investor is responsible." The difficulty inherent in drafting a statutory definition of "a standard of reasonable business prudence" was also recognized. It was the opinion of the committee of conference that this matter should be dealt with by administrative action and that the factor of reasonable business prudence should be taken into consideration by the executive branch in administering the investment guarantee program.

The Senate recedes.

Amendments Nos. 18 and 19: Contributions to international organizations for use for voluntary service programs

The House bill added to section 302 of the act a provision that none of the funds available to carry out chapter 3 of part I of the act may be contributed to an international organization or a foreign government or agency thereof to pay the costs of operating or developing any volunteer programs which are related to the selection, training, and programing of volunteer manpower. The House bill also reduced chapter 3 authorization by \$127,600 for the purpose of limiting the U.S. contribution to the International Secretariat for Volunteer Service to \$22,400, an amount sufficient to finance, on a 40-percent matching basis, the information clearinghouse functions of the Secretariat.

Senate amendment No. 19 struck out the House language and substituted therefor a provision that none of the funds available to carry out chapter 3 may be used for contributions (1) to the International Secretariat for Volunteer Service or any similar international organization for use by it to pay the costs of developing or operating any volunteer service or other Peace Corps-type program of any foreign government or agency thereof, or (2) to any volunteer service or other Peace Corps-type program administered by such international organization. Senate amendment No. 18 also authorized the full amount requested by the executive branch for chapter 3, thereby making possible a U.S. contribution to the International Secretariat for Volunteer Service of \$150,000.

The Senate recedes in both instances.

The committee of conference is of the opinion that the U.S. contribution to the International Secretariat for Volunteer Service should be limited to \$22,400, on a 40-percent matching basis. Such a contribution should enable the International Secretariat to perform its information clearinghouse function. At the same time, the agreed language would not authorize contributions to the Secretariat for technical assistance to Peace Corps-type programs of any international organization or foreign government.

Amendment No. 22: Earmarking of supporting assistance funds for Vietnam

The House bill added a new sentence at the end of section 402 of the act, providing that not less than \$200 million of the supporting assistance funds for fiscal year 1965 may be available solely for use in Vietnam, unless the President determines otherwise and promptly reports his determination to the Congress.

The Senate amendment struck out this provision.

The Senate recedes.

The committee of conference agreed that while the earmarking of foreign assistance funds for particular countries generally is undesirable, the special circumstances of Vietnam warrant an exception in this case. There is little likelihood that the United States will furnish less than \$200 million of supporting assistance to Vietnam in fiscal year 1965. Further, the language of the House bill, while according special recognition to the U.S. effort in Vietnam, allows the

President adequate flexibility. The committee of conference wants to go on record, however, that this action should not be construed as establishing a precedent for the earmarking of foreign aid funds in the future.

Amendments Nos. 24 and 29: Military credit sales guarantees

The House bill amended chapter 2 of part II of the act, which relates to military assistance, in two respects:

First, it added a new subsection (e) to section 503 of the act authorizing the President to guarantee individuals and firms doing business in the United States against political and credit risks of nonpayment arising in connection with credit sales of defense articles and services which they finance to friendly foreign countries and international organizations; and

Second, it added a new subsection (b) to section 509 of the act, authorizing the President to employ the services of private firms in connection with the issuance and servicing of such guarantees, and the adjustment of claims arising under them. The proposed subsection (b) further provided that guarantees issued pursuant to part II of the act would be considered contingent obligations backed by the full faith and credit of the United States, that obligations were to be recorded against funds available for credit sales under part II of the act in an amount equivalent to 25 percent of contractual liability related to such guarantees, and that the funds so obligated, together with fees and premiums directed to be charged in conjunction with the issuance of such guarantees, would constitute a single reserve for the payment of claims.

Senate amendments No. 24 and No. 29 struck out both of the above-described provisions of the House bill.

The Senate recedes.

Amendment No. 27: Earmarking of military assistance funds for Vietnam

The House bill added a new sentence at the end of section 504(a) of the act providing that not less than \$200 million of the military assistance funds for fiscal year 1965 may be available solely for use in Vietnam, unless the President determines otherwise and promptly reports his determination to the Congress.

The Senate amendment struck out this provision.

The Senate recedes.

The views of the committee of conference on Senate amendment No. 22 apply also with respect to this amendment.

Amendment No. 34: Study of incentives to private enterprise

The Senate amendment added a new subsection 601(b)(7) to the act, directing the President to study the feasibility of establishing tax and other incentives for private enterprise to help develop the economic resources and productive capacities of less developed countries.

The House bill did not contain a comparable provision.

The Senate recedes.

Amendment No. 36: Encouragement of utilization of U.S. engineering and professional firms

The House bill added a new subsection (d) to section 601 of the act, relating to encouragement of free enterprise and private participation. The new subsection expressed the sense of the Congress that the Agency for International Development should continue to encourage the use of engineering and professional services of U.S. firms or their affiliates in financing capital projects.

The Senate amendment struck out this provision of the House bill.

The Senate recedes.

Amendment No. 37: Special price test for petroleum products financed under the foreign assistance program and barter agents' commissions

The Senate amendment added a new proviso to section 604(b) of the act, establishing a new price test for petroleum products financed under the foreign assistance program. It would preclude the supplier of petroleum products from charging a price in excess of the price he charges in comparable export sales from the source country at the time of sale. The comparable export sales price test would not apply to purchases under formal competitive bids or to commodities traded on exchanges. In determining the supplier's "comparable export sales price," sales to affiliates would be excluded.

The Senate amendment also added a new subsection (e) to section 604 of the act, providing that no funds available under the act shall be used to pay a barter agent's commission or other servicing charge or disposal fee when commodities furnished to an aid recipient country are procured through barter arrangements. Any such commission, charge, or fee would have to be paid by the supplier of the commodities so procured or by the recipient country.

The House bill did not contain comparable provisions.

The Senate recedes.

The committee of conference took note of the fact that no hearings have been held before the Committee on Foreign Relations or the Committee on Foreign Affairs on the proposals embodied in the amendment. Further, the committee of conference was informed by the executive branch that the amendment is based on assumptions which are incorrect and that it would not result in economies in the administration of foreign aid. Because of the complexity of issues involved, and the potentially far-reaching effects of the amendment on the administrative burden on AID, the committee of conference believes that the proposed changes should receive thorough study by the appropriate authorizing committees of the Congress.

Amendment No. 41: Aid to Indonesia

The Senate amendment amended section 620(j) of the act to provide that no further U.S. assistance shall be furnished to Indonesia under the act or any other provision of law and that all Indonesian military or police trainees now in the United States shall be notified of the immediate termination of such training and no other training of Indonesian nationals initiated.

The House bill did not contain a similar provision.

The committee of conference took note of the fact that section 620(j) of the act already prohibits aid to Indonesia unless the President determines that the furnishing of such assistance is essential to the national interest of the United States. The act also requires the President to report fully and currently to both Houses of the Congress on any assistance furnished to Indonesia. The committee of conference agreed that because of the fluid situation in southeast Asia and the Pacific, and in order to assure most effective use of foreign aid to serve U.S. foreign policy and security interests, the President should be allowed to retain this minimum degree of flexibility.

The Senate recedes.

Amendment No. 46: Initial assignment of foreign service personnel to Washington positions

The House bill amended section 625(d)(2) of the act to authorize the initial assignment of up to 20 AID foreign service personnel to Washington positions at any one time prior to assignment overseas.

The Senate amendment increased that number to 30.

The Senate recedes.

Amendments Nos. 47 and 48: Selection-out and separation authorities

Senate amendment (No. 47) amended subsection (e) of section 625 of the act to extend to other AID personnel the existing selection-out authority which is presently applicable only to AID foreign service personnel. Certain specified categories of personnel were excepted.

Senate amendment (No. 48) added a new subsection (j) to section 620 of the act authorizing the President to separate, notwithstanding any other provision of the law, a maximum of 100 employees of AID in the upper grades during each of the 2 years commencing with the effective date of the bill.

The House did not contain comparable provisions.

The Senate recedes. The committee of conference recognizes that there is need to strengthen the personnel structure and personnel policies of AID. On the other hand, the Senate version proposed a remedy that for the present was regarded as far reaching. The burden rests with AID to improve its personnel practices through the more rigorous and thorough application of existing laws and regulations. The problem should be kept under close and continuing review by the Congress.

Amendment No. 54: Compensation of experts and consultants

The House bill amended section 626(a) of the act to increase the maximum compensation that may be paid experts and consultants performing functions under the act from \$75 per day to \$100 per day.

The Senate amendment struck out this provision.

The Senate recedes.

Amendment No. 55: Loyalty affidavits

The Senate amendment added a new section 639 to the act stipulating that no funds under that act shall be used to make payments under any contract between the United States or any aid recipient and any individual U.S. citizen, U.S. corporation, or foreign corporation owned by U.S. citizens, unless such individual or the principal officers of the corporation file an affidavit that they do not believe in and are not members of or support any organization that believes in the violent overthrow of the U.S. Government.

The House bill contained no comparable provision.

The committee of conference noted that with respect to contracts involving the service of U.S. citizens overseas, full protection of U.S. interests is given by section 111 of the Foreign Aid and Related Agencies Appropriation Act and by AID's own regulations. Section 111 of the appropriation act provides that none of the funds available under the act shall be used to make payments with respect to any contract for the performance of services outside the United States by citizens who have not been investigated for loyalty and security in the same manner as if they were regularly employed by the United States. AID regulations go beyond this to require that all domestic nongovernment personnel must be cleared if their positions are sensitive, even if they do not have access to classified information.

The Senate recedes.

Amendment No. 58: The Powazki Cemetery in Warsaw, Poland

The Senate amendment added a new subsection (sec. 648(b)) authorizing the President, as a demonstration of good will on the part of the people of the United States for the Polish people, to use foreign currencies that have accrued to the U.S. Government under the Foreign Assistance Act or any

other act, for assistance in the repair, rehabilitation, improvement, and maintenance of the Powazki Cemetery in Warsaw, which serves as a burial place for thousands of Polish resistance fighters who fell in the Warsaw uprising of 1944. The exercise of this authority was made subject to the provisions of section 1415 of the Supplemental Appropriations Act, 1953.

The House bill did not contain this provision.

The Senate recedes.

Amendment No. 60: Sense of Congress on proceedings for reapportionment of State legislatures

The Senate amendment added a new section to the bill (sec. 403) which expresses the sense of Congress that, in any case where a district court of the United States has ordered reapportionment of either house of a State legislature to conform with constitutional requirements regarding representation, such State legislature should be allowed the length of time of a regular legislative session plus 30 days, but not to exceed 6 months, to comply. The section also expresses the sense of Congress that in such cases the next election of members of the State legislature should be conducted in accordance with the laws of such State in effect September 20, 1964. If such a State fails to apportion representation within such time limitation, it is declared to be the sense of Congress that the district court having jurisdiction shall apportion representation in such legislature among appropriate districts so as to conform to the constitution and laws of such State insofar as is possible consistent with the requirements of the Constitution of the United States.

The House bill did not contain a comparable provision.

The Senate recedes.

IV. AMENDMENTS FROM WHICH THE HOUSE RECEDED

Amendment No. 2: Interest rates on loans

The Senate version added to the act a requirement that, except for loans already authorized or committed, no development loans may be made (1) in the case of commercial loans at an interest rate of less than one-fourth of 1 percent above the average annual interest rate on U.S. interest-bearing obligations as of the end of the fiscal year preceding the year in which the loan application is filed (i.e., as of June 30, 1964, approximately 3½ percent), or (2) in the case of noncommercial loans at an interest rate of less than 2½ percent per year. In addition, the Senate version required that with respect to commercial loans principal payments may only be deferred until the productive enterprise or facility which is the subject of the loan commences operation or becomes available for operation. Thereafter principal payments shall become due at annual intervals and full payment must be made in no less than 25 years. Noncommercial loans must be paid in "regular installments" within 25 years. The amendment defines "commercial loans" as loans made for the development of productive enterprises or for facilities directly used in productive enterprise, such as equipment, machinery, supplies, materials, or land. "Noncommercial loans" are all other loans. By reason of section 251(b) of the act the Senate version would also apply to Alliance for Progress loans.

The House bill contained no comparable provision.

The House recedes with an amendment that raises the interest rate on loans during the 10-year grace period from three-fourths percent per annum to 1 percent per annum and raises the minimum interest rate for the life of the loan following the grace period from 2 percent to 2½ percent per annum. Such rates would not be effective on funds authorized or committed to be loans prior

to the effective date of the Foreign Assistance Act of 1964. These terms will also apply to Alliance for Progress loans.

The committee of conference weighed the appeal for stiffer loan terms against the more important consideration that borrowing countries not be encouraged to pursue irresponsible debt practices. Prudence requires that such nations not be burdened with unduly high loan costs until their development is sufficient to finance their debts. Any severe increase in the costs of loans would only increase the possibilities of default which would have serious consequences not only for foreign governments and international financial institutions that had loaned the money but also for private investors, many of whom are U.S. citizens.

At the same time the committee of conference noted the trend by other foreign leaders to lower their interest terms and extend the maturities and grace periods. The amendment agreed to by the committee of conference brings U.S. terms closer to those of such lenders. The language in existing law and that in the amended language accepted by the committee of conference sets minimum loan terms. It was noted that the United States has set terms for its loans above the minimum wherever the capacity of the borrower permits.

The conferees agreed that some hardening of minimum loan terms is appropriate. Further, the conferees urge AID to require interest rates above the minimum whenever possible in view of the balance-of-payments position of the borrowing country.

AID is launching a study of the relationship of U.S. lending terms to the development efforts in various countries, to the lending policies of other donor countries, and to the very serious problem of rapidly mounting debt service burdens. The Congress will have an opportunity early next year to consider the full implication of this study.

Amendment No. 7: Feasibility study of used equipment program

The Senate amendment added a new section (sec. 217) authorizing the President to use technical cooperation/development grant funds to study the feasibility of establishing a program for furnishing less developed friendly countries with used tools, machinery, and other equipment to be donated by private enterprises or acquired through normal channels of trade. The purpose would be to determine how such programs may be utilized by and contribute to the economic development of the receiving country. The President is required to report to the Congress at the earliest practicable date on the results of such study, together with recommendations.

The House recedes.

The managers on the part of the House were concerned that the use of old equipment, unless fully and carefully rehabilitated, could result in costly and unnecessary delays, but agreed to the Senate language authorizing a study and investigation to determine the feasibility of such programs. Such a study should involve neither expense nor excessive time because of reviews which have already been conducted by the Agency for International Development over the past several years.

Amendment No. 32: Special certification for military assistance

The Senate amendment added a new section 513 to the act to require either (a) that the appropriate chief of U.S. Military Advisory Group, or a corresponding officer, certify in writing at least 6 months prior to delivery that a recipient country or international organization has the capability to utilize effectively any defense articles which the United States proposes to furnish, or (b) that the Secretary of State, the Secretary of Defense, or certain designees, determine with respect to defense articles in approved programs that

it is necessary to furnish the defense articles in the absence of such certification and specifically give advance approval to the furnishing of the defense articles. In addition, the Secretary of State would be required to make a complete report of each such determination and approval and the reasons therefor to the Speaker of the House of Representatives and to the Senate Committees on Foreign Relations and Appropriations. The section would not apply to military sales under section 507 of the act.

The House bill contained no comparable provision.

The House recedes with amendments which limit the application of this section to any single defense article having a value in excess of \$100,000. The purpose of this new section is to discourage the furnishing of military equipment to countries where it cannot be used effectively. Numerous instances were reported where sophisticated and costly equipment was incapable of use either because related and necessary component parts were not provided, requirements had changed in the interval between approval of the program and the delivery date, or the recipient country itself lacked the skill or organization to use the equipment. While the managers on the part of the House recognized the persuasiveness of these arguments, they were reluctant to increase the paperwork and man-hours devoted to clearing hundreds of small items. The act already includes a definition of value. For example, rifles and trucks would not require a certification whereas aircraft and costly electronic equipment, if it has a unit value of more than \$100,000, would be covered by the language in this section.

Amendments Nos. 33 and 35: Advisory Committee on Private Enterprise in Foreign Aid

The House bill amended section 601(c) (5) of the act to raise from \$50,000 to \$100,000 the authority to use funds otherwise available under the act for the expenses of the Advisory Committee on Private Enterprise in Foreign Aid.

The Senate amendments struck the House language raising the limitation on expenses of the Committee to \$100,000 (No. 33), but retained the termination date of June 30, 1965, contained in the House bill (No. 35).

The House recedes.

The legislative history of this provision makes clear that only the direct costs of the members of the Committee are to be charged to the statutory ceiling. Such costs of backstopping the Committee operations as may be incurred by AID are not charged against the ceiling. The limitation of \$50,000 is adequate for the work of the Committee.

Amendment No. 39: Expropriations by foreign states

The Senate amendment added a new paragraph (2) to subsection 620(e) of the act, providing that no U.S. court shall refuse, on the ground of the "act of state" doctrine, to examine the validity of acts of foreign states occurring after January 1, 1959, which are alleged to be contrary to international law, unless the President determines and notifies the court that application of the "act of state" doctrine is required by U.S. foreign policy interests.

The House bill did not contain a comparable provision.

The House recedes with an amendment.

The managers on the part of the House regretted that there had not been an opportunity for thorough study and full hearings on the subject. The committee of conference amended the Senate language to pinpoint its precise effect, making it clear that it does not apply if no violation of international law principles is found, or if the case involves a short-term irrevocable letter of credit issued in good faith prior to the taking of property by a foreign state. The

exception in those individual cases in which the President determines that judicial review of the foreign government's action is not in the U.S. foreign policy interests is preserved. An additional change was added to limit the application of the amendment to cases in which the proceedings are commenced before January 1, 1966. This limitation was approved with the understanding that the congressional committees concerned will make a full review and study of the matter during the next Congress and make a determination on the need for permanent legislation.

Amendment No. 44: Productive enterprise

The House bill added a new subsection (n) to section 620 of the act providing that no assistance should be furnished for the construction or operation of any productive enterprise abroad unless the President determined that similar productive enterprises in the United States were operating at a substantial portion of their capacity and such assistance would not result in depriving such U.S. enterprises of their reasonable share of world markets.

The Senate amendment deleted this provision of the House bill.

The House recedes.

The managers on the part of the House accepted the Senate amendment after full consideration of the argument advanced in opposition that section 620(d) of the act already provides adequately for the protection of U.S. industry by requiring the administrators of the foreign assistance program to make arrangements with countries where U.S. assistance is provided for the construction or operation of productive enterprises to limit competition of such enterprises with U.S. industry.

Amendment No. 52: U.S. representative to the Inter-American Committee on the Alliance for Progress

The House bill added a new subsection (k) to section 625 of the act, relating to the employment of personnel. The new language would authorize the President to appoint or assign a U.S. citizen to be the U.S. representative to the Inter-American Economic and Social Council (IA-ECOSOC) and to be the U.S. representative to the Inter-American Committee on the Alliance for Progress. Provision for compensation for such officer was also included.

The Senate amendment deleted the reference to the IA-ECOSOC, thus authorizing the President to appoint or assign a representative only to the Inter-American Committee on the Alliance for Progress under the authority of the new section.

The House recedes.

When the House had the bill under consideration, the Executive contemplated that one individual would serve as U.S. representative to both organizations. Subsequently, the Executive changed its request to provide the special authority only for the U.S. representative to the Inter-American Committee on the Alliance for Progress.

Amendment No. 59: availability of foreign currencies

The Senate amendment added to section 502(b) of the Mutual Security Act of 1954, as amended, a provision which would restrict the use of foreign currencies by appropriate committees of the Congress engaged in carrying out their duties under section 136 of the Legislative Reorganization Act to those currencies "which are in excess of the amounts reserved under section 612(a) of the Foreign Assistance Act of 1961, as amended, and of the requirements of the United States Government in payment of its obligations outside the United States, as such requirements may be determined from time to time by the President."

The House bill contained no comparable provision.

The House recedes with an amendment, which, while retaining the Senate language, places a limitation on the use by appropriate committees of the Congress of local currencies not covered by the Senate language.

Amendment No. 61: Religious persecution

The Senate amendment added a new section to the bill (sec. 501) which expresses the sense of the Congress that the United States deeply believes in freedom of religion for all people and is opposed to infringement of this freedom anywhere in the world. The Senate amendment further declares that there is evidence that the Government of the Soviet Union is persecuting Jewish citizens by singling them out for extreme punishment for alleged economic offenses and by infringement of their freedom of religious observance, and that the Soviet Union has a responsibility to the nations of the world to match its constitutional guarantees of freedom of religion with specific action. Finally, the amendment expresses the sense of the Congress that religious persecution in the Soviet Union be condemned and that the Soviet Union in the name of decency and humanity cease the enumerated acts of persecution.

The House bill did not contain any comparable provision.

The House recedes with an amendment which expresses the consensus of the committee of conference that the religious persecution of peoples of all faiths, and the infringement of their freedom of religious observance, is repugnant and to be condemned.

THOMAS E. MORGAN,
CLEMENT J. ZABLOCKI,
EDNA F. KELLY,
WAYNE L. HAYS,
WILLIAM S. MAILLIARD,
PETER H. B. FRELINGHUYSEN,
Managers on the Part of the House.

GENERAL LEAVE TO EXTEND

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members who spoke on the extension of the continuing resolution have permission to revise and extend their remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 1965, AND FOR OTHER PURPOSES

Mr. MAHON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 12633) making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. MAHON, THOMAS, KIRWAN, WHITTEN, ROONEY of New York, FOGARTY, JENSEN, HORAN, BOW, and LAIRD.

REQUEST FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 1633 AS SOON AS FILED

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it be in order to

tired pay on account of military or naval service, the period of service upon which such retired pay is based shall not be included, except that in the case of a participant who is eligible for and receives retired pay on account of a service-connected disability incurred in combat with an enemy of the United States or caused by an instrumentality of war and incurred in line of duty during a period of war (as that term is used in chapter 11 or title 38, United States Code), or is awarded under chapter 67 of title 10 of the United States Code, the period of such military or naval service shall be included. No contributions to the fund shall be required in connection with military or naval service credited to a participant in accordance with the provisions of paragraph (a) (2) of this section.

"(f) Notwithstanding any other provision of this section or section 253 any military service (other than military service covered by military leave with pay) performed by a participant after December 1956 shall be excluded in determining the aggregate period of service upon which an annuity payable under this Act to such participant or to his widow or child is to be based, if such participant or widow or child is entitled (or would upon proper application be entitled) at the time of such determination, to monthly old-age or survivors' benefits under section 202 of the Social Security Act, as amended (42 U.S.C. 402), based on such participant's wages and self-employment income. If in the case of the participant or widow such military service is not excluded under the preceding sentence, but upon attaining age sixty-two, he or she becomes entitled (or would upon proper application be entitled) to such benefits, the aggregate period of service upon which such annuity is based shall be redetermined, effective as of the first day of the month in which he or she attains such age, so as to exclude such service.

"Credit for Service While on Military Leave

"SEC. 253. (a) A participant who, during the period of any war, or of any national emergency as proclaimed by the President or declared by the Congress, has left or leaves his position to enter the military service shall not be considered, for the purposes of this Act, as separated from his Agency position by reason of such military service, unless he shall apply for and receive a refund of contributions under this Act: *Provided*, That such participant shall not be considered as retaining his Agency position beyond December 31, 1956, or the expiration of five years of such military service, whichever is later.

"(b) Contributions shall not be required covering periods of leave of absence from the Agency granted a participant while performing active military or naval service in the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States.

"Part G—Moneys

"Estimate of Appropriations Needed

"SEC. 261. The Director shall prepare the estimates of the annual appropriations required to be made to the fund, and shall cause to be made actuarial valuations of the fund at intervals of five years, or oftener if deemed necessary by him.

"Investment of Moneys in the Fund

"SEC. 262. The Director may, with the approval of the Secretary of the Treasury, invest from time to time in interest-bearing securities of the United States such portions of the fund as in his judgment may not be immediately required for the payment of annuities, cash benefits, refunds, and allowances, and the income derived from such investments shall constitute a part of such fund.

"Attachment of Moneys

"SEC. 263. None of the moneys mentioned in this Act shall be assignable either in law or equity, or be subject to execution, levy, attachment, garnishment, or other legal process.

"Part H—Retired participants recalled, reinstated, or reappointed in the Agency, or reemployed in the Government

"Recall

"SEC. 271. (a) The Director may, with the consent of any retired participant, recall such participant to duty in the Agency whenever he shall determine such recall is in the public interest.

"(b) Any such participant recalled to duty in the Agency in accordance with the provisions of paragraph (a) of this section or reinstated or reappointed in accordance with the provisions of section 231(b) shall, while so serving, be entitled in lieu of his annuity to the full salary of the grade in which he is serving. During such service, he shall make contributions to the fund in accordance with the provisions of section 211. When he reverts to his retired status, his annuity shall be determined anew in accordance with the provisions of section 221.

"Reemployment

"SEC. 272. Notwithstanding any other provision of law, a participant retired under the provisions of this Act shall not, by reason of his retired status, be barred from employment in Federal Government service in any appointive position for which he is qualified. An annuitant so reemployed shall serve at the will of the appointing officer.

"Reemployment Compensation

"SEC. 273. (a) Notwithstanding any other provision of law, any annuitant who has retired under this Act and who is reemployed in the Federal Government service in any appointive position either on a part-time or full-time basis shall be entitled to receive his annuity payable under this Act, but there shall be deducted from his salary a sum equal to the annuity allocable to the period of actual employment.

"(b) In the event of any overpayment under this section, such overpayment shall be recovered by withholding the amount involved from the salary payable to such reemployed annuitant, or from any other moneys, including his annuity, payable in accordance with the provisions of this Act.

"Part I—Voluntary contributions

"SEC. 281. (a) Any participant may, at his option and under such regulations as may be prescribed by the Director, deposit additional sums in multiples of 1 per centum of his basic salary, but not in excess of 10 per centum of such salary, which amounts together with interest at 3 per centum per annum, compounded annually as of December 31, and proportionately for the period served during the year of his retirement, including all contributions made during or for such period, shall, at the date of his retirement and at his election, be—

"(1) returned to him in lump sum;

"(2) used to purchase an additional life annuity;

"(3) used to purchase an additional life annuity for himself and to provide for a cash payment on his death to a beneficiary whose name shall be notified in writing to the Director by the participant; or

"(4) used to purchase an additional life annuity for himself and a life annuity commencing on his death payable to a beneficiary whose name shall be notified in writing to the Director by the participant with a guaranteed return to the beneficiary or his legal representative of an amount equal to the cash payment referred to in subparagraph (3) above.

"(b) The benefits provided by subparagraphs (2), (3), or (4) of paragraph (a) of this section shall be actuarially equivalent in value to the payment provided for by subparagraph (a)(1) of this section and shall be calculated upon such tables of mortality as may be from time to time prescribed for this purpose by the Director.

"(c) In case a participant shall become separated from the Agency for any reason except retirement on an annuity, the amount of any additional deposits with interest at 3 per centum per annum, compounded as is provided in paragraph (a) of this section, made by him under the provisions of said paragraph (a) shall be refunded in the manner provided in section 241 for the return of contributions and interest in the case of death or separation from the Agency.

"(d) Any benefits payable to a participant or to his beneficiary in respect to the additional deposits provided under this section shall be in addition to the benefits otherwise provided under this Act.

"Part J—Cost-of-living adjustment of annuities

"SEC. 291. (a) On the basis of determinations made by the Civil Service Commission pursuant to section 18 of the Civil Service Retirement Act, as amended, pertaining to per centum change in the price index, the following adjustments shall be made:

"(1) Effective April 1, 1966, if the change in the price index from 1964 to 1965 shall have equaled a rise of at least 3 per centum, each annuity payable from the fund which has a commencing date earlier than January 2, 1965, shall be increased by the per centum rise in the price index adjusted to the nearest one-tenth of 1 per centum.

"(2) Effective April 1 of any year other than 1966 after the price index change shall have equaled a rise of at least 3 per centum, each annuity payable from the fund which has a commencing date earlier than January 2 of the preceding year shall be increased by the per centum rise in the price index adjusted to the nearest one-tenth of 1 per centum.

"(b) Eligibility for an annuity increase under this section shall be governed by the commencing date of each annuity payable from the fund as of the effective date of an increase, except as follows:

"(1) Effective from the date of the first increase under this section, an annuity payable from the fund to an annuitant's survivor (other than a child entitled under section 221(c)), which annuity commenced the day after the annuitant's death, shall be increased as provided in subsection (a)(1) or (a)(2) if the commencing date of annuity to the annuitant was earlier than January 2 of the year preceding the first increase.

"(2) Effective from its commencing date, an annuity payable from the fund to an annuitant's survivor (other than a child entitled under section 221(c)), which annuity commences the day after the annuitant's death and after the effective date of the first increase under this section, shall be increased by the total per centum increase the annuitant was receiving under this section at death.

"(3) For purposes of computing an annuity which commences after the effective date of the first increase under this section to a child under section 221(c), the items \$600, \$720, \$1,800, and \$2,160 appearing in section 221(c) shall be increased by the total per centum increase allowed and in force under this section and, in case of a deceased annuitant, the items 40 per centum and 50 per centum appearing in section 221(c) shall be increased by the total per centum increase allowed and in force under this section to the annuitant at death. Effective from the date of the first increase under this section, the

provisions of this paragraph shall apply as if such first increase were in effect with respect to computation of a child's annuity under section 221(c) which commenced between January 2 of the year preceding the first increase and the effective date of the first increase.

"(c) No increase in annuity provided by this section shall be computed on any additional annuity purchased at retirement by voluntary contributions.

"(d) The monthly installment of annuity after adjustment under this section shall be fixed at the nearest dollar."

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

AMENDING SECTION 5 OF THE EMPLOYMENT ACT OF 1946

Mr. BOLLING. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 3174) to amend section 5 of the Employment Act of 1946.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(e) of the Employment Act of 1946, as amended (15 U.S.C. 1024; 60 Stat. 23, Public Law 304, Seventy-ninth Congress) is amended to read as follows:

"(e) To enable the joint committee to exercise its powers, functions, and duties under this Act, there are authorized to be appropriated for each fiscal year such sums as may be necessary, to be disbursed by the Secretary of the Senate on vouchers signed by the chairman or vice chairman."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MODIFYING RETIREMENT BENEFITS OF DISTRICT OF COLUMBIA JUDGES

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution, House Concurrent Resolution 370.

The Clerk read the concurrent resolution as follows:

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives in the enrollment of the bill (H.R. 5871) to amend section 11 of the Act of April 1, 1942, in order to modify the retirement benefits of the judges of the District of Columbia Court of General Sessions, the District of Columbia Court of Appeals, and the Juvenile Court of the District of Columbia, and for other purposes, is authorized and directed—

(1) to strike out all after the enacting clause down through and including "Sec. 11, (a) (1) Any judge" and insert in lieu thereof the following:

That section 11-1701 of the District of Columbia Code is amended to read as follows:

"§ 11-1701. Retirement, resignation, and nonreappointment of judges; recall

"(a) (1) Any judge"

(2) to strike out in the title of the bill "amend section 11 of the Act of April 1, 1942, in order to".

Mr. McMILLAN. Mr. Speaker, the purpose of this concurrent resolution is to direct the Clerk of the House to make a technical amendment in enrolling the bill H.R. 5871:

To amend section 11 of the act of April 1, 1942, in order to modify the retirement benefits of the judges of the District of Columbia Court of General Sessions, the District of Columbia Court of Appeals, and the Juvenile Court of the District of Columbia, and for other purposes.

Two days ago, the House concurred in the Senate amendments to H.R. 5871, but a technical error remains therein and should be corrected before the bill goes to the President.

Briefly, H.R. 5871 passed the House originally on October 14, 1963, and was sent to the other body. Subsequently, namely, on December 23, 1963, Public Law 88-241 was approved which recodified certain sections of the District of Columbia code, including the section pertaining to the retirement of judges, which H.R. 5871 amends.

Properly thereafter, the other body, when considering H.R. 5871, should have amended the same to refer to the codified section, and that is what the resolution now directs the Clerk of the House to correct.

The concurrent resolution involves no change whatever in substance.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

MAKING IN ORDER CONFERENCE ON H.R. 11380, TO AMEND FURTHER THE FOREIGN ASSISTANCE ACT OF 1961.

Mr. SMITH of Virginia. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 895 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That immediately upon the adoption of this resolution the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, with the Senate amendments thereto, be, and the same hereby is, taken from the Speaker's table, to the end that the Senate amendments be, and the same are hereby, disagreed to and that the conference requested by the Senate on the disagreeing votes of the two Houses be, and the same is hereby agreed to.

Mr. SMITH of Virginia. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. Brown], and pending that I yield myself such time as I may consume.

Mr. Speaker, this is a rather important proposition which is going to be pre-

sented to the House today. This is a rule to send to conference the foreign aid bill. There are two provisions in it which are quite controversial. One is a Senate amendment with respect to the civil service status of employees of the foreign aid agency. The other is the so-called Dirksen amendment, which was adopted in the other body, which I shall discuss in a few minutes.

Let me say that I understood there would be a motion to instruct the conferees with respect to the first item which I have mentioned. We had before the Rules Committee yesterday the chairman of the Committee on Foreign Affairs, who gave us very definite assurances that the House conferees would not agree to that in conference, and that if it were insisted upon by the Senate conferees the House conferees would bring the matter back to the House so that the House could have a vote and either reaffirms or not reaffirms previous action on this matter. I believe it was rejected by the House when the bill was passed.

I hope this meets with the approval of the gentleman who is going to offer the motion to instruct. It would seem to me that would accomplish the object which the gentleman desires to accomplish, of giving the House the opportunity to vote upon the matter. We have a very positive understanding with the chairman of the Committee on Foreign Affairs that that will be done and that the House will be given the opportunity to vote if the conferees cannot strike it out in the conference.

Mr. JOHANSEN. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from Michigan.

Mr. JOHANSEN. I wish to comment that I appreciate the assurance the gentleman makes with respect to the substitute for the Dirksen amendment and that it conforms to my understanding and meets the purpose I had in objecting yesterday.

Mr. SMITH of Virginia. The other matter is the Dirksen amendment. We have had our debates about that in the House, on the so-called Tuck bill. The House has expressed itself by a very substantial majority in favor of the Tuck bill, which would do something about the reapportionment decision of the Supreme Court.

The Dirksen amendment, let me say to you, in my judgment and in the judgment of all of those to whom I have talked, has certainly no binding effect. If it had any binding effect, the tail end of the sentence which gives it its effect would repeal that. However, I am chiefly concerned about the Dirksen amendment because of the concluding paragraph, which is paragraph (b) and which is found on page 27 of the amended foreign aid bill as it comes back to the House. Now, the House has expressed itself very firmly I think on its refusal to recognize the constitutional power of the Supreme Court to enact legislation. Everybody knows that no such thing was contemplated by our Constitution or by any amendment attached thereto. If

there is one vital principle about our system of government, it is that we must carefully preserve the basic principle of three separate and distinct branches of the Government—legislative, executive, and judicial—laid down and prescribed in the Constitution itself in very plain words.

Some people may say that this does not affirm by the Congress the right of the Supreme Court to enact legislation. I specifically want to call the attention of the House to the language of that subparagraph (b) on page 27 of the amended bill as it comes to us from the other body because it specifically authorizes and, in fact, it urges the Supreme Court to enact a law. Now in an apportionment bill apportioning the State legislatures that is a law, that is legislation. If some resident of my State or of your State desires to know in what legislative district he is, then he looks at the law enacted by the legislature in accordance with the Constitution. However, if this present policy is pursued, then you do not look in your statute books to find out what the law is. No. If you want to know in what legislative district you live and in what magisterial district of your State you are, because that is what follows, and if you want to know what ward in your city you live in, you do not look at the law written in the law books, but you have to go and get a lawyer or yourself be able to ferret out and read the decision of the Supreme Court in order to know in what legislative or magisterial district you are. There is not any question in the world but that this is plain, simple, 100 percent, without any doubt and without any argument, legislation enacted by the Supreme Court of the United States. This House has within the past few weeks repudiated the idea of the Supreme Court under any circumstances, under any conditions, or any construction of the Constitution being authorized to enact a law.

Now I want to read you this clause in subparagraph (b) and if you agree to this Senate amendment, then here is what you have agreed to. It says:

(b) In the event that a State fails to apportion representation in the legislature in accordance with the Constitution within the time granted by any order pursuant to this section, the district court having jurisdiction of the action shall apportion representation in such legislature among appropriate districts so as to conform to the constitution and laws of such State insofar as is possible consistent with the requirements—

Now, it says so right there. There is not any question about it. It says that the courts shall apportion. In other words, they must enact a law specifying what the various and sundry districts are. How can a conscientious legislator who has taken the trouble to read—just to read—that sentence ever vote for any such thing as that? I am one of those who would like very much, as most of you know, to enact some legislation that would have some effectiveness that would stop this march of the Supreme Court into the legislative field. Because if you ever agree to this, be forewarned that

the Supreme Court of the United States will be your chief legislative body from this day on. And you do not know what they might be legislating on in the next phase of this march toward a foreign system of government which we have never had occasion to encounter before in this country.

This is the first case in any study that I have made of the subject, in which the Federal courts, in all the history of this Nation, have undertaken to write law and take from the legislative bodies of the Federal Government and of the State governments their primary function to enact laws. They may be declared unconstitutional. They may issue an injunction, and they do. But this is the first time, I assert, that they have ever gone so far as to actually physically enact the law which shall be binding upon the people which is the primary function of the legislative body.

So I trust that the conference committee will—and I have the assurance of the chairman of the Committee on Foreign Affairs that the House conferees will reject this Senate amendment which means nothing with respect to the purposes for which it was presumably designed, because it is utterly futile; but means very much, and represents a very deep road into the functions, and the exclusive functions of the legislative bodies of this country, both in the States and the Federal Government.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. Mr. Speaker, I am delighted to yield to the gentleman from New York, the chairman of the Committee on the Judiciary.

Mr. CELLER. Do you think it would be possible for the Senate conferees, in light of the history of the Dirksen amendment, to agree to that rejection? You remember, there was a filibuster of some 35 days, and we have a sort of a stalemate. We are all anxious to go home. I know this is a rather long question, but does the gentleman agree that the so-called Dirksen amendment is really of no real consequence in the sense that it only expresses the sense of Congress?

Mr. BROWN of Ohio. Mr. Speaker, may I suggest to the gentleman that we cannot hear him on this side.

Mr. CELLER. I thought that the Senate conferees might not, in light of the history of the Dirksen amendment, accept the rejection suggested by the gentleman from Virginia of the Dirksen amendment. There was, as we all know, a very prolonged and acrimonious debate in the Senate which resulted in a so-called compromise, which is the last form of the Dirksen amendment. Of course, if the Senate conferees would not accept the rejection of the House conferees, there would be a stalemate and there would exist another reason why we could not possibly get home and do our necessary campaigning.

I am curious to know the gentleman's reaction in that respect.

Mr. SMITH of Virginia. Well, the gentleman from New York and I usually

get along pretty good. But I might say to him in reply that my first reaction to it is that if the gentleman would get busy over in his committee and bring us out a constitutional amendment or bring us out something with some teeth in it, we would not be in this situation. I still hope that he might do that. I know he is conscientious in his view, just as the rest of us are. But this is a serious and vital situation.

I wonder if the gentleman agrees with me that these decisions of the Supreme Court and the decisions of the lower courts in which they undertake to actually write and put upon the people a reapportionment act—the gentleman surely does not disagree with me that that is legislation?

Mr. CELLER. Mr. Speaker, if the gentleman will yield further, I do not believe that the gentleman from Virginia puts the proper interpretation upon what the Supreme Court or the lower Federal courts can do with reference to marking out the lines of the various boroughs in the various States for seats in the legislatures of the States.

The courts have equity powers. They simply say to the officials of the States, we feel that these lines should be drawn thus and so.

Mr. SMITH of Virginia. Oh, no, no, no, they do not.

Mr. CELLER. An order to draw lines thus and so, and if you do not do it, you will be in contempt of the court.

Mr. SMITH of Virginia. Oh, no, no, no.

Mr. CELLER. It does not follow that the lines must be exactly as the Supreme Court laid them out. They can be appreciably in that manner.

There are a number of decisions in that respect. All the courts do is to say to the State legislature, do away with the so-called rotten boroughs, do away with the maladjustments and establish the principle of one person, one vote. If you do not do it, we will say that you must do it thus and so. But it simply says, in effect, if you do not do it then you are fined for contempt of court.

I do not see that the exercise of the equity powers of the court in that respect is legislation.

Mr. SMITH of Virginia. Now the gentleman from New York has one of the busiest if not the busiest committee in this House of Representatives. It is certainly one of the busiest committees. I cannot reprimand him for not being able to read all of these Supreme Court decisions, because that would require a good deal of time. But, certainly, the gentleman is wrong. If he will just read the decisions he will find they do not say that we believe you ought to do so and so and we believe you ought to follow such and such lines. If you do not follow such and such lines, you will be in contempt. What they do in these decisions is this:

The Supreme Court has within the past 10 days directed the circuit court in Virginia to the effect that if the State of Virginia did not enact a satisfactory bill to the court within a certain num-

ber of days—and they are very few days, by the way—then the court shall reapportion the State in accordance with how they think it ought to be reapportioned. There is not a question of a doubt about that. I am sorry that the gentleman from New York has not had the time to read the decisions.

Mr. CELLER. Mr. Speaker, will the gentleman yield further?

Mr. SMITH of Virginia. I do not yield further, because my time is limited.

Mr. Speaker, I now yield to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

(Mr. BROWN of Ohio asked and was given permission to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, I rise in support of this resolution because I feel very strongly that this bill should go to conference, in the hope that the conferees will be able to bring back a single bill instead of a double-barreled measure.

I have stood on this floor many times in opposition to legislation where the other body has, contrary to the rules of the House, at least, added language that was not germane to the House-passed bill, and sent it back to us with such an amendment, for us to take from the Speaker's desk and accept or reject the amendment. Under such a procedure you have no right to debate the measure in its entirety. You can either accept or reject that which the other body has added to a measure that is in no way germane to the amendment as offered in the other body.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Indiana.

Mr. HALLECK. Mr. Speaker, I have asked the gentleman from Ohio to yield to me at this point in order to make an observation or two which I believe is pertinent to the matter now before us, and will also have to do with a resolution that will be offered shortly, as I understand it, a continuing resolution for appropriation bills not yet enacted into law.

Mr. Speaker, we could have had this action a day or two ago if it had been deemed advisable on the part of the majority leaders. But in any event we do have it up today. I agree with the gentleman from Ohio on this matter of conference. I understand that the conferees have been meeting informally, which frequently happens around here when we get toward the closing days of the session, so that when they are finally or officially designated and officially constituted, they can resolve their differences quickly in a conference report.

The point I am making is this: This goes to conference today. The conferees could meet and agree on and file a conference report this evening. The conference report could be debated tomorrow and if it were filed today we could have an arrangement by which it could be considered today. Why is that important in the scheme of things around here? Because the foreign aid appro-

priation bill and the supplemental appropriation bill are the only ones left not enacted into law.

The Appropriations Committee of the other body has already reported an appropriation bill for foreign aid and, as I understand it, the same is true in respect to the supplemental appropriation bill. If we moved in that fashion the appropriation bills could be concluded this week. We could get these appropriations worked out and finally enacted into law this week, which would achieve the desire as quickly as adoption of the resolution that has been offered for a 10-day continuation which I shall oppose. Then there would be no reason in the world why we cannot adjourn sine die at the end of this week and, if I sense the temper of the Members of the House, that is what needs to be done.

There is pending a social security conference. I see no reason why that conference report cannot be resolved if it is deemed desirable to bring in the very fine and generous provisions that the House enacted in the Social Security Act. That, too, could be acted upon this week.

Except for someone's insistence, for what reason I cannot understand, that we do this and we do that, like Appalachia, where a rule has been pending for 42 days and no action taken, as I say, we can adjourn and go back home, and I hope that is the way we may proceed.

Mr. BROWN of Ohio. I thank the gentleman from Indiana for that which he has said. I find myself in complete agreement with the statement he has just made.

I am very much concerned over this legislation. The House itself has spoken its belief and its will as far as the Supreme Court decisions on apportionment of votes in State legislatures are concerned. They did it by a strong majority in the House. The Rules Committee has acted on legislation. I believe the House itself has done everything it could to bring about a proper and an orderly solution to the problem that has been created as a result of the recent Supreme Court decisions affecting State legislatures.

I have a strong feeling that the Senate amendment on State reapportionment that was added to the foreign-aid authorization measure is something that could not be done under the rules of the House. It would not have been germane. It has no business in a bill of this kind. We ought to legislate on these two important matters, one on foreign-aid authorization and the other on the apportionment decisions, on their own merits, and not try to tie the two together to endeavor to mislead somebody to say, "Well, in effect we will make it so that in order to get this you will have to vote for that, or vice versa." I do not like that kind of legislating in the Congress of the United States. I do not think it is dignified, I do not think it is proper, I do not think it is in good taste. I am sorry to see we are confronted with legislation of this type. So I am hopeful the House will see fit to send this legislation to conference and that the conferees can work out some

sort of arrangement where at least we will have an opportunity to pass upon one question at a time, instead of some joint mixed-up effort such as has been proposed by the legislation sent to us by the other body.

Mr. AYRES. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Ohio.

Mr. AYRES. Mr. Speaker, I should like to call the attention of the House to the fact that the bill H.R. 1927, which was a pension bill for non-service-connected veterans, is over in the other body now. The conferees on the part of the House have been appointed. We have been advised by the chairman, the gentleman from Texas [Mr. TEAGUE], that we are ready to meet at any time. The only thing that is holding up the conference, as I understand it, is that in the other body, the NSLI—the national service life insurance—was added on to the foreign aid bill. Of course, that is a very controversial piece of legislation. As far as the House conferees are concerned, we are awaiting a call from the other body.

Mr. BROWN of Ohio. As I understand it, that would not have been germane if it had been offered to the measure in the House.

Mr. AYRES. That is correct. The House turned it down for a number of years. The last time it turned it down was just about a week ago.

Mr. BROWN of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa [Mr. GROSS].

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, it has been my intention to offer a motion to instruct the conferees with reference to the select-out authorization which was inserted in this bill by the other body as an amendment. However, in view of the statement made by the distinguished gentleman from Virginia [Mr. SMITH], who related the statement made to the Rules Committee on yesterday, that the managers on the part of the House would go to the conference in opposition to Senate amendments numbered 47 and 48; that the managers on the part of the House will oppose this select-out procedure, I may change my mind. However, I should like to have that statement made on the House floor by the distinguished gentleman from Pennsylvania [Mr. MORGAN], the chairman of the House Committee on Foreign Affairs.

Mr. SMITH of Virginia. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Certainly, I am always glad to yield to the gentleman.

Mr. SMITH of Virginia. I am going to yield to the gentleman from Pennsylvania [Mr. MORGAN] as soon as the gentleman from Iowa concludes.

Mr. GROSS. I thank the gentleman. I would like to have that statement in the Record.

I would like to take just a few minutes to explain to the Members of the House, since this was not an issue when the authorization bill was previously before

the House. The same provisions were defeated in the House Committee on Foreign Affairs by a vote of more than 2 to 1, and therefore, I am surprised that the other body would have the audacity to put such authority in the bill, well knowing that the House had knocked it out by that margin. What do the amendments provide? It is proposed to set aside civil service procedures, veterans preference, and give the AID agency the authority to summarily discharge 100 employees each year for 2 years. So far as I know, no such authority is given to any other agency of Government and this kind of raw power ought not to be given to the AID agency. Every House Member wants the Government to get rid of the deadwood and the inefficient, and let me point out that throughout the Government service last year other agencies and departments brought 36,000 adverse actions against their employees while AID was giving ingrade promotions to every employee except one. If there was so much inefficiency and so much deadwood in the AID agency last year, why did they give all of their employees, with a single exception, ingrade promotions while other agencies of Government that had inefficient and deadwood took 36,000 adverse actions against them?

I say again, this is the rawest kind of power to set aside all civil service procedures and I remind you that the American Legion, the Veterans of Foreign Wars, the AFL-CIO and union organizations dealing the Federal employees all appeared before our committee earlier this year in vigorous opposition to this proposal.

I trust that the chairman of the House Committee on Foreign Affairs will give the House today complete assurance that there will be no temporizing with this issue when the managers on the part of the House go to conference on the bill. I would hope he would further say that there would be no compromise of any kind. If we are by this devious means going to give special privilege to AID, it means we could not deny it to any other department or agency of Government. This would be piecemeal abandonment of the civil service system and the protection that system affords to employees. I say repeal or abandon entirely the civil service procedures, but do not do it by a piecemeal approach as is here proposed.

Mr. O'HARA of Illinois. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am pleased to yield to the gentleman.

Mr. O'HARA of Illinois. The gentleman from Iowa and I do not always agree on foreign policy, but in this matter I agree with the gentleman 100 percent. He is entirely right and he is expressing the sentiment of the great majority of our committee including our chairman.

Mr. GROSS. I would like to say that the gentleman from Illinois [Mr. O'HARA] was one of the strong supporters of the motion I made in the Committee on Foreign Affairs to strike this exact language from the bill.

Mr. BECKWORTH. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Texas.

Mr. BECKWORTH. I want to concur in the statement that this would be a piecemeal approach to a very serious problem that exists not only with reference to the AID agency but with reference to other agencies and before it is done if it ever should be it ought to be studied very thoroughly over quite a period of time. I certainly concur with what the gentleman had said that this is a piecemeal approach to this problem. Indeed, it would be unfair to many veterans and career employees in my opinion. I want the action of our Foreign Affairs Committee in deleting the provision to be sustained.

Mr. GROSS. I thank the gentleman.

Mr. SMITH of Virginia. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the Committee on Foreign Affairs, the gentleman from Pennsylvania [Mr. MORGAN].

(Mr. MORGAN asked and was given permission to revise and extend his remarks.)

Mr. MORGAN. Mr. Speaker, I take this time to clarify my own position. Yesterday, due to the objection which was made to the Foreign Aid bill being sent to conference, it was necessary to go to the Rules Committee and to get a rule. I was the only one of the proposed conferees who testified before the Rules Committee. My position on this so-called amendment was rigid, and I so stated to the chairman of the Rules Committee. I was speaking for myself and not the others of the proposed six conferees.

Mr. Speaker, as chairman of the Committee on Foreign Affairs and also in my capacity as a prospective House conferee on the foreign aid bill, I regard it as an obligation to do my best to secure Senate approval of the provisions voted by the House. I very much hope that we will not send the bill to conference with instructions. I am glad to hear the gentleman from Iowa say he is not going to seek to instruct the conferees.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. I have not quite reached that decision, and the gentleman just threw some doubt into my mind when he said he was speaking only for himself.

I believe conferences have been held with Members of the other body, even though this bill has not been formally sent to conference. I believe the gentleman and other members of the conference should have something to say at this time, stating their positions with respect to this issue.

Mr. MORGAN. I can assure the gentleman from Iowa that in the preconference meetings which have been held, this section of the bill has never been reached, so there has been absolutely no discussion with the other proposed six conferees of the House on this particular issue, and I had no opportunity to express other than my own opinion.

Mr. GROSS. If there are other

Members who apparently will be selected as House conferees on the House floor, they can save a little time today by making known their positions with respect to this matter.

Mr. MORGAN. I have taken this time in order to clarify my own position for the gentleman from Iowa.

My distinguished colleague, the gentleman from Iowa, is the author of the amendment which struck this provision from the bill. As chairman of the Foreign Affairs Committee my vote was the first vote of the 16 cast in favor of his amendment, which was opposed, as he knows, by only 6 Members.

I certainly want to convince the gentleman that my position is the same as his. Otherwise I would not have cast my vote in committee for his amendment to remove both these sections from the foreign aid bill. I have some very strong feelings on this, as the gentleman knows.

The jurisdiction of the Committee on Foreign Affairs has been challenged on this subject, but this is not the issue. The author of the amendment deleting the "selection-out" authority was sincerely concerned over it as a threat to the civil service merit system. I had previously expressed my own view that it was highly controversial and I was reluctant to have the provision remain in the bill, as the gentleman knows, but I did not oppose it on the basis of the jurisdictional fight between the House Committee on Foreign Affairs and the House Committee on Post Office and Civil Service. I was sincere in my effort to help the gentleman on the case that he made with respect to the attack on the civil service merit system.

As I understand the parliamentary procedure in regard to this, regardless of whether the House conferees are instructed or not, they would have four possible courses of action.

First, we could do our best to have the Senate recede. If successful, then there would be no further problem. Second, if we failed, we could disregard the instructions and reluctantly accept the Senate provisions. Third, we might be able to secure a compromise acceptable to both Houses. Fourth, if we failed to have the Senate recede, we could report Senate amendments Nos. 47 and 48 back in disagreement, bringing the matter back to the House for a separate vote.

Mr. GROSS. Mr. Speaker, will the gentleman yield on that point?

Mr. MORGAN. I yield to the gentleman from Iowa.

Mr. GROSS. Would the gentleman at this time care to assure the House, since he will control all the time, in such an event there would be a reasonable amount of time to discuss the amendments, as they might come back in disagreement from the conference?

Mr. MORGAN. I can assure the gentleman that there will be a reasonable amount of time to discuss the amendments in the hour allotted on the conference report.

The SPEAKER. The time of the gentleman has again expired.

Mr. SMITH of Virginia. Mr. Speaker, I yield the gentleman one additional minute.

Mr. ZABLOCKI. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Speaker, I have had the privilege of serving on conference committees with our chairman on numerous occasions. I want to reassure the gentleman from Iowa that the chairman of the Committee on Foreign Affairs always stands fast in adhering to the position of the House. I can assure him that he will do likewise in this instance. As the gentleman from Iowa knows, I, too, voted with the majority in striking out this section in the Committee on Foreign Affairs. Our vote was sustained by the House. We will do our best to maintain the position of the House. I do not think that it would be fair to imply that our chairman will not try to do his best to bring back a bill reflecting the position of the House, by formally instructing him to do that very thing. I do not believe that there is anything in the record of his past performance to justify such lack of confidence.

Mr. BROWN of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. ADAIR].

Mr. ADAIR. Mr. Speaker, as a prospective conferee upon this bill I can speak only for myself. For myself I will say that I am fully prepared to sustain the position of the House in this matter, and I expect to do so. However, in honesty and frankness, I must point out that the conferees are not yet appointed; that we are not, as the chairman of the committee has said, in a position to speak for all of the conferees collectively; and the Members of the House must have that in mind.

Mr. MORGAN. Mr. Speaker, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman from Pennsylvania.

Mr. MORGAN. I have had a check made and I am unable to find any instances in the past 25 years where the Committee on Foreign Affairs conferees have received instructions. This is a pretty good indication that they have lived up to their obligations to support the positions taken by the House and there is no need to deviate from this practice. I assure the House that instructions will not be necessary to assure its acceptance.

Mr. BROWN of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia [Mr. BROYHILL].

Mr. BROYHILL of Virginia. Mr. Speaker, I was happy to learn of the assurance given to the House by the chairman of the Committee on Foreign Affairs that he would make every effort to have the amendment which was adopted by the other body regarding selecting out authority on the part of the Agency for International Development deleted in that conference. I think all of us can agree here that it is highly desirable to get rid of incompetents and misfits wherever and whenever they exist in any Federal agency. We should always strive to improve the efficiency and the quality of personnel in all Federal agencies. We are constantly trying to do that. We do it every year through-

out the year in the various legislative approaches such as here recently where we had an increase in pay and an improvement in retirement benefits. There are many ways in which we try to improve the working conditions. There is no quarrel with the fact that it is desirable to have administrative flexibility insofar as personnel management is concerned. However, we also must have legal guidelines in order that there will not be abuse.

The gentleman from Iowa [Mr. GROSS], pointed out several reasons why this amendment should be taken out. I should like to amplify some of those reasons. In fact, just 2 years ago I believe we gave the Agency for International Development similar authority, that is, authority to weed out the so-called misfits. Yet they were unable to do so with the authority we gave them 2 years ago, so what assurance do we have that similar authority here would help them to weed out deadwood now? Why should this agency have such special treatment? They claim they have higher than average personnel. The Agency for International Development claims they have a need for higher than average personnel, but I doubt whether the National Aeronautics and Space Agency will agree or that the Federal Aviation Agency will agree or that the Department of the Army will agree with that. If the Agency for International Development has special authorities, then other agencies have a right to come in and expect them, also.

I believe if we allow this amendment to stand it is going to cause more loss of morale and trust on the part of high level employees in the Agency for International Development, which is going to cause that type of employee to seek employment elsewhere. Therefore in the final analysis, in the long run, it is going to lower the caliber of employees.

As the gentleman from Iowa, [Mr. GROSS], has pointed out, there is ample authority, there are sufficient rules and regulations, to get rid of incompetents. In fact, 36,000 were discharged under civil service laws and regulations last year.

Incidentally—and this is most interesting—the Agency for International Development has had five different personnel officers within the last 4 or 5 years. I think that can lead to the question whether or not this is a matter of administration. Should we actually give new authority and enact a special law in order to overcome the inefficiency of leadership in the Agency for International Development?

I submit, Mr. Chairman, if this special authority is granted to the Agency for International Development, then other agencies of Government have the right to expect the same authority. It is going to open the floodgates for political abuse and pressure and it can have a tendency to destroy confidence in the civil service system. If such special authority is merited, if this is a special and peculiar type of agency, then let the matter be considered by the Committee on Post Office and Civil Service and have them make a determination as to where this

agency differs from other agencies and enact a special amendment to the civil service law.

Mr. HENDERSON. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman.

Mr. HENDERSON. Mr. Speaker, I want to associate myself with the very fine remarks that the gentleman has just made. This is a most important issue. The gentleman has been following it very closely. I think the membership of the House should recognize that our distinguished colleague from Iowa has performed a noble service to the civil service merit system of this country in staying on this issue throughout. It has been most important. I can say, as chairman of the Manpower and Utilization Subcommittee, that the employees of this Nation have been vitally concerned with this proposal that would destroy the merit system. I agree with the gentleman fully that there is ample authority, in our opinion, to remove these employees if they are not able, if they are not competent. If that is not the case then we should enact the necessary legislation to give all agencies such authority.

Mr. BROWN of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. JOHANSEN].

(Mr. JOHANSEN asked and was given permission to revise and extend his remarks.)

Mr. JOHANSEN. Mr. Speaker, at the outset I associate myself as a member of the House Committee on Post Office and Civil Service with the statements made by the gentleman from Iowa [Mr. GROSS] and the gentleman from Virginia [Mr. BROYHILL] relative to the Senate amendment which they were discussing. I have asked for this time, however, to make some additional remarks respecting Senate amendment No. 60, the amendment relating to legislative apportionment.

Let us understand clearly and quickly what this sense of Congress resolution does.

With respect to delaying the implementing of the June 15 Supreme Court legislative apportionment decisions this amendment says that the Congress thinks it would be nice if the members of the Judiciary would delay implementing those decisions.

Now, Mr. Speaker, they do not have to do this, but the Congress thinks it would be jolly nice of them if they would.

Mr. Speaker, may I point out to my colleagues that Mr. Chief Justice Warren in the majority opinion June 15 said expressly that the courts were under no obligation to implement these decisions instantly if it interfered with or embarrassed an election process already underway.

Mr. Chief Justice Warren, in a word, said he thought it would be nice if they allowed a reasonable delay with respect to the impending election. But some of these Federal courts have no more respect for Mr. Chief Justice Warren's recommendation as to what would be nice than they will have for the Congress if we state that it would be nice if they heeded our sense of Congress resolution.

But in the matter of the last paragraph of amendment No. 60—so ably described by the gentleman from Virginia [Mr. SMITH]—there is the real clincher and the real clinker. This says that it is the sense of Congress that the Federal courts shall redistrict if the legislatures have not acted within the 6 months' time limit provided by the amendment. It says if the legislatures have not acted "pursuant to the Constitution" That means, translated literally, "pursuant to the June 15 decisions of the Court."

This amendment underwrites the very principle repudiated by this House in adoption of the Tuck amendment, the principle that population must be the sole factor of representation in both houses of the State legislature.

This amendment means it would be the sense of Congress if adopted that that is hereafter a constitutional principle.

This means that we would underwrite the abuse of authority I referred to earlier this afternoon in which a 3-judge panel in Connecticut has suspended elections called for by the Constitution or by statute, with respect to the legislative branch in that State.

This means also by further implication that the audacious next step already initiated in my own State of Michigan is underwritten by the sense of the Congress.

Mr. Speaker, a judicial decision—and I hope the Members will hear this—in the State of Michigan has already applied the principle laid down and the authority claimed under the June 15 decisions of the Supreme Court, to the county boards of supervisors in the State of Michigan.

Now this means that we are going to have, if the ultimate logic is pursued, the Federal Judiciary dictating representation on and the makeup of the county boards of supervisors.

The gentleman from New York [Mr. CELLER] whom I respect greatly, intimated that we ought not to pursue this matter because it might arouse opposition in the other body and they might resort to another filibuster and thus we might not be able to go home quite so soon.

Mr. Speaker, for what purpose are we here as the sworn representatives of the people if it is not to protect the elective process, if it is not to protect the legislative operations and authority, if it is not to protect the historical principles of representation in our State legislatures, if it is not to curb the interference and usurpation of the judiciary?

Mr. Speaker, I would rather go down to defeat staying here until the last day of this session, until the last day of this year, than acquiesce to this kind of a sense-of-Congress resolution.

Mr. SMITH of Virginia. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. HAYS].

Mr. HAYS. Mr. Speaker, as one of the prospective conferees, I would like to address myself to the gentleman from Virginia [Mr. SMITH], chairman of the Rules Committee. I listened to his remarks very intently. I think he would agree with me that since the Senate did spend 35 days on this section they are

not going to give it up, very lightly, and there is a reasonable assumption that the conferees on the House side are going to have difficulty in having this section stricken.

I agree with the gentleman from Virginia that it really does not mean much. He and I agree that section B, which he objects to, as I understand it, more strenuously than any other section, would have at least an implication that the Congress is saying that in case a State fails to apportion, the court will do it. I do not really think that, even though some people in the House might agree, that in case a legislature does not, somebody should. I do not think we ought to approach that in this back door fashion.

So I come to a question which I would like to propound to the gentleman: In view of the fact we are concerned with the situation, if we get section B stricken or modified to where it did not do this, the House conferees would be achieving about as much as they could achieve under the circumstances?

Mr. SMITH of Virginia. As to what they can achieve under the circumstances, I think it is essential to go back to the basic application. I feel section B should come out, and I do not believe the House will reverse its position. I will go so far as to say that with section B cut I think the provision is a complete nullity. It would not do any good, and probably it would not do any harm.

Mr. HAYS. I thank the gentleman, because I think he and I agree on this section B coming out. I believe he appreciates the situation that the House conferees might be in. It is true, as the minority leader said a while ago, that the prospective conferees have been meeting informally. But we have not discussed this section. However, in view of the 35 days the other body spent on it, I can sense that the conferees of the other body are not going to agree to strike that whole section.

I want to do as much as I can to get the opinion of the House on agreeing to something that will stand up.

I am glad to have the gentleman's statement.

Mr. SMITH of Virginia. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. STRATTON].

Mr. STRATTON. Mr. Speaker, I do not plan to oppose the resolution to send the foreign aid appropriations bill to conference, but I would like to urge the conferees on the part of the House to press strongly for the replacement of Senate amendment No. 60 on legislative reapportionment with the wording of the original Dirksen-Mansfield rider.

I realize, Mr. Speaker, the time that has been spent in the other body debating this whole subject. But I am disturbed by the fact that the wording ultimately adopted in the other body has no real legal binding effect. It merely expresses the "sense of the Congress" and therefore is unlikely to be of any real help to States like New York, which desperately need more time to deal with the sweeping changes mandated by the June 15 decision of the Supreme Court

Amendment No. 60 will not, Mr. Speaker, give us any additional time in New York or anywhere else. Instead, we need the wording of the original Dirksen-Mansfield rider if we are to help my State and other States. I hope the conferees will act to put teeth back into this section and give us the time we need in New York.

In my State, Mr. Speaker, we have already been directed by the Federal court to redistrict our legislature by April 1965. And we have been told by the court that we must hold three successive legislative elections within the next 2 years. Even if there were to be no other action on this subject at the Federal level, even if there were to be no constitutional amendment decreeing a new and different system of State apportionment, my own State of New York still needs more time than has been given to us by the courts to adjust to the changes decreed by the Supreme Court decision.

Our people are most emphatic, Mr. Speaker, in their desire that each of our 62 counties be individually represented in at least one house of our State legislature. But to bring this about even without the aid of the proposed constitutional amendment—would require a much longer period of time. It could be done, for example, by increasing the size of the State assembly. But this requires a constitutional amendment in New York State and would take at least 2 years to be adopted in a Statewide referendum. The name would be true were we to adopt a system of weighted voting in the State assembly, as some have proposed.

And it is unfair and unreasonable, Mr. Speaker, in my opinion, to require that candidates for the State legislature run for office three times in 2 years. This is bad for the continuity of our State government. It is bad for those who are interested enough in State government to run for office.

If the House conferees will, therefore, insist on the original Dirksen-Mansfield wording, if they will direct the additional time we need rather than merely go on record as believing that it would be nice to have such time, then we will have performed a real service for my State and for many others as well. I therefore urge the conferees strongly as a representative of the most rural congressional district in New York State to do just this.

There is ample basis, Mr. Speaker, for such action by our House conferees. After all, we passed the so-called Tuck bill on this same subject some weeks ago by a very substantial margin. At that time, as Members may recall, I was one who urged that we should substitute for this Tuck bill the original Dirksen-Mansfield rider. The House however favored a stronger piece of legislation—in fact one that was in my judgment unconstitutional. Now the Senate has passed a much weaker piece of legislation than even the Dirksen-Mansfield rider. So why not compromise on a middle ground? Why not resolve the differences between the Tuck bill and the inadequate "sense of Congress" resolution by supporting the original Dirksen wording as a fair

middle ground? This is what I am urging.

Mr. Speaker, no less a person than Walter Lippmann urged this course some days ago. He pointed out the sweeping impact of the June 15 decision for areas similar to the one I have the honor to represent. He pointed out that we have spent 10 years already trying to adjust to the sweeping Supreme Court decision on school desegregation. Surely we ought to be allowed at least 2 years to adjust to another decision with equally sweeping implications.

Mr. KUNKEL. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Pennsylvania.

Mr. KUNKEL. I would like to express my strong opposition to the Senate amendment concerning the selecting out of civil service employees in AID. I hope that provision will be removed from the conference report. In other words, my position is the same as that taken by the gentleman from Iowa [Mr. GROSS] and the gentleman from Virginia [Mr. BROYHILL], and other Members who have spoken on this specific provision.

(Mr. STRATTON asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Virginia. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair appoints the following conferees: Mr. MORGAN, Mr. ZABLOCKI, Mrs. KELLY, Mr. HAYS, Mr. ADAIR, Mr. MAILLIARD, and Mr. FRELINGHUYSEN.

MAKING CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 1965

Mr. SMITH of Virginia. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 892, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1183), making continuing appropriations for the fiscal year 1965, and for other purposes. That after general debate, which shall be confined to the joint resolution and continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, the joint resolution shall be read for amendment. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SMITH of Virginia. Mr. Speaker, I yield 30 minutes to the gentleman from

Ohio [Mr. BROWN], and I now yield myself such time as I may consume.

Mr. Speaker, as you all know, we have been operating on appropriations under a continuing resolution. That continuing resolution expired today, and with respect to any bills that have not been passed by both Houses and signed by the President the whole matter of the use of money for paying bills or paying wages is just simply paralyzed.

The chairman of the Committee on Appropriations came to the Committee on Rules and asked for a rule to agree to the resolution which would extend that extension for a further period of 10 days. That rule has been granted and that is what is before you today.

Mr. Speaker, when we were asked about this and when the committee yesterday agreed to go along with this extension of 10 days, I thought everybody around here was under the impression that this would aid us to the point of getting a sine die adjournment. Things have happened since that time. I do not know what they are because we ordinary Members of Congress are not in on these conferences that take place on the Hill and off the Hill. But the rumor is very rife today, and I read it in the papers, that the other body has now completed its work—I am certainly glad to hear that, because we have been waiting several months for them to complete their work—and that they were going into 3-day recesses for the House to catch up. The House has already caught up. I do not know how far we ought to go fiddling around with this situation any longer.

It has been very evident from the demonstrations that have taken place here today that the House is practically unanimous in its desire to conclude this session that has kept us in session continuously for the past 20 months. Some of us feel we have done enough and should not attack further legislation, with the absence of so many Members.

Mr. JONES of Missouri. Mr. Speaker, will the gentleman yield for a question?

Mr. SMITH of Virginia. I yield.

Mr. JONES of Missouri. Does not the gentleman feel that if we make this continuing resolution to October 3, it might aid this adjournment?

Mr. SMITH of Virginia. I was just getting to that.

Mr. JONES of Missouri. I am sorry I interrupted, then.

Mr. SMITH of Virginia. Some Members seem to think that if we vote down this resolution it would aid us in getting an adjournment. I do not share that opinion. What I have said may have sounded like I do, but I do not. I had not completed my statement. I think that the fact, which I believe to be a fact and which has been demonstrated here today, is that this House wants to adjourn and adjourn as quickly as possible. It may be impractical and impossible to get the necessary legislation through in the next few days.

I do not see that it would be any help in delaying adjournment to refuse this 10-day delay because then it might reach the point where something so vital was necessary that we would have to go over

and take a recess. I, for one, do not expect to vote for any recess. I want to get the business finished and get out of here.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from Illinois.

Mr. ARENDS. In order that the gentleman may understand how I feel about this proposal, let me say I do not think it is either impractical or impossible to get our work done in the House of Representatives by Saturday night and, therefore, for whatever it may be worth I want to say that I intend to vote against even this 10-day extension provided for under the resolution. This Congress not only can but should finish its business in the remaining 3 days of this week.

Mr. SMITH of Virginia. I know the gentleman is very sincere in his views about this. I hope that whatever we do here will result in early adjournment.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman.

Mr. GROSS. In this morning's "Blatter," the "Washington Blatter" that is, it states:

Leaders in the House, which is the main bottleneck to a Saturday getaway, acted as though they had never heard of this idea, but it might solve their immediate problem of rounding up enough Members to pass any more controversial bills.

In other words, certain individuals are trying to put the monkey on the back of the House after the other body recently filibustered for more than a month on reapportionment. Now the House is being charged with holding up the adjournment of Congress and I resent it.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman.

Mr. HALLECK. The thing that concerns me about this continuing resolution, and I expressed my views to the gentleman from Texas who has no greater friend than I in this body, that if we adopt this 10-day extension today, we in effect will be issuing a sort of open invitation to run the House of Representatives and the Congress for another 10 days. I think the better part of wisdom is to vote this down and put everybody on notice that we can meet whatever requirements there are, if we get the appropriation bills passed before Saturday night, because nobody is going to go without their pay between now and then under any existing situation. So far as I am concerned, just as the minority whip, the gentleman from Illinois has stated, I am not going to vote for this resolution.

Mr. SMITH of Virginia. I thank the gentleman for his statement, but I just would like to say to him that there are two bodies of the Congress and it is entirely possible, and I am speaking from past observations, that maybe the Senate would not agree with that.

Mr. HALLECK. I have just been reading in the papers that the people on the

consider the conference report on the supplemental appropriations bill for 1965, H.R. 12633, as soon as it is filed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, I understand that the gentleman bringing the conference report back to the House controls the time. This perhaps will not give some of us time, if the bill is rushed through, to know what is in it.

I, for one, want to know what is in this supplemental appropriation. I understand that the other body has increased the bill as it left the House from something less than \$1 billion to some \$1.2 billion.

I, for one, will want to know the reasons for this increase.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Texas.

Mr. MAHON. Mr. Speaker, if the gentleman will permit, copies of the bill as passed by the other body are available. Of course, traditionally, the House will undertake to maintain the House position on the various matters that are before the conference.

It is true that some supplemental items had not been submitted to Congress at the time the House passed it and as it was considered in the other body. But I am sure that the gentleman knows the conferees who have been named on this bill from both sides of the aisle will do everything in their power to perform a workmanlike job and bring back to the House a bill which the Members of the House will generally support.

This request is made for the purpose of enabling us to move more rapidly toward adjournment.

Mr. GROSS. I might say to the gentleman from Texas that I have no desire to detain the House for a minute longer than necessary. But I do want to know what is in these remaining money bills, involving several billion dollars.

With the assurance of the gentleman that reasonable time will be taken to explain the bill, I will have no objection. However, I have been here long enough to know that the chairman of the committee controls all the time and that he can move the previous question at any time he so desires.

Mr. MAHON. Let me say to the gentleman that I believe we will have 1 hour for the conference report. I shall see to it that every Member who wishes to speak, insofar as possible, and especially the gentleman from Iowa, may have an opportunity to be heard and that we may consider carefully all the items involved.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

(Mr. JENSEN asked and was given permission to address the House for 1 minute.)

Mr. JENSEN. Mr. Speaker, I just wanted to say that the conferees have agreed to meet tomorrow morning at 10 a.m. I presume we will finish by noon. Then we hope that the conference re-

port will be brought to the floor of the House shortly thereafter, giving sufficient time for the gentleman from Iowa [Mr. GROSS] and others to examine the bill. We certainly want to do that.

CONFERENCE REPORT ON FOREIGN AID BILL

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that it may be in order to take up the conference report on the foreign aid bill tomorrow as soon as approved by the conference committee.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

COMPLETION OF CONSTRUCTION OF IRRIGATION AND POWER SYSTEMS OF THE FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 893 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6151) to increase the appropriation authorization for the completion of the construction of the irrigation and power systems of the Flathead Indian irrigation project, Montana. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SISK. Mr. Speaker, I yield 30 minutes of my time to the gentleman from Illinois [Mr. ANDERSON] and pending that I yield myself such time as I may consume.

Mr. Speaker, it is my understanding that this is a matter of some urgency. It is a bill which has passed the other body. It is my understanding also that an identical bill will be presented to the House if this rule is adopted. It does make in order the consideration of H.R. 6151, which is a piece of legislation that would authorize completion of some reclamation work on an irrigation system on the Flathead Indian Reservation of Montana.

It involves an irrigation project which, I understand, is some 60 years old. This would authorize the expenditure of some \$4 million to bring this system to completion and to rehabilitate some of the worn-out portions of the system.

Mr. Speaker, I urge adoption of the resolution, and reserve the balance of my time.

Mr. ANDERSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think I speak for all Members on the minority side when I say that we have great affection for the Flathead Indians. It is rather a strain to consider a bill of this kind on what we hope will be next to the last day of this session.

The gentleman from California has correctly stated the facts. I shall not oppose the rulemaking in order consideration of this bill.

Mr. Speaker, I now yield 5 minutes to the gentleman from New York [Mr. GOODELL].

THE REPUBLICAN PLATFORM ON CIVIL RIGHTS

Mr. GOODELL. Mr. Speaker, I ask unanimous consent to speak out of order, and to revise and extend my remarks and include extraneous matter.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. GOODELL. Mr. Speaker, I take this time to speak on what is basically a comparison of the Republican and Democratic platforms with reference to the issue of civil rights.

I served as assistant to the platform chairman with reference to the domestic affairs section of the Republican platform. I should like to point out to the Members that on the civil rights issue and our commitment for future action, the Republican platform is infinitely more specific and infinitely stronger than the Democratic platform. The Democratic platform with reference to future action is limited to one commitment, one specific commitment, and I quote from page 15 of the Democratic platform:

The Civil Rights Act of 1964 deserves and requires full observance by every American and fair, effective enforcement if there is any default.

In the Republican platform we have specifically seven commitments for the future. They include full implementation and faithful execution of the Civil Rights Act of 1964, improvement of the civil rights statutes adequate to changing needs of our times, and such additional administrative or legislative actions as may be required to end the denial for whatever unlawful reason, of the right to vote.

These are commitments which do not appear in the Democratic platform. They are commitments for the future.

In addition, in the Republican platform, with the great help of the gentleman from Ohio [Mr. McCULLOCH] and others who were architects of the civil rights legislation, we commit ourselves to the heritage of Lincoln in our party with reference to civil rights. We pledge further:

To implement all applicable laws and never lose sight of the intense need for advancing peaceful progress in human relations in our land. The party of Abraham Lincoln will proudly live up to its heritage of equal rights and equal opportunities for all.

Mr. Speaker, I think it is important at this stage of our history and this stage of the campaign that we recognize that the Republican platform makes a firm

commitment to move forward in the field of civil rights much more than the Democratic platform does. As a matter of fact, the Democratic platform fails to take a position for the future but instead has a long series of statements extolling the actions of the past.

Mr. BELL. Mr. Speaker, will the gentleman yield?

Mr. GOODELL. I yield to the gentleman from California.

Mr. BELL. I commend the gentleman on his statement regarding the Republican Party platform. I am a very strong supporter of civil rights. I am very glad to see that he is carrying on Lincoln's battle for civil rights.

Mr. GOODELL. Mr. Speaker, I take the floor of the House today because it is time the Republican platform on civil rights was understood.

Let me start with a flat statement, which I will document in the course of my remarks: The Republican platform makes stronger and better commitments on civil rights than does the Democratic platform of 1964.

As a part of my remarks today, I am including every statement relating to civil rights in the Democratic platform and the Republican platform. Now, what does the Democratic platform pledge for the future? When you read all through the language appearing at great length on pages 15, 26, 50, 59, 65, 77, 84, and 85 of the printed Democratic platform, you find only one meaningful and specific commitment for the future. That is on page 15 as follows:

The Civil Rights Act of 1964 deserves and requires full observance by every American and fair, effective enforcement if there is any default.

What does the Republican platform contain on civil rights? On pages 14, 15, and 16 are the following specific pledges:

Full implementation and faithful execution of the Civil Rights Act of 1964, and all other civil rights statutes, to assure equal rights and opportunities guaranteed by the Constitution to every citizen;

Improvements of civil rights statutes adequate to changing needs of our times;

Such additional administrative or legislative actions as may be required to end the denial, for whatever unlawful reason, of the right to vote.

Continued opposition to discrimination based on race, creed, national origin, or sex. We recognize that the elimination of any such discrimination is a matter of heart, conscience, and education, as well as of equal rights under law.

We pledge further:

To implement all applicable laws and never lose sight of the intense need for advancing peaceful progress in human relations in our land. The party of Abraham Lincoln will proudly live up to its heritage of equal rights and equal opportunities for all.

To help assure equal opportunity and a good education for all, while opposing federally sponsored "inverse discrimination," whether by the shifting of jobs, or the abandonment of neighborhood schools, for reasons of race.

To open avenues of peaceful progress in solving racial controversies while discouraging lawlessness and violence.

In addition, our platform indicts the Democratic administration for failing to

make training under the Manpower Training Act more available to qualified Negroes, particularly in the South.

Mr. Speaker, there has been a lot of talk about Republicans backing away from previous commitments on civil rights. I say to you, unqualifiedly, that the 1964 Republican platform does not back away; it moves firmly forward on civil rights.

Those who wish to quibble have compared technical language of the 1964 platform to the 1960 platform planks on civil rights. In order to make unmistakably clear that we are building on our previous record and commitments, the following language appears on page 12 of the 1964 Republican platform:

In the interest of brevity, we do not repeat the commitments of the 1960 Republican platform, "building a better America," and the 1962 "declaration of Republican principles and policy." We incorporate into this platform as pledges renewed those commitments which are relevant to the problems of 1964.

Mr. Speaker, the Democratic platform on civil rights spends all its time talking about the past. This effectively camouflages its failure to make meaningful pledges for the future. Why then have so many observers misread, or perhaps not read at all, the commitments of our two parties on civil rights? Apparently it is because all else has been subordinated to the personal positions of BARRY GOLDWATER and Lyndon Johnson on the 1964 Civil Rights Act. I disagreed with BARRY GOLDWATER as to the constitutionality and the wisdom of the 1964 Civil Rights Act. I was one of the strongest advocates of that act, having been a coauthor of the fair employment practices section that came from the Education and Labor Committee. In some respects, I wanted a stronger civil rights act this year. Yet I respect the fact that BARRY GOLDWATER in his personal and private life has always fought for equal opportunity for all our citizens regardless of race, creed, or color. Whatever BARRY GOLDWATER's personal position, however, there is no excuse for distorting or ignoring the plain language of our party's platform.

I will tell you why I think the public and the press got such a false impression about the party platforms this year. We have a good Republican civil rights platform, but it was written that way by the platform committee itself. The victories in behalf of civil rights were won quietly behind closed doors. I say to you advisedly that they were significant victories. Thereafter, we went to the open convention and a proposal was made to expand even further our civil rights commitments in the Republican platform. The proposed amendment on civil rights was offered by sincere people. It called for further legislative action by Congress in the immediate aftermath of the tortured deliberations over the Civil Rights Act of 1964.

Significantly, the purport of the civil rights amendment proposed to the Republican convention was not even considered for the Democratic platform. The matter is this simple: We Republi-

cans rejected a civil rights proposal that was neither included nor offered by the Democrats in their platform.

Mr. Speaker, the Democrats in their platform praised their past record to the skies, but only made one specific commitment for the future: enforcement of the Civil Rights Act of 1964. We Republicans can be proud that we did much more than that in our platform. I think it is time a few people who have been commenting on the Republican platform took the time to read it. You will find that it has very little resemblance to the public image it has been given. It is a moderate, forward-looking, thoroughly documented platform upon which all our leaders can run with dignity, pride, and inspiration.

Mr. Speaker, I include at this point the full text of the sections of the Democratic platform relating to civil rights and the text of the civil rights amendment offered on the Republican convention floor in San Francisco:

EVERY STATEMENT ON CIVIL RIGHTS IN THE DEMOCRATIC PLATFORM, 1964

The variety of our people is the source of our strength and ought not to be a cause of disunity or discord. The rights of all our citizens must be protected and all the laws of our land obeyed if America is to be safe for democracy.

The Civil Rights Act of 1964 deserves and requires full observance by every American and fair, effective enforcement if there is any default.

Resting upon a national consensus expressed by the overwhelming support of both parties, this new law impairs the rights of no American; it affirms the rights of all Americans. Its purpose is not to divide, but to end division; not to curtail the opportunities of any, but to increase opportunities for all; not to punish, but to promote further our commitment to freedom, the pursuit of justice, and a deeper respect for human dignity.

We reaffirm our belief that lawless disregard for the rights of others is wrong—whether used to deny equal rights or to obtain equal rights.

We cannot and will not tolerate lawlessness. We can and will seek to eliminate its economic and social causes.

True democracy of opportunity will not be served by establishing quotas based on the same false distinctions we seek to erase, nor can the effects of prejudice be neutralized by the expedient of preferential practices. (Page 15.)

We are firmly pledged to continue the Nation's march towards the goals of equal opportunity and equal treatment for all Americans regardless of race, creed, color or national origin. (Page 26.)

In 1960, we insisted that:

"The right to a job requires action to break down artificial and arbitrary barriers to employment based on age, race, sex, religion, or national origin."

The great Civil Rights Act of 1964 is the strongest and most important law against discrimination in employment in the history of the United States.

It states unequivocally that "It shall be an unlawful employment practice for an employer * * * an employment agency * * * or a labor organization" to discriminate against any person because of his or her "race, color, religion, sex, or national origin."

On March 6, 1961, President Kennedy issued an Executive order establishing the President's Committee on Equal Employment Opportunity to combat racial discrimination in the employment policies of Gov-

Digest of CONGRESSIONAL PROCEEDINGS

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CONTENTS

Adjournment.....	31,36	Foreign trade.....	6,38	Sine die adjournment.....	31,36
Appalachia.....	26,33,39	Forest pests.....	21	Sugar.....	32
Appropriations.....		Forest roads.....	11	Supplemental	
1,10,28,34,46		Fruit flavors.....	13	appropriations.....	1,25
Coffee.....	47	Lands.....	17,50	Tariff.....	12
Committees.....	16,17	Legislative accom-		Taxation.....	13
Conservation.....	5	plishments.....	9,15,29,35	Textiles.....	51
Cotton.....	22,49	Natural resources.....	3,37	TVA.....	41
Education.....	7	Opinion poll.....	19	Voting records.....	15,42
Electrification....	8,23,41	Poultry.....	20	Water pollution.....	43
Employment.....	52	Poverty.....	45	Wheat program.....	18
Farm labor.....	4,44	Prices.....	18,52		
Farm prices.....	18	Public lands.....	17		
Farm program.....	48	Reconvening of Congress.			
Fiscal policy.....	14		24,30		
Foreign aid.....	2,10,27,40,53	Roads and trails.....	11		

HIGHLIGHTS: Both Houses concurred in modified supplemental appropriation bill. Both Houses agreed to conference report on foreign aid authorization bill. House concurred in Senate amendments to foreign aid appropriation bill. House passed forest roads and trails bill.

SENATE - Oct. 2

received (H. Rept. 11928) and

1. SUPPLEMENTAL APPROPRIATION BILL, 1965. Both Houses/agreed to the conference report on this bill, H. R. 12633, and acted on all amendments in disagreement, except for one Senate amendment regarding student education loans (pp. 22921-23, 23059-60). Attached to this Digest is a summary table showing items for this Department. The bill also includes items for the National Commission on Food Marketing; National Commission on Technology, automation, and Economic Progress; Office of Water Resources Research; Public Land Law Review Commission; Appalachian Regional Commission; and claims and judgments.

2. FOREIGN AID. Both Houses agreed to the conference report on H. R. 11380, the foreign aid authorization bill (pp. 22765-73, 22847-51). This bill will now be sent to the President. See Digest 189 for items of interest.

Sen. Hayden inserted a table showing foreign aid appropriations for fiscal year 1965. pp. 23074-5

3. NATURAL RESOURCES. Sen. Morse reviewed and criticized the organization of natural resource activities in the Federal Government and urged the establishment of a Department of Natural Resources. pp. 22837-40

4. FARM LABOR. Sen. Kuchel reviewed farm labor problems in Calif. and urged action to extend the Mexican farm labor program. pp. 23075-87

5. CONSERVATION. Sen. Allott commended the enactment of conservation legislation during the 88th Congress and inserted an address by Sen. Hruska supporting conservation measures. p. 22703

6. FOREIGN TRADE. Sen. Mansfield inserted an address by a vice president of Pan American World Airways, "The Fruits of Sound Trade Policies." pp. 22714-6

7. EDUCATION. Agreed to the Conference report on S. 3060, to extend and amend the National Defense Education Act of 1958 and laws providing aid to schools in federally impacted areas. This bill will now be sent to the President. pp. 22728-47

8. ELECTRIFICATION. Sen. Metcalf inserted resolutions of the National Farmers Union supporting water resource development projects and public power projects. pp. 22756-7

9. LEGISLATIVE ACCOMPLISHMENTS. Sens. Mansfield, Javits, and Dirksen inserted summaries of legislative accomplishments, including those relating to agriculture. pp. 22760-1, 23034-9, 23061-69

HOUSE - Oct. 2

10. FOREIGN AID. Concurred in Senate amendments to H. R. 11812, the foreign aid appropriation bill for 1965. This bill will now be sent to the President. pp. 22943-5

11. FOREST ROADS AND TRAILS. Passed without amendment S. 1147, to enable the Secretary of Agriculture to construct and maintain an adequate system of roads and trails for the national forests. This bill will now be sent to the President. p. 22866

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, I ask that the conference report on the foreign aid authorization bill be laid before the Senate for consideration.

The PRESIDING OFFICER laid before the Senate the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. MANSFIELD. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of October 1, 1964, pp. 22652-22653, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MANSFIELD. Mr. President, it is my understanding that this conference report has been signed by all the conferees; and I ask for its adoption.

Mr. MUNDT. Mr. President, I should like to inquire of either the distinguished Senator from Montana [Mr. MANSFIELD] or the distinguished Senator from Iowa [Mr. HICKENLOOPER], as to what disposition was finally made of the so-called Mundt-Lausche amendment, to establish legitimate rates of interest and establish amortization repayment tables for what are euphemistically referred to as "loans" in the foreign aid program; whether a distinction has been retained between loans which bear interest and have a repayment schedule and "loans" which obviously we do not intend to recapture since in reality they are actually gifts.

Mr. HICKENLOOPER. Do I correctly understand the Senator's inquiry to be what happened to it?

Mr. MUNDT. Yes. I saw newspaper reports about it, which presumably are accurate, but inadequate.

Mr. HICKENLOOPER. The law was left unchanged as it now stands with the exception that, whereas the law now provides that the interest rate which will be paid during the 10-year grace period, prior to the beginning of the payment of principal, is three-quarters of 1 percent, the interest for that part of the grace period was raised to 1 percent a year.

I am trying to get this information straight. It is rather complicated.

The interest rate after the 10-year grace period goes from the present 2 percent to 2½ percent per annum.

The grace period was left at 10 years, as it is in present law. It is not as set out in the Senator's amendment, which I believe provided for 5 years.

There were discussions about reducing that period to 7 years, rather than the 10 years now provided. Finally it was left at the 10-year figure.

Would the Senator like to have me discuss some of the arguments that were made?

Mr. MUNDT. I would.

Mr. HICKENLOOPER. Arguments were made that other countries are now coming up to this particular system of terms. In other words, I think Canada has now come up to a 10-year grace period.

I am sorry the chairman of the committee is not present.

At any rate, Canada has come up to a longer grace period. Some of her payment periods run for as long as 50 years. Other countries are coming nearer to the standards which we have.

The argument was made that if we begin to lower the grace period, we shall be defeating the very purpose of getting other countries to join in soft loans on easier terms.

There was violent opposition by the State Department to the Senator's amendment. On many occasions when the State Department raises violent opposition, it seems to have quite an influential effect on certain Members of Congress.

Mr. MUNDT. May I inquire whether the House conferees as a unit were adamantly opposed to our amendment, or whether there was some breaking of the ranks that may give us hope for future reformation?

Mr. HICKENLOOPER. I am not at liberty to tell which members of the conference were committed to what. The House conferees agreed to the final result, and the Senate conferees agreed to it, in the majority. I do not believe there was a record vote on either side. I had some reservations, for my purposes; but the Senate conferees agreed to this result, as did the House conferees. The House Members will have to speak for themselves.

Mr. MUNDT. Were any stipulations made with respect to the time after the 10-year grace period? Ten years represents a decade. Ten years into the future, in the kind of life we live, with changes occurring as fast as they do, almost extends into perpetuity so far as some of these newly developing nations are concerned. Are there any stipulations, after the expiration of the 10-year grace period, as to the kind of amortization payments that are to be made?

Mr. HICKENLOOPER. The present law stands unchanged with the exception of the two interest-rate provisions. So whatever is in the present law remains in. Under the present law there is no legal termination period for these loans. The legal termination period or due date is fixed in the contract of loan made between AID and the recipient countries or groups that

receive the loans. Many of those loans will have interest rates of 3 or 4 percent. They do not adhere to the minimum stipulations in the contracts. As I understand, some of the loans will go for 5 years, some for 10, some for 20. I do not know of any that go for much longer than that.

Mr. MUNDT. Some go for 40 years.

Mr. HICKENLOOPER. I was about to say that I am informed by the staff that one or two—perhaps three or four—loans will go for as long as 40 years. But that period is set in the contract upon which the loan is made.

Mr. MUNDT. Did anything come out of the conference which would prevent, for example, after the grace period—which would leave 30 years—a deferment of the repayment of the loan until the 30 years are over, in the case of a 40-year loan, or, in the case of 30 years, beyond the expiration of the grace period? Is there any provision that there must be annual repayments?

Mr. HICKENLOOPER. No; these are a part of the terms and conditions of the contract of loan or the specifications upon which the loan is based. Those terms and conditions are set out in the contract.

Mr. MUNDT. Let me put it this way, so that our constituents will know exactly what we have done, or, to put it better, what we have failed to do to protect the interests of the taxpayer.

Is it correct to say, so far as the present law is concerned, that it would be possible for a borrowing country to obtain the money and pay 1-percent interest on it for the first 10 years and 2½-percent interest on it for the next 30 years, and make no repayment of principal of any kind until the end of the 40th year from the time when the loan had been negotiated?

Mr. HICKENLOOPER. I presume it could be done, but the whole connotation of the law is that, as the law stands now and as it will stand if this proposal is adopted, there will begin to be an amortization after 10 years, because the law refers to the 10-year grace period. However, it is still a matter of contract between AID and the borrowing country or the entity that borrows this money.

Technically, it could be possible. There are no open end loans. I am not aware of any loans that have been extended beyond the original contract period. There may be some, but if there are any, I do not know of them. I believe that most of the loans that have been made are on much more stringent terms.

Mr. MUNDT. We have been in this global bucket shop business for only 17 years. Some of the loans were made for 30 or 40 years, and the question of extendability has not necessarily been raised as yet.

Mr. HICKENLOOPER. So far as I know, the question of extendability has not been raised. It would be technically possible for the lending agency to renegotiate a loan contract and make some extensions. At the present time that is not the fact.

Mr. MUNDT. I thank the Senator.

Mr. HICKENLOOPER. I assure the Senator from South Dakota that the

bulk of the loans have been made on tougher terms than the minimum set out even in the present law.

Mr. MUNDT. I appreciate the Senator's report. I do not wish to interrogate him further. I realize that he is a reluctant witness to a murder, that took place at midnight, of the Mundt-lausche proposal, and that he did not participate in the assassination. I wanted to get from him as close an eyewitness account as I could.

Mr. HICKENLOOPER. I thank the Senator for his generous remarks. However, as a member of the conference I must share whatever responsibility falls upon the conferees. I was a member of the conference. A number of things went on in the conference of which I did not personally approve. However, we cannot always get our way in everything in conference. We have to do the best we can to reach an agreement on something that we hope will be acceptable to both Houses. In this case, this seemed to be the only possible solution.

Mr. MUNDT. The Senator from South Dakota has been a member of conference committees ad infinitum, ad nauseam. I appreciate the problems involved, especially when we are up against an adjournment date, which has been tardily arrived at. In such a case there are a great many pressures besides economics and logic.

Mr. HICKENLOOPER. There is the little element of a majority vote, too.

Mr. MUNDT. Yes. Too frequently we of the minority cannot get everything we would like to get. Under normal legislative procedures, I would suggest a motion to reaffirm the position which the Senate took by an overwhelming majority on a yea-and-nay vote, when we said that from now on to allude to foreign loans means a classification on an honest, responsible, and forthright basis, that it means a legitimate interest rate, that it means a shorter period of grace, and that it certainly means a schedule of repayment which is in conformity with economic and banking practices.

However, I shall not make a motion of that kind today, and thereby try to hold the Senate in session any longer, at a time when I doubt very much whether a quorum of Senators is within 100 miles of Washington. Probably it would not be possible to obtain a quorum in the House until the end of next week. I see no purpose to be served in trying to do that under the circumstances.

However, I serve notice now, that we will renew this fight next year. While I do not see the Senator from Ohio [Mr. LAUSCHE] on the floor at the moment, I know that he shares in these sentiments. I note the presence of the senior Senator from Oregon [Mr. MORSE] and I know he also shares those sentiments.

Mr. MORSE. I think a little fighting should be done now. I think there should be a yea-and-nay vote. I want Senators to go on record on this conference report. In my judgment, this conference report is the most unconscionable conference report that I have seen come to the floor of the Senate in my 20 years in this body.

Mr. MUNDT. The Senator from South Dakota is not very happy about it either, and he would vote against the conference report if a yea-and-nay vote were held. I doubt however that anything worthwhile could be accomplished at this late hour. Too many Senators are absent; too many of those still present are eager to adjourn and leave Washington. At least we will renew this fight next year to try to do something in the interest of the American taxpayers.

The time is long past when we should stop flimflaming the public by saying we are engaging in a program of economic loans when those loans are only thinly disguised grants, with 10-year periods of grace, and with the interest rate so low that every time the interest is paid we must subsidize every dollar of it because we pay much more for our own money.

I serve notice on the AID representatives and on the State Department that I shall ask for a record of achievement, not merely the argument that are made in committee, and a statement on how many other countries are making money available on the same low terms that we are making in this great AID program, and whether we are making the kind of progress that they hopefully envision in this area.

This program is old and now has a well developed beard, and walks with halting step, after 17 years. We are no longer justified in the deception of calling something a loan that is really a grant. I should take this occasion to announce that I have been working with others for several months on a reappraisal of our entire economic overseas aid program, which I intend to introduce in legislative form at the next session, either as a separate bill or as an amendment, which will get away from the entire concept of using hard earned dollars of American taxpayers, derived from individual, privately owned enterprises, to subsidize socialism all around the world. That is basically wrong. We are taking American dollars, derived from private enterprise, and virtually giving them away in the guise of loans, sometimes directly as gifts, to subsidize nationalization and socialistic enterprises in countries where we know they cannot succeed, and when we could not make this kind of enterprise successful in our own country with the kind of sophisticated political development which we have in the United States.

I propose to offer a new approach to this subject, based on our gratifying experience with the Reconstruction Finance Corporation in America. I propose to replace the subsidizing of foreign governments with foreign politicians channeling our funds through political hands into socialistic enterprises, with another concept which we could describe as an International Reconstruction Finance Corporation, to lend money on economic terms softer than we would normally charge, but sufficiently high to recapture the loan rate which America has to put into its dollars; a Reconstruction Finance Corporation operation over-

seas which would be jointly under the direction of American directors and directors from the recipient countries; a corporation which would lend its funds to establish private entrepreneurs, private enterprises, and prospective tax-paying operations, so that we could create some basis for solvency overseas, some basis for the projection of the concepts, values, virtues, and rewards of private enterprise, some basis for a broad enough tax base so that little countries could have some degree of solvency and some degree of security. It should be a wholly different approach to a program which is beginning to fail notoriously, primarily because those without realism are administering it in such a way that there can never be a distinction between a gift and a loan; and in the second place, because those who are administering it are seeking to impose upon little, underdeveloped countries, and some large ones, socialistic schemes which cannot work there, because they could not work here, instead of helping them to develop the private enterprise that is so essential to stability and solvency around the world.

I am bitterly disappointed at the abject surrender which the Senate conferees felt compelled to make. I can understand their reasons. There was pressure for adjournment. The hour is late. The House has disappeared. Senators are far asunder. This is not a good atmosphere in which to try to correct what I believe was an unfortunate failure to stand up and bring back this important reform, which to my personal knowledge, has taken more than 7 years to produce.

I started working on it with the late Senator Styles Bridges at least that long ago in the Senate Committee on Appropriations. It has been moved from where it was, from the point where a loan did not bear any interest rate at all, to at least 2½ percent. I suppose that can be considered progress in 7 years. It is a little over one-quarter of 1 percent a year, if I calculate it correctly, or in that area. We have also moved it from where it was—no interest at all—to 1 percent for the first 10 years.

Mr. President, you know, I know, and every other Senator knows, and every foreign country knows that by the end of 10 years some of the recipient countries will have disappeared. Something will have happened to them in this fast-changing world. That money is gone. There will have been not even a single repayment, to begin with. Those remaining will have developed no methodical habits of repayment, no fiscal policies, no bookkeeping procedures.

In some countries, a new great "I Am" will have replaced the leader who is at present in charge. When the new dictator or premier or president or potentate or king walks in and looks at the record, he will say, "Am I supposed to pay Uncle Sam back all this money and all this accrued interest? I had nothing to do with borrowing it or spending it; I will do the old political Pontious Pilate act. I wash my hands. It is too bad it has happened, but do not expect me to pay these debts incurred by my predecessors

whom I have removed from office. The other fellow did this. I am having troubles enough of my own."

So gone down the drain, through carelessness, indifference, bad judgment, and faulty administration will be unknown hundreds of millions of American dollars.

This Congress has failed to take the salutary step which we earlier obligated ourselves, in a yea-and-nay vote, to take.

If the troops are gone and we cannot fight the battle now, we shall have to renew the contest with increase vigor next January.

Mr. AIKEN. Mr. President, I seem to be the unchallenged winner of the booby prize in the game of foreign aid which we have been playing with the House conferees. To the best of my knowledge, I did not win enough points even to bother to count them. I did however sign the conference report and recommend that it be approved by the Senate. As a matter of fact, I have been somewhat in a state of shock in the past few days. Perhaps I owe the Senate an explanation.

It began a few weeks ago, when the Senate had the poverty bill under consideration. It may be recalled that an amendment was offered or a proposal was made to concur in a House amendment—I have forgotten which—to require every recipient who benefits from the poverty program to take a pledge of loyalty to the Government of the United States. It may be recalled that the Senator from New York [Mr. JAVITS] made a strong argument against singling out these people as those who should be suspect enough to be required to take the loyalty pledge. As I recall, I chimed in and asked the Senator from New York if he knew why anyone earning less than \$1,000 a year should be automatically suspect, while anyone who received more than \$1 million a year from the Government should be above suspicion.

Perhaps that was not a nice thing to say, but I said it, and it began to work on me.

Then, when the foreign aid bill came up, I thought, "If little Maria Gonzales and Timmy Sullivan, who could be getting some assistance under the poverty bill, are required to take an oath of loyalty to the Government, why should not the contractors who get millions of dollars out of the AID program, the munitions manufacturers who get more millions of dollars out of the AID program, and the bankers, who have their loans guaranteed by the Federal Government, also take the loyalty oath?"

That is why I offered the amendment to the foreign aid bill to require that all beneficiaries of the foreign aid program be required to take a loyalty oath, the same as Maria Gonzales and Timmy Sullivan would have to do in order to get benefits from the poverty program.

The Senate accepted the proposal with, I believe, only two voice votes in opposition. Then I waited for results. I thought that I would almost immediately get protests from international bankers, international contractors, and international munitions manufacturers. But lo and behold! I have not heard one of

them protest the taking of the loyalty oath.

But this is where the shock took place: the intellectual community, the self-styled intellectuals of our great Nation, immediately began to protest. They said, "What? We take an oath of loyalty to the United States? We should say not. That is an insult. It interferes with our academic freedom"—or something like that.

The presidents of some of the big colleges in the United States said they could not take any more business from the Federal Government if they had to pledge allegiance to the United States and say that they and their institutions would not support the overthrow of the U.S. Government by force.

I really was surprised. Their organizations came in, too, and said, "No, not us." They had not protested against anyone else taking the loyalty oath; it was only themselves.

So in committee I offered a modification of the amendment to exempt institutions of higher learning and their officials from taking the loyalty oath, and the committee did not think much of that, either. I suppose they were right because, after all, I believe that 98 percent of the teachers of the country would not object to standing up and saying, "We are loyal to the United States through thick and thin." And I would not reflect upon them in any way.

So that is where we are. As of now, members of the Peace Corps must pledge allegiance to the United States. These same college people did not object when members of the Peace Corps were required to take the loyalty oath. All members of the Job Corps will have to take the loyalty oath. The Department of Justice sent us a letter, Senators will recall, when the poverty bill was before the Senate, stating that they supposed it was all right to make these people take the loyalty oath, that it would not affect them much anyway. The majority whip, it will be remembered, also said that he guessed it was all right to approve that, too; so it was approved.

Now we have members of the Peace Corps who have to take an oath of allegiance, and the Job Corps beneficiaries from the poverty program will have to take the oath of allegiance. Consultants, if they are on their own, will have to take the oath of allegiance. If they are connected with an institution or an organization of higher learning, they will not have to do so. Farmers who receive direct payments will have to take an oath of allegiance.

Of course, we all know that Members of Congress, as well as members of the Armed Forces, take an oath of allegiance to the United States. Thus, we have only this protest coming from college presidents and their association and no one else. I have just had the Peace Corps affidavit handed to me. A member of the Peace Corps takes this oath in this affidavit, which he has to sign:

I am not a Communist or Fascist. I do not advocate, nor am I knowingly a member of any organization that advocates the overthrow of the constitutional form of the Government of the United States, or which seeks by force or violence to deny other persons

their rights under the Constitution of the United States.

I do further swear (or affirm) that I will not so advocate, nor will I knowingly become a member of such organization during the period that I am an employee of the Federal Government or any agency thereof.

I have not received a single protest from a member of the Peace Corps taking this oath. I do not know how it could be written any stronger. I have received no protests from any other class of people doing business with the U.S. Government against taking an oath of loyalty to the United States.

Mr. President, that is why I am somewhat shocked today. I have been in the Senate for 24 years, and to the best of my recollection I have voted for every single proposal for Federal aid to education in all grades, from elementary through the graduate schools. To the best of my recollection, I have voted for every single appropriation to carry on those programs to the fullest degree.

Then, when those people representing the benefitting institutions say to us that while it is all right for everyone else, including the poverty program beneficiaries and Peace Corps members, to take an oath of allegiance to the United States, but not for them, it puts me in a state of shock and disillusionment.

Mr. JAVITS. Mr. President, I shall speak briefly because I know that the Senator from Oregon wishes to obtain the floor. He is most gracious to allow me to proceed.

I protest strongly in respect to the conference report against the excision of the amendment on the persecution of Jews in the Soviet Union.

It is the great tradition of our country, going back to the middle of the previous century, that such persecutions have been protested. The Senate, after much deliberation, adopted the amendment. It is my deep conviction that it would have been adopted in the House of Representatives—if submitted to a vote—as overwhelmingly as it was in the Senate where, I believe, the vote was unanimous except for one dissenting vote.

Nonetheless, it has been excised, and the language which has now been put into the conference report is, really—and I say this with all respect—not language which relates to the particular problem. Moreover, it does take the finger of blame for persecution of Jews off the Soviet Union where it belongs.

With respect to the language used in the conference report, I would not wish to say it is meaningless. I would never say that about language which asserts that the American people are against infringement of the right of freedom of worship or to condemn persecution, even in most general terms.

However, it is fair to say that this really has nothing to do with the amendment, which is in accord with and germane to the issue with the specific and precise case made on the floor of the Senate about the persecution of Jews in the Soviet Union, carried on by the Soviet Union as a matter of government policy in terms of many anti-Jewish acts, repression of the Jewish religion and of Jewish culture, all of which was specified in

great detail when the question was debated in the Senate.

This situation is very much to be deplored. Moreover, it is a situation which should be protested.

It is a fact that it defies the tradition of more than a century in this country of protesting exactly this kind of act in exactly the same country. We protested anti-Jewish acts when the czars were in power, and now we have an opportunity to protest them to the Soviet Union.

One final thought appeals to me very deeply—that we justify a vast part of the struggle in respect to foreign aid, in respect to the defense machinery of the United States, in terms of the struggle against communism, to prevent communism from taking over the world by infiltration, subversion, or persuasion; yet, when we have one of the most meaningful, most appealing, and most sympathetically compelling issues with the Communists—namely, the issue of freedom to practice one's religion, the issue of persecution on the grounds of faith, we forgo it for some doctrinaire idea that it should not go into this law, but somewhere else.

What more appropriate place could there be than a law which implements policy upon which all American foreign policy is based, and our determination that communism shall not take over on earth?

The one thing that Communists are trying to sell mankind on is its liberalism in terms of accommodation to the rights of man. It is the one issue they defy with the greatest of cynicism. The fact that anti-Semitism is a crime is written into the basic law of the Soviet Union; yet the Government of the Soviet Union practices anti-Jewish acts which many of us feel are tantamount to the very thing its basic Constitution asserts to be a crime. Yet, given the opportunity by a well-nigh unanimous vote in the Senate to affirm our principles in the foreign aid bill, we take it out upon the doctrinaire ground that it does not belong in this piece of legislation—which is exactly where it does belong.

For the life of me, I cannot understand where else it should go. It is a "sense of Congress" resolution. I am deeply convinced that it is the sense of the country. I believe that the excision of the resolution is shameful and unfortunate. I protest deeply that it was stricken from the bill and referred to only in the broadest and most general of terms, terms to which I could not object and would never protest against. It is right. However, it is not germane to the issue with which the Senate is dealing when it adopted the resolution by such an overwhelming majority of Senators.

Mr. SIMPSON and Mr. MORSE addressed the Chair.

Mr. JAVITS. I yield to the Senator from Oregon.

Mr. MORSE. I join the Senator from New York in the statement he has just made in regard to elimination in conference of the Senate resolution which sought to make clear our disapproval of Communist Russia's persecution of Jews.

There is all the difference in the world between the issue which was raised by that resolution and the language brought out by the conferees in regard to discrimination with respect to religious faith.

We are dealing here with a group of people known as Jews. Everyone knows what anti-Semitism is. We know what a plague of horror it has been to mankind for many centuries.

I shall speak on this subject at greater length later this afternoon, or at a later time, but I wish the RECORD to show that I join the Senator from New York in regard to his observations.

I wish to be cooperative with the leadership, but I find myself in a difficult position procedurally at the present moment.

I am perfectly willing to enter into any agreement with the leadership for a vote at a time certain in regard to the foreign aid conference report. I have been one of the leaders in the Senate against the foreign aid bill, as presently envisioned, and as it has been brought back from the conference, with most of the recommendations of the Senate stripped from the conference report. I believe we have an obligation to get a rollcall vote in the Senate.

At the same time, I want to cooperate with the leadership. I am willing to enter into an agreement to vote at a time certain—any time that the leadership wants to propose. But we ought to have a record vote on a matter that splits the Senate as this conference report does.

I want the leader to know that I am not trying to be stubborn about it. But I feel so deeply about it that I do not believe this conference report should be agreed to in this body with merely a dozen Senators on the floor.

Mr. JAVITS. Mr. President, I thank the senior Senator from Oregon very much for his extremely helpful intervention.

UNANIMOUS-CONSENT REQUEST

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a vote on the conference report on the foreign aid authorization bill at 2:45.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, I shall be very brief. May I ask a question of the Senator from Arkansas [Mr. FULBRIGHT] who has just come into the Chamber? I am told by the Senator from Iowa [Mr. HICKENLOOPER] that he would rather have the Senator from Arkansas answer the question. I have just protested vigorously against the excision of the provision with respect to the persecution of Jews in the Soviet Union from the foreign aid bill.

Can the Senator from Arkansas—and his views prevailed in the conference—give us the rationale with respect to this excision? Why was this done by the conferees? Was there any view on their part that this was not true?

Mr. FULBRIGHT. The House conferees had no feeling about it in any way. There was nothing in their version of the bill that was similar to it. They

thought that it was inappropriate to use this bill as a vehicle for a policy of this kind. They wanted to take the whole thing out. I thought we were obligated to retain it. We had a vote here. I thought it should stay in. This was the compromise that they were willing to make. There was a difference between the two versions. There was no effort on their part to deny the facts. They thought such a provision would be inappropriate in this bill.

Mr. JAVITS. Mr. President, I repeat my deep sense of protest against this excision. I believe the correctness of my position would be demonstrated by a vote in the House—which I am confident would be unanimously in favor of such a resolution. If the matter had been returned to the House, it would have been favorably voted on as decisively as it was in the Senate.

I yield the floor.

Mr. SIMPSON. Mr. President, I have witnessed many times in this Chamber the addition or deletion of items from bills that have come before our august body, on which we voted favorably, but in which items were added or deleted in conference.

The foreign aid conference committee undoubtedly had what it considers good reasons to strike the reapportionment provision and the Tower amendment on aid to Indonesia from the foreign aid authorization bill, but I cannot but think that such reasons were more specious than laudable. I voted against the innocuous reapportionment resolution because I felt that in its defeat the Senate might take it upon itself to put something with a little more starch into the reapportionment issue. However, innocuous though it was, the sense of Congress resolution was at least a means by which the Senate could take official cognizance of the reapportionment dilemma. It is unconscionable to me that the majority of conferees could delete this language.

The resolution as passed by the Senate would have made no requirements of the Supreme Court. That august body would have been free to trip the light fantastic through the laws of the land, the legislatures of the States, and the Halls of the Congress. The resolution simply importuned the gentlemen of the High Court to act with restraint and moderation—two words which this administration purports to favor in its political discourse—but obviously even this language did not please the conferees. It is tragic, Mr. President, that this is so, for now the States have no recourse, and they are at the mercy of Federal courts which have thus far been disinclined to show either moderation or restraint in reapportionment.

Now, Mr. President, regarding Indonesia, certainly, there is no doubt that this Nation's foreign aid funds—that is, the taxpayers' funds—have been mispent in many different ways.

I feel, however, that in the field of foreign aid, our very worst fault is the continuing failure to make a distinction between friends and enemies.

I was pleased that the Senate saw the distinction this year in one such case. I

regret that the majority of foreign aid conferees apparently did not.

I refer, Mr. President, to Sukarno. On August 13, this body very clearly saw fit to prohibit further aid to one of our country's enemies, Sukarno. The vote on the prohibitive amendment was 62 to 28.

At this juncture in my remarks I digress to say that I agree wholeheartedly with the attitude of the senior Senator from New York [Mr. JAVITS] concerning the action of the conferees in respect to the resolution which would have censured Soviet Russia for its persecution of the Jews in that land. I endorse everything that the Senator from New York said in that connection.

The Senate faced the fact that Mr. Sukarno is no friend of the United States. I regret the majority of conferees did not.

The conference report says nothing that the Senate did not know when it voted 62 to 28 to prohibit such aid. The conference report stated that we still have discretion to cut off aid. If the administration discretion were being wisely used, the amendment would not have been necessary in the first place. But, this discretionary power is not being used.

Where is Sukarno today?

I read from yesterday's issue of the New York Times from an article entitled "More Soviet Arms Promised Sukarno," as follows:

The Soviet Union agreed today to supply more arms to Indonesia. However, no formal agreement has been signed by Premier Khrushchev and President Sukarno, who arrived here (Moscow) yesterday and will leave tomorrow on his way to Cairo for a meeting of the leaders of nonaligned nations.

Under a previous agreement on military aid, signed by former Minister Subandrio in July, the Soviet Union supplied transport planes, helicopters, and other equipment for Indonesia's military struggle against Malaysia.

Premier Khrushchev met Mr. Sukarno for the second time in 2 days this morning. Their talks covered the further development of friendly Soviet-Indonesian relations and the international problems of mutual interest. I might also add that on the floor of the Senate, Sukarno was quoted as having said to the United States of America, "To hell with its aid."

Let me review briefly the facts. We now spend money to train Indonesian military and police personnel. Indonesia is at this time waging war against our British and Malaysian allies.

Sukarno continues to remark publicly he will "crush" Malaysia. Sukarno is a friend of the Communists. There can be no doubt of this. Two prominent Communist Party leaders in his country hold the rank of Minister.

As of late April there were 187 Indonesian armed forces personnel training in the United States, plus 38 police personnel, a total of 225.

Here is a breakdown of the U.S. folly:

Under the Army, 94 Indonesian trainees are at work. Sixty-one of them are scattered among such regular military career courses as engineering, adjutant general, finance, ordnance, armor, sig-

nal, medical, infantry, women's army corps, military police, chaplain, supply, quartermaster, transport, artillery and the U.S. Command and General Staff School. Thirty-three others are in what our State Department calls civic action courses, which somehow include infantry training.

Until this year Indonesian trainees here were given guerrilla and counterinsurgency courses.

Under the supervision of our Navy, 68 Indonesian trainees are assigned to various U.S. military schools in such career courses as naval aviation, oceanography, supply, electronics, engineering, motor transport and the Navy Command Course. Another seven are in those elusive civic action courses.

Under the Air Force, there are 18 Indonesian trainees; 10 in Air Force career courses, and 8 in civic action.

In addition 38 Indonesian police are training in this Nation. Thirteen are taking police management and internal security courses at AID's International Police Academy right here in Washington. They get special instruction in traffic, patrolling, and railroad security—all handy things to know in a dictatorship.

Eighteen more Indonesian policemen are at U.S. military schools working in telecommunications maintenance, weapons and ammunition repair, Coast Guard organizations, maintenance and operation, search, rescue, maritime law enforcement, and military police organization and operations.

Three others are studying at private institutions in the field of telecommunications. One is studying police administration at the University of Southern California; three are taking courses here in Washington under that catchall "civic action" heading.

While this U.S.-financed training goes on, our ally Malaysia is being invaded and British troops in the area killed by Indonesian military forces.

This would seem a good place for the Johnson administration to make a start at getting our foreign assistance programs out of the realm of the ridiculous and back to the realm of reason.

Of particular interest is the police training program administered by the Agency for International Development since 1954 and upon which, to date, American taxpayers have spent more than \$16 million.

AID blithely admits that the training is designed to increase the competence of the 110,000-man national police of Leftist-Dictator Sukarno. We are to help train the police officers, modernize their radio communications, update their transport facilities, and improve their supply system.

American taxpayers are footing the bill for this so that Sukarno will not lose control of his island nation. That is a priority set by our foreign assistance program. It could use some prompt rethinking.

Among the major items of equipment we have sent to this "peaceful, friendly, democratic" nation are 1,800 vehicles of all types, 53 small patrol craft for sea police, 5 small aircraft for air police,

laboratory equipment in the amount of \$206,000, records and identification equipment in the amount of \$130,000, and investigative equipment to the tune of \$25,000.

Approximately \$2 million has been expended to provide a radio, teletype, and telephone communication network giving Sukarno's police comprehensive coverage throughout the widespread nation.

Mr. President, I request unanimous consent that a New York Times article dated October 1 and entitled "More Soviet Arms Promised to Sukarno" be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MORE SOVIET ARMS PROMISED SUKARNO

Moscow, September 30.—The Soviet Union agreed today to supply more arms to Indonesia.

However, no formal agreement has been signed by Premier Khrushchev and President Sukarno, who arrived here yesterday and will leave tomorrow on his way to Cairo for a meeting of the leaders of nonaligned nations.

Under a previous agreement on military aid, signed by Foreign Minister Subandrio in July, the Soviet Union supplied transport planes, helicopters, and other equipment for Indonesia's military struggle against Malaysia.

Premier Khrushchev met Mr. Sukarno for the second time in 2 days this morning. Their talks covered "the further development of friendly Soviet-Indonesian relations and international problems of mutual interest," according to Tass, the Soviet press agency.

High military, economic, and diplomatic officials were present on both sides.

Mr. SIMPSON. Mr. President, in his remarks during debate on this very amendment, the distinguished Senator from Illinois noted, as shown on page 18824 of the RECORD of August 13:

It is now roughly 2 months since the distinguished leader in Indonesia, Mr. Sukarno, stated publicly to all the world—and it was carried by every wire service—that "The United States can go to hell with its aid."

I might note parenthetically, Mr. President, that the United States might as well go there as it has nearly exhausted its supply of earthly coffers in which to plunk American tax dollars.

Mr. MORSE. Mr. President, the conference report on the foreign aid authorization bill is characteristic of the difficulty Congress faces in trying to reduce foreign aid expenditures and make all aid expenditures more effective in promoting national objectives.

The conference report demonstrates once again that only when both bodies act in concert on the floor are the aid agencies stopped from writing their own foreign aid legislation. Year after year we have seen the Foreign Relations Committee of the Senate and the Foreign Affairs Committee of the House march right straight down the line laid down by the State Department, the Defense Department, and AID on foreign aid policy. This conference report is evidence that the same thing has happened again this year. It only means that next year, the House floor and the Senate floor will have to see adamant and coordinated efforts made to redraft foreign aid legis-

lation that will advance the national interests of the United States.

This conference report is largely a recital of the amendments added on the Senate floor from which the Senate conferees receded.

I ask Senators to examine their copies of the conference report. Look at the first page. The report shows that the Senate receded from its amendments numbered 1, 3, 4, 9, 10, 11, 13, 14, 16, 18, 19, 21, 22, 24, 25, 26, 27, 28, 29, 30, 31, 34, 36, 37, 38, 41, 45, 46, 47, 48, 49, 50, 51, 53, 54, 55, 56, 57, 58, and 60.

The record also shows that the House receded from its disagreement to the amendments of the Senate numbered 6, 7, 33, 44, and 52 and agree to the same.

That is the most unsatisfactory conference report that has ever come to the floor of this body in my 20 years in the Senate. There is no match for it in walking out on the commitments made here on the floor of the Senate by the vote of the full Senate. That is why the senior Senator from Oregon has taken the position that Senators today should stand up and be counted on the conference report by a yea and nay vote, and when they do, they will only be beginning to fight in the next few years until we bring to an end the shocking betrayal of the taxpayers of this country as found in the foreign aid program. Hundreds of millions of dollars are being wasted. Hundreds of millions of dollars are being used to foster corruption abroad in one kept government after another.

The most important items on which the Senate conferees receded were those designed to tighten the policy directives governing foreign aid. The net result is once again to accommodate administrative desires to have a free hand in the distribution of foreign aid.

I am extremely disappointed that the ban on aid to Indonesia, just discussed by the distinguished Senator from Wyoming [Mr. SIMPSON] was stricken out. Congress is literally abdicating its responsibility for the foreign aid program when it permits aid to Indonesia, headed by that irresponsible man known as Sukarno, to continue.

And it continues only on the hypothetical, vague, and desperate assumption that if we train a few military personnel in that country, they eventually will rise to positions of leadership and will follow American designs and objectives in that part of the world.

That is a part of the propaganda of the Pentagon. There is a clique in the Pentagon that is trying to exercise more and more military influence in this American democracy. Around the world they are trying to build up military oligarchies and use American taxpayer dollars to strengthen those oligarchies. I say to the American people that between now and next year we have a responsibility of citizen statesmanship to make clear to Members of the Congress that we want no more of it, and that next year we want the foreign aid bill drastically revised.

Mr. President, I do not know of a more fatuous assumption that could be devised as a basis for spending American money. The notion that we can guide and con-

trol countries by remote control is proving utterly fallacious even in South Vietnam, where we have invested more like \$3 billion since the French withdrawal and we still have been unable to control events.

We continue to put this money into Indonesia as a means of influencing its military leaders, and as the Senator from Wyoming has pointed out, we get in return insult after insult from Sukarno. We get a violation of the United Nations Charter by Sukarno on event after event. We are making war in that part of the world, and the United States proposes to continue to pour more money into the assistance of that tyrant.

We think we are protecting American military interests in south Asia by so doing. But I say we are only training Indonesians who will carry out their own objectives in that part of the world, and they will not be American objectives.

If anything, a more fundamental reason for the continuation of our aid program in Indonesia are the investments of American oil companies there. American companies have invested nearly half a billion dollars in Indonesia, and the Shell Oil Co., an international company, has investments estimated at around \$650 million.

Indonesia has for years made threatening noises about nationalizing all foreign oil operations, and every time Sukarno uses that blackmail threat, the American oil companies tremble, and the pressure is put on for more American aid to Indonesia.

Last year an arrangement was agreed to that permits the oil companies to continue the management and control of their holdings for another 20 years. Their exports from Indonesia amount to a quarter of a billion dollars a year in value, and while 60 percent of the profits go to Indonesia, it is obvious that in protection of their share, the companies are quite willing to have American taxpayers shell out a little "protection money" to Sukarno.

The domestic distribution facilities in Indonesia are expected to be nationalized; but the real value of the investments is in the exporting of Indonesian oil.

As they are in the Middle East, the American taxpayers are being bilked—and I should say bilked—for the privilege of having American oil companies earn huge profits in foreign oil. We are constantly lulled with the theory that we have to preempt all the oil fields in the world to keep them from falling into Communist hands. I tell the American people that is a lot of baloney. The world is nearly drowning in oil. What we are really trying to do is to extend our control over as much of the supply as possible in order to maintain an artificially high price for oil on the world market. The "keep it away from Communists" line is only an excuse for the money our taxpayers are taxed to pay the local governments for the privileges they grant our investors.

This is a measure of how far foreign aid has gotten away from the theoretical objectives used to justify it. The kind of aid we are furnishing to Sukarno has

nothing in the world to do with helping the people of Indonesia live better. It has nothing at all to do with raising living standards or reaching the masses of the people in any way at all.

It is strictly and purely a political gesture, from which we hope to gain privilege for American business and to forestall threats to what we consider our security interests in the Indian Ocean and the South China Sea.

Aid furnished on that basis has been a failure in country after country; it will be a failure in Indonesia, too.

Next year the House of Representatives must start with a ban on aid to Indonesia written into the foreign aid bill on the floor, and the Senate must follow suit. That is the only way this disreputable aid program to Sukarno will ever be ended.

The Senate conferees invited floor action next year, too, by compromising the Senate amendment on interest rates. The conference report states:

The committee of conference weighed the appeal for stiffer loan terms against the more important consideration that borrowing countries not be encouraged to pursue irresponsible debt practices. Prudence requires that such nations not be burdened with unduly high loan costs until their development is sufficient to finance their debts. Any severe increase in the costs of loans would only increase the possibilities of default which would have serious consequences not only for foreign governments and international financial institutions that had loaned the money, but also for private investors, many of whom are U.S. citizens.

That is clear enough. The American taxpayers are being told more plainly than usual that they will have to continue subsidizing American private investors abroad and continue subsidizing the foreign countries that lend to underdeveloped nations at commercial interest rates and many of them do. "After all, Mr. Taxpayer, if you did not give low-interest loans to these countries they might not be able to pay off foreign creditors and private American investors." That is the message of the conference report.

Once again, action will have to start in the House next year to write a reasonable interest rate section into the bill on the House floor that the Senate can endorse when the bill reaches the Senate floor.

The money amendments made by the Senate were also quickly "ditched" in conference. The total sum authorized by the conference committee is \$3.506 billion, only \$10 million under the executive request. The Senate cut that request by \$250 million or \$266 million. Then we added an amount of \$50 million for the beef amendment. So we cut it about \$200 million or \$225 million.

When the Senate sent it to conference, it authorized \$3.290 billion. Of these reductions, only the small one in technical cooperation and development grants was retained by the conferees.

Here again, it is going to take floor action in both Houses to bring the sums spent down to reasonable levels.

The alibi that is being given in the cloakrooms this afternoon is, "Let it go

through, because we have already passed an appropriation bill of only \$3.250 billion."

Mr. President, this is an authorization bill, authorizing policy; and it is the policy in the report that the senior Senator from Oregon objects to, as I have done for many months past and the last 2 years. Any time it is desired to reform policies in foreign aid, such an effort will have the support of the senior Senator from Oregon, and he will be supporting the foreign aid program. But until corruption, inefficiency, and waste are taken out of our foreign aid program abroad, I will continue to vote against it.

I am satisfied that the American people, by increasing millions, are supporting the position the Senator from Oregon is taking. Come next year, I pledge today an all-out fight against the foreign aid bill that will make my past fights appear to be mere skirmishes.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FULBRIGHT. Is the Senate to vote at 2:45 p.m.?

The PRESIDING OFFICER. At 8:45 p.m., pursuant to a prior unanimous-consent agreement, the Senate will vote.

Mr. FULBRIGHT. Mr. President, it is not necessary for me to make these remarks, but I think, in view of the deep feelings of the Senator from Oregon and the very powerful argument he has made, it would be appropriate to say a few words about the AID program.

Like all other programs—either foreign or domestic, in my opinion—this program has had its failures. It has also had its successes. On balance, I think its successes far outweigh its failures.

I do not believe that the Senator from Oregon would deny that the initial effort in this field, the Marshall plan was a very great success. It went along well. Of course, the conditions then were much easier to deal with than the ones that confront us now in places like Asia, Africa, and Latin America. But, on balance, I think the program has been beneficial.

One way to get a little perspective about this matter—and I think it deserves some credit—is to compare conditions in the world today with those after World War I. World War I, up to that time, was the worst, the most destructive conflict the Western World had ever experienced. Twenty years after World War I, we were on the verge of World War II. After World War I we did not engage in the League of Nations. We refused to participate in that activity. We did not assume any responsibility for the development of underdeveloped countries. We made no effort to try to bring stability and peace into any area. We had an official policy of isolation.

Subsequent to World War II we have had the opposite overall policy both with regard to the United Nations, as compared with the League of Nations, and also in the field of aid, engaging in those activities, and trying to influence the

course of events. While I do not pretend that AID alone has made the difference, still I think it is true that at present, in spite of difficulties in South Vietnam and some other difficult areas, the world is not in anything like the unstable and dangerous situation in which it was in 1938 and 1939.

If the American people will judge the situation and compare the situation carefully with what happened as a result of our policy after the First World War, and assess the role and influence the AID program has had since World War II, they will agree that it has been a bargain.

It is true that it has cost much more money than other activities, short of all-out war; but, on the other hand, when we compare the total cost of the AID program with the cost of waging war, we get a little different idea and a little different view as to whether or not an investment of this kind, compared with the outbreak of a conflict, is a good investment—aside from the cost of lives, but only in terms of dollars and cents.

The cost of World War II was infinitely greater to this country, as well as to other countries, than the cost of the aid program. It is not a perfect program. I would not challenge the statement of the Senator from Oregon and say there have been no mistakes. I am well aware that there have been. One could say that of practically every other kind of program, even domestic programs such as programs for relief of unemployment or other relief programs, which we all support. From time to time we encounter abuses, because, human nature being what it is, there is no way to prevent them.

I do not believe that the allegations of malfeasance and gross corruption, and so on, which have been made about AID, are sound. Some mistakes have been made. I have found very few, if any, instances of deliberate corruption on the part of any employees of AID. I do not think it is subject to that kind of criticism. It is a thankless job. I suppose this agency has had more directors in a shorter time than any other major activity of Government. No one cares to serve as director of this administration, partly because of the attacks that are made on it, partly because of the extreme difficulty that the administration has had in areas with which we are not very familiar and where we have had little experience in the past, and partly because Congress has put so many inhibitions upon the administration, which makes the job much more difficult than if we were to adopt only broad policies and leave the administration up to the executive department and merely review their activities after they had performed their work.

I cite one example. In the present bill I did my best, as many of my colleagues did, to keep in the bill the provision regarding giving the AID administrator the power to upgrade the quality of his personnel. However, the House conferees absolutely refused to accept that provision. We were in a deadlock

practically all day yesterday on two points—the one I have mentioned, and the other on the Sabbatino amendment. We could not make any progress, and we had to give way in order to get any report at all.

I regret that very much. Mr. Bell is a very conscientious public servant, and he would like to have the opportunity to improve the quality of his top employees, but we did not get that provision. I hope next year the Senate and the House will review that aspect of the bill.

On the whole, while I cannot say that this is a perfect program, I believe it is certainly worthwhile.

Mr. MORSE. Mr. President, I shall take only 1 minute.

Time does not permit me to reply in detail, although the facts warrant a reply in detail.

All through the argument of the Senator from Arkansas runs the fallacy that the AID proponents have used time and time again, namely, that AID prevents war. The sad fact is that the way we are operating AID, it induces war. Consider the way we are building up the war machines throughout the world. Consider what we are doing in Pakistan and India. We are supporting them with a military aid program of millions of dollars, not one dollar of which should have been granted to either country. They are building themselves up so that they can go to war with each other over Kashmir. If they go to war over Kashmir, they will be practically 100-percent equipped with American military aid.

Take the case of Greece and Turkey. In Turkey, we have thrown down the drain hundreds of millions of dollars of taxpayer money to build up a military oligarchy; a tyranny, not a democracy—a tyranny operating state industries and using moral corruption throughout their manpower program.

In southeast Asia our military aid is seriously endangering peace in that part of the world. In Africa, it is sucking the United States deeper and deeper into the affairs of African countries, and I predict that if Congress does not stop it, U.S. aid programs will produce another Vietnam involvement in Africa.

It is a fallacious argument to argue that foreign aid prevents war. If we wish to prevent war, let us go in for economic aid project by project.

In preparing people for economic freedom in the underdeveloped areas, we are bringing them free government and reducing the possibility of war.

Military aid is causative of war, not productive of peace.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I ask for the yeas and nays on the conference report.

The yeas and nays were ordered.

The PRESIDING OFFICER. The time is now 2:45 p.m. Pursuant to the unanimous-consent agreement previously entered, the Senate will now vote on the adoption of the conference report on H.R. 11380. The yeas and nays having been ordered, the clerk will call the roll.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. As I understand, a vote in favor of the conference report is a vote of "yea."

The PRESIDING OFFICER. The Senator is correct.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Nevada [Mr. CANNON], the Senator from Pennsylvania [Mr. CLARK], the Senator from Missouri [Mr. LONG], the Senator from Connecticut [Mr. RIBICOFF], the Senator from South Carolina [Mr. JOHNSTON], and the Senator from Washington [Mr. MAGNUSON] are absent on official business.

I also announce that the Senator from Alabama [Mr. HILL], and the Senator from Massachusetts [Mr. KENNEDY] are absent because of illness.

I further announce that the Senator from Indiana [Mr. BAYH], the Senator from Maryland [Mr. BREWSTER], the Senator from Mississippi [Mr. EASTLAND], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from North Carolina [Mr. ERVIN], the Senator from Tennessee [Mr. GORE], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Washington [Mr. JACKSON], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Wyoming [Mr. MCGEE], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Rhode Island [Mr. PASTORE], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Texas [Mr. YARBOROUGH], the Senator from California [Mr. SALINGER], the Senator from Missouri [Mr. SYMINGTON], the Senator from Georgia [Mr. TALMADGE], and the Senator from New Jersey [Mr. WILLIAMS] are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana [Mr. BAYH], the Senator from Maryland [Mr. BREWSTER], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Washington [Mr. JACKSON], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Rhode Island [Mr. PASTORE], and the Senator from West Virginia [Mr. RANDOLPH] would each vote "yea."

On this vote, the Senator from Massachusetts [Mr. KENNEDY] is paired with the Senator from North Carolina [Mr. ERVIN].

If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from North Carolina would vote "nay."

On this vote, the Senator from California [Mr. SALINGER] is paired with the Senator from Alaska [Mr. GRUENING].

If present and voting, the Senator from California would vote "yea" and the Senator from Alaska would vote "nay."

On this vote, the Senator from New Jersey [Mr. WILLIAMS] is paired with the Senator from Idaho [Mr. JORDAN].

If present and voting, the Senator from New Jersey would vote "yea" and the Senator from Idaho would vote "nay."

On this vote, the Senator from Pennsylvania [Mr. CLARK] is paired with the Senator from New Mexico [Mr. MECHEM].

If present and voting, the Senator from Pennsylvania would vote "yea" and the Senator from New Mexico would vote "nay."

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BEALL], the Senator from Utah [Mr. BENNETT], the Senator from Delaware [Mr. BOGGS], the Senator from Kansas [Mr. CARLSON], the Senator from New Hampshire [Mr. COTTON], the Senators from Nebraska [Mr. CURTIS and Mr. HRUSKA], the Senator from Colorado [Mr. DOMINICK], the Senator from Arizona [Mr. GOLDWATER], the Senator from Idaho [Mr. JORDAN], the Senator from New York [Mr. KEATING], the Senator from New Mexico [Mr. MECHEM], the Senator from Iowa [Mr. MILLER], the Senator from Kentucky [Mr. MORTON], the Senator from Pennsylvania [Mr. SCOTT], the Senator from South Carolina [Mr. THURMOND], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The pair of the Senator from Texas [Mr. TOWER] has been previously announced.

On this vote, the Senator from Delaware [Mr. BOGGS] is paired with the Senator from Nebraska [Mr. CURTIS].

If present and voting, the Senator from Delaware would vote "yea" and the Senator from Nebraska would vote "nay."

On this vote, the Senator from New York [Mr. KEATING] is paired with the Senator from Utah [Mr. BENNETT].

If present and voting, the Senator from New York would vote "yea" and the Senator from Utah would vote "nay."

On this vote, the Senator from Iowa [Mr. MILLER] is paired with the Senator from South Carolina [Mr. THURMOND].

If present and voting, the Senator from Iowa would vote "yea" and the Senator from South Carolina would vote "nay."

On this vote, the Senator from Kentucky [Mr. MORTON] is paired with the Senator from Colorado [Mr. DOMINICK].

If present and voting, the Senator from Kentucky would vote "yea" and the Senator from Colorado would vote "nay."

On this vote, the Senator from Idaho [Mr. JORDAN] is paired with the Senator from New Jersey [Mr. WILLIAMS].

If present and voting, the Senator from Idaho would vote "nay," and the Senator from New Jersey would vote "yea."

On this vote, the Senator from Pennsylvania [Mr. SCOTT] is paired with the Senator from Nebraska [Mr. HRUSKA].

If present and voting, the Senator from Pennsylvania would vote "yea" and the Senator from Nebraska would vote "nay."

On this vote, the Senator from New Mexico [Mr. MECHEM] is paired with the Senator from Pennsylvania [Mr. CLARK].

If present and voting, the Senator from New Mexico would vote "nay" and the Senator from Pennsylvania would vote "yea."

Mr. DIRKSEN (after having voted in the affirmative). On this vote I have a pair with the Senator from Texas [Mr. TOWER]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withhold my vote.

The PRESIDING OFFICER (Mr. WALTERS in the chair). On this vote, the result is—yeas, 35, nays 15, and one live pair. This constitutes a quorum.

The yeas and nays were announced as follows:

[No. 592 Leg.]

YEAS—35

Aiken	Hart	Nelson
Allott	Hayden	Pearson
Anderson	Hickenlooper	Pell
Bartlett	Holland	Prouty
Byrd, W. Va.	Inouye	Proxmire
Case	Javits	Saltonstall
Church	Kuchel	Smathers
Cooper	Mansfield	Smith
Dodd	McIntyre	Sparkman
Douglas	McNamara	Walters
Fong	Metcalf	Young, Ohio
Fulbright	Monroney	

NAYS—15

Bible	Long, La.	Russell
Byrd, Va.	McClellan	Simpson
Ellender	Morse	Stennis
Jordan, N.C.	Mundt	Williams, Del.
Lausche	Robertson	Young, N. Dak.

NOT VOTING—50

Bayh	Gore	Miller
Beall	Gruening	Morton
Bennett	Hartke	Moss
Boggs	Hill	Muskie
Brewster	Hruska	Neuberger
Burdick	Humphrey	Pastore
Cannon	Jackson	Randolph
Carlson	Johnston	Ribicoff
Clark	Jordan, Idaho	Salinger
Cotton	Keating	Scott
Curtis	Kennedy	Symington
Dirksen	Long, Mo.	Talmadge
Dominick	Magnuson	Thurmond
Eastland	McCarthy	Tower
Edmondson	McGee	Williams, N.J.
Ervin	McGovern	Yarborough
Goldwater	Mechem	

So the report was agreed to.

Mr. MORSE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Oregon will state it.

Mr. MORSE. For future reference, so that the record may be kept straight, do I correctly understand that the announcement of the Chair on the last vote was that the yeas were 35 and the nays were 15, with one pair?

The PRESIDING OFFICER. The Senator is correct.

Mr. MORSE. Do I correctly understand that under the precedents of the Senate, when there is less than a physical quorum present, a quorum can be created by certain Senators giving live pairs with absent Senators, and that that amounts in effect to the creation of a quorum?

The PRESIDING OFFICER. The Parliamentarian advises the Chair that a quorum must be physically present. On

the last vote there were 35 yeas, 15 nays, and one live pair, which made 51 Senators present, a quorum.

Mr. MORSE. Then the live pair would constitute the first 50?

The PRESIDING OFFICER. With the live pair, 51 Senators were present, a quorum.

Mr. MORSE. Fifty-one.

The PRESIDING OFFICER. Fifty-one Senators were physically present, which constitutes a quorum.

Mr. MORSE. So the total number of senatorial bodies on the floor was 51?

The PRESIDING OFFICER. The Senator is correct.

Mr. MORSE. I thank the Chair.

LOCATION OF CHANCERIES IN THE DISTRICT OF COLUMBIA—CONFERENCE REPORT

Mr. McINTYRE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 646) to prohibit the location of chanceries and other business offices of foreign governments in any residential area in the District of Columbia. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. WALTERS in the chair). The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of Oct. 1, 1964, p. 11694, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. McINTYRE. Mr. President, the bill, S. 646, which was reported by the conferees is, in my opinion, a fair and reasonable resolution of the problem which has confronted the residents of the District of Columbia, the U.S. Government, and the governments of foreign nations seeking locations in the District of Columbia for chancery buildings.

The bill which the conferees have reported clearly spells out the requirements which foreign governments must meet in order to locate chanceries in the District.

With certain specified exceptions, no new chancery locations may be established in residential zones. The Senate conferees adopted provisions of the House bill which would allow chanceries to be located in medium high density and high density apartment zones, subject to explicit standards of available off-street parking space, building height, and architectural design. Chanceries will be allowed to locate in all other zones, including special purpose, commercial, and industrial zones.

The House bill had included a provision allowing small chanceries employing less than seven persons to locate in all residential zones. The House receded from this position in the face of the argument so ably presented by the distinguished Senator from Oregon [Mr.

MORSE] that such a provision might well turn out to be virtually unenforceable.

Sections 2 and 4 of the bill approved by the conferees represent a strengthening of the provision included in the original Senate bill designed to protect the rights of owners of buildings now legally used as chanceries.

Section 4 was intended to meet the specific case of a building in any residential zone when the most recent legal use of that building has been as a chancery by a foreign government. Section 4 would allow that building to be used as a chancery by another foreign government in the future. Thus, the owners of the building, who may have expended considerable sums of money in altering their building to make it suitable for chancery use, will not have to lose their investment solely because their present tenants move out. Of course, as the House report pointed out, the right to use a building as a chancery in the future "could be specifically abandoned by the owner of such property or by demonstration that, as a matter of fact, the use had been otherwise abandoned."

The conferees were unanimous in feeling that the present bill represents a fair solution to the chancery problem in Washington, for the time being. Hope was expressed that it might be possible, at a later date, to consider a more long-term solution to the problem, possibly in the nature of a special chancery area, or precinct.

Mr. KUCHEL. Mr. President, will the Senator from New Hampshire yield?

Mr. McINTYRE. I am glad to yield.

Mr. KUCHEL. I should like to make some legislative history. Let us assume that Black Acre in the city of Washington constitutes present nonconforming use. Do I correctly understand that there is nothing in the bill which would affect the rights of the owners of Black Acre to continue that nonconforming use so long as the nonconforming use remains the same, regardless of tenants?

Mr. McINTYRE. The Senator from California is correct. The bill goes out of its way to protect existing vested rights in the Black Acre situation. If the Black Acre owners have a nonconforming use they are entitled to certain vested rights that would not be affected by the bill.

Mr. KUCHEL. Even though the tenants hasten to change, if the nonconforming use is set aside for another government?

Mr. McINTYRE. The Senator is correct. My admonition to him is that a nonconforming use is a right with its own legal standing. The owners of Black Acre cannot expand upon the use. By the same token, it could very well be legally abandoned.

Mr. KUCHEL. Could be?

Mr. McINTYRE. Could be; but at the discretion of the owners.

Mr. KUCHEL. Mr. President, I ask unanimous consent to have printed in the RECORD a copy of my letter to the Senator from New Hampshire [Mr. McINTYRE] on this subject.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 29, 1964.

HON. THOMAS J. McINTYRE,
U.S. Senate,
Washington, D.C.

DEAR TOM: As you know, I have had a longstanding interest in S. 646 dealing with foreign chanceries located in the District of Columbia. One of my California constituents owns the building which is now leased to the Jamaican government as a chancery. This building has always been used as a chancery and, although in a residential district, indeed, the sister-in-law of my constituent lives next door, it is not suitable because of its size for use as a private residence. I deeply appreciated your entering into a colloquy with me on this matter when S. 646 passed the Senate.

I have studied both the House and the Senate reports on this legislation and I feel that the provisions with regard to the right of an individual to continue a long established nonconforming use, such as is true in the case of a grocery located in a residential neighborhood prior to the establishment of a zoning law or regulation, is not clear with reference to the type of situation in which my constituent finds himself. I therefore wonder if it might be possible for you to raise this question when the conferees meet and see if some agreement could be reached in principle on this matter so that the appropriate legislative language might be drafted. I think the principle here is that a person using a building on the date of the adoption of the zoning regulations, say May 12, 1958, should be permitted to continue to use that property to the same extent and in the same manner as it was being used at that time and during the period which ends with the enactment of the bill now before the conferees. I would hope that such a continued use, as a chancery in this case, would not be subject to new provisions which would restrict the reasonable use of that property in residential areas.

With kindest regards,

Sincerely yours,

THOMAS H. KUCHEL.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. FULBRIGHT subsequently said: Mr. President, a moment ago, when the chancery bill conference report was acted on, I wished to say a word of commendation for the Senator from New Hampshire [Mr. McINTYRE] for the fine work he did in bringing to final passage the chancery legislation, and to express my appreciation to the senior Senator from Oregon [Mr. MORSE] for the contribution he made in working out what I believe to be a very sound procedure for the location of foreign chanceries in the city of Washington.

It has been a troublesome problem for many years. It has caused a great deal of ill feeling between our country and foreign countries. I believe the formula which the bill has adopted is a sound formula and one that we can live with. It will go far toward settling this troublesome problem.

Mr. MORSE. Mr. President, I join the Senator from Arkansas in expressing my appreciation to the Senator from New Hampshire [Mr. McINTYRE] for working out what I think is a very sound principle to govern the location of chanceries in the District of Columbia.

It was my privilege to work with the Senator from New Hampshire as one of the conferees. I want the RECORD to show that credit for that fine conference report should go to the Senator from

New Hampshire [Mr. McINTYRE]. Every suggestion he made I thought was a very sound one and I was very glad to go into conference supporting his hand in those recommendations.

TRIBUTES TO SENATOR WALTERS OF TENNESSEE

Mr. RUSSELL. Mr. President, it now appears that the 88th Congress will adjourn sometime this evening, and before Senators leave I wish to make a brief statement.

I desire to say a few words with respect to the distinguished occupant of the Chair, the junior Senator from Tennessee [Mr. WALTERS] and his brief period of service in this body.

It has been a high privilege for me to know the Senator and to enjoy his friendship. Not in the time that I have served in the Senate has any man entered this body and gained the respect, esteem, and affection of the Members of the Senate in a similar period of time to a greater extent than has the distinguished Senator from Tennessee [Mr. WALTERS]. The Senator from Tennessee has been a very valuable Member of this body. He has indicated that very rare characteristic of commonsense. Down in my home State of Georgia, we call it horse sense. It enables him to analyze legislation and to vote for sound governmental practices.

I regret very much to see the Senator from Tennessee leave this body this evening after it adjourns sine die. He has made very many valuable contributions during the period he has been here. I assure the Senator that he takes with him the affection and esteem of his colleagues.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. MANSFIELD. Mr. President, just over 1 year ago the Senate was bereaved by the death of one of its most prominent Members, Senator Estes Kefauver, of Tennessee. We were fortunate, however, in having the able and capable HERBERT S. WALTERS join our ranks to represent the State of Tennessee. Long prominent in the Democratic Party on the State and National levels, HERBERT WALTERS took his seat on the floor of the Senate particularly well suited to represent the people of his State and to carry on in the fine tradition set by his predecessors throughout our history and by the present senior Senator from Tennessee [Mr. GORE].

Senator WALTERS brought with him a rare and mature insight into the needs of Tennessee and the United States along with a keen and understanding mind. We have found him to be kind and unassuming and the possessor of a spirit of cooperativeness rarely exceeded, but with deep convictions to which he holds tenaciously.

Mr. President, we bid farewell to HERBERT WALTERS with regret. We know that he will continue to find ways to serve the people of Tennessee and the Democratic Party as he has done for more than 30 years.

I am honored and happy to join the distinguished senior Senator from Georgia [Mr. RUSSELL] in making my feelings known concerning the present occupant of the chair.

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. ROBERTSON. Mr. President, I welcome this opportunity to associate myself with the views expressed by the distinguished senior Senator from Georgia.

I wish to say publicly what I have privately said to the Senator from Tennessee. "I hate to see you go."

The Senator from Tennessee is beloved in this body, not only for his judgment and fine ability, but also for his sterling qualities of character. His service here was of peculiar interest to me. His lovely wife came from Staunton, Va., which is 36 miles north of my home in Lexington. We in Virginia have looked upon him as our third Senator in this body. We do not like to see him go.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. AIKEN. Mr. President, I am happy to say that I think "HUB" WALTERS has made a great contribution to the Senate since he came here. He is always able to see the sunny side—sometimes when it does not appear that there is any sunny or humorous side.

I, for one, have enjoyed his company very much.

As he goes back to Tennessee, I know he has had an experience to take back to his State. I believe that he has voted right most of the time—perhaps not every time. But he has been a credit to his State. I would like to have the people of his State know that we appreciate the fact that "HUB" WALTERS has made a real contribution during the time he has been here.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. ANDERSON. Mr. President, I wish to express my thanks to the senior Senator from Georgia [Mr. RUSSELL] for raising this question.

It was my great privilege to serve with the Senator from Tennessee on the Committee on Interior and Insular Affairs. We have had a large amount of work in that committee. I have watched him work. I was agreeably surprised to find that from his rich background he had drawn knowledge that is ordinarily available only to legislators who have served over a long period of time.

He is a good man and a fine gentleman. I have appreciated my service with him in the Senate.

The Senator from Georgia has done a fine thing in calling attention to the fact that the Senator from Tennessee will not be with us next year. The Senator from Tennessee has made a fine contribution to the membership of this body. He has been a very fine Senator. We shall miss him. We all wish him a very long and profitable life.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. LAUSCHE. Mr. President, in the short period that the distinguished Senator now presiding over the Senate has been in this body, I have been in rather close contact with him, from the first day that I met him. On every day thereafter, my admiration of his character and his work increased.

I had the privilege of being with him about once a week at meetings which were devoid of political ramifications, but during which meetings revelations of character were constantly made.

As I have stated, while I respected him shortly after my first meeting with him, that respect has grown in the days that I have been with him. He has been frequent in attendance. He has been stable in his judgment. He has been affable in his relationships with his colleagues. He has been a good servant of the people.

I shall miss him very much. My hopes are that intermittently he will return so that we may again have the benefit of association with him.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. ALLOTT. Mr. President, it is always a sad day when the occasion arises that we must pay tribute and, in effect, say goodbye to those with whom we have associated in the Senate, and whom we have come to love and respect.

I believe that it is particularly sad to say goodbye to a man who made it known soon after he arrived that he had no intention of attempting to run for office this year and thus to keep the seat which he now occupies, and which he has occupied so well.

It is sad that we are required to say goodbye to a man—at least so far as his participation in the Senate is concerned—who, knowing that he was not going to remain here, has devoted himself to his work in the Senate with such earnestness that perhaps many others might well take an example from his actions.

It has been my pleasure to serve with "HUB" WALTERS on the Committee on Interior and Insular Affairs. Even though he knew that his term would be relatively short because of his own choice, there are few, and there have been a few on the Committee on Interior and Insular Affairs who have attended so regularly, who have done their homework so well, and who have been an inspiration to the entire committee, as has the Senator from Tennessee.

I express my own personal thanks for the clarity of vision, fairness, and integrity with which the Senator from Tennessee has approached all of these problems, as well as the problems that he has had on the floor of the Senate. The senior Senator from Colorado and the junior Senator from Colorado—who is temporarily absent—extend the Senator our very best wishes. We hope the Senator will remember to return and say hello to us.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. MAILLIARD. Mr. Speaker, in San Francisco recently I had the pleasure of attending the first meeting of the advisory committee to the Chile-California program, a project supported by the Agency for International Development.

As a member of the advisory committee, I should like to report on the progress of our program because I know many of my colleagues support similar programs of cooperation in their own States.

During the 5 months since the Chile-California program was initiated, California advisers in Chile have been assisting their Latin American counterparts in planning public sector investment and improving Chile's educational system. Californians have also been instrumental in furthering the Maule River Basin regional development project which would use a principal Chilean water resource to raise the economic and social levels of a part of that nation.

In addition, transportation problems are being studied with a view toward their alleviation through future construction projects. University of California faculty members will soon be traveling to Chile to meet with their opposite numbers in the Republic.

The cooperation between California and Chile includes the private as well as the public sector of our economies. A computer system valued at more than a quarter of a million dollars has been given by a California firm to the Chilean Technical University of the State. Two of our largest private industrial organizations, Kaiser Industries and the Crown-Zellerbach Corp., have made substantial investments in Chile. Information is being exchanged between our poultry, wine, fishing, and fruit and vegetable growing industries. One of our large California banks plans to establish a Chilean branch in the near future.

On still another level, many Californians have enthusiastically joined in people-to-people projects; California schoolchildren have given contributions to schoolchildren in Chile, and, of course, Californians are among the Peace Corps volunteers presently serving in that country.

California and Chile have long borne a strong resemblance to each other in their natural endowments. With the AID-sponsored Chile-California program, the people of my State are now enjoying new and meaningful relationships with their neighbors to the south.

SUPREME COURT PRAYER DECISIONS

(Mr. BRUCE asked and was given permission to address the House for 1 minute.)

Mr. BRUCE. Mr. Speaker, the Supreme Court's prayer decisions led me to seek the root cause of such constitutional misinterpretation.

As the culmination of that research, today I have introduced a constitutional amendment which I believe is mandatory if the Congress is to restore the integrity of the Constitution and the Bill of Rights which have been violated by the Court for a quarter century.

The Court has perpetrated an unheralded, unrecognized, legal revolution, and has gotten away with it. If we in the Congress fail to act soon, this Court, if it continues in its present pattern, may well take away all the religious freedoms our people treasure.

I do not speak lightly. The issue is the Bill of Rights.

The key to the Court's revolution is its proposition that the 14th amendment absorbed the 1st amendment. That fiat of the Court turned upside down the original purpose of the Founding Fathers, that all authority in the area of religion would be left to the States. By the Court's license, the Federal Government is toppling the barrier erected against its power by the Bill of Rights.

A constitutional amendment is mandatory to end this dangerous onslaught by the Supreme Court, which has already cut down one of the unalienable rights of the people.

COMMITTEE ON VETERANS' AFFAIRS

Mr. ALBERT. Mr. Speaker, on behalf of the gentleman from Texas [Mr. TEAGUE], I ask unanimous consent that the Committee on Veterans' Affairs may have until midnight, October 2, 1964, to file reports on H.R. 1927 and H.R. 2434.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

(Mr. O'HARA of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

[Mr. O'HARA of Illinois' remarks will appear hereafter in the Appendix.]

FOREIGN ASSISTANCE ACT OF 1964

Mr. MORGAN. Mr. Speaker, I call up the conference report on the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the statement.

(For conference report and statement see proceedings of the House of October 1, 1964.)

Mr. MORGAN (interrupting the reading of the statement). Mr. Speaker, I ask unanimous consent that the reading of the statement of the managers be dispensed with. This was printed in the RECORD, and I am sure every Member read the RECORD this morning, so we can dispense with its reading now.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

(Mr. MORGAN asked and was given permission to revise and extend his remarks.)

The SPEAKER. The gentleman from Pennsylvania is recognized for 1 hour.

Mr. MORGAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this conference report on the foreign aid authorization bill was filed last night, only a few hours after the House had officially sent the measure to conference. This does not mean, however, that the agreements contained in the report are the result of hasty or ill-considered action. Far from it. There were some delays in getting the House conferees named. When we were finally appointed yesterday we went to conference after having had the benefit of a number of informal preconference consultations with the Senate conferees.

That is how we were able to reach final agreement last night on the 61 differences between the House and Senate versions of the foreign aid bill. Of these, 23 involved minor technical and conforming changes that presented no problems. The remaining 38, however, ranged from minor to major substantive changes on a wide range of subjects, some of them not even related to foreign aid. Of these, the Senate receded on 28, the House receded on 5, and the committee of conference compromised on 5. I think this is a pretty good indication that we did our best to maintain the position of the House as far as possible.

As passed by the House, the bill authorized appropriations totaling \$2,126,472,400. The Senate bill authorized \$2,076,600,000, a reduction of \$49,872,000. The conference agreement is for \$2,116,872,400, a difference below the House figure of only \$9,600,000. In the compromise, the Senate conferees agreed to restore the House figures for Surveys of investment opportunities, International organizations and programs, Supporting assistance and military assistance. In turn, the House conferees agreed to the lower Senate figure on Technical cooperation, \$215 million as against the House figure of \$224,600,000.

One of the most controversial features of the bill, as amended by the Senate, was a provision, included in amendments 47 and 48, which authorized the AID Administrator to separate certain employees without regard to the civil service and veterans' preference laws. This provision had been rejected by the Foreign Affairs Committee by a vote of 16 to 6, including my own. Yesterday, when a motion to instruct the conferees appeared imminent, I pledged my best efforts to maintain the House position and asked that the motion not be made. When the motion was withheld, I appreciated the compliment and the confidence shown in the House conferees by those who sincerely feared this provision as a threat to the civil service merit system and who were concerned that in the necessary "give-and-take" of a conference that we might have to yield. I am happy to report that although it proved necessary to devote a great deal of time to it, this provision has been stricken in the conference agreement.

Mr. Speaker, when the rule was debated yesterday which sent the foreign aid bill to conference, much was said about an ungermane and unrelated mat-

ter which had been added to the bill in the Senate. This was amendment No. 60, which related to the Supreme Court decision on the question of reapportionment of State legislatures. During the earlier hearing by the Rules Committee I had expressed my own disapproval of this so-called Mansfield compromise on reapportionment. The House conferees were firm on this and in the conference agreement this provision has also been stricken.

We have brought back to the House a conference report which I believe merits approval by this body. I wish to express my appreciation to all the members of the committee of conference, both House and Senate, for the long hours devoted to seeking and working out acceptable solutions to the differences in the two versions of the bill. In some respects, the conference agreement is better than the form in which the bill passed either House or Senate. I urge the adoption of the report as a compromise which is both reasonable and fair.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman.

Mr. BROWN of Ohio. Mr. Speaker, I listened to the gentleman's explanation with a great deal of interest and appreciated it very much. I think the conferees did a very good job under the rather difficult circumstances that confronted them. But if I read the press correctly this morning, the conference report which brings in a compromise bill does carry a provision that will permit American aid to be sent to Sukarno of Indonesia, something that was prohibited, as I understood it, under the provisions of the bill brought out by the committee and adopted by the House; is that correct?

Mr. MORGAN. That is not quite correct. The House last year wrote in its own Indonesia provision prohibiting all aid to Indonesia unless a determination was made by the President that to do so was essential to the national interest of the United States. That is retained in the Foreign Assistance Act. The Senate during debate in that body adopted a separate Indonesia provision that removed the President's discretion, and eliminated the only aid Indonesia is now receiving, which consists only of the training of some military personnel in this country.

As the gentleman is aware, we have been giving no aid to Indonesia except for the training of these military personnel. The act still provides that the President may do this only if he makes a special determination that it is essential to the national interest of the United States.

Mr. BROWN of Ohio. Is that provision the same as was contained in the bill when it cleared the House?

Mr. MORGAN. The House bill left the restrictions intact. It did not change the limitation we adopted last year.

Mr. BROWN of Ohio. Mr. Speaker, may I ask one other question? What about American aid to Yugoslavia and other Communist countries?

Were there any restrictions that were voted in the House eliminated or eased by the action of the conference committee?

Mr. MORGAN. The original Foreign Aid Act of 1961 has restrictions in it against all Communist countries. It has a separate section in it on Yugoslavia and other Communist countries but, of course, again it leaves the final determination up to the President of the United States who must find that the country is not controlled by the international Communist conspiracy; that assistance would promote the independence of the country from international communism and, most important of all, that such assistance is vital to U.S. security. The only aid now provided for Yugoslavia is under provisions of Public Law 480.

Mr. BROWN of Ohio. Mr. Speaker, if the gentleman will yield further, what about the continued aid to Yugoslavia and other pro-Communist nations? Will that aid be continued under the present program?

Mr. MORGAN. Well, it could be, but there has to be a Presidential determination that such aid would be in the interest of our national security.

Mr. BROWN of Ohio. The reason why I ask that question is this: As the gentleman well knows, there are many Members of the House, including myself, who have been rather opposed in the past to some of our rather peculiar generosity to Communist nations and dictators as well as Communist people all over the world, at the expense of the American taxpayer.

We are anxious to know whether or not there has been any tightening of those restrictions or any loosening of those restrictions.

Mr. MORGAN. I am sure the gentleman is familiar with the bill extending the provisions of Public Law 480 which passed this body last week and which then went to conference. There is a further tightening of these restrictions in that bill.

Mr. BROWN of Ohio. I realize that.

Mr. MORGAN. That is, with regard to aid to Yugoslavia.

Mr. BROWN of Ohio. Of course, I am asking the gentleman about this particular piece of legislation today.

Mr. MORGAN. The ban against aid to Yugoslavia is still in the original act of 1961.

Mr. BROWN of Ohio. If the gentleman will yield further, I do appreciate the frankness with which the gentleman from Pennsylvania has discussed these matters, and I thank the gentleman.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Iowa.

Mr. GROSS. I wish to commend the distinguished gentleman from Pennsylvania [Mr. MORGAN] and the managers on the part of the House for having eliminated Senate amendments 47 and 48 dealing with "select out" procedures as well as having brought about the striking of the ungermane milk and water Senate amendment reference to reapportionment.

However, permit me to say to the gentleman from Pennsylvania that what I have said in nowise changes my attitude toward the foreign handout program. I am still opposed to it and I believe there is far too much money authorized in this bill. But I do want to commend the gentleman from Pennsylvania and the conferees on the part of the House for what I believe was a worthwhile piece of work at this conference.

Mr. MORGAN. I want to thank the gentleman from Iowa for his comments and I want to assure the gentleman that the hard work which the chairman of the House conferees went through during the last week left him with no illusions and no intention to ever try to change the mind of the gentleman from Iowa as to his position on foreign aid.

Mr. GROSS. If the chairman will yield further, I would like to ask the gentleman what interest rates are provided? Will the gentleman briefly explain what transpired with respect to interest rates?

Mr. MORGAN. As I am sure the gentleman is aware, the Senate adopted the so-called Mundt amendment which provided two formulas for interest rates, one for commercial loans and another for noncommercial loans.

This so-called hardening of the loan process was a very difficult and complex item. It was one of the amendments which required prolonged discussion and consideration by the conferees.

The House conferees were convinced that the Mundt amendment was too severe and would absolutely ruin the development loan section of the bill.

We finally worked out a compromise whereby the so-called service charge or the interest rate during the grace period was increased from three-quarters of 1 percent to 1 percent. Then after the grace period we increased the interest rate from 2 percent to 2½ percent. This represented a compromise agreed to by both the House and the Senate conferees.

Mr. GROSS. If the gentleman will yield further, after the 10-year grace period the interest rate will go up to 2½ percent?

Mr. MORGAN. Two and a half percent; that is correct.

Mr. GROSS. I see.

Aside from one or two other amendments—at least one that I note in the report—there are no ungermane amendments of any real import, would the gentleman say?

Mr. MORGAN. I will say that in my opinion there is still one nongermane amendment in this bill. This is the so-called Sabbatino amendment relating to the act of state doctrine. The House conferees were not able to secure its removal, but we did succeed in modifying it by inserting a termination date. This amendment will expire on January 1, 1966. We were successful in securing deletion of practically all the other nongermane amendments.

Mr. ADAIR. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Indiana.

Mr. ADAIR. In line with inquiries made by the gentleman from Iowa concerning interest rates and the response made thereto, I think it should be pointed out that those figures are a minimum, and that there are in fact outstanding loans bearing higher rates of interest.

Mr. MORGAN. The gentleman is correct.

Mr. COLMER. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Mississippi.

Mr. COLMER. Mr. Speaker, I should like to associate myself with the remarks of the gentleman from Iowa in commendation of the distinguished chairman of the Committee on Foreign Affairs of the House and the other conferees of the House in striking these nongermane amendments that the other body placed in there, particularly the one with reference to reapportionment.

I think it would have been a great mistake, particularly the one with reference to reapportionment. I think it would have been a great mistake, particularly from the point of view of those of us who think that the Supreme Court went beyond its provinces in legislating reapportionment in that decision and other decisions of similar nature. I particularly objected to the language placed by the other body with reference to apportionment wherein it in effect approved of the action of the Court in this reapportionment matter and where affirmatively they went on record as saying that the Court had jurisdiction in that matter, and in that many of us feel it is not true and it is not so; that it is unconstitutional and that the Court went far beyond its jurisdiction in assuming to legislate in this field.

I hope that this Congress will do something about that matter at an early date.

Mr. MORGAN. I thank the gentleman.

Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. ADAIR].

Mr. ADAIR. I should like to join those who have commended the chairman of the Committee on Foreign Affairs for his work. Included in that, to judge from the results which were obtained, should also be all of the House conferees.

A reading of the conference report will indicate clearly the fact that with respect to the other body the House has done exceedingly well. I did not sign the conference report. This does not indicate that I have any lack of appreciation for what has been done. It indicates, rather, a continuation of my longstanding personal objection to the foreign aid program as presently constituted.

I think there are one or two points that can be properly further stressed. There were two items in the bill that had particular reference to the U.S. Supreme Court. One was the section relating to reapportionment, the other was the section relating to the Sabbatino case. Our action in these instances, in my opinion, has indicated that the House very clearly feels that restraint needs to be placed upon the authority of the Supreme Court with respect to certain lines of decisions.

It has been pointed out here earlier

that the section with respect to reapportionment was completely stricken. This must not be taken to indicate that the conferees thought that the Court should have complete and unlimited power, as some seem to think, in the matter of requiring redistricting of the several States. We certainly do not believe that to be true. That section was stricken because there was language in it which might have been thought to indicate that we did approve of the intrusion of the Court into these areas of reapportionment. So by cutting it out, it is my opinion that we have said to the Court that "We do not want you intruding into the area of State reapportionment."

The other matter which touches particularly the Court was the Sabbatino case. Members are familiar with that decision. That is the case in which the proceeds from the sale of sugar expropriated by Castro from American owners were involved. The agent of Castro in this country brought an action in our courts to obtain these proceeds. The lower courts ruled in favor of the American owners on the ground that the Castro taking was in violation of international law. The Supreme Court reversed, ruling against the American owners on the basis of a strict new interpretation of the act of state doctrine.

In our conference report we have said that Federal and State courts are to be free in cases before them involving acts of foreign states to enforce principles of international law.

These principles as applied by our courts are to include the requirement for prompt, adequate, and effective compensation in cases of expropriation spelled out in the first part of section 620(e). The new language, like the rest of section 620(e), is important to the protection of investment abroad. It insures that, however the case may arise or the act of state doctrine be invoked, a party who has suffered an expropriation in violation of these principles may bring suit to assert his claim to the expropriated property if there is an attempt to market it in the United States or can resist a suit by the expropriating government to seize the property.

The January 1, 1966, cutoff date we inserted in the amendment will give our committee an opportunity to have hearings next year on how the amendment works in practice during its annual hearings on the Foreign Aid Act. Our adoption of the amendment now requires the State Department, which opposed it, to give the amendment a fair chance to operate in practice, and puts the burden on them in our hearings next year of showing how the amendment's Presidential waiver provision does not amply meet any problems that may arise in the actual conduct of foreign affairs.

Although it may seem somewhat strange to Members to be discussing decisions of the courts in a foreign aid bill, yet as matters turned out that was one of the most significant aspects of the bill. Our modification of the act of state rule in the Sabbatino decision is very important to the security of our private investments abroad.

I close as I began, by saying that the conferees represented the House of Representatives very well. It has hardly been necessary to comment on the dollar items of this conference report because they are extremely close to the dollar values which were in the bill as it passed the House.

The dollars are minimal, and in the context of the \$3.5 million overall are not of very great consequence.

Mr. MORGAN. Mr. Speaker, I yield to the gentlewoman from Ohio [Mrs. FRANCES P. BOLTON] 2 minutes.

Mrs. FRANCES P. BOLTON. Mr. Speaker, I take this opportunity to express my very real appreciation of the work done by all of the members of the conference committee. I particularly wanted to have a Member from the Republican side who does not agree with the way we have been doing foreign aid and I wanted him to express the many things that he is quite equal to expressing with such justice and such fairness. I think the conferees need always to have a Member who objects. The gentleman from Indiana [Mr. ADAIR] has always been against the way the foreign aid has been managed and has so voted. But he is so fair, so just that he is a tremendous asset to us all.

I also want to say that the gentleman from California [Mr. MAILLIARD] and the gentleman from New Jersey [Mr. FRELINGHUYSEN] have contributed a very great deal and as to the gentleman from New Jersey [Mr. FRELINGHUYSEN], in spite of the fact that he has had to be in two places at once. He is exceedingly valuable in both places.

To my chairman, the gentleman from Pennsylvania [Mr. MORGAN], I express the greatest possible appreciation. To the members of the conference committee from this side he has always been fair. Oh, sometimes we like to put a little hot coal under him or something, but we will forgive him all these things because we do appreciate the fineness of his service.

Mr. Speaker, to me this conference report is really a tour de force and a very wonderful report. I anticipate its passage.

Mr. MORGAN. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. MAILLIARD].

Mr. MAILLIARD. Mr. Speaker, I think the content of the conference report has been sufficiently explained by prior speakers so I see no reason to unduly consume the time of the House.

May I add my voice to that of the others of my colleagues in expressing my own appreciation of the way in which our chairman and the other conferees conducted themselves.

I think the statistics of the conference report, showing that the other body receded in 40 instances and the House in 5 instances is fairly good evidence of the diligence with which we attempted to maintain the position of the House.

Mr. MORGAN. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. MULTER].

(Mr. MULTER asked and was given permission to revise and extend his remarks.)

Mr. MULTER. Mr. Speaker, as one who is not a member of the Committee on Foreign Affairs I want to add my voice of commendation, to that of my colleagues, for the fine work that has been done by the distinguished chairman of this committee and by each of the conferees including even those Members who might still be in disagreement with the final result.

Mr. Speaker, I want to take a moment to point out something which I think has not heretofore occurred in any foreign aid bill. The reference to religious persecution in this bill is most salutary. I think the conferees are to be commended especially for this significant addition to this bill. While the Senate version did point the finger directly at Soviet Russia, the version as finally adopted, I think, is much the better one.

While this particular provision was brought about at this time because of the religious persecutions that are going on primarily in Soviet Russia, it is much better, I believe, instead of pointing the finger at the culprit now before the bar of world public opinion where it is being so severely condemned, it is much better that this Congress go on record as it is doing now, against religious persecution wherever it may raise its ugly head.

This, I am sure, is the unanimous opinion of both Houses of the Congress.

The conferees are to be complimented for having put this language in in such a forceful way and with such wide application.

We now say to the world that we not only practice freedom of religion here, but espouse it for all people everywhere. More than that we say we abhor religious persecution and urge its end.

Mr. MORGAN. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Speaker, at this stage of the session perhaps it is unusual that we should find ourselves in a mood of self-congratulation. We can be glad that this is so. I, too, should like to commend the chairman of the Committee on Foreign Affairs for a job well done. To him, real credit is due.

The conference report which has been agreed upon is a significant one, and one on which we can reach general agreement. Individually, perhaps, we may be disappointed about some aspect of the many amendments which we had to consider, and the agreements arrived at. However, I do believe that we have in very large measure successfully defended the House position. It would, indeed, be possible for the other body to argue that we had won too much in defense of our own point of view.

The gentlewoman from Ohio just now in her kind remarks about the House conferees indicated that I have been serving in more than one capacity. It happens that in the past few weeks I served in two conferences with the Senate. I served as a House conferee with respect to the amendments to the National Defense Education Act. The conference report on that subject was under consideration yesterday when I was scheduled to be meeting as a conferee on this foreign aid authorization bill.

The contrast between the procedures in these two conferences was very marked. With respect to the National Defense Education Act, the House conferees capitulated on almost every significant point of difference between our bill and the bill passed by the other body. However, in the foreign aid conference we succeeded in eliminating almost all the nongermane amendments and in maintaining the House position on the important differences between the House and the Senate. I was personally gratified that my amendments to earmark funds specifically for South Vietnam should have been retained.

My only regret is that it took us so long to reach this point of time. I should like to call attention to the fact that the House passed the authorization bill on which we have been conferring on the 10th of June, almost 4 months ago. It was not until the 24th of September that the other body took action on this authorization bill. This delay accounts for the fact that Congress is still in session at this late date. As we all know, the time consumed was largely over the so-called Mansfield amendment, or comparable amendments to that amendment, with respect to legislative reapportionment. The Mansfield amendment, as has been noted, has been eliminated in conference.

In closing, let me say once again that it has been a pleasure to work with the House conferees, and also with the Senate conferees. All concerned have shown real understanding of the complexity of the problems which are incorporated in these amendments, and all have shown a high degree of commonsense, and a desire for conciliation in reaching the necessary compromises.

(Mr. FRELINGHUYSEN asked and was given permission to revise and extend his remarks.)

Mr. MATHIAS. Mr. Speaker, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Maryland.

Mr. MATHIAS. I thank the gentleman for yielding. I should like to congratulate the conferees on the decisions they have reached. I personally was particularly pleased that they eliminated the principle of selection out in the AID employees section. This is particularly important in the long continuing history of Government service.

(Mr. MATHIAS asked and was given permission to revise and extend his remarks.)

Mr. MATHIAS. Mr. Speaker, since there may be another attempt to attain the objective of the amendments adopted by the other body, I should like to briefly outline my position on the subject.

The proposed subsection which would grant the Administrator of the Agency for International Development authority to dismiss employees summarily, in my opinion, constitutes one of the greatest threats to the merit system in recent years. It would gravely endanger that system which has proved to be one of the bulwarks of a democratic government.

The further proposal to permit the selection out of regular civil service em-

ployees in the departmental service of the Agency, was no less menacing in its implications for undermining the career service of the Federal Government.

Either eventuality would in effect be unmistakably a step toward weakening the merit system and withdrawing from civil service employees those protections in law which have been provided first in the Civil Service Act 81 years ago and strengthened 31 years later by the Lloyd-LaFollette Act of 1912 and the Veterans Preference Act of 1944, as well as by the Foreign Assistance Act of 1961 in its present form.

There were and are some sound objections to these two proposals and I would like to dwell briefly on several of the more significant. The disturbing aspect of both proposed changes in the Foreign Assistance Act in its present form is that the authority requested is to be exercised "notwithstanding any other provision of this or any other law." In effect, the Administrator would be a law unto himself.

Such proposals would open the door to dismissals on grounds other than merit or demerit, and they could well be used for partisan political purposes as well as internal politics within the Department of State. I would hope that these fears are groundless, but from experience it seems the part of wisdom to investigate such proposals carefully and to consider above all their adverse implications for the employees of AID.

The summary firing authority would have been almost certain to damage the morale of virtually all the employees of the Agency, for no one could be certain that at some future time his number would be up, so to speak, because of the stand he took on some particular policy or a change in administrative personnel. Anyone who has had experience in any organization as large as AID knows that internal office politics poses hazards at times which are beyond those that might be encountered in some far-off land.

Many of my constituents would have been affected by this bill under consideration, and they have told me of its many undesirable effects. I have learned of the adverse effect which already has resulted from the arbitrary power vested by Congress in the administrator of agencies that preceded AID in 1953 and in 1961. Those earlier grants of power only harmed those agencies. Many capable employees left because they could not work under such unsettling conditions. It should be obvious that those earlier actions did not fulfill their purpose, or Congress would not now be asked for an extension of that authority. Such an extension would only do more damage to an agency which is badly in need of the dedication and intelligent effort of every one of its experienced and capable employees.

I am amazed that our colleagues in the other body were misled in the belief that summary dismissals could produce any desired results. It is utterly impossible to effect administrative improvements when employees are working in constant fear of reprisal or punishment. Limitation of this summary authority to no more than 100 employees in each of 2

years only questions further the wisdom of making it available. Why select any number as a maximum? And if there is such a segment of the total work force that is delinquent or incompetent, it is strange indeed that courageous and enlightened administration could not utilize the means already at hand to eliminate them from the service. The request for this authority seems to be more an admission of weakness than an indication of administrative competence.

The proposed amendment to subsection 625(e) of the Foreign Assistance Act, for the purpose of extending the selection out procedure now applied in the AID foreign service, is no more palatable than the summary dismissal action which was also requested. It is not lessened in its potentiality for discrimination or reprisal by the promise of administrative standards or the right of appeal to the same Agency officials that had a part in the original action. It is not being over-imaginative to suspect that other agencies of Government would seek the same authority. It provides a convenient way for getting rid of people you do not like for some reason or other, and when you can have a part in preparing a case against the individual involved, it is all the more appealing as a method which requires no real explanation.

Under the circumstances, I heartily applaud the corrective action of the conferees and thank the House members of the conference committee for sticking to their guns.

Mr. MORGAN. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. THOMSON].

Mr. THOMSON of Wisconsin. Mr. Speaker, I thank the gentleman for yielding. I probably will not need that amount of time.

I do not wish to strike a discordant note in this mutual admiration society which has taken place today. I do not intend to raise a point of order that a quorum is not present, though obviously a quorum is not present.

However, I did not want the vote to be taken with anyone feeling that I was supporting this conference report. As the chairman of the committee knows, I have been trying to get information for 3 months on the unbelievable squandering of American taxpayers' money in a market in Athens, Greece. The AID people do not even have a record of more than \$3 million being spent there. The records are all kept in Athens, because it involves Public Law 480 money, counterpart funds. We do not keep records in America unless it involves dollars.

Since I have been making this inquiry—and the Chairman has been assisting me in it—the Inspector General has started to work on the problem, the State Department has started to work on the problem, the Comptroller General has started to work on it, and everybody interested in the foreign aid program is beginning to look into it. But since the 25th of June—and here it is the 2d day of October—I have been unable to find out what happened to the American money in Athens, Greece. That is only

one drop in the bucket where millions of dollars are being wasted. If our committee would turn its attention to the July 1964 report of the General Accounting Office and their revelations with regard to the waste of American money in Vietnam, they would see where we cashed a check for \$10 million and converted it into the currency of South Vietnam, and we cannot find out where the money has gone or who it was who got away with it.

I think before we vote additional billions of dollars that we will pour into this program we must tighten up the laws and procedures and methods being followed in the passing out of American millions.

I thank the chairman very much for yielding me this time.

Mr. PELLY. Mr. Speaker, I would like the record to clearly show that I opposed the Dirksen amendment on reapportionment. I approve, therefore, the action of the managers on the part of the House on the foreign aid conference in eliminating this amendment. Had such a matter come before the House, I would have voted against including this amendment in the bill. Not only did I disapprove of the language of the amendment, but also I have disapproved of any delay in redistricting, and especially in my own State of Washington. Our Governor has failed to call a special session for this purpose. Consequently our legislature, under an edict of a panel of Federal judges, faces a system of weighted voting.

However, Mr. Speaker, at least now the Dirksen amendment is killed.

GENERAL LEAVE TO EXTEND

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MORGAN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF MEMBERS OF SELECT COMMITTEE TO CONDUCT A STUDY AND INVESTIGATION RELATING TO GENERAL WELFARE AND EDUCATION OF CONGRESSIONAL PAGES

The SPEAKER. Pursuant to the provisions of House Resolution 847, 88th Congress, the Chair appoints as members of the Select Committee to conduct a study and investigation of all factors relating to the general welfare and education of congressional pages the following Members on the part of the House: Mrs. GREEN of Oregon, chairman; Mr. GIBBONS, of Florida; Mr. CHARLES H. WILSON, of California; Mr. BROOMFIELD, of Michigan; and Mr. CURTIN, of Pennsylvania.

INTERNATIONAL CLAIMS SETTLEMENT ACT OF 1949

Mr. FASCELL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate amendments to H.R. 12259 to amend the International Claims Settlement Act of 1949 to provide for the determination of the amounts of claims of nationals of the United States against the Government of Cuba.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 1 after "Cuba" insert "which have arisen out of debts for merchandise furnished or services rendered by nationals of the United States without regard to the date on which such merchandise was furnished or services were rendered or".

Page 2, line 9, after "States." insert "This title shall not be construed as authorizing an appropriation or as any intention to authorize an appropriation for the purpose of paying such claims."

Page 3, line 13, after "Cuba" insert "arising out of debts for merchandise furnished or services rendered by nationals of the United States without regard to the date on which such merchandise was furnished or services were rendered or".

Page 4, line 24, strike out "unless" and insert "if considered shall be considered only to the extent".

Page 5, strike out lines 3 to 7, inclusive, and insert:

"(b) A claim for disability under section 503(b) may be considered if it is filed by the disabled person or by his successors in interest; and a claim for death under section 503(b) may be considered if filed by the personal representative of decedent's estate or by a person or persons for pecuniary losses and damage sustained on account of such death. A claim shall not be considered under this section unless the disabled or deceased person was a national of the United States at the time of injury or death and if considered, shall be considered only to the extent the claim has been held by a national or nationals of the United States continuously until the date of filing with the Commission.

Page 6, line 12, after "losses" insert ": Provided, That the deduction of such amounts shall not be construed as divesting the United States of any rights against the Government of Cuba for the amounts so deducted".

Page 6, line 14, strike out "507." and insert "507. (a)".

Page 6, line 19, after "amount" the second time it appears insert ", together with a statement of the evidence relied upon and the reasoning employed in reaching its decision".

Page 6, after line 19, insert:

"(b) The amount determined to be due on any claim of an assignee who acquires the same by purchase shall not exceed (or, in the case of any such acquisition subsequent to the date of the determination, shall not be deemed to have exceeded) the amount of the actual consideration paid by such assignee, or in case of successive assignments of a claim by any assignee.

Page 7, line 18, strike out "APPROPRIATIONS" and insert: "APPROPRIATIONS AND VESTING AND LIQUIDATION OF CUBAN PROPERTY"

Page 7, line 19, strike out "511." and insert "511. (a)".

Page 7, line 20, strike out "\$750,000" and insert "the aggregate amount of the net proceeds realized from the sale or liquidation of the property of the Government of Cuba pursuant to subsection (b) of this section".

Page 7, line 21, after "Commission" insert "and the Treasury Department".

Page 7, line 21, strike out "its".

Page 7, line 22, strike out "its" and insert "their".

Page 7, after line 23, insert:

"(b) Any property of the Government of Cuba which was blocked in accordance with the Cuban assets control regulations, July 8, 1963 (31 C.F.R., part 515, et seq.), and which remains so blocked six months following the date of enactment of this title shall vest in such officer or agency as the President may from time to time designate upon such terms as the President or his designee shall direct. Such property shall be sold or otherwise liquidated as expeditiously as possible after vesting under such rules and regulations as the President or his designee may prescribe. So much of the net proceeds remaining upon completion of the liquidation thereof as may be necessary shall be used to reimburse the Government of the United States for expenses incurred by the Commission and by the Treasury Department in the administration of this title. Any proceeds remaining thereafter shall be covered into the Treasury to the credit of miscellaneous receipts.

Page 7, after line 23, insert:

"FEES FOR SERVICES

"Sec. 512. No remuneration on account of any services rendered on behalf of any claimant in connection with any claim filed with the Commission under this title shall exceed 10 per centum of so much of the total amount of such claim, as determined under this title, as does not exceed \$20,000, plus 5 per centum of so much of such amount, if any, as exceeds \$20,000. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, demands or receives on account of services so rendered, any remuneration in excess of the maximum permitted by this section shall be fined not more than \$5,000 or imprisoned not more than twelve months, or both.

Page 8, line 2, strike out "512" and insert "513".

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. MAILLIARD. Mr. speaker, reserving the right to object, would the gentleman from Florida be kind enough to explain the significance of the Senate amendments so that we can understand them?

Mr. FASCELL. I will be very happy to, Mr. Speaker.

You will recall that this bill passed the House unanimously and came out of the Committee on Foreign Affairs unanimously. The bill also came out of the Senate Foreign Relations Committee unanimously with certain amendments which are now before us. The bill provides a procedure whereby American claimants against the Government of Cuba would be able to place and prove a claim before the U.S. Foreign Claims Settlement Commission. The Senate wrote a provision with respect to attorneys' fees, which is one of the amendments involved here. Claims of U.S. nationals against the Government of Cuba vary in amounts ranging from a few hundred dollars to many millions of dollars. It was thought that it might be more difficult for persons having small claims to obtain competent legal assistance in the preparation and presentation of claims. It was decided to permit attorneys to receive up to 10 percent of their fees on the first \$20,000 of any

claim. However, on the other hand, recognizing that there are many large claimants, the committee felt it would be desirable to permit an attorney to receive up to 5 percent for his services on that portion of any claim in excess of \$20,000. This was a restriction put in by the Senate, to which we are asking agreement.

The other major substantive amendment inserted by the Senate went back to the original version of the House bill; and that was to take the blocked assets of the Cuban Government here in the United States and apply them toward the administrative costs for carrying out the purpose of this bill.

Mr. GROSS. Mr. Speaker, will the gentleman yield so that I may ask a question of the gentleman from Florida?

Mr. MAILLIARD. I yield.

Mr. GROSS. But you in no way went back to the provisions in the original bill which provided for certain incentives for investment in foreign countries?

Mr. FASCELL. The gentleman is correct.

Mr. GROSS. I thank the gentleman.

Mr. FASCELL. Mr. Speaker, in proposing acceptance of the Senate amendments to the Cuban claims bill we authored, I would like to reassure my colleagues as to the effect of some of these amendments. I will, therefore, state our understanding on these aspects of the Senate amendments on the basis of which I recommend the bill to you:

First. There are certain erroneous statements and assumptions made in the Senate report with reference to the Senate amendment to section 506 about the tax treatment of Cuban losses. These statements are not necessary to the proper construction of section 506 since there is no ambiguity in its language. It is our intention that section 506 not refer to any amounts not actually paid to a claimant and that it therefore not change the present provisions of the Internal Revenue Code dealing with tax deductions for expropriation losses and the subsequent imposition of taxes on any recovery.

Second. At the request of the State Department the Senate added a provision to section 507(a) requiring that the Foreign Claims Settlement Commission in its adjudications furnish a statement of the evidence relied upon and the reasoning employed in reaching its decision. We take this to mean that the Foreign Claims Settlement Commission, as it has in the past, should exercise its judgment as to the evidence and reasoning set out in its adjudications and that if it follows its practice under its present able chairman, Dr. Re, this requirement will be satisfied.

Third. We construe the Senate amendment to section 507(b) dealing with the valuation of claims that had been assigned to apply to those claims that have been actually transferred in arm's length transactions between unrelated parties. I am informed that a number of corporations have consolidated the claims held by their various subsidiaries and affiliates. The Senate provision would not apply to such transfers.

Fourth. In section 511, the Senate has authorized administrative expenses for this program in the amount to be realized from the disposition of Cuban Government assets blocked in the United States. We understand this provision to permit an immediate appropriation of an amount sufficient to initiate the claims adjudication process, provided it is within the estimate of what is ultimately to be realized from these assets.

We construe this authorization to cover the administrative expenses of whatever agency is ultimately designated by the President to carry out the vesting and liquidation of such assets. We construe the reference to "property of the Government of Cuba" not to include property that Castro claims title to by virtue of expropriations he has effected since January 1, 1959. Otherwise, we would be giving broader effect to the very expropriation decrees we reject as invalid and increasing the loss of the U.S. claimants beyond what Castro has been able to accomplish.

Mr. Speaker, since Castro came to power on January 1, 1959, the Cuban Government has expropriated and nationalized all properties in Cuba owned by nationals of the United States. In violation of principles of international law, no effective compensation has been paid. Current estimates of the total amount of claims of U.S. nationals against the Government of Cuba are in the neighborhood of \$1.5 billion. There are many claimants, large and small, in all parts of our country.

More than 5 years have passed since the Castro government began confiscating the property of American nationals and it is obvious that the early adjudication of claims would be in the best interest of all concerned. This bill provides the necessary authority to set the machinery in motion for an orderly determination of the amount and validity of claims of U.S. nationals against the Government of Cuba while the means of documenting and supporting such claims are still available. If this matter is delayed any longer, witnesses and claimants may die and records may be lost, thus making it increasingly difficult to substantiate claims. Moreover, the prompt receipt and determination of the amounts and validity of the claims will provide the Department of State with an accurate record for use in any future negotiations.

I wish to emphasize that the payment of such claims is not the responsibility of the U.S. Government—it is the responsibility of the Cuban Government and this legislation does not contemplate that claimants will be paid out of U.S. funds. But it is necessary and important to receive the claims of Americans and to have the Foreign Claims Settlement Commission in a prompt and orderly fashion determine their amount and validity. This bill makes that possible and I am grateful that it has had the unanimous support of both this House and the other body.

Mr. MAILLIARD. Mr. Speaker, I thank the gentleman; and I withdraw my reservation of objection.

States must always act within the restraints and unities of NATO.

"The crux of the problem," he said, "is our tendency, even our eagerness to negotiate unilaterally with the Soviet Union." And again he urged the United States to give "a pledge not to engage in bilateral negotiations with the Soviet Union on matters that directly involve the interests or security of our NATO partners." What, if anything, do these words mean?

The NATO treaty was signed in April 1949. In the last 15 years there has not been one instance in which the United States negotiated with Russia behind the back of its allies, or bartered away their interests without consultation, or displayed any eagerness for unilateral negotiations and concessions that would compromise the position of Western Europe. Ignoring this record, arguing without proof, and making his own prejudice his guide and oracle, Senator GOLDWATER proceeds to attack the motives and good faith of American policy.

He has not condemned a specific policy. He has impeached the purpose and character and reliability of that policy. If Senator GOLDWATER is right, the United States, thinking eagerly of its own interests and setting them ahead of the interests of its allies, is unworthy of being the leader of the grand alliance. It is also incapable of being a good member of NATO.

A presidential candidate should have shown less eagerness to traduce his own Government by accusing it of being willing to betray its partners. When did President Truman or President Eisenhower or President Kennedy or President Johnson do anything that justifies this attack and vindicates this censure?

The most direct negotiations between Moscow and Washington concerned the nuclear test ban treaty, which Senator GOLDWATER opposed. Those negotiations had of necessity to be limited to the nuclear powers. France chose to remain aloof, but none could have been more enthusiastic about them than Great Britain. The other members of NATO shared Britain's enthusiasm and rejoiced to ratify the treaty. What is Senator GOLDWATER talking about? On general questions of disarmament, the United States, at Geneva and the United Nations, has always worked closely with its NATO partners. It has remained for Senator GOLDWATER to accuse the United States of bad faith.

Apparently everyone except Senator GOLDWATER has regarded the Cuban missile crisis of 1962 as a special case because of the need for secrecy and the compulsion to seek a swift solution. Yet even here the allies were informed at the first opportunity. Livingston Merchant went on a special mission to Canada. Dean Acheson reported to General de Gaulle. Ambassador David Bruce in London took a memorable initiative to win British support. West Germany was resolute and unfaltering in her admiration of President Kennedy's conduct of the negotiations.

The NATO council regarded the negotiations not as a betrayal of the alliance, nor as an assertion of America's eagerness to seek an accommodation with Russia, but as a defense of all free nations amid circumstances of unprecedented peril. Why does Senator GOLDWATER falsify this record and stoop to slapdash accusations against his own country?

The United States has neither coveted nor negotiated any special trading advantages for itself with Russia. That trade is negligible. The sale of wheat was a special case and NATO, unlike Senator GOLDWATER, welcomed it. The United States has persuaded its allies to have a more stringent list of strategic items of trade than they would have preferred. American influence has been persuasive in the alliance in preventing a general rush to provide long-term

credits to Russia. Where in this record can Senator GOLDWATER find any proof that America has been going it alone or being a bad member of the alliance in seeking special favors for itself?

The security of Berlin is a matter so vital to the whole alliance that any threat to that city immediately produces a major crisis with full cooperation among all the NATO countries the urgent order of the day. Britain, France, West Germany and the United States are in frequent consultation on Berlin and the whole German problem. The NATO council has dealt with these matters on many occasions. Does this sound like a sneaky American policy?

Many of our NATO partners have a larger cultural exchange program with Russia than has the United States and they have had it for a longer time.

Genuine problems and urgent division now trouble NATO and they deserve careful scrutiny. But NATO is not helped in any way by this clumsy and cheapjack attack on the motives of American policy. Senator GOLDWATER's criticism outrages the facts and insults the United States.

THE BALTIC NATIONS

Mr. PELL. Mr. President, the plight of the Baltic nations arouses the deepest sympathy and compassion in all of us. These small, defenseless states have been absorbed by a huge and ruthless neighbor, without regard to legal principles and without recourse to popular sentiment. Their continued subjugation by the Soviet Union is properly a burden on the conscience of freemen everywhere.

The Baltic States, like all of the satellite and subjugated nations around the world, will surely have their day of reckoning, simply because tyranny invites its own dissolution. In the context of the nuclear age, the dissolution may be more evolutionary than revolutionary, as events in Eastern Europe in recent months have seemed to suggest. But come it will, and we in the West must do what we can to speed it along.

One suggestion as to how this could be accomplished is incorporated in a draft resolution sent to me by Rev. Vaclovas Martinkus, of St. Casimir's Rectory, in Providence, R.I. Reverend Martinkus' resolution would use the great forum of the United Nations in an attempt to secure relief for the Baltic nations. His suggested approach might well be applied at some point in the future, and it certainly merits consideration. I do not propose to submit it at this late point in the session; but I ask unanimous consent that it be printed as an exhibit at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

DRAFT RESOLUTION BY REV. VACLOVAS MARTINKUS

Whereas the Communist regime did not come to power in Lithuania, Latvia, and Estonia by legal or democratic processes; and

Whereas the Soviet Union took over Lithuania, Latvia, and Estonia by force of arms; and

Whereas the select committee of the House of Representatives created by House Resolution 346, 83d Congress, to investigate the incorporation of the Baltic States into the Union of Soviet Socialist Republics found that the incorporation of Lithuania, Latvia,

and Estonia was contrary to established principles of international law; and

Whereas the United States of America has never recognized the incorporation of the Baltic States into the Union of Soviet Socialist Republics and continues to maintain diplomatic relations with representatives of the former free governments of Lithuania, Latvia, and Estonia; and

Whereas there exists a strong and undivided world opinion to eliminate all remnants of imperialism and colonialism; Now, therefore, be it

Resolved, That the Senate and the House of Representatives of the United States of America request the President of the United States to bring up the Baltic States question before the United Nations and ask the United Nations request the Soviets:

(1) To withdraw all Soviet troops, agents, colonists and controls from Lithuania, Latvia, and Estonia.

(2) To return all Baltic exiles from Siberia, prisons and slave-labor camps in the Soviet Union; and be it further

Resolved, that the United Nations conduct free elections in Lithuania, Latvia, and Estonia under its supervision and punish all Soviet Communists who are guilty of crimes against the people of the Baltic States.

TENTH ANNIVERSARY OF ASSEMBLY OF CAPTIVE EUROPEAN NATIONS

Mr. PELL. Mr. President, the Assembly of Captive European Nations recently observed the 10th anniversary of its founding, at a meeting held at the Carnegie Endowment International Center, in New York City.

As Mr. Aleksander Kutt, chairman of the assembly, explained, that occasion, while not a joyous one, afforded "an opportunity to call the attention of the peoples and governments of the free world to the freedom aspirations of the captive peoples and to their staunch resistance to Communist dictatorships that subjugate them."

These aspirations for freedom are worthy of profound admiration. Indeed, self-determination for the nations of east-central Europe is a goal fundamental to all who believe in the principles of a free world.

The assembly represents the following countries: Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, and Rumania. To all those who yearn for freedom in these nations, tragically deprived of their liberties by Communist tyranny and dictatorship, I express my own admiration and my highest regard. May their wishes, which so coincide with our own hopes, become a reality.

THE COUNSELOR ADVISER UNIVERSITY SUMMER EDUCATION PROGRAM

Mr. PELL. Mr. President, during the past summer, approximately 2,000 persons from 50 States participated in the counselor adviser university summer education—CAUSE—program conducted by the Department of Labor under a Manpower Development and Training Act grant. In 27 colleges and universities throughout the country, training was carried on to develop a trained pool of individuals versed in the cultural back-

ground, needs, and problems of disadvantaged youth throughout our Nation.

I am pleased to note that 17 Rhode Islanders completed the training, and are now prepared to enter careers of service to the less advantaged, by working in the various State employment services, the functions of which are being expanded to aid the many young people who are out of school, out of work, out of hope. These expanded services will take the form of youth opportunity centers throughout the country specifically designed to reach and help these youths.

In a sense, the CAUSEists manning these centers could be termed the first front in the war on poverty. They will be an integral part of the Economic Opportunity Act program, and it is hoped that they will be a part of a coordinated effort to reach our less advantaged youngsters.

I commend those who have joined in this effort. Two thousand trained counselors are not many, in a nation of over 190 million people; but the youth opportunity center program is a welcome step forward.

I have stated many times that we in the United States need to develop a national youth policy, for a program of carefully coordinated and effective programs to deal with all our youth. We should be equally concerned with young people who have no particular problems, as well as with the problem-plagued. Our vision should be directed toward the development of greater challenges and the building of wider opportunities, so that we may get the very best from our young people, and may offer them the most.

CAUSE and the youth opportunity centers, as the program expands, will do much toward the implementation of a national youth policy. We in Congress have passed the Economic Opportunity Act. We must now encourage efforts such as those of CAUSE, to insure its success.

APPROPRIATION FOR NATIONAL COUNCIL ON THE ARTS

Mr. PELL. Mr. President, I express my very real disappointment that the funds for the National Council on the Arts, established by Public Law 88-579, have been curtailed in the supplemental appropriation bill and in the conference from \$100,000 to \$50,000.

In my best judgment, the \$100,000 figure was too low for the proper implementation of the Council's work. The estimate presented to the Senate Committee on Appropriations by the Bureau of the Budget and Mr. Roger Stevens,

the President's special assistant on the arts, was \$125,000.

It would seem that the \$50,000 now proposed would threaten to curtail most seriously the important work to be undertaken by the Council, on behalf of our Nation's cultural welfare.

Last December 20, the Senate passed the bill to provide for both a National Council on the Arts and a National Arts Foundation. The bill was made less comprehensive by the House of Representatives, which acted only on the concept of a National Council on the Arts, and eliminated the provisions dealing with the Foundation.

In supporting the acceptance by the Senate on August 21 of this year, of the House version of House bill 9586 as the best possible legislation in this area which we could hope to achieve during this session of Congress, I expressed my regret that the House had not seen fit to endorse the full contents of Senate bill 2379, which combined the Council and the Foundation.

I believe that the funds provided by the supplemental appropriation bill are wholly insufficient.

I urge the Members of the Senate, who, through this legislation, have taken the lead in seeking the betterment of our cultural welfare, to join me in supporting the concept that a further supplemental appropriation during this fiscal year for the National Council on the Arts be given every consideration at the earliest possible time.

Many of us have worked over the years in behalf of the provision of proper governmental recognition to the arts in this country, and in behalf of a Federal cultural establishment. Indeed, the concepts for the legislation I am discussing have been before Congress for some 87 years. It would be tragic if, because of a lack of appropriations, the Council should be given so little scope for its work and its efforts.

NOMINATIONS OF POSTMASTERS

As in executive session.

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from South Carolina [Mr. JOHNSTON], I send to the desk the nominations of nine postmasters that have been reported by the Committee on Post Office and Civil Service, and I ask for their immediate consideration. The nominations have been cleared with the minority leadership.

The PRESIDING OFFICER. The nominations will be stated.

The Chief Clerk proceeded to read sundry nominations of postmasters.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, the President will be immediately notified.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business this evening, it adjourn until 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN ASSISTANCE AND RELATED AGENCIES APPROPRIATIONS, 1965

Mr. HAYDEN. Mr. President, yesterday the Senate passed the foreign assistance and related agencies appropriation bill for fiscal year 1965, after accepting the amendments of the committee en bloc and adopting two subsequent amendments.

One amendment was offered by the senior Senator from Rhode Island [Mr. PASTORE] which reduced the limitation on the use of aid funds for research purposes from \$15 million recommended by the Committee to \$12 million.

The other amendment adopted by the Senate was proposed by the senior Senator from Louisiana [Mr. ELLENDER] and provided for a reduction of \$50 million in the contingency fund.

Final Senate action provided for \$3,250 million for title I of the bill, the Foreign Aid portion, a reduction of \$50 million from the amount recommended by the committee, and \$412,077,000 for title II, the related agencies portion.

The Senate was recently informed that the bill that passed the Senate has now been approved by the House, thus obviating the necessity for a conference on the bill.

So that the RECORD may reflect this action, I ask unanimous consent that a table which shows the appropriations for fiscal year 1964, budget estimates for fiscal year 1965, the bill as passed by the House, and as passed by the Senate, which now becomes the final action on the bill, be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Comparative statement of appropriations for 1964, and estimates and amounts recommended in bill for 1965

TITLE I—FOREIGN ASSISTANCE

H. Doc. No.	Item	Appropriations, 1964	Budget estimates, 1965 ¹	Recommended in House bill for 1965	Recommended in Senate bill for 1965
	FUNDS APPROPRIATED TO THE PRESIDENT				
	ECONOMIC ASSISTANCE				
240	Development grants.....	\$155,000,000	\$224,600,000	\$204,600,000	\$204,600,000
285	American schools and hospitals abroad.....	14,300,000	18,000,000	18,000,000	16,800,000
	American hospitals abroad (special foreign currency program).....	4,700,000			0
	Surveys of investment opportunities.....		2,100,000	2,100,000	1,600,000
285	International organizations and programs.....	116,000,000	134,400,000	134,272,400	134,272,400
305	Supporting assistance.....	330,000,000	405,000,000	405,000,000	401,000,000
	Contingency fund.....	50,000,000	150,000,000	150,000,000	99,200,000
	Inter-American social and economic cooperation program.....	135,000,000			
	Alliance for Progress:				
	Development grants.....	80,000,000	85,000,000	85,000,000	84,700,000
	Development loans.....	375,000,000	465,000,000	425,000,000	425,000,000
285	Development loans.....	687,300,000	922,200,000	782,200,000	773,727,600
285	Administrative expenses, AID.....	50,000,000	52,500,000	52,500,000	51,200,000
	Administrative expenses, State.....	2,700,000	2,900,000	2,900,000	2,900,000
	Subtotal, economic assistance.....	2,000,000,000	2,461,700,000	2,261,572,400	2,245,000,000
	MILITARY ASSISTANCE				
285 and 305	Military assistance.....	1,000,000,000	1,055,000,000	1,055,000,000	1,055,000,000
	Limitation on administrative expenses.....	(24,000,000)	(23,500,000)	(23,500,000)	(23,500,000)
	Total, title I, foreign assistance.....	3,000,000,000	3,516,700,000	3,316,572,400	3,250,000,000

TITLE II—FOREIGN ASSISTANCE (OTHER)

	FUNDS APPROPRIATED TO THE PRESIDENT				
240 and 306	Peace Corps.....	\$92,100,000	\$106,100,000	\$87,100,000	\$87,100,000
	Reappropriation.....			(17,000,000)	(17,000,000)
	DEPARTMENT OF THE ARMY—CIVIL FUNCTIONS				
	Ryukyu Islands, Army, administration.....	10,000,000	14,441,000	14,441,000	14,441,000
	DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE				
	Assistance to refugees in the United States.....	39,717,137	45,400,000	45,400,000	34,800,000
	Reappropriation.....				(7,600,000)
	DEPARTMENT OF STATE				
	Migrants and refugees.....	10,550,000	8,200,000	8,200,000	8,200,000
	FUNDS APPROPRIATED TO THE PRESIDENT				
	Inter-American Development Bank.....	50,000,000	205,880,000	205,880,000	205,880,000
	International Development Association.....	61,656,000	61,656,000	61,656,000	61,656,000
	Total, title II, foreign assistance (other).....	264,023,137	441,677,000	422,677,000	412,077,000

TITLE III—EXPORT-IMPORT BANK OF WASHINGTON

240	Limitation on operating expenses.....	(\$1,314,366,000)	(\$1,350,060,000)	(\$1,350,060,000)	(\$1,350,060,000)
	Limitation on administrative expenses.....	(3,500,000)	(3,781,000)	(3,781,000)	(3,781,000)
	Total, title III, Export-Import Bank.....	(1,317,866,000)	(1,353,841,000)	(1,353,841,000)	(1,353,841,000)
	Grand total, all titles.....	3,264,023,137	3,958,377,000	3,739,249,400	3,662,077,000

¹ H. Doc. 266, dated Jan. 21, 1964, unless otherwise indicated.

THE NEED FOR SEASONAL FARM LABOR IN CALIFORNIA

Mr. KUCHEL. Mr. President, many of the farmers of California are confronted with a crucial and tragic problem: how to secure sufficient temporary farm labor to harvest their crops during the peak harvesting season. I am well aware that Congress has heard many of these arguments before and that the present administration and Congress have seen fit to permit the expiration of Public Law 78, the so-called Mexican labor program. This law will expire on December 31, 1964. Its expiration will work grave hardship not only on the farmers of my State but also on those in many other States of the West and the South. Its expiration will not stop the importation of foreign labor; it will only make such importation more chaotic with inadequate standards. Its expira-

tion will be a blow to Mexican-American relations.

The uncertainties which its expiration will bring to the average farmer who needs a few workers to help him during peak harvest periods will mean a cut-back in planting which will have a great effect not only on the agricultural economy of my State and other States but on industries related to that economy such as transportation, food packaging, and food distribution.

With the impending elimination of this law, California growers have intensified their recruitment efforts of domestic workers from other States. In cooperation with the University of California and a number of private manufacturing firms, the growers are also engaged in an all-out mechanization program for the major labor-using crops.

The crops which demand peak seasonal

labor and which have employed the major portion of Mexican nationals include tomatoes, strawberries, lettuce, lemons, asparagus, snap beans, melons, sugar-beets, grapes, cotton, oranges, and celery.

Mr. President, I wish to analyze very carefully the needs of California agriculture for seasonal farm labor, the progress of efforts that have been made in mechanization and what remains to be done, the extent of California farm labor protective legislation, and the need for additional legislation at the Federal level to bring the Nation up to California standards so that we can attempt to make a judgment as to whether or not there is a need for extension of the Mexican labor program.

THE SCOPE OF CALIFORNIA AGRICULTURE

Mr. President, although California is the most urbanized State in America, it is also first in agricultural production.

In 1963, the cash receipts received by California farmers for the marketing of their produce totaled \$3,495,900,000. Of this, Government payments represented only \$32,200,000. Farm production expenses totaled \$2,692,200,000. Thus, net farm income totaled \$940,700,000. While cash receipts for farm marketing were more than in 1962, an increase of more than \$48 million in farm production expenses resulted in less net farm income for California farmers in 1963 over the previous year.

In 1963, the wages paid to all workers employed on California farms and in food packing and processing plants totaled \$2.07 billion. Wages paid to domestic workers accounted for \$1.99 billion of that total. Noting the earnings of all workers who were employed on farms in California during 1963, we find that they were paid approximately \$644 million. Of that sum, foreign contract workers, primarily from Mexico, the so-called braceros, received about \$73 million of that sum. This represents 3.5 percent of the earnings of all workers both on farms and in food packing and processing plants and 11.3 percent of the wages paid for on-farm work. Workers who come in under Public Law 78, the Mexican labor program, represent a small proportion of the total farmwork force, even in months of high labor need, which are May through October. But this comparison does not show the relative importance of the Mexican labor program to particular communities and for particular crops. A good example of the crucial importance of this program exists in the Salinas Valley. The Salinas Valley is centered in Monterey County. It is probably the lettuce center of the world. Agriculture is responsible for almost one-third of that county's adjusted gross income or \$146 million in 1963. Crops requiring a high labor input, however, produced \$115 million of this income.

Here, Mexican nationals make up about 40 percent of the total farm labor force, especially between May and October. During these months there is a peak demand for fieldworkers to harvest lettuce, strawberries, tomatoes, celery, and broccoli, among other crops. Thus while the use of Mexican nationals is a relatively small portion of the farm labor force for the State as a whole where much of the peak season need is met by hiring domestic farmworkers as the occasion arises, in the Salinas Valley this is clearly not the case.

The termination of the Mexican labor program will mean that Monterey County will have to somehow secure in terms of human or mechanical resources, a replacement for two-fifths of its labor force if it is to maintain its present level of farm production. This replacement is not a year-round requirement. This replacement is needed only for the period extending from May through October since there is no need for additional farm labor from November through April. Throughout the year, 2,000 of those who work in agriculture in Monterey County are the farmers themselves and unpaid family workers. Between 5,000 and 8,000 are hired domestic farm-

workers depending on seasonal demand and the availability of students who are on vacation from school. The Mexican nationals vary between none in February to in excess of 11,000 in May and September.

I have dealt extensively with the situation in Monterey County because it illustrates vividly, I think, the degree to which the termination of the bracero program without an adequate substitute for this lost labor will effect some parts of the California agricultural economy.

Most of us know that whether it be in the Nation as a whole or California there is not one farm problem. There are many farm problems. This is true whether you are discussing the problems of farm commodity production or those relating to farm labor requirements.

Foreign contract labor in California is primarily employed in so-called stoop labor tasks. The need for this hand labor depends on the type of crop and the extent of mechanization in thinning and harvesting that crop. There are 12 crops which have been almost constant in their need for foreign workers. Between the years 1959 and 1963, according to the California Department of Employment, over 1,000 or more Mexican nationals were employed in each of these crops.

Mr. President, I ask consent that a table showing the number of Mexican nationals employed at peak activity, for these 12 crops, in California, in 1959 and 1963 be printed at this point in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

Crops employing 1,000 or more Mexican nationals at peak activity, California, 1959 and 1963

Crop	Number of workers employed at peak activity	
	1963	1959
Tomatoes.....	38,100	37,140
Strawberries.....	10,500	8,750
Lettuce.....	6,140	6,880
Lemons.....	3,530	7,240
Asparagus.....	4,890	5,780
Beans, snap.....	2,350	2,040
Melons, all types.....	3,720	2,370
Sugarbeets (thin).....	2,670	4,120
Grapes.....	2,850	2,720
Cotton (chop).....	1,700	2,900
Oranges, Valencia.....	2,880	3,400
Celery.....	1,610	1,610

Source: California Department of Employment.

Mr. KUCHEL. Mr. President, some have said in the Senate that if the Mexican labor program were only terminated, then employment opportunities would exist for domestic workers who are now unemployed. Superficially, this is a very appealing argument. I am sure those who make it mean well. But such an argument makes as much sense as adding two apples and four oranges and saying you have six apples. Those who make such an argument are totally unfamiliar with the real needs of California agriculture or, indeed, the agriculture of any State where there is a great demand for field labor during the peak harvest season.

An unemployed coal miner in eastern

Kentucky does not want to move to California to work in a lettuce field as stoop labor. Neither does the unemployed automobile worker in Detroit, Mich. For that matter, the unemployed aircraft worker in Los Angeles does not want to move 350 miles north to Monterey County. Nor should they. Our Nation must face up to the need for expanded job opportunities in the industrial sector of our economy, not by relocating people all over America so that they might do seasonal farm labor, but by expanding the economic opportunities within the industrial and service sectors of our economy so that they might have year-round work. Let us not take fellow human beings and offer them only a few months work each year in the fields of California. What is to happen to them during the remainder of the year? Are they to become welfare burdens on the property taxpayers of my State? Does it make sense to encourage a nomadic way of life for even domestic farmworkers and having them roam the various States of the Union seeking employment with all the hardships that such instability and constant uprooting means to their families and especially their children, not to mention themselves. About the only people getting ahead in that type of operation are the ones who sell the migrant farmworker the gasoline for his car as he moves from town to town seeking a few weeks employment here and there.

MECHANIZATION

One possible replacement for the tremendous loss of field labor which will result from the termination of the Mexican labor program is increased and expanded mechanization. Mechanization in agriculture as it concerns thinning and harvesting—the two processes demanding great amounts of labor for short periods of time—is not merely a matter of building a machine to do the job. Mechanization in this sense often means a redesigning of the crop itself.

Using machines to pick cotton and harvest field grains was not a difficult problem. Engineers could construct mechanical devices to do the same tasks that were performed by hand labor. But with the attempt to mechanically harvest fruits and vegetables, a whole new set of problems arises. Often, the type of plant, fruit, or vegetable must be changed before a particular machine becomes practicable. This requires time and a great investment of research effort, not by individual farmers, who do not have the time or funds to finance such a large-scale undertaking, but primarily by the U.S. Department of Agriculture and the great land-grant colleges and universities, such as the University of California and especially its Davis campus.

Mr. President, the Division of Agricultural Services of the University of California has just published a detailed analytical study entitled "California Agricultural Labor Requirements and Adjustments." This report, prepared by Eric Thor and John W. Mamer, discusses at length the extent of mechanization in California agriculture. I should like to summarize some of this information for



Public Law 88-633
88th Congress, H. R. 11380
October 7, 1964

An Act

78 STAT. 1009.

To amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foreign Assistance Act of 1964". Foreign Assistance Act of 1964.

PART I

CHAPTER 2—DEVELOPMENT ASSISTANCE

TITLE I—DEVELOPMENT LOAN FUND

SEC. 101. Section 201(d) of the Foreign Assistance Act of 1961, as amended, which relates to the Development Loan Fund, is amended as follows: 77 Stat. 380.
22 USC 2161.

(a) Strike out "Foreign Assistance Act of 1963" and substitute "Foreign Assistance Act of 1964".

(b) Strike out "2 per centum" and substitute "2½ per centum".

(c) Strike out "three-fourths of 1 per centum" and substitute "1 per centum".

TITLE II—TECHNICAL COOPERATION AND DEVELOPMENT GRANTS

SEC. 102. Title II of chapter 2 of part I of the Foreign Assistance Act of 1961, as amended, which relates to development grants and technical cooperation, is hereby amended as follows:

(a) Amend the title heading to read as follows: "TITLE II—TECHNICAL COOPERATION AND DEVELOPMENT GRANTS".

(b) Amend section 212, which relates to authorization, by striking out "1964" and "\$220,000,000" and substituting "1965" and "\$215,000,000", respectively. 22 USC 2172.

(c) Amend section 214(c), which relates to American schools and hospitals abroad, by striking out "1964, \$19,000,000" and substituting "1965, \$18,000,000", and by striking out the second sentence. 22 USC 2174.

(d) Amend section 216(a), which relates to voluntary agencies, by inserting after "ports" the first time it appears, the words "or, in the case of excess or surplus property supplied by the United States, from foreign ports". 75 Stat. 429.
22 USC 2176.

(e) Add the following new section at the end thereof:

"SEC. 217. USED EQUIPMENT.—The President is authorized to use funds made available for the purposes of section 211 to conduct a study and investigation to determine the feasibility of establishing programs for the furnishing to less developed friendly countries and areas of used tools, machinery, and other equipment to be donated by private enterprises, or acquired through normal channels of trade, and the extent to which such programs are likely to be utilized by and contribute to the economic development of the receiving country. The President shall submit to the Congress at the earliest practicable date a report of the results of such study and investigation, together with such recommendations for legislation as he deems advisable." 75 Stat. 427;
76 Stat. 256.
22 USC 2171.

Report to Congress.

TITLE III—INVESTMENT GUARANTIES

SEC. 103. Title III of chapter 2 of part I of the Foreign Assistance Act of 1961, as amended, which relates to investment guaranties, is hereby amended as follows:

76 Stat. 256;
77 Stat. 381.
22 USC 2181.

(a) Amend section 221(b)(2), which relates to general authority, as follows:

(1) Strike out "\$180,000,000" in the third proviso and substitute "\$300,000,000".

(2) Strike out "1965" in the last proviso and substitute "1966".

22 USC 2184.

(b) Amend section 224(b), which relates to housing projects in Latin American countries, by striking out "\$150,000,000" and substituting "\$250,000,000".

TITLE IV—SURVEYS OF INVESTMENT OPPORTUNITIES

76 Stat. 257.
22 USC 2192.

SEC. 104. Section 232 of the Foreign Assistance Act of 1961, as amended, which relates to surveys of investment opportunities, is amended by striking out "1963" and "\$2,000,000" and substituting "1965" and "\$2,100,000", respectively.

TITLE VI—ALLIANCE FOR PROGRESS

77 Stat. 383.
22 USC 2212.

SEC. 105. Section 252 of the Foreign Assistance Act of 1961, as amended, which relates to the Alliance for Progress, is amended by striking out in the first sentence the words beginning with "of the funds" the first time they appear through the words "fiscal year 1964" and substituting "in each of the fiscal years 1963 and 1964 and \$85,000,000 in fiscal year 1965 of the funds appropriated pursuant to this section for use beginning in each such fiscal year".

CHAPTER 3—INTERNATIONAL ORGANIZATIONS AND PROGRAMS

75 Stat. 433;
77 Stat. 383.
22 USC 2222.

SEC. 106. Section 302 of the Foreign Assistance Act of 1961, as amended, which relates to international organizations and programs, is amended as follows:

(a) Strike out "1964" and "\$136,050,000" and substitute "1965" and "\$134,272,400", respectively.

(b) At the end thereof, add the following new sentence: "None of the funds available to carry out this chapter shall be contributed to any international organization or to any foreign government or agency thereof to pay the costs of developing or operating any volunteer program of such organization, government, or agency relating to the selection, training, and programing of volunteer manpower."

CHAPTER 4—SUPPORTING ASSISTANCE

22 USC 2242.

Reports to
Congress.

SEC. 107. Section 402 of the Foreign Assistance Act of 1961, as amended, which relates to supporting assistance, is amended by striking out "1964" and "\$380,000,000" and substituting "1965" and "\$405,000,000", respectively, and by adding at the end thereof the following new sentence: "Of the funds made available for the fiscal year 1965 to carry out the purposes of this chapter, not less than \$200,000,000 shall be available solely for use in Vietnam, unless the President determines otherwise and promptly reports such determination to the Committees on Foreign Relations and Appropriations of the Senate and to the Speaker of the House of Representatives."

CHAPTER 5—CONTINGENCY FUND

22 USC 2261.

SEC. 108. Section 451(a) of the Foreign Assistance Act of 1961, as amended, which relates to the contingency fund, is amended by striking out "1964" and "\$160,000,000" and substituting "1965" and "\$150,000,000", respectively.

PART II

CHAPTER 2—MILITARY ASSISTANCE

SEC. 201. Chapter 2 of part II of the Foreign Assistance Act of 1961, as amended, which relates to military assistance, is amended as follows:

(a) Amend section 503, which relates to general authority, as follows: 75 Stat. 435.
22 USC 2311.

(1) In subsection (c) strike out "and" at the end thereof and in subsection (d) strike out the period at the end thereof and substitute "; and".

(2) Add the following new subsection (e):

"(e) guarantying, insuring, coinsuring, and reinsuring any individual, corporation, partnership, or other association doing business in the United States against political and credit risks of nonpayment arising in connection with credit sales financed by such individual, corporation, partnership or other association for defense articles and defense services procured in the United States by such friendly country or international organization."

(b) Amend section 504(a), which relates to authorization, by striking out "1964" and "\$1,000,000,000" and substituting "1965" and "\$1,055,000,000", respectively, and by adding at the end thereof the following new sentence: "Of the funds made available for the fiscal year 1965 to carry out the purposes of this part, not less than \$200,000,000 shall be available solely for use in Vietnam, unless the President determines otherwise and promptly reports such determination to the Committees on Foreign Relations and Appropriations of the Senate and to the Speaker of the House of Representatives." 77 Stat. 384.
22 USC 2312.

Reports to
Congress.

(c) Amend section 507(b), which relates to sales, by inserting after "are due" at the end of the first sentence the following: ": *Provided*, That the President may, when he determines it to be in the national interest, accept a dependable undertaking to make full payment within one hundred and twenty days after delivery of the defense articles, or the rendering of the defense services, and appropriations available to the Department of Defense may be used to meet the payments required by the contracts and shall be reimbursed by the amounts subsequently received from the country or international organization". 75 Stat. 437.
22 USC 2315.

(d) Amend section 509, which relates to exchanges, as follows: 22 USC 2317.

(1) The section heading is amended to read as follows:

"EXCHANGES AND GUARANTIES".

(2) After the section heading insert "(a)".

(3) Add the following new subsection (b):

"(b) In issuing guaranties, insurance, coinsurance, and reinsurance, the President may enter into contracts with exporters, insurance companies, financial institutions, or others, or groups thereof, and where appropriate may employ any of the same to act as agent in the issuance and servicing of such guaranties, insurance, coinsurance, and reinsurance, and the adjustment of claims arising thereunder. Fees and premiums shall be charged in connection with contracts of guaranty, insurance, coinsurance, and reinsurance. Obligations shall be recorded against the funds available for credit sales under this part in an amount not less than 25 per centum of the contractual liability related to any guaranty, insurance, coinsurance, and reinsurance issued pursuant to this part and the funds so obligated together with fees and premiums shall constitute a single reserve for the payment of claims under such contracts. Any guaranties, insurance, coinsur-

ance, and reinsurance issued pursuant to this part shall be considered contingent obligations backed by the full faith and credit of the United States of America."

77 Stat. 384.
22 USC 2318.

(e) Section 510(a), which relates to special authority, is amended by striking out "1964" in the first and second sentences thereof and substituting "1965".

22 USC 2320.

(f) Section 512, which relates to restrictions on military aid to Africa, is amended by striking out "1964" and substituting "1965".

Defense articles.

(g) Add the following new section at the end thereof:

"SEC. 513. CERTIFICATION OF RECIPIENT'S CAPABILITY.—(a) Except as provided in subsection (b) of this section, no defense article having a value in excess of \$100,000 shall hereafter be furnished to any country or international organization under the authority of this Act (except under the authority of section 507) unless the chief of the appropriate military assistance advisory group representing the United States with respect to defense articles used by such country or international organization or the head of any other group representing the United States with respect to defense articles used by such country or international organization has certified in writing within six months prior to delivery that the country or international organization has the capability to utilize effectively such article in carrying out the purposes of this part.

75 Stat. 437.
22 USC 2315.

"(b) Defense articles included in approved military assistance programs may be furnished to any country or international organization for which the certification required by subsection (a) of this section cannot be made when determined necessary and specifically approved in advance by the Secretary of State (or, upon appropriate delegation of authority by an Under Secretary or Assistant Secretary of State) and the Secretary of Defense (or, upon appropriate delegation of authority by the Deputy Secretary or an Assistant Secretary of Defense). The Secretary of State, or his delegate, shall make a complete report to the Speaker of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate of each such determination and approval and the reasons therefor."

Reports to
Congress.

PART III

CHAPTER 1—GENERAL PROVISIONS

SEC. 301. Chapter 1 of part III of the Foreign Assistance Act of 1961, as amended, which relates to general provisions, is amended as follows:

77 Stat. 385.
22 USC 2351.

(a) Amend section 601(c), relating to the Advisory Committee on Private Enterprise, by striking out in paragraph (4) "December 31, 1964" and substituting "June 30, 1965".

Engineering and
professional serv-
ices of U.S.
firms.

(b) Section 601, which relates to the encouragement of free enterprise and private participation, is amended by adding at the end thereof the following new subsection:

"(d) It is the sense of Congress that the Agency for International Development should continue to encourage, to the maximum extent consistent with the national interest, the utilization of engineering and professional services of United States firms (including, but not limited to, any corporation, company, partnership, or other association) or by an affiliate of such United States firms in connection with capital projects financed by funds authorized under this Act."

22 USC 2362.

(c) Amend section 612, which relates to the use of foreign currencies, by adding the following new subsection (c):

"(c) Any Act of the Congress making appropriations to carry out programs under this or any other Act for United States operations

abroad is hereby authorized to provide for the utilization of United States-owned excess foreign currencies to carry out any such operations authorized by law.

"The President shall take all appropriate steps to assure that, to the maximum extent possible, United States-owned excess foreign currencies are utilized, in lieu of dollars. As used in this subsection, the term 'excess foreign currencies' means foreign currencies or credits owned by or owed to the United States which are, under applicable agreements with the foreign country concerned, available for the use of the United States Government and are determined by the President to be excess to the normal requirements of departments and agencies of the United States for such currencies or credits and are not prohibited from use under this subsection by an agreement entered into with the foreign country concerned."

(d) Amend subsection 620(e), relating to expropriations and other similar matters, as follows: 77 Stat. 386.
22 USC 2370.

(1) After "(e)" insert "(1)".

(2) Redesignate subparagraphs (1), (2), and (3) of the first paragraph as subparagraphs (A), (B), and (C), respectively.

(3) Strike out "paragraphs (1), (2), or (3)" and substitute "subparagraphs (A), (B), or (C) of paragraph (1)".

(4) At the end of such subsection add the following new paragraph (2):

"(2) Notwithstanding any other provision of law, no court in the United States shall decline on the ground of the federal act of state doctrine to make a determination on the merits giving effect to the principles of international law in a case in which a claim of title or other right is asserted by any party including a foreign state (or a party claiming through such state) based upon (or traced through) a confiscation or other taking after January 1, 1959, by an act of that state in violation of the principles of international law, including the principles of compensation and the other standards set out in this subsection: *Provided*, That this subparagraph shall not be applicable (1) in any case in which an act of a foreign state is not contrary to international law or with respect to a claim of title or other right acquired pursuant to an irrevocable letter of credit of not more than 180 days duration issued in good faith prior to the time of the confiscation or other taking, or (2) in any case with respect to which the President determines that application of the act of state doctrine is required in that particular case by the foreign policy interests of the United States and a suggestion to this effect is filed on his behalf in that case with the court, or (3) in any case in which the proceedings are commenced after January 1, 1966."

(e) In section 620(f), relating to prohibitions on furnishing assistance to Communist countries, immediately after "Union of Soviet Socialist Republics" insert the following: "(including its captive constituent republics)". 76 Stat. 261.

(f) Amend section 620(k) by striking out "1964" each place it appears and substituting "1965" in each such place. 77 Stat. 388.

(g) In section 620(m), relating to prohibitions on furnishing assistance to Cuba and certain other countries, after "during" insert "each" and also strike out "1964" and "\$1,000,000" and substitute for the latter "\$500,000".

CHAPTER 2—ADMINISTRATIVE PROVISIONS

SEC. 302. Chapter 2 of part III of the Foreign Assistance Act of 1961, as amended, which relates to administrative provisions, is amended as follows:

76 Stat. 262.
22 USC 2385.

(a) Amend section 625, which relates to employment of personnel, as follows:

(1) In subsection (d) (2) in the third proviso strike out "more than thirty persons in the aggregate" and substitute "the assignment to such duty of more than twenty persons at any one time".

Alliance for
Progress.
Inter-American
Committee rep-
resentative.

(2) Add the following new subsection (j):

"(j) The President may appoint or assign a United States citizen to be representative of the United States to the Inter-American Committee on the Alliance for Progress and, in his discretion, may terminate such appointment or assignment, notwithstanding any other provision of law. Such person may be compensated at a rate not to exceed that authorized for a chief of mission, class 2, within the meaning of the Foreign Service Act of 1946, as amended."

Ante, p. 428.
75 Stat. 451.
22 USC 2386.

(b) Amend section 626, which relates to experts, consultants and retired officers, as follows:

(1) Subsection (a) is amended by striking out "\$75" and substituting "\$100".

63 Stat. 802;
76 Stat. 499.
76 Stat. 451.
77 Stat. 389.
22 USC 2397.

(2) Subsection (c) is amended by striking out the words "Career Compensation Act of 1949, as amended (37 U.S.C. 231 et seq.)" and substituting "section 101(3) of title 37 of the United States Code".

(c) Amend section 637(a), which relates to administrative expenses, by striking out "1964" and "\$54,000,000" and substituting "1965" and "\$52,500,000", respectively.

CHAPTER 3—MISCELLANEOUS PROVISIONS

22 USC 2401-
2406.

SEC. 303. Chapter 3 of part III of the Foreign Assistance Act of 1961, as amended, which relates to miscellaneous provisions, is amended by adding at the end thereof the following new section:

66 Stat. 662.
31 USC 724.

"SEC. 648. SPECIAL AUTHORIZATION FOR USE OF FOREIGN CURRENCIES.—Subject to the provisions of section 1415 of the Supplemental Appropriation Act, 1953, the President is authorized, as a demonstration of good will on the part of the people of the United States for the Polish and Italian people, to use foreign currencies accruing to the United States Government under this or any other Act, for assistance on such terms and conditions as he may specify, in the repair, rehabilitation, improvement, and maintenance of cemeteries in Italy serving as the burial place of members of the armed forces of Poland who died in combat in Italy during World War II."

PART IV—AMENDMENTS TO OTHER LAWS

76 Stat. 263.

SEC. 401. The first section of the Act entitled "An Act to authorize participation by the United States in the Interparliamentary Union", approved June 28, 1935 (22 U.S.C. 276), is amended to read as follows:

"That an appropriation of \$50,000 annually is authorized, \$23,100 of which shall be for the annual contributions of the United States toward the maintenance of the Bureau of the Interparliamentary Union for the promotion of international arbitration; and \$26,900, or so much thereof as may be necessary, to assist in meeting the expenses of the American group of the Interparliamentary Union for each fiscal year for which an appropriation is made, such appropriation to be disbursed on vouchers to be approved by the President and the executive secretary of the American group."

SEC. 402. Section 502(b) of the Mutual Security Act of 1954, as amended, is amended by inserting after the words "United States" where they first appear in the first sentence thereof a comma and the following: "which are in excess of the amounts reserved under section 612(a) of the Foreign Assistance Act of 1961, as amended, and of the requirements of the United States Government in payment of its obligations outside the United States, as such requirements may be determined from time to time by the President, (and any other local currencies owned by the United States in amounts not to exceed the equivalent of \$50 per day per person exclusive of the actual cost of transportation)".

68 Stat. 850.

22 USC 1754.

75 Stat. 443;

77 Stat. 385.

22 USC 2362.

PART V—RELIGIOUS PERSECUTION

SEC. 501. It is the sense of the Congress that the United States deeply believes in the freedom of religion for all people and is opposed to infringement of this freedom anywhere in the world. The Congress condemns the persecution of any persons because of their religion. It is further the sense of Congress that all persons should be permitted the free exercise of religion and the pursuit of their culture.

Approved October 7, 1964.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 1443 (Comm. on Foreign Affairs) and No. 1925 (Comm. of Conference).

SENATE REPORTS: No. 1188, 1188 pt. 2 (Comm. on Foreign Relations).

CONGRESSIONAL RECORD, Vol. 110 (1964):

June 9: Considered in House.

June 10: Considered and passed House.

Aug. 1, 3, 7, 8, 10-15, 17, 18, 20, 21;

Sept. 3, 8, 10, 11, 14-17, 21-23: Considered in Senate.

Sept. 24: Considered and passed Senate, amended.

Oct. 1: House agreed to conference.

Oct. 2: House and Senate agreed to conference report.

65th CONGRESS

H. R. 11330

IN THE SENATE, SEPTEMBER 4, 1917

AMENDMENTS

Proposed to be printed as the *Report of the Committee on Education and Labor*, in the *Public Laws*, for the year 1917.

On page 10, line 10, after the word "and" insert the following:

H. R. 11380

IN THE SENATE OF THE UNITED STATES

AUGUST 8, 1964

Ordered to lie on the table and to be printed

AMENDMENTS

Intended to be proposed by Mr. PROXMIRE to H.R. 11380,
an Act to amend further the Foreign Assistance Act of 1961,
as amended, and for other purposes, viz:

- 1 On page 10, between lines 12 and 13, insert the follow-
2 ing:
3 “(b) Amend section 604 (b), which relates to maxi-
4 mum prices for commodities procured under the Act, by in-
5 serting ‘(1)’ after the word ‘than’ and by striking out the
6 period at the end thereof and inserting in lieu thereof a
7 comma and the following: ‘or (2) in the case of petroleum
8 or petroleum products, the price generally charged by the
9 supplier in comparable export sales from the source country
10 at the time of purchase. Clause (2) of the foregoing sen-
11 tence shall not apply to the purchase price in sales under
12 formal competitive bid procedures. The term ‘comparable

1 export sales' as used in such clause shall not include sales to
2 affiliates or sales under formal competitive bid procedures.' ”

3 “ (b) Amend section 604, which relates to procure-
4 ment, by adding the following new subsection (e) :

5 “ ‘ (e) None of the funds made available under this Act
6 shall be used to pay any barter agent's commission or other
7 servicing charges or disposal fees in any case in which
8 commodities or defense articles furnished to a recipient coun-
9 try are procured through the barter of other commodities
10 or articles, and any such commission, charge, or fee shall
11 be paid by the supplier of the commodities or defense articles
12 so furnished or the recipient country.’ ”

13 Redesignate subsections (b) to (f) as (c) to (g),
14 respectively.

Amdt. No. 1207

Calendar No. 1123

**88TH CONGRESS
2D SESSION**

H. R. 11380

AMENDMENTS

Intended to be proposed by Mr. PROXMIRE to
H.R. 11380, an Act to amend further the
Foreign Assistance Act of 1961, as amended,
and for other purposes.

AUGUST 8, 1964

Ordered to lie on the table and to be printed

Calendar No. 1123

88TH CONGRESS
2D SESSION

H. R. 11380

IN THE SENATE OF THE UNITED STATES

JULY 31, 1964

Ordered to lie on the table and to be printed

AMENDMENTS

Intended to be proposed by Mr. BAYH (for himself and Mr. DOMINICK) to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, viz:

1 On page 12, between lines 15 and 16, insert the follow-
2 ing new subsection:

3 “(e) Strike out section 620 (j) and substitute the fol-
4 lowing:

5 ““(j) No assistance under this Act shall be furnished to
6 Indonesia. This restriction may not be waived pursuant to
7 any authority contained in this Act.’”

8 On page 12, line 16, strike out “(e)” and insert in lieu
9 thereof “(f)”.

10 On page 12, line 19, strike out “(f)” and insert in lieu
11 thereof “(g)”.

Amdt. No. 1162

AMENDMENTS

Intended to be proposed by Mr. BAYH (for himself and Mr. DOMINICK) to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

JULY 31, 1964

Ordered to lie on the table and to be printed

Calendar No. 1123

88TH CONGRESS
2D SESSION

H. R. 11380

IN THE SENATE OF THE UNITED STATES

JULY 31, 1964

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. THURMOND to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, viz: On page 17, line 8, insert the following new title:

1 TITLE V—NONDISCRIMINATION IN UNITED
2 STATES ASSISTED COUNTRIES AND PRO-
3 GRAMS

4 SEC. 501. No person in any recipient country shall, on
5 the ground of race, color, religion, or national origin, be
6 excluded from participation in, be denied the benefits of, or
7 be subjected to discrimination under any program or activity
8 receiving any form of the United States financial assistance.

9 SEC. 502. The Agency for International Development
10 and any other department or agency which is empowered,
11 or may in the future be empowered, to extend United States

Amdt. No. 1164

1 financial assistance to any program or activity in any coun-
2 try, by way of grant, loan, contract, or other, is directed to
3 effectuate the provisions of section 501 with respect to such
4 program or activity by issuing rules, regulations, or orders
5 of general applicability which shall be consistent with
6 achievement of the objectives of the statute authorizing the
7 financial assistance in connection with which the action is
8 taken. No such rule, regulation, or order shall become effec-
9 tive unless and until approved by the President. Compliance
10 with any requirement adopted pursuant to this section may
11 be effected (1) by the termination of or refusal to grant or to
12 continue assistance under such program or activity to any
13 recipient as to whom there has been an express finding on the
14 record of a failure to comply with such requirement, but such
15 termination or refusal shall be limited to the particular politi-
16 cal entity, or part thereof, or other recipient as to whom such
17 a finding has been made and shall be limited in its effect to
18 the particular program, or part thereof, in which such non-
19 compliance has been so found, or (2) by any other means
20 authorized by law: *Provided, however,* That no such action
21 shall be taken until the department or agency concerned has
22 advised the appropriate person or persons of the failure to
23 comply with the requirement and has determined that com-
24 pliance cannot be secured by voluntary means. In the case
25 of any action terminating, or refusing to grant or continue,

1 assistance because of failure to comply with a requirement im-
2 posed pursuant to this section, the head of the department or
3 agency shall file with the Foreign Affairs Committee of the
4 House of Representatives and the Foreign Relations Com-
5 mittee of the Senate, a full written report of the circumstances
6 and the grounds for such action. No such action shall become
7 effective until thirty days have elapsed after the filing of such
8 report.

AMENDMENT

Intended to be proposed by Mr. THURMOND to
H.R. 11380, an Act to amend further the
Foreign Assistance Act of 1961, as amended,
and for other purposes.

JULY 31, 1964

Ordered to lie on the table and to be printed

Calendar No. 1123

88TH CONGRESS
2D SESSION

H. R. 11380

IN THE SENATE OF THE UNITED STATES

AUGUST 6, 1964

Ordered to lie on the table and to be printed

AMENDMENTS

Intended to be proposed by Mr. DOMINICK to H.R. 11380,
an Act to amend further the Foreign Assistance Act of 1961,
as amended, and for other purposes, viz:

1 On page 1, between lines 6 and 7, insert the following:

2 "TITLE I—DEVELOPMENT LOAN FUND

3 "SEC. 101. Section 203 of the Foreign Assistance Act
4 of 1961, as amended, which relates to fiscal provisions with
5 respect to development loans, is amended to read as follows:

6 "SEC. 203. FISCAL PROVISIONS.—All receipts from
7 loans made under and in accordance with this title shall be
8 available for use for the purposes of this title, subject only
9 to the annual appropriation thereof. Receipts so appro-
10 priated and other funds made available under this title for

Amdt. No. 1193

1 use for the purposes of this title shall remain available until
 2 expended.’”

3 Redesignate the succeeding sections of part I, accord-
 4 ingly.

Amdt. No. 1193

Calendar No. 1123

**88TH CONGRESS
2D SESSION**

H. R. 11380

AMENDMENTS

Intended to be proposed by Mr. DOMINICK to
 H.R. 11380, an Act to amend further the
 Foreign Assistance Act of 1961, as amended,
 and for other purposes.

AUGUST 6, 1964

Ordered to lie on the table and to be printed

Calendar No. 1123

88TH CONGRESS
2D SESSION

H. R. 11380

IN THE SENATE OF THE UNITED STATES

AUGUST 6, 1964

Ordered to lie on the table and to be printed

AMENDMENTS

Intended to be proposed by Mr. DOMINICK to H.R. 11380,
an Act to amend further the Foreign Assistance Act of 1961,
as amended, and for other purposes, viz:

- 1 On page 4, line 5, after "SEC. 104." insert "(a)".
- 2 On page 4, between lines 13 and 14, insert the following:
- 3 "(b) Section 253 of the Foreign Assistance Act of
- 4 1961, as amended, which relates to fiscal provisions, is
- 5 amended by amending the first sentence thereof to read as
- 6 follows: 'All receipts in United States dollars from loans
- 7 made under this title and from loans made for the benefit of
- 8 countries and areas of Latin America under title I of chapter
- 9 2 of part I of this Act, notwithstanding section 203, shall be
- 10 available for use for loans payable as to principal and interest
- 11 in United States dollars in furtherance of the purposes of
- 12 this title, subject only to the annual appropriation thereof.'"

Amdt. No. 1194

88TH CONGRESS
2D SESSION

H. R. 11380

AMENDMENTS

Intended to be proposed by Mr. DOMINICK to
H.R. 11380, an Act to amend further the
Foreign Assistance Act of 1961, as amended,
and for other purposes.

AUGUST 6, 1964

Ordered to lie on the table and to be printed

Calendar No. 1123

88TH CONGRESS
2D SESSION

H. R. 11380

IN THE SENATE OF THE UNITED STATES

AUGUST 7, 1964

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. DODD to the amendment intended to be proposed by Mr. DIRKSEN (for himself and others) (amendment numbered 1191) to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, viz:

- 1 On page 2, lines 6 and 7, strike out "second" and insert
- 2 in lieu thereof "first."

Amdt. No. 1204

AMENDMENT

Intended to be proposed by Mr. Dodd to the amendment intended to be proposed by Mr. Dirksen (for himself and others) (amendment numbered 1191) to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

AUGUST 7, 1964

Ordered to lie on the table and to be printed

Calendar No. 1123

88TH CONGRESS
2D SESSION

H. R. 11380

IN THE SENATE OF THE UNITED STATES

AUGUST 10, 1964

Ordered to lie on the table and to be printed

AMENDMENTS

Intended to be proposed by Mr. HARTKE to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, viz:

1 On page 9, between lines 20 and 21, insert the following
2 new subsection:

3 “(a) Amend section 601 (b), relating to the encourage-
4 ment of free enterprise and private participation, as follows:

5 “(1) Strike out ‘and’ at the end of paragraph (5).

6 “(2) Strike out the period at the end of paragraph (6)
7 and substitute ‘; and’.

8 “(3) At the end thereof add the following new para-
9 graph:

10 ““(7) conduct a study and investigation to determine
11 the feasibility of establishing tax and other incentives to en-
12 courage and facilitate the participation of private enterprise

1 in furthering the development of the economic resources and
 2 productive capacities of less-developed friendly countries and
 3 areas.’ ”

4 Redesignate the succeeding subsections of section 301
 5 accordingly.

Amdt. No. 1209

Calendar No. 1123

88TH CONGRESS
2^D SESSION

H. R. 11380

AMENDMENTS

Intended to be proposed by Mr. HARTKE to
 H.R. 11380, an Act to amend further the
 Foreign Assistance Act of 1961, as amended,
 and for other purposes.

August 10, 1964

Ordered to lie on the table and to be printed

Calendar No. 1123

88TH CONGRESS
2D SESSION

H. R. 11380

IN THE SENATE OF THE UNITED STATES

AUGUST 10, 1964

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. MORSE to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, viz: On page 13, between lines 13 and 14, insert the following new subsection:

- 1 (g) At the end thereof add the following new section:
2 “SEC. 621. LIMITATION ON AGGREGATE AUTHORIZA-
3 TION FOR USE IN FISCAL YEAR 1965.—Notwithstanding
4 any other provision of this Act, the aggregate of the total
5 amounts authorized to be appropriated for use during the
6 fiscal year 1965 for furnishing assistance and for adminis-
7 trative expenses under this Act shall not exceed
8 \$3,000,000,000.”

Amdt. No. 1211

Amdt. No. 1211

Calendar No. 1123

**88TH CONGRESS
2^D SESSION**

H. R. 11380

AMENDMENT

Intended to be proposed by Mr. MORSE to
H.R. 11380, an Act to amend further the
Foreign Assistance Act of 1961, as amended,
and for other purposes.

August 10, 1964

Ordered to lie on the table and to be printed

Calendar No. 1123

88TH CONGRESS
2D SESSION

H. R. 11380

IN THE SENATE OF THE UNITED STATES

AUGUST 13, 1964

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. PROXMIRE to the amendment (numbered 1215) intended to be proposed by Mr. DIRKSEN (for himself and Mr. MANSFIELD) to H.R. 11380, and Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, viz:

1 Strike out (b) (ii).

Amdt. No. 1231

Amdt. No. 1231

Calendar No. 1123

**88TH CONGRESS
2D Session**

H. R. 11380

AMENDMENT

Intended to be proposed by Mr. Proxmire to the amendment (numbered 1215) intended to be proposed by Mr. DIRKSEN (for himself and Mr. MANSFIELD) to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

August 13, 1964

Ordered to lie on the table and to be printed

Calendar No. 1123

38TH CONGRESS
2D SESSION

H. R. 11380

IN THE SENATE OF THE UNITED STATES

AUGUST 13, 1964

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. CLARK to the amendment (numbered 1215) intended to be proposed by Mr. DIRKSEN (for himself and Mr. MANSFIELD) to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, viz:

- 1 On page 2, line 5, strike out "January 1, 1966", and in-
- 2 sert in lieu thereof "January 1, 1965".

Amdt. No. 1224

Amdt. No. 1224

Calendar No. 1123

**88TH CONGRESS
2D SESSION**

H. R. 11380

AMENDMENT

Intended to be proposed by Mr. CLARK to the amendment (numbered 1215) intended to be proposed by Mr. DIRKSEN (for himself and Mr. MANSFIELD) to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

AUGUST 13, 1964

Ordered to lie on the table and to be printed

Calendar No. 1123

88TH CONGRESS
2^D SESSION

H. R. 11380

IN THE SENATE OF THE UNITED STATES

AUGUST 13, 1964

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. CLARK to the amendment (numbered 1215) intended to be proposed by Mr. DIRKSEN (for himself and Mr. MANSFIELD) to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, viz:

- 1 On page 2, line 2, immediately after the words "such
- 2 period as", insert the words "the court may determine".

Amdt. No. 1226

AMENDMENT

Intended to be proposed by Mr. CLARK to the amendment (numbered 1215) intended to be proposed by Mr. DIRKSEN (for himself and Mr. MANSFIELD) to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

AUGUST 13, 1964

Ordered to lie on the table and to be printed

Calendar No. 1123

88TH CONGRESS
2D SESSION

H. R. 11380

IN THE SENATE OF THE UNITED STATES

AUGUST 13, 1964

Ordered to lie on the table and to be printed

AMENDMENTS

Intended to be proposed by Mr. CLARK to the amendment (numbered 1215) intended to be proposed by Mr. DIRKSEN (for himself and Mr. MANSFIELD) to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, viz:

1 On page 1, line 8, immediately after the word "in",
2 insert the words "the upper house of".

3 On page 1, lines 8 and 9, strike out the words "or either
4 house thereof".

5 On page 1, line 11, strike out the word "any", and insert
6 in lieu thereof the word "such".

Amdt. No. 1227

Amdt. No. 1227

Calendar No. 1123

88TH CONGRESS
2d Session

H. R. 11380

AMENDMENTS

Intended to be proposed by Mr. CLARK to the amendment (numbered 1215) intended to be proposed by Mr. DIRKSEN (for himself and Mr. MANSFIELD) to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

AUGUST 13, 1964

Ordered to lie on the table and to be printed

Calendar No. 1123

88TH CONGRESS
2D SESSION

H. R. 11380

IN THE SENATE OF THE UNITED STATES

AUGUST 13, 1964

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. CLARK to the amendment (numbered 1215) intended to be proposed by Mr. DIRKSEN (for himself and Mr. MANSFIELD) to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, viz:

- 1 On page 1, line 9, strike out the word "shall", and
- 2 insert in lieu thereof the word "may".

Amdt. No. 1228

88TH CONGRESS
2D SESSION

H. R. 11380

AMENDMENT

Intended to be proposed by Mr. CLARK to the amendment (numbered 1215) intended to be proposed by Mr. DIRKSEN (for himself and Mr. MANSTFIELD) to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

AUGUST 13, 1964

Ordered to lie on the table and to be printed

Calendar No. 1123

88TH CONGRESS
2^D SESSION

H. R. 11380

IN THE SENATE OF THE UNITED STATES

AUGUST 13, 1964

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. PROXMIRE to the amendment (numbered 1215) intended to be proposed by Mr. DIRKSEN (for himself and Mr. MANSFIELD) to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, viz:

- 1 On page 2, line 15, after the word "shall" and before the
- 2 words "be deemed", insert the word "not".

Amdt. No. 1229

Amdt. No. 1229

Calendar No. 1123

**88TH CONGRESS
2D SESSION**

H. R. 11380

AMENDMENT

Intended to be proposed by Mr. PROXMIRE to the amendment (numbered 1215) intended to be proposed by Mr. DIRKSEN (for himself and Mr. MANSFIELD) to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

AUGUST 13, 1964

Ordered to lie on the table and to be printed

Calendar No. 1123

88TH CONGRESS
2D SESSION

H. R. 11380

IN THE SENATE OF THE UNITED STATES

AUGUST 13, 1964

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. PROXMIRE to the amendment (numbered 1215) intended to be proposed by Mr. DIRKSEN (for himself and Mr. MANSFIELD) to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, viz:

- 1 On line 14, after the word "Constitution", add the
- 2 words "so long as such period does not extend beyond
- 3 January 1, 1966".

Amdt. No. 1230

88TH CONGRESS
2^D Session

H. R. 11380

AMENDMENT

Intended to be proposed by Mr. PROxmire to the amendment (numbered 1215) intended to be proposed by Mr. DIRKSEN (for himself and Mr. MANSFIELD) to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

AUGUST 13, 1964

Ordered to lie on the table and to be printed

Calendar No. 1123

88TH CONGRESS
2D SESSION

H. R. 11380

IN THE SENATE OF THE UNITED STATES

AUGUST 13, 1964

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. CLARK to the amendment (numbered 1215) intended to be proposed by Mr. DIRKSEN (for himself and Mr. MANSFIELD) to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, viz:

- 1 On page 2, line 10, immediately after the word "or",
- 2 insert a comma and the following: "if the order held a
- 3 provision of the State constitution invalid,".

Amdt. No. 1220

Amdt. No. 1220

Calendar No. 1123

**88TH CONGRESS
2^D SESSION**

H. R. 11380

AMENDMENT

Intended to be proposed by Mr. CLARK to the amendment (numbered 1215) intended to be proposed by Mr. DIRKSEN (for himself and Mr. MANSFIELD) to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

AUGUST 13, 1964

Ordered to lie on the table and to be printed

Calendar No. 1123

88TH CONGRESS
2D SESSION

H. R. 11380

IN THE SENATE OF THE UNITED STATES

AUGUST 13, 1964

Ordered to lie on the table and to be printed

AMENDMENTS

Intended to be proposed by Mr. CLARK to the amendment (numbered 1215) intended to be proposed by Mr. DIRKSEN (for himself and Mr. MANSFIELD) to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, viz:

- 1 On page 2, line 18, strike out the words "before or".
- 2 On page 2, line 19, strike out the words "or intervenor".
- 3 On page 2, lines 20 and 21, strike out the words "or any
- 4 member of the legislature thereof without other authority".

Amdt. No. 1219

Amdt. No. 1219

Calendar No. 1123

**88TH CONGRESS
2D SESSION**

H. R. 11380

AMENDMENTS

Intended to be proposed by Mr. CLARK to the amendment (numbered 1215) intended to be proposed by Mr. DIRKSEN (for himself and Mr. MANSFIELD) to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

August 13, 1964

Ordered to lie on the table and to be printed

88TH CONGRESS
2D SESSION

Calendar No. 1123

H. R. 11380

IN THE SENATE OF THE UNITED STATES

AUGUST 13, 1964

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. RIBICOFF (for himself, Mr. DODD, and Mr. JAVITS) to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, viz: At the end of the bill add the following new material:

1 PART V—RELIGIOUS PERSECUTION BY THE
2 SOVIET UNION

3 SEC. 501. It is the sense of the Congress that the United
4 States deeply believes in freedom of religion for all people
5 and is opposed to infringement of this freedom anywhere in
6 the world. The Congress declares that abundant evidence
7 has made clear that the Government of the Soviet Union is
8 persecuting Jewish citizens by singling them out for extreme
9 punishment for alleged economic offenses, by confiscating
10 synagogues, by closing Jewish cemeteries, by arresting rab-

1 bis and lay religious leaders, by curtailing religious observ-
2 ances, by discriminating against Jews in cultural activities
3 and access to higher education, by imposing restrictions that
4 prevent the reuniting of Jews with their families in other
5 lands, and by other acts that oppress Jews in the free exer-
6 cise of their faith. The Congress further declares that the
7 Soviet Union has a clear opportunity to match the words
8 of its constitutional guarantees of freedom of religion with
9 specific actions so that the world may know whether there
10 is a genuine hope for a new day of better understanding
11 among all people. Accordingly, it is the sense of the Con-
12 gress that persecution of any persons because of their re-
13 ligion by the Soviet Union be condemned, and that the
14 Soviet Union in the name of decency and humanity cease
15 executing persons for alleged economic offenses, and fully
16 permit the free exercise of religion and the pursuit of cul-
17 ture by Jews and all others within its borders.

Amdt. No. 1218

Calendar No. 1123

**88TH CONGRESS
2D SESSION**

H. R. 11380

AMENDMENT

Intended to be proposed by Mr. RUBIOFF (for himself, Mr. DODD, and Mr. JAVITS) to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

AUGUST 13, 1964

Ordered to lie on the table and to be printed

Calendar No. 1123

88TH CONGRESS
2D SESSION

H. R. 11380

IN THE SENATE OF THE UNITED STATES

AUGUST 13, 1964

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. CLARK to the amendment (numbered 1215) intended to be proposed by Mr. DIRKSEN (for himself and Mr. MANSFIELD) to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, viz:

- 1 On page 2, line 10, immediately after the word "in",
- 2 insert the word "the".

Amdt. No. 1222

Amdt. No. 1222

Calendar No. 1123

**88TH CONGRESS
2d Session**

H. R. 11380

AMENDMENT

Intended to be proposed by Mr. Clark to the amendment (numbered 1215) intended to be proposed by Mr. Dirksen (for himself and Mr. Mansfield) to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

August 13, 1964

Ordered to lie on the table and to be printed

Calendar No. 1123

88TH CONGRESS
2D SESSION

H. R. 11380

IN THE SENATE OF THE UNITED STATES

AUGUST 13, 1964

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. CLARK to the amendment (numbered 1215) intended to be proposed by Mr. DIRKSEN (for himself and Mr. MANSFIELD) to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, viz:

- 1 On page 2, line 7, immediately after the word “uncon-
- 2 stitutionality”, insert the words “rendered subsequent to
- 3 June 1, 1964”.

Amdt. No. 1223

AMENDMENT

Intended to be proposed by Mr. CLARK to the amendment (numbered 1215) intended to be proposed by Mr. DIRKSEN (for himself and Mr. MANSFIELD) to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

AUGUST 13, 1964

Ordered to lie on the table and to be printed

Calendar No. 1123

88TH CONGRESS
2D SESSION

H. R. 11380

IN THE SENATE OF THE UNITED STATES

AUGUST 13, 1964

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. CLARK to the amendment (numbered 1215) intended to be proposed by Mr. DIRKSEN (for himself and Mr. MANSFIELD) to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, viz:

- 1 On page 2, line 10, immediately after the word “ses-
- 2 sion”, insert the words “convened after the entry of such
- 3 order”.

Amdt. No. 1221

AMENDMENT

Intended to be proposed by Mr. CLARK to the amendment (numbered 1215) intended to be proposed by Mr. DIRKSEN (for himself and Mr. MANSFIELD) to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

August 13, 1964

Ordered to lie on the table and to be printed

Calendar No. 1123

88TH CONGRESS
2D SESSION

H. R. 11380

IN THE SENATE OF THE UNITED STATES

AUGUST 13, 1964

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. SMATHERS to H.R. 11380,
an Act to amend further the Foreign Assistance Act of
1961, as amended, and for other purposes, viz: At the
end of the bill insert the following new section:

1 SEC. 403. The International Claims Settlement Act of
2 1949 is amended by adding at the end thereof the following
3 new title:

4 "TITLE V

5 "PURPOSE OF TITLE

6 "SEC. 501. It is the purpose of this title to provide for
7 the determination of the amount and validity of claims
8 against the Government of Cuba which have arisen since
9 January 1, 1959, out of nationalization, expropriation, inter-
10 vention, or other takings of, or special measures directed
11 against, property of nationals of the United States, and

Amdt. No. 1217

1 claims for disability or death of nationals of the United States
2 arising out of violations of international law by the Govern-
3 ment of Cuba, in order to obtain information concerning the
4 total amount of such claims against the Government of Cuba
5 on behalf of nationals of the United States.

6 "DEFINITIONS

7 "SEC. 502. For the purposes of this title:

8 "(1) The term 'national of the United States' means
9 (A) a natural person who is a citizen of the United States,
10 or (B) a corporation or other legal entity which is organized
11 under the laws of the United States, or of any State, the
12 District of Columbia, or the Commonwealth of Puerto Rico,
13 if natural persons who are citizens of the United States own,
14 directly or indirectly, 50 per centum or more of the outstand-
15 ing capital stock or other beneficial interest of such corpora-
16 tion or entity. The term does not include aliens.

17 "(2) The term 'Commission' means the Foreign Claims
18 Settlement Commission of the United States.

19 "(3) The term 'property' means any property, right, or
20 interest, including any leasehold interest, and debts owed
21 by the Government of Cuba or by enterprises which have
22 been nationalized, expropriated, intervened, or taken by the
23 Government of Cuba and debts which are a charge on
24 property which has been nationalized, expropriated, inter-
25 vened, or taken by the Government of Cuba.

1 “(4) The term ‘Government of Cuba’ includes the
2 government of any political subdivision, agency, or instru-
3 mentality thereof.

4 “RECEIPT OF CLAIMS

5 “SEC. 503. (a) The Commission shall receive and de-
6 termine in accordance with applicable substantive law, in-
7 cluding international law, the amount and validity of claims
8 by nationals of the United States against the Government of
9 Cuba arising since January 1, 1959, for losses resulting from
10 the nationalization, expropriation, intervention, or other
11 taking of, or special measures directed against, property in-
12 cluding any rights or interests therein owned wholly or
13 partially, directly or indirectly at the time by nationals of
14 the United States, if such claims are submitted to the Com-
15 mission within such period specified by the Commission by
16 notice published in the Federal Register (which period shall
17 not be more than eighteen months after such publication)
18 within sixty days after the enactment of this title or of legis-
19 lation making appropriations to the Commission for payment
20 of administrative expenses incurred in carrying out its func-
21 tions under this title, whichever date is later. In making
22 the determination with respect to the validity and amount
23 of claims and value of properties, rights, or interests taken,
24 the Commission shall take into account the basis of valuation
25 most appropriate to the property and equitable to the claim-

1 ant, including but not limited to, (i) fair market value, (ii)
2 book value, (iii) going concern value, or (iv) cost of re-
3 placement.

4 “(b) The Commission shall receive and determine in ac-
5 cordance with applicable substantive law, including interna-
6 tional law, the amount and validity of claims by nationals of
7 the United States against the Government of Cuba arising
8 since January 1, 1959, for disability or death resulting from
9 actions taken by or under the authority of the Government of
10 Cuba, if such claims are submitted to the Commission within
11 the period established by the Commission under subsection
12 (a), or within six months after the date the claims first arose
13 (as determined by the Commission), whichever date last
14 occurs.

15 “OWNERSHIP OF CLAIMS

16 “SEC. 504. (a) A claim shall not be considered under
17 section 503 (a) of this title unless the property on which
18 the claim was based was owned wholly or partially, directly
19 or indirectly by a national of the United States on the date
20 of the loss and unless the claim has been held by one or
21 more nationals of the United States continuously thereafter
22 until the date of filing with the Commission.

23 “(b) A claim for disability shall not be considered
24 under section 503 (b) of this title unless filed by or on behalf
25 of the disabled person. A claim for death under such section

1 shall not be considered unless filed by or on behalf of the
2 widow or widower, child or parents of the deceased person.

3 "CORPORATE CLAIMS

4 "SEC. 505. (a) A claim under section 503 (a) of this
5 title based upon an ownership interest in any corporation,
6 association, or other entity which is a national of the United
7 States shall not be considered.

8 "(b) A claim under section 503 (a) of this title based
9 upon a direct ownership interest in a corporation, associa-
10 tion, or other entity for loss shall be considered, subject to
11 the other provisions of this title, if such corporation, associa-
12 tion, or other entity on the date of the loss was not a national
13 of the United States, without regard to the per centum of
14 ownership vested in the claimant.

15 "(c) A claim under section 503 (a) of this title based
16 upon an indirect ownership interest in a corporation, associa-
17 tion, or other entity for loss shall be considered, subject to
18 the other provisions of this title, only if at least 25 per
19 centum of the entire ownership interest thereof at the time
20 of such loss was vested in nationals of the United States.

21 "(d) The amount of any claim covered by subsection
22 (b) or (c) of this section shall be calculated on the basis
23 of the total loss suffered by such corporation, association, or
24 other entity, and shall bear the same proportion to such loss

88TH CONGRESS
2D SESSION

H. R. 11380

AMENDMENT

Intended to be proposed by Mr. SMATHERS to
H.R. 11380, an Act to amend further the
Foreign Assistance Act of 1961, as amended,
and for other purposes.

August 13, 1964

Ordered to lie on the table and to be printed

Calendar No. 1123

88TH CONGRESS
2D SESSION

H. R. 11380

IN THE SENATE OF THE UNITED STATES

AUGUST 3, 1964

Ordered to lie on the table and to be printed

AMENDMENTS

Intended to be proposed by Mr. GRUENING to H.R. 11380,
an Act to amend further the Foreign Assistance Act of
1961, as amended, and for other purposes, viz:

1 On page 1, between lines 6 and 7, insert the following:

2 "TITLE I—DEVELOPMENT LOAN FUND

3 "SEC. 101. Section 201 (d) of the Foreign Assistance
4 Act of 1961, as amended, which relates to the Development
5 Loan Fund, is amended to read as follows:

6 "“(d) Funds made available for this title shall not be
7 loaned or reloaned at rates of interest excessive or unreason-
8 able for the borrower and in no event shall such funds (ex-
9 cept funds loaned under section 205 and funds which, prior
10 to the date of enactment of the Foreign Assistance Act of
11 1964, were authorized or committed to be loaned upon terms
12 which do not meet the minimum terms set forth herein)

Amdt. No. 1175

1 be loaned at a rate of interest of less than the rate arrived
2 at by adding one-quarter of 1 per centum per annum to the
3 rate which the Secretary of the Treasury determines to be
4 equal to the average annual interest rate on all interest-bear-
5 ing obligations of the United States then forming a part of
6 the public debt as computed at the end of the fiscal year next
7 preceding the date the application for the loan is approved
8 and by adjusting the result so obtained to the nearest one-
9 eighth of 1 per centum.' ”

10 Redesignate the succeeding sections under part I, ac-
11 cordingly.

Amdt. No. 1175

Calendar No. 1123

**88TH CONGRESS
2^D Session**

H. R. 11380

AMENDMENTS

Intended to be proposed by Mr. Gruening to
H.R. 11380, an Act to amend further the
Foreign Assistance Act of 1961, as amended,
and for other purposes.

August 3, 1964

Ordered to lie on the table and to be printed

Calendar No. 1123

88TH CONGRESS
2^D SESSION

H. R. 11380

IN THE SENATE OF THE UNITED STATES

AUGUST 4, 1964

Ordered to lie on the table and to be printed

AMENDMENTS

Intended to be proposed by Mr. MORSE to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, viz:

1 On page 4, line 5, after "SEC. 104." insert "(a)".

2 On page 4, between lines 13 and 14 insert the following:

3 "(b) Title VI of chapter 2 of part I is amended by
4 adding at the end thereof the following new section:

5 "'SEC. 254. RESTRICTIONS ON ASSISTANCE.—(a)

6 None of the funds made available under authority of this Act

7 may be used to furnish assistance to any country covered by

8 this title in which the government has come to power

9 through the forcible overthrow of a prior government which

10 has been chosen in free and democratic elections.

11 "'(b) The provisons of this section shall not require the

12 withholding of assistance to any country if, following a

1 determination by the President that the withholding of such
2 assistance would be contrary to the national interest, the
3 two Houses of Congress adopt a concurrent resolution ap-
4 proving the continuance of such assistance.' ”

Amdt. No. 1188

Calendar No. 1123

**88TH CONGRESS
2D SESSION**

H. R. 11380

AMENDMENTS

Intended to be proposed by Mr. Morse to H.R.
11380, an Act to amend further the Foreign
Assistance Act of 1961, as amended, and for
other purposes.

AUGUST 4, 1964

Ordered to lie on the table and to be printed

Calendar No. 1123

88TH CONGRESS
2D SESSION

H. R. 11380

IN THE SENATE OF THE UNITED STATES

AUGUST 4, 1964

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. MORSE to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, viz: On page 12, between lines 22 and 23, insert the following:

1 (g) At the end thereof add a new section as follows:

2 "SEC. 620A. (a) Notwithstanding any other provision
3 of this Act—

4 "(1) the total amounts obligated or reserved dur-
5 ing fiscal year 1965 for assistance under part I of this
6 Act to Turkey and Greece shall not exceed amounts
7 equal to 75 per centum of the respective amounts speci-
8 fied for such purpose for such countries in the presenta-
9 tion material submitted to the Congress during its con-
10 sideration of the Foreign Assistance Act of 1964; and

11 "(2) the total amounts obligated or reserved dur-

1 ing fiscal year 1965 for assistance under part II of this
2 Act to such countries shall not exceed 75 per centum of
3 the respective amounts specified for such purpose for
4 such countries in such presentation material.

5 “(b) The President shall determine the amount by
6 which the sums available for assistance to the above-named
7 countries are less than the sums which, but for the provisions
8 of this section, would have been available for such purpose,
9 and such amounts shall be deducted from appropriations or
10 other funds available for such purpose and deposited in the
11 general fund of the Treasury.”

AMENDMENT

Intended to be proposed by Mr. Morse to H.R.
11380, an Act to amend further the Foreign
Assistance Act of 1961, as amended, and for
other purposes.

AUGUST 4, 1964

Ordered to lie on the table and to be printed

Calendar No. 1123

88TH CONGRESS
2D SESSION

H. R. 11380

IN THE SENATE OF THE UNITED STATES

AUGUST 4, 1964

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. MORSE to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, viz: On page 12, between lines 22 and 23, insert the following:

1 “(g) At the end thereof add a new section as follows:

2 “SEC. 620A. (a) Notwithstanding any other provision
3 of this Act—

4 “(1) the total amounts obligated or reserved during
5 fiscal year 1965 for assistance under part I of this Act
6 to the Republic of China and South Korea shall not
7 exceed amounts equal to 75 per centum of the respective
8 amounts specified for such purpose for such countries in
9 the presentation material submitted to the Congress dur-
10 ing its consideration of the Foreign Assistance Act of
11 1964; and

Amdt. No. 1187

1 “(2) the total amounts obligated or reserved during
2 fiscal year 1965 for assistance under part II of this
3 Act to such countries shall not exceed 75 per centum of
4 the respective amounts specified for such purpose for
5 such countries in such presentation material.

6 “(b) The President shall determine the amounts by
7 which the sums available for assistance to the above-named
8 countries are less than the sums which, but for the provisions
9 of this section, would have been available for such purpose,
10 and such amounts shall be deducted from appropriations or
11 other funds available for such purpose and deposited in the
12 general fund of the Treasury.”

AMENDMENT

Intended to be proposed by Mr. MORSE to H.R.
11380, an Act to amend further the Foreign
Assistance Act of 1961, as amended, and for
other purposes.

August 4, 1964

Ordered to lie on the table and to be printed

Calendar No. 1123

88TH CONGRESS
2D SESSION

H. R. 11380

IN THE SENATE OF THE UNITED STATES

AUGUST 4, 1964

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. MORSE to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, viz: On page 12, between lines 22 and 23, insert the following:

1 (g) At the end thereof add a new section as follows:

2 “SEC. 620A. (a) Notwithstanding any other provision
3 of this Act—

4 “(1) the total amounts obligated or reserved dur-
5 ing fiscal year 1965 for assistance under part I of this
6 Act to India and Pakistan shall not exceed amounts
7 equal to 75 per centum of the respective amounts speci-
8 fied for such purpose for such countries in the presenta-
9 tion material submitted to the Congress during its con-
10 sideration of the Foreign Assistance Act of 1964; and

11 “(2) the total amounts obligated or reserved during

1 fiscal year 1965 for assistance under part II of this
2 Act to such countries shall not exceed 50 per centum of
3 the respective amounts specified for such purpose for
4 such countries in such presentation material.

5 “(b) The President shall determine the amounts by
6 which the sums available for assistance to the above-named
7 countries are less than the sums which, but for the provisions
8 of this section, would have been available for such purpose,
9 and such amounts shall be deducted from appropriations or
10 other funds available for such purpose and deposited in
11 the general fund of the Treasury.”

AMENDMENT

Intended to be proposed by Mr. MORSE to H.R.
11380, an Act to amend further the Foreign
Assistance Act of 1961, as amended, and for
other purposes.

AUGUST 4, 1964

Ordered to lie on the table and to be printed

Calendar No. 1123

88TH CONGRESS
2D SESSION

H. R. 11380

IN THE SENATE OF THE UNITED STATES

AUGUST 4, 1964

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. MORSE to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, viz: On page 12, between lines 22 and 23, insert the following:

1 (g) Add the following new section at the end thereof:

2 “SEC. 620A. (a) PROHIBITION ON FURNISHING OF
3 ASSISTANCE SUBSEQUENT TO JUNE 30, 1966.—Notwith-
4 standing any other provision of this Act, no assistance shall
5 be furnished pursuant to this Act to any country or area (or
6 enterprise therein) subsequent to June 30, 1966 unless—

7 “(1) Such country or area has requested such as-
8 sistance and can show that it is pursuing the following
9 economic, political, and military policies:

10 “(A) That it (i) is seriously and continuously
11 engaged in measures of self-help, (ii) has taken ap-

1 appropriate steps to assure that its own private capital
2 resources will be utilized within its own country or
3 area, (iii) will encourage the development of the
4 private enterprise sector of its own economy, (iv)
5 has taken adequate steps, where appropriate and
6 necessary, to bring about reforms in such fields as
7 land distribution and taxation to enable its people
8 fairly to share in the products of its development,
9 and to assure that the project or program for which
10 economic aid is requested will contribute to the
11 economic or social development of the country;

12 “(B) That it is promoting the maximum
13 amount of individual freedom and is encouraging
14 its people freely to choose their own government;
15 and

16 “(C) That it seeks to establish and maintain
17 only such military force as may be adequate to pre-
18 vent the internal overthrow of an elected govern-
19 ment or to deter threatened external Communist
20 attack;

21 “(2) The furnishing of such assistance is required
22 by an irrevocable commitment made, or contractual
23 obligation incurred, prior to the date of enactment of this
24 section; or

25 “(3) In case of any such assistance extended in the

1 form of loans, the interest rate thereon is not less than
2 the average rate payable on obligations of the United
3 States of comparable maturities.

4 “(b) The total number of countries or areas receiving
5 assistance under this Act subsequent to June 30, 1966,
6 shall not exceed fifty.”

88TH CONGRESS
2^D SESSION

H. R. 11380

AMENDMENT

Intended to be proposed by Mr. Morse to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

August 4, 1964

Ordered to lie on the table and to be printed

Amdt. No. 1183

Calendar No. 1123

**88TH CONGRESS
2d Session**

H. R. 11380

AMENDMENT

Intended to be proposed by Mr. MILLER to H.R.
11380, an Act to amend further the Foreign
Assistance Act of 1961, as amended, and for
other purposes.

AUGUST 4, 1964

Ordered to lie on the table and to be printed

1 atives setting forth his determination that such assistance
2 should nevertheless be furnished, accompanied by the rea-
3 sons for such determination, including the assurance, if any,
4 given by the government concerned of paying (independ-
5 ently of such assistance) all such arrearages and placing its
6 payments of such assessments on a current basis, or an ex-
7 planation of the unusual and exceptional circumstances which
8 make it economically incapable of giving such assurance.

Calendar No. 1123

88TH CONGRESS
2D SESSION

H. R. 11380

IN THE SENATE OF THE UNITED STATES

AUGUST 4, 1964

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. MILLER to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, viz: On page 12, line 23, add the following new subsection:

1 (g) In order to encourage preservation of the financial
2 solvency of the United Nations which is being threatened
3 by the failure of some member nations to pay currently
4 their assessments and/or contributions to the United Nations,
5 no assistance shall be furnished under the provisions of
6 this Act, to the government of any nation which is more
7 than one year in arrears in its payment of any assessment
8 by the United Nations for its regular budget or for peace
9 and security operations, unless a report is first furnished
10 by the President to the Committee on Foreign Relations of
11 the Senate and to the Speaker of the House of Represent-

Amdt. No. 1183

Calendar No. 1123

88TH CONGRESS
2D SESSION

H. R. 11380

IN THE SENATE OF THE UNITED STATES

AUGUST 4, 1964

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. MORSE to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, viz: On page 9, between lines 8 and 9, insert the following new subsection:

- 1 (g) Add the following new section at the end thereof:
- 2 “SEC. 513. CERTIFICATION OF RECIPIENT’S CAPA-
- 3 BILITY.—(a) Except as provided in subsection (b) of this
- 4 section, no defense articles shall hereafter be furnished to any
- 5 country or international organization under the authority of
- 6 this Act (except under the authority of section 507) unless
- 7 the chief of the appropriate military assistance advisory
- 8 group representing the United States with respect to defense
- 9 articles used by such country or international organization or
- 10 the head of any other group representing the United States
- 11 with respect to defense articles used by such country or inter-

1 national organization has certified in writing within six
2 months prior to delivery that the country or international
3 organization has the capability to utilize effectively such
4 articles in carrying out the purposes of this part.

5 “(b) Defense articles included in approved military
6 assistance programs may be furnished to any country or
7 international organization for which the certification required
8 by subsection (a) of this section cannot be made when
9 determined necessary and specifically approved in advance
10 by the Secretary of State (or, upon appropriate delegation of
11 authority by an Under Secretary or Assistant Secretary of
12 State) and the Secretary of Defense (or, upon appropriate
13 delegation of authority by the Deputy Secretary or an Assist-
14 ant Secretary of Defense). The Secretary of State, or his
15 delegate, shall make a complete report to the Speaker of
16 the House of Representatives and to the Committee on
17 Foreign Relations and the Committee on Appropriations of
18 the Senate of each such determination and approval and the
19 reasons therefor.”

Amdt. No. 1182

Calendar No. 1123

**88TH CONGRESS
2D SESSION**

H. R. 11380

AMENDMENT

Intended to be proposed by Mr. Morse to H.R.
11380, an Act to amend further the Foreign
Assistance Act of 1961, as amended, and for
other purposes.

AUGUST 4, 1964

Ordered to lie on the table and to be printed

H. R. 11380

IN THE SENATE OF THE UNITED STATES

AUGUST 4, 1964

Ordered to lie on the table and to be printed

AMENDMENTS

Intended to be proposed by Mr. MORSE to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, viz:

1 On page 1, between lines 6 and 7, insert the following:

2 “TITLE I—DEVELOPMENT LOAN FUND

3 “SEC. 101. Section 201 of the Foreign Assistance Act
4 of 1961, as amended, which relates to the Development
5 Loan Fund, is amended by adding at the end thereof the
6 following new subsection:

7 “ ‘(g) Not to exceed 25 per centum of the funds avail-
8 able for any fiscal year for making loans under this title may
9 be used during any such fiscal year for loans for any purpose
10 other than for specific developmental projects.’ ”

11 Renumber the succeeding sections under part I, accord-
12 ingly.

1 On page 4, lines 5, 6, and 7, strike out "Section 252
2 of the Foreign Assistance Act of 1961, as amended, which
3 relates to the Alliance for Progress, is amended" and insert
4 in lieu thereof the following: "Title VI of chapter 2 of part
5 I of the Foreign Assistance Act of 1961, as amended, which
6 relates to the Alliance for Progress, is amended as follows:

7 “(a) Amend section 251, which relates to general
8 authority, by adding at the end thereof the following new
9 subsection:

10 ““(h) Not to exceed 10 per centum of the funds
11 available for any fiscal year for making loans under this
12 title may be used during any such fiscal year for loans for
13 any purpose other than for specific developmental projects.”

14 “(b) Amend section 252, which relates to author-
15 ization,’ ”.

AMENDMENTS

Intended to be proposed by Mr. Morse to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

AUGUST 4, 1964

Ordered to lie on the table and to be printed

Calendar No. 1123

88TH CONGRESS
2D SESSION

H. R. 11380

IN THE SENATE OF THE UNITED STATES

AUGUST 4, 1964

Ordered to lie on the table and to be printed

AMENDMENTS

Intended to be proposed by Mr. MORSE to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, viz: On page 1, between lines 6 and 7, insert the following:

1 “TITLE I—DEVELOPMENT LOAN FUND

2 “SEC. 101. Title I of chapter 2 of part I of the Foreign
3 Assistance Act of 1961, as amended, is hereby amended by
4 striking out section 205 thereof, which relates to the use
5 of the facilities of the International Development Associa-
6 tion.”

7 Renumber the succeeding sections of part I, accordingly.

Amdt. No. 1179

Amdt. No. 1179

Calendar No. 1123

**86TH CONGRESS
2D SESSION**

H. R. 11380

AMENDMENTS

Intended to be proposed by Mr. Morse to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

AUGUST 4, 1964

Ordered to lie on the table and to be printed

Calendar No. 1123

88TH CONGRESS
2D SESSION

H. R. 11380

IN THE SENATE OF THE UNITED STATES

AUGUST 4, 1964

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. MORSE to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, viz: On page 6, between lines 6 and 7, insert the following:

1 CHAPTER 7—MILITARY EXPENDITURES OF RECIPIENT
2 COUNTRIES

3 SEC. 108. Part I of the Foreign Assistance Act of 1961,
4 as amended, is amended by adding a new chapter as follows:

5 “CHAPTER 7—MILITARY EXPENDITURES OF RECIPIENT
6 COUNTRIES

7 “SEC. 471. MILITARY EXPENDITURES OF RECIPIENT
8 COUNTRIES.—In furnishing assistance under this part, the
9 President shall give special consideration to a country’s allo-
10 cation of its own resources as between military and develop-
11 mental purposes. Priority in furnishing assistance shall be

1 given to those countries whose military budgets do not exceed
2 their legitimate and reasonable needs for internal security
3 and self-defense and for meeting their obligations under the
4 Charter of the United Nations or under any regional defense
5 organization.”

Amdt. No. 1180

Calendar No. 1123

88TH CONGRESS
2^D SESSION

H. R. 11380

AMENDMENT

Intended to be proposed by Mr. Morse to H.R.
11380, an Act to amend further the Foreign
Assistance Act of 1961, as amended, and for
other purposes.

AUGUST 4, 1964

Ordered to lie on the table and to be printed

H. R. 11380

IN THE SENATE OF THE UNITED STATES

AUGUST 4, 1964

Ordered to lie on the table and to be printed

AMENDMENTS

Intended to be proposed by Mr. MUNDT (for himself, Mr. LAUSCHE, and Mr. MORSE) to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, viz: On page 1, between lines 6 and 7, insert the following:

1 “TITLE I—DEVELOPMENT LOAN FUND

2 “SEC. 101. Section 201 (d) of the Foreign Assistance
3 Act of 1961, as amended, which relates to the Development
4 Loan Fund, is amended to read as follows:

5 “(d) Funds made available for this title shall not be
6 loaned or reloaned at rates of interest excessive or unreason-
7 able for the borrower and in no event shall such funds (ex-
8 cept funds loaned under section 205 and funds which prior to
9 the date of enactment of the Foreign Assistance Act of 1964
10 were authorized or committed to be loaned upon terms which

1 do not meet the minimum rates set forth herein) be loaned
2 (1) in the case of commercial loans, at a rate of interest of
3 less than the rate arrived at by adding one-quarter of 1 per
4 centum per annum to the rate which the Secretary of the
5 Treasury determines to be equal to the average annual in-
6 terest rate on all interest-bearing obligations of the United
7 States then forming a part of the public debt as computed at
8 the end of the fiscal year next preceding the date the appli-
9 cation for the loan is approved and by adjusting the result
10 so obtained to the nearest one-eighth of 1 per centum, and
11 (2) in the case of noncommercial loans, at a rate of not less
12 than $2\frac{1}{2}$ per centum per annum. With respect to commercial
13 loans, payments constituting principal on any such loan may
14 be postponed during the period from the date on which the
15 funds are initially made available under the loan to the date
16 on which the productive enterprise or facility which is the
17 subject of such loan commences operations or is available for
18 operational use, and thereafter such payments of principal
19 shall become due at intervals of not less than one year until
20 repayment in full is made in not more than twenty-five years.
21 Noncommercial loans shall be repaid in regular installments
22 within not more than twenty-five years. For the purposes
23 of this subsection—

24 “ ‘ (A) the term “commercial loans” includes loans
25 made, as determined by the President, for the develop-

1 ment of productive enterprises or facilities directly used
2 in the operation of productive enterprises, such as equip-
3 ment, machinery, supplies, or materials, and for the ac-
4 quisition of land necessary for the development of produc-
5 tive enterprises or facilities, and

6 “ ‘ (B) the term “noncommercial loans” includes all
7 other loans.’ ”

8 Redesignate the succeeding sections under part I ac-
9 cordingly.

H. R. 11380

AMENDMENTS

Intended to be proposed by Mr. MUNDT (for himself, Mr. LAUSCHE, and Mr. MORSE) to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

August 4, 1964

Ordered to lie on the table and to be printed

Calendar No. 1123

88TH CONGRESS
2D SESSION

H. R. 11380

IN THE SENATE OF THE UNITED STATES

AUGUST 5, 1964

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. DIRKSEN (for himself, Mr. EASTLAND, Mr. STENNIS, Mr. SIMPSON, Mr. JORDAN of Idaho, Mr. LAUSCHE, and Mr. WILLIAMS of Delaware) to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, viz: On page 17, after line 7, insert the following new section:

1 SEC. 402. (a) Chapter 21, title 28, United States Code,
2 is amended by adding at the end thereof the following new
3 section:

4 "SEC. 461. Stay of proceedings for reapportionment of
5 State legislative bodies.

6 "Upon application made by or on behalf of any State
7 or by one or more citizens thereof in any action or proceed-
8 ing in any court of the United States, or before any justice or

1 judge of the United States, in which there is placed in ques-
2 tion the validity of the composition of any house of the legis-
3 lature of that State or the apportionment of the membership
4 thereof, such action or proceeding (and any order issued
5 therein which enjoins, suspends or modifies such composition
6 or apportionment) shall be stayed until the end of the sec-
7 ond regular session of the legislature of that State which be-
8 gins after the date of enactment of this section. The court
9 shall not deny any citizen the right to make such applica-
10 tion."

11 (b) The chapter analysis of that chapter is amended
12 by adding at the end thereof the following new item:

"461. Stay of proceedings for reapportionment of State legislative
bodies."

AMENDMENT

Intended to be proposed by Mr. DIRKSEN (for himself, Mr. EASTLAND, Mr. STENNIS, Mr. SIMPSON, Mr. JORDAN of Idaho, Mr. LAUSCHE, and Mr. WILLIAMS of Delaware) to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

August 5, 1964

Ordered to lie on the table and to be printed

Calendar No. 1123

88TH CONGRESS
2D SESSION

H. R. 11380

IN THE SENATE OF THE UNITED STATES

JULY 27, 1964

Ordered to lie on the table and to be printed

AMENDMENTS

Intended to be proposed by Mr. PROXMIRE to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, viz: On page 10, between lines 12 and 13, insert the following:

1 “(b) Amend section 603, which relates to shipping on
2 United States vessels, as follows:

3 “(1) After “SEC. 603.” insert “(a)”.

4 “(2) At the end of such section add the following
5 new subsection:

6 ““(b) Except as otherwise required by section 901 (b)
7 of the Merchant Marine Act, 1936 (46 U.S.C. 1241), com-
8 modities and defense articles purchased with funds made
9 available under this Act shall not be transported in privately
10 owned United States-flag commercial vessels where the rates
11 charged by such vessels for such transportation are substan-

1 tially in excess of those charged by available foreign-flag
2 vessels. The President shall exercise continuing surveillance
3 of rates charged by United States-flag commercial vessels for
4 the purpose of determining whether such rates are fair and
5 reasonable within the meaning of section 901 (b) of the
6 Merchant Marine Act, 1936 (46 U.S.C. 1241).’ ”

7 Redesignate subsections (b) to (f) as (c) to (g),
8 respectively.

Amdt. No. 1144

Calendar No. 1123

**88TH CONGRESS
2^D SESSION**

H. R. 11380

AMENDMENTS

Intended to be proposed by Mr. PROXMIRE to
H.R. 11380, an Act to amend further the
Foreign Assistance Act of 1961, as amended,
and for other purposes.

JULY 27, 1964

Ordered to lie on the table and to be printed.

Calendar No. 1123

88TH CONGRESS
2D SESSION

H. R. 11380

IN THE SENATE OF THE UNITED STATES

AUGUST 5, 1964

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. HART to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, viz: On page 16, between lines 17 and 18, insert the following:

1 CHAPTER 3—MISCELLANEOUS PROVISIONS

2 SEC. 303. Chapter 3 of part III of the Foreign Assist-
3 ance Act of 1961, as amended, which relates to miscellaneous
4 provisions, is amended by adding at the end thereof the fol-
5 lowing new section:

6 “SEC. 648. SPECIAL AUTHORIZATION FOR USE OF FOR-
7 EIGN CURRENCIES.—Subject to the provisions of section 1415
8 of the Supplemental Appropriation Act, 1953, the President
9 is authorized, as a demonstration of good will on the part of
10 the people of the United States for the Polish and Italian
11 people, to use foreign currencies accruing to the United

1 States Government under this or any other Act, for assist-
 2 ance on such terms and conditions as he may specify, in
 3 the repair, rehabilitation, improvement, and maintenance of
 4 cemeteries in Italy serving as the burial place of members
 5 of the armed forces of Poland who died in combat in Italy
 6 during World War II.”

Amdt. No. 1190

Calendar No. 1123

**88TH CONGRESS
2D SESSION**

H. R. 11380

AMENDMENT

Intended to be proposed by Mr. HART to H.R.
 11380, an Act to amend further the Foreign
 Assistance Act of 1961, as amended, and for
 other purposes.

AUGUST 5, 1964

Ordered to lie on the table and to be printed

88TH CONGRESS
2D SESSION

Calendar No. 1123

H. R. 11380

IN THE SENATE OF THE UNITED STATES

JULY 27, 1964

Ordered to lie on the table and to be printed

AMENDMENTS

Intended to be proposed by Mr. PROXMIRE to H.R. 11380,
an Act to amend further the Foreign Assistance Act of
1961, as amended, and for other purposes, viz: On page 10,
between lines 12 and 13, insert the following:

1 “(b) Amend section 604, which relates to procure-
2 ment, by adding the following new subsection (e):

3 ““(e) None of the funds made available under this Act
4 shall be used to pay any barter agent's commission or other
5 servicing charges or disposal fees in any case in which
6 commodities or defense articles furnished to a recipient coun-
7 try are procured through the barter of other commodities
8 or articles, and any such commission, charge, or fee shall
9 be paid by the supplier of the commodities or defense articles
10 so furnished or the recipient country.’”

- 1 Redesignate subsections (b) to (f) as (c) to (g),
- 2 respectively.

Amdt. No. 1143

Calendar No. 1123

88TH CONGRESS
2^D SESSION

H. R. 11380

AMENDMENTS

Intended to be proposed by Mr. PROXMIRE to
H.R. 11380, an Act to amend further the
Foreign Assistance Act of 1961, as amended,
and for other purposes.

JULY 27, 1964

Ordered to lie on the table and to be printed.

Calendar No. 1123

88TH CONGRESS
2D SESSION

H. R. 11380

IN THE SENATE OF THE UNITED STATES

JULY 27, 1964

Ordered to lie on the table and to be printed

AMENDMENTS

Intended to be proposed by Mr. PROXMIRE to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, viz: On page 10, between lines 12 and 13, insert the following:

1 “(b) Amend section 604, which relates to procure-
2 ment, by adding the following new subsection (e) :

3 ““(e) None of the funds made available under this Act
4 shall be used to pay any barter agent's commission or other
5 servicing charges or disposal fees in any case in which
6 commodities or defense articles furnished to a recipient coun-
7 try are procured through the barter of other commodities
8 or articles, and any such commission, charge, or fee shall
9 be paid by the supplier of the commodities or defense articles
10 so furnished or the recipient country.’”

- 1 Redesignate subsections (b) to (f) as (c) to (g),
2 respectively.

Amdt. No. 1143

Calendar No. 1123

**88TH CONGRESS
2D SESSION**

H. R. 11380

AMENDMENTS

Intended to be proposed by Mr. Proxmire to
H.R. 11380, an Act to amend further the
Foreign Assistance Act of 1961, as amended,
and for other purposes.

JULY 27, 1964

Ordered to lie on the table and to be printed.

Calendar No. 1123

88TH CONGRESS
2D SESSION

H. R. 11380

IN THE SENATE OF THE UNITED STATES

JULY 27, 1964

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AMENDMENTS

Intended to be proposed by Mr. PROXMIRE to H.R. 11380,
an Act to amend further the Foreign Assistance Act of
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2 ment, by adding the following new subsection (e) :

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6 commodities or defense articles furnished to a recipient coun-
7 try are procured through the barter of other commodities
8 or articles, and any such commission, charge, or fee shall
9 be paid by the supplier of the commodities or defense articles
10 so furnished or the recipient country.’”

- 1 Redesignate subsections (b) to (f) as (c) to (g),
2 respectively.

Amdt. No. 1143

Calendar No. 1123

**88TH CONGRESS
2d Session**

H. R. 11380

AMENDMENTS

Intended to be proposed by Mr. PROXMIRE to
H.R. 11380, an Act to amend further the
Foreign Assistance Act of 1961, as amended,
and for other purposes.

JULY 27, 1964

Ordered to lie on the table and to be printed.

88TH CONGRESS
2D SESSION

Calendar No. 1123

H. R. 11380

IN THE SENATE OF THE UNITED STATES

JULY 27, 1964

Ordered to lie on the table and to be printed

AMENDMENTS

Intended to be proposed by Mr. PROXMIRE to H.R. 11380,
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5 servicing charges or disposal fees in any case in which
6 commodities or defense articles furnished to a recipient coun-
7 try are procured through the barter of other commodities
8 or articles, and any such commission, charge, or fee shall
9 be paid by the supplier of the commodities or defense articles
10 so furnished or the recipient country.’”

Amdt. No. 1143

- 1 Redesignate subsections (b) to (f) as (c) to (g),
 2 respectively.

Amdt. No. 1143

Calendar No. 1123

88TH CONGRESS
2d Session**H. R. 11380****AMENDMENTS**

Intended to be proposed by Mr. PROXMIRE to
 H.R. 11380, an Act to amend further the
 Foreign Assistance Act of 1961, as amended,
 and for other purposes.

JULY 27, 1964

Ordered to lie on the table and to be printed.

88TH CONGRESS
2D SESSION

Calendar No. 1123

H. R. 11380

IN THE SENATE OF THE UNITED STATES

JULY 27, 1964

Ordered to lie on the table and to be printed

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Amdt. No. 1143

- 1 Redesignate subsections (b) to (f) as (c) to (g),
2 respectively.

Amdt. No. 1143

Calendar No. 1123

**88TH CONGRESS
2d Session**

H. R. 11380

AMENDMENTS

Intended to be proposed by Mr. PROXMIRE to
H.R. 11380, an Act to amend further the
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and for other purposes.

JULY 27, 1964

Ordered to lie on the table and to be printed.

88TH CONGRESS
2D SESSION

Calendar No. 1123

H. R. 11380

IN THE SENATE OF THE UNITED STATES

JULY 27, 1964

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8 or articles, and any such commission, charge, or fee shall
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Amdt. No. 1143

- 1 Redesignate subsections (b) to (f) as (c) to (g),
- 2 respectively.

Amdt. No. 1143

Calendar No. 1123

88TH CONGRESS
2D Session

H. R. 11380

AMENDMENTS

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JULY 27, 1964

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88TH CONGRESS
2D SESSION

Calendar No. 1123

H. R. 11380

IN THE SENATE OF THE UNITED STATES

JULY 27, 1964

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8 or articles, and any such commission, charge, or fee shall
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10 so furnished or the recipient country.’”

Amdt. No. 1143

- 1 Redesignate subsections (b) to (f) as (c) to (g),
2 respectively.

Amdt. No. 1143

Calendar No. 1123

88TH CONGRESS
2^D Session

H. R. 11380

AMENDMENTS

Intended to be proposed by Mr. PROXMIRE to
H.R. 11380, an Act to amend further the
Foreign Assistance Act of 1961, as amended,
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JULY 27, 1964

Ordered to lie on the table and to be printed.

88TH CONGRESS
2D SESSION

Calendar No. 1123

H. R. 11380

IN THE SENATE OF THE UNITED STATES

JULY 27, 1964

Ordered to lie on the table and to be printed

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8 or articles, and any such commission, charge, or fee shall
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Amdt. No. 1143

- 1 Redesignate subsections (b) to (f) as (c) to (g),
2 respectively.

Amdt. No. 1143

Calendar No. 1123

**88TH CONGRESS
2D Session**

H. R. 11380

AMENDMENTS

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H.R. 11380, an Act to amend further the
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JULY 27, 1964

Ordered to lie on the table and to be printed.

88TH CONGRESS
2D SESSION

Calendar No. 1123

H. R. 11380

IN THE SENATE OF THE UNITED STATES

JULY 27, 1964

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AMENDMENTS

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2D Session**H. R. 11380****AMENDMENTS**

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**88TH CONGRESS
2D Session**

H. R. 11380

AMENDMENTS

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JULY 27, 1964

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Calendar No. 1123

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2^D SESSION

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Calendar No. 1123

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4 period at the end thereof and inserting in lieu thereof a
5 comma and the following: ‘or (2) the price generally
6 charged by the supplier in comparable export sales from the
7 source country at the time of purchase. Clause (2) of the
8 foregoing sentence shall not apply to the purchase price in
9 sales under formal competitive bid procedures or sales of
10 commodities generally traded on an organized commodity
11 exchange. The term ‘comparable export sales’ as used in

Amdt. No. 1142

1 such clause shall not include sales to affiliates or sales under
2 formal competitive bid procedures.'”

3 Redesignate subsections (b) to (f) as (c) to (g),
4 respectively.

Amdt. No. 1142

Calendar No. 1123

**88TH CONGRESS
2D SESSION**

H. R. 11380

AMENDMENTS

Intended to be proposed by Mr. PROXMIRE to
H.R. 11380, an Act to amend further the
Foreign Assistance Act of 1961, as amended,
and for other purposes.

JULY 27, 1964

Ordered to lie on the table and to be printed.

Calendar No. 1123

88TH CONGRESS
2D SESSION

H. R. 11380

IN THE SENATE OF THE UNITED STATES

JULY 28, 1964

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. SPARKMAN to H.R. 11380,
an Act to amend further the Foreign Assistance Act of 1961,
as amended, and for other purposes, viz:

- 1 On page 2, line 24, immediately after "enterprises"
- 2 insert the following: ", or acquired through normal chan-
- 3 nels of trade,".

Amdt. No. 1151

Amdt. No. 1151

Calendar No. 1123

88TH CONGRESS
2D SESSION

H. R. 11380

AMENDMENT

Intended to be proposed by Mr. SPARKMAN to
H.R. 11380, an Act to amend further the
Foreign Assistance Act of 1961, as amended,
and for other purposes.

JULY 28, 1964

Ordered to lie on the table and to be printed

H. R. 11380

IN THE SENATE OF THE UNITED STATES

JULY 29, 1964

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. MORSE to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, viz:

- 1 On page 5, lines 16 and 17, strike out "\$374,700,000"
- 2 and insert in lieu thereof "\$363,000,000".

Amdt. No. 1156

Amdt. No. 1156

88TH CONGRESS
2^D Session

H. R. 11380

AMENDMENT

Intended to be proposed by Mr. Morse to H.R.
11380, an Act to amend further the Foreign
Assistance Act of 1961, as amended, and for
other purposes.

JULY 29, 1964

Ordered to lie on the table and to be printed

H. R. 11380

IN THE SENATE OF THE UNITED STATES

JULY 29, 1964

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. MORSE to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, viz:

- 1 On page 6, line 5, strike out "\$150,000,000" and in-
- 2 sert in lieu thereof "\$100,000,000".

Amdt. No. 1157

Amdt. No. 1157

88TH CONGRESS
2^D Session

H. R. 11380

AMENDMENT

Intended to be proposed by Mr. Morse to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

JULY 29, 1964

Ordered to lie on the table and to be printed

88TH CONGRESS
2D SESSION

H. R. 11380

IN THE SENATE OF THE UNITED STATES

JULY 29, 1964

Ordered to lie on the table and to be printed

AMENDMENTS

Intended to be proposed by Mr. MORSE to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, viz:

1 On page 1, between lines 6 and 7, insert the following
2 new material:

3 “TITLE I—DEVELOPMENT LOAN FUND

4 “SEC. 101. Section 202 (a) of the Foreign Assistance
5 Act of 1961, as amended, which relates to the Development
6 Loan Fund, is amended as follows:

7 “(1) In the first sentence strike out ‘and \$1,500,000,-
8 000 for each of the next two succeeding fiscal years,’ and
9 substitute ‘and \$782,200,000 for the fiscal year 1965,’.

10 “(2) In the second proviso strike out ‘years ending

- 1 June 30, 1965, and June 30, 1966, respectively,' and sub-
- 2 stitute 'year ending June 30, 1965,'."
- 3 Renumber the succeeding sections of part I, accordingly.

Amdt. No. 1154

88TH CONGRESS
2D Session

H. R. 11380

AMENDMENTS

Intended to be proposed by Mr. Morse to H.R.
11380, an Act to amend further the Foreign
Assistance Act of 1961, as amended, and for
other purposes.

July 29, 1964

Ordered to lie on the table and to be printed

H. R. 11380

IN THE SENATE OF THE UNITED STATES

JULY 29, 1964

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. MORSE to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, viz: On page 4, strike out lines 5 through 13 and insert in lieu thereof the following:

1 SEC. 104. Section 252 of the Foreign Assistance Act of
2 1961, as amended, which relates to the Alliance for Progress,
3 is amended as follows:

4 (a) In the first sentence strike out "1963, 1965, and
5 1966, not to exceed \$600,000,000 for each such fiscal year,
6 and for use beginning in the fiscal year 1964, not to exceed
7 \$525,000,000," and substitute "1963 and 1966, not to ex-
8 ceed \$600,000,000 for each such fiscal year, for use begin-
9 ning in the fiscal year 1964, not to exceed \$525,000,000,
10 and for use beginning in the fiscal year 1965, not to exceed
11 \$465,000,000,".

1 (b) In the first sentence strike out the words beginning
2 with "of the funds" the first time they appear through the
3 words "fiscal year 1964" and substitute "in each of the fiscal
4 years 1963 and 1964 and \$80,000,000 in fiscal year 1965
5 of the funds appropriated pursuant to this section for use
6 beginning in each such fiscal year".

Amdt. No. 1155

88TH CONGRESS
2d Session

H. R. 11380

AMENDMENT

Intended to be proposed by Mr. Morse to H.R.
11380, an Act to amend further the Foreign
Assistance Act of 1961, as amended, and for
other purposes.

JULY 29, 1964

Ordered to lie on the table and to be printed

88TH CONGRESS
2^D SESSION

H. R. 11380

IN THE SENATE OF THE UNITED STATES

JULY 29, 1964

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. MORSE to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, viz:

- 1 On page 7, lines 6 and 7, strike out "\$1,045,000,000"
- 2 and insert in lieu thereof "\$865,000,000".

Amdt. No. 1158

Amdt. No. 1158

**88TH CONGRESS
2D SESSION**

H. R. 11380

AMENDMENT

Intended to be proposed by Mr. MORSE to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

July 29, 1964

Ordered to lie on the table and to be printed

88TH CONGRESS
2D SESSION

H. R. 11380

IN THE SENATE OF THE UNITED STATES

JULY 29, 1964

Ordered to lie on the table and to be printed

AMENDMENTS

Intended to be proposed by Mr. MORSE to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, viz:

1 On page 1, between lines 6 and 7, insert the following
2 new material:

3 “TITLE I—DEVELOPMENT LOAN FUND

4 “SEC. 101. Section 202 (a) of the Foreign Assistance
5 Act of 1961, as amended, which relates to the Development
6 Loan Fund, is amended as follows:

7 “(1) In the first sentence strike out ‘and \$1,500,000,-
8 000 for each of the next two succeeding fiscal years,’ and
9 substitute ‘and \$782,200,000 for the fiscal year 1965,’.

10 “(2) In the second proviso strike out ‘years ending

- 1 June 30, 1965, and June 30, 1966, respectively,' and sub-
2 stitute 'year ending June 30, 1965,'.”
3 Renumber the succeeding sections of part I, accordingly.

Amdt. No. 1154

88TH CONGRESS
2^D SESSION

H. R. 11380

AMENDMENTS

Intended to be proposed by Mr. Morse to H.R.
11380, an Act to amend further the Foreign
Assistance Act of 1961, as amended, and for
other purposes.

JULY 29, 1964

Ordered to lie on the table and to be printed

Calendar No. 1123

88TH CONGRESS
2^D SESSION

H. R. 11380

IN THE SENATE OF THE UNITED STATES

AUGUST 17, 1964

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. AIKEN to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, viz: On page 15, after line 24, insert the following:

- 1 (d) Add at the end thereof the following new section:
- 2 “SEC. 639. LOYALTY AFFIDAVITS.—No part of any
- 3 funds appropriated or otherwise made available for expendi-
- 4 ture under authority of this Act shall be used to make pay-
- 5 ments under any contract, entered into for the purpose of
- 6 carrying out any provision of this Act, between any depart-
- 7 ment or agency of the Government or any recipient of assist-
- 8 ance under this Act and any individual who is a United
- 9 States citizen or with any corporation, partnership, or other
- 10 association created under the laws of the United States or of
- 11 any State or territory or substantially beneficially owned by

1 United States citizens, unless there is executed and filed with
2 the department or agency administering the program under
3 which the assistance is furnished, by such individual, or the
4 principal officers of such corporation, partnership, or associa-
5 tion, an affidavit that he does not believe in, and is not a
6 member of and does not support any organization that be-
7 lieves in or teaches, the overthrow of the United States
8 Government by force or violence or by any illegal or uncon-
9 stitutional methods. The provisions of section 1001 of title
10 18, United States Code, shall be applicable with respect to
11 such affidavits.”

Amdt. No. 1237

Calendar No. 1123

**88TH CONGRESS
2D SESSION**

H. R. 11380

AMENDMENT

Intended to be proposed by Mr. AIKEN to H.R.
11380, an Act to amend further the Foreign
Assistance Act of 1961, as amended, and for
other purposes.

AUGUST 17, 1964

Ordered to lie on the table and to be printed

Calendar No. 1123

88TH CONGRESS
2D SESSION

H. R. 11380

IN THE SENATE OF THE UNITED STATES

AUGUST 17, 1964

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. JAVITS (for himself and Mr. McCARTHY) to the amendment (No. 1215) intended to be proposed by Mr. DIRKSEN (for himself and Mr. MANSFIELD) to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, viz: Strike out all on and after line 1, page 1, and insert in lieu thereof the following:

- 1 SEC. 402. It is the sense of the Congress that in any
- 2 action or proceeding in any court of the United States or
- 3 before any justice or judge of the United States in which
- 4 there is placed in question the validity of the composition
- 5 of any house of the legislature of any State or the apportion-
- 6 ment of the membership thereof, adequate time should be
- 7 accorded (1) to such State to conform to the requirements
- 8 of the Constitution of the United States relating to such

1 composition or apportionment consistently with its electoral
2 procedures and proceedings and with its procedure and
3 proceedings for the amendment of the constitution of such
4 State, and (2) for consideration by the States of any pro-
5 posed amendment to the Constitution of the United States
6 relating to the composition of the legislatures of the several
7 States, or to the apportionment of the membership thereof,
8 which shall have been duly submitted by the Congress to
9 the States for ratification.

Amdt. No. 1234

Calendar No. 1123

**88TH CONGRESS
2D SESSION**

H. R. 11380

AMENDMENT

Intended to be proposed by Mr. JAVITS (for himself and Mr. McCARTHY) to the amendment (No. 1215) intended to be proposed by Mr. DIRKSEN (for himself and Mr. MANSFIELD) to H.R. 11380, an Act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

AUGUST 17, 1964

Ordered to lie on the table and to be printed

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